



## Board of Commissioners of Cook County

### Minutes of the Legislation and Intergovernmental Relations Committee

Monday, February 9, 2015

11:00 AM

Cook County Building, Board Room, Rm. 569  
118 North Clark Street, Chicago, Illinois

#### ATTENDANCE

**Present:** Vice Chairman Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gorman, Moore, Murphy, Schneider, Silvestri, Sims and Tobolski (12)

**Absent:** Chairman Suffredin, Commissioners Gainer, García, Goslin and Steele (5)

#### Also

**Present:** Martha Martinez, Chief Administrative Officer

#### PUBLIC TESTIMONY

Vice Chairman Fritchey asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code.

1. Era Laudermilk - Program Director, Illinois Justice Project
2. Julie Biehl - Director, Children & Family Justice Center, Bluhm Legal Clinic, Northwestern University School of Law
3. Elizabeth Clark - President, Juvenile Justice Initiative
4. George Blakemore - Concerned Citizen
5. Jennifer Vollen-Katz - Interim Executive Director, John Howard Association of Illinois
6. Sodiqa Williams - Associate Vice President, Policy & Strategy
7. Sophia Astorson - Public Defender
8. Garvin G. Ambrose - Chief of Staff, State's Attorney's Office
9. Honorable Elaine Nekritz - Illinois State Representative
10. Lanetta Haynes Turner - Justice Advisory Council

15-1549

#### COMMITTEE MINUTES

Approval of the minutes from the meeting of 1-20-2015 (recessed and reconvened meeting on 1-21-15)

**A motion was made by Commissioner Tobolski, seconded by Commissioner Murphy, that this Committee Minutes be recommended for approval. The motion carried by the following vote:**

**Ayes:** Vice Chairman Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gorman, Moore, Murphy, Schneider, Silvestri, Sims and Tobolski (12)

**Absent:** Chairman Suffredin, Commissioners Gainer, García, Goslin and Steele (5)

Sponsored by: ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**MEDICAL EXAMINER ADVISORY COMMITTEE ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38 Health and Human Services, Article VI. Medical Examiner, Division 1. Generally, Section 38-132. of the Cook County Code is hereby amended as Follows:

**Sec. 38-132. - Advisory committee.**

(a) There shall be created a Medical Examiner's Advisory Committee ("Committee") made up of 11 members appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. The Committee shall act in an advisory capacity to the County Board and will consider those matters referred to it by the County Board or the Medical Examiner of Cook County pertaining to the handling, storage and final disposition of decedents. When considering matters referred by the County Board or the Medical Examiner of Cook County, the Committee shall keep the dignity of the deceased at the forefront of their recommendations. Members shall include, but are not limited to, at least one person from each of the following categories:

- (1) A member of the medical profession;
- (2) A clergyperson;
- (3) A funeral director;
- (4) An attorney from the Cook County State's Attorney Office;
- (5) ~~A Commissioner representing the people of Cook County~~ One Cook County Commissioner to serve as an Ex-officio Member with voting rights. The Ex-officio Member shall serve as a liaison between the County Board and the Committee;
- (6) A member of the Chicago Police Department;
- (7) A representative from the Cook County Sheriff's Office; and
- (8) A member of the public.

(b) Term and conditions of Office.

Except as otherwise provided in Section 38-132(b), the members of the Committee appointed under Section 38-132(a) shall be appointed for two years.

- (1) Ex-officio member. The ex-officio member shall be the appointed Cook County Commissioner who shall serve as the ex-officio member for the length of the Commissioner's term.
- (2) The remaining members. The remaining seven (7) members of the Committee shall serve terms as follows:

a. For the initial members whose appointments became effective July 10, 2012:

- 1. Four of the members whose term appointment became effective on July 10, 2012 shall serve a term that expires on April 1, 2015; initial member terms expiring on April 1, 2015 include the

member of the medical profession, the funeral director, the representative of the Chicago Police Department and the representative from the Cook County Sheriff's Office.

2. Three of the members whose term appointment became effective on July 10, 2012 shall serve a term that expires on April 1, 2016; initial member terms expiring on April 1, 2016 include the clergy person member, the attorney from the Cook County State's Attorney's Office and the member of the public.

b. Thereafter, the members other than the ex-officio member appointed shall serve a term of two years.

1. Each member, whether initial or subsequent, shall serve until a successor is appointed.

2. Any member who is appointed to fill a vacancy, other than a vacancy caused by the expiration of the predecessor's term, shall serve until the expiration of this or her predecessor's term.

c. Other than the Ex-Officio Commissioner, a member may not serve more than two consecutive full terms.

