



**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  
Alyson Miller, Chief of Staff and Policy  
Risa Lainer, First Assistant State's Attorney  
**RE:** Declining to Prosecute Peaceful Protestors Amid Global Unrest  
**Date:** November 15, 2023

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In the wake of global unrest, we have seen collective grief, anger, and action in our community. Acknowledging the global unrest and profound impact of the conflict overseas, the Cook County State's Attorney's Office (CCSAO) reiterates our non-prosecution stance towards peaceful protestors, accompanied by detailed guidelines for handling protest-related charges in our community.

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**

If any individual is arrested, during recent demonstrations, and is cited with city ordinance violations, then 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 was previously communicated to key entities, including the Corporation Counsel, City Prosecutor's Office, Office of the Chief Judge, and the Presiding Judge of the First Municipal District.

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 war overseas, 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

As the Cook County State's Attorney's Office navigates the challenging landscape of global unrest fueled by the conflict overseas, our commitment to justice remains unwavering. Through the reiteration of these clear guidelines, we prioritize the safety of our community and affirm our policy not to prosecute peaceful protestors. By fostering a balanced approach that recognizes the nuances of each case, we strive to uphold the principles of justice while acknowledging the exceptional circumstances surrounding recent demonstrations in Cook County.