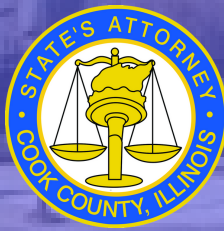


2021

COOK COUNTY STATE'S ATTORNEY'S OFFICE



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Chicago, Illinois 60602

cookcountystatesattorney.org

A NOTE FROM STATE'S ATTORNEY FOXX

The Cook County State's Attorney's Office's (CCSAO) mission is to do justice in the pursuit of thriving, healthy, and safe communities. It is my honor to oversee the second-largest prosecutor's office in the country with over 750 attorneys and more than 1,200 employees. These dedicated public servants work tirelessly around the clock, even during a pandemic, to ensure justice for the people of Cook County.



Even when no movement was happening on cases for the first year of the pandemic, CCSAO prosecutors were working their cases – reviewing evidence and preparing for trials. A significant decline in cases reviewed by the CCSAO for felony charges in 2020 is directly related to a reduction in arrests by law enforcement during the pandemic. In 2021, we began to again see the resolution of cases to match pre-pandemic levels. While we are not free of the pandemic challenges, our work is returning to a new normal. As data in this report shows, nearly nine out of ten adult felony charges presented to my office were approved.

The following report reflects the hard work of CCSAO prosecutors and staff to resolve cases, engage with the community, implement reforms that promote public safety, and much more.

A handwritten signature in black ink, reading "Kim M. Foxx". The signature is stylized and cursive.

Kim M. Foxx
Cook County State's Attorney

APPROVING, CONVICTING, AND RESOLVING CASES

Felony cases are filed by the CCSAO either by approval from the CCSAO Felony Review Unit (FRU) or direct indictment at a grand jury. In addition to cases filed by the office, the CCSAO also handles felony cases - mostly narcotics - that are directly filed by arresting law enforcement agencies (i.e., police). Misdemeanors, narcotics, and non-felony traffic offenses are all directly filed by law enforcement and do not go through the CCSAO FRU. The CCSAO only becomes involved with a case when law enforcement formally presents an arrestee to our office to determine whether criminal charges are warranted.

The graphs on this page reflect felony cases under the Foxx administration. In 2021, the CCSAO approved 86% of felony charges presented for review. Figure 2 shows overall cases disposed, including cases filed by law enforcement (primarily narcotics cases). Narcotics cases are often nolle prosequi (dismissed by the CCSAO), particularly since the start of the pandemic, due to limited capacity of lab testing. Narcotics cases are also the most common diversion cases. Figure 3 shows the conviction outcomes of cases filed by the CCSAO.

In April 2020, at the beginning of the global pandemic, the Illinois Supreme Court suspended the state's Speedy Trial Act. Under the Act, defendants detained pretrial must be tried within 120 days after being brought into custody. Defendants released on bond must be tried within 160 days after they demand trial.

