



Cook County State's Attorney 2020 Election Guide

**Candidate:
Donna More**



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Questions

Please answer the following questions in 400 words or less.

1. There has long been talk of eliminating or revamping the Felony Review Unit. Should the CCSAO maintain the Felony Review Unit? If you would eliminate, please explain why. If you would maintain a Felony Review Unit at the CCSAO, describe how you would structure the Unit to: (a) encourage, rather than shut down, thorough police investigations when survivors have requested such investigations; (b) ensure that perpetrators of gender-based violence are charged with offenses that reflect the severity of their violence; (c) ensure the process is sensitive to the needs of victims and witnesses participating in the investigation?

I would not eliminate FRU. It is a vital part of the office that produces smarter prosecutions.

A

previous administration eliminated the practice of having a team of specialized attorneys devoted exclusively to reviewing domestic violence and sexual assault cases. I would reinstate the practice. The effective and thorough investigation of cases involving alleged sexual assault and intimate partner violence relies on open dialogue between the CCSAO and law enforcement. All felony review attorneys should be trained so they can appropriately investigate and prosecute gender based violent offenses prior to being assigned to the FRU.

2. The Illinois Criminal Code has established certain crimes as “domestic” based on the relationship between the offender and victim and therefore subject to more stringent penalties. It is currently a concern of advocates that ASAs utilize discretion to reduce charges and plead down charges in a significant number of domestic violence cases, and often do so without consulