



**Board of Commissioners of Cook County  
Legislation and Intergovernmental Relations Committee**

**Wednesday, November 19, 2014**

**9:00 AM Cook County Building, Board Room, Room 569  
118 North Clark Street, Chicago, Illinois**

**REVISED 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**

According to the Cook County Board's Rules of Organization and Procedure, Section 2-107 (dd), public testimony will be permitted at regular and special meetings of the Board and at committee meetings of the Board. 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. 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.

**The items that are to be received and filed will not be heard for action. These items are being received and filed to clean up the remaining items leftover in the committee before the end of the 2010 2014 Term of the Cook County Board of Commissioners.**

**File #14-3306 was recommended for deferral on 10/8/14 at the Legislation and Intergovernmental Relations Committee**

**14-3306**

**Sponsored by: TIMOTHY O. SCHNEIDER, LARRY SUFFREDIN, JOHN P. DALEY, JOHN A. FRITCHEY, EARLEAN COLLINS and PETER N. SILVESTRI, County Commissioner**

**PROPOSED ORDINANCE AMENDMENT**

**AN AMENDMENT TO THE COOK COUNTY LOBBYIST REGISTRATION ORDINANCE**

**NOW THEREFORE BE IT ORDAINED**, by the Cook County Board of Commissioners that Part I. General Ordinances, Chapter 2. Administration, Article VI. Ethics, Division 3. Lobbyists, Sections 2-622, 2-632, 2-634, 2-637 and 2-640 are hereby amended as follows:

**Sec. 2-622. Definitions.**

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

*Administrative action* means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any County official or County employee.

*Board* means the County Board and any and all of its standing or special committees or subcommittees.

*Clerk* means the duly elected or appointed Clerk of the County.

*Commissioner* means any of the duly elected or duly appointed County Board members.

*Compensation* means money, thing of value or other pecuniary benefits received or to be received in return for, or as reimbursement for, or as a result of, services rendered or to be rendered, for lobbying. This includes a contract, promise or agreement, whether or not legally enforceable, to provide or arrange for compensation for services rendered or to be rendered.

*County agency* means any board, commission, department or authority under the jurisdiction of the President or Board or any other County official.

*County employee* means an individual employed by the County whether part-time or full-time.

*County matter* means any executive action, legislative action or administrative action.

*County official* means the Assessor, members of the Board of Review, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney, and Treasurer of the County, and any County agency or member thereof.

*Direct affiliation* means relationship with any natural person or spouse, father, mother, son or daughter possessing or owning an interest in a Lobbying Enterprise.

*Executive action* means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a County official or County employee of a rule, regulation, order, decision, determination, contractual agreement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

*Expenditure* means anything having a value of \$10.00 or more including, but not limited to, a payment, distribution, loan, advance, deposit, political contribution, honoraria, travel or entertainment expense, meal or beverage expense, or gift of money. This includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, for services rendered or to be rendered.

*File, filed, or filing* means:

(1) Delivery to an office of the Clerk by the close of business of the prescribed filing date; or

(2) Deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents arrive at an office of the Clerk by the close of business of the prescribed filing date.

*Gift* means anything having a value of \$10.00 or more given without consideration or expectation of return.

*Legislation* means ordinances, resolutions, amendments, nominations, appointments, reports, contracts or proposed contracts, and other matters pending or proposed in the Board or which require Board approval.

*Legislative action* means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, motion, resolution, report, nomination, administrative rule or other matter by any County official or County employee. The term "legislative action" also

means the action of the President in approving or vetoing any ordinance, resolution or motion or portion thereof, and the action of any County official or County employee in the development of a proposal for introduction before the Board.

*Lobbyist* means any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including, but not limited to:

- (1) A bond inducement ordinance;
- (2) A zoning matter;
- (3) A concession agreement;
- (4) The creation of a tax increment financing district;
- (5) The establishment of a Class 6(b) Cook County property tax classification;
- (6) The introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the Cook County Board of Commissioners;
- (7) The preparation of contract specifications;
- (8) The solicitation, award or administration of a contract;
- (9) The award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or
- (10) Any other determination made by an elected or appointed county official or employee of the county with respect to the procurement of goods, services or construction.

Provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a county permit or license or by responding to a county request for proposals or qualifications.

The term "lobbyist" shall include, but not be limited to, any Attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an Attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing, unless said Attorney is also an elected official of the county; and provided further that the term "lobbyist" shall not include a person who, on an unpaid basis, seeks to influence legislative or administrative action on behalf of an entity that is not engaged in a profit-seeking enterprise; further provided that an employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter.

*Lobbying Enterprise* means any entity that hires, retains, employs, or compensates a natural person to lobby local, state or federal governments or agencies.

*Lobbying Activity Report* means a log maintained by each Lobbyist and submitted to the Cook County Clerk that records all contacts by a Lobbyist with any County Official or County employee.

*Person* means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

*Political contribution* means any money or thing of value given to a political committee, as defined in 10 ILCS 5/9-1.9 (political committee defined), in the County.

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**Sec. 2-632. Persons not required to register.**

This division is not intended and shall not be construed to apply to the following:

(1) Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station, or other bona fide news medium which in the ordinary course of business disseminates news, editorial or other comment, or paid advertisements for the purpose of influencing any County matter. This exemption shall not be applicable to such an individual insofar as they receive additional compensation or expenses from some source other than the bona fide news medium for the purpose of influencing any County matter. This exemption does not apply to newspapers and periodicals owned by or published by trade associations and profit corporations engaged primarily in endeavors other than the dissemination of news.

(2) Persons providing professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation where such professional services are not otherwise, directly or indirectly, connected with legislative action.

(3) Elected officials and employees of other units of government acting in their official capacity.

(4) Persons who, by reason of their special skills or knowledge of any matter pending before the Board, are requested in writing by a Commissioner or the President to discuss such matter before the Board, regardless of whether or not such persons receive compensation for so appearing. This exemption shall only be applicable to the extent that such persons appear in the foregoing capacity. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(5) Any full-time employee of a bona fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of such church or religious organization.

(6) Persons seeking to do business with Cook County, who are not Lobbyists as defined in Section 2-622, whose ~~lobbying activities~~ contacts with County employees are limited to occasional sales-related inquiries or solicitations, the submission of bids, or responses to requests for proposals or requests for qualifications, and who make no expenditures which would otherwise be reportable under Section 2-634

(7) Persons representing clients before County agencies which conduct adversarial, assessment or quasi-judicial hearings and the decisions of which may ultimately be appealed to the Circuit Court of Cook County or the Board, representing clients in court proceedings and in anticipation of court proceedings, and representing clients at internal disciplinary hearings. This exemption shall only be applicable to the extent that such persons appear in the foregoing capacity. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(8) Persons who are negotiating the terms of a collective bargaining agreement or other contract. This exemption shall only be applicable to the extent of such activity. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(9) Persons lobbying on behalf of a neighborhood, community or civic organization who receive no compensation and who make no expenditures to or for the benefit of a County official or County employee in connection with such lobbying. This exemption shall only be applicable to the extent that such persons appear in the foregoing

capacity. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(10)County officials and County employees acting in their official capacity.

(11)Persons providing recommendations for other persons seeking employment with the County. This exemption shall only be applicable to the extent that such persons are involved in such activities. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(12)Persons who are owners, directors, officers or full-time employees of a business, which person's lobbying activities are limited to fewer than two County matters per calendar year which would otherwise require registration under Section 2-631 and who make no expenditures which would otherwise be reportable under Section 2-634

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#### **Sec. 2-634. Reports.**

(a)Every person so registering shall, so long as the person's activity continues, file with the Clerk between January 1 and January 20 and between July 1 and July 20, two reports under oath: a lobbying expenditure report and a ~~L~~obbying ~~a~~ctivity ~~r~~eport.

(1)The lobbying expenditure report shall state all expenses made by the person to or for the benefit of a County official or County employee, notwithstanding whether lobbying was occurring at the time of the expenditure, during the previous six months. The report shall show in detail the County official or County employee to whom or for whose benefit such expenditures were made. Expenditures made by the registrant shall include expenditures made by the registrant's employer and/or contractor for whom the registrant is performing lobbying services unless the employer or contractor independently registers and reports pursuant to Section 2-631(3). If the registrant lobbies for more than one person, they shall identify which expenditures were made on behalf of each such person. Any expenditure over \$100.00 shall disclose not only the amount of the expenditure and to whom or for whose benefit such expenditure was made, but also disclose the date of the expenditure, the use and purpose for which the expenditure was made, and the County matter in connection with which the expenditure was made. If the registrant made no such expenditures during the reporting periods herein described, the registrant shall file and state herein that the registrant had no such expenditures.

(2)The Lobbying ~~a~~ctivity ~~r~~eport shall include all ~~lobbying~~ contacts made with County officials or County employees. For each such contact, the report shall list the date of the contact, the County official or County employee with whom the lobbying contact was made, the entity on whose behalf the lobbying contact was made, the location of the contact, the subject matter of the lobbying contact, including any County contact, involved in the contact. If the lobbyist has a relationship by birth or marriage with the County official or employee lobbied, such relationship shall be stated. If the registrant made no such lobbying contacts during the reporting periods herein described, the registrant shall file and state herein that the registrant had no such contacts.

(b)Individual expenditures which aggregate \$100.00 or less otherwise required to be reported under (a)(1) of this section may be reported in aggregate amounts without detail, provided that any gift solicited by a County official or County employee must be reported in detail as set forth above, additionally listing the recipient of such gift.

©Reports required under (a)(1) of this section shall include for each client the following aggregate expenses attributable to lobbying activities, to be identified as such: advertising and publications; lodging and travel that are not reported by another registrant; educational or advocacy expenses; honoraria; meals, beverages, and entertainment expenses; political contributions; and gifts.

(d)With respect to each client of the registrant, the registrant shall report the following in the lobbying expenditure report:

(1)The name, business and permanent address and nature of business of the client and any other business entities on whose behalf lobbying was performed for the same compensation.

(2)A statement of the amount of compensation.

(3)The name of each person lobbied and a brief description of the County matter involved.

(e)A registrant who terminates employment or duties which required registration under this division shall give the Clerk, within 30 days after the date of such termination, written notice of such termination and shall include therewith a report of the lobbying expenditures described herein, covering the period of time since the filing of the registrant's last report to the date of termination of employment, and a report of the lobbying activity described herein, covering the period of time since the filing of the registrant's last report to the date of termination of employment. The Clerk shall post the filed reports on the Clerk's website within three business days from the established due date. Such notices and reports shall be final and relieve such registrant of further reporting under this division unless and until the person later takes employment or assumes duties that require to again register under this division.

(f)Failure without just cause to file any such report within the time designated herein or the knowing reporting of false or incomplete information shall constitute a violation of this division. In addition to other penalties provided in this division, any person filing a late report under this section shall be assessed a late filing fee as set out in Section 32-1 per day the report is late, payable to the Clerk upon filing. Any person filing a late report after January 31 (for reports due by January 20) or after July 31 (for reports due by July 20) shall also be subject to a penalty of \$150.00 per day, to be levied as set forth in Section 2-637. Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the Clerk, not less than ten days before the date on which the statement is due, a declaration of intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this division and shall subject the registrant to the penalty described herein.

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**Sec. 2-637. Enforcement.**

(a)Any person found by a court to be guilty of filing a late registration or report after January 31 (in the case of reports due after by January 20) or after July 31 (in the case of reports due by July 20) shall be assessed a fine of \$100.00 per day late.

(b)In addition to the penalties provided for in Subsection (a) of this section, any person convicted of any violation of any ~~provision~~ subsection of this division shall be fined \$250.00 per occurrence by the Cook County Clerk and is prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any lobbying activities. The Cook County Clerk shall create procedures for the imposition and collection of any fines.

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**Sec. 2-640. Annual Ethics Training.**

Each Lobbyist shall attend an ethics education seminar offered on a regular basis by the Cook County Clerk within 120 days of registering as a Lobbyist pursuant to Section 2-633. The seminar shall educate persons as to their duties and responsibilities under this article.

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

**Legislative History:** 5/21/14 Board of Commissionersreferred to the Legislation and Intergovernmental Relations Committee

**Legislative History:** 9/8/14 Legislation and Intergovernmental Relations Committee recommended for deferral

**Legislative History:** 9/10/14 Board of Commissioners recommended for deferral

**Legislative History:** 10/8/14 Legislation and Intergovernmental Relations Committee recommended for deferral

**Legislative History:** 10/8/14 Board of Commissioners recommended for deferral

**14-5898**

**Presented by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED APPOINTMENT**

**Appointee(s):** Martha Martinez

**Position:** Chief Administrative Officer

**Department/Board/Commission:** Cook County Bureau of Administration

**Effective date:** Immediate

**Summary:** Martha Martinez has been serving as Deputy Chief Administrative Officer for the Cook County Bureau of Administration since 2008. Ms. Martinez has over twenty-eight years of experience serving Cook County and has been influential in improving the operations of the various departments under the Administrative Bureau. Ms. Martinez is a valuable Cook County executive and her leadership skills will aid in the continued success of the departments under the Bureau of Administration.

**Legislative History:** 10/8/14 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-2492**

**Sponsored by:** LARRY SUFFREDIN, County Commissioner

**AN ORDINANCE GOVERNING PRESIDENTIAL APPOINTMENTS TO COOK COUNTY BUREAUS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article IV, Division 1 of the Cook County Code is hereby enacted as follows:

**Section 2-141. - Presidential Appointments**

**The following Cook County employees shall be appointed by the President, with the advice and consent of the Board of Commissioners:**

- (a) Public Defender (pursuant to 55 ILCS 5/3-4004.1);
- (b) Director of Facilities Management (pursuant to 55 ILCS 5/3-14003);
- (c) Budget Director (pursuant to 55 ILCS 5/3-14005);
- (d) Chief Administrative Officer (pursuant to 55 ILCS 5/3-14006); and
- (e) Chief Information Officer (pursuant to 55 ILCS 5/3-14010);

...

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 42, Article II, Section 42-34(a)(6) of the Cook County Code is hereby amended as follows:

**Sec. 42-34. - Commission on Human Rights.**

The organization and administration of the Cook County Commission on Human Rights shall be sufficiently independent to assure that no interference or influence external to the office adversely affects the independence and objectivity of the Commission on Human Rights.

*(a) Enforcement.*

(1) The President shall appoint 11 members to a Commission on Human Rights ("Commission") subject to approval of the Cook County Board of Commissioners. In appointing members to the Commission, the President shall take into account the diversity of communities and conditions protected by this article and shall seek the input of affected communities. Four of the initial appointees shall be appointed for term expiring on July 1 of the year following their appointment, four shall be appointed for term expiring on July 1 of the second year following their appointment, and three shall be appointed for terms ending on July 1 of the third year following their appointment. Thereafter, members shall be appointed for three-year terms.

(2) Each member of the Commission:

- a. Shall reside within the corporate boundaries of the County;
- b. Shall not be an employee of the County during the member's term; and
- c. Shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of Commission duties.

(3) A majority of the members of the Commission shall constitute a quorum for the purpose of transacting business.

(4) At its first meeting after July 1 of each year, the Commission shall elect from its membership a Chairperson and a Vice-Chairperson. The chairperson shall preside at all meetings and hearings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall preside.

(5) The President may remove any member of the Commission for incompetence, substantial neglect of duty, gross misconduct, malfeasance in office, or violation of any law, after written notice, stating with particularity the grounds for removal and providing an opportunity for the member to respond.

(6) The President, with the advice and consent of the Board of Commissioners, shall appoint an Executive Director of the staff for the Commission. The Executive Director shall be responsible for the day-to-day operation of the Commission and its staff.

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**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article VII, Division 2, Subdivision IV, Section 2-591 of the Cook County Code is hereby amended as follows:

**Sec. 2-591. Composition and powers.**

The organization and administration of the Cook County Board of Ethics shall be sufficiently independent to assure that no interference or influence external to the office adversely affects the independence and objectivity of the Board of Ethics. The composition and powers of the Board of Ethics are as follows:

(1) The Board of Ethics shall be composed of five members appointed by the President of the County Board with the advice and consent of the County Board and will take into account the diversity of communities and conditions protected by this article. The Board of Ethics shall have an executive director who shall be appointed by the President with the advice and consent of the Board of Commissioners.

...

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article VI, Division 1, Section 2-473 of the Cook County Code is hereby amended as follows:

**Sec. 2-473. - Cook County Justice Advisory Council.**

(a) There is hereby created a Judicial Advisory Council which shall consist of five members who shall be appointed by the President of the County Board; said Council shall be referred to as the Cook County Justice Advisory Council. All shall be persons learned in the law, and two at least of their number shall be members of the judiciary. The persons thus appointed shall hold office for four years and until their respective successors



have been duly appointed and qualified. They shall serve without compensation, but shall be reimbursed for all expenses incurred in carrying out the duties defined by this section. The President, with the advice and consent of the Board of Commissioners, shall appoint an Executive Director of the Justice Advisory Council.

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**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 26, Article II, Section 26-32 of the Cook County Code is hereby amended as follows:

**Sec. 26-32. - Executive Director.**

(a) The Executive Director of the DHSEM shall be appointed by the President of the County Board of Commissioners with the advice and consent of the Board of Commissioners and shall serve until removed by the President.

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**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article VI, Division 1, Section 2-471 of the Cook County Code is hereby amended as follows:

**Sec. 2-471. - Veteran's Assistance Commission.**

The County Board does concur in the action of the President of the County Board in incorporating the activities of the Veteran's Assistance Commission of Cook County into the County Bureau of Administration. The President, with the advice and consent of the Board of Commissioners, shall appoint the Superintendant of the Veterans Assistance Commission.

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**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article III, Division 2, Section 2-102 of the Cook County Code is hereby amended as follows:

**Sec. 2-102. - Definitions.**

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

- (a) *Board* means the County Board.
- (b) *Commissioner* means any duly elected or duly appointed County Board Commissioner, and means the same as "member" of the Board.
- (c) *Committee* means a committee of the Board and includes a standing committee, a special committee and a standing or special subcommittee of a committee.
- (d) *Clerk* means the Clerk of the Board.
- (e) *Committee of the whole* means a committee comprised of all Commissioners as required by this division.
- (f) *Majority* means a simple majority of those Commissioners present and entitled to vote on a question, while a Majority vote means the vote of a simple majority of those Commissioners present and entitled to vote on a question.
- (g) *Majority of those elected* means a majority of the total number of Commissioners entitled by law to be elected to the Board, irrespective of the number of elected or appointed Commissioners actually serving in office. So long as 17 Commissioners are entitled to be elected to the Board, a vote of a "majority of those elected" shall mean nine affirmative votes.
- (h) *President* means the President of the Cook County Board of Commissioners.
- (i) *Secretary* means the Secretary of the Board who has been appointed by the President with the advice and consent of the Board of Commissioners.
- (j) *Term* means the four-year term of office established by State law for the President and the Commissioners.

