

Cook County, Illinois, State's Attorney Election and Accountability: From Protest to Power

THE
PEOPLE'S
LOBBY



FROM PROTEST TO POWER

Photo credit: The People's Lobby

BARSOUM POLICY CONSULTING

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Acknowledgments

This project was funded by the Civic Participation Action Fund (CPAF), a nonpartisan 501(c)(4) fund committed to creating a policy environment at the state level that is more responsive to voters of color. Created in 2015 by a grant from the Atlantic Advocacy Fund, the 501(c)(4) arm of The Atlantic Philanthropies, CPAF is a limited life initiative that supports high-impact civic engagement efforts addressing racial and economic disparity. <http://cpafc4.org/>

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Introduction

Cook County, Illinois, was one of the first jurisdictions to focus on electing a progressive prosecutor—a criminal justice reform strategy now being used across the United States.

The election of Kim Foxx, Cook County's first African American woman, as state's attorney, occurred during a turbulent time in Chicago. This case study describes both the campaign to elect Foxx and the advocacy needed to hold her accountable once in office. It highlights the important role of grassroots organizations in:

- Channeling community anger toward electoral action
- Leveraging electoral energy toward ongoing accountability advocacy
- Building the capacity of communities to engage with the state's attorney's office and advocate for criminal justice reforms
- Helping those most impacted by the criminal justice system to use their experience as a source of influence and power
- Putting pressure on the state's attorney to advance community priorities
- Providing external support to the state's attorney to create public will for reforms

Cook County's experience demonstrates how electing a progressive prosecutor is just the beginning of the work and that communities play important roles in shaping and guiding the reforms.

The Campaign for State's Attorney

"Three names that will not be on the ballot on March 15 should guide your choice in the Democratic primary for Cook County State's Attorney:

Laquan McDonald

Rekia Boyd

David Koschman

All three of those young people were killed on the streets of Chicago. . . . In each case . . . the Chicago Police Department and Cook County state's attorney's office were slow to respond, slow to investigate and slow to press criminal charges. . . . In each case, the public's confidence in our local criminal justice system took a beating.

Today, because this cannot go on, we are endorsing Kim Foxx, a former chief of staff to Cook County President Toni Preckwinkle, over incumbent State's Attorney Anita Alvarez. In a contentious race, Foxx has made clear she understands what this election is all about: Restoring faith in the state's attorney's office.

Once a leader in law enforcement loses the trust of a community, fairly or not, that leader should know to move on. . . . so it is now for Anita Alvarez. People are marching in the streets.

Kimberly Foxx offers a fresh start for an office that has lost its way."

*— Chicago Sun-Times, February 24, 2016*¹

In December 2016, Kimberly Foxx assumed office as the first African American woman to serve as Cook County state's attorney. She had defeated incumbent Anita Alvarez by a 2-to-1 margin in the Democratic primary and went on to a resounding victory against the Republican contender in the general election.

Foxx's victory is often attributed to a confluence of political and social factors.

- A growing tide of public anger and unrest over police killings of black men and boys
- The rise of the Black Lives Matter movement
- The release of the Laquan McDonald video
- An unpopular incumbent

What that narrative overlooks is the important role of Chicago's grassroots organizations in (1) elevating Foxx's profile amid a primary field of three candidates, (2) educating communities about the role of the state's attorney as an elected official, and (3) channeling the community's anger to the polls.

¹ Paul Saltzman. "Editorial: Elect Kim Foxx State's Attorney." *Chicago Sun-Times*, February 24, 2016; <http://projects.suntimes.com/koschman/koschman-archive/editorial-elect-kim-foxx-states-attorney/>.

The Context

Since 2013, Chicago-based community organizations and a coalition of faith-based organizations led by Southsiders Organized for Unity and Liberation (SOUL) had organized against Alvarez for disproportionately incarcerating young men of color and low-income people for low-level, nonviolent offenses. Alvarez was also criticized for declining to file charges against Chicago police officers involved in the fatal shootings of at least 68 people over the course of seven years and for never documenting explanations for the decisions.² SOUL called on Alvarez to support deferred prosecutions for low-level drug possession, to reform the cash bail system, and to provide alternatives for youth offenders to prosecution and incarceration.

“The Cook County jail is the largest single site pre-trial detention center in the U.S. with the majority of the inmate population incarcerated waiting for trial due to the inability to post bond for low-level, non-violent offenses. Studies have shown that 70% of those incarcerated are pre-trial detainees charged with first-time or repeat non-violent offenses. Individuals who spend time in jail awaiting trial are much more likely to face challenges after release than those who are not detained. This has led to higher recidivism rates and often leads to a lifelong cycle of incarceration and poverty.”

– SOUL blog post, April 24, 2015³

On October 20, 2014, a Chicago police officer fatally shot Laquan McDonald, an African American teenager. Alvarez was accused of playing a role in covering up the video that documented the incident.⁴ A court order forced the Chicago Police Department to release the video 13 months later. That release mobilized and focused Chicago’s communities against Alvarez. “Anita Alvarez knew about the video and actively worked to suppress it,” said Katelyn Johnson, executive director of Action Now. “Laquan McDonald was shot by the police 16 times. The community exploded because it was so incredibly egregious. There was this huge betrayal, and the community felt that all the systems had failed and had colluded with one another to suppress this young man’s murder. Some groups had already been targeting Alvarez, but it was that moment when everyone had a visceral reaction and said something had to be done.” A larger coalition of grassroots organizations coalesced and launched the #ByeAnita campaign, which used traditional tactics, such as canvassing, paired with creative direct actions, political

² Justin Glawe. “Anita Alvarez, Chicago’s Top Prosecutor, Cleared Killer Cops 68 Times.” *Daily Beast*, March 14, 2016; <https://www.thedailybeast.com/anita-alvarez-chicagos-top-prosecutor-cleared-killer-cops-68-times>.

³ “Cook State’s Attorney Alvarez’s Decision a Step in the Right Direction but System Remains Broken,” April 24, 2015; <http://www.soulinchicago.org/cook-states-attorney-alvarezs-decision-a-step-in-the-right-direction-but-system-remains-broken/>.

⁴ Chip Mitchell. “Alleged Cover-Up in Laquan McDonald Shooting A Hot Potato.” WGLT NPR, July 15, 2016; <https://www.wglit.org/post/alleged-cover-laquan-mcdonald-shooting-hot-potato#stream/0>.

education, and digital organizing. Youth-led groups—including Black Youth Project 100, Black Lives Matter Chicago, Fearless Leading by the Youth, and Assata’s Daughters—played an important role. Color Of Change, a national organization, supported the campaign by launching an online petition for Alvarez’s ouster. On Monday, the day before the election, the coalition hung 16 banners—representing the 16 shots that struck Laquan McDonald—across the city to remind voters tomorrow was Election Day.⁵

The campaign and mobilization focused more on removing Alvarez and less on electing Foxx, but it set important context by elevating the importance of the upcoming election for state’s attorney. “This work is as much about telling politicians, ‘If you don’t love black people, we are going to fire you,’ as it is about telling young black people, ‘It’s up to us. We are the ones we have been waiting for. We are the ones who are going to save us,’” said Page May of Assata’s Daughters.⁶

The Candidate

The election became an opportunity to direct people’s anger and energy to the polls. “We saw a chance to shift from the accountability campaign with Alvarez to an electoral campaign,” said Daniel Espinoza of People’s Action,⁷ the national umbrella organization for the People’s Lobby (TPL).



Having a strong candidate made the transition easier. “It is rare to have a good challenger for state’s attorney. It would not have been the moment that it was without [Kim Foxx],” he added.

Foxx, a former assistant state’s attorney in the juvenile division, took a public health approach to drug offenses. She deprioritized criminalization and advocated for addressing the risk factors that led to criminal behavior rather than focusing on conviction rates and long sentences. She

⁵ Kelly Hayes. “Can Young Black Organizers Bring Down Chicago’s Top Prosecutor?” Truthout, March 14, 2016; <https://truthout.org/articles/can-young-black-organizers-bring-down-chicago-s-top-prosecutor/>.

⁶ Leah Hope and Laura Thoren. “Kim Foxx defeats Anita Alvarez in Cook County state’s attorney primary.” ABC Eyewitness News, March 16, 2016; <https://abc7chicago.com/politics/foxx-defeats-alvarez-in-cook-county-states-attorney-primary/1247992/>.

