



**OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS**

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**To:** All ASAs  
**From:** Kimberly M. Foxx, Cook County State's Attorney  
Marny Zimmer, Director of Policy  
Joe Magats, First Assistant State's Attorney  
**RE:** Declining to Prosecute Protestors in The Wake of George Floyd Demonstrations  
**Date:** June 30, 2020

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In the wake of the murders of George Floyd and Breonna Taylor we have seen righteous anger, collective grief, action, and calls for justice. The ongoing demonstrations have added to already unprecedented circumstances in our world and in our work.

The Cook County State's Attorney's Office (CCSAO) is committed to pursuing justice and ensuring the safety of our staff and the Cook County community. As such, the Office has adopted the following guidelines for handling charges related to ongoing demonstrations in Cook County. As always, you are empowered to use your discretion. However, it is the official policy position of the CCSAO that we will not be prosecuting peaceful protestors.

**Defining "Protestor"**

Protestors shall **NOT** be considered individuals who intentionally cause harm or damage. Any demonstration-related case where a person was the victim should be reviewed to determine whether the offense was intentional and/or malicious in nature.

There are 13 charge categories that—as determined through a review of countywide misdemeanor arrest data—are most likely to be the result of a protest-related arrest. These charges have been separated into two categories: (A) charges for which there shall be a presumption of dismissal, and (B) charges for which there shall be a presumption against proceeding without body worn camera.

**(A) Declining to Prosecute**

Presumption of dismissal for the following misdemeanor charges that were filed as a result of demonstrations:

- [Disorderly Conduct](#)
- [Public Demonstration](#)
- [Unlawful Gathering](#)
- [Criminal Trespass to State Supported Land](#)
- Curfew Violation

**(B) Requiring Review of Body Worn Camera**

Presumption against proceeding unless body worn camera footage\* is available and/or where a Police Officer is the complainant. (\*For jurisdictions without body worn cameras, dash cam footage or other substantial evidence shall be used in its place, where practicable.)

- [Resisting/Obstructing Arrest](#)
- [Assault](#)
- [Misdemeanor Aggravated Assault](#)
- [Battery](#)
- [Aggravated Battery to a Police Officer](#)
- [Reckless Conduct](#)
- [Mob Action](#)
- [Obstructing Identification](#)

### **City Ordinance Violations**

Many individuals arrested during recent demonstrations were cited with city ordinance violations. The City of Chicago is the prosecuting authority in those cases. Accordingly, the CCSAO will **NOT** be standing up in court on any of the City of Chicago's cases, **protest related citations or otherwise**. This information has been communicated with Corporation Counsel, the City Prosecutor's Office, the Office of the Chief Judge and the Presiding Judge of the First Municipal District. A copy of the letters to the judiciary and city are attached for your reference.

If you receive any pushback on this position in court, you may state for the record that it is the official policy of the Cook County State's Attorney's Office at this time. Specific to demonstration related ordinance-violations, you may state that we will not be prosecuting those who protested peacefully in the wake of George Floyd and Breonna Taylor's murders and as such we will not be standing up in court on any of the city's protest related cases.

If you receive continued pushback, please notify your supervisor. Supervisors will elevate and address issues accordingly.

#### **Protest Related Ordinance Violations:**

- Curfew Violation
- Disorderly Conduct