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**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 44, Article II, Section 44-45 of the Cook County Code is hereby amended as follows:

**Sec. 44-45. - Bureau of Human Resources.**

(a) *Established; Chief of Human Resources to be Chief Executive Officer of Bureau of Human Resources.* There is hereby established a bureau which shall be known as the Bureau of Human Resources. The Chief of Human Resources shall be the chief executive officer of the Bureau of Human Resources and shall be appointed by the President, with the advice and consent of the Board of Commissioners, and shall serve at the pleasure of the President. The Chief of Human Resources shall be responsible for the general management and control of the Bureau of Human Resources in a manner consistent with the ordinances of the County, the laws of the state, and the rules of the Bureau.

...

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article VII, Division 2, Section 2-591 of the Cook County Code is hereby amended as follows:

**Sec. 2-591. - Composition and powers.**

The organization and administration of the Cook County Board of Ethics shall be sufficiently independent to assure that no interference or influence external to the office adversely affects the independence and objectivity of the Board of Ethics. The composition and powers of the Board of Ethics are as follows:

(1) The Board of Ethics shall be composed of five members appointed by the President of the County Board with the advice and consent of the County Board and will take into account the diversity of communities and conditions protected by this article. The Board of Ethics shall have an executive director who shall be appointed by the President, with the advice and consent of the Board of Commissioners.

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**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 10, Article I, Section 10-2 of the Cook County Code is hereby amended as follows:

**Sec. 10-2. - Definitions.**

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

*Administrator* means the licensed veterinarian appointed by the President, with the advice and consent of the County Board, pursuant to the Illinois Animal Control Act (510 ILCS 5/1 et seq.) or authorized representative.

*Animal* means any live vertebrate creature except man.

*Animal capable of transmitting rabies* means all animals classified as mammals.

*Animal control warden* means an employee of the County appointed by the Administrator to powers in the enforcement of this chapter.

*Bird* means any flying vertebrate that is covered with feathers.

*Bite* means seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.

*Cat* means all members of the classification, *Felis catus*.

*Confined* means the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.

*Control* means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of another person with the consent of that person.

*Dangerous or vicious animal* means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting themselves in any place where they may lawfully be.

*Dog* means all members of the classification, *Canis familiaris*.

*Domestic animal* means any animal which has been domesticated by man so as to live and breed in a tame condition.

*Guard dog* means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.

*Inoculation against rabies* means the injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.

*Owner* means any person having the right of property in an animal, who keeps or harbors an animal, who has it in their care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by them unless possession is prohibited by Federal or State laws. Native wildlife remaining on or about any premises shall not be included in this definition.

*Pound* means any facility licensed by the Illinois Department of Agriculture and approved by the Administration for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

*Service animal* means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

*Stray animal* means any owned animal that is not controlled.

*Tethering* means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, shed, [or] clothes line by any means, including without limitation a chain, rope, cord, leash or running line.

*Tow chain or log chain* means any chain that is more than one-quarter of an inch in width.

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

**Legislative History:** 4/9/14 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**Legislative History:** 6/17/14 Legislation and Intergovernmental Relations Committee recommended for deferral

**Legislative History:** 6/18/14 Board of Commissioners recommended deferred

The following items will be received and filed:

13-1798

Sponsored by: EARLEAN COLLINS, County Commissioner

**PROPOSED SUBSTITUTE TO ITEM 13-1798**  
(Changes in bold with strikeouts and underlined)

**COOK COUNTY JAIL DIVERSION PROGRAM FOR MENTALLY ILL AND/OR SUBSTANCE ABUSE DETAINEES OR ARRESTEES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 46, Law Enforcement, Article IV, Jail Diversion Program, Section 36-172, Sec. 46-201 through Section 46-217, of the Cook County Code are hereby amended as follows:

~~Sec. 46-172. 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:~~

~~*Appropriate authorities.* The Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County, the Public Defender of Cook County, and local law enforcement.~~

~~*Case management.* The process of assisting and monitoring target population detainees in achieving their individualized treatment plan consistent with their diversion plans.~~

~~*Class 4 felony.* An offense for which a sentence to a term of imprisonment of one to three years in a penitentiary and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-8-1 and 730 ILCS 5/5-9-1)~~

~~*Community based mental health service providers.* Mental health service providers working within local organization and health facilities.~~

~~*Co-occurring substance abuse disorder.* Mentally ill detainees with addictions to alcohol, drugs and/or other chemical substances (M.I.S.A.).~~

~~*Crisis intervention.* To safely intervene with people in crisis in order to stabilize a crisis situation while minimizing the risk of harm to the individual and all persons involved.~~

~~*Diversion.* A program that diverts target population detainees from jail in accordance with standardized procedures established by the Advisory Board in conjunction with the appropriate authorities, the detainee and/or their legal representative.~~

~~*Diversion plan.* An individualized community based treatment and supportive service plan as an alternative to incarceration with a focus on minimizing repeat unlawful conduct.~~

~~*Diverted detainee.* A target population detainee who is approved by the appropriate authorities for diversion.~~

~~*Felony.* An offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided. (720 ILCS 5/2-7)~~

~~*Mental health assessment.* An examination by a licensed mental health service provider and, if applicable, by a substance abuse service provider.~~

~~*Mental health service providers.* Mental health service provider with expertise in providing comprehensive psychological, emotional and/or psychiatric services, in accordance with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and consistent with standards adopted by recognized professional mental health service provider associations including the Illinois Psychological Association.~~

~~*Mentally ill.* Persons who have been clinically diagnosed with a mental illness including persons with co-occurring substance abuse disorder.~~

~~*Misdemeanor.* Any offense for which a sentence to a term of imprisonment, other than to a penitentiary, for less than one year may be imposed (720 ILCS 5/2-11):~~

- ~~(1) — *Class A.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to one year and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)~~
- ~~(2) — *Class B.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to six months and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)~~
- ~~(3) — *Class C.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to 30 days and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)~~

~~*Post-booking diversion.* Diversion agreed to by the State's Attorney's Office after the arrest of a detainee as an alternative to prosecution.~~

~~*Pre-booking diversion.* Diversion agreed to by local law enforcement authorities prior to any formal charges being filed against a detainee.~~

~~*Provider.* A mental health service provider or a substance abuse service provider.~~

~~*Special Court.* Cook County Mental Health Court.~~

~~*Substance Abuse.* A pattern of harmful use of alcohol or drug use for mood altering purposes.~~

~~*Substance abuse service providers.* Individuals in local organizations and health facilities with expertise in providing comprehensive assessments and treatment services in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., as administered by the Illinois Department of Human Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.~~

~~*Target population detainees.* People with mental illness and/or substance abuse, including those with co-occurring substance abuse disorder, with a primary focus on offenders within the jurisdiction of agreed-upon police districts within the City of Chicago and the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of the County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago.~~

~~*Third party health coverage.* Health coverage provided by a public or private reimbursement program including but not limited to 1115 Waiver, Medicaid or Medicare.~~

Sec. 46-201. Purpose.

The purposes of the County Jail Diversion Program are to:

- (1) Improve public safety and reduce overcrowding at the County jail by establishing partnerships and cooperative working relationships ~~with~~ ~~between~~ state, federal and local units of government and community based service providers for ~~the~~ housing, and treatment and case management of ~~the mentally ill population~~ mentally ill and/or substance abuse detainees or arrestees in the Cook County.
- (2) Provide mentally ill and/or substance abuse ~~offenders~~ detainees or arrestees with improved quality and access to the appropriate assessment and treatment services.
- (3) Reduce rates of recidivism among mentally ill and/or substance abuse detainees or arrestees ~~offenders~~.
- ~~(4) Reduce the jail population in the County.~~
- ~~(5)~~ Assist in maintaining compliance with the Federal consent decree on jail overcrowding.
- ~~(6)~~ Afford equal access to all people, without regard to race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category ~~ies~~ established by law, to alternatives to incarceration.
- ~~(7)~~ Improve positive relationships between target population ~~citizens~~ and law enforcement officers.
- ~~(8)~~ Ease the financial burden on County taxpayers for the cost of treatment for the aforementioned population in the County correctional system.

**Sec. 46-202. Definitions.**

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

Crisis Intervention means to safely intervene with people in crisis in order to stabilize a crisis situation while minimizing the risk of harm to the individual and all persons involved.

Mental Health Service Provider means Mental Health Service Providers with expertise in providing comprehensive psychological, emotional and/or psychiatric services, in accordance with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and consistent with standards adopted by recognized professional mental health service provider associations including the Illinois Psychological Association.

Substance Abuse Service Providers means individuals in local organizations and health facilities with expertise in providing comprehensive assessments and treatment services in accordance with the Alcoholism and Other Drug Abuse and Dependence Act, 20 ILCS 301/1 et seq., as administered by the Illinois Department of Human Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.

Target population means persons afflicted with mental illness and/or substance abuse.

Third Party Health Coverage means health coverage provided by public or private insurance, including but not limited to 1115 Waiver, Medicaid or Medicare.

**Sec. 46-2023. Scope.**

The County Board calls upon persons responsible for the administration of the criminal justice system ~~with the in Cook County, and~~ the officials and community service providers responsible for mental health services in the State of Illinois to work together to develop improved and expanded diversion programs for ~~person suffering from mentally ill and/or substance abuse detainees or arrestees. mental illness and substance abuse disorder in order to determine how such programs might be expanded to promote treatment as an alternative to incarceration on a broader scale within the County.~~ Successful jail diversion programs must incorporate:

- (1) *Assessments.* Detainees who are considered for diversion must agree to undergo an individualized mental health and physical evaluation, ~~and~~ assessment and ~~to~~ accept referrals for appropriate services including housing and case management. The program must be designed to reduce the number of mentally ill and/or substance abuse detainees or mentally ill and substance abuse arrestees entering into the County jail and afford greater opportunities for crisis intervention and essential supportive services.
- (2) *Provider Participating service providers standards.* In addition to meeting the qualifications established by State and Federal laws for the treatment of mental health and substance abuse disorder ~~To the extent possible, Mental Health and Substance Abuse Disorder Service Providers~~ who participate in the jail diversion program shall be those who are already receiving funds from Federal, State, County, and/or local units of governments for Mental Health and Substance Abuse Disorder services. All County funding for such services, if any, shall be performance based and any renewal shall be contingent upon the quality and quantity of service rendered the previous years. Each participating diverted detainee or arrestee must have an individualized service plan which shall be developed by a licensed professional ~~in the State~~ in the field of mental health and substance abuse ~~disorder~~. This plan must be in collaboration with the appropriate law enforcement officials and the criminal justice system when applicable. The treatment plan shall be consistent with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., standards adopted by recognized professional mental health and substance abuse service provider associations including the Illinois Psychological Association, and the Illinois Department of Human Services.
- (3) *Regional Crisis Intervention Centers resources for law enforcement.* 24-hour crisis intervention resource center, equipped with social workers will be established and in each police district within the targeted areas ~~A regional 24-hour crisis intervention resource center, operated by a lead agency, shall be established to be utilized by local law enforcement when there is no available service in the impacted area. to assist with resources for stabilizing and follow-up case management as needed. The crisis center shall assist local law enforcement, including any law enforcement crisis intervention teams, when called upon to stabilize a crisis situation involving a mentally ill and substance abuse offender.~~ The crisis center and the crisis intervention team shall be subject to funding by the intergovernmental agreement established primarily reimbursed in accordance with provisions set forth in Division 3 of this article Sec. 46-208. There shall be established crisis intervention teams in each police district made up with social workers who qualify for direct third party reimbursement, police and community workers.
- (4) *Third party health care reimbursement sources.* In those cases where a diverted detainee/arrestee does not have a source of third party health coverage, the Cook County Health and Hospital System Bureau of Health Services ~~Bureau of Health Services~~ shall make every concerted effort to assist the diverted detainee in making application for any third party health care reimbursement.

~~Sec. 46-203. —Target population.~~

~~The County's Jail Diversion Program shall focus on the following categories of detainees with a primary focus on offenders within the jurisdiction of agreed upon police districts within the City of Chicago and the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago:—~~

~~(1)Mentally ill detainees and substance abuse detained for Class A, B and C misdemeanors which are nonviolent.~~

~~(2)Mentally ill detainees and substance abuse detained for nonviolent Class 4 felony offenses.~~

~~Sec. 46-204. —Eligibility.~~

~~For pre-booking jail diversion there is no mandatory requirement that a diverted detainee first plead guilty to an offense prior to participating in a diversion program.~~

**Sec. 46-2054. - Types of jail diversion programs.**

(a) This Jail Diversion Program is designed to strengthen existing jail diversion efforts which are currently used by some local law enforcement officials such as station adjustments, peer juries, specialty courts, and other alternatives to incarceration.

(b)This Jail Diversion Program will include four types of diversion, each of which shall be subject to the approval of the appropriate authorities and have agreed-upon conditions by all parties involved, the agreement shall be tailored to particular circumstances, for which diverted detainees/arrestees shall be held accountable. The four categories of diversion are as follows:

- (1) Pre-booking diversion. Pre-booking jail diversion does not mandate or require that a detainee or arrestee plea guilty to an offense prior to participation in a diversion program. Pre-booking diversion may be sought by local law enforcement for mentally ill and/or substance abuse detainees or arrestees~~mentally ill detainees and substance abuse, booked for Class B and C misdemeanors,~~ as often as possible. The arresting officer shall be the first line of contact and shall be encouraged to take the following basic steps prior to any official charges for minor and/or nuisance crimes:
  - a. Attempt to resolve any crisis without harm to the suspect, general public, or law enforcement officials.
  - b.Refer directly to a hospital or treatment center when appropriate.
  - c. Contact parent or guardian if individual with mental illness ~~mentally ill~~ and/or substance abuse ~~detainee~~ is under the age of 17.
  - d.Evaluate the situation and determine if the suspect is potentially divertible.
  - e. Determine if detainee or arrestee can be sent to his or her residence under conditions agreed upon by law enforcement, ~~detainee~~ offender, parent(s) or guardian, and the victim of the crime.
  - f. Contact a community based mental health and substance abuse service provider when appropriate for proper assessment and referral for services.



- g. If ~~no~~ community based mental health ~~and/or~~ substance abuse service providers ~~is~~ are unavailable contact the ~~24-hour regional crisis~~ center for crisis intervention.
- h. In cases where the detainee or arrestee has caused injury to a person or damage to one's property, the appropriate authorities shall be encouraged to explore all efforts for restitution as a condition of pre-booking diversion.
- i. Complete a detailed incident report.

(2) *Post-booking diversion.* This category of diversion may be sought by the State's Attorney for mentally ill and/or substance abuse detainees/arrestees who are detained for crimes that constitute Class A misdemeanors and Class 4 felonies ~~and which are nonviolent~~. The State's Attorney may seek a pre-arraignment investigation which may include, but need not be limited to, assessment by a mental health and substance abuse service provider to determine whether the suspect is eligible for diversion. If a diversion plan is agreed upon by all parties involved, it may include a requirement that the diverted detainee adhere to an individualized treatment and service plan developed by an appropriate clinician, provision for restitution with respect to injuries or property damage caused by the diverted detainee and may identify a case manager who shall monitor the diverted detainee's compliance with the diversion plan and report on such compliance as required in the diversion plan.

(3) *Pre-trial diversion to special courts.* This level shall continue to emphasize proper assessment and speedy trials for those detainees who have been diagnosed by the appropriate clinicians as ~~being mentally ill~~ having a mental illness or ~~with~~ substance abuse disorders. If a detainee has been diagnosed as ~~being mentally ill~~ having a mental illness or diagnosed with substance abuse disorders and is held over for trial the detainee shall have immediate access to the appropriate treatment services. The case should be referred to the appropriate specialty courts for a speedy trial. This category of diversion is subject to the approval of the court.

(4) *Post-adjudication diversion.*

- a. This category of diversion is for persons adjudicated guilty of an offense by the courts. In cases where a person has also been found, by a licensed clinician, as ~~being mentally ill~~ having a mental illness and suffering with substance abuse and it has been agreed upon ~~on~~ by the courts that a diversion plan may be developed, that person shall be eligible for immediate treatment.
- b. This category of diversion consists of dispositions in the Juvenile Court and the misdemeanor courts within the jurisdiction of the ~~District 4, Maywood Courthouse of the Circuit Court of Cook County and the Mental Health Court~~. In appropriate cases as ordered by the court, a diversion plan may be developed as a condition of a defendant's probation or supervision. The court may consider assignment of a case manager to monitor the defendant's compliance with the diversion plan and may require notification of the arresting law enforcement agency or other parties prior to the defendant's release from custody or discharge from hospitalization for mental health or substance abuse treatment.

(c) *Resumption of prosecution.* Failure to comply with the diversion plan shall subject the diverted detainees/arrestees to further prosecution.

**Sec. 46-2065. Crisis intervention training.**

The intergovernmental agreement shall include provisions for shared resources for ~~explore funding and promotion of~~ training opportunities for law enforcement and service providers with respect to crisis intervention involving persons with mental illness and/or substance abuse, ~~which~~ Training shall include recognition of mental illness and substance abusers, knowledge of available local resources, ~~and the use of less than lethal force~~ the proper use of force, and utilization of the state's database.

**Sec. 46-206. Intergovernmental Agreement.**

The Cook County Board President and the Board shall request that the State's Attorney develop an Intergovernmental Agreement between Cook County Board of Commissioners, City of Chicago, State of Illinois, Cook County Sheriff, Cook County Circuit Court, and local units of government within the targeted areas. The agreements shall address the following:

- (1) The role of the State of Illinois, the County of Cook, and community 708 mental health boards in regards to funding and providing services for the target population.
- (2) The feasibility of improved service coverage for diverted detainees or arrestees through shared resources.
- (3) The creation and funding of 24-hour crisis intervention centers.
- (4) Standardized policies and procedures to ensure equal opportunity for all mentally ill and/or substance abuse detainees or arrestees to participate in a diversion program.

**Sec. 46-207. Confidentiality.**

The rules of confidentiality, as set forth under the Illinois Mental Health and Developmental Disabilities Code and Alcoholism and Other Drug Abuse and Dependency Act and other applicable State, Federal and local laws, shall be adhered to.