⁷ Daniel Espinoza is now with the Mass Liberation Project, a new organization focused on supporting communities in electing progressive district attorneys and holding them accountable.

often quoted Frederick Douglass’s adage, “It is easier to build strong children than repair broken men.”⁸

“Kim had been in some political circles and worked for Cook County Board president Toni Preckwinkle, so some folks knew of her,” Johnson said. “She helped get the tapes released, and she had enough credibility to challenge Anita Alvarez. She was also from Cabrini–Green [public housing] and had a story people could relate to.”

Reclaim Chicago, a political action committee associated with TPL, began meeting with Foxx in the summer of 2015. Reclaim Chicago was screening candidates in order to endorse a challenger to Alvarez. Foxx shared Reclaim Chicago’s progressive vision for reforming the policies and systems that perpetuate mass incarceration.⁹ The organization encouraged her to run as a reformer rather than a centrist and in September endorsed her and began to assemble a volunteer campaign structure.

Foxx received endorsements from the Democratic party, from powerful Local 73 of the Service Employees International Union (SEIU), US representatives Jan Schakowsky and Luis Gutiérrez, and both the *Chicago Tribune* and the *Chicago Sun-Times*.

Yet even after the release of the Laquan McDonald video, Alvarez maintained a lead in the polls, demonstrating the power of incumbency and the challenge Foxx faced.

The Field

With a population of more than 5.2 million, Cook County is the second-most-populous county in the country, after Los Angeles County. Whereas 54 percent of that population is concentrated in the city of Chicago, the remainder is distributed across the county.

The city of Chicago has a long and rich history of grassroots organizing. “The city itself is contested by organizations,” Espinoza said. “You can map out who claims the turf in each neighborhood.”

“There are many long-standing coalitions and groups that have worked together for decades, and some new coalitions are forming as a result of changes in the political landscape,” Johnson said.

“The majority of the people in the county are people of color and people who earn low incomes,” Espinoza said. “The low-income population is concentrated in the west and south

⁸ Steve Bogira. “The Hustle of Kim Foxx.” The Marshall Project, October 29, 2018; <https://www.themarshallproject.org/2018/10/29/the-hustle-of-kim-foxx>.

⁹ National People’s Action Campaign. “Translating movement into power: The role of independent political organizing in the racial justice victory over Anita Alvarez in the Cook County state’s attorney’s race.”

suburbs, which many organizations have not touched. We needed twice as big a field program as we would have needed for a city election.”

The state’s attorney’s campaign revealed the varying approaches, philosophical differences, internal differences, and conflicts between the organizations that are part of that history. “Working together was not easy, but there was an impetus to do so,” Espinoza said. “If there was ever a time for Chicago groups to get over it and work together, this was it.”

“We didn’t have a shared commitment or set of values,” Johnson said. “But we figured it out quickly. It was like, ‘Hey, we have this race, we all want this person to win, and we know this office will need long-term accountability, so let’s figure out a way to make this happen.’”

The motivations for the organizations to set aside differences and work together on the state’s attorney campaign included:

- The scope of the electoral program and the need for full county coverage and coordination
- The shared goal to replace Alvarez with a more progressive state’s attorney
- The availability of foundation resources to support the coordinated work

“The value added of Chicago’s rich field created a readiness to act on this opportunity,” said Johnson. “We are all in the Chicago organizing network, so the (c)(3) groups were already invested in political reform and recognized the political moment they were in. There was no mass strategy, but we were aware of the opportunity. Plus, many of the groups have (c)(4)s. In the 14 years I have been working here, more and more organizations are developing (c)(4)s.”

The following groupings of organizations worked in their regions on the campaign.¹⁰

- *Chicago’s south and west sides:* The BlackRoots Alliance and the Workers Center for Racial Justice continued to organize around criminal justice issues and to educate about the role of the state’s attorney. Action Now, a 501(c)(4), and the SEIU focused on electoral organizing.
- *South suburbs and other targeted areas of the county:* SOUL continued building on its history of criminal justice organizing. The People’s Lobby, a 501(c)(4), and Reclaim Chicago, a political action committee, worked independently on electoral organizing.
- *Citywide:* Black Youth Project 100, Black Lives Matter Chicago, Fearless Leading by the Youth, Assata’s Daughters, and Color of Change led the #ByeAnita campaign and effectively framed the election as a referendum on Alvarez but did not conduct any electoral organizing.

¹⁰ Note: There was no coordination between the 501(c)(3) organizations conducting the nonpartisan outreach and education and the 501(c)(4) organizations conducting the electoral organizing.

Many of those grassroots organizations were aware of each other but had not necessarily worked together before the state's attorney campaign. "We had a huge learning curve just to understand how each organization worked, how to bring our best selves to the table, and how to lead from our strengths," Johnson said.

The organizations had worked on policing issues and on other political races, but they lacked experience in working on prosecutorial campaigns.

"There had never, ever been a push from the community to even care about the state's attorney because no one knew that they had power and how much their lives had been affected by this office," Johnson said. However, many of the organizations did have extensive electoral experience, and some of them integrated electoral organizing into their grassroots organizing. Action Now runs a year-round canvass and attributes its effectiveness in increasing voter turnout to constant and regular engagement.

Similarly, TPL likened its organizing to daily integrated voter engagement. "We started as an issue organization and then moved into the electoral realm, so it has always been part of the DNA of our work," said Will Tanzman, executive director of TPL. "It's a seamless integration of an issue campaign into an electoral campaign."

"Mass incarceration was a clear issue identified by our base. We were hitting a brick wall with Anita Alvarez and identified that we needed to shift over to the electoral realm and have a new candidate emerge who shared our values on these issues. We shifted full scale into putting all this energy into getting Kim Foxx elected to make change on these issues. Now we are shifting that electoral energy back into the issue work to engage the folks that worked on the election into a longer-term campaign on support and accountability of Kim Foxx."

– Will Tanzman, The People's Lobby

The Campaign Strategy

Three candidates ran in the primary for state's attorney: Anita Alvarez, Kim Foxx, and Donna More, a former prosecutor. This presented two problems. First, anyone voting against Alvarez had to choose between the two other challengers, and though Alvarez was unpopular, 55 percent of voters were undecided. Second, Foxx was a relative unknown. The organizations also conducted their own polling and confirmed anecdotal reports from canvassers that 41% of all voters and 40% of African American voters did not know who Foxx was.¹¹ The organizations

¹¹ National People's Action Campaign. "Translating movement into power: The role of independent political organizing in the racial justice victory over Anita Alvarez in the Cook County state's attorney's race."

working on the campaign were concerned either that More could win the anti-Alvarez vote or that More could split the vote and contribute to an Alvarez win.

The rising tide of anger mobilized voters in protest *against* Alvarez, but partner organizations had to develop a campaign that channeled that anger to a vote *for* Foxx. The campaign of the partner organizations comprised several key elements.

- Build on the organizing that identified criminal justice as a priority community issue.
- Educate voters about the role of the state’s attorney in the criminal justice system and as an elected position on the upcoming ballot.
- Inform voters about the candidate, her history, and her reform agenda on criminal justice.
- Mobilize communities of color in Chicago and Cook County to vote for Foxx.

Organizing, Outreach and Education

The organizing groups that had relationships, the public’s trust, and reach into communities were best suited to link criminal justice issues affecting communities of color to the state’s attorney. They knew that the opportunity to elect a progressive state’s attorney relied on their ability to help people find personal reasons to take action. “People can hear an ad or engage with a poll, but that’s temporary and transactional,” Johnson said. “Grassroots organizing is designed to be *non-transactional*. That person-to-person connection—when you are able to look someone in the eye and have an opportunity to turn all of the person’s feelings, challenges, and questions into action—is unique to grassroots organizing. It starts with the relationship and the conversation.”

Communities in the city cared about different issues from those that communities in the suburbs cared about. “People in the county saw the Chicago Police Department as a city issue,” Tanzman said. “In the county, the conversation was about the Cook County Jail, the system of mass incarceration, the impact on families, and the impact on the county’s fiscal priorities. Those were the discussions we were having in low-income and African American households in the south suburbs, and that is what got them to tune in to the state’s attorney race.”

Creating Name Recognition and Get Out the Vote

Partner 501(c)(4) organizations had to elevate Foxx’s profile, but to effectively reach voters, canvassers had to center the conversation on the issues voters cared about and then talk about where Foxx aligned with those issues. Canvassers also used those interactions as means to recruit new canvassers, engage them in criminal justice advocacy, and engage them in the postelection accountability work.

