



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Details (With Text)

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<b>File #:</b>	14-0183	<b>Version:</b>	3	<b>Name:</b>	Prisoner Release Order Resolution
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Approved
<b>File created:</b>	12/2/2013	<b>In control:</b>		<b>In control:</b>	Finance Subcommittee on Litigation
<b>On agenda:</b>	12/4/2013	<b>Final action:</b>		<b>Final action:</b>	1/15/2014
<b>Title:</b>	SECOND PROPOSED SUBSTITUTE TO ITEM 14-0183				

### PROPOSED RESOLUTION

#### RESOLUTION IN SUPPORT OF MODIFYING THE PRISONER RELEASE ORDER BEFORE THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

WHEREAS, the County is engaged in litigation before the United States District Court for the Northern District of Illinois in United States v. Cook County, Illinois; et al., Case No 10 CV 2946; and

WHEREAS, the Cook County Board President, the Cook County Board of Commissioners, and the Cook County Sheriff are the named defendants ("Defendants") in this litigation and, as such, are obligated to comply with the "Agreed Order" entered in the case; and

WHEREAS, under this litigation on March 11, 2011 a three judge panel entered a Prisoner Release Order to take certain actions to avoid unconstitutional conditions of confinement attributable to overcrowding at the jail; and

WHEREAS, under the March 2011 Prisoner Release Order, the Cook County Sheriff was granted authority to release qualifying non-violent detainees onto electronic monitoring in consideration of public safety, the likelihood of a defendant appearing in court, and population levels at the Cook County Department of Corrections (hereinafter, "CCDOC"); and

WHEREAS, despite the Prisoner Release Order, the CCDOC was at or near capacity for most of 2013, its highest level in eight years, at an average cost of \$143 a day per pre-trial detainee; and

WHEREAS, the current Prisoner Release Order has had limited impact on reducing the jail population; and

WHEREAS, the Defendants to the litigation, intend to present a "Parties' Joint Motion for Modification of the Prisoner Release Order" ("Joint Motion") requesting that the Prisoner Release Order be administered by the Offices of the President of the Cook County Board rather than the Sheriff, and further intend to seek the agreement of the Department of Justice ("DOJ") on behalf of the United States to the Joint Motion; and

WHEREAS, subject to the approval of the Court, the Defendants will request that the President of the County Board administer the Prisoner Release Order for a period of two years or when the Court determines the Defendants to be in Substantial Compliance, whichever is sooner; and

WHEREAS, the Joint Motion will also ask the Court to allow the President of the County Board to continue the current practice of appointing retired judges to determine whether the eligible non-violent detainees meet the aforementioned conditions for release, on electronic monitoring; and

WHEREAS, the Prisoner Release Order does not replace the need for long-term reforms to the Cook County criminal justice system, particularly as it relates to Bond Court; and

WHEREAS, the Cook County Board President and the Cook County Commissioners are primarily

responsible for the fiscal stability of the County and are willing to devote appropriate resources to modify the Prisoner Release Order to reduce the population of the Cook County Jail.

NOW, THEREFORE, BE IT RESOLVED, that the President and Board of Commissioners of Cook County support the Joint Motion.

BE IT FURTHER RESOLVED, that the President and Board of Commissioners' State's Attorney Counsel shall work with the parties on the Joint Motion.

**Sponsors:** TONI PRECKWINKLE (President), JESÚS G. GARCÍA, LARRY SUFFREDIN, PETER N. SILVESTRI, STANLEY MOORE

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/15/2014	3	Board of Commissioners	approve	
1/15/2014	3	Finance Subcommittee on Litigation	recommend for approval as substituted	
12/4/2013	1	Board of Commissioners	amend	Pass
12/4/2013	1	Board of Commissioners	refer	Pass

## SECOND PROPOSED SUBSTITUTE TO ITEM 14-0183

### PROPOSED RESOLUTION

#### RESOLUTION IN SUPPORT OF MODIFYING THE PRISONER RELEASE ORDER BEFORE THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

**WHEREAS**, the County is engaged in litigation before the United States District Court for the Northern District of Illinois in *United States v. Cook County, Illinois; et al.*, Case No 10 CV 2946; and

**WHEREAS**, the Cook County Board President, the Cook County Board of Commissioners, and the Cook County Sheriff are the named defendants ("Defendants") in this litigation and, as such, are obligated to comply with the "Agreed Order" entered in the case; and

**WHEREAS**, under this litigation on March 11, 2011 a three judge panel entered a Prisoner Release Order to take certain actions to avoid unconstitutional conditions of confinement attributable to overcrowding at the jail; and

**WHEREAS**, under the March 2011 Prisoner Release Order, the Cook County Sheriff was granted authority to release qualifying non-violent detainees onto electronic monitoring in consideration of public safety, the likelihood of a defendant appearing in court, and population levels at the Cook County Department of Corrections (hereinafter, "CCDOC"); and

**WHEREAS**, despite the Prisoner Release Order, the CCDOC was at or near capacity for most of 2013, its highest level in eight years, at an average cost of \$143 a day per pre-trial detainee; and

**WHEREAS**, the current Prisoner Release Order has had limited impact on reducing the jail population; and

**WHEREAS**, the Defendants to the litigation, intend to present a "Parties' Joint Motion for Modification of the Prisoner Release Order" ("Joint Motion") requesting that the Prisoner Release Order be administered by the Offices of the President of the Cook County Board rather than the Sheriff, and further intend to seek the agreement of the Department of Justice ("DOJ") on behalf of the United States to the Joint Motion; and

**WHEREAS**, subject to the approval of the Court, the Defendants will request that the President of the County Board administer the Prisoner Release Order for a period of two years or when the Court determines the Defendants to be in Substantial Compliance, whichever is sooner; and

**WHEREAS**, the Joint Motion will also ask the Court to allow the President of the County Board to continue the current practice of appointing retired judges to determine whether the eligible non-violent detainees meet the aforementioned conditions for release, on electronic monitoring; and

**WHEREAS**, the Prisoner Release Order does not replace the need for long-term reforms to the Cook County criminal justice system, particularly as it relates to Bond Court; and

**WHEREAS**, the Cook County Board President and the Cook County Commissioners are primarily responsible for the fiscal stability of the County and are willing to devote appropriate resources to modify the Prisoner Release Order to reduce the population of the Cook County Jail.

**NOW, THEREFORE, BE IT RESOLVED**, that the President and Board of Commissioners of Cook County support the Joint Motion.

**BE IT FURTHER RESOLVED**, that the President and Board of Commissioners' State's Attorney Counsel shall work with the parties on the Joint Motion.