**Sec. 46-208. Funding.**

Mental health and substance abuse service providers participating in the Cook County Jail Diversion Program shall seek reimbursement for their service from third party reimbursement sources (i.e. 1115 Waiver, KidCare, Medicare/Medicaid, and/or private insurance entities) and when applicable may be compensated through Federal, State and local funds; subject to the appropriation and availability from State, County and local government.

**Sec. 46-209. Advisory Panel.**

The purpose of the Advisory Panel is to establish a strong advocacy and resource group to enhance Cook County's effort to improve the quality of mental health and substance abuse services in Cook County and to reduce the population of non-violent mentally ill and/or substance abuse detainees or arrestees entering the Cook County criminal justice system. The thirteen member panel shall be composed of persons with expertise in law enforcement, criminal justice, assessment and treatment of mentally illness and substance abuse disorders.

**Sec. 46-210. Structure.**

(a) thirteen-member Advisory Panel is established to report to the Board of Commissioners regarding the implementation and evaluation of the Cook County Jail Diversion Program.

(b)The Advisory Panel shall consist of thirteen (13) members as follows: (1) appointed by the Chief Judge of the Circuit Court of Cook County, (1) appointed by the Cook County Sheriff, (2) appointed by the Cook County State’s Attorney, (1) appointed by the Cook County Public Defender, (2) appointed by the City of Chicago Office of the Mayor, (1) appointed by the Village of Maywood, and (5) appointed by the President of the Cook County Board of Commissioners; from among the following: (1) selected the Cook County Department of Public Health, (1) selected from University of Illinois Jane Addams School of Social Work, (1) selected from Illinois Community Mental Health Providers Association, and (2) selected from a consumer organizations with (1) representing mental health.

(c)This Advisory Panel’s composition will reflect the demographics of the County as a whole, with a majority of members selected from the target areas. The Panel shall select officers from among its membership.

**Sec. 46-211. Responsibilities of Advisory Panel.**

The Advisory Panel shall:

- (1) Recommend administrative policies and procedures for implementation of the Cook County Jail Diversion Program.
- (2) Identify current local, state and federal funding resources for services to the mentally ill and/or substance abuse detainees or arrestees.
- (3) Develop a feasibility study to determine the availability of essential mental health and substance abuse services at the community level, to ensure a successful mental health diversion program for both youth and adults.
- (4) Recommend a structure for maximizing the use of existing resources and making them readily available to law enforcement crisis intervention centers.
- (5) Assist in establishing a collaborative relationship between the State of Illinois, County of Cook, local municipalities and local community based mental health and substance abuse service providers, with emphasis on mutual goals, shared responsibilities and resources.
- (6) Review existing training curriculum for law enforcement officials and make recommendations for change to enhance their ability, where needed, to identify persons with mentally illness and/or substance abuse disorder.
- (7) Establish criteria for measuring program outcomes.
- (8) Devise a plan for minimizing cost through service integration and coordination.
- (9) Lobby federal and state governments to improve funding resources for Jail Diversion Program services at the local level.
- (10) Request that the County apply for funds for support staff to the Advisory Panel.
- (11) Recommend procedures to ensure nondiscriminatory opportunities for detainees and arrestees to participate in a diversion program.

**Sec. 46-212. Establishment of Electronic Database**

Law Enforcement, the State's Attorney's Office, the Courts and the Probation Department are required to maintain a data base of information regarding persons who have been diverted by their respective agencies in order to improve information sharing between departments and to assist in identifying repeat offenders who may have been previously diagnosed with a mental illness and/or substance abuse.

#### **Sec. 46-213. Police Evaluations**

Law Enforcement is encouraged to include the following criteria for evaluation of police response to crises involving mentally ill and/or substance abuse offenders. Evaluations of police responses should be consistently conducted on a case-by-case basis to determine the best case practices when detaining or arresting people in crisis. Evaluation criteria should include, but not be limited to, the following:

- (1) Was there any significant violence or harm done to the subject, the general public or law enforcement officials during the process of apprehension?
- (2) Was the crisis resolved on the scene? At the police station? Or elsewhere?
- (3) Where family members alerted and included in the problem solving process in accordance with State and Federal law, when the offender is under the age of 17?
- (4) Was the detainee transported or referred to the appropriate service provider when warranted?
- (5) Was the detainee formally incarcerated?
- (6) Did law enforcement take advantage of community-based resources and were the resources readily available as well as suitable for the situation?
- (7) Was this a repeat encounter with the detainee or arrestee within a year, six months, 90 days, or 45 days, who had participated in a diversion program?

#### **Sec. 46-214. Performance Measurement Standards**

Performance measurement standards shall include, but not limited to, the following:

- (1) Percentage of detainees or arrestees with case managers.
- (2) Total number of detainees or arrestees seen per quarter.
- (3) Number of appointments made for detainee or arrestee and percentage of those kept.
- (4) Percentage of detainees or arrestees with living arrangements.
- (5) The number of periodic follow-ups with detainee or arrestee.
- (6) Percentage of current and accurate detainee or arrestee records that are available for review by any appropriate agency.
- (7) Progress reports on arrestee's or detainee's efforts in complying with their individualized treatment plan.
- (8) Rate of recidivism.
- (9) Reduction in the jail population

- (10) Number of community-based service providers.
- (11) Percentage of detainees or arrestees in diversion programs.
- (12) Percentage of reduction in non-violent crimes.
- (13) Cost analysis
- (14) Increase stakeholder's training regarding identifying and servicing persons with mental illness and/or substance abuse.

**Sec. 46-215. Applicability**

As provided in Article VII, Section 6(c), of the State of Illinois Constitution of 1970, if this Ordinance conflicts with an ordinance of a municipality, the municipal's ordinance shall prevail within the municipality. This Ordinance shall be enforceable within the municipal jurisdiction to the extent permitted under the statutes and constitution of the State of Illinois and of the United States of America. Nothing in this Ordinance shall be construed to compel law enforcement officers, the State's Attorney's Office, the Public Defender's Office, the Circuit Court of Cook County or any office or agency working with those offices in the administration of the criminal justice system to take any action which is inconsistent with the judgment and decisions of those offices or to act in a manner which is contrary to existing law. To the extent that any provision of this Ordinance requires express statutory authorization, the approval of any official or requires an agreement between the affected parties, this Ordinance shall be contingent upon such statutory authorization, approval or agreement.

**Sec. 46-216. Severability**

If any article, paragraph, sentence, or clause of this Ordinance or the application thereof to any person is for any reason deemed to be invalid or unconstitutional, such decision shall not affect any remaining portion, section, or part thereof or application of this Ordinance to any person.

**Sec. 46-217. Effective Date**

- (a) This Ordinance shall take effect immediately upon its passage.
- (b) Within six weeks of the passage of this Ordinance an Advisory Panel shall be appointed and approved.
- (c) Within one year after the implementation of this Ordinance, the Advisory Panel shall report to the Cook County Board of Commissioners regarding the number of detainees and arrestees diverted, the cost benefits to Cook County, the effectiveness and future viability of the jail diversion program.

**Legislative History:** 10/2/13 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

13-2011

Sponsored by: EARLEAN COLLINS, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**COOK COUNTY JAIL DIVERSION PROGRAM FOR ADULTS AND YOUTH**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 46, Law Enforcement, Article IV., Jail Diversion Program, Section 46-171 through Section 46-312, of the Cook County Code are hereby amended as follows:

DIVISION 1. GENERALLY

**Sec. 46-171. Short title.**

This article shall be cited and may be known as the "Cook County Jail Diversion Program for Adults and Youth."

**Sec. 46-172. 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:

Appropriate authorities. The Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County, the Public Defender of Cook County, and local law enforcement.

Case management. The process of assisting and monitoring target population detainees or arrestees in achieving their individualized treatment plan consistent with their diversion plans.

Case manager. A person (as a social worker or nurse) who assist in the planning, coordinating, monitoring and evaluation of social services for patients with emphasis on quality of care, continuity of services and cost effectiveness.

Class 4 felony. An offense for which a sentence to a term of imprisonment of one to three years in a penitentiary and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-8-1 and 730 ILCS 5/5-9-1)

Community based mental health service providers. Mental health service providers working within local organization and health facilities.

Co-occurring substance abuse disorder. Mentally ill detainees with addictions to alcohol, drugs and/or other chemical substances (M.I.S.A.).

Crisis intervention. To safely intervene with people in crisis in order to stabilize a crisis situation while minimizing the risk of harm to the individual and all persons involved.

Diversion. A program that diverts target population detainees from jail in accordance with standardized procedures established by the Advisory Board in conjunction with the appropriate authorities, the detainee and/or their legal representative.

Diversion plan. An individualized community based treatment and supportive service plan as an alternative

to incarceration with a focus on minimizing repeat unlawful conduct.

Diverted detainee or arrestee. A target population detainee or arrestee who is approved by the appropriate authorities for diversion.

Felony. An offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided. (720 ILCS 5/2-7)

Mental health assessment. An examination by a licensed mental health service provider and, if applicable, by a substance abuse service provider.

Mental health service providers. Mental health service provider with expertise in providing comprehensive psychological, emotional and/or psychiatric services, in accordance with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and consistent with standards adopted by recognized professional mental health service provider associations including the Illinois Psychological Association, and qualifies for public and private reimbursement.

Mentally ill. Persons who have been clinically diagnosed with a mental illness including persons with co-occurring substance abuse disorder.

Misdemeanor. Any offense for which a sentence to a term of imprisonment, other than to a penitentiary, for less than one year may be imposed (720 ILCS 5/2-11):

- (1) Class A. An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to one year and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)
- (2) Class B. An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to six months and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)
- (3) Class C. An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to 30 days and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)

Post-booking diversion. Diversion agreed to by the State's Attorney's Office, the plaintiff and the detainee after the arrest of a detainee as an alternative to prosecution.

Pre-booking diversion. Diversion agreed to by local law enforcement authorities prior to any formal charges being filed against a detainee or arrestee.

Provider. A mental health service provider or a substance abuse service provider.

Special Court. Cook County Mental Health Court.

Substance Abuse. A pattern of harmful use of alcohol or drug use for mood altering purposes.

Substance abuse service providers. Individuals in local organizations and health facilities with expertise in providing comprehensive assessments and treatment services in accordance with the Alcoholism and Other

Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., as administered by the Illinois Department of Human

Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.

Target population detainees. People with mental illness, including those with co-occurring substance abuse disorder, throughout Cook County, with a primary focus on high crime areas offenders within the jurisdiction of agreed upon police districts within the City of Chicago and suburban areas. ~~the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of the County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago.~~

Third party health coverage. Health coverage provided by a public or private reimbursement program including but not limited to Medicaid or Medicare.

~~Sec. 46-173. Applicability of article.~~

~~(a) As provided in Article VII, Section 6(c), of the State of Illinois Constitution of 1970, if this article conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within the municipality. This article shall be enforceable within the municipal jurisdiction to the extent permitted under the statutes and constitution of the State of Illinois and of the United States of America.~~

~~(b) Nothing in this article shall be construed to compel law enforcement officers, the State's Attorney's Office, the Public Defender's Office, the Circuit Court of the County or any office or agency working with those offices in the administration of the criminal justice system to take any action which is inconsistent with the judgment and decisions of those offices or to act in a manner which is contrary to existing law. To the extent that any provision of this article requires express statutory authorization, the approval of any official or requires an agreement between the affected parties, this article shall be contingent upon such statutory authorization, approval or agreement.~~

~~Sec. 46-174. Implementation dates.~~

~~(a) Within six weeks of the passage of Ordinance No. 05-O-46, an Advisory Panel shall be appointed and approved.~~

~~(b) The Jail Diversion Program shall take effect six months after the creation of the Advisory Panel.~~

~~(c) The Jail Diversion Program shall run for a period of 18 months.~~

~~(d) Within one year after the implementation of this Program, the Advisory Panel shall report to the County Board regarding the number of arrestees diverted, the cost benefits to the County, the effectiveness and future viability of an expanded County wide jail diversion program.~~

## DIVISION 2. PROGRAM ESTABLISHED

### **Sec. 46-201. - Purpose.**

The purposes of the County Jail Diversion Program are to:

- (1) Improve public safety and reduce overcrowding at the County jail by establishing partnerships and cooperative working relationships with between state, federal and local units of government and community based service providers for the housing, and treatment and case management of the mentally ill population mentally ill and/or substance abuse detainees or arrestees in the Cook County.
- (2) Provide- mentally ill and/or substance abuse offenders detainees or arrestees with improved access to the appropriate assessment and treatment services.



- (3) Reduce rates of recidivism among mentally ill and/or substance abuse detainees or arrestees offenders.
- ~~(4) Reduce the jail population in the County.~~
- (54) Assist in maintaining compliance with the Federal consent decree on jail overcrowding.
- (65) Afford equal access to all people, without regard to race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, to alternatives to incarceration.
- (76) Improve positive relationships between target population ~~citizens~~ and law enforcement officers.
- (87) Ease the financial burden on County taxpayers for the cost of treatment for the aforementioned population in the County correctional system.

**Sec. 46-202. - Scope.**

The County Board calls upon persons responsible for the administration of the criminal justice system ~~with the in Cook County, and the officials and community service providers responsible for mental health services in the State of Illinois to work together to develop improved and expanded diversion programs for person suffering from mentally ill and/or substance abuse detainees or arrestees, mental illness and substance abuse disorder in order to determine how such programs might be expanded to promote treatment as an alternative to incarceration on a broader scale within the County. Successful jail diversion programs must incorporate:~~

- (1) Assessments. Detainees who are considered for diversion must agree to undergo an individualized mental health and physical evaluation, ~~and~~ assessment and ~~to~~ accept referrals for appropriate services including housing and case management. The program must be designed to reduce the number of mentally ill and/or substance abuse detainees or ~~mentally ill and substance abuse~~ arrestees entering into the County jail and afford greater opportunities for crisis intervention and essential supportive services.
- (2) ~~Provider~~Participating service providers standards. In addition to meeting the qualifications established by State and Federal laws for the treatment of mental health and substance abuse disorder ~~To the extent possible, Mental Health and Substance Abuse Disorder Service Providers who participate in the jail diversion program shall be those who are already receiving funds from Federal, State, County, and/or local units of governments for Mental Health and Substance Abuse Disorder services. All County funding for such services, if any, shall be performance based and any renewal shall be contingent upon the quality and quantity of service rendered the previous year. Each participating diverted detainee or arrestee must have an individualized service plan which shall be developed by a licensed professional in the State in the field of mental health and substance abuse disorder. This plan must be in collaboration with the appropriate law enforcement officials and the criminal justice system when applicable. The treatment plan shall be consistent with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., standards adopted by recognized professional mental health and substance abuse service provider associations including the Illinois Psychological Association, and the Illinois Department of Human Services.~~
- (3) Regional Crisis Intervention Center resources for law enforcement. A 24-hour crisis intervention resource center, equipped with social workers shall be established and in each police district within the targeted areas ~~A regional 24-hour crisis intervention resource center, operated by a lead agency, shall be established to be utilized by local law enforcement when there is no available~~

~~service in the impacted area. to assist with resources for stabilizing and follow-up case management as needed. The crisis center shall assist local law enforcement, including any law enforcement crisis intervention teams, when called upon to stabilize a crisis situation involving a mentally ill and substance abuse offender. The crisis center and the crisis intervention team shall be subject to funding by the intergovernmental agreement established primarily reimbursed in accordance with provisions set forth in Division 3 of this article Sec. 46-232. There shall be established crisis intervention teams in each police district made up with social workers who qualify for direct third party reimbursement, police and community workers.~~

- (4) Third party health care reimbursement sources. In those cases where a diverted detainee/arrestee does not have a source of third party health coverage, the Cook County Health and Hospital System Bureau of Health Services shall make every concerted effort to assist the diverted detainee in making application for any third party health care reimbursement.

#### **Sec. 46-203. - Target population.**

The County's Jail Diversion Program shall focus on people with mental illness, including those with co-occurring substance abuse disorder throughout Cook County, the following categories of detainees with a primary focus on offenders high crime areas within the jurisdiction of agreed upon police districts within the City of Chicago and suburban areas, the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago:

- (1) Mentally ill detainees or arrestees ~~and~~ with substance abuse detained or arrested for Class A, B and C misdemeanors which are nonviolent.
- (2) Mentally ill detainees or arrestees ~~and~~ with substance abuse detained or arrested for nonviolent Class 4 felony offenses.
- (3) Who live in high crime areas, including veterans returning home with post-traumatic stress disorder.

#### **Sec. 46-204. - Eligibility.**

For pre-booking jail diversion there is no mandatory requirement that a diverted detainee first plead guilty to an offense prior to participating in a diversion program.

