

Name: Kim Foxx

District running for: Cook County State's Attorney

Political party: Democratic

Political/civic background:

Occupation: Attorney

Education: Southern Illinois University School of Law, JD, Law, 1997

Southern Illinois University, Carbondale, BA, Political Science, 1994

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Chicago Sun-Times Editorial Board questionnaire responses

Q) Would you seek legislation or have a policy, as some reform advocates have called for, that all cases in which police are accused of crimes are referred to a court-appointed special prosecutor? If not, what would be your criteria for when to indict a police officer for a shooting while on duty?

In my 12 years as a prosecutor, I worked, as did all of my colleagues in the State's Attorney's Office, in partnership with law enforcement every day, building cases against violent felons--child abusers, sexual predators and killers. Without good police work, we as prosecutors would not be able to do our jobs. Therefore, an inherent conflict exists whenever the State's Attorney has to make a decision to charge in a police-involved shooting.

The current State's Attorney has a track record of failure on appropriately prosecuting police-involved shootings, so it's no surprise the public has lost faith in the ability of the office to handle these cases the right way.

That's why, as State's Attorney, I'll require a special prosecutor in all police-involved shooting cases to mitigate widespread public distrust in our broken criminal justice system. I will work with the Attorney General's Office and the Chief Judge to determine if it would be possible to expand the conflict policy that exists when a State's Attorney's Office employee is charged with a crime, or if we need to engage special prosecutors. It is too important that we address this conflict of interest in order to restore faith in the system.

Q) What professional experience would you bring to the job of state's attorney that would best qualify you to handle the office's wide variety of criminal and civil cases?

My professional and personal experience uniquely qualifies me to handle the demands of this job. I have worked as a prosecutor, as a supervisor, managing a prosecution docket of more than 5,000

criminal cases and prosecuting hundreds of felony cases; as a public guardian, managing a caseload of more than 150 children navigating the justice system; and as an advocate, previously serving as Board Chair of Planned Parenthood Illinois. I hope that voters will choose to support my candidacy because of the work I've done as the lead architect of the criminal justice reform agenda, addressing racial disparities in the criminal and juvenile justice systems as the former chief of staff to the Cook County Board President.

As important as any professional experience, I hope voters will consider the need for someone with my background and upbringing to be the county's chief prosecutor. Born to a teenage mother who struggled to make ends meet, and raised on Chicago's Near North Side in the Cabrini Green housing projects by my mother and grandmother, my life experience has given me a deep understanding of the impact of crime, violence and poverty on our communities. I've been both a victim of violent crime and a prosecutor of violent criminals, and that perspective will inform my holistic approach to the transformation of the criminal justice system Cook County needs.

Due to my work on the county budget, I have a unique understanding of how much revenue the County has abandoned by virtually ignoring its civil division. Across Illinois, government bodies have had to be more diligent in the collection of revenues and the State's Attorney's Office has a role to play in that. Simply making it a priority would bring tremendous benefit to the taxpayers of Cook County.

Q) What would you as state's attorney do to address the increasing numbers of shootings and homicides in Chicago?

Gun violence continues to plague our communities and cost precious lives. The solution can not be to simply get tough on gangs or retrieve more guns, because the City of Chicago recovers more than twice as many firearms as other large cities, and we have not seen a reduction in killings. I am committed to not only focusing on gun possession, but also to establishing a unit to address gun trafficking. Cook County rarely prosecutes straw trafficking cases. The CCSAO should act more collaboratively with our federal partners in the ATF, FBI, and U.S. Attorney's Office to stop the influx of guns into our communities. We have the data that shows the states that are the worse offenders and we need to participate in addressing the guns before they are used in the commission of a crime.

In addition to cutting off the supply of illegal guns from outside Illinois, we must address the fact that 20 percent of the guns police recover in the use of a crime in Chicago come from four stores in the area. While most responsible gun shops have a negligible number of guns that fit the trafficked standard, we have stores in this county where that number is over 500. I would focus on bringing charges to those with a proven track record of at best criminal negligence, and make sure those business clean up or shut down.