Figure 1

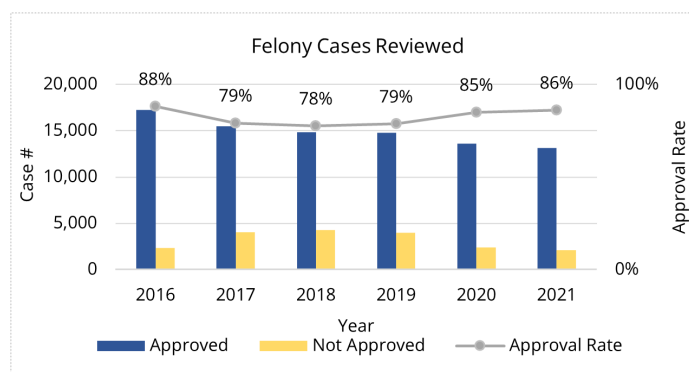


Figure 3

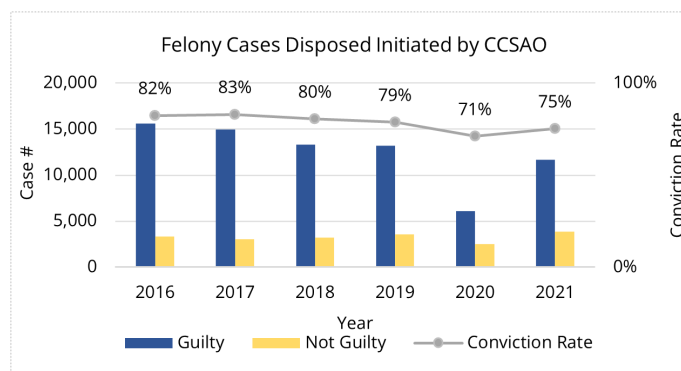
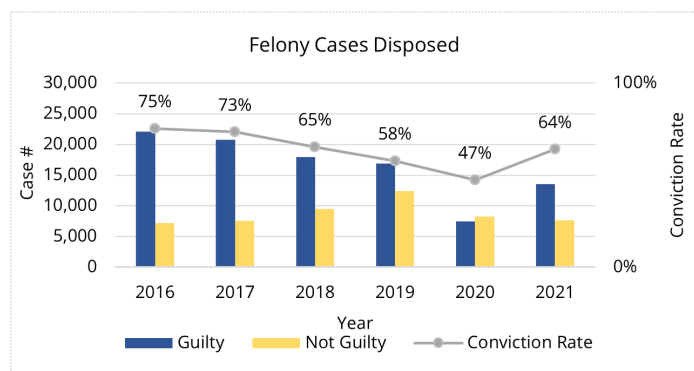


Figure 2



2021

Felony Approval Rate

86%

Felony Conviction Rate*

75%

*Cases initiated by the CCSAO

Between March 23rd and June 28th, 2020 (weeks 13 and 26 of 2020) in Figure 4, the number of weekly disposed cases dipped, hitting the lowest point of 57 cases in week 17. During this time period, on average, only 101 cases were being closed weekly. For the second half of 2020, expanded court operations allowed more cases to close resulting in the average number of cases closed during this period increasing to 296 cases per week. On June 30, 2021, the Illinois Supreme Court issued an order to reinstate the Speedy Trial Act on October 1, 2021. After this order was issued, the average number of cases closed per week increased by 100.