#### **Sec. 46-205. - Types of jail diversion programs.**

- (a) This Jail Diversion Program is designed to strengthen existing jail diversion efforts which are currently used by some local law enforcement officials such as station adjustments, peer juries, specialty courts, and other alternatives to incarceration.
- (b) This Jail Diversion Program will include four types of diversion, each of which shall be subject to the approval of the appropriate authorities and have agreed-upon conditions by all parties involved, the agreement shall be tailored to particular circumstances, for which diverted detainees/arrestees shall be held accountable. The four categories of diversion are as follows:

- (1) Pre-booking diversion. Pre-booking jail diversion does not mandate or require that a detainee or arrestee plea guilty to an offense prior to participation in a diversion program. Pre-booking diversion may be sought by local law enforcement for mentally ill and/or substance abuse detainees or

~~arrestees mentally ill detainees and substance abuse, booked for Class B and C misdemeanors~~, as often as possible. The arresting officer shall be the first line of contact and shall be encouraged to take the following basic steps prior to any official charges for minor and/or nuisance crimes:

- a. Attempt to resolve any crisis without harm to the suspect, general public, or law enforcement officials.
  - b. Refer directly to a hospital or treatment center when appropriate.
  - c. Contact parent or guardian if individual with mental illness ~~mentally ill~~ and/or substance abuse ~~detainee~~ is under the age of 17.
  - d. Evaluate the situation and determine if the suspect is potentially divertible.
  - e. Determine if detainee or arrestee can be sent to his or her residence under conditions agreed upon by law enforcement, ~~detainee~~ offender, parent(s) or guardian, and the victim of the crime.
  - f. Contact a community based mental health and substance abuse service provider when appropriate for proper assessment and referral for services.
  - g. If ~~no~~ community based mental health ~~and or~~ substance abuse service providers ~~is are~~ unavailable contact the ~~24-hour regional~~ crisis center for crisis intervention.
  - h. In cases where the detainee or arrestee has caused injury to a person or damage to one's property, the appropriate authorities shall be encouraged to explore all efforts for restitution as a condition of pre-booking diversion.
  - i. Complete a detailed incident report.
- (2) Post-booking diversion. This category of diversion may be sought by the State's Attorney for mentally ill and/or substance abuse detainees/arrestees who are detained for crimes that constitute Class A misdemeanors and Class 4 felonies ~~and which are nonviolent~~. The State's Attorney may seek a pre-arraignment investigation which may include, but need not be limited to, assessment by a mental health and substance abuse service provider to determine whether the suspect is eligible for diversion. If a diversion plan is agreed upon by all parties involved, it may include a requirement that the diverted detainee adhere to an individualized treatment and service plan developed by an appropriate clinician, provision for restitution with respect to injuries or property damage caused by the diverted detainee and y identify a case manager who shall monitor the diverted detainee's compliance with the diversion plan and report on such compliance as required in the diversion plan.
- (3) Pre-trial diversion to special courts. This level shall continue to emphasize proper assessment and speedy trials for those detainees who have been diagnosed by the appropriate clinicians as ~~being-mentally ill~~ having a mental illness or ~~with~~ substance abuse disorders. If a detainee has been diagnosed as ~~being mentally ill~~ having a mental illness or diagnosed with substance abuse disorders and is held over for trial the detainee shall have immediate access to the appropriate treatment services. The case should be referred to the appropriate specialty courts for a speedy trial. This category of diversion is subject to the approval of the court.
- (4) Post-adjudication diversion.
- a. This category of diversion is for persons adjudicated guilty of an offense by the courts. In cases where a person has also been found, by a licensed clinician, as ~~being mentally ill~~ having a

mental illness and suffering with substance abuse and it has been agreed upon ~~on~~ by the courts that a diversion plan may be developed, that person shall be eligible for immediate treatment.

b. This category of diversion consists of dispositions in the Juvenile Court and the misdemeanor courts within the jurisdiction of the ~~District 4, Maywood Courthouse of the Circuit Court of Cook County and the Mental Health Court.~~ In appropriate cases as ordered by the court, a diversion plan may be developed as a condition of a defendant's probation or supervision. The court may consider assignment of a case manager to monitor the defendant's compliance with the diversion plan and may require notification of the arresting law enforcement agency or other parties prior to the defendant's release from custody or discharge from hospitalization for mental health or substance abuse treatment.

(c) Resumption of prosecution. Failure to comply with the diversion plan shall subject the diverted detainees/arrestees to further prosecution.

**Sec. 46-206. - ~~Crisis i~~Intervention ~~t~~Training.**

All persons involved with working with the target population must undergo training. The An intergovernmental agreement shall include provisions for shared resources for ~~explore funding and promotion of~~ training opportunities for law enforcement and service providers with respect to crisis intervention involving persons with mental illness and/or substance abuse, which Training shall include recognition of mental illness and substance abusers, knowledge of available local resources, and the use of less than lethal force the proper use of force, communication, and utilization of the state's database.

**Sec. 46-207. - Confidentiality.**

The rules of confidentiality, as set forth under the Illinois Mental Health and Developmental Disabilities Code and Alcoholism and Other Drug Abuse and Dependency Act and other applicable State, Federal and local laws, shall be adhered to.

**DIVISION 3. PROGRAM PREREQUISITES**

**Sec. 46-231. Intergovernmental agreement; memorandum of understanding.**

In order to implement the Jail Diversion Program, the County Board requests that one or more Memoranda of Understanding (MOU) or Intergovernmental Agreements be developed between the appropriate authorities including, but not limited to, the County of Cook, the State of Illinois Department of Human Services , the Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County and participating units of local government on behalf of their respective police departments. The agreements shall address the following:

- (1) The roles of the State of Illinois, the County of Cook, and community mental health (708) boards in funding and providing services for the target population detainees in the County.
- (2) The feasibility of improved service coverage for diverted detainees through shared resources.
- (3) The establishment and funding of a 24-hour Crisis Intervention Center to assist police departments with crises involving mentally ill offenders.
- (4) Standardized policies and procedures to ensure equal opportunity for all mentally ill and substance abuse disorder population to participate in a diversion program notwithstanding their place

of residence.

- (5) Establishment of agreements with universities to utilize graduate students and social workers who have fulfilled their requirements for public and private reimbursement to minimize cost to the county.

**Sec. 46-232. Funding.**

Mental health and substance abuse service providers participating in the County Jail Diversion Program shall seek reimbursement for their services from third party reimbursement sources (i.e., Kidcare, Medicare/Medicaid, and/or private insurance entities) and, where applicable, may be compensated through federal, state and local grants. Subject to the appropriation and availability of funds and to the enactment of an ordinance establishing programmatic requirements, the County shall create a revolving loan fund program to assist community based providers with cash flow problems resulting from delays in reimbursement for diverted detainees from third party reimbursement sources. Service providers shall not be eligible to apply for a revolving loan fund unless reimbursement from the third party reimbursement source is at least 45 days late.

DIVISION 4. ADVISORY PANEL

**Sec. 46-256. Purpose.**

(a) The purpose of the Advisory Panel is to establish a strong advocacy and resource group to enhance the County's effort to improve the quality of mental health services for the mentally ill and substance abuse population in the County and to reduce this population in our the County jail.

(b) The 13-member panel shall be composed of persons with expertise in law enforcement, criminal justice, assessment and treatment of the mentally ill and substance abuse population.

**Sec. 46-257. Structure.**

(a) A 13-member Advisory Panel is established to report to the County Board regarding the implementation and evaluation of the County Jail Diversion Program.

(b) The Advisory Panel shall consist of 13 members as follows: one appointed by the Chief Judge, one appointed by the Cook County Sheriff, two appointed by the State's Attorney, one appointed by the Public Defender, two appointed by the City of Chicago, one appointed by the Village of Maywood, and five appointed by the President of the County Board from among the following: one selected from the Bureau of Health Services, one selected from University of Illinois Jane Addams School of Social Work, one selected from Illinois Community Mental Health Providers Association, and two selected from Consumer Organizations with one representing mental health.

(c) This Advisory Panel's composition will reflect the demographics of the County as a whole. The panel shall select officers from among its membership.

**Sec. 46-258. Responsibilities.**

The Advisory Panel shall:

- (1) Recommend administrative policies and procedures for implementation of the County Jail Diversion Program.

- (2) Identify current federal and state funding resources for services to the mentally ill and substance abuse detainee population.
- (3) Develop a feasibility study to determine the availability of essential mental health and substance abuse disorder services at the community level to ensure a successful mental health and substance abuse diversion program for both youth and adults.
- (4) Recommend a structure for maximizing the use of existing resources and making them readily available to law enforcement for appropriate referrals.
- (5) Assist in establishing a collaborative relationship between the State, the County, local municipalities and local community based mental health and substance abuse disorder service providers with emphasis on mutual goals, shared responsibilities and benefits.
- (6) Review existing training curriculum for law enforcement officials and make recommendations for change to enhance their ability, where needed, to identify mentally ill and substance abuse detainees.
- (7) Establish criteria for measuring the outcome of the program.
- (8) Devise a plan for minimizing cost through service integration and funding coordination.
- (9) Lobby Federal and State governments to improve funding resources for Jail Diversion Program services.
- (10) Request that the County apply for grants for support staff to the Advisory Panel.
- (11) Recommend procedures to ensure nondiscriminatory opportunities for Detainees to participate in a diversion program.

#### DIVISION 5. DATABASE

##### **Sec. 46-281. Establishment of.**

Law enforcement, the State's Attorney's Office and the Probation Department are requested to maintain a data base of information regarding persons who have been diverted by their respective agencies in order to assist in identifying "repeat" offenders who may have been previously diagnosed with a mental illness and/or mental illness with co-occurring substance abuse disorder.

#### DIVISION 6. POLICE EVALUATIONS

##### **Sec. 46-306. Police evaluations.**

Law enforcement is encouraged to include the following criteria for evaluation of police response to crises involving mentally ill and substance abuse offenders. Evaluations of police responses should be consistently conducted on a case-by-case basis to determine the quality of the processes that law enforcement use to respond to mentally ill and substance abuse detainees. Evaluation Criteria should include, but not be limited to, the following:

- (1) Was there any significant violence or harm done to the subject, the general public or law enforcement officials during the process of apprehension?

- (2) Was the crisis resolved on the scene? At the police station? Or elsewhere?
- (3) Were family members alerted and included in the problem resolution process?
- (4) Was the detainee transported or referred to the appropriate service provider when warranted?
- (5) Was the detainee formally incarcerated? If so, for what length of time?
- (6) Did law enforcement take advantage of community-based resources and were the resources readily available as well as suitable for the situation?
- (7) Was this a "repeat encounter" with the detainee within a year, six months, 90 days, or 45 days?

**Sec. 46-307. Performance measurement standards.**

In providing funding for provider services relating to mentally ill and substance abuse detainees, the County may consider:

- (1) Performance measurements for mental health service providers as recommended by the County Bureau of Health Services consistent with the Illinois Mental Health and Developmental Disabilities Code and standards of professional organizations including, but not limited to, the Illinois Psychological Association and the National Association of Clinical Social Workers.
- (2) Performance measurements for substance abuse service providers as recommended by the County Bureau of Health Services consistent with standards as set forth by the Illinois Department of Human Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.
- (3) Performance measurement criteria shall include, but shall not be limited to, the following:
  - a. Case management.
  - b. Total number of detainees seen per quarter.
  - c. Number of appointments made by detainee and percentage of those kept.
  - d. Documentation that confirms detainees living arrangements.
  - e. The amount of periodic follow-up conducted with family-based detainees to determine if basic needs were being met.
  - f. Current and accurate detainee records that are available for review by any appropriate governmental agency, in compliance with HIPPA laws.
  - g. Rate of recidivism.
  - h. Progress report of the detainee's efforts in accordance with the individualized treatment plan.

**DIVISION 7. APPLICABILITY**

**Sec. 46-311 . Applicability of article.**

(a) As provided in Article VII, Section 6(c), of the State of Illinois Constitution of 1970, if this article conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within the municipality. This article shall be enforceable within the municipal jurisdiction to the extent permitted under the statutes and constitution of the State of Illinois and of the United States of America.

(b) Nothing in this article shall be construed to compel law enforcement officers, the State's Attorney's Office, the Public Defender's Office, the Circuit Court of the County or any office or agency working with those offices in the administration of the criminal justice system to take any action which is inconsistent with the judgment and decisions of those offices or to act in a manner which is contrary to existing law. To the extent that any provision of this article requires express statutory authorization, the approval of any official or requires an agreement between the affected parties, this article shall be contingent upon such statutory authorization, approval or agreement.

**Sec. 46-312 . Implementation dates.**

(a) Within six weeks of the passage of this Ordinance, an Advisory Panel shall be appointed and approved.

(b) The Jail Diversion Program shall take effect six months after the creation of the Advisory Panel.

(c) Within one year after the implementation of this Program, the Advisory Panel shall report to the County Board regarding the number of arrestees diverted, the cost benefits to the County, the effectiveness and future viability of an expanded County wide jail diversion program.

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

**Legislative History:** 10/23/13 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**The following items will be received and filed:**

**14-3200**

**Sponsored by:** JOHN A. FRITCHEY, BRIDGET GAINER and JOAN PATRICIA MURPHY, County Commissioner

**PROPOSED RESOLUTION**

**URGING THE ILLINOIS GENERAL ASSEMBLY TO FORM A TASK FORCE TO RESEARCH, DEVELOP AND INTRODUCE LEGISLATION FOR LEGALIZING AND REGULATING CANNABIS USE FOR ADULTS IN ILLINOIS**

**WHEREAS**, in 2000, the Office of National Drug Control Policy (ONDCP) attempted to restate the goals of the “War on Drugs”: “to educate and enable America’s youth to reject illegal drugs as well as alcohol and tobacco; to increase the safety of America’s citizens by substantially reducing drug-related crime and violence; to reduce health and social costs to the public of illegal drugs use; to shield America’s air, land, and sea frontiers from the drug threat; and to break foreign and domestic drug sources of supply”; and

**WHEREAS**, in reality, most scholars agree that despite spending more than \$1 trillion dollars over the last 40 years on the “War on Drugs”, we have succeeded in none of these goals; and

**WHEREAS**, despite the efforts of the War on Drugs, the health and social costs of drugs increase every year,



and drug users are at heightened risk of death, illness and overdose, as the drugs available on the black market are generally less safe. Drugs are no less available than before, our borders are not secure, and treatment is not available to the vast majority of people who need it; and

**WHEREAS**, in 2010, the Obama Administration’s inaugural National Drug Control Strategy charted a new course in our efforts to reduce illicit drug use and its consequences in the United States by calling for drug policy reform rooted in scientific research on addiction, evidence-based prevention programs, increased access to treatment, a historic emphasis on recovery, and criminal justice reform; and

**WHEREAS**, the 2013 ONDCP strategy consists of the following goals: “prevent drug use before it ever begins through education; expand access to treatment for Americans struggling with addiction; reform our criminal justice system to break the cycle of drug use, crime, and incarceration while protecting public safety; support Americans in recovery by lifting the stigma associated with those suffering or in recovery from substance abuse disorders”; and

**WHEREAS**, between 2001 and 2010, there were over 8 million marijuana arrests in the United States, 88% of which were for possession. Marijuana arrests have increased between 2001 and 2010 and now account for over half (52%) of all drug arrests in the United States, and marijuana possession arrests account for nearly half (46%) of all drug arrests; and

**WHEREAS**, most arrests for marijuana possession do not lead to trials or prison terms. Instead, a large number of these arrests are plea-bargained, continued without a finding, dismissed, or otherwise handled in a manner that makes poor use of limited criminal justice system resources; and

**WHEREAS**, the criminalization of marijuana use disproportionately harms young people and people of color, sponsors massive levels of violence and corruption, and fails to curb youth access; and

**WHEREAS**, on average, an African-American is 3.73 times more likely to be arrested for marijuana possession than a Caucasian, even though African Americans and Caucasians use marijuana at similar rates. In the states with the worst disparities, African-Americans were on average over six times more likely to be arrested for marijuana possession than Caucasians. In the worst offending counties across the country, African Americans were 10, 15, even 30 times more likely to be arrested than Caucasians in the same county. Such racial disparities in marijuana possession arrests exist in all regions of the country, in counties large and small, urban and rural, wealthy and poor, and with large and small African American populations; and

**WHEREAS**, there have been 1 million arrests for misdemeanor marijuana possession in the State of Illinois from 1975 to 2009 and Illinois ranked sixth in the nation in per-capita marijuana arrest rates in 2007, representing 58 percent of all drug arrests in the state; and

**WHEREAS**, mirroring national trends, throughout Illinois, non-whites are arrested at a higher rate than whites relative to their representation in the general population. Arrest data from 2007 indicated that disproportionality in drug arrests occurred in 62 of the 102 counties in Illinois, including urban, suburban, and rural areas and that most of the disproportionality in Illinois drug laws was related to drug possession charges, which accounted for nearly 75 percent of felony drug arrests across the state; and

**WHEREAS**, despite the fact that the City of Chicago decriminalized small amounts of marijuana possession 2 years ago and the number of arrests for marijuana possession have dropped to their lowest level in 12 years, police continue to make an average of 44 arrests a day for misdemeanor possession -more than for any other offense - and 78 percent of those arrested since August 2012 for carrying small amounts of pot were African American, 17 percent were Hispanic, and just 4 percent were Caucasian; and

**WHEREAS**, marijuana-related arrests in every Cook County municipality, including Chicago, result in

staggering costs to County government by virtue of the necessary involvement of the county jail, Sheriff's department, State's Attorney, Clerk of the Court, judiciary, and often times, the Public Defender, annually costing Cook County taxpayers tens of millions of dollars; and

**WHEREAS**, for the last several years, while Chicago police have made approximately 23,000 arrests a year for marijuana possession, an astounding 97 percent of charges involving 2.5 grams or less were dismissed between 2006 and 2010, creating nothing more than an unnecessary arrest record for some 20,000 individuals; and

**WHEREAS**, arresting people for cannabis possession does nothing to reduce its use, rather it can often create barriers to living a normal life by negatively impacting public housing and student financial aid eligibility, employment opportunities, child custody determinations, and immigration status, even if as is almost always the case, the charges are dismissed; and

**WHEREAS**, Law Enforcement Against Prohibition (LEAP), a nonprofit organization made up of current and former members of the law enforcement and criminal justice communities, is speaking out about the failures of our existing drug policies and how they continue to fail to effectively address the problems of drug abuse, especially among juveniles, the problems of addiction, and the problems of crime caused by the existence of a criminal black market in drugs; and

**WHEREAS**, LEAP'S stated vision is to have a system of legalization and regulation which will end the violence, better protect human rights, safeguard our children, reduce crime and disease, treat drug abusers as patients, reduce addiction, use tax dollars more efficiently, and restore the public's respect and trust in law enforcement; and

**WHEREAS**, noted neurosurgeon Dr. Sanjay Gupta has stated that marijuana was classified as a Schedule 1 substance, despite evidence that it was not as addictive as alcohol or tobacco; and

**WHEREAS**, existing evidence from other states and countries show there is no indication that decriminalization of marijuana leads to a measurable increase in its use; and on the effects of marijuana decriminalization on marijuana use provides no indication that decriminalization leads to a measurable increase in marijuana use; and

**WHEREAS**, a 2005 report by Harvard University Professor of Economics, Dr. Jeffrey Miron, entitled "The Budgetary Implications of Marijuana Prohibition" has been endorsed by more than 530 distinguished economists, who signed an open letter to then President George W. Bush, The United States Congress, and Governors and State Legislatures across the country calling for "an open and honest debate about marijuana prohibition," and stated, "We believe such a debate will favor a regime in which marijuana is legal but taxed and regulated like other goods." Chief among the endorsing economists were three Nobel Laureates in economics: Dr. Milton Friedman of the Hoover Institute, Dr. George Akerlof of the University of California at Berkeley, and Dr. Vernon Smith of George Mason University; and

**WHEREAS**, approximately \$8.7 billion in savings would result from legalization of marijuana at the national level; and

**WHEREAS**, the citizens of Colorado and Washington, both States having previously legalized the use of medical marijuana, voted in favor of ballot referendums in 2012 to legalize and regulate the use of recreational marijuana for adults over the age of 21, which were subsequently enacted in 2013; and

**WHEREAS**, Colorado State's Joint Budget Committee expects to collect approximately \$184 million in tax revenue from recreational marijuana in the first 18 months of legalized sale, and projects tax revenue of about \$610 million when looking at both recreational and medical marijuana sales for that same time period. Washington state budget officials estimate the state will reap about \$134 million in tax revenue generated by marijuana sales in the 2015-2017 biennium; and

**WHEREAS**, Illinois is facing severe budget and financial constraints and lawmakers face the undesirable choice of deciding between increased taxes or substantial service cuts, creating an intelligent, practical framework of cannabis legalization, regulation and taxation can help address a myriad of problems such as improved health and public safety, reduced criminal justice and jail costs, law enforcement efficacy, black market drug displacement as well as increased revenue for education and treatment protocols.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby urge the Illinois General Assembly to form a task force to research, develop and introduce legislation to legalize and regulate cannabis use in Illinois for adults; and

**BE IT FURTHER RESOLVED**, that a suitable copy of the Resolution be tendered to the Speaker of the Illinois House of Representatives and the President of the Illinois Senate.