That ability to seamlessly move from issue organizing to partisan candidate electoral organizing could not have been accomplished without (c)(4) resources and organizational electoral capacity. The movement moment alone would not have carried Foxx to victory, Johnson said, adding: “We wouldn’t have won for Kim if (c)(4) organizations had not said, ‘Hey, you’re angry about this, and here’s a way you can punish Anita. Here’s who you can vote for to champion

your issues,’ because what we found on the doors is that candidates did not have name recognition. You can’t have that conversation as a (c)(3) organization, so (c)(4) and political-action-committee organizations channeled all the anger and gave folks an outlet.”

An expansive field program to build name recognition for Foxx and get out the vote rolled out across the city and the suburbs, targeting regions with large populations of communities of color. Some organizations also coordinated directly with Foxx’s campaign. Reclaim Chicago, the political action committee associated with TPL, and the National Nurses United professional association embedded with the campaign. The two organizations built a volunteer field program through community organizing, training, and leadership development. Their relationship made voter targeting more efficient, minimized duplication of campaign efforts, and ensured coordinated messaging. According to Foxx’s campaign, Reclaim Chicago produced 50 percent of the campaign’s coordinated get-out-the-vote operation.¹² Reclaim Chicago and TPL report more than 300,000 door knocks and calls. In addition, labor unions—including the United Working Families project of SEIU Healthcare Illinois Indiana Missouri Kansas and the Chicago Teachers Union—canvassed for Foxx.

“The field campaign we ran was unparalleled in scale, and the coalition our organizations built was the first of its kind that overcame factions between the groups—at least for that time.”

– Will Tanzman, The People’s Lobby

The Election Win

Kim Foxx defeated Anita Alvarez in a landslide: 59 to 29 percent. The 44.6 percent turnout rate in the primary was higher than that in both the presidential primaries and Obama victories in 2008 (32%) and 2012 (20.8%).¹³ That higher-than-usual turnout was attributed in part to the state’s attorney race and the effort to oust Alvarez.¹⁴ “It appears to be the case that like 2008, the black vote was the crest of the wave,” the National People’s Action campaign reported. “More research is needed, but a simple clustering of wards by majority racial demographic shows that black wards indeed overperformed in turnout for the state’s attorney election and in their support for Foxx.”¹⁵

¹² National People’s Action Campaign. “Translating movement into power: The role of independent political organizing in the racial justice victory over Anita Alvarez in the Cook County state’s attorney’s race.”

¹³ “Record Turnout in Illinois Primary.” WPSD Local 6, March 16, 2016; https://www.wpsdlocal6.com/news/record-turnout-in-illinois-primary/article_5cd636e3-f360-5c05-84e8-90ff48ef86c3.html.

¹⁴ “Kim Foxx Pummels Anita Alvarez; Hillary Clinton’s 11th-Hour Win; Donald Trump Triumphs.” *Chicago Patch*. March 16, 2016; <https://patch.com/illinois/chicago/live-results-illinois-presidential-primary-election-0>.

¹⁵ National People’s Action Campaign. “Translating movement into power: The role of independent political organizing in the racial justice victory over Anita Alvarez in the Cook County state’s attorney’s race.”

Foxx cruised to victory in the November general election, handily defeating the Republican challenger. In her victory speech on the night of her election, Foxx tried to manage expectations. “I cannot win an election and tomorrow flip the switch and change a system that has been broken for some time,” she said. “We must be urgent in our work. But . . . we must understand that that work—looking at systems that have existed for centuries—takes time.”¹⁶

State’s Attorney Accountability

*“Advocates were anxious for change, cops worried that she was out to get them, and prosecutors were uneasy about her vows to transform their office. She’d captured a large, lumbering bureaucracy with promises to shove it in a new direction. Easier said than done.”*¹⁷

— Steve Bogira, *The Marshall Project*

Foxx entered office carrying many community members’ hopes, expectations, and demands. She had promised a new path of transparency and community involvement and campaigned on reforming the criminal justice system—not a tough-on-crime agenda. Her campaign commitments unsettled many long-standing entrenched interests in the department and across the county—especially the Fraternal Order of Police and some judges.

She started her tenure with significant budget cuts to her department and a rise in crime—more than 700 homicides that year, which was the most in almost two decades.¹⁸ Foxx also inherited a staff of more than 650 attorneys not all of whom aligned with her holistic approach and all of whom had an established culture shaped by her predecessor. “The prosecutors who worked for Alvarez were groomed to win at all costs, to seek harsh punishments and to overcharge purposefully to get defendants to plead guilty to a lesser charge,” said Amy Campanelli, Cook County chief public defender.¹⁹

Organizing groups were aware of the challenges Foxx faced, and they understood the barriers to reform.²⁰ “To be honest, Kim is up against a lot,” Johnson said. “That department was messed up. Any part of ongoing accountability is tempering that—recognizing that we have these community demands and these high expectations but also recognizing she has to reform an institution. That is not going to happen overnight.”

¹⁶ Steve Bogira. “The Hustle of Kim Foxx.” *The Marshall Project*, October 29, 2018; <https://www.themarshallproject.org/2018/10/29/the-hustle-of-kim-foxx>.

¹⁷ Ibid.

¹⁸ Steve Schmadeke. “Kim Foxx promises ‘new path’ of transparency as Cook County state’s attorney.” *Chicago Tribune*, December 1, 2016; <https://www.chicagotribune.com/news/local/breaking/ct-kim-foxx-states-attorney-met-20161201-story.html>.

¹⁹ Ibid.

²⁰ *In Pursuit of Justice for All: An Evaluation of Kim Foxx’s First Year in Office*. Reclaim Chicago, The People’s Lobby, and Chicago Appleseed Fund for Justice, December 2017; <https://www.thepeopleslobbyusa.org/wp-content/uploads/2017/12/Equal-Justice-for-All-A-Report-on-Kim-Foxxs-First-Year-ForPrint.pdf>.

Continued Collaborations

The partnerships built among community-based organizations during the campaign to elect Foxx for the most part dissipated after the election. Funding had forced new collaborations, but after the election, organizations reverted to their traditional allies, coalitions, geographic regions, communities, and issues. Two groups of collaboratives emerged after the election:

- The People’s Lobby, Reclaim Chicago, National Nurses United, and Chicago Appleseed Fund for Justice (Appleseed) engaged multiracial communities across the county in the area of criminal justice reform.²¹
- Action Now, the BlackRoots Alliance, the Workers Center for Racial Justice, and SOUL worked primarily in black communities in the city and focused on police accountability and wage theft issues.

The two collaboratives communicated to coordinate the accountability strategies.

“The opportunity presented by Kim Foxx’s election changed the way a lot of groups work together—especially those that had not worked together in the past,” Johnson said. “So now, while we still work on issues distinct to each organization, the BlackRoots Alliance and TPL have some alignment around prosecutor accountability and some other broad criminal justice reform issues.”

The separate collaboratives were beneficial for each group of organizations. Postelection, TPL recruited Appleseed and the Illinois Justice Project. Those recruitments strengthened TPL’s policy, legal, and legislative capacities. Foxx’s staff identified the move as a value added because the groups provided additional technical expertise, additional understanding of the criminal justice system, and additional ability to identify practical steps toward change.

The Illinois Justice Project also helped TPL and its partners develop a better understanding of the inner workings of the state attorney’s office and the changes needed to reform it.

“We work to bridge the lawyer and nonlawyer policy conversation and be in touch with democratizing knowledge so that people can make decisions.”

– Sharlyn Grace, Appleseed

For statewide organizations such as Appleseed, their participation provided them with a new opportunity to work at the local level and work with the state’s attorney’s office to advance their policy goals. “For us, the opportunity to support a community group with that group’s

²¹ Much of the description of the accountability work is based on the work of this collaborative of organizations led by The People’s Lobby. TPL provided the evaluator with ongoing access to TPL staff and partners as well as regular interviews to track progress and challenges in working with the state’s attorney from 2016 to 2018.

policy goals is something we value,” said Sharlyn Grace, former senior policy analyst and staff attorney at Appleseed. “Also, we have benefited from being in those meetings and hearing what the state’s attorney’s office is doing. This has been both directly and indirectly important to us as an organization and the work we are doing.”

Appleseed, a 501(c)(3) policy and legal advocacy organization, had worked with TPL in the past on bail reform issues at the state level and on the Coalition to End Money Bond.²² The coalition formed in May 2016 and included a broad membership of legal advocacy, policy, and community-based grassroots organizations with the shared goal of stopping the large-scale jailing of people based on people’s inability to pay a monetary bond.²³

Work on the Foxx campaign helped Action Now and its partners solidify how they could build power for the black political left. Action Now itself had had extensive campaign experience, but the state’s attorney campaign was a first experience for many of its partners. Since the campaign, the BlackRoots Alliance has formalized into a 501(c)(3), a 501(c)(4), and a political action committee so as to become a multi-issue organizing infrastructure for black-led organizations with a racial equity lens.