Figure 4

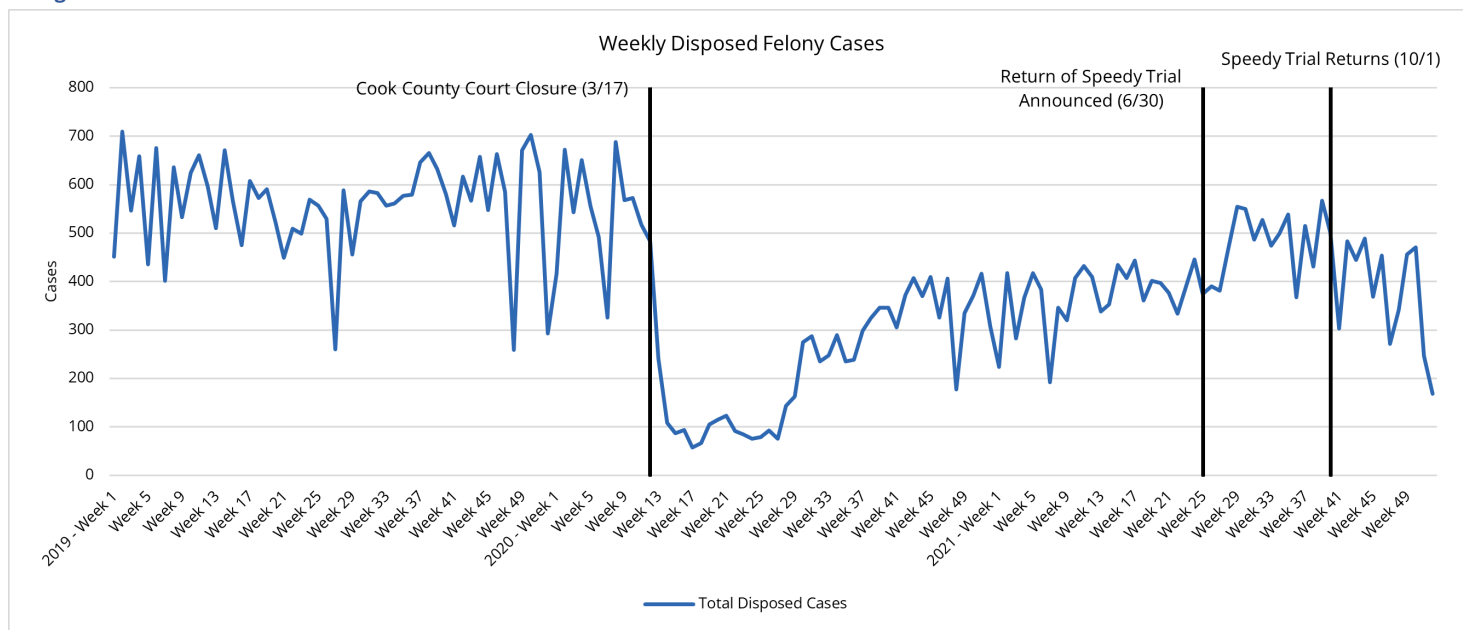
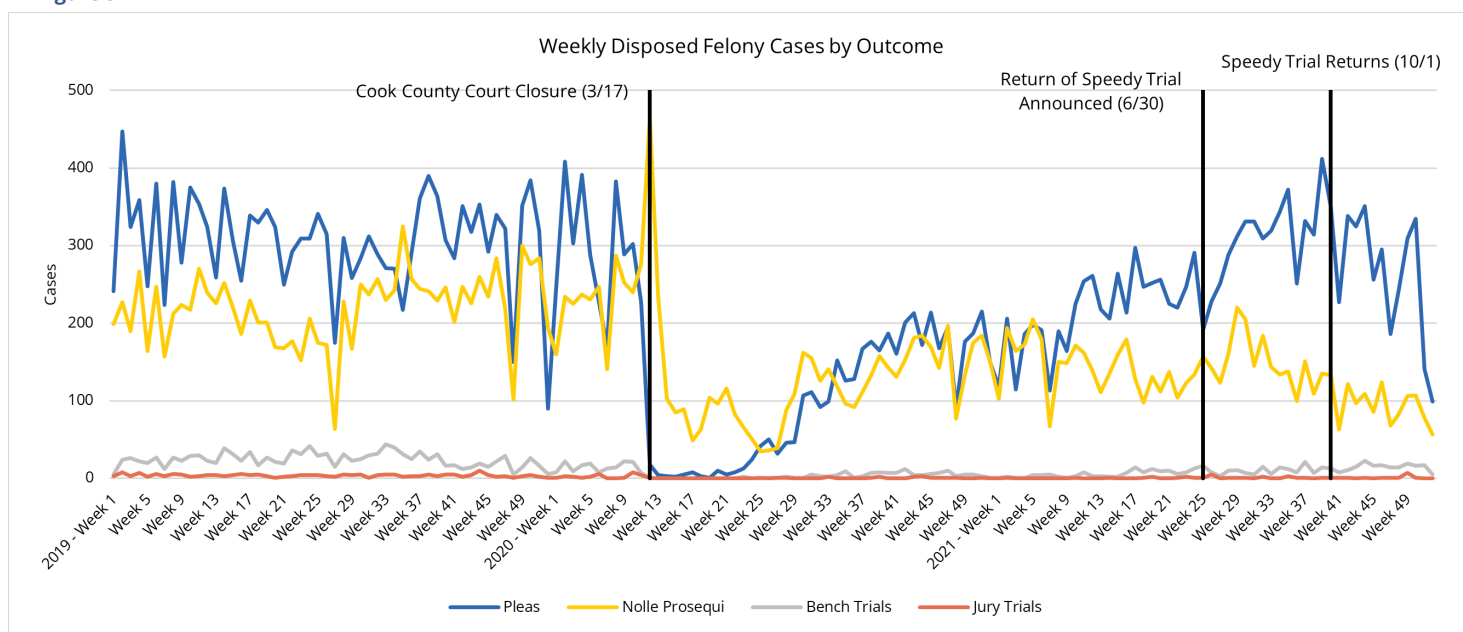


Figure 5, below, shows trials are not the only – or main – method of disposing a case. The most common way for a criminal case to be resolved (disposed) is through a guilty plea.

