



Board of Commissioners of Cook County

Criminal Justice Committee

Tuesday, January 12, 2016

11:45 AM

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

NOTICE AND AGENDA

There will be a meeting of the Committee or Subcommittee of the Board of Commissioners of Cook County at the date, time and location listed above to consider the following:

PUBLIC TESTIMONY

Authorization as a public speaker shall only be granted to those individuals who have submitted in writing, their name, address, subject matter, and organization (if any) to the Secretary 24 hours in advance of the meeting. Duly authorized public speakers shall be called upon to deliver testimony at a time specified in the meeting agenda. Authorized public speakers who are not present during the specified time for public testimony will forfeit their allotted time to speak at the meeting. Public testimony must be germane to a specific item(s) on the meeting agenda, and the testimony must not exceed three minutes; the Secretary will keep track of the time and advise when the time for public testimony has expired. Persons authorized to provide public testimony shall not use vulgar, abusive, or otherwise inappropriate language when addressing the Board; failure to act appropriately; failure to speak to an item that is germane to the meeting, or failure to adhere to the time requirements may result in expulsion from the meeting and/or disqualify the person from providing future testimony.

16-0993

COMMITTEE MINUTES

Approval of the minutes from the meeting of 11/17/2015

16-0475

Sponsored by: RICHARD R. BOYKIN, County Commissioner

PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter Two, Administration, Article IV, Officers and Employees, Division 9, State's Attorney, Subdivision II, Cook County Guidelines For Special State's Attorneys, SECTION 2-331(b) of the Cook County Code is hereby amended as follows:

Sec. 2-331. - Guidelines established.

(b) Purpose. In the event that the Cook County State's Attorney is sick, absent, unable to attend to a case or has an interest in a case, a Special State's Attorney can be appointed by a court of competent jurisdiction pursuant to 55 ILCS 5/3-9008. The appointment of any Special State's Attorney is considered temporary and limited in scope to the instant matter before the appointing court. In matters pertaining to the prosecution of alleged offenses by members of the Chicago Police Department, there shall be a presumption that the Cook County State's Attorney has an interest in the case pursuant to 55 ILCS 5/3-9008, and that the appointment of a Special State's Attorney should take place pursuant to the guidelines established in this Section.

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

Legislative History: 12/16/15 Board of Commissioners referred to the Criminal Justice Committee

16-0577

Sponsored by: RICHARD R. BOYKIN, County Commissioner

PROPOSED RESOLUTION

CALLING ON THE CIRCUIT COURT OF COOK COUNTY TO APPOINT A SPECIAL STATE'S ATTORNEY TO HANDLE THE PROSECUTION OF OFFICER JASON VAN DYKE, PURSUANT TO 55 ILCS 5/3-9008

WHEREAS, pursuant to 55 ILCS 5/3-9008, the Circuit Court or an interested party in a proceeding may file a petition alleging that the State's Attorney is unable to fulfill her duties; and

WHEREAS, 55 ILCS 5/3-9008 sets the proper procedure for the Circuit Court to review such petition; and

WHEREAS, the 13-month time period between the shooting death of a 17-year-old African American, Laquan McDonald, and the filing of criminal charges by the Cook County State's Attorney against the shooter, Chicago Police Officer Jason Van Dyke has undermined local confidence in the criminal justice system in Cook County; and,

WHEREAS, the delay in prosecuting Officer Van Dyke has placed the Cook County State's Attorney in the position of having to defend the impartiality of the State's Attorney's Office in prosecuting Officer Van Dyke; and,

WHEREAS, with respect to the prosecution of Officer Van Dyke, the utilization of the Chicago Police Department by the State's Attorney for its own investigatory purposes places the Cook County State's Attorney in the position of prosecuting a member of a government agency that often functions as witnesses of the State's Attorney's Office; and,

WHEREAS, as a result of its relationship with the Chicago Police Department as outlined in the foregoing paragraphs, a clear conflict of interest exists for the Office of the Cook County State's Attorney in its prosecution of Officer Van Dyke; and,

NOW, THEREFORE, BE IT RESOLVED by the President and the Cook County Board of Commissioners that this Honorable Body requests that the Circuit Court of Cook County or an interested person immediately file a petition alleging that the State's Attorney is unable to fulfill her duties pursuant to Section 55 ILCS 5/3-9008 and to appoint a Special State's Attorney to handle the prosecution of Jason Van Dyke.

Legislative History: 12/16/15 Board of Commissioners referred to the Criminal Justice Committee

A handwritten signature in blue ink that reads "Matthew B. DeLeon". The signature is written in a cursive style and is positioned above a horizontal line.

Secretary

Chairman: Garcia
Vice-Chairman: Moore
Members: Committee of the Whole