~~(bc)~~ The members of this Committee shall serve without pay.

~~(ed)~~ The members of this Committee shall attend meetings to be held at the Medical Examiner's Office on a quarterly basis, beginning with the third quarter of the fiscal year in which this Ordinance is enacted.

~~(de)~~ The Committee shall prepare an annual report. The report shall be distributed to the individual members of the Board of Commissioners and the President's Office before January 31 of each year. The report shall include minutes of meetings of the Advisory Committee over the past year, including a list of attendees at each meeting, and any recommendations made by the Committee as a result of matters referred to it by the County Board or the Medical Examiner of Cook County. ~~for improving operations of the Medical Examiner's Office and service to the residents of Cook County.~~ The Medical Examiner's Office shall provide administrative support as necessary.

~~(ef)~~ ~~The members of the Committee shall have a fiduciary responsibility to protect the dignity of the deceased that are brought into the Cook County Medical Examiner's Office.~~

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

**Legislative History:** 1/21/15 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**A motion was made by Commissioner Gorman, seconded by Commissioner Daley, that this Ordinance Amendment be accepted as substituted. The motion carried by the following vote:**

**Ayes:** Vice Chairman Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gorman, Moore, Murphy, Schneider, Silvestri, Sims and Tobolski (12)

**Absent:** Chairman Suffredin, Commissioners Gainer, García, Goslin and Steele (5)

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners and ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

## **PROPOSED ORDINANCE AMENDMENT**

### **Sec. 38-132. - Advisory committee.**

(a) There shall be created a Medical Examiner's Advisory Committee ("Committee") made up of 11 members appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. The Committee shall act in an advisory capacity to the Cook County Board of Commissioners regarding the handling, storage and final disposition of decedents under the jurisdiction of the Cook County Medical Examiner and may formulate recommendations to bring about improvement in this regard. The Committee shall keep the dignity of the deceased at the forefront of their recommendations. Members shall include, but are not limited to, at least one person from each of the following categories:

- (1) A member of the medical profession;
- (2) A clergyperson;
- (3) A funeral director;
- (4) An attorney from the Cook County State's Attorney Office;
- (5) ~~A Commissioner representing the people of Cook County~~ One Cook County Commissioner to serve as an Ex-officio Member with voting rights. The Ex-officio Member shall serve as a liaison between the County Board and the Committee;
- (6) A member of the Chicago Police Department;
- (7) A representative from the Cook County Sheriff's Office; and
- (8) A member of the public.

(b) Term and conditions of Office.

Except as otherwise provided in Section 38-132(b), the members of the Committee appointed under Section 38-132(a) shall be appointed for two years.

(1) Ex-officio member. The ex-officio member shall be the appointed Cook County Commissioner who shall serve as the ex-officio member for the length of the Commissioner's term.

(2) The remaining members. The remaining ten (10) members of the Committee shall serve terms as follows:

a. For the initial members whose appointments became effective July 10, 2012 or March 12, 2014:

1. Members appointed from the medical profession, funeral director profession, Chicago Police Department and Cook County Sheriff's Office categories noted in Sec. 38-132(a) whose term appointment became effective on July 10, 2012 shall serve a term that expires on April 1, 2015.:-

2. Members appointed from the clergy, State's Attorney Office and public categories noted in Sec. 38-132(a) whose term appointment became effective on July 10, 2012 or March 12, 2014 shall serve a term that expires on April 1, 2016.

b. Thereafter, the members other than the ex-officio member appointed shall serve a term of two years.

1. Each member, whether initial or subsequent, shall serve until a successor is appointed.

2. Any member who is appointed to fill a vacancy, other than a vacancy caused by the expiration of the predecessor's term, shall serve until the expiration of his or her predecessor's term.

c. Other than the Ex-Officio Commissioner, a member may not serve more than two consecutive full terms unless authorized by the Board of Commissioners.

~~(b)~~(c) The members of this ~~committee~~ Committee shall serve without pay.

~~(e)~~(d) The members of this ~~committee~~ Committee shall attend meetings to be held at the Medical Examiner's Office on a quarterly basis, beginning with the third quarter of the fiscal year in which this Ordinance is enacted.

~~(d)~~(e) The ~~committee~~ Committee shall prepare an annual report. The report shall be distributed to the individual members of the Board of Commissioners and the President's Office before January 31 of each year. The report shall include minutes of meetings of the Advisory Committee over the past year, including a list of attendees at each meeting, a description of the matters considered during the year and any recommendations made by the Committee for improving operations of the handling, storage and final disposition of decedents brought to the Medical Examiner's Office and the Medical Examiner's service to the residents of Cook County. The Medical Examiner's Office shall provide administrative support as necessary.

