



**Board of Commissioners of Cook County
Minutes of the Criminal Justice Committee**

2:00 PM

Wednesday, September 25, 2019

**Cook County Building, Board Room
118 North Clark Street, Chicago, Illinois**

ATTENDANCE

Present: Moore, Johnson, Anaya, Arroyo, Britton, Daley, Deer, Degnen, Lowry, Miller,
Morrison, Morrison, Silvestri, Sims and Suffredin (15)
Absent: Gainer and Tobolski (2)

PUBLIC TESTIMONY

There were no public speakers

19-5746

COMMITTEE MINUTES

Approval of the minutes from the meeting of 9/4/2019

A motion was made by Commissioner Arroyo, seconded by Commissioner Suffredin, to approve 19-5746. The motion carried by the following vote:

Ayes: Moore, Johnson, Anaya, Arroyo, Britton, Daley, Deer, Degnen, Lowry, Miller,
Morrison, Morrison, Silvestri, Sims and Suffredin (15)
Absent: Gainer and Tobolski (2)

19-0768

Sponsored by: LARRY SUFFREDIN, STANLEY MOORE and PETER N. SILVESTRI, Cook County Board Of Commissioners

PROPOSED ORDINANCE

ARTICLE III. - CHARITABLE ROTATING CRIMINAL BOND FUNDS

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 18 COURTS, ARTICLE III. - CHARITABLE ROTATING CRIMINAL BOND FUNDS, SECTION NUMBER(S) 18-45 - 18-50, of the Cook County Code is hereby enacted as Follows:

Sec. 18-45. - Definitions

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable Bond Fund means a not-for-profit 501c3, as defined by the Internal Revenue Service, organization that uses its funds to post bond for individuals who are detained at the Cook County Jail.

Sec. 18-46. - Eligibility for representation by the Public Defender's Office

A criminal defendant whose deposit or cash bond is posted by a Charitable Bond Fund shall not be deemed ineligible for representation by the Cook County Public Defender's Office.

Sec. 18-47. - Charitable Bond Fund bond ineligible for bail assignment or attorney's fees

Any bonds posted by a Charitable Bond Fund shall not be used to pay attorney's fees.

Sec. 18-48. - Fees

The Clerk of the Court shall not deduct any fees, court costs, or penalties from bond funds that were posted by a Charitable Bond Fund and at the conclusion of the case shall return available funds to the Charitable Bond Fund.

Sec. 18-49. - Forfeiture

In the instance where bond is posted by a Charitable Bond Fund and a judgment of forfeiture is ordered in favor of the state, no part of the amount deposited by the Charitable Bond Fund shall be forfeited to the state.

Sec. 18-50. - Return of Funds

The Clerk of the Court shall return bond monies posted by Charitable Bond Funds immediately. The funds shall be returned via direct deposit.

Effective date: This ordinance shall be in effect immediately upon adoption.

A motion was made by Commissioner Suffredin, seconded by Commissioner Silvestri, to accept as substituted 19-0768. The motion carried by the following vote:

Ayes: Moore, Johnson, Anaya, Arroyo, Britton, Daley, Deer, Degnen, Lowry, Miller, Morrison, Morrison, Silvestri, Sims and Suffredin (15)

Absent: Gainer and Tobolski (2)

19-0768

Sponsored by: LARRY SUFFREDIN, STANLEY MOORE, PETER N. SILVESTRI, BRANDON JOHNSON and JEFFREY R. TOBOLSKI, Cook County Board Of Commissioners

PROPOSED AMENDMENT File 19-0768 AS SUBSTITUED

PROPOSED ORDINANCE

ARTICLE III. - PROTECTIONS FOR CHARITABLE ROTATING CRIMINAL BOND FUNDS AND THIRD-PARTY SURETIES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 18 COURTS, ARTICLE III. - CHARITABLE ROTATING CRIMINAL BOND FUNDS AND THIRD-PARTY SURETIES, SECTION NUMBER(S) 18-45 - 18-50, of the Cook County Code is hereby enacted as Follows:

Sec. 18-45. - Definitions

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable Bond Fund means a not-for-profit 501c3, as defined by the Internal Revenue Service, organization that uses its funds to post bond for individuals who are detained at the Cook County Jail.

Third Party Surety means any individual who posts bond for an accused person and who does not have a legal duty to support the accused person.

Explicit Voluntary Consent means actual and informed consent and does not include consenting as a predicate to being allowed to post the bond.

Sec. 18-46. -Encourage posting of bond by Charitable Bond Funds and Third-Party Sureties

Cook County encourages Charitable Bond Funds and Third-Party Sureties to post bond for individuals who cannot afford to post bond. This policy will allow for more resources to be put toward Pre-Trial Services and less toward housing individuals at the Cook County Jail. Further, Cook County will work with the Chief Judge of Cook County to revise the local rules to encourage Judges to do the following:

(a) Not deem a criminal defendant whose deposit or cash bond is posted by a Charitable Bond Fund

or Third-Party Surety to be ineligible for representation by the Cook County Public Defender's Office due to the posting of bond.

(b) Not order any bonds posted by a Charitable Bond Fund or Third-Party Surety to be used to pay attorney's fees without the surety's explicit voluntary consent. This prohibition applies to reimbursement to the County for representation by the Public Defender's Office.

(c) Order the Clerk of the Court not to deduct any fees, court costs, or penalties from bond funds that were posted by a Charitable Bond Fund or Third-Party Surety without the surety's explicit voluntary consent and, at the conclusion of the case, to return available funds to the Charitable Bond Fund or Third-Party Surety.

(d) In the instance where a judgment of forfeiture is ordered in favor of the state, order that no part of the amount deposited by the Charitable Bond Fund or Third-Party Surety shall be forfeited to the state.

