



**Board of Commissioners of Cook County
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**

NOTICE AND AGENDA

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

PUBLIC TESTIMONY

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

15-1549

COMMITTEE MINUTES

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

15-1044

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 clergyperson 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.

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

~~(e)~~ 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.

~~(d)~~ 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.

~~(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

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

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


Secretary

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