**Effective Date: This resolution shall be effective upon adoption.**

**Legislative History:** 5/21/14 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-3298**

**Sponsored by:** ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN and JOAN PATRICIA MURPHY, County Commissioner

## **PROPOSED ORDINANCE AMENDMENT**

### **COOK COUNTY COMPANION ANIMAL AND CONSUMER PROTECTION**

**BE NOW THEREFORE BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 10, Animals, Article I, In General, Sections 10-1 through 10-3 of the Cook County Code of Ordinances is hereby amended as follows,

#### **Sec. 10-1. Purpose.**

The purpose of this chapter is to provide harmonious relationships in the interaction between man and animal by:

- (1) Protecting the citizens of the County from rabies by specifying such preventive and control measures as may be necessary;
- (2) Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies;
- (3) Providing security to residents from annoyance, intimidation, and injury from cats, dogs and other animals;
- (4) Encouraging responsible pet ownership;
- (5) Promoting community and consumer awareness of animal control and welfare; and
- (6) Providing for the assessment of penalties for violators and for the enforcement and administration of this chapter;

#### **Sec. 10-2. Definitions.**

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

*Administrator* means the licensed veterinarian appointed by the County Board, pursuant to the Illinois Animal Control Act (510 ILCS 5/1 et seq.) or authorized representative.

*Animal* means any live vertebrate creature except man.

*Animal* capable of transmitting rabies means all animals classified as mammals.

*Animal control facility* means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals as provided in the Illinois Humane Care for Animals Act [510 ILCS 70/2.01f].

*Animal control warden* means an employee of the County appointed by the Administrator to powers in the enforcement of this chapter.

*Animal shelter* means a facility operated, owned, or maintained by a duly incorporated humane society, animal society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. Animal shelter also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operation for the above mentioned purpose in addition to its customary purposes as provided in the Illinois Humane Care for Animals Act [510 ILCS 70/2.01h].

*Bird* means any flying vertebrate that is covered with feathers.

*Bite* means seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.

*Cat* means all members of the classification, *Felis catus*.

*Confined* means the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.

*Control* means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of another person with the consent of that person.

*Dangerous or vicious animal* means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting themselves in any place where they may lawfully be.

*Dog* means all members of the classification, *Canis familiaris*.

*Domestic animal* means any animal which has been domesticated by man so as to live and breed in a tame condition.

*Guard dog* means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.

*Inoculation against rabies* means the injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.

*Offer(s) for sale* means to display, sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.

*Owner* means any person having the right of property in an animal, who keeps or harbors an animal, who has it in their care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by them unless possession is prohibited by Federal or State laws. Native wildlife remaining on or about any premises shall not be included in this definition.

*Pet shop operator* means as provided in 225 ILCS 605/2 of the Animal Welfare Act

*Pound* means any facility licensed by the Illinois Department of Agriculture and approved by the Administration for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

*Pound or animal control facility* may be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals as provided in the Illinois Animal Contract Act [510 ILCS 5/2.18 from Ch.8, par.352.18].

*Rabbit* means all members of the classification, *Oryctolagus cuniculus*.

*Rescue organization* means any not-for-profit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

*Service animal* means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

*Stray animal* means any owned animal that is not controlled.

*Tethering* means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, shed, [or] clothes line by any means, including without limitation a chain, rope, cord, leash or running line.

*Tow chain* or log chain means any chain that is more than one-quarter of an inch in width.

### **Sec. 10-3. Violations.**

- (a) Any person violating any provision of this chapter or counterfeiting or forging any certificate, permit or tag, or resisting, obstructing or impeding any authorized officer in enforcing this chapter is guilty of a misdemeanor punishable by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding six months or both such fine and imprisonment. Each person shall be guilty of a separate offense for every day in which any violation of any of the provisions of this chapter is committed or permitted to continue and shall be punished as provided in this chapter. Any person violating or failing to comply with Sec. 10-13 of this chapter shall be subject to a fine of \$500.00 for each violation. Each sale or act in violation of Section 10-13 shall constitute a separate and distinct violation. Violations of Sec. 10-13 shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.
- (b) The Administrator or State's Attorney or any citizen of the County may maintain a complaint in the Circuit Court of Cook County to enjoin all persons in the control of a dangerous animal from allowing or permitting such animal to leave their premises when not under the control of a leash and muzzle or other recognized

methods of physical restraint.

- (c) If any owned animal injures another animal which is under control, the owner of the attacking animal is liable for the full amount of the injuries sustained.
- (d) If any owned animal, without provocation, attacks or injures any person who is peacefully conducting himself in any place where he may lawfully be, the owner of such animal is liable for damages to such person for the amount of the injury sustained.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 10, Animals, Article I, In General, Section 10-13 of the Cook County Code is hereby enacted as follows:

**Sec. 10-13. ~~Prohibiting~~ Restricting the sale of Commercially Bred Dogs, Cats and Rabbits in Pet Shops.**

- (a) A pet shop operator may offer for sale only those dogs, cats or rabbits obtained from:
  - (1) an animal control ~~center~~ facility, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or
  - (2) a humane society or rescue organization.
  - (3) ~~animal obtained from~~ USDA licensed dog breeders ~~No pet shop operator may offer for sale any dog, cat or rabbit obtained from a breeder unless the~~ that meet the following requirements are met:
    - (i) the breeder holds a valid USDA class “A” license as defined by the Animal Welfare Act, as found in the Code of Federal Regulations, listing all site addresses where regulated animals are located; and any other applicable state agency licensing; and
    - (ii) ~~the breeder owns or possesses no more than five (5) female dogs, cats or rabbits capable of reproduction in any twelve (12) month period; on its most recent USDA inspection report, the breeder shall not have any direct violations of pet dealer-related regulations within the prior (24) month period prior to such purchase; and~~
    - (iii) the breeder shall not have received “no access” violations on the two most recent inspection reports issued by the USDA, and
    - (iv) the breeder shall not have been found to have committed three or more indirect violations of pet dealer-related regulations of the USDA during the two-year period prior to such purchase, provided that the violations are administrative in nature and not violations pertaining to the health or welfare of an animal, and
    - (~~iii~~ v) ~~no more than five (5) female dogs, cats or rabbits capable of reproduction are housed at the site address where the retail animal was born or housed, including animals owned by persons other than the breeder~~ breeders must reside in a state that regulates commercial dog breeders and no breeder shall utilize a double-stack construction method for housing of dogs; and
    - (~~iv~~ vi) in addition to any disclosures required by subsection (c) or otherwise required by law, the following information shall be maintained and provided for each animal:
      - (a) the active USDA license number(s) of the animal’s breeder;
      - (b) any previous USDA license number(s) held by the animal’s breeder in the last five (5) years;
      - (c) the name, mailing and site address location(s) of the breeder as they appear on the breeder’s active USDA license;

- (e) all names the breeder is doing business as;
- (f) the total number of female dogs, cats or rabbits capable of reproduction owned or possessed by breeder, if available;
- (g) the sire and dam of the animal, if available;
- (h) the name and address of the location where the animal was born; and
- (i) the name(s) and address of any other location(s) where the animal was housed by the breeder after birth.

(4) Animals obtained from hobby breeders as defined by the Animal Welfare Act unplanned litters obtained locally.

- (i) dogs, cats, rabbits offered for sale shall be a minimum of 56 days old.

(b) Exemptions. The restrictions on pet shop operators set forth in subsection (a) of this section shall not apply to any entity listed in paragraphs (1) or (2) of subsection (a) of this section, or to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.

(c) Disclosures required. Any pet shop operator that offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:

- (1) for each dog or cat: a written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, codified at 225 ILCS 605; and,
- (2) for each rabbit: (i) the breed, approximate age, sex and color of the animal; (ii) the date and description of any inoculation or medical treatment that the animal received while under the possession of the pet shop operator; (iii) the name and address of the location where the animal was born, rescued, relinquished or impounded; and (iv) if the animal was returned by a customer, the date of and reason for the return.

(d) The disclosures required under this subsection (c) shall be provided by the pet shop operator to the customer in written form and shall be signed by both the pet shop operator and customer at the time of sale. The pet shop operator shall retain the original copy of such disclosure and acknowledgement for a period of 2 years from the date of sale. Upon request by an authorized Administrator or Animal control warden, the original copy of such disclosure and acknowledgement shall be made immediately available for inspection by such authorized official. The pet shop operator shall post, in writing, in a conspicuous place on or near the cage of any dog, cat or rabbit offered for sale all of the information about a dog, cat or rabbit required under this subsection and other applicable law.

(e) Applicability of this section. This section shall apply to all areas within Cook County, Illinois, except those areas which are governed by an ordinance of another governmental entity (which by law may not be superseded by this section).

(f) Enforcement, Department and Sheriff. The department of Animal Control is authorized to enforce this section, and the Sheriff is authorized to assist the department in said enforcement.

**Effective date:** This ordinance shall be in effect on October 1, 2014

**Legislative History:** 5/21/14 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-3748**

**Sponsored by:** LARRY SUFFREDIN, County Commissioner and JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY, JESÚS G. GARCÍA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, STANLEY MOORE, JOAN PATRICIA MURPHY, TIMOTHY O. SCHNEIDER, PETER

N. SILVESTRI, DEBORAH SIMS, ROBERT STEELE and JEFFREY R. TOBOLSKI, County Commissioner

**PROPOSED RESOLUTION**

**REQUESTING A HEARING OF THE LEGISLATION AND INTERGOVERNMENTAL RELATIONS COMMITTEE TO DISCUSS PENDING LEGISLATION BEFORE THE ILLINOIS GENERAL ASSEMBLY AND THE UNITED STATES CONGRESS**

**WHEREAS**, the Illinois General Assembly and the United States Congress are currently considering numerous bills that effect the services and operation of Cook County; and

**WHEREAS**, the County’s intergovernmental relations staff and hired lobbyists are actively monitoring the legislation that effects Cook County’s services and operations; and

**WHEREAS**, the Cook County Board of Commissioners wishes to be updated on the status of certain bills pending before the Illinois General Assembly and the United States Congress so that it may take positions and communicate such positions to the legislation bodies on the relevant proposed legislation;

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby request that a meeting of the Legislation and Intergovernmental Relations Committee be convened to discuss the status of pending legislation in the Illinois General Assembly and the United States Congress; and

**BE IT FURTHER RESOLVED**, that the intergovernmental relations staff and all hired lobbyists of the President of the Cook County Board of Commissioners appear before the Committee and be prepared to update the Committee on legislation pending before the General Assembly and the United States Congress that affects Cook County’s services and operations.

**Legislative History:** 6/18/14 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4621**

**Sponsored by:** LARRY SUFFREDIN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**COB #310246**

**AMENDMENT TO THE ADMINISTRATIVE HEARINGS ORDINANCE**

Submitting a Proposed Ordinance Amendment sponsored by Larry Suffredin, County Commissioner.

The following is a synopsis of the Proposed Ordinance Amendment:

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Section 2-911 of the Cook County Code is hereby amended as follows:

**Sec. 2-911. Administrative hearings.**

(a) Any administrative adjudication proceeding conducted by the department of administrative hearings shall afford the parties an opportunity for a hearing before an administrative law officer.



(b) An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided by the department of administrative hearings for such purpose.

(c) In no event shall the case for the County be presented by an employee of the department of administrative hearings; provided, however, that documentary evidence, including the notice of violation, which has been prepared by another department, agency, board or commission of the County, may be presented at the hearing by the administrative law officer.

(d) The administrative law officer may grant continuances only upon a finding of good cause.

(e) All testimony shall be given under oath or affirmation.

(f) The administrative law officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-913 (relating to subpoenas).

(g) Subject to subsection (j) of this section, the administrative law officer may permit witnesses to submit their testimony by affidavit or by telephone.

(h) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(i) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, issued and signed in accordance with Section 2-910 (relating to notice) shall be prima facie evidence of the correctness of the facts specified therein.

(j) Upon the timely request of any party to the proceeding, any person, who the administrative law officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

(k) The record of all hearings before an administrative law officer shall include: (i) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (ii) all documents presented at the hearing; (iii) a copy of the notice of violation or notice of hearing; and (iv) a copy of the findings and decision of the administrative law officer.

(l) Upon conclusion of a hearing, the administrative law officer shall issue a final determination of liability, ~~or no liability~~, or supervision. Upon issuing a final determination of liability the administrative law officer may: (i) impose penalties and/or fines that are consistent with applicable provisions of the County Code or a department's official fine schedule; (ii) issue orders that are consistent with applicable provisions of the County Code; and/or (iii) assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that in no event shall the administrative law officer have the authority to impose a penalty of imprisonment or, except in cases to enforce the collection of any tax imposed and collected by the County, this limitation shall not apply, impose a fine in excess of that authorized by the Code, exclusive of costs of enforcement.

(m) In the issuance of a final determination of liability, an administrative law officer shall inform the respondent of his or her right to seek judicial review of the final determination.

(n) Where the respondent stipulates to facts supporting the charge in the citation and agrees to pay the fines, penalties, and costs provided by law, the hearing officer may defer both (i) further proceedings and (ii) entry of a finding of liability, and enter an order for supervision of the respondent where the hearing officer, after

considering the circumstances of the offense, and the history, character and condition of the offender, is of the opinion that:

- (1) The offender is not likely to commit further ordinance violations,
- (2) The defendant and the public would be best served if the defendant were not have a record of liability, and
- (3) In the best interests of justice an order of supervision is more appropriate than a finding of liability, permitted under this Code.

(o) As a condition of supervision the hearing officer shall enter an order setting a period of time, not to exceed six months, for the respondent to pay the fines, penalties, and costs provided by law. Upon payment of the fines, penalties, and costs, the citation shall be dismissed with a finding of no liability. If the respondent fails to make the payment, within the period set out in the order, a finding of liability shall be entered against the respondent based on the respondent's stipulation. Upon the finding of liability, fines, penalties, and costs provided by law shall be assessed against the respondent.

**Effective date:** This Amended Ordinance shall be in effect immediately upon adoption.

**Legislative History:** 12/14/10 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4624**

**Sponsored by:** JOAN PATRICIA MURPHY and PETER N. SILVESTRI, County Commissioner

**PROPOSED RESOLUTION**

**COB #312501**

**RESOLUTION CONCERNING OPPOSING REDUCTION OF STATE COLLECTED REVENUES DUE MUNICIPALITIES**

Submitting a Proposed Resolution sponsored by Joan Patricia Murphy and Peter N. Silvestri, County Commissioners.

**WHEREAS,** all Illinois municipalities provide direct frontline services to their citizens; and

**WHEREAS,** these services have an immediate and fundamental reality to those citizens who depend on local police and fire protection, water and sewer service, snow removal, roads and traffic safety; and

**WHEREAS,** local citizens pay income taxes to the State for both the State budget and local municipal budgets and the revenue is collected by the State; and

**WHEREAS,** since the inception of the State income tax in 1969, municipalities have received, relied upon and provided services with those revenues to their local taxpaying citizens; and

**WHEREAS,** the fiscal reality is that municipalities have already experienced less income tax revenues from the State; and

**WHEREAS,** the recent income tax increase provided new revenues all of which went to the State budget - none of the increase was received by cities - costing over \$2.7 billion in future lost revenues; and

**WHEREAS**, the State, through its Legislature and Governor, is contemplating further reductions to municipal revenues; and

**WHEREAS**, one proposal under discussion would take an additional \$300,000,000.00 of State-collected income tax from cities and counties, which would reduce their revenues by \$23.40 per capita on top of the \$19.02 that has already been lost during the recession, totaling an estimated \$42.42 in lost revenue per resident in FY 2012.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners strongly opposes further reduction in state collected revenues and demands that the General Assembly and Governor take no further action to financially ruin municipalities; and

**BE IT FURTHER RESOLVED**, that the Secretary to the Cook County Board of Commissioners delivers a suitable copy of this Resolution to Governor Quinn and all members of the Illinois General Assembly.

**Legislative History:** 5/4/11 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4628**

**Sponsored by:** EDWIN REYES, JESÚS G. GARCÍA, JEFFREY R. TOBOLSKI and JOAN PATRICIA MURPHY, County Commissioner

#### **PROPOSED ORDINANCE AMENDMENT**

**COB #313632**

#### **AMENDMENT TO COOK COUNTY HEALTH AND HOSPITAL SYSTEM EXECUTIVE HIRING PROCESS**

Submitting a Proposed Amendment sponsored by Edwin Reyes, Jesus G. Garcia and Jeffrey R. Tobolski, County Commissioners, Co-sponsored by Joan Patricia Murphy, County Commissioner.

**WHEREAS**, there are many talented and highly qualified minorities capable of excelling in every type of executive position in the United States; and

**WHEREAS**, there is a long history of minorities being underrepresented in executive positions in the workforce of the United States; and

**WHEREAS**, before the NFL established the 'Rooney Rule', which requires at least one minority to be interviewed for any head coach position, only 6% of NFL head coaches were minority, after the rule was implemented that number jumped to 22%; and

**WHEREAS**, Coca-Cola adopted a similar approach to hiring when it faced a \$192 million racial discrimination settlement; and

**WHEREAS**, since 2000, the number of minority senior managers at Coca-Cola jumped from 8.4 percent to 21 percent; and

**WHEREAS**, this ordinance will expose quality minority candidates to high-level jobs that otherwise they might not get a chance to interview for; and

**WHEREAS**, this ordinance will also, expose the Health and Hospitals System Board to highly qualified minority candidates, that they might not otherwise be exposed to; and

**WHEREAS**, it is the public policy of the County to ensure the full and equitable participation of minorities in the recruitment process for executive positions in the County's Health and Hospitals System, by making certain that at least one minority is interviewed for these positions.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38 Health and Human Services, Sec. 38-72, Sec. 38-81 and Sec. 38-84 of the Cook County Code are hereby amended as follows:

**Sec. 38-72. Definitions.**

For purposes of this article, the following words or terms shall have the meaning or construction ascribed to them in this section:

*Chairperson* means the chairperson of the System Board.

