



Cook County State's Attorney 2020 Election Guide

**Candidate:
Kim Foxx**



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Questions

Please answer the following questions in 400 words or less.

1. There has long been talk of eliminating or revamping the Felony Review Unit. Should the CCSAO maintain the Felony Review Unit? If you would eliminate, please explain why. If you would maintain a Felony Review Unit at the CCSAO, describe how you would structure the Unit to: (a) encourage, rather than shut down, thorough police investigations when survivors have requested such investigations; (b) ensure that perpetrators of gender-based violence are charged with offenses that reflect the severity of their violence; (c) ensure the process is sensitive to the needs of victims and witnesses participating in the investigation?

As State's Attorney, I understand the need for our office to work collaboratively with law enforcement officers in order to protect the public. In Cook County, the police must receive approval from the State's Attorney's Felony Review Unit before filing felony charges. Upon taking office, My office assembled felony review working groups "to assess and review existing practices in the unit." We also developed and issued a Felony Review manual to help police to present stronger cases for review "to achieve better outcomes." Since issuing the manual, the Felony Review Unit's approval rate for possession of a stolen vehicle jumped from 50-70 percent to 90 percent from 2016 to 2018. In addition, we convened the Suburban Law Enforcement Working Group with representatives from suburban law enforcement agencies to address local issues with felony review. Additionally, along with training we have set an expectation that our attorneys will spend time volunteering at domestic violence shelters to help heighten their awareness when working cases with such survivors.

2. The Illinois Criminal Code has established certain crimes as "domestic" based on the relationship between the offender and victim and therefore subject to more stringent penalties. It is currently a concern of advocates that ASAs utilize discretion to reduce charges and plead down charges in a significant number of domestic violence cases, and often do so without consulting victims. What will you do as State's Attorney to ensure domestic violence cases are prosecuted as charged? What are your intentions regarding deferment or diversion for domestic violence cases?

Domestic violence is one of the more complicated crimes to which our office responds, so our attorneys benefit from the expertise of a trained staff of investigators and victim-witness specialists. These members of our support staff and attorneys are specially trained in the dynamics of domestic violence, an invaluable component of our overall response. While discretion is always one tool, it goes back to treating each case uniquely for the elements involved so that we can ensure we get justice right. With regards to diversion, I support the

use of these types of programs, particularly for juveniles, mental health cases, and first offenders, that employ this and other techniques to keep people out of the system for minor offenses. When dealing with domestic violence we see a range.

When I took office in 2016 the State's Attorney office had failed to make improvements to the Domestic Violence Division. The DV Division was a statistics-driven unit that prosecutes cases so that the CCSA can say tout convictions. But once that sentence is served, victims were left struggling in single-income homes with kids to raise and no outside support system. Frequently, the victim allows the offender back into the home because they are so dependent on them to survive and raise a family. The mission of our Domestic Violence Division is to respond to all victims of domestic violence in a consistent manner. As a prosecutor's office, we are committed to an innovative strategy that strives to keep the victims safe while treating them with dignity and demanding their offenders be held accountable. We are striving to continue to approve and provide the attention and investment this deserves.

3. What protocol would you establish to ensure that victims of domestic violence who were acting in self-defense during a violence incident are not charged with a crime by your office?

We take a case by case approach in all cases that we handle to ensure more equity and integrity. Our Domestic Violence Division, along with the Chicago Police Department and the Mayor's Domestic Violence Council, have developed a new protocol for responding to domestic violence cases in Chicago.

4. Under your leadership how do envision the State's Attorney's role in maintaining a relationship with the Chicago Police Department in prioritizing the investigation of domestic violence, sexual assault, and human trafficking? How do you see this role balanced with holding law enforcement accountable for officer- involved domestic violence, human trafficking and/or sexual assault?

The State's Attorney is the start and center for maintaining a relationship with the Chicago Police Department for all things regarding our criminal justice system here in Cook County. We cannot talk about violence in the neighborhoods of Chicago without talking about the need to legitimize and add credibility to the stakeholders in our criminal justice system. We have assigned thirty specially trained prosecutors, investigators, and victim-witness specialists to domestic violence cases throughout the city and suburbs.

Police officers should be investigated and prosecuted in the same way that all defendants are prosecuted. Due to the inherent conflict of interest in prosecuting police officers that the office works closely with, a special prosecutor should be the one to objectively prosecute

police officers in police-involved cases. Overall, the issue of assault and abuse is a personal one for me and victims of the above mentioned cases are very much at the center of our work.