“That learning period of what we did with Kim was part affirming what we knew and part giving us the opportunity to work with other groups—in particular, groups in the BlackRoots Alliance—to affirm we are on the right path, and here is how we can move forward to deliver 20 percent of the vote for any elected official because we have learned that this is how we did it with Kim,” said Johnson.

Policy Priorities

Grassroots organizations had a spectrum of ideas about what constituted criminal justice reform. The spectrum ranged from organizations that believed the system was inherently discriminatory and needed to be abolished to those that saw Foxx as a stopgap or wedge to prevent further harm, to those that took an incremental approach to reform. Regardless of their individual views, though, they all agreed on the need to hold Foxx accountable and to share a set of priorities.

“At the beginning of the process, we came up with a collective, coordinated list of demands that we are still working from, so she is feeling pressure from different quarters on the same issues,” Johnson said. The priorities were grounded in people’s lived experiences and their understanding of community needs and priorities.

²² Coalition to End Money Bond. Chicago Appleseed Fund for Justice; <https://www.chicagoappleseed.org/coalition-to-end-money-bond/>.

²³ ACLU of Illinois, A Just Harvest, Chicago Appleseed Fund for Justice, Chicago Community Bond Fund, Community Renewal Society, Illinois Justice Project, Justice and Witness Ministries of the Chicago Metropolitan Association, United Church of Christ, Nehemiah Trinity Rising, The Next Movement, Shriver Center on Poverty Law, Southsiders Organized for Unity and Liberation, The People’s Lobby, and Workers Center for Racial Justice.

Policy Priorities

- Advance bail reform
- Increase transparency and accountability
- Lessen immigration collateral consequences
- End the drug war
- Reduce overcharging

Accountability Strategy

Transitioning to monitoring Foxx and holding her accountable meant building on and maintaining the community energy that had been harnessed for the electoral campaign. Getting Foxx elected was one thing; holding her accountable to her promises was another.

“Fixing a system that ravages black and brown communities takes more than just electing a prosecutor,” said Rev. Charles Straight, a member of TPL, in an interview. He went on to explain that community organizers have to build structures in order to hold candidates accountable and to establish a relationship in the spirit of co-governance.²⁴

TPL approaches accountability through co-governance: the strategy recognizes that elected officials need community support as well as to be held accountable. TPL had applied that approach before with legislators but now tried certain new, experimental tactics in its work with the state’s attorney.

The evaluation identified four key tactics that constituted TPL’s co-governance strategy

1. Regular communications and meetings with Foxx
2. Community engagement, which included public forums and leadership development for community members
3. Tracking progress and implementation with data
4. Public Actions

²⁴ Adeshina Emmanuel. “Electing Progressive Prosecutors Isn’t Enough. Now, Activists Are Holding Them Accountable.” *In These Times*, March 26, 2018; http://inthesetimes.com/article/21014/kim_foxx_larry_krasner_chicago_philadelphia_prosecutors_progressive.

“We think about our work with Foxx as both support and accountability. We believe she is the real deal, she shares our values, she ran on our platform. We started from an assumption that she had the right intentions but would need some support when she took risks and also some accountability to push her in the right direction because we knew she was going to get a lot of pressure from the wrong direction.”

– Will Tanzman, The People's Lobby

1. *Regular Communications and Meetings with Foxx*

During the campaign, community groups obtained commitments from Foxx to meet with them regularly. Once in office, she met with them quarterly, and her staff attended monthly conversations and meetings.

The off-the-record meetings facilitated frank conversations and provided an opportunity to build a relationship and trust between Foxx and the community groups. That community collaboration with the state's attorney was unprecedented, because the communities had historically had hostile, adversarial relationships with that office. Even though the communities endorsed and helped elect Foxx, they were not going to trust her or change their relationship to her role overnight. Conversely, Foxx's staff were also guarded and cautious in their discussions with community.



Kim Foxx added 4 new photos.
August 23, 2017 · 🌐

Last night, SA Foxx joined [The People's Lobby](#), [Reclaim Chicago](#), and more than 150 community members for a town hall discussion about fairness in our criminal justice system, violence in our communities, and how we can move forward. Hard problems require hard questions and honest discussion.



Community groups leveraged their role in Foxx's election to push for their policy priorities—to the frequent consternation of staff. Staff felt community groups did not fully appreciate the multiple demands and pressures Foxx was under. The tensions and the awkwardness reflected how both parties were figuring out ways to relate to each other. “Thinking about how to be on the inside and be at the table with people who are traditionally viewed as the enemy is new for everybody,” one of Foxx's staff members observed. “The playbook has to evolve, and that is still a work in progress.”

The meetings, while necessary, yielded mixed results. At each meeting, community groups prioritized issues and grounded them in community members' actual experiences. That was

followed by a list of demands. Foxx would respond to each demand and discuss her ability to take action. Some meetings would make plans for upcoming public forums.

For some of Foxx's staff, the level of access was perceived as excessive, but for Foxx it affirmed her commitment to the community. "Kim felt a tremendous amount of responsibility to communities of color all over the county because she recognized their importance in getting her elected," said a Foxx staff member. "She is committed to being engaged with advocacy groups that had been really involved in the campaign and to being in touch with them on a regular basis about their policy agendas and about how they align with her own agenda and the bigger picture."

"I don't know how far we can push her. We have never had a progressive state's attorney in Cook County, and we have never had a state's attorney that has been pushed by groups. So we need to know our material as an advocacy community, and we need to have clear expectations, the ability to have an open line of communication, and the ability to evaluate whether things have been done."

– Sharone Mitchell, Illinois Justice Project

2. Community Engagement

The electoral campaign helped TPL reach more residents, which expanded TPL's base and the regions it worked in, but the challenge postelection was to maintain engagement. TPL and its partners deployed two main strategies: public forums and leadership development.

Public Forums

Community organizations obtained a commitment from Foxx that she would hold five town hall meetings in various locations across the county during her first year in office. The community groups saw that type of direct engagement with the community as central to their ability to both support her and hold her accountable.

After having worked to elect Foxx, community members were eager to meet her and directly share their concerns about the criminal justice system. Hundreds of community residents turned out for each of the forums, voicing a wide range of perspectives. And those directly affected by the criminal justice system shared their experiences.

"One thing that happened in this election that was really heartening was that a lot of folks who did work to get Kim elected were extra invested in making sure she actually did the work," Tanzman said. "People turned out to the town halls. Folks wanted to see her do the right thing, and so, they have been motivated by that."

“We want her to hear real stories that are not edited, and we want to use the stories in a strategic way to guide Foxx to do things differently,” said Alex Muhammad, an organizer with TPL.

Foxx welcomed hearing directly from community residents. “The town halls got her out into community and got her to hear from people, which is always good,” one of Foxx’s staff members said. “It’s always helpful to be in contact with people who are closer to the ground.”

The forums were intended to hold Foxx accountable to her campaign commitments, not to ambush her, so TPL ensured Foxx knew the forum format and agendas in advance. Foxx could therefore come prepared to provide updates about community concerns. The forums also gave Foxx a platform to highlight progress on reform and describe challenges she was facing. Tanzman called the forums “an opportunity to lift up the positive work she has done.”

During the public forums, Foxx could also hear direct, positive feedback from community members. TPL wanted to make sure she received positive reinforcement and feedback for her holistic approach, because prosecutors are usually rewarded solely for their tough-on-crime measures. The surfacing of positive feedback also built public will for more preventive solutions.

TPL also used the forums to push Foxx on specific policy issues, and that resulted in her making certain public commitments to policy reforms. For example, she committed to a deadline for the completion of a felony review guidebook to address overcharging, the release of case-level data from the state’s attorney’s office, and the development of policy guidance and internal training on collateral consequences, which exist when certain populations—particularly undocumented immigrants—suffer disproportionate impacts from charging decisions.

TPL invited Foxx to its own annual forum in November 2017. The event, held in collaboration with TPL partners, focused on criminal justice. During that forum, Foxx responded to three demands.

1. Improvement of the training of prosecutors to ensure they make the right charging decisions
2. Nonprosecution of low levels of drug possession
3. Data release

“Whenever we can get her to stand in front of a couple of hundred people and to commit to something, it gives us some accountability,” Tanzman said.

Leadership Development and Capacity Building

TPL regularly conducted listening sessions across the county to invite community members into the work, create a space for community members to discuss the criminal justice system, and build community leadership in the area of criminal justice. During the sessions, residents and TPL leadership shared stories that humanized the issue of incarceration and shifted the focus from the individual to the systems that produce the negative results.