*Cook County Code* means the Code of Ordinances of Cook County, Illinois.

*Cook County Health and Hospitals System also referred to as "CCHHS"*, means the public health system comprised of the facilities at, and the services provided by or through, the Ambulatory and Community Health Network, Cermak Health Services of Cook County, Cook County Department of Public Health, Oak Forest Hospital of Cook County, Provident Hospital of Cook County, Ruth M. Rothstein CORE Center, and John H. Stroger, Jr. Hospital of Cook County, (collectively, the "CCHHS Facilities").

*County* means the County of Cook, a body politic and corporate of Illinois.

*County Board* means the Board of Commissioners of Cook County, Illinois.

*Director* means a member of the System Board.

*Fiscal Year* means the fiscal year of the County.

*Minority* means an individual who is one of the following:

(1) African-American or Black (persons with origins in any of the Black racial groups of Africa);

(2) Hispanic American (persons of Spanish culture with origins from Puerto Rico, Mexico, Cuba, South or Central America, Spain, Portugal, or the Caribbean Islands regardless of race);

(3) Native American (American Indian); or

(4) Asian-Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, Taiwan, or the Indian subcontinent).

*Ordinance* means the Ordinance Establishing the Cook County Health and Hospitals System, as amended.

*President* means the President of the Cook County Board of Commissioners.

*System Board* means the 11-member board of directors charged with governing the CCHHS.

*Woman* means female gender.

**Sec. 38-81. Chief executive officer.**

(a) The System Board shall appoint a Chief Executive Officer of the CCHHS ("CEO") or an interim CEO as necessary.

(b) The System Board shall conduct a nationwide search for a CEO which shall be concluded no later than 180 days from the date of the County Board's approval of the appointment of the initial System Board.

(c) Prior to appointing a CEO, the System Board shall interview at least one woman or minority person, as defined by section 38-72, for the position.

(d) The CEO shall have the responsibility for:

(1) Full operational and managerial authority of the CCHHS, consistent with existing federal and state laws, court orders and the provisions of this article;

(2) Preparing and submitting to the System Board the Budgets and Strategic and Financial Plans required by this article;

(3) Operating and managing the CCHHS consistent with the Budgets and Financial Plans approved by the County Board;

(4) Overseeing expenditures of the CCHHS;

(5) Subject to Subsection 38-74(a)(7) of this article, hiring and discipline of personnel in conformity with the provisions of this article, all state laws, court orders, and collective bargaining agreements;

(6) Negotiating collective bargaining agreements as set forth in Section 38-84(c); and

(7) Carrying out any responsibility which the System Board may delegate; however, said delegation shall not relieve the System Board of its responsibilities as set forth in this article.

(e) The CEO shall report to the System Board.

(f) The CEO shall provide, through the System Board, quarterly reports to the County Board concerning the status of operations and finances of the CCHHS.

**Sec. 38-84. Human resources.**

(a) Notwithstanding the provisions of the Cook County Code, including, but not limited to, provisions pertaining to Personnel Policies, the System Board shall have authority over all human resource functions currently performed by the Cook County Bureau of Human Resources with regard to all employees, including physicians and dentists, within the CCHHS, including, but not limited to, position classification, compensation, recruitment, selection, hiring, discipline, termination, grievance, affirmative action, performance management, probationary periods, training, promotion and maintenance of records, except that the System Board and/or the CEO shall interview at least one woman or minority candidate, as defined by section 38-72, during the hiring process for all Upper Management positions listed under grade 24 & grade K-12 positions. If no women or minority candidates, as defined by section 38-72, are available to be interviewed during the hiring process for all Upper Management positions listed under grade 24 & grade K-12 positions, the CEO and/or the hiring

department must request a waiver from the System Board and such waiver must be approved by the System Board prior to making the hire. The System Board shall adopt written rules, regulations and procedures with regard to these functions. Until such time as the System Board adopts its own rules, regulations or procedures with regard to these functions, the existing Personnel Rules, regulations and procedures of the County shall apply. The System Board may exercise the authority granted in this section, in whole or in part, pursuant to its discretion and consistent with existing collective bargaining agreements and obligations.

(b) Employees within the CCHHS are employees of the County, and as such, shall be free from any political interference in accordance with the Supplemental Relief Order and Consent Decree established in the federal civil litigation filed in the Northern District of Illinois under Case No. 69 C 2145 and titled "Shakman, et al. v. Democratic Organization, et al."

(c) The CEO shall participate with the County in negotiating collective bargaining agreements covering CCHHS employees. All such collective bargaining agreements must be approved by the System Board and the County Board.

(d) The System Board or the CEO shall not hire or appoint any person in any position in the CCHHS unless it is consistent with the Annual Appropriation Ordinance in effect at the time of hire or appointment.

(e) Nothing herein shall diminish the rights of Cook County employees who are covered by a collective bargaining agreement and who, pursuant to this article, are placed under the jurisdiction of the System Board, nor diminish the historical representation rights of said employees' exclusive bargaining representatives, nor shall anything herein change the designation of "Employer" pursuant to the Illinois Public Labor Relations Act. The System Board shall honor all existing collective bargaining agreements, between Cook County and exclusive bargaining representatives, which cover employees under the jurisdiction of the System Board.

**Effective date:** This Amended Ordinance shall be in effect immediately upon adoption.

**Legislative History:** 7/12/11 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4632**

**Sponsored by:** TIMOTHY O. SCHNEIDER, ELIZABETH "LIZ" DOODY GORMAN and GREGG GOSLIN, County Commissioner

## **PROPOSED ORDINANCE AMENDMENT**

**COB #316283**

### **AN AMENDMENT TO POLICY FOR RESPONDING TO ICE DETAINEES**

Submitting a Proposed Ordinance Amendment sponsored by Timothy O. Schneider, Elizabeth "Liz" Doody Gorman and Gregg Goslin, County Commissioners.

#### **Sec. 46-37. Policy for responding to ICE detainees.**

(a) The Sheriff of Cook County shall decline ICE detainer requests unless there is a written agreement with the federal government by which all costs incurred by Cook County in complying with the ICE detainer shall be reimbursed or the individual referenced in the detainer:

(1) Has been charged with:

(A) A felony which is a "forcible felony" in Illinois, or the equivalent under the law of any

other jurisdiction, as defined in 720 ILCS 5/2-8 treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual

assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability; or

(B) A Class 2 felony or greater offense under the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq., the Cannabis Control Act, 720 ILCS 550/1 et seq., or the Methamphetamine Control and Community Protection Act, 720 ILCS 646/1 et seq., or the equivalent under the law of any other jurisdiction; or

(C) A felony offense under the Illinois Compiled Statutes resulting in the death, great bodily harm or permanent disability or disfigurement of any individual; or

(2) Is listed on the Terrorist Identities Datamart Environment (TIDE)

(b) Unless ICE agents have a criminal warrant, or County officials have examined the individuals criminal history and believe the individual is eligible to have his detainer honored pursuant to 46-37(a), ICE agents shall not be given access to individuals or allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend their time responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates while on duty.

(c) There being no legal authority upon which the federal government may compel an expenditure of County resources to comply with an ICE detainer issued pursuant to 8 USC § 1226 or 8 USC § 1357(d), there shall be no expenditure of any County resources or effort by on-duty County personnel for this purpose, except as expressly provided within this Ordinance.

(d) Any person who alleges a violation of this Ordinance may file a written complaint for investigation with the Cook County Sheriff's Office of Professional Review.

(e) Nothing in this Section shall prohibit, or be construed as prohibiting the Sheriff of Cook County from identifying and reporting any person pursuant to State and federal law or regulation who is in custody after being booked for the alleged commission of a felony and is suspected of violating the civil provisions of the immigration laws. In addition, nothing in this Section shall preclude any County department, agency, officer, or employee from (a) reporting information to ICE regarding an individual who has been booked at any county jail facility, and who has previously been convicted of a felony under the laws of the State of Illinois; (b) cooperating with an ICE request for information regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Illinois; or (c) reporting information as required by federal or state statute, regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Illinois.

**Effective Date:** This Ordinance Amendment shall be in effect immediately upon adoption.

**Legislative History:** 1/18/12 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4636**

**Sponsored by:** PETER N. SILVESTRI and JOHN P. DALEY, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**COB #316311**

## AN AMENDMENT TO POLICY FOR RESPONDING TO ICE DETAINERS

Submitting a Proposed Ordinance Amendment sponsored by Peter N. Silvestri and John P. Daley, County Commissioners.

### Sec. 46-37. Policy for responding to ICE detainees.

(a) The Sheriff of Cook County ~~shall~~ may decline ICE detainer requests unless there is a written agreement with the federal government by which all costs incurred by Cook County in complying with the ICE detainer shall be reimbursed.

~~(b) Unless ICE agents have a criminal warrant, or county officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or allowed to use county facilities for investigative interviews or other purposes, and county personnel shall not expend their time responding to ICE inquires or communicating with ICE regarding individuals' incarceration status or release dates while on duty.~~

~~(e) (b) There being no legal authority upon which the federal government may compel an expenditure of county resources to comply with an ICE detainer issued pursuant to 8 USC § 1226 or 8 USC § 1357(d);~~ ~~†~~ There shall be no expenditure of any County resources or effort by on-duty County personnel for this purpose, except at the discretion of the Sheriff of Cook County or as expressly provided within this Ordinance.

~~(d) (c)~~ Any person who alleges a violation of this Ordinance may file a written complaint for investigation with the Cook County Sheriff's Office of Professional Review.

~~(e) (d) Nothing in this Section shall prohibit, or be construed as prohibiting, the Sheriff of Cook County from identifying and reporting any person pursuant to state and federal law or regulation who is in custody after being booked for the alleged commission of a felony and is suspected of violating the civil provisions of any state or federal laws. In addition, nothing in this Section shall preclude any county department, agency, officer, or employee from reporting or cooperating with an ICE request for information regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Illinois.~~

**Effective Date:** This Ordinance Amendment shall be effective immediately upon adoption.

**Legislative History:** 1/18/12 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4638**

**Sponsored by:** GREGG GOSLIN, County Commissioner

### PROPOSED ORDINANCE AMENDMENT

**COB #318088**

### AN ORDINANCE AMENDMENT TO PART 1, CHAPTER 2, ARTICLE IV, DIVISION 5, SECTION 2-285.1

Submitting a proposed Ordinance Amendment sponsored by Gregg Goslin, County Commissioner.

**NOW THEREFORE BE IT ORDAINED,** by the Board of Commissioners of Cook County that Part 1,



Chapter 2, Article IV, Division 5, Section 2-285.1 shall be created as follows:

**DIVISION 5. - INSPECTOR GENERAL**

**Sec. 2-285.1 Board or Commission Appointees.**

Board or Commission Appointees, as defined in Section 2-561 of the Cook County Ethics Ordinance, are individuals appointed by the President to Boards or Commissions created by State Statute or County Ordinance that require such appointment subject to the approval, confirmation or advice and consent of the County Board. Board or Commission Appointees must agree to be subject to the OIIG Ordinance and investigation by the OIIG in order to be eligible for appointment to any board or commission. The OIIG Ordinance will apply to Board or Commission Appointees in the same manner, and will impose the same duties and obligations, as it does to Cook County officials.

**Legislative History:** 5/14/12 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**Legislative History:** 7/24/12 Legislation and Intergovernmental Relations Committee withdrawn

**14-4639**

**Sponsored by:** JOHN A. FRITCHEY and LARRY SUFFREDIN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**COB #318989**

AMENDMENT TO THE LEGISLATIVE COUNSEL TO THE COOK COUNTY BOARD OF COMMISSIONERS (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by John A. Fritchey and Larry Suffredin, County Commissioners.

WHEREAS, during the FY2011 Budget deliberations, an amendment was introduced and approved by the Cook County Board to create two Legislative Counsel positions and one Administrative Support position; and

WHEREAS, the impetus for creating these positions was to assist the Board of Commissioners in creating, analyzing and when called upon, to opine on legislation created by a single or multiple members intended for presentation to the entire County Board; and

WHEREAS, said Legislative Counsel positions were to be completely independent of the Executive branch and of any other elected official, including the Office of the State’s Attorney, in order to avoid a conflict of interest when reviewing or opining on legislation as well as to function on behalf of and exclusively in the best interest of the Cook County Board of Commissioners; and

WHEREAS, although the three Legislative Counsel positions created during the FY2011 were reduced to one during the FY2012 budget, the underlying need for the Legislative Counsel function persists; and

WHEREAS, despite the remaining Legislative Counsel position being fully funded, it has yet to be filled; and

WHEREAS, it is also prudent to establish the qualifications, mission and duties of said Legislative Counsel.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 50 Libraries, Article I, Legislative Reference Services, of the Cook County Code is hereby amended as follows:

Sec. 50-1. Title.

This article shall be known as the "Legislative Reference Services Act" and may be cited as such.

Sec. 50-2. Recitals.

The President and the Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to this article are full, true and correct and do incorporate them into this article by this reference.

Sec. 50-3. Public purpose.

It is hereby found, determined and declared that the purpose of this article is to assist the Board and President in the research and drafting of amendments, ordinances and resolutions for consideration before the Board; ensure that ordinances and resolutions prepared are accurate in form, structure and uniformity; maintain a legislative library and make certain that the County's Code is updated accurately.

Sec. 50-4. Director, staff and duties.

(a) The President shall appoint the Legislative Reference Director who shall be responsible for assisting the Board and President in the research and drafting of amendments, ordinances and resolutions for consideration before the Board; ensure that ordinances and resolutions prepared are accurate in form, structure and uniformity; maintain a legislative library and make certain that the County's Code is updated accurately.

(b) The Legislative Reference Director shall serve under the Executive Law Librarian and have access to Cook County Law Library Research Assistants and Staff as needed and directed.

(c) The Executive Law Librarian shall provide assistance, materials and research materials as needed for use by the Legislative Reference Director.

(d) The Legislative Reference Director shall notify the Clerk of the Board that the ordinances and resolutions prepared are accurate in form, structure and uniformity.

Sec. 50-5. Legislative Counsel to the Board of Commissioners, qualifications, mission and duties.

(a) The Legislative Counsel shall be appointed by the President of the Board of Commissioners with the advice and consent of the Board of Commissioners and shall serve until removed by the President with the advice and consent of the Board of Commissioners. In case of a vacancy in the office of the Legislative Counsel, the vacancy shall be filled in the manner set forth aforesaid.

(b) The Legislative Counsel to the Board of Commissioners must be an attorney admitted to practice law in the State of Illinois and knowledgeable in some or all of the following: political science; parliamentary practice; legislative procedure; and the methods of research, statutory revision and legislative drafting.

(c) The mission of the Legislative Counsel to the Board of Commissioners is to assist the Board in the development of sound public policy, ensure the integrity of the legislative process, and preserve the legislative branch in its proper constitutional role in county government. The duties of the Legislative Counsel shall be as follows:

Provide legal and policy review of current law and proposed legislation.

Prepare legal opinions.

Provide legal advice and research.

Draft and review legislation.

(d) The Legislative Counsel shall have access to Cook County Law Library Research Assistants and Staff as

needed and directed.

(e) The Executive Law Librarian shall provide assistance, materials and research materials as needed for use by the Legislative Counsel.

Sec. 50-56. Confidentiality.

Documents, research and ordinance material submitted to the Legislative Reference Director or the Legislative Counsel to the Board of Commissioners shall be confidential and publication shall not be issued without the consent of the requestor.

Sec. 50-67. Rules and regulations.

The Legislative Reference Director shall promulgate rules and regulations to carry out the provisions of this Act.

Sec. 50-78. Effective date.

This article shall take effect immediately upon passage.

Effective Date: This Ordinance Amendment shall be effective upon passage.

**Legislative History:** 7/10/12 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**Legislative History:** 7/24/12 Legislation and Intergovernmental Relations Committee withdrawn

**14-4640**

**Sponsored by:** EARLEAN COLLINS, County Commissioner

## **PROPOSED ORDINANCE**

### **COB #320759**

AN ORDINANCE ESTABLISHING THE COOK COUNTY COMMISSION ON WOMEN'S ISSUES (PROPOSED ORDINANCE). Submitting a proposed Ordinance sponsored by Earlean Collins, County Commissioner.

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article VI Boards, Commissions and Committees, Division 1 Generally, Section 2-474 of the Cook County Code is hereby enacted as follows:

## **ARTICLE VI. BOARDS, COMMISSIONS AND COMMITTEES**

### **Sec. 2-474. Cook County Commission on Women's Issues.**

The Cook County Commission on Women's Issues was originally established via Resolution by the Cook County Board of Commissioners in 1994. There is now hereby established, via Ordinance, a Cook County Commission on Women's Issues. The organization and administration of the Cook County Commission on Women's Issues shall be sufficiently independent to assure that no interference or influence external to the office adversely affects the independence and objectivity of the Commission on Women's Issues and its staff. The Commission on Women's Issues shall include an Executive Director and such deputies, assistants and other employees as may be provided in the annual appropriation Ordinance. The Commission on Women's Issues shall be an independent department within the organization and budget of Cook County.

(a) Composition:

- (1) The Women's Commission shall be composed of twenty-one (21) members, including a chairperson. Members of the Commission shall be representative of the diverse racial, ethnic, religious, age, sexual orientation and socioeconomic backgrounds of the residents of Cook County. They shall also have experience working toward the improvement of the status of women and girls in society. Seventeen (17) of the members shall be district-based appointments, ensuring representation of all of the County's seventeen districts. Four (4) of the members, including the chairperson, shall be at-large members who have expertise on an issue or issues of key concern to women or a leadership role with an organization working on such issues.
- (2) The Commission shall have an executive director who shall be appointed by the President and other staff as necessary to carry out the work of the Commission.
- (3) Members of the Commission shall:
  - a. reside within the corporate boundaries of the County;
  - b. not be an employee of the County or any agency thereof; and
  - c. serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of Commission duties.
- (4) Appointments to the Women's Commission shall be as follows:
  - a. each member of the County Board of Commissioners shall appoint one member of the Commission to represent his or her district; and
  - b. the remaining at-large appointments, including the appointment of a chairperson of the Commission, shall be made by the President of the Cook County Board of Commissioners.
- (5) All appointments shall be subject to the advice and consent of the Cook County Board of Commissioners.
- (6) That members of the Women's Commission shall serve two year terms. Members shall serve until their successors are appointed or they are reappointed. Vacancies in the membership shall be filled by the original appointing authority, subject to the advice and consent of the County Board, for the balance of the unexpired term.
- (7) All current appointments made prior to the passage of this Ordinance shall remain in effect and those appointees shall continue to serve until the expiration of their term and their successors are appointed or they are reappointed.