~~(e) The members of the committee shall have a fiduciary responsibility to protect the dignity of the deceased that are brought into the Cook County Medical Examiner's Office.~~

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

**Legislative History:** 1/21/15 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**A motion was made by Commissioner Gorman, seconded by Commissioner Tobolski, that this Ordinance Amendment be recommended for approval as substituted. The motion carried by the following vote:**

**Ayes:** Commissioners Arroyo, Boykin, Butler, Daley, Gorman, Moore, Murphy, Schneider, Silvestri, Sims and Tobolski (11)

**Present:** Vice Chairman Fritchey (1)

**Absent:** Chairman Suffredin, Commissioners Gainer, García, Goslin and Steele (5)

#### **15-1216**

**Sponsored by:** TONI PRECKWINKLE, President, and STANLEY MOORE, JESÚS G. GARCÍA, LARRY SUFFREDIN, DEBORAH SIMS, BRIDGET GAINER, ROBERT STEELE, LUIS ARROYO JR, RICHARD R. BOYKIN, GREGG GOSLIN and JOAN PATRICIA MURPHY, County Commissioners

#### **PROPOSED RESOLUTION**

#### **URGING THE ILLINOIS GENERAL ASSEMBLY TO PASS HB 172 TO RESTORE JUDICIAL DISCRETION IN THE TRANSFER OF JUVENILES TO ADULT COURT**

**WHEREAS**, the nation's first juvenile court was created in Cook County 115 years ago, based on the understanding that children are different and should be treated differently than adults; and

**WHEREAS**, scientific research has proven that the adolescent brain is not fully developed in the areas that regulate rational decision making and impulse control; and

**WHEREAS**, 705 ILCS 405/5-130 of the Juvenile Court Act, mandates that youth predominantly 15 and older, but as young as 13, automatically be tried as adults, in adult court, facing adult sentences, based solely on the charge brought, which is at the exclusive discretion of the prosecutor; and

**WHEREAS**, Illinois is one of only 14 states that do not require a hearing in front of a juvenile court judge before a child is transferred to adult court; and

**WHEREAS**, according to a study by the Illinois Juvenile Justice Initiative (JJI), since the passage of the Automatic Transfer statute in 1982, transfers to adult court have increased from 57 annually to 86 annually as of 2012; and

**WHEREAS**, the number of youth charged as Automatic Transfers increased dramatically after the passage of “Raise the Age” legislation from 96 in 2013 to 178 in 2014; and

**WHEREAS**, Automatic Transfer of youth to adult court has a direct impact on the Cook County Juvenile Temporary Detention Center (JTDC) in which the average daily population of transferred youth has nearly doubled over the last year from 72 to 138; and

**WHEREAS**, according to the JJI study, the implementation of Automatic Transfer has resulted in more children being transferred to adult court for less serious crimes as compared to when judges made the transfer decisions; and

**WHEREAS**, Automatic Transfer has an extreme disproportionate impact on children of color. In a three year sample of automatic transfers in Cook County, only 83% of youth transferred were African American, and only one youth was white; and

**WHEREAS**, approximately 54% of Automatic Transfer youth in the three year study by JJI ultimately pled guilty to lesser charges that if originally charged would have been prosecuted in juvenile court; and

**WHEREAS**, Adult court cases are processed at a much slower pace than juvenile cases with an average time to disposition of 369 days for Automatic Transfer youth whose cases were disposed of in the last year; and

**WHEREAS**, according to a 2007 survey by the US Centers for Disease Control and Prevention children prosecuted as adults are 34% more likely to reoffend than children with similar criminal histories who are prosecuted in juvenile court for similar offenses; and

**WHEREAS**, “The Consequences of Transfer” a study published by the University of Chicago Press, found that children prosecuted as adults are more likely to commit more serious new crimes at a faster rate than those tried in juvenile court; and

**WHEREAS**, according to analysis by the John Jay College of Criminal Justice there is no correlation between the transferring of juveniles to adult court and the drop in youth violence across the country; and

**WHEREAS**, the United Nation Human Rights Committee urged the U.S. to end prosecution of juveniles in adult court; and

**WHEREAS**, the Supreme Court of Illinois in *People v. Patterson*, urged the legislature to reform the automatic transfer statute in Illinois stating “While modern research has recognized the effect that the unique qualities and characteristics of youth may have on juveniles’ judgment and actions, the automatic transfer provision does not. Indeed, the mandatory nature of that statute denies this reality. Accordingly, we strongly urge the General Assembly to review the automatic transfer provision based on the current scientific and sociological evidence indicating a need for the exercise of judicial discretion in determining the appropriate setting for the proceedings in these juvenile cases”; and