(e) Order the Clerk of the Court to return bond monies posted by a Charitable Bond Fund or a Third-Party Surety within ten (10) business days of the conclusion of the case, and order funds posted by a Charitable Bond Fund to be returned via direct deposit.

~~Sec. 18-46. -- Eligibility for representation by the Public Defender's Office~~

~~A criminal defendant whose deposit or cash bond is posted by a Charitable Bond Fund or Third Party Surety shall not be deemed ineligible for representation by the Cook County Public Defender's Office due to the posting of bond.~~

~~Sec. 18-47. Bond ineligible for bail assignment or attorney's fees~~

~~Any bonds posted by a Charitable Bond Fund or Third Party Surety shall not be used to pay attorney's fees without the surety's explicit voluntary consent. This prohibition applies to reimbursement to the county for representation by the Public Defender's Office.~~

~~Sec. 18-48. -- Fees~~

~~The Clerk of the Court shall not deduct any fees, court costs, or penalties from bond funds that were posted by a Charitable Bond Fund or Third Party Surety without the surety's explicit voluntary consent and, at the conclusion of the case, shall return available funds to the Charitable Bond Fund or Third Party Surety.~~

~~Sec. 18-49. -- Forfeiture~~

~~In the instance where bond is posted by a Charitable Bond Fund or Third Party Surety and a judgment of forfeiture is ordered in favor of the state, no part of the amount deposited by the Charitable Bond Fund or Third Party Surety shall be forfeited to the state.~~

~~Sec. 18-50. -- Return of Funds~~

~~The Clerk of the Court shall return bond monies posted by a Charitable Bond Funds or a Third Party Surety within ten (10) business days of the conclusion of the case. Funds posted by a Charitable Bond Fund shall be returned via direct deposit.~~

Effective date: This ordinance shall be in effect immediately upon six months after adoption.

A motion was made by Commissioner Suffredin, seconded by Commissioner Silvestri, to recommend for approval as substituted 19-0768. The motion carried by the following vote:

Ayes: Moore, Johnson, Anaya, Arroyo, Britton, Daley, Deer, Degnen, Lowry, Miller, Morrison, Morrison, Silvestri, Sims and Suffredin (15)

Absent: Gainer and Tobolski (2)

SUSPEND RULES

A motion was made by Commissioner Silvestri, seconded by Commissioner Deer, to waive the rules. The motion carried by the following vote:

Ayes: Moore, Johnson, Anaya, Arroyo, Britton, Daley, Deer, Degnen, Lowry, Miller, Morrison, Morrison, Silvestri, Sims and Suffredin (15)

Absent: Gainer and Tobolski (2)

19-5394

PROPOSED INTERAGENCY AGREEMENT

Department(s): Justice Advisory Council

Other Part(ies):

Chicago Children's Advocacy Center (ChicagoCAC), Chicago, Illinois
Proviso Children's Advocacy Center
Children's Advocacy Center of North and Northwest Cook County
La Rabida Children's Advocacy Center
All Our Children's Advocacy Center

Request: Authorization to negotiate and execute an Interagency Agreement to provide funding to the five CACs in Cook County..

Good(s) or Service(s): As a result of a statutory changes in the Clerk of the Circuit Court's fee structure, the CACs in Cook County are estimated to lose nearly \$800,000.00 that is partially being shifted to the General Fund. Cook County through the Justice Advisory Council seeks to provide a grant of funds in the amount of \$750,000 to the CACs to investigate alleged child abuse, conduct forensic interviews, provide family advocacy, reduce trauma and identify resources so that children and families may begin the healing process.

Agreement period: 9/15/2019 - 11/30/2020

Fiscal Impact: \$750,000.00 (\$250,000.00 in FY 2019 and \$500,000.00 in FY 2020)

Accounts: 11100.1499.10155.521314 - Public Safety Fixed Charges (JAC) Special or Coop Program

Agreement Number(s): NA

Summary/Notes: As a result of a statutory changes in the Clerk of the Circuit Court's fee structure, the five CACs in Cook County are estimated to lose nearly \$800,000.00 that is partially being shifted to the General Fund. Cook County through the Justice Advisory Council seeks to provide a grant of funds in the amount of \$750,000 to the CACs to investigate alleged child abuse, conduct forensic interviews, provide family advocacy, reduce trauma and identify resources so that children and families may begin the healing process. Each CAC will utilize the County's grant of funds to (1) facilitate coordinated multidisciplinary investigations into reports of child abuse received; (2) conduct forensic interviews of alleged child victims and witnesses to violence; (3) provide social, mental health, crisis intervention, case management and other support services to children and families; and (4) maintain the space needed to perform its mission and support the work of its partner agencies. Chicago Children's Advocacy Center will act as the lead agency under this agreement. Funds will be disbursed at least quarterly to Chicago CAC which will be responsible for distributing the funds equitably among the five CACs.

A motion was made by Commissioner Suffredin, seconded by Commissioner Silvestri, to recommend for approval as amended in the errata 19-5394. The motion carried by the following vote:

Ayes: Moore, Johnson, Anaya, Arroyo, Britton, Daley, Deer, Degnen, Lowry, Miller, Morrison, Morrison, Silvestri, Sims and Suffredin (15)

Absent: Gainer and Tobolski (2)

ADJOURNMENT

A motion was made by Commissioner Silvestri, seconded by Commissioner Arroyo, to adjourn the meeting. The motion carried by the following vote:

Ayes: Moore, Johnson, Anaya, Arroyo, Britton, Daley, Deer, Degnen, Lowry, Miller, Morrison, Morrison, Silvestri, Sims and Suffredin (15)

Absent: Gainer and Tobolski (2)

Respectfully submitted,



Chairman



Secretary

A video recording of this meeting is available at <https://cook-county.legistar.com>.