(b) Powers:

- (1) The Commission shall have the following powers and duties:
  - a. study, review and report on issues related to the status and welfare of women and girls in the County;
  - b. review and assess policies, programs and practices of County agencies as they affect women

and girls;

- c. review proposed legislation and executive action and advise the President and the County Board of the impact of such legislation or action on women and girls;
- d. develop recommendations for legislative and executive action on issues affecting women and girls;
- e. serve as liaison between the County and other governments, academia, business groups and other private sector organizations working on issues affecting women;
- f. partner with private and public organizations to study and develop solutions to problems related to the status of women and girls, and to engage in education and advocacy about those issues;
- g. convene public hearings and other events to gather information, recognize the achievements of women and conduct educational programs about issues affecting women and girls; and
- h. submit an annual report to the President and members of the Cook County Board of Commissioners summarizing Commission activities.

(2) The Commission shall cooperate with and have the cooperation of any bureau, department, agency, board, commission or other office of the County to carry out its mission. The Commission shall have access, upon reasonable notice and terms mutually agreed upon, to all non confidential data, statistics, records and other information of any bureau, department, agency, board, commission or other office of the County, as needed in exercise of its powers and duties.

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

**Legislative History:** 11/14/12 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4643**

**Sponsored by:** TONI PRECKWINKLE, County Commissioner JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY, BRIDGET GAINER, JESÚS G. GARCÍA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, PETER N. SILVESTRI, DEBORAH SIMS, ROBERT STEELE, LARRY SUFFREDIN and JEFFREY R. TOBOLSKI, County Commissioner

**PROPOSED RESOLUTION**

**COB #321867**

**EXAMING THE CROWDING AT THE COOK COUNTY JAIL AND THE USE OF ELECTRONIC MONITORING**

Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President, Jerry Butler, Earlean Collins, John P. Daley. John A Fritchey, Bridget Gainer, Jesus G. Garcia, Elizabeth "Liz" Doody Gorman, Gregg Goslin, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, Cook County Commissioners

**WHEREAS**, the President and the Cook County Board of Commissioners, in recommending and approving the annual appropriation bill, has invested in many programs to protect the general public and reduce the jail population at the Cook County Jail (“Jail”); and

**WHEREAS**, one of the programs the President and Cook County Board of Commissioners has invested in is an aggressive Electronic Monitoring program which provides for a lower-cost alternative to housing detainees at the Jail, provides a mechanism to reduce overcrowding at the Jail and allows certain detainees to be monitored in a non-correctional setting; and

**WHEREAS**, the Jail continues to see an increase in the jail population and the Jail had an increase in the average daily detainee population in 2012 from the average in 2011; and

**WHEREAS**, the cost per day of holding one individual in the Jail is significant and there should be an enhanced emphasis in placing applicable detainees in an Electronic Monitoring program; and

**WHEREAS**, placing detainees on Electronic Monitoring in a qualifying residence is a cost-effective alternative to incarceration in the Jail; and

**WHEREAS**, Electronic Monitoring allows qualifying participants to continue to work, go to school, attend religious services, and maintain family or community ties; and

**WHEREAS**, the Cook County Sheriff’s Office operates an electronic monitoring program that can cost-effectively and safely monitor over fifteen hundred participants at any given time; and

**WHEREAS**, Illinois statutes expressly permits the use of Electronic Monitoring initiated by Judges or the Sheriff under certain specific circumstances; and

**WHEREAS**, since November 2012, the number of individuals using Electronic Monitoring has declined; and

**WHEREAS**, the average daily number of participants on the Electronic Monitoring has decreased by over four hundred since November 2012; and

**WHEREAS**, failure to use Electronic Monitoring programs to its greatest extent leads to additional costs for the County, increases the jail population and prevents qualifying participants from maintaining family and community ties; and

**WHEREAS**, the President and the Cook County Board of Commissioners through the Justice Advisory Council should work with the new General Assembly, the Chief Judge, the State’s Attorney, the Public Defender and the Sheriff to review existing Electronic Monitoring laws and propose amendments to current legislation that will continue to protect the public but also allow for a broader use of Electronic Monitoring as a viable and safe alternative to incarceration in the Jail; and

**WHEREAS**, recommendations to modify and amend the existing Illinois laws to clarify and expand the use of Electronic Monitoring as a viable and safe alternative to incarceration should be reviewed by the President and the Cook County Board of Commissioners; and

**WHEREAS**, expanded use of Electronic Monitoring will reduce the Jail population, reduce the daily expenditures of the Jail and will allow the President, Cook County Board of Commissioners, the County and the Cook County Sheriff to reach substantial compliance under the Department of Justice Agreed Order.

**NOW, THEREFORE, BE IT RESOLVED**, that the President and the Cook County Board of Commissioners encourages the use of electronic monitoring in Cook County as a tool to address crowding at the Cook County Jail and to allow qualifying participants to be monitored in an approved residential setting; and

**BE IT FURTHER RESOLVED**, that the President and Cook County Board of Commissioners encourages the Justice Advisory Council and the County public safety officials to come together to explore how to enhance the use of electronic monitoring and other effective means of reducing the population of the jail; and

**BE IT FURTHER RESOLVED**, that a committee comprised of representatives from the Justice Advisory Council, Chief Judges Office, Sheriff's Office, State's Attorney's Office, Public Defender's Office and other appropriate agencies and departments meet to develop and implement these programs; and

**BE IT FURTHER RESOLVED**, that the committee report back to the President and the Cook County Board of Commissioners at the first board meeting in May of 2013 and September of 2013 on its progress, initiatives and activities to account for an enhanced use of Electronic Monitoring.

**Legislative History:** 2/5/13 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**Legislative History:** 3/19/13 Legislation and Intergovernmental Relations Committee recommended for deferral

**14-4657**

**Sponsored by:** TONI PRECKWINKLE, BRIDGET GAINER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY, JESÚS G. GARCÍA, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER, DEBORAH SIMS, ROBERT STEELE and LARRY SUFFREDIN, County Commissioner

## **PROPOSED RESOLUTION**

**COB #322615**

### **ISSUING A MORATORIUM ON FELONY PROSTITUTION CHARGES IN COOK COUNTY**

Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President and Bridget Gainer, County Commissioner; Co-sponsored by Earlean Collins, John P. Daley, John A. Fritchey, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Timothy O. Schneider, Deborah Sims, Robert B. Steele and Larry Suffredin, County Commissioners.

**WHEREAS**, Illinois, Arizona, Florida, Idaho, Indiana, Michigan, Missouri and Texas are the only eight (8) states in the Country to have a felony sentencing option for prostitution offenses; and

**WHEREAS**, of these eight (8) states, Illinois has the harshest sentencing option in the Country requiring only one (1) prior prostitution conviction before a felony charge option is available for subsequent offenses; and

**WHEREAS**, as noted by End Demand Illinois, the Department of Corrections reported 127 felony prostitution admissions for 2012, costing the state \$2,011,680.00. Pretrial detention for those facing felony prostitution charges costs Cook County Department of Corrections between \$5.3 to \$9.5 million annually; and

**WHEREAS**, felony convictions make the transition out of the sex trade to the legitimate economy more difficult because those with felony convictions can be rejected from jobs, denied work authorization, denied housing and can even be evicted from their homes for having a felony conviction; and

**WHEREAS**, rather than continuing to treat prostitution as a crime, we must shift our resources and focus to the pimps and johns who exploit them.

**NOW, THEREFORE, BE IT RESOLVED**, that the State's Attorney, the President and the members of the

Cook County Board of Commissioners urge the General Assembly to pass legislation that will permanently remove the felony prostitution charge option from Illinois State Statute; and

**BE IT FURTHER RESOLVED**, that the State’s Attorney, the President and members of the Cook County Board of Commissioners issue a moratorium on felony prostitution charges in Cook County.

**Legislative History:** 3/20/13 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4658**

**Sponsored by:** LARRY SUFFREDIN, County Commissioner

**PROPOSED ORDINANCE**

**COB #323392**

**THE CONCEALED FIREARM SAFETY ORDINANCE**

Submitting a Proposed Ordinance sponsored by Larry Suffredin, County Commissioner.

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 54 Licenses, Permits and Miscellaneous Business Regulations, Article XI The Concealed Firearms Safety Ordinance, Sections 54 -396 through 54 - 411 of the Cook County Code are hereby enacted as follows:

**Sec. 54 - 396. General Purpose.**

The purpose of this Ordinance, pursuant to the County of Cook home rule power conferred under Article VII, Section 6 of the Illinois Constitution of 1970, is to establish conceal carry licenses, restricted areas to carry a concealed firearm and a revocation process for conceal carry license within Cook County. This Ordinance will only go into effect on June 10, 2013 if the Illinois General Assembly fails to pass a conceal carry license as ordered by the 7th Circuit Court of Appeals in *Moore v. Madigan* and will remain in effect until and unless a court grants a stay of or overturns the 7th Circuit’s mandate. This Ordinance will grant authority to the Cook County Sheriff to issue conceal carry licenses to authorized persons.

**Sec. 54 - 397. Definitions.**

The following definitions “*Concealed firearm*” means a loaded or unloaded handgun carried on or about a person completely from view of the public, or carried in a vehicle in such a way it is concealed from view of the public.

“*Sheriff*” means the Cook County Sheriff’s Office.

“*Fund*” means the Cook County Public Safety Fund.

“*Handgun*” means any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand, and includes a combination of parts from which that firearm can be assembled. “Handgun” includes, but is not limited to, magazines, ammunition, laser sighting devices and other accessories that would be intrinsic to a handgun carried for defensive purposes. “Handgun” does not include a stun gun or taser.

“*License*” means a license issued by the Cook County Sheriff’s Office to carry a loaded or unloaded



handgun.

“*Licensee*” means a person issued a license to carry a concealed firearm.

“*Peace Officer*” means (i) any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order and to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State. The term “peace officer” does not apply to an alderman acting as a conservator of the peace under Section 3.1-15-25 of the Illinois Municipal Code or any other elected official acting as conservator of the peace under Illinois law.

**Sec. 54 - 398. Cook County Public Safety Fund.**

Fees from applications for licenses shall be deposited into the Cook County Public Safety Fund.

**Sec. 54 - 399. Issuance of licenses to carry a concealed firearm.**

(a) Sheriff may issue a license to an applicant who:

(1) Meets the qualifications of Section 54 - 400.

(2) Has provided the application and documentation required in Section 54 - 401; and

(3) Has submitted the requisite fee. The Sheriff shall issue a renewal, corrected, or duplicate license in accordance with this Ordinance.

(a-5) A license shall permit the licensee to:

(1) Carry concealed a loaded or unloaded handgun on or about his or her person;

(2) Keep or carry a loaded or unloaded handgun on or about his or her person when in a vehicle; and

(3) Keep a loaded or unloaded handgun concealed in a vehicle.

(a-10) A license issued by the Sheriff under this Ordinance shall be valid throughout the County.

(a-15) A licensee shall possess a license at all times the licensee carries a concealed firearm except:

(1) If the person is carrying or possessing a concealed firearm and the person is on his or her land, or in his or her abode or legal dwelling, or in the abode or legal dwelling of another person, including private property open to the public, as an invitee with that person’s permission to carry or possess a firearm in the abode or dwelling;

(2) If the person is authorized to carry a firearm under Section 24-2 of the Criminal Code of 2012; or

(3) The handgun is broken down in a non-functioning state, or is not immediately accessible, or is enclosed in a case, firearm carrying box, shipping box or any other container.

(a-20) A licensee shall display the license upon the request of a peace officer or person designated to enforce the provisions of Section 54 - 407 or 54 - 400 when carrying a handgun under the provisions of this Ordinance.

(b) The Sheriff shall make applications for a license available no later than 90 days after the effective date of this Ordinance. Applications shall be available at Sheriff's Offices, on the Sheriff's official website, and any other location designated by the Sheriff.

(c) A completed application for a license shall be submitted to the Sheriff's Office with all accompanying materials and fees. The Sheriff shall promptly return an incomplete application to the applicant. Each applicant for a license shall submit a \$300.00 application fee to the Department, \$70.00 of which shall be deposited into the Cook County Public Safety Fund.

(d) The Sheriff's Office shall notify the municipal police department in the municipality where an applicant resides of the name, address, and date of birth of any person submitting an application for a license. The municipal police department may submit to the Sheriff an objection to an application, provided the objection is in writing, and includes specific reasons for the objection. Any objection submitted by a municipal police department, including reports submitted to the Sheriff must be disclosed to the applicant unless disclosure would interfere with a criminal investigation.

(e) The Sheriff may consider any objection or recommendation made by a municipal police department and may determine the application ineligible based solely on those objections. If the applicant is found by the Sheriff to be ineligible, the Sheriff shall deny the application and notify the applicant and the municipal police department in writing, stating the grounds for denial. The notice of denial must inform the applicant that he or she may, within 90 days, appeal the denial and submit additional materials relevant to the grounds for denial. Upon receiving the additional documentation, the Sheriff shall reconsider his or her decision and inform the applicant within 90 days of the result of the reconsideration. If upon reconsideration the Sheriff denies the application, the applicant must be informed of the right to administrative review.

(f) A license shall be valid for a period of 5 years.

#### **Sec. 54 - 400. Qualifications of an applicant for a license.**

The Sheriff shall issue a license to an applicant completing an application in accordance with Section 54 - 401 of this Ordinance if the applicant demonstrates to the satisfaction of the Sheriff that he or she has:

(a) Is at least 21 years of age;

(b) Has a valid Firearm Owner's Identification Card;

(c) Resides within the County of Cook;

(d) Is a responsible person of good moral character and that the issuance of the license to the applicant is consistent with public safety.

(e) A demonstrated need for protection.

(f) Has not been convicted of a misdemeanor involving the use or threat of physical force or violence to any person, a misdemeanor crime of domestic violence or a misdemeanor involving the manufacture, sale, carrying, possession, or use of a firearm, dangerous weapon, deadly weapon, or ammunition;

(g) Is not the subject of a pending arrest warrant, prosecution or proceeding for an offense or action that could lead to disqualification;

(h) Does not chronically and habitually abuse drugs or alcoholic beverages as evidenced by the applicant having 2 or more convictions for violating Section 11-501 of the Illinois Vehicle Code or similar

provision of a local Ordinance within 5 years preceding the date of the application, or if the applicant has elected treatment under the supervision of a licensed program in accordance with the Alcoholism and Other Drug Abuse and Dependency Act or similar laws of any other state, within 5 years preceding the date of the application;

(i) Has completed a 40 hour firearms training and education course from a licensed instructor within the 90 days preceding the date of application.

(j) Possesses the same powers of eyesight as required for a driver's license under Section 6-109 of the Illinois Vehicle Code;

(k) Has not within the preceding 5 years, been the respondent to An order of protection or civil stalking no contact order or similar law of another jurisdiction;

(l) Has not been arrested 3 times within the past 7 years for any combination of gang-related offenses.

#### **Sec. 54 - 401. Contents of the application.**

The application shall be in writing, under oath or affirmation and under penalty of perjury, on a standard form adopted by the Sheriff and shall be accompanied by the documentation required in this section and all applicable fees.

(a) The application shall contain the following information:

(1) The applicant's name, current address and phone number, gender, date and year of birth, place of birth, height, weight, hair color, eye color, maiden name or any other name the applicant has used or identified with, and any address at which the applicant resided more than 30 days within the 5 years preceding the date of the application;

(2) The applicant's driver's license or state identification card and the last 4 digits of the applicant's social security number;

(3) Proof that the applicant is a resident of Cook County and has been a resident for at least the previous 30 days as evidenced by information provided under (a)(1) of this subsection;

(4) Questions to certify or demonstrate the applicant has completed the firearms training and education required in Section 54 - 400 of this Ordinance ;

(5) Whether the federal government or a governmental entity in any state or subdivision of any state has denied or revoked the applicant's license, permit, registration, or certificate pertaining to any firearm, and if so, the jurisdiction, the identifying number of the license, permit, registration, or certificate, the reason for denial or revocation, and the date of denial or revocation;

(6) Whether the applicant has failed a drug test within the preceding 5 years, and if so, the provider of the test, the specific substance involved, and the date of the test;

(7) Whether the applicant has ever been prohibited by law from purchasing, possessing, or carrying a firearm, and if so, the jurisdiction, the date, and the reason for the prohibition;

(8) Whether the applicant has been suspended or expelled from a post-secondary educational institution, such as a college, or university, because of suspected mental illness or violent behavior, and if so, the name of the school, the date, and the reason for the suspension or

expulsion;

- (9) A waiver of privacy and confidentiality rights and privileges of the applicant under all federal and State laws, including those governing access to juvenile court, criminal justice, psychological, or psychiatric records, or records relating to the applicant's history, if any, of institutionalization or inpatient treatment for alcoholism or alcohol detoxification, as well as affirmative request that any person having custody of those records provide copies of them or information concerning them to the Sheriff for the sole purpose of making a determination of an applicant's eligibility under Section 54 - 400;
- (10) An affirmation that the applicant possesses a currently valid Illinois Firearm Owner's Identification Card;
- (11) An affirmation that the applicant has never been convicted in this State or any other State of:
  - (A) A felony;
  - (B) A misdemeanor involving the use or threat of physical force or violence to any person;
  - (C) A misdemeanor involving the use, possession, or distribution of a controlled substance or cannabis within the 10 years preceding the date of the application; or
  - (D) A misdemeanor involving the manufacture, sale, carrying, possession, or use of a firearm, dangerous weapon, deadly weapon, or ammunition;
- (12) An affirmation that the applicant meets the requirement of Section 54 -- 400 and is not prohibited under State or federal law from possessing a firearm;
- (13) A conspicuous warning that a false statement made by the applicant will result in prosecution for perjury in accordance with Section 32-2 of the Criminal Code of 2012;
- (14) An affirmation that the applicant has read and understands Article 7 of the Criminal Code of 2012;
- (15) A written agreement that, if the person is approached by a peace officer while carrying a concealed firearm under the license, the person will immediately inform the officer that he or she is in possession of a firearm and a license to carry a concealed firearm, and will submit to a pat down search and allow the officer to take possession of the firearm for the duration of the encounter;
- (16) Proof that the applicant possesses the same powers of eyesight as required for a driver's license under Section 6-109 of the Illinois Vehicle Code; and if the applicant does not possess a current Illinois driver's license, the applicant may present a current optometrist's or ophthalmologist's statement certifying the vision reading obtained from the applicant; and
- (17) A letter of necessity signed by the applicant establishing the reason the applicant needs a concealed firearm license. The letter shall contain written answers to the following questions in order to establish the personal safety reasons the applicant seeks the license:
  - (c) A person applying for a license shall provide a head and shoulder color photograph in a size specified by the Sheriff that was taken within the 30 days preceding the date of the application. The applicant shall consent to the Sheriff reviewing and using the applicant's digital driver's license or Illinois Identification Card photograph and signature, if available. The Secretary of State shall allow the Sheriff access to the

photograph and signature for the purpose of identifying the applicant and issuing the applicant a license.