**WHEREAS**, automatic transfer prevents any consideration by a judge of the particular characteristics of a child, the crime, or the child’s role in the crime in determining the appropriate venue for sentencing; and

**WHEREAS**, automatically transferring youth accused of certain crimes ignores the scientific research and the underlying philosophy of the juvenile court; and

**WHEREAS**, Every child in Illinois deserves a fair hearing in front of a juvenile court judge to determine whether their case is more appropriately handled in juvenile or adult court; and

**WHEREAS**, it is in the best interest of justice to restore judicial discretion in all decisions relating to the transfer of a child to adult court;

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby urge the Illinois General Assembly to pass HB 172, which ends the Automatic Transfer of youth to adult court and restores judicial discretion, by requiring a hearing in front of a juvenile court judge to determine whether a child is suitable for the rehabilitative focus of the juvenile court or should be transferred to adult court and sentenced as an adult; 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.

**Legislative History:** 1/21/15 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**A motion was made by Commissioner Sims, seconded by Commissioner Butler, that this Resolution be accepted as substituted. The motion carried by the following vote:**

**Ayes:** Vice Chairman Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gorman, Moore, Murphy, Schneider, Silvestri, Sims and Tobolski (12)

**Absent:** Chairman Suffredin, Commissioners Gainer, García, Goslin and Steele (5)

**15-1216**

**Sponsored by:** TONI PRECKWINKLE, President, and STANLEY MOORE, JESÚS G. GARCÍA, LARRY SUFFREDIN, DEBORAH SIMS, BRIDGET GAINER, ROBERT STEELE, LUIS ARROYO JR, RICHARD R. BOYKIN, GREGG GOSLIN, JOAN PATRICIA MURPHY and JERRY BUTLER, County Commissioners

**URGING THE ILLINOIS GENERAL ASSEMBLY TO RESTORE JUDICIAL DISCRETION IN THE TRANSFER OF JUVENILES TO ADULT COURT**

**WHEREAS**, the nation’s first juvenile court was created in Cook County 115 years ago based on the understanding that children should be treated differently than adults; and

**WHEREAS**, scientific research has proven that the adolescent brain is not fully developed in the areas that regulate rational decision making and impulse control; and

**WHEREAS**, 705 ILCS 405/5-130 of the Juvenile Court Act, mandates that youth predominantly 15 and older, but in some cases as young as 13, automatically be tried as adults, in adult court, facing adult sentences, based solely on the original charge (“Automatic Transfer”); and

**WHEREAS**, the Illinois General Assembly enacted Automatic Transfer in 1982 in response to no longer relevant concerns about the potential increase of juvenile crime. Since that time, the policy has resulted in thousands of youths being tried as adults without a hearing before a juvenile court judge; and

**WHEREAS**, according to analysis by the John Jay College of Criminal Justice there is no correlation between the transferring of juveniles to adult court and the drop in youth violence across the country; and

**WHEREAS**, the Office of Juvenile Justice and Delinquency Prevention has stated that the “bulk of the empirical evidence suggests that [juvenile] transfer laws have little or no general deterrent effect;” and

**WHEREAS**, Illinois is one of only 14 states that do not require a hearing in front of a juvenile court judge before a child is transferred to adult court; and

**WHEREAS**, according to a study by the Illinois Juvenile Justice Initiative (JJI), since the passage of the Automatic Transfer statute in 1982, transfers to adult court have increased from 57 annually to 86 annually as of 2012; and

**WHEREAS**, the number of youth charged as Automatic Transfers increased dramatically after the passage of “Raise the Age” legislation from 96 in 2013 to 178 in 2014; and

**WHEREAS**, Automatic Transfer of youth to adult court has a direct impact on the Cook County Juvenile Temporary Detention Center (JTDC) in which the average daily population of transferred youth has nearly doubled over the last year from 72 to 138; and

**WHEREAS**, according to the JJI study, the implementation of Automatic Transfer has resulted in more children being transferred to adult court for less serious crimes as compared to when judges made the transfer decisions; and

**WHEREAS**, Automatic Transfer has disproportionately impacted children of color. In a three year sample of automatic transfers in Cook County, JJI found that 83% of youths transferred were African American and only one youth was white; and

**WHEREAS**, approximately 54% of Automatic Transfer youth in the three year study by JJI ultimately pled guilty to lesser charges that if originally charged would have been prosecuted in juvenile court; and

**WHEREAS**, adult court cases are processed at a much slower pace than juvenile cases with an average time to disposition of 369 days for Automatic Transfer youth whose cases were disposed of in the last year; and

**WHEREAS**, according to a 2007 survey by the US Centers for Disease Control and Prevention, children prosecuted as adults are 34% more likely to reoffend than children with similar criminal histories who are prosecuted in juvenile court for similar offenses; and

**WHEREAS**, “The Consequences of Transfer” a study published by the University of Chicago Press, found that children prosecuted as adults are more likely to commit more serious new crimes at a faster rate than those tried in juvenile court; and

**WHEREAS**, the United Nation Human Rights Committee urged the U.S. to end prosecution of juveniles in adult court; and

**WHEREAS**, the Supreme Court of Illinois in *People v. Patterson*, urged the legislature to reform the automatic transfer statute in Illinois stating “While modern research has recognized the effect that the unique qualities and characteristics of youth may have on juveniles’ judgment and actions, the automatic transfer provision does not. Indeed, the mandatory nature of that statute denies this reality. Accordingly, we strongly urge the General Assembly to review the automatic transfer provision based on the current scientific and sociological evidence indicating a need for the exercise of judicial discretion in determining the appropriate setting for the proceedings in these juvenile cases”; and

**WHEREAS**, automatic transfer prevents any consideration by a judge of the particular characteristics of a child, the crime, or the child’s role in the crime in determining the appropriate venue for sentencing; and

**WHEREAS**, automatically transferring youth accused of certain crimes ignores the scientific research and the underlying philosophy of the juvenile court; and

**WHEREAS**, Every child in Illinois deserves a fair hearing in front of a juvenile court judge to determine whether their case is more appropriately handled in juvenile or adult court; and

**WHEREAS**, it is in the best interest of justice to restore judicial discretion in all decisions relating to the transfer of a child to adult court; and

**WHEREAS**, HB 172, which ends the Automatic Transfer of youth to adult court and restores judicial discretion by requiring a hearing in front of a juvenile court judge to determine whether a child is suitable for the rehabilitative focus of the juvenile court or should be transferred to adult court and sentenced as an adult, has been introduced before the 99<sup>th</sup> General Assembly;

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby urge the Illinois General Assembly to pass HB 172 or similar legislation to restore judicial discretion in the transfer of juveniles to adult court.

**BE IT FURTHER RESOLVED**, that the Cook County Board of Commissioners further urges all stakeholders in the criminal justice system to engage in the legislative process and work with members of the Illinois General Assembly to accomplish this goal.

**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.

**Legislative History:** 1/21/15 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

**A motion was made by Commissioner Sims, seconded by Commissioner Boykin, that this Resolution be recommended for approval as substituted Commissioner Gorman called for a roll call. The motion carried by the following vote:**

**Ayes:** Vice Chairman Fritchey, Commissioners Arroyo, Boykin, Butler, Moore, Murphy and Sims (7)

**Present:** Commissioners Daley, Gorman, Schneider, Silvestri and Tobolski (5)

**Absent:** Chairman Suffredin, Commissioners Gainer, García, Goslin and Steele (5)

#### **15-1217**

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

#### **PROPOSED APPOINTMENT**

**Appointee(s):** Esther Franco-Payne

**Position:** Member

**Department/Board/Commission:** Cook County Juvenile Temporary Detention Center Advisory Board

**Effective date:** Immediate

**Expiration date:** 6/30/2016, or until a successor is appointed. Ms. Franco-Payne will fill the vacancy of Lanetta Haynes Turner

**Legislative History:** 1/21/15 Board of Commissioners referred to the Legislation and Intergovernmental Relations Committee

The nominee's resume, statement of interest and affidavit were entered into the record. The nominee also gave an oral statement as to his interest in and qualifications for the position.

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

**Ayes:** Vice Chairman Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gorman, Moore, Murphy, Schneider, Silvestri, Sims and Tobolski (12)

**Absent:** Chairman Suffredin, Commissioners Gainer, García, Goslin and Steele (5)

### ADJOURNMENT

**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this committee be adjourned. The motion carried by the following vote:**

**Ayes:** Vice Chairman Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gorman, Moore, Murphy, Schneider, Silvestri, Sims and Tobolski (12)

**Absent:** Chairman Suffredin, Commissioners Gainer, García, Goslin and Steele (5)

Respectfully submitted,

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

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