5. When it comes to prosecuting prostitution-related crimes, 9 of 10 people prosecuted in Cook County are prostituted people while only 1 out of 10 who face any criminal penalties are buyers of sex or traffickers. Does this reflect your beliefs about how to best address commercial sexual exploitation? Please explain.

Our work has been and will remain at making sure that the criminal justice system actually lives up to the justice portion of its name. Whether you are black or brown, poor, or a survivor of abuse or sexual related crime we have to continue to be vigilante in our efforts to protect and provide balance for the most vulnerable who come to our justice system. We have to continue to combat the narrative that "justice" only occurs when you prosecute more people versus prosecuting the right people.

6. Data are an important part of the advocacy process that helps the advocacy community to better assess and meet the needs of victims. How will you ensure that the advocacy community has access to comprehensive and understandable data? Specifically, what data will you share to demonstrate the efficacy of various initiatives? How will you track the number of sexual assault cases that are reduced to lesser charges? How will you provide overall data on charging versus final disposition?

Upon taking office, when reviewing the State's Attorney's office, we saw a lack of transparency and accessibility. There was no way to compare facts, only cite anecdotes. Now, we are the most transparent prosecutor's office in the country and the first to provide the citizens we serve online access to every felony case dating back to 2011. Our dashboard provides detailed information on more than 350,000 felony offenders, how we prosecute each case, and the outcomes, so the public can see for themselves our efforts to create safer and just communities. The use of data allows us to examine our decision-making and make adjustments when necessary in charging, pleading and sentencing decisions. It also gives the public the tools to hold us accountable.

7. In what ways do you believe the criminal justice system is failing victims of gender-based violence? How will you provide oversight to misdemeanor domestic violence and sexual assault cases that meet standards for felony charges but are charged as misdemeanors? How will you ensure safety of victims that are interacting with the criminal legal system?

Unfortunately, as it is with black, brown, and poor communities our criminal justice has to provide more equity in it's justice with gender-based violence. Much of this work is in having a State's Attorney that is willing to put domestic violence and sexual assault as a center piece of our work. While I am proud of the work that we did in bringing in 21 chargers against star Robert Kelly including aggravated criminal sexual abuse, for most victims it's about having to survive a less famous abuser that can be a trusted friend or complete stranger. We have taken multipl steps to improve these interactions from survivors with the criminal justice system which include providing a facility dog (Hatty) to provide support to both child and mentally disabled victims of sexual assault and violence who are testifying in a trial at the George N. Leighton Criminal Courthouse, in addition to expanding vertical prosecution, where a victim works with the same attorney from start to finish on their case, and developing soft interview reviews for greater comfort, and increased diversity. Lastly, our Domestic Violence Felony Unit contains prosecutors who handle felony domestic violence cases from the initiation of the case through final disposition, including cases involving charges of First Degree Murder, Attempt Murder and Aggravated Stalking. We remain committed to being a compassionate and trusted resource for all survivors as they seek to regain their power and heal.

8. What do you identify as the biggest challenge in prosecuting cases of gender-based violence where the victim wants prosecution? How will you specifically address the challenges in prosecuting reported cases of:

- a. **Domestic Violence?**
- b. **Sexual Assault?**
- c. **Human Trafficking?**

As with the Robert Kelly case, some of the biggest challenges that we face in prosecuting gender based violence is having the survivors public come forth in making their allegations known so that the cases in addition to having them and possible witnesses provide testimonies. This in itself is extremely daunting at times because the survivor often relives the trauma of the crime. Beyond some of the steps we have taken as previously mentioned in answering question 7, we are striving to

1. Require all ASAs assigned to the unit to have specialized training in how to talk to victims, handle evidence, and handle these cases from charging to sentencing.
2. Recording all victims' statements, regardless of their age, to minimize the effects of re-traumatizing them.
3. Referring victims to counseling services.

Furthermore, sex crimes are of a sensitive nature because the victims undergo such trauma and the physical evidence is delicate and limited. Sex crimes can come in various forms. Because of this, sex crimes come into misdemeanor courtrooms, juvenile courtrooms, and felony courtrooms. We have been working to enhance the Sex Crimes Unit by also:

1. Requiring an ASA from this unit to take the lead on the various sex crimes in misdemeanor and juvenile courts.
2. Referring all sex crimes offenders to undergo a professional assessment to determine what type of sex offender they are as early into the process as the parties agree to.

