



# Office of the City Clerk

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## Legislation Text

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File #: R2015-975, Version: 1

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**Committee on Committees, Rules and Ethics  
December 9, 2015 City Council  
Meeting**

**RESOLUTION**

WHEREAS, The Cook County State's Attorney Anita Alvarez has a legal duty to represent the -residents of Cook County in any actions falling within the purview of ILCS 55 3/9005; and

WHEREAS, The legal obligations of State's Attorneys defined by 55 ILCS 5/3-9005 (a)(1) clearly states that, "[t]he duty of each State's attorney shall be...[t]o commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his county, in which the people of the State or county may be concerned;" and

WHEREAS, State's Attorney Anita Alvarez's failure to launch adequate investigations into potential criminal liability of officers of the Chicago Police Department is a breach of legal obligation to the residents of Cook County; and

WHEREAS, State's Attorney Alvarez's failure to bring timely charges against Jason VanDyke may constitute a breach of duty to the residents of Chicago; and

WHEREAS, the Department of Justice has undertaken an investigation into the policies and practices of the Chicago Police Department that may uncover violations of state and federal law; and

WHEREAS, the events surrounding the shooting death of LaQuan McDonald are included in said investigation, and it would follow that the State's Attorney's actions regarding evidence against Jason VanDyke should fall within the scrutiny of the Justice Department; and

WHEREAS, such an investigation into the Cook County State's Attorney makes Alvarez an interested party under 55 ILCS 5/3-9008(a) and under Rules 1.7 and 1.9 of the Illinois Rules of Professional Conduct (IRPC), and

WHEREAS, due to State's Attorney Alvarez's role as Supervisor to all attorneys employed by the office, neither State's Attorney Alvarez nor any other member of the Office of the State's Attorney can properly represent Cook County in its actions against Jason VanDyke or any other actions that may arise from the Attorney General ordered investigation into the Chicago Police Department due to conflict of interest as defined by 55 ILCS 5/3-9008(a) and as imputed by rule 1.10 of the IRPC; and

WHEREAS, The City of Chicago has a vested interest in the Office of Cook County State's Attorney being an office of the utmost efficacy, integrity and advocacy for the rights of the residents of Cook County; and

WHEREAS, State's Attorney Alvarez's attention and conformance with the duties ascribed by law to her office has been brought into question by the National Bar Association and numerous elected officials.

NOW, THEREFORE, BE IT RESOLVED, that the Chicago City Council requests that a special prosecutor be appointed to represent Cook County in its case against Jason VanDyke on charges of the first-degree murder of LaQuan McDonald pursuant to 55 ILCS 3/5-9008; and

BE IT FURTHER RESOLVED, that the Chicago City Council requests that any and all other cases against law enforcement officers that are currently pending or may arise from ongoing investigations into police misconduct be handled by a special prosecutor pursuant to same.