TPL also created beginning courses on prosecutors' and state's attorney's roles to supplement testimonies and to enable community members to specify systemic problems and suggest solutions.

TPL's unique approach helped residents translate their personal experiences with the criminal justice system into systems mapping. "We ask, 'Who are the different players in the criminal justice system who play a role in your story?'" Muhammad said. "That engages people and contextualizes their stories."

The approach, which is grounded in the listening session, involves three steps.

- **Testimony:** Community members share stories about their direct experiences with the criminal justice system.
- **Identification of systems players:** Then, so as to provide a more human understanding of the system, the group uses the stories to identify and connect the key systems players who influenced their experiences.
- **Systems mapping:** In collaboration with listening-session participants, TPL uses the data gleaned from the stories to map out the influencers, allies, targets, and obstacles and then cite the points they can use to influence Foxx and other players in the system, such as judges, or to identify roadblocks to Foxx's reforms, which they can work to remove.

TPL's goal is to develop community residents' power and skill so that residents learn how to engage with and influence systems players. "We are developing methods and firing folks up to have conversations with these power players—not as folks who have been detained but as community members who have been through the system and are now part of a group that can make an analysis of the criminal justice system that is not the current analysis," Muhammad said.

"The listening sessions are a way to educate about the system. When we were in the field to get Foxx elected, I was having conversations with folks who had been incarcerated, and they would say, 'I have seen that name—Anita Alvarez—on my court documents but did not know who she was.'"

– Alex Muhammad, The People's Lobby

3. Tracking Progress and Policy Implementation with Data

Report Cards

To hold Foxx accountable and to monitor policy implementation, the community organizations required data. TPL and its partners advocated transparency, which included regular release of data by the state's attorney's office. They analyzed the data and (1) developed and published report cards that tracked Foxx's progress on her campaign commitments and (2) provided recommendations. (See appendix C for a summary of Foxx's policy progress after one year in office.) The reports not only generated media attention and spelled out Foxx's progress to date but also showed where more work was needed. "We wanted to show support and accountability," said Tanzman.

To date, TPL has used the data to produce three reports.

1. *In Pursuit of Justice for All: An Evaluation of Kim Foxx's First Year in Office*
2. *A Step in the Right Direction: An Analysis of Felony Prosecution Data in Cook County*
3. *Exercising Full Powers: Recommendations to Kim Foxx on Addressing Systemic Racism in the Cook County Criminal Justice System*

Foxx said in an interview with *Chicago* magazine that data transparency was also a priority for her because it built trust with the community. "We are the only prosecutor's office in the country that has released our case-level data going back seven years," Foxx said. "The public can go to that and see who we've charged, how we've charged them. It's not me telling our story; people can go look at our data. People lie; numbers don't."²⁵

"Overall, Foxx appears to be seriously committed to fundamental reform but facing significant headwinds. That makes the watchdog efforts of groups like The People's Lobby and Chicago Appleseed, and many other civil rights and community groups, all the more important."

– Curtis Black, Chicago Reporter ²⁵

Court Watching

In some cases, data did not exist—particularly for newly implemented policies such as bail reform. Chief Judge Timothy Evans of the Cook County Circuit Court issued General Order 18.8A in September 2017. Among other things, the order required Cook County's six bond courts to "conduct an inquiry into the defendant's ability to pay monetary bail," which would ensure that people do not get incarcerated for a bond they cannot pay. The passage of those guidelines was a significant victory for TPL and the Coalition to End Money Bond, but it was not the end.

²⁵ Carol Felsenthal. "Kim Foxx Wants to Tell You a Story." *Chicago*, December 10, 2018; <http://www.chicagomag.com/Chicago-Magazine/January-2019/Kim-Foxx-Wants-to-Tell-You-a-Story/>.

“We applaud Judge Evans’s order, but the devil is in the details of implementation and compliance by judges,” said Rev. Charles Straight, a TPL leader. “We will be watching to make sure judges in bond courts follow the intended process and set money bonds only in amounts that people can actually afford to pay.”²⁶

The Coalition to End Money Bond launched a volunteer court-watching program. The organization trained more than a hundred community members as court watchers who would attend and monitor bond court hearings, gather information about defendants and how prosecutors are using their discretion, and document what judges are deciding in cases and the bail amounts being set.

The coalition trained community members on the history of money bail, money bail’s constitutionality, and how the money bail system is actually practiced. They also used role play to orient community members to the courtroom and help them understand who is in the courtroom, the trial process, and what to look for.

Court watchers sat in Central Bond Court every day during the month of August—before the order took effect—and then again from September 18 through October 22, after it had taken effect. A total of 46 unique court watchers completed a total of 93 court-watching shifts.²⁷

Data collected during the court watching formed the basis for a February 2018 coalition report covering the progress and shortcomings of various bail reform measures.²⁸ (See Key Community Court-watching Findings below from Appleseed and the Coalition to End Money Bond.)

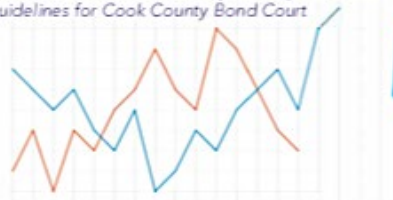
²⁶ Press release. “New Bond Policy Could Cut Jail Population by Half.” The People’s Lobby, September 18, 2017; <https://www.thepeopleslobbyusa.org/cook-county-bond-reform/>.

²⁷ Coalition to End Money Bond. “Monitoring Cook County’s Central Bond Court: A Community Courtwatching Initiative August–October 2017,” February 27, 2018; http://www.chicagoappleseed.org/wp-content/uploads/2018/02/Courtwatching-Report_Coalition-to-End-Money-Bond_FINAL_2-25-18.pdf.

²⁸ Ibid.

KEY COMMUNITY COURTWATCHING FINDINGS

September 18, 2017 – Chief Judge Timothy Evans issues General Order 18.8A, providing new bond guidelines for Cook County Bond Court.



25% - 51%

I-Bonds

Courtwatchers observed the rate of I-Bonds increase from 25% to 51% after the Order was issued, and the rate of D-Bonds decrease from 48% to 23%.

48% - 23%

D-Bonds



7%

Before the Order

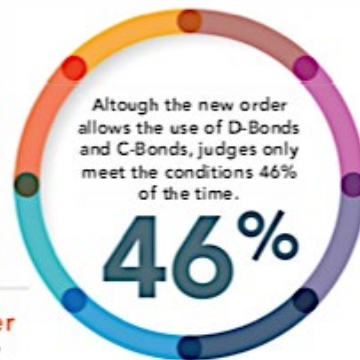
Before the order, judges only had income information on the accused in 7% of cases.



80%

After the Order

After the order, judges now know how much the accused person can afford in 80% of cases.



Although the new order allows the use of D-Bonds and C-Bonds, judges only meet the conditions 46% of the time.

46%



57%

Only 57% of people were given affordable bonds in cases where the judge knew how much a person could afford to pay.



The Order, while full of potential, is limited in execution because court watchers found that some individual judges are largely ignoring it.

When General Order 18.8A went into effect in September, Chief Judge Evans brought in six new judges to Cook County's central bond court to implement reforms.

Courtwatchers witnessed a wide variance in the implementation of the order by judges.



Population dropped by more than 1,400 people



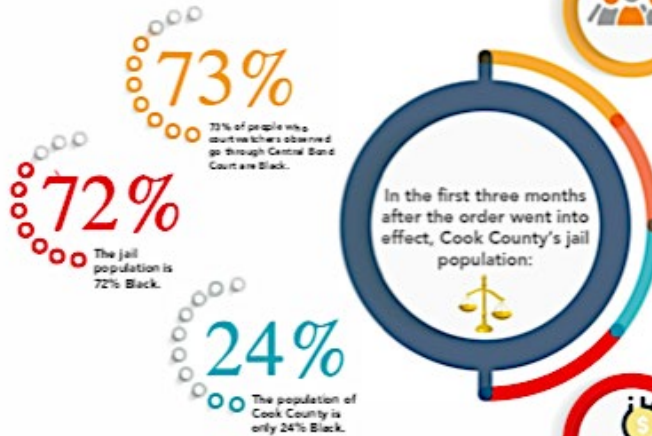
That gradual decrease stalled out in January, and the jail's population has now remained close to 6,100 people for more than two months



This flatlining is due to judges in both bond court and criminal courtrooms across Cook County disregarding Chief Judge Evans' order



Five months after General Order 18.8A went into effect, approximately half of all people incarcerated at Cook County Jail are still there only because they cannot afford to pay a monetary bond



73%

73% of people who courtwatchers observed go through Central Bond Court are Black.