(d) Each applicant for a license shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Sheriff shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the Cook County Public Safety Fund and shall not exceed the actual cost of the records check. Fingerprinting of an applicant may be administered by the Sheriff or any other federal, State, or municipal law enforcement agency.

(c) A person applying for a license shall submit a photocopy of a certificate or other evidence of completion of a firearms training and education course within 90 days of the date of application to show compliance with Section 54 - 400 of this Ordinance.

(f) The Sheriff is authorized to establish a system for electronically submitting applications, including applications for renewal or a replacement license.

#### **Sec. 54 - 402. Investigation of an applicant.**

The Sheriff shall complete a background check on an applicant for a license to carry a concealed firearm to ensure compliance with the requirements of this Ordinance and any federal or State laws, and local Ordinances. The background check shall include a search of the following:

(a) The National Instant Criminal Background Check System of the Federal Bureau of Investigation;

(b) Any available State and local criminal history record information files, including records of juvenile adjudications;

(c) Any available federal, State, and local records regarding wanted persons;

(d) Any available federal, State, and local records of domestic violence restraining and protective orders;

(e) Any available federal, State, and local records identifying persons who are unlawful users of or addicted to any controlled substance as defined in Section 802 of Title 21 of the United States Code;

(f) The files of the Department of Human Services relating to mental health and developmental disabilities; and

(g) Any other available files of any federal, State, local agency, and other entity (private or public) in any jurisdiction likely to contain information relevant to whether the applicant is prohibited from purchasing or possessing a firearm under federal or State law, or local Ordinance.

#### **Sec. 54 - 403. Database of applicants and licensees.**

(a) Not more than 2 years after the effective date of this Ordinance:

(1) The Sheriff's Office shall maintain a database of applicants for a license and licensees. The database shall be available to all Illinois law enforcement agencies, State's Attorneys, and the Attorney General. Members and staff of the judiciary may access the database for the purpose

of determining whether to confiscate a license or to ensure compliance with this Ordinance or any other law. The database shall be searchable and provide all information included in the application, a photo of the applicant or licensee, and any information related to violations of this Ordinance.

- (2) The Sheriff's Office shall make available on its website and upon request under the Freedom of Information Act statistical information about the number of licenses issued by municipality, age, race, or gender. The report shall be updated quarterly. Except as provided in this subsection, applications and information in the database shall be confidential and exempt from disclosure under the Freedom of Information Act. The Sheriff's Office may answer requests to confirm or deny whether a person has been issued a license as part of inquiries dealing with a criminal investigation. Individual law enforcement agencies, State's Attorneys, the Attorney General, members of the judiciary, and judicial staff shall sign a confidentiality agreement, prepared by the Sheriff's Office, prior to receiving access to the database. No law enforcement agency, State's Attorney, the Attorney General, or member of staff of the judiciary, other than the Sheriff's Office, shall provide any information to a requestor not entitled to it by law, except as required or necessary for the conduct of a criminal investigation.

(b) Individual law enforcement agencies or any other entity of local government shall not maintain any separate records, lists, or searchable databases of applicants and licensees containing information included in the Sheriff's database.

#### **Sec. 54 - 404. Suspension or revocation of a license.**

(a) A license issued or renewed under this Ordinance shall be revoked if, at any time, the licensee is found ineligible for a license based on the criteria set forth in Section 54 - 400 of this Ordinance or the licensee no longer possesses a Firearm Owner's Identification Card. A licensee shall not be revoked unless the revocation is for reasons specifically authorized by this Ordinance. This subsection shall not apply to a person who has filed an application with the State Police for renewal of a Firearm Owner's Identification Card and who is not otherwise ineligible to obtain a Firearm Owner's Identification Card.

(b) A license shall be revoked if an order of protection under Section 112A-14 of the Code of Criminal Procedure of 1963 or under Section 214 of the Illinois Domestic Violence Act of 1986 is issued against a licensee. The license shall be suspended for the duration of the order or until the order is terminated. If an order of protection is issued against a licensee, the licensee shall surrender the license, as applicable, to the court at the time the licensee is entered or to the law enforcement agency or entity designated to serve process at the time the licensee is served the order. The court, law enforcement agency, or entity responsible for serving the order shall transmit the license to the Sheriff's Office.

(c) The Sheriff's Office may suspend a license for a violation of Section 54 - 407.

(d) A license shall be invalid upon expiration of the license, unless the licensee has submitted an application to renew the license. A person who fails to renew his or her license within 6 months after its expiration must reapply for a new license and pay the fee for a new application.

(e) The Sheriff may suspend a license for up to 90 days if a licensee fails to submit a change of address or name or fails to report a lost or destroyed license to the Sheriff within 30 days of the discovery of the loss or destruction of the license.

(f) Every person whose concealed carry license is suspended or revoked shall immediately return his or her concealed carry license to the Cook County Sheriff. If revocation is based on a FOID card becoming invalid, the person shall also return the FOID card and provide an accounting of all weapons owned. Failure to return the license is a business offense with a minimum fee of \$100.00. Any person

found carrying a concealed firearm after suspension or revocation of his or her license shall be subject to prosecution under Article 24 of the Criminal Code of 2012 for unlawful use of weapons.

**Sec. 54 - 405. Renewal of License.**

(a) Not later than 120 days before the expiration of any license issued under this Ordinance, the Sheriff shall notify the licensee in writing of the expiration and furnish an application for renewal of the license or make the application available on-line.

(b) Applications for renewal of a license shall be made to the Sheriff. A license shall be renewed for a period of 5 years upon receipt of a completed renewal application and a \$100.00 renewal fee. The renewal application shall contain the information required in Section 54 -- 401, except that the applicant need not resubmit a full set of fingerprints. Each applicant for a renewal shall submit, on a form prescribed by the Sheriff, proof that the applicant has:

- (1) Successfully completed an equivalent range exercise as prescribed in Section 54 - 401 and certified to by an instructor qualified under Section 54 - 410 or a certified law enforcement instructor, or
- (2) Successfully completed firearm instructor training under Section 54 - 410.

(c) The Sheriff shall make the range recertification form available on its website or as part of a renewal application.

**Sec. 54 - 406. Change of address, change of name, or lost or destroyed licenses.**

(a) The licensee shall notify the Sheriff within 30 days of: (i) moving or changing a residence or any change of name; or (ii) the discovery of the loss or destruction of a license.

(b) The licensee shall immediately notify the Sheriff if moving outside of the County of Cook.

(c) If a licensee changes residence within this County or changes his or her name, the licensee shall request a new license. The licensee shall submit a \$50.00 fee, a notarized statement that the licensee has changed residence or his or her address or name.

**Sec. 54 - 407. Restrictions.**

(a) No license issued under this Ordinance shall authorize any person to knowingly carry a concealed firearm into:

- (1) Any building or office under the control of the State of Illinois, Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer.
- (2) Any building under the control of the State, General Assembly, General Assembly support service agency, including a building in which a committee of the General Assembly convenes for the purpose of conducting meetings of committees, joint committees, legislative commissions, and any property or parking lot area under control of the General Assembly that is adjacent to or near a prohibited building in this Section.
- (3) All county facilities including clinics and hospitals under the Cook County Health and Hospital System.

- (4) Any courthouse or part of that building that is occupied by the Circuit, Appellate, or Supreme Court, or a room designated for court proceedings by any of these courts, except as provided in subsection (b) or this Section.
- (5) Any meeting of the governing body of a unit of local government or special district.
- (6) Any building, adjacent property or parking lot area under the control of or owned by any establishment that maintains a retail liquor license as provided in subsection (d) of Section 5-1 of the Liquor Control Act of 1934 and allows for the sale and consumption of alcoholic beverages on its premises as an on premise consumption retailer.
- (7) Any secure area of an airport to which access is controlled by the inspection of persons and property.
- (8) Any place where the carrying of a firearm is prohibited by federal law.
- (9) Any preschool, elementary school, or secondary school or any portion of any school building thereof; or any school property surrounding a preschool, elementary school, or secondary school building, including but not limited to sidewalks and parking lot areas adjacent to or near preschool, elementary school, or secondary school property.
- (10) Any portion of a building used as a child care facility, or any adjacent property or parking lot area under control of or owned by a child care facility. Nothing in this paragraph (9) shall prevent the owner or operator of a child care facility in a family home from owning or possessing a firearm or license, so long as the firearm is stored, unloaded, in a locked container.
- (11) Any gaming facility or any adjacent property or parking lot area under control of or owned by a gaming facility licensed under the Riverboat Gambling Act or the Horse Racing Act of 1975.
- (12) Any gated area of an amusement park, or any adjacent property or parking lot area under control of or owned by an amusement park.
- (13) Any stadium, arena, or collegiate or professional sporting event, or any adjacent property or parking lot area under the control of or owned by a facility where carry is prohibited under this paragraph (12).
- (14) Any hospital or mental health facility, or onto any adjacent property or parking lot area under the control of or owned by a hospital or mental health facility.
- (15) Any library, public museum or cultural institution or onto any adjacent property or parking lot area under the control of or owned by a library, public museum or cultural institution.
- (16) Any police, Sheriff, or State Police office or station without the consent of the chief law enforcement officer in charge of that office or station.
- (17) Any adult or juvenile detention or correctional institution, prison, or jail.
- (18) Buses, trains, or any form of transportation paid for in part or whole with public funds, any private, charter or parochial school bus and any transportation facility and the surrounding premises under its control.
- (19) Any polling place on any election day.



(20) Any building owned, leased, or controlled by a municipality or any building or property owned, leased or controlled by a school district unless authorized by a majority vote of members of its governing board. Nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm on any sidewalk, on any highway or roadway, in any public restroom, or rest stop.

(21) Any property (including but not limited to any street, driveway, or parking lot), building or facility owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission.

(a-5) Nothing in this Ordinance shall preempt, abridge, limit, or diminish the authority of community colleges, and public and private colleges and universities from prohibiting, restricting or otherwise regulating firearms on their campuses, grounds and other property, including but not limited to sidewalks, commons, and highways, owned by the community college or public or private college or university or in buildings used in whole or in part for housing, classrooms, laboratories, medical clinics, hospitals, and artistic, athletic and entertainment venues; or on or in property owned, controlled or leased by officially recognized student organizations or officially recognized university-related organizations.

(b) Judges, State's Attorneys, and assistant State's Attorneys with the permission of the State's Attorney, who possess a valid license under this Act may possess a firearm in any courthouse in which they are employed, but shall be required to follow any rules applicable to sworn peace officers to maintain facility security.

(c) The owner, manager, or operator of a building or of a business or a commercial lessee, or a private business enterprise, or any other private organization, entity, or person, may prohibit licensees from carrying a concealed firearm on the premises, including buildings, parking lots, or other property under its control.

(d) Any person licensed under this Ordinance who is prohibited from carrying a concealed firearm into a building by the provisions of subsection (a) or under a resolution, or policy adopted in accordance with subsection (a-5) or (c) shall be permitted to store that firearm or ammunition out of plain sight in his or her locked vehicle or in a locked compartment or container within or securely affixed to the outside of the vehicle. A licensee shall not be in violation of this Section while he or she is traversing a public right of way that touches or crosses any of the premises specified in subsection (a) or from which firearms are prohibited under the provisions of subsection (a-5) or (c), provided that the firearm is carried on his or her person or in a vehicle in accordance with this Ordinance or is being transported in a case or container in accordance with applicable law. A licensee shall not be in violation of subsection (c) if the responsible party for the premises fails to conspicuously post notice of the prohibition at all public entrances to the building in accordance with subsection (g).

(d-5) A license to carry a concealed firearm issued or renewed under this Ordinance may include any additional reasonable restrictions or conditions which the Sheriff deems warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry a firearm.

(e) If a law enforcement officer initiates an investigative stop, including but not limited to a traffic stop, of a licensee who is carrying a concealed firearm, the licensee shall immediately disclose to the officer that he or she is in possession of a concealed firearm under this Ordinance. The licensee shall comply with all lawful orders and directions from the officer. For the safety of the officer and the public, the officer may conduct a pat down of the licensee and take possession of the firearm for the duration of the encounter.

(f) A licensee shall not carry a handgun under the provisions of this Ordinance while under the influence of controlled substances, hallucinogenic drugs, any prescribed medication that causes impairment, or alcohol. For purposes of this subsection (f), "under the influence of alcohol" means a blood alcohol content of .08 or greater.

(g) Signs stating that the carrying of a firearm is prohibited shall be clearly and conspicuously

posted at every entrance of a building or premises specified in subsection (a) or designated in accordance with subsection (a-5) or (c). Signs shall be of uniform size and design, not smaller than 8 inches by 10 inches as prescribed by the Sheriff's Office. The Sheriff's Office shall adopt rules for standardized signs to be used under this subsection.

(g-5) A licensee shall only carry a concealed firearm similar to the firearm that he or she trained under Section 54 - 400.

(h) Penalties.

(1) For any violation of subsection (a), (b), (d), (e), or (f), the Sheriff may suspend the license for one year. For any 2 violations the Sheriff may permanently revoke the license.

**Sec. 54 - 408. Immunity from liability.**

**Legislative History:** 5/8/13 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**14-4662**

**Sponsored by:** JOHN A. FRITCHEY, County Commissioner

**PROPOSED RESOLUTION**

**COB #323962**

**EVIDENCE-BASED COOK COUNTY BAIL SYSTEM REFORM**

Submitting a Proposed Resolution sponsored by John A. Fritchey, County Commissioner.

**EVIDENCE-BASED COOK COUNTY BAIL SYSTEM REFORM**

**WHEREAS,** The Cook County Jail is on the verge of capacity and there exist serious and legitimate concernsthat it will exceed capacity this summer; and

**WHEREAS,** in such an event, the County faces the threat of being ordered to build another jail at a cost of tens of millions of taxpayer dollars on an unneeded facility; and

**WHEREAS,** our jail overcrowding situation is the consequence of a failing pretrial justice system; and

**WHEREAS,** while nationally, 60% of inmates in local jails are pre-trial detainees, pre-trial detainees account for 90% of the inmates in Cook County Jail; and

**WHEREAS,** approximately 70% of incarcerated pre-trial detainees are being held pursuant to charges for non-violent offenses; and

**WHEREAS,** in 2011, 79% of Cook County defendants were either ordered to pay financial bond to securerelease pending trial or held without bond, 13% were ordered released subject to electronic monitoring and only 8% were released pursuant to an I-bond; which allows defendants to be released upon a signature but still subjects them to payment of the full bond amount if they fail to make a required court appearance; and

**WHEREAS**, by contrast, New York City releases approximately 70% of their felony pre-trial defendants on personal recognizance, and Washington, D.C. releases over 80% of their felony pre-trial defendants on personal recognizance, yet both cities have high court appearance rates and low re-arrest rates; and

**WHEREAS**, when properly administered, bail is designed to be a function of risk to society or flight risk, not simply a means test of ability to pay; and

**WHEREAS**, the overreliance on monetary bail, and the inability of many detainees is among the primary drivers of the level and growth in our jail population; and

**WHEREAS**, an overreliance on monetary bail additionally means that those too poor to pay remain in jail regardless of their risk level or presumed innocence; and

**WHEREAS**, pre-trial detainees are more likely to be convicted of a felony, receive a sentence of incarceration, and be sentenced longer than those released while awaiting trial; and

**WHEREAS**, pre-trial detention inherently hinders defendants from tending to their families, holding employment or otherwise participating in society, instead subjecting them to unnecessary immersion in prison culture; and

**WHEREAS**, the growing use of validated risk assessments create less need for money bail as people can be rated according to potential risk and released appropriately; and

**WHEREAS**, a Pew Center on the States study showed that 84 percent of surveyed American voters believed that community-based programs could be better used instead of relying on incarceration for people convicted of low-level, non-violent offenses; and

**WHEREAS**, according to the Justice Policy Institute, “evidence suggests that up to 25% more people could be safely released from U.S. jails while awaiting trial if the proper procedures are put in place, including valid risk assessments and appropriate community supervision”; and

**WHEREAS**, in fiscal year 2012, the Cook County Board of Commissioners appropriated over \$236 million dollars to its Department of Corrections, an increase of more than \$10 million dollars from 2011 and an increase of over \$57 million dollars since 2002; and

**WHEREAS**, a 25% reduction in the average daily jail population would save Cook County taxpayers millions of dollars annually; and

**WHEREAS**, the adoption of evidence-based assessment of risk in setting pre-trial conditions of bail, coupled with the expansion of pre-trial defendant interviews can substantially reduce the rate of pre-trial detentions without impairing the judicial process or threatening public safety.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners urges the Cook County judiciary to work with other official stakeholders to design and implement a revised bail structure reflective of the true purpose and safeguards of bail, aimed toward a goal of lowering jail admissions by 25% over the next twelve months.

**Legislative History:** 6/19/13 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

14-4668

**REPORT**

**COB #324286**

**REPORT OF "AN EXAMINATION OF THE ADMISSIONS, DISCHARGES & POPULATION OF THE COOK COUNTY JAIL, 2012".**

Transmitting a Communication dated, July 10, 2013 from Juliana Stratton,  
Executive Director, Justice Advisory Council:

submitting to the Cook County Board of Commissioners a report from Dr. David E. Olson and Koert Huddle.  
2013. "An Examination of Admissions, Discharges & the Population of the Cook County Jail, 2012".

Source: The Selected Works of David E. Olson. Available at: [http://works.bepress.com/david\\_e\\_olson/9](http://works.bepress.com/david_e_olson/9)  
authored by Dr. David E. Olson, Professor in the Criminal Justice and Criminology Department at Loyola  
University Chicago.

**Legislative History:** 7/17/13 Board of Commissioners referred to the Legislation and Intergovernmental  
Relations Committee



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Secretary

Chairman: Suffredin  
Vice-Chairman: Fritchey  
Members: Committee of the Whole