Figure 5



MEANINGFUL CRIMINAL JUSTICE REFORM

Addressing the structural issues in the criminal justice system requires the CCSAO to maintain a presence in the legislative process in the Illinois General Assembly.

When the decisions of the past are negatively impacting the future, change is needed. As such, the 2021 CCSAO legislative agenda included smart solutions to increase trust, equity, and justice in the criminal justice system. The CCSAO drafted and successfully passed a five-piece legislative agenda as well as provided support and guidance for other measures, like the SAFE-T Act, that impacted criminal justice and public safety. The CCSAO agenda included:

Youth Protections Against Deceptive Interrogation Tactics – Prohibits the use of deceptive tactics by law enforcement during custodial interrogations of someone under 18 years of age. Illinois became the first state in the country to pass a measure of this kind.

Prosecutor-Initiated Resentencing – Allows a state's attorney to motion to resentencing a defendant if their sentence no longer serves the interest of justice. The court may then consider post-conviction factors, including the person's disciplinary and rehabilitation records when resentencing. During the winter and fall of 2021, in advance of this law taking effect in 2022, CCSAO prosecutors created digital tools and provided virtual educational presentations about the new law for incarcerated individuals.

The Voices Act Amendment – Ensures transparent communication between law enforcement agencies and U VISA and T VISA applicants and encourages immigrant communities to feel safe reporting crimes and cooperating with law enforcement.

The Expungement Expansion and Equity Act – Allows sex workers to expunge their records for felony prostitution convictions that are no longer classified as a felony. Additionally, it provides an avenue for non-citizens incorrectly informed (or not informed at all) about the consequences of a guilty plea to pursue a remedy for the constitutional violation of their rights. The legislation allows any person or state's attorney to file a motion to vacate and expunge a felony prostitution conviction.

Protections for Survivors of Sexual Assault and Domestic Violence – Updated consent laws to include a definition of "unable to give knowing consent" and to clarify that licensed professionals, such as doctors, cannot utilize a defense of consent when the sexual activity occurred during treatment.



TRAUMA-INFORMED AND VICTIM/SURVIVOR-CENTERED APPROACH

The CCSAO addresses sexual assault and domestic violence in a complete, fair, trauma-informed, and survivor-centered way. Throughout the pandemic, Sexual Assault and Domestic Violence Assistant State's Attorneys (ASAs) continued working cases and maintaining a consistent conviction rate compared to pre-pandemic years. In 2021, FRU approved 438 sex crimes, an 89% approval rate. ASAs prosecuted 355 sex crimes cases, with an 86% conviction rate.

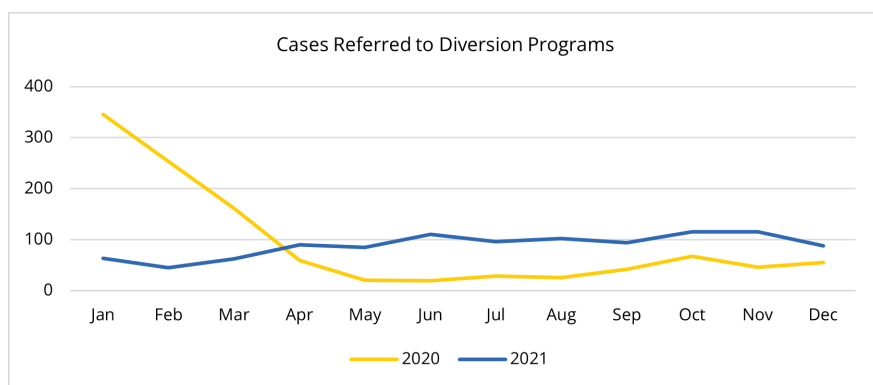
The CCSAO is fully committed to protecting all members of the community, regardless of their immigration status. The CCSAO serves as a "certifying agency" for U and T Visa purposes and provides certifications to foreign nationals that have been victims of qualifying criminal activity. In 2021, the CCSAO issued 230 certifications providing recipients with the opportunity to pursue a U Visa.