72%

The jail population is 72% Black.

24%

The population of Cook County is only 24% Black.

In the first three months after the order went into effect, Cook County's jail population:



- **D-Bonds** – you must pay 10% of the bail amount set by the judge to get out of jail
- **C-Bonds** – you must pay the full amount of the bail that is set to get out of jail, pre-trial
- **I-Bonds** – personal recognizance bonds, mean you pay nothing and are released, and won't owe anything unless you skip your court appointment

The report found that even though General Order 18.8A had resulted in some progress, the organization recommended the following additional actions.

- End the use of secured money bond in Illinois.
- Stop unfairly funding the courts through bond money.
- Improve access to Central Bond Court and jail data.
- Facilitate and support defendant attendance at future court dates by way of reminders and other services.
- Train judges and other court personnel on detention hearings and pretrial release procedures.
- Ensure fair ordering and timing of bond court proceedings.
- Improve pretrial services.

The data collected through court watching enabled communities to track the implementation and impact of reforms in order to hold judges accountable. “There’s this underlying question of judicial accountability and who actually makes judges follow the law,” said Grace of Appleseed. “One of the most important lessons and takeaways is the need for ongoing monitoring. This just points to the ongoing need for grassroots accountability measures.”²⁹

Community members also learned a great deal and emerged with new motivation after taking part in court watching. “For our base of folks, it has been an eye-opening experience. Folks know the criminal justice system is not working for all people, but actually seeing the process made people very upset about how judges make arbitrary decisions and incarcerate pretrial,” Tanzman said. “Doing the court watching was a really good way to get our folks engaged.”

4. Direct Actions

TPL and its partners used direct actions that targeted a variety of players in the criminal justice system as part of an approach to advance reforms and achieve its demands. “We won’t directly target her [Foxx] but put some lateral pressure on her and push all the elected officials and others that have power over the Cook County Jail to step up and use their authority to make change,” said Tanzman.

TPL and Reclaim Chicago directed one such action at the Cook County court system. On the first day of the implementation of General Order 18.8A, the two organizations led a rally at the Cook County Criminal Court Building to put bond court judges on alert that the groups would be monitoring the order’s implementation.

²⁹ Bryce Covert. “One Year after Cook County’s Bail Reform, Court Watchers Say Things Are Getting Worse.” *The Appeal*, October 5, 2018; <https://theappeal.org/one-year-after-cook-countys-bail-reform-court-watchers-say-things-are-getting-worse/>.

One year into the order's implementation and into the court-watching project, TPL released a media advisory that said, "Although some bond court judges initially followed Evans' order, adherence since has declined precipitously, causing the number of people incarcerated before trial because they are poor to climb steeply in recent months."³⁰



In October 2018, armed with data, TPL in collaboration with SOUL organized an action called Freeing the Captives: A Call for Mass Liberation on the steps of Cook County courthouse, demanding Evans and his six bond court judges end the use of money bonds.

Co-governing Lessons Learned and Case Study Findings

TPL's co-governance approach spotlights two important issues.

- First, the importance of ongoing organizing and advocacy after electoral wins
- Second, after an electoral victory, a shift of work to governance, which requires both supporting elected officials *and* holding them accountable

³⁰ Press release. "Clergy, Daniel Biss Escalate Demand of Cook County Chief Judge Timothy Evans: "Free The Captives: Stop Jailing People for Being Black, Brown and Poor!" The People's Lobby, October 26, 2018; <https://www.thepeopleslobbyusa.org/clergy-daniel-biss-escalate-demand-of-cook-county-chief-judge-timothy-evans-free-the-captives-stop-jailing-people-for-being-black-brown-and-poor/>.

“Activists say money bonds result in the incarceration of thousands of Black and Brown people in the Cook County Jail every year before trial simply because they are too poor to pay for their freedom. Right now, about 2,700 people in the Cook County Jail—about 40% of the total jail population—cannot afford to pay a bond. Cook County’s overall population is about one-quarter African American, but the jail’s population is 73% Black.”

– The People’s Lobby Media Advisory, October 26, 2018

In reflecting on almost two years of the co-governance approach to hold Foxx accountable, Tanzman said: “It has its pluses and minuses. It has taken a level of persistence. Co-governing is still the aspiration and does not 100 percent describe the reality. She [Foxx] definitely takes into account what we think and what our base cares about when she makes decisions, but it’s not like she feels she has to get our sign-off. But we do have a much higher level of regular communication, access, and influence than we have had with any other elected official.”

TPL describes co-governing as “still the aspiration,” but it is important to explore the progress the organization made toward that goal—as well as the challenges. This section describes the

1. Tensions and challenges with co-governance
2. Role of data in co-governance
3. Shifts in politics and power

1. Tensions and Challenges with Co-governance

Holding elected officials accountable and pressuring them to advance reforms are familiar activities for organizing and advocacy groups. Providing support for elected officials—particularly ones who oversee a system that they view as fundamentally biased and broken—does not come naturally to grassroots organizing groups and the communities they work with. Those seemingly antithetical strategies reflected the many overlapping tensions in this work.

The Savior versus Prosecutor

Kim Foxx represented a series of firsts.

- The first black woman from Chicago’s Cabrini–Green housing project to run and be elected as state’s attorney
- The first candidate for state’s attorney whom community members and grassroots organizing groups backed and helped elect
- The first candidate to campaign on a holistic agenda focused on prevention over incarceration

The uniqueness of Foxx as a candidate was a blessing and a curse. It set her apart from other candidates and also set her up as a savior. Organizing groups tried to avoid that trap during the election by focusing more on the issues and less on the candidate, but inevitably, the savior myth influenced community perceptions and expectations of Foxx. “We say there are no savior candidates, but we live in a political system that is oriented toward charismatic leaders,” said Tanzman.

At the same time, Foxx was a prosecutor and was elected to be Cook County’s head prosecutor to enforce the laws. While Foxx was seeking to reform the system, she was part of the system. “Before she was even elected, I thought, ‘This is going to be her hazard,’” said a Foxx staff member. “A thousand organizations are going to feel responsible for her success, and they have forgotten that she is still a prosecutor. The mandate of a prosecutor is to convict people; that is part of the job.”

The juxtaposition of Foxx as a savior and the reality of Foxx as the prosecutor fostered unrealistic expectations and created challenges for grassroots organizations. For example, after Foxx’s election, some community members—especially those who had become newly mobilized by the campaign—became more complacent. They felt they had gotten her elected, and now it was her turn to do her job. “The problem is that if you expect her to be a savior, then you don’t have to do anything,” said Tanzman.

“‘That’s the difference between running and governing, right? During a campaign, you’re the new thing, and everyone’s saying, ‘Oh, Kim Foxx, the new progressive prosecutor,’ and the activist folks are saying, ‘We love her, we love her, we love her.’ And you’re saying, ‘You know, I’m a prosecutor.’” She chuckles. ‘I have to do my job. You may not be happy with me based on decisions that I have to make.’”

– Kim Foxx ³¹

Relationship: Adversary versus Partner

Communities and organizing groups came to learn about the role and influence of the state’s attorney when they worked on Foxx’s campaign. Historically, their relationships with the state’s attorney had been negative and adversarial. The election of Foxx ushered in the potential for a new relationship—a partnership to effect change. It was neither a smooth nor easy transition, and communities understandably remained wary of Foxx and her office. The regular meetings with Foxx and her staff played an important role in working toward building that new relationship. And the regular public forums Foxx attended with community members helped make her accessible to residents.

³¹ Steve Bogira. “The Hustle of Kim Foxx.” The Marshall Project. October 29, 2018; <https://www.themarshallproject.org/2018/10/29/the-hustle-of-kim-foxx>

For community groups accustomed to setting demands, co-governance required a more nuanced approach. Foxx was facing pressure from many powerful interests, so maintaining a partnership with her was a safeguard against her becoming assimilated into the political machine. TPL had seen that happen to some candidates they or other progressive organizations had endorsed. TPL also recognized that Foxx was facing many challenges against reform within the system, and they needed to create external pressure and public will for reforms.

“Foxx is not a perfect partner, but a partner nevertheless.”

– Rev. Charles Straight, Faith United Methodist Church
and member of The People’s Lobby ³²

Goals: Radical Reform versus Incremental Change

Communities bearing the brunt of the reverberating impacts of mass incarceration and discriminatory policing practices had big goals of radically reforming the system and reducing incarceration. Foxx offered a significant opportunity to make progress toward those goals from inside the system.

