



Legislation Text

File #: 2021-0826, **Version:** 1

Title
RESOLUTION URGING THE ILLINOIS STATE LEGISLATURE TO PASS HOUSE BILL 4176 TO PROVIDE COOK COUNTY POLICE CHIEFS LOCAL LAW ENFORCEMENT OVERRIDE OF A FELONY REJECTION OR A DESIGNATION OF A FELONY AS A CONTINUING INVESTIGATION BY THE COOK COUNTY STATE'S ATTORNEY

Body
WHEREAS, protecting public safety in the Village of Orland Park is the Village's highest responsibility; and

WHEREAS, Cook County is experiencing life-changing and life-threatening crime with unprecedented homicidal activities putting the general public at risk of hurt, harm and danger. The escalating crime wave includes, unsolved murders, shootings, killings of children and youth, and criminal activities which are of such a nature that an extreme response of extra help and support is necessary; and

WHEREAS, the vitality of our community depends on how safe we keep our homes, neighborhoods, schools, and workplaces because crime and fear of crime diminish the quality of life for all; and

WHEREAS, crime and fear of crime destroy our trust in others and in institutions, threatening the community's health and prosperity; and

WHEREAS, violent crime is occurring at a record pace this year in suburban Cook County communities; and

WHEREAS, criminals should be held accountable for their actions; and

WHEREAS, police chiefs throughout Cook County have provided a consistent theme of profound disagreement with many charging decisions or the pushing of a case into a continuing investigation; and

WHEREAS, House Bill 4176 will provide to Cook County's suburban police departments the ability for a law enforcement override of a felony rejection or a designation of a felony as a continuing investigation by the Cook County State's Attorney; and

WHEREAS, House Bill 4176 amends the Counties Code and provides that in a criminal investigation in counties in excess of 3,000,000 involving a forcible felony where the State's Attorney or Assistant State's Attorney rejects the filing of a felony charge or charges or the case is designated by the State's Attorney or Assistant State's Attorney as a continuing investigation, a law enforcement agency in the jurisdiction where the alleged crime occurred may override the State's Attorney or Assistant State's Attorney's rejection of the felony charge or charges or the case is designated by the State's Attorney or Assistant State's Attorney as a continuing investigation if the evidence supporting the charge is clear and convincing and the override is filed with the clerk of the circuit court and the State's Attorney; and

WHEREAS, the State's Attorney or Assistant State's Attorney may rescind the override within 7 days after the override by petitioning the Chief Judge of the Criminal Division of the circuit court; and

WHEREAS, if the court determines that law enforcement agency's decision to override was based on clear and convincing evidence, the State's Attorney must proceed with a preliminary examination or seek an indictment by grand jury within 30 days from the date he or she was taken into custody or, if he or she is not in custody, 60 days from the date

he or she was arrested; and

WHEREAS, House Bill 4176 provides that the decision of the court on the law enforcement agency's override is not appealable; and

WHEREAS, House Bill 4176 does not present a constitutional conflict with the authority to prosecute as contained in the Counties Code 55 ILCS 5/3, and the legislature by statute defines the duties and authority of a State's Attorney, not the Constitution; and

WHEREAS, this legislation affords suburban Cook County law enforcement agencies more of a decision in the resulting charge(s) and an incentive to continue to perform their job of fighting crime with a resolve that offenders will be prosecuted and charged appropriately for the crimes committed; and

WHEREAS, this legislation will help to balance the scales of justice by providing support to Cook County's suburban law enforcement agencies; and

WHEREAS, suburban Cook County residents deserve the same legal measures and protections afforded to the city of Chicago.

NOW, THEREFORE, BE IT RESOLVED, by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated by reference into this Section 1 and made a part hereof as though fully set forth herein.

SECTION 2

The Village President and the Board of Trustees of the Village of Orland Park resolve to request that the Illinois State Legislature pass House Bill 4176 to provide to Cook County police chiefs local law enforcement override of a felony rejection or a designation of a felony as a continuing investigation by the Cook County State's Attorney.

SECTION 3

This Resolution shall be effective immediately upon its adoption as provided by law.