ALTERNATIVE PROSECUTION

Additional reforms include alternatives to bringing people into the justice system such as programs to decriminalize addiction, poverty, and mental health. Looking at individuals in their totality, not just as criminals, helps to create better public health and public safety outcomes. The CCSAO refers individuals to Alternative Prosecution (AP), or diversion, programs rather than traditional prosecution which may entail sentencing them to time in custody. By participating in an AP program, individuals are able to continue contributing to their communities and avoid a felony conviction. The majority of individuals who participate in these programs end up successfully completing or graduating from their program. Graduation rate is defined as the number of graduates divided by the number of individuals who choose to participate and either successfully complete or fail a program.

In 2020, court closures due to COVID-19 caused a significant decrease in the use of alternative prosecution programs as indicated in Figure 6. One reason for fewer cases referred is that since the start of the pandemic police are making fewer narcotics arrests. Narcotics cases, traditionally, make up the majority of AP referrals. While the total number of referrals to AP programs was down in 2021 compared to 2020, the number of

Figure 6



cases in 2020 was largely made up of cases referred pre-pandemic. When comparing the relative time periods during the pandemic from 2020 and 2021, cases referred increased in 2021.

Of the 1,125 people referred to AP programs in 2020, 762 were referred between January and March 2020 (68% of the total number of cases from 2020 were before the pandemic). In 2021, the CCSAO made more referrals each month than in 2020, after the start of COVID. Referrals overall were down compared to the average month in pre-COVID times. When comparing the same period year-over-year, referrals increased. Between April 2021 to December 2021, 913 people were referred to AP programs (about 76 per month). Comparatively, during the same period in 2020, 363 people (about 30 per month) were referred.

KEEPING COOK COUNTY HEALTHY

The CCSAO implemented a COVID-19 vaccination policy and saw great success with over 99% of employees complying and doing what is right to keep their colleagues and residents safe. Through the pandemic, the Civil Actions Bureau continued to help clients (County elected officials and offices) work through the COVID-19 crisis; advising them on aspects of the crisis that touch public health decisions, County employment policies, and other functions impacted by the pandemic.

TRANSPARENCY AND ACCOUNTABILITY

In furthering State's Attorney Foxx's commitment to transparency, starting in September 2021 the CCSAO began sending monthly detailed county and district-level data reports to Cook County and Chicago elected officials. State and federal elected offices started receiving reports in December 2021. With so many false narratives it is increasingly important that leaders and policymakers have accurate information to inform their decisions.

FOCUS ON GUN CRIMES AND HOMICIDES

In 2021, like in many cities across the country, Chicago saw a record number of homicides and shootings. However, 2021 was also the year the CCSAO approved more gun cases and secured more gun convictions than any other year this century. The CCSAO approved 7,110 gun cases and secured convictions on 5,145 gun cases in 2021.

While the total number of cases called into the CCSAO for felony review was lower than in previous years (down roughly 800 cases), the number of gun cases called in to felony review increased in 2021. The CCSAO received 8,996 gun cases for review in 2021, compared to 8,534 gun cases in 2020, a 5% increase. Additionally, gun cases made up 36% of all the cases received in 2021 compared to 31% in 2020.

The CCSAO's 92% approval rate for gun cases remains consistent with previous years. The 74% conviction rate is also in line with previous years, and it should continue to increase as the court system continues to increase its ability to handle trials during the ongoing pandemic.

The Gun Crimes Strategies Unit (GCSU) continues to vertically prosecute cases involving drivers of violence in six of the most violent Chicago Police Districts (3rd, 6th, 7th, 10th, 11th, and 15th). GCSU prosecutors identify drivers of violence to not only safeguard the community but to ensure these individuals don't re-offend and are able to get the tools they need to be productive members of society.