Finally, it is important to acknowledge that gun violence is a direct correlate to poverty and lack of economic opportunity. I've long described this office as one that must reach beyond the courthouse and into the community. We need to disrupt the school-to-prison pipeline and develop viable economic alternatives to the gang violence that is in too many communities the only lucrative job opportunity for young men. The recent report that showed that 47 percent of African American young men were unemployed and not in school is an indicator of the problem that leads to the violence on

our streets. Gun violence won't be solved by prosecution alone; we need a holistic approach to reform.

Q) Do you support a proposal to establish a special gun court in Cook County or, as an alternative, a special "gun call?" The gun call would establish a rotating panel of three judges to conduct bail hearings for every illegal gun possession case. Those cases would be heard in a courtroom at 26th and California that's normally reserved for violent crimes such as murder and sexual assault.

I don't oppose the idea in principle. Thus far, there hasn't been compelling data to suggest that gun courts are effective deterrents of gun crime, but if such data emerges, I'll be eager to consider the idea. More important to the prevention of gun crime in Cook County is tackling the illegal weapons traffic and effective policing and community intervention strategies.

Q) What would be your policy as state's attorney with respect to making evidence — such as a police dashcam video — public in a case prior to charges being filed, a trial or a conviction?

As an elected official and as the County's top law enforcement official, I will have a duty to share information with the public. My oath of office includes a pledge to 'faithfully discharge the duties of the office of the state's attorney according to the best of my ability.' That oath puts the prosecution of cases as the top priority for the office holder. I would never do anything that would make it impossible for a defendant to receive a fair trial. However, I also understand that the public has deep-seated mistrust for the process right now, and rightly so. Whenever possible, as long as it respects the integrity of the case, I will push for the greatest degree of transparency we can offer to the public.

Q) Each candidate for state's attorney has important political supporters or donors. What will you do to assure they do not have undue influence in your office?

One of the main reasons that I am running for office is to ensure that all Cook County residents are treated fairly, regardless of their job, political affiliations, skin color, financial means, or any other factor that has been used to abuse prosecutorial discretion. I will hold my office accountable to operating with the highest standards of accountability and ethics. If there is ever a reasonable perception of conflict of interest in a prosecution due to past campaign contributions, I will appoint a special prosecutor to handle the case. Otherwise, my donors all know what my plans are for reform in the office, and if they're supporting me, it's because they support that vision.

Throughout my career, I have consistently advocated for those without power and influence. My own experience of feeling failed by the system are what motivated me to go into public service in the first place. My track record thus far shows that I am dedicated to the work of this office, and I place that far above the influence of any individual that may or may not have supported me in this race.

Q) How would you assess the effectiveness of the existing Conviction Integrity Unit? Should changes be made going forward?

The Conviction Integrity Unit has not done enough. The office is woefully under-prioritized, a problem I hope to fix. I also plan to bring in a panel of outside experts to assist in re-evaluating the evidence of the cases in question. Our office will do better at examining these cases internally, and I also believe that an independent perspective will help bolster our work in this area.

The fact that Cook County is known as the false confessions capital of the world, and yet this unit has only found 13 cases, points to the fact that more must be done. We need to create a transparent standard by which these cases will be reconsidered, and then we must act accordingly without regard to political implications.

Q) What ideas do you have to shorten the delays between and indictment and trial for defendants in Cook County Jail?

The average length of stay for a Cook County inmate awaiting trial ranges from 32 to 88 days for misdemeanors to felonies. I am certain that the 'rocket docket' recently created by the Sheriff and the Chief Judge will help reduce this stay for low-level offenders. I believe we can expand this program to include first-time offenders who have committed crimes of survival and offenders whose prior offenses are more than a decade old. The Chief Judge should also look at a systematic approach to assigning felony trials to the various suburban courthouses and felony preliminary hearing courtrooms on a regular basis. These suburban courtrooms are often done with their daily calls by late morning. They could continue their days with a caseload from 26th and California to reduce the length of stay that alleged offenders must await trial.

