



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details (With Text)

File #:	16-0577	Version:	1	Name:	CALLING ON THE CIRCUIT COURT OF COOK COUNTY TO APPOINT A SPECIAL STATE'S ATTORNEY TO HANDLE THE PROSECUTION OF OFFICER JASON VAN DYKE, PURSUANT TO 55 ILCS 5/3-9008
Type:	Resolution	Status:			Approved
File created:	12/9/2015	In control:			Criminal Justice Committee
On agenda:	12/16/2015	Final action:			1/13/2016
Title:	PROPOSED RESOLUTION				

CALLING ON THE CIRCUIT COURT OF COOK COUNTY TO APPOINT A SPECIAL STATE'S ATTORNEY TO HANDLE THE PROSECUTION OF OFFICER JASON VAN DYKE, PURSUANT TO 55 ILCS 5/3-9008

WHEREAS, pursuant to 55 ILCS 5/3-9008, the Circuit Court or an interested party in a proceeding may file a petition alleging that the State's Attorney is unable to fulfill her duties; and

WHEREAS, 55 ILCS 5/3-9008 sets the proper procedure for the Circuit Court to review such petition; and

WHEREAS, the 13-month time period between the shooting death of a 17-year-old African American, Laquan McDonald, and the filing of criminal charges by the Cook County State's Attorney against the shooter, Chicago Police Officer Jason Van Dyke has undermined local confidence in the criminal justice system in Cook County; and,

WHEREAS, the delay in prosecuting Officer Van Dyke has placed the Cook County State's Attorney in the position of having to defend the impartiality of the State's Attorney's Office in prosecuting Officer Van Dyke; and,

WHEREAS, with respect to the prosecution of Officer Van Dyke, the utilization of the Chicago Police Department by the State's Attorney for its own investigatory purposes places the Cook County State's Attorney in the position of prosecuting a member of a government agency that often functions as witnesses of the State's Attorney's Office; and,

WHEREAS, as a result of its relationship with the Chicago Police Department as outlined in the foregoing paragraphs, a clear conflict of interest exists for the Office of the Cook County State's Attorney in its prosecution of Officer Van Dyke; and,

NOW THEREFORE, BE IT RESOLVED by the President and the Cook County Board of Commissioners that this Honorable Body requests that the Circuit Court of Cook County or an interested person immediately file a petition alleging that the State's Attorney is unable to fulfill her duties pursuant to Section 55 ILCS 5/3-9008 and to appoint a Special State's Attorney to handle the prosecution of Jason Van Dyke.

Sponsors: RICHARD R. BOYKIN

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/13/2016	1	Board of Commissioners	approve	Pass
1/12/2016	1	Criminal Justice Committee	recommend for approval	Pass
12/16/2015	1	Board of Commissioners	refer	Pass

PROPOSED RESOLUTION

CALLING ON THE CIRCUIT COURT OF COOK COUNTY TO APPOINT A SPECIAL STATE’S ATTORNEY TO HANDLE THE PROSECUTION OF OFFICER JASON VAN DYKE, PURSUANT TO 55 ILCS 5/3-9008

WHEREAS, pursuant to 55 ILCS 5/3-9008, the Circuit Court or an interested party in a proceeding may file a petition alleging that the State’s Attorney is unable to fulfill her duties; and

WHEREAS, 55 ILCS 5/3-9008 sets the proper procedure for the Circuit Court to review such petition; and

WHEREAS, the 13-month time period between the shooting death of a 17-year-old African American, Laquan McDonald, and the filing of criminal charges by the Cook County State’s Attorney against the shooter, Chicago Police Officer Jason Van Dyke has undermined local confidence in the criminal justice system in Cook County; and,

WHEREAS, the delay in prosecuting Officer Van Dyke has placed the Cook County State’s Attorney in the position of having to defend the impartiality of the State’s Attorney’s Office in prosecuting Officer Van Dyke; and,

WHEREAS, with respect to the prosecution of Officer Van Dyke, the utilization of the Chicago Police Department by the State’s Attorney for its own investigatory purposes places the Cook County State’s Attorney in the position of prosecuting a member of a government agency that often functions as witnesses of the State’s Attorney’s Office; and,

WHEREAS, as a result of its relationship with the Chicago Police Department as outlined in the foregoing paragraphs, a clear conflict of interest exists for the Office of the Cook County State’s Attorney in its prosecution of Officer Van Dyke; and,

NOW THEREFORE, BE IT RESOLVED by the President and the Cook County Board of Commissioners that this Honorable Body requests that the Circuit Court of Cook County or an interested person immediately file a petition alleging that the State’s Attorney is unable to fulfill her duties pursuant to Section 55 ILCS 5/3-9008 and to appoint a Special State’s Attorney to handle the prosecution of Jason Van Dyke.