In addition to prosecutions, GCSU Assistant State's Attorneys work collaboratively with local community organizations and law enforcement partners on programs that provide resources for returning citizens being released from the Illinois Department of Corrections. Many drivers of violence are young and show they want the help these programs are providing. The GCSU hopes to expand the program to the Cook County Department of Corrections.

The CCSAO approved more murder and attempt murder cases in 2021 compared to the previous two years. In 2021, the CCSAO approved 502 murder and attempt murder cases, 480 in 2020, and 432 cases in 2019.

Figure 7

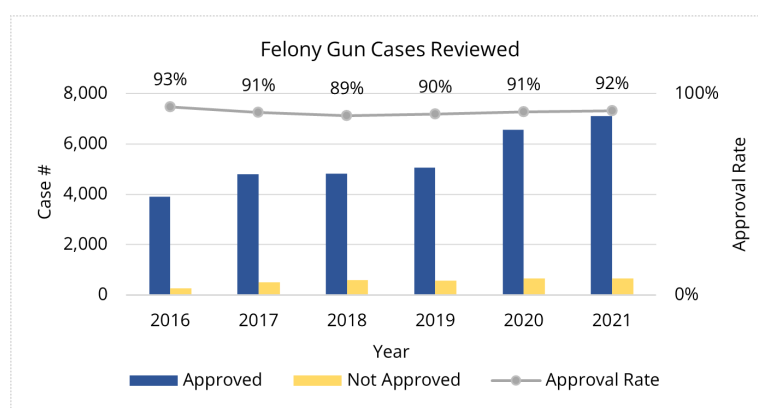


Figure 8

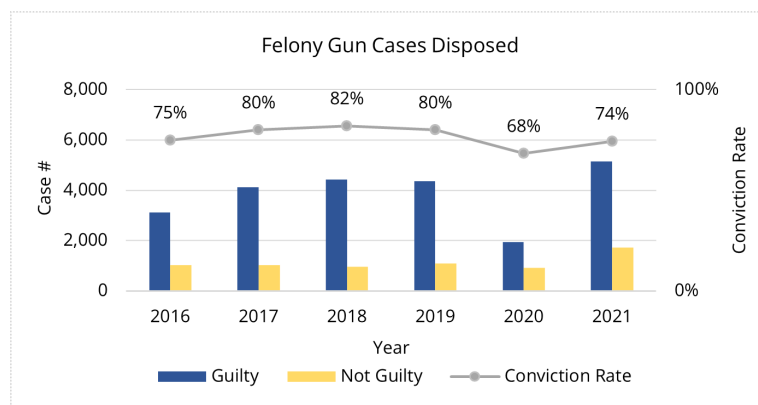


Figure 9

Ranking	Top Reviewed Category	Total Reviewed	Approved	Approval Rate
1	Unlawful Use of a Weapon	6,541	5,932	91%
2	Sex Crimes	871	611	70%
3	Aggravated DUI	804	738	92%
4	Aggravated Battery Police Officer	653	596	91%
5	Homicide (attempt included)	634	502	79%

Figure 10

Ranking	Top Prosecuted Category	Total Prosecuted	Guilty	Conviction Rate
1	Narcotics*	5,883	2,056	35%
2	Unlawful Use of a Weapon	5,623	4,038	72%
3	Aggravated DUI	1,008	893	89%
4	Burglary	854	712	83%
5	Aggravated Battery Police Officer	717	637	89%

* Narcotics cases are often nolle'd, particularly since COVID, due to limited capacity of lab testing. Narcotics cases are also likely diversion cases. Because Narcotics cases are direct filed by police the CCSAO doesn't see/review charges/evidence so when ASAs get to court they see bad evidence and have to drop the cases because they can't meet their burden.

COMMUNITY ENGAGEMENT AND EDUCATION



CCSAO staff connect with community members and stakeholders in different ways to further trust and increase transparency within the office. Throughout the year, staff provided nearly 400 presentations on topics concerning residents - like carjacking - as well as providing education and resources available through the office. More than 11,000 people participated in the information sessions and left with valuable information about the criminal justice system. Additionally, the CCSAO hosted four awards ceremonies honoring exceptional members of the LGBTQ+, Latinx, Black, and Asian American Pacific Islander communities.