Q) When is it appropriate to recruit the FBI and United States attorney's office for assistance in cases that fall under state jurisdiction?

The State's Attorney's office has limited resources. It is important to continue working with other agencies such as the FBI, U.S. Attorney, and Secret Service as the office already does in financial crimes investigations. It is necessary to also look to these resources to investigate and prosecute public corruption cases, large scale drug trafficking cases, and larger scale prostitution enterprises as well. It may also be necessary to involve these larger agencies in cases of terror threats, though they remain minimal in Cook County.

Q) Cook County has begun to move toward reducing incarceration for low-level, nonviolent crimes. But some low-level drug offenses carry mandatory sentences because they take place near schools, churches, parks and other restricted areas. Do you support that policy, or should it be changed?

We need to draw a clear distinction between low-level drug users and those who are distributing drugs. We don't want anyone selling drugs near our schools or parks, and we should prosecute such offenses very seriously. But strict mandatory sentencing guidelines for small possession offenses near schools and parks are only contributing further to the cost and injustice of our present system of mass incarceration.

Q) *Prisons across the country have become more crowded in part because sentences for serious crimes have steadily become longer. Are these sentences justified, necessary and effective or should Illinois stem or reverse this trend toward longer sentences?*

I understand that my first responsibility is to keep our communities safe by taking violent criminals off of the street and keeping them off. As Cook County State's Attorney, I will direct all ASAs to follow the law in recommending sentences to the court. That being said, I will also have an important role to play in advocating for better policies through the legislative unit. Decades of data shows clearly that longer sentences do not necessarily make us safer. Illinois should take the lead in reversing the trend toward longer sentences, especially for offenders who pose little to no risk to public safety.

As CCSA, I would use research and empirical evidence to guide my decisions in what legislative agenda to push. I would also advocate for reforming our current sentencing structure and policies as they are bankrupting our state and not preventing crime.

Q) *The civil division of the U.S. attorney's office collects judgments that return to taxpayers more money than the budget of the office. The Cook County state's attorney's civil division recovers far less money. How would you increase this recovery?*

The Civil Division of the Cook County State's Attorney's Office has been mostly ignored in favor of locking up low level offenders and gaining news headlines. However, this is an important department that not only would bring in revenue for the county but protect millions of working people in the county. As we approach the era of the increased minimum wage and expanded sharing economy, we must ensure that corporations are not taking advantage of those who do not have a voice through wage theft or willful violations of government regulation. The Civil Division, not just the criminal, is an important partner in ensuring that everyone plays by the same set of rules.

Q) *The U.S. and Illinois supreme courts have said mandatory life without parole is unconstitutional for juveniles. What, if anything, should be done about juveniles convicted in Cook County who already are serving such sentences?*

First and foremost, in 2002 the SCOTUS decided in *Miller v. Alabama* that no juvenile should be serving a life without parole sentence. The court's recent *Montgomery v. Louisiana* ruling strengthened the *Miller* decision, applying it retroactively to juveniles already sentenced to life without the possibility of parole.

In 2014, our Illinois Supreme Court in *People v. Davis* reached a similar decision, saying that *Miller* applies retroactively to juveniles sentenced to mandatory life without parole prior to the 2012 decision — a ruling reached over the strenuous objections of the current State's Attorney. Juveniles, such as Mr. Davis, were sentenced to life without parole for being an accessory to a crime they did not even have any role in planning, when they weren't capable of thinking through consequences because their brain wasn't fully developed, and when they were struggling youth from damaged home and difficult upbringings.

I will work with the Public Defender's office to bring joint petitions to have these sentences commuted to life sentences with the possibility of parole. I would then work with the Illinois Department of Corrections and Illinois Prisoner Review Board to work out a systematic approach to determining if these individuals are eligible to be placed on parole according to the law and sentencing guidelines for their conviction, that takes into consideration their age at the time of the offense.

As Chief of Staff of Cook County, I worked to ensure that we reduced the number of juveniles who could be tried as adults, so I am dedicated to ensure that we get this right for all of the children that have been in the system.

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