At the same time as communities acknowledged the challenges Foxx faced, her incremental and cautious systems-change approach prompted impatience and disappointment. Plus, Foxx was now being compared to a small but growing cadre of newly elected progressive district attorneys across the country who were advancing significant reforms.

“We understand how politics goes, but at the end of the day, we’re going on 30, 40 years of the war on drugs, which is a war on black people. We feel we’re in a moment now where it’s time for things to actually change.”

– DeAngelo Bester, Executive Director of the
Workers Center for Racial Justice ³³

³²Adeshina Emmanuel. “Electing Progressive Prosecutors Isn’t Enough. Now, Activists Are Holding Them Accountable,” *In These Times*, March 26, 2018;

http://inthesetimes.com/article/21014/kim_foxx_larry_krasner_chicago_philadelphia_prosecutors_progressive.

³³ Adeshina Emmanuel. “Electing Progressive Prosecutors Isn’t Enough. Now, Activists Are Holding Them Accountable,” *In These Times*, March 26, 2018;

http://inthesetimes.com/article/21014/kim_foxx_larry_krasner_chicago_philadelphia_prosecutors_progressive.

Target: Individual versus System

TPL and other community organizations involved in the election all spoke of how they had to build their knowledge and understanding about the state’s attorney in order to become able to also organize and mobilize their communities to vote. However, the state’s attorney is only one player—albeit a powerful player—in the broader criminal justice system. Foxx regularly warned that she was not a “silver bullet,” and her staff worked with community groups to think more broadly about the system and put pressure on other key players such as judges.

The process of co-governance required organizations to build capacity within their communities so that residents could effectively target leverage points and power players. The point was elucidated most clearly in bail reform work, wherein bond court judges were the obstacles to reform. Foxx’s public health approach to drugs would also require a broader systems approach.

“We got to a point where it was difficult to move Foxx on our agenda. We don’t think that she was trying to be difficult, but there were issue areas like the nonprosecution of drug offenses that involved other systems that she had no control over.”

— Alex Muhammad, The People’s Lobby

2. Role of Data in Co-governance

TPL and its partners made important progress in advancing their goal of increasing transparency through the release of data from the state’s attorney’s office (appendix C). Access to data is critical to a co-governing strategy because it sets an objective standard of tracking progress. And the regular release of data is a means of fostering trust between the state’s attorney’s office and the community. “The transparency was a huge victory that folks on the ground can identify with and see the importance of,” Muhammad said.

Community groups could use the data to both hold Foxx accountable and support her. They partnered with a firm to analyze the data, and they made it the foundation for their report cards. The reports generated media attention, elevated the progress Foxx had made, and listed areas that still needed more work. “We share the reports with her directly and with the public,” Tanzman said. “It is not as a gotcha but, rather, as a here is what is going well and here is where we need improvement. We give her credit on areas in which she has made progress.

“When Kimberly Foxx was sworn in as Cook County State’s Attorney in December 2016, she inherited an office that was notorious for avoiding public scrutiny and accountability. Very little data about the office’s operations was shared with the public. Many kinds of information were not recorded at all, preventing even internal analysis designed to evaluate and improve office outcomes. Foxx promised a new era of transparency and a ‘data-driven strategy.’ In her sixteen months in office, Foxx has made significant progress towards this commitment to transparency.”³⁴

Where data did not exist, TPL and partners from the Coalition to End Money Bond collected primary data through their court-watching strategy. The gathered data demonstrated that judges were not implementing the new order on money bond, and the practice directly engaged community members in the process.

Eventually, the court began to release data, which rendered the court watching unnecessary. However, the court watching played a catalytic role in the release of data. “The bond court watching created some real data and numbers; that created a real first step,” said Sharone Mitchell of the Illinois Justice Project. “The court-watching report was a strong start, so we need to push for more, consistent data. We are also calling for other folks outside the state’s attorney to release data—like the sheriff and the chief judge.”

3. Shifts in Politics and Power

Co-governance implies power sharing and a shifting of influence as a result of that shared power. TPL felt that its vision for co-governance was still mostly aspirational, but the progress the group made reflects important shifts in power on both the community and the political levels.

Community Level

Foxx has continued to regularly meet with community organizations and hold public forums to directly engage with the community. She has publicly described community engagement as part of her office’s new philosophy. The new philosophy facilitated greater community engagement but also reflects increased openness to and sharing with the community.

TPL described it as “performing a different power relationship.”

Community members had moved from not even being aware of the role and power of the state’s attorney to working to hold Foxx accountable. Moreover, for their accountability work, they took advantage of the role they had played in her election. And they are aware of the

³⁴ A Step in the Right Direction: An Analysis of Felony Prosecution Data in Cook County
A Report from Community Partners: Reclaim Chicago, The People’s Lobby, Chicago Appleseed Fund for Justice
https://www.thepeopleslobbyusa.org/wp-content/uploads/2018/06/05-2018-Report-Kim-Foxx_FINAL_Print.pdf

electoral power they can wield in 2020. “If things continue down this road with her kind of slow-walking the process, there won’t be the same swell of energy behind her campaign,” said DeAngelo Bester of the Workers Center for Racial Justice.³⁵

Political Level

TPL had worked on bail reform prior to the election of Foxx. The group had organized actions against Chief Judge Evans to reform the bond systems but to no avail. The group then focused efforts on the legislature to advocate the passage of statewide reforms but were warned Evans would block the legislation. TPL was told that Evans had no incentive to change and was impervious to reforms that were not tough on crime. That shifted after Foxx’s election. “The amount of pressure we put on Evans before the Foxx race did not move him, but after Foxx, it made a difference,” Tanzman said. “We know this because of our power analysis. He issued the order after Foxx’s election. That political tail wind was more intense the first year and a half after her election.”

Once Foxx was elected, the political equation changed. Nationally, there arose a growing call for bail reform. And a statewide coalition on bail reform had emerged. Finally, grassroots organizations shifted the narrative by using a criminal justice reform agenda to elect Foxx.

“The fact is that you can now lose an election by being on the wrong side of incarceration, as opposed to being tough on crime,” Tanzman said. “The Willie Horton ad is still in the mind of politicians. Even Chuy Garcia, running against Rahm Emanuel, ran on adding more police to the streets to end the violence. The Foxx election kind of shattered that.”

³⁵ Adeshina Emmanuel. “Electing Progressive Prosecutors Isn’t Enough. Now, Activists Are Holding Them Accountable,” *In These Times*, March 26, 2018; http://inthesetimes.com/article/21014/kim_foxx_larry_krasner_chicago_philadelphia_prosecutors_progressive.

Conclusion

Kim Foxx rode into office on a wave of civil unrest. The Laquan McDonald video had elevated the profile of the state's attorney election and fueled public demand for Anita Alvarez's ouster. Grassroots organizing groups like The People's Lobby and Action Now leveraged that moment to support the election of Kim Foxx. Building on their relationships in communities, they connected the issues people cared about—mass incarceration and policy accountability—to the state's attorney election and to Kim Foxx.

"We punched above our weight when the moment was right by shifting popular anger in a movement moment toward electoral targets," said Tanzman. "That would not have been possible if the groundwork had not been laid over the previous couple of years by people like us and others protesting Anita Alvarez. We had endorsed Foxx and began a large-scale field campaign by the time the video came out. This represents an interesting model of how to channel a movement moment into the electoral arena as we look at electoral work that is larger scale than the size of our most active base."

The events in Chicago point out the importance of the unique role of grassroots organizing groups for acting on those moments to mobilize their communities during electoral campaigns. Organizing groups also played a critical role in the ongoing engagement of communities in the state's attorney accountability and governing work. State's attorneys, even progressive ones, have to be held accountable—and have to be supported—in pushing systems reforms through. Grassroots organizing groups play an important role in both of those endeavors. "We can't just get people elected and not follow up with accountability, because that is what creates the machine we have to dismantle," said Johnson. "We, as a community, have to be there to hold them accountable. It can't be just about elections. The way to transform and gain governing power is to link around these elected officials through their tenure."

Organizing groups made significant strides in increasing the transparency of the state's attorney's office and in building the capacity and power of communities to engage and co-govern with the state's attorney. TPL is still learning and refining its co-governance approach, but its greatest strength is that it centers the most-directly-impacted communities in the process.