RIGHTING THE WRONGS OF THE PAST

Conviction Integrity

Chicago was once known as the “False Confession Capital of the United States.” Today, the CCSAO Conviction Integrity Unit is a national model, driven exclusively by the office’s efforts to proactively seek out and vacate convictions of the wrongfully convicted. The investigation into the misconduct of former Chicago Police Sergeant Ronald Watts resulted in 14 vacated cases in 2021, bringing the total cases related to Sergeant Watts to 114 under the Foxx administration. The CCSAO continues to investigate Watts-related convictions and other wrongful convictions.

114
WATTS-RELATED CONVICTIONS
VACATED SINCE 2017

2017	2018	2019	2020	2021
26	38	17	19	14

Expungements

The CCSAO played a vital role in passing legislation to legalize cannabis and provide the broadest and most equitable form of conviction relief possible. In 2021, the CCSAO continued to help to move communities forward by vacating low-level cannabis convictions that occurred between 2000 and 2012. More than 9,500 cases have been expunged since December 2019.

PROTECTING COMMUNITIES AND INDIVIDUALS' RIGHTS

The CCSAO’s Civil Actions Bureau (CAB) represents the public interest of Cook County’s 5.3 million residents.

Safeguarding the Tax Base

The CAB has continued to be a revenue-generator and revenue-saver for the County. The Real Estate Tax Litigation Section saved nearly \$180 million in tax dollars for the various taxing districts within Cook County against commercial property challenges to assessments in Circuit Court. This revenue was saved through the CCSAO's handling of over 10,000 individual cases on behalf of the Cook County Treasurer. The Municipal Litigation Section won a \$266 million award for the Cook County Department of Revenue against Sam’s Club. The case involved unpaid tobacco taxes over the period from 2009 to 2016. The Municipal Section partnered with outside counsel Goldberg Kohn on the trial in the Department of Administrative Hearings. Sam’s Club is appealing the order.

Public Charge Rule

The Affirmative and Complex Litigation Section successfully defended a final judgment striking down the “Public Charge” rule. Several states asked the U.S. Supreme Court to intervene and uphold this Trump-era anti-immigrant rule, but the CCSAO defeated this effort.

Child Support

The Child Support Services Division litigated nearly 8,000 cases over the last year to set appropriate child support awards for Cook County children. In total, the Child Support ASAs won almost \$13.7 million in current child and medical support payments, as well as collection of past child support debts, to help ensure that children have the financial support they need.

HOLISTIC APPROACH TO JUSTICE

Historically, the CCSAO has not supported many petitions for commutations of sentences. With an eye toward mercy, grace, and justice, the CCSAO began, in April 2020, analyzing clemency requests in a more considered manner. This new method of analyzing clemency petitions resulted in a lower objection rate in 2021 compared to previous years. In 2021, the CCSAO received 637 clemency requests and objected to 449 requests, a 71% objection rate. The average objection rate for clemency requests from 2017 to 2021 was 79%.

As a result of the court's backlog during the pandemic and probation being shut down, the CCSAO Juvenile Justice Bureau prosecutors partnered with service providers to create a deferred prosecution program where the minor, and their family, receive robust, wrap-around services. The program aims to tackle root causes or systemic issues impacting many crime-ridden communities in the county.