Another aspect of sex offense that needs reform are the mandatory reporting timeframes that apply even to juvenile offenders. This label stigmatizes even rehabilitated individuals who have juvenile convictions and prevents them from being able to apply for college, live on campus, seek employment and reintegrate fully.

Overall, we continue to focus on providing training opportunities to all prosecutors, investigators, and victim-witness specialists who work on such cases.

9. We want to hear more about your priorities as they relate to violence against women and girls.

- a. **Will you have a Policy Director focused exclusively on these issues? If not, why not? If yes, what do you see as the first three priorities they will work on?**

We have put a lot of investment in restructuring and refining our Domestic Violence Division. While it was established in 1997 prior to me ever taking this office, I saw a significant need for intentional improvement in how it operates because it was such a statistics-driven unit that prosecuted cases so that the CCSA can say tout convictions but often left the victims struggling once the sentence had been served. That is why upon taking office we responded to this problem by assigning thirty specially trained prosecutors, investigators, and victim-witness specialists to domestic violence cases throughout the city and suburbs. We made sure that our Domestic Violence Felony Unit contains prosecutors who handle felony domestic violence cases from the initiation of the case through final disposition, including cases involving charges of First Degree Murder, Attempt Murder and Aggravated Stalking. We had prosecutors develop a training program to show how law enforcement personnel can contribute to the successful prosecution of a domestic violence case. This program is available to police departments throughout the county. This is just some of the work we have done to be more intentional and effective in ensuring Domestic Violence gets the attention it deserves.

- b. **What will your legislative priorities be? Will you commit to actively collaborating with the GBV community on priority issues?**

In 2017 I was among hundreds of women in Illinois politics who signed an Oct. 23 open letter to the Illinois state legislature titled 'Say No More.' The letter has raised awareness of the harassment endured by elected officials, lobbyists, consultants

and others in politics and has inspired some state lawmakers to draft two bills requiring more sexual harassment training for state employee. Again this issue is personal to me and I am willing to continue to partner to continue to bring awareness, justice, while working to create a culture that reduces sexual assault.

c. How will you increase funding for specialized positions addressing gender-based violence in your Office? Will you collaborate with service providers on joint grant submissions?

As with our Domestic Violence Division, we actively seek grants to assist with funding of programs that are important to us like this. Additionally, upon taking office that is why I shifted the State's Attorney's office to from pursuing petty retail theft under \$1,000 as a felony, so that we could go after the more violent offenses that make our communities unsafe. We have already begun to see that pay off significantly in starting to reduce gun violence, and we expect in other violent cases to continue to see them trend down as we continue our work with another four years.

10. Cook County has long benefitted from a partnership between advocates and the State's Attorney to develop model programs that prevent and appropriately intervene in domestic violence, sexual assault and human trafficking. How specifically will you partner with advocates to sustain current programming and expand legal protections and services for victims of domestic violence? What are three things you hope to partner with in the upcoming term?

As previously mentioned, we have been deliberate in ensuring that our Domestic Violence Division works closely with Chicago and suburban police departments and the advocacy community on collaborative efforts that improve the law enforcement response to these cases, improve the referral network, and on training and education programs that seek to improve the level of understanding of what is needed to successfully prosecute a case. We want to continue to raise awareness on domestic violence, sexual assault, and human trafficking through collaborating with the organizations that focus on this important issue, while also continuing to work to reduce the occurrences of such cases and make sure we are getting the proper support and justice to these survivors.

11. What do you see as additional barriers to prosecuting cases with survivors who want prosecution in the following communities? What do you see the role of the CCSAO in assisting in overcoming these barriers?

- a. Communities of Color
- b. Immigrant Communities

c. LGBTQ Communities

As with so many cases, we are working to create an equitable criminal justice system that focuses more on the justice part of its name not just the criminal component. We are fighting to overturn years of bias and inequity. We begin to do that by making sure from our attorneys to law enforcement we are providing cultural sensitivity training in addition to providing unique support staff who are used to dealing with specific cases. Additionally, we continue to challenge others who take part in the process of criminal justice. The chief judge's office for the first time in the history of the Circuit Court of Cook County is doing sexual harassment training for all of their judges and all of their staff. This was based on an incident involving a judge and one of my attorneys, in which I wrote a letter to the chief judge saying, "This is what our protocols are. What are yours?" We have accomplished a lot but there is still much more work to be done.