Appendixes

[Appendix A](#) The People's Lobby: Priorities for Changes in the Practices of the State's Attorney's Office

[Appendix B](#) Principles of Bail Reform in Cook County

[Appendix C](#) Policy Accomplishments

Appendix A

The People's Lobby: Priorities for Changes in the Practices of the State's Attorney's Office

- Use whatever leverage prosecutors have to decrease bail amounts and push judges to release people accused of nonviolent offenses on their own recognizance.
- Implement department-wide policy that stops the prosecution of low-level drug offenses.
- Reduce overcharging by creating and publishing standards for charging and plea bargaining that will require prosecutors to charge only offenses for which they have evidence beyond a reasonable doubt; and track the percentage of cases in which defendants plead to original charges versus lesser charges.
- Implement policy for automatic community service or lesser penalties such as supervision for all first-time nonviolent offenses.
- Work with The People's Lobby to develop and publish quarterly a set of metrics that will measure successful reform. Metrics should include but not be limited to some combination of the following, each of them classified by crime type and race. When appropriate, the direction we would likely want the number to go is indicated in parentheses.
 - Percentage of pleas to original charge (increase)
 - Percentage of indictments by state's attorney's office compared with arrests (Desired direction of this number will vary based on offense type.)
 - Average length of sentence recommended by prosecutors as a percentage of the maximum sentence allowed (decrease)
 - Percentage of cases in which maximum sentence is sought by prosecutors (decrease)
 - Total number of people admitted to the Cook County Jail (decrease)
 - Total number of people sent to state prison from the Cook County Jail (decrease)
 - Average sentence length given by judges (decrease)

Appendix B

Principles of Bail Reform in Cook County

The pretrial detention system in Cook County needs reform. Cook County Jail incarcerates approximately 7,500 people per day. An additional 2,000 people are under the sheriff's supervision through electronic monitoring. More than 90 percent of the people detained are pretrial and thus presumed innocent—a considerably higher rate than the national rate of 67 percent. Approximately two-thirds of unconvicted people incarcerated or on electronic monitoring in Cook County would be free if they could afford to pay a monetary bond.

The overuse of pretrial incarceration and monitoring comes at tremendous personal cost to impacted individuals and entire communities. Pretrial detention leads to lost jobs, lost housing, and even lost custody of children. In addition, people detained pretrial are more likely to be convicted. They also receive longer sentences compared with people released pretrial with similar backgrounds and charges. African Americans receive disproportionately high monetary bonds and are disproportionately unable to pay such bonds. Seventy-three percent of people incarcerated in the Cook County Jail are African American despite the fact that African Americans make up only 25 percent of Cook County's population.

Recent history has shown that the population of Cook County Jail could be decreased substantially—with no impact on public safety or court appearance rates. The following six principles provide guidance for reform efforts designed to reduce the number of people incarcerated pretrial in Cook County Jail.

1. Access to money should not determine whether an accused person gets detained in jail or becomes subject to other conditions pending trial.
2. Pretrial services programs should be used for promoting court attendance and providing needed services and should not place unnecessary conditions on the accused person.
3. Conditions of bail should not prevent an accused person from performing basic personal responsibilities, should not impose direct or indirect economic costs, and should not unduly expose the accused person to new criminal charges.
4. Pretrial detention and other restrictions on liberty should be used only as last resorts to ensure community safety and the defendant's appearance in court.
5. Data on detention and data on release outcomes should be collected and made available for public review and system assessment purposes. Risk assessments, if used, must be validated and transparent, and their impacts must be tracked.
6. Administrative reforms should be enacted to ensure court practices conform to the law. Judges should receive education and training consistent with existing law and principles.

Appendix C

Policy Accomplishments

(Note: The following information is extracted from the report cards *Equal Justice for All: A Report on Kim Foxx's First Year* and *A Step in the Right Direction: Felony Prosecution*.)

Advance Bail Reform

- State's Attorney Kim Foxx's first bail reform measure was to partner with the Cook County public defender's office to craft an agreed I-bond policy wherein her prosecutors were instructed to support the release of some several dozen people held in Cook County Jail for nonviolent offenses only because they could not post \$1,000 or even less in bond.
- In May and June 2017, Foxx supported the passage and signing of Illinois's Bail Reform Act of 2017, a small step forward in Illinois state laws governing the use of monetary bonds, access to counsel, and conditions of release.
- On June 12, 2017, Foxx announced a set of guidelines whereby prosecutors proactively recommend release on individual recognizance (I-bonds) in bond court. That proactive support for pretrial freedom is an important public statement and crucial contributor to efforts to shift courtroom culture, but its impact has not been formally documented by the state's attorney's office or the court.
- State's Attorney Foxx has played a role in laying the groundwork for larger-scale bail reform that Cook County chief judge Timothy Evans announced in July 2017. Her public statements on bail, the steps that her office took directly to begin addressing excessive pretrial detention, and the landslide election that she won on a platform that included bail reform all contributed significantly to public support of and political will for bail reform in Cook County. That broad and well-organized pressure for reform and a pending lawsuit all contributed to Chief Judge Evans's issuance of the general order requiring judges to set money bonds only in amounts that people can afford to pay.
- State's Attorney Foxx has supported Cook County public defender Amy Campanelli's call for a new Illinois Supreme Court rule requiring that any money bond set be affordable. The proposed rule, if adopted, would be an important step in securing permanent and meaningful bail reform throughout Illinois and making the state's justice system fairer—especially for poor people and people of color. For that reason, the proposed Supreme Court rule is also supported by the grassroots organizations.

Increase Transparency and Accountability

- In October 2017, the Cook County state's attorney's office released its first-ever Baseline Data Report with information on a variety of prosecutorial decisions and case outcomes during the 2016 calendar year, including the number of people charged with different categories of felonies, the rates at which charges initiated by police had been approved by the office, the outcomes in different types of cases, and more. At the same time, the office facilitated external examination and validation of its report by releasing its raw data on the Cook County data portal.

- In late February 2018, the state’s attorney’s office released a second report reviewing the same data for 2017—Foxx’s first full year in office. The office followed that report with release of an improved data set that included every felony charge filed in Cook County from 2010 through late January 2018 and was available to the public through the Cook County data portal as of early March 2018. Together those data sets and reports enable the public to compare the prosecution decisions and outcomes made by the state’s attorney’s office under Foxx with the decisions and outcomes of the office under the leadership of her predecessor, Anita Alvarez.
- Foxx has hired a chief data officer to improve data collection and analysis within the office and to improve the quality of publicly accessible data. The creation of a chief data officer position made the Cook County State’s Attorney’s Office the first and only prosecutor’s office in the United States to dedicate an internal, full-time staff person to data and performance analysis.

Lessen Immigration Collateral Consequences

- State’s Attorney Foxx continues to voice public support for undocumented victims of crimes and an intention to develop more-specific policies to reduce the collateral consequences of prosecution on documented and undocumented immigrants, but the office has not yet released any specific proposals.

End the Drug War

- Despite her commitment to promoting a public health approach to drug use and addiction and her public criticism of the war on drugs as a war on poor people and African American and Latino communities, Foxx’s office has not yet taken steps to change any office policies related to drug possession, use, or sales. In fact, the office continues to allow the police to charge felony drug offenses without oversight by the state’s attorney’s felony review process, which is required to approve other charges before filing. Even without state law changes, Foxx’s broad prosecutorial discretion allows the state’s attorney’s office to refuse to approve felony drug charges below commonsense weight thresholds or for other reasons such as concerns about the constitutionality of police stops or searches that initiated arrests.

Reduce Overcharging

- The office appears to be taking active steps to improve the training of prosecutors so that all charging decisions are consistent with the standards recommended by the American Bar Association and the National District Attorneys Association. The standards include that prosecutors should only “file charges . . . which he or she reasonably believes can be substantiated by admissible evidence at trial” and should avoid “improper leveraging”—that is, “should not file charges where the sole purpose is to obtain from the accused a release of potential civil claims.” Those standards, if fully implemented, would make significant improvements in the charging practices of the Cook County state’s attorney’s office. However, the office is not making all the details of those steps public, so they are not subject to public review and accountability.

- State's Attorney Foxx has implemented several important changes in the office's charging practices around specific offenses so as to decrease incarceration. Within two weeks of taking office, Foxx raised the threshold on felony retail theft from \$300 to \$1,000, thereby decreasing the number of people charged with felonies for a relatively minor offense. In addition, she has ceased the practice of charging people with driving on a suspended license when the suspension was caused by unmet financial obligations.
- State's Attorney Foxx has taken bold steps to confront past wrongs through her recent dismissals of cases believed to be tainted by police misconduct. In November 2017, the Conviction Integrity Unit of the state's attorney's office agreed to vacate the convictions of 15 men whose cases were connected to a disgraced former police officer known for planting evidence and falsifying charges and to dismiss all charges against 2 men who were granted retrials after new DNA tests failed to connect them to their alleged victims.