188

**Clemency requests
supported in 2021**

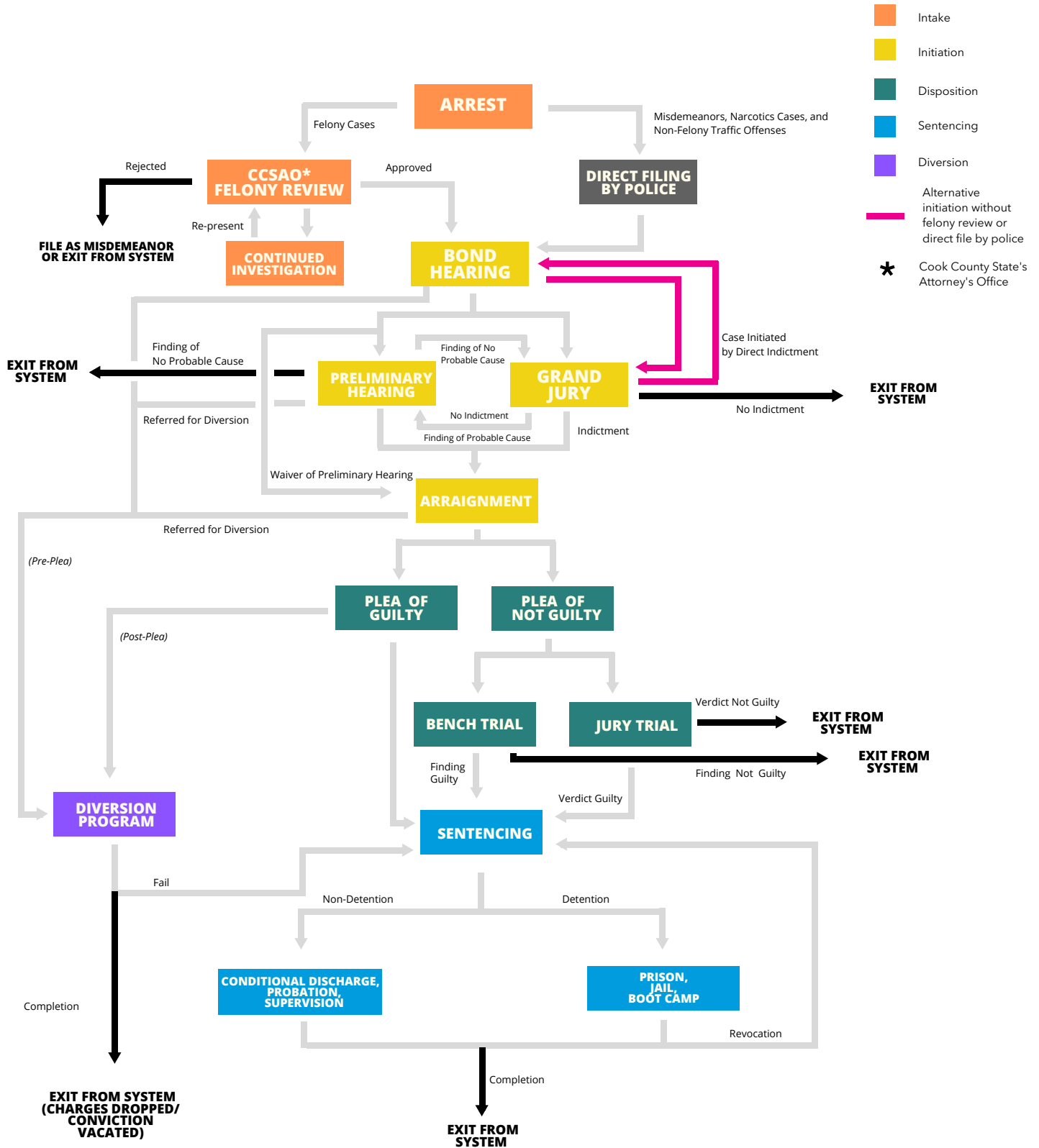
LOOKING AT 2022

In 2022, the CCSAO will focus on hiring and retention; this is an issue facing prosecutor's offices across the nation after the pandemic.

Community outreach is an ongoing priority to keep the community engaged and informed about the CCSAO. Specifically, the CCSAO's role in prosecuting cases which start after an arrest is made by police.

In 2022, the CCSAO will continue administering justice in a fair and equitable way in an effort to make a better, healthier, and safer Cook County by providing high-level legal services to County officials and the people of Cook County. The office will focus its resources on pursuing violent crime while working collaboratively with law enforcement partners at the local, state, and federal levels.

COOK COUNTY FELONY CASE FLOWCHART



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