



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

Tuesday, January 12, 2016

11:45 AM

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

ATTENDANCE

Present: Chairman García, Vice Chairman Moore, Commissioners Boykin, Daley, Fritchey, Gainer, Morrison, Murphy, Silvestri, Sims, Suffredin and Tobolski (12)

Absent: Commissioners Arroyo, Butler, Goslin, Schneider and Steele (5)

PUBLIC TESTIMONY

Chairman García asked the Secretary to the Board to call upon the registered public speakers, in Accordance with Cook County Code.

1. George Blakemore, Concerned Citizen

16-0993

COMMITTEE MINUTES

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

A motion was made by Commissioner Suffredin, seconded by Commissioner Boykin, that this Committee Minutes be approved. The motion carried by the following vote:

Aye: Chairman García, Vice Chairman Moore, Commissioners Boykin, Daley, Fritchey, Gainer, Morrison, Murphy, Silvestri, Sims, Suffredin and Tobolski (12)

Absent: Commissioners Arroyo, Butler, Goslin, Schneider and Steele (5)

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.

A motion was made by Commissioner Boykin, seconded by Commissioner Silvestri, that this Ordinance Amendment be recommended for deferral. The motion carried by the following vote:

Aye: Chairman García, Vice Chairman Moore, Commissioners Boykin, Daley, Fritchey, Gainer, Morrison, Murphy, Silvestri, Sims, Suffredin and Tobolski (12)

Absent: Commissioners Arroyo, Butler, Goslin, Schneider and Steele (5)

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.

A motion was made by Commissioner Boykin, seconded by Commissioner Suffredin, that this Resolution be recommended for approval. The motion carried by the following vote:

Aye: Chairman García, Vice Chairman Moore, Commissioners Boykin, Gainer, Suffredin and Tobolski (6)

Nay: Commissioners Daley, Morrison, Murphy and Silvestri (4)

Present: Commissioner Fritchey (1)

Absent: Commissioners Arroyo, Butler, Goslin, Schneider, Sims and Steele (6)

ADJOURNMENT

A motion was made by Commissioner Silvestri, seconded by Commissioner Murphy to adjourn the meeting.

Respectfully submitted,



Chairman



Secretary

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