

Proposed Substitute for item #16-0475

PROPOSED ORDINANCE AMENDMENT

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

Subdivision II. – Cook County Guidelines for Special State's Attorneys

Section 2-331 – Guidelines established.

- (a) Short title. This subdivision shall be known and may be cited as the "Cook County Guidelines for Special State's Attorneys."
- (b) *Purpose.* In the event that the Cook County State's Attorney is sick, absent, unable to attend a case or has an interest in a case, a Special State's Attorney can be appointed by a court of competent jurisdiction pursuant to 55 ILCS 5/3-9008. The appointment of any Special State's Attorney is considered temporary and limited in scope to the instant matter before the appointing court. In matters pertaining to the commencement of any criminal actions, suits, indictments and / or prosecutions of a police officer for the shooting of one or more unarmed civilian(s), there shall be a presumption that the Cook County State's Attorney has an interest in the case pursuant to 55 ILCS 5/3-9008, and that the appointment of a Special State's Attorney should take place pursuant to the guidelines established in this Section and 55 ILCS 5/3-9008.
- (c) *Definitions.* The following words, terms and phrases, when used in this [sub]division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Attorney is an Attorney appointed by a court of competent jurisdiction, pursuant to 55 ILCS 5/3-9008 and who has fully complied with the Notice Provision contained in Section 2-332 of this subdivision.

Litigation Subcommittee or *Subcommittee* means the Finance Subcommittee on Litigation of the Cook County Board of Commissioners.

Chair of the Litigation Subcommittee or *Chair* means the chairperson of the Finance Subcommittee on Litigation of the Cook County Board of Commissioners.

Case Summary means the report prepared by the Attorney and submitted to the Litigation Subcommittee that updates the Litigation Subcommittee on the progress and status of the case assigned to the Attorney.

Case Management means the regular documentation of the Attorneys' work on an individual case, including, but not limited to, a Case Budget (if applicable), Case Summary, modifications and Quarterly Status Reports.

Case Budget means the estimate of legal fees and expenses through the time of judgment or other completion including costs associated with the use of third-party vendors.

Modification of Approved Case Summary means the required report made within five business days to the Chair of the Litigation Subcommittee of any major deviations to the budget that would significantly expand the planned activities set forth in the Case Summary.

Quarterly Status Reports means the written reports that update the status of the case, made in writing and submitted to the Chair of the Subcommittee on Litigation at least four times annually.

Unarmed means without a firearm carried in one's hand(s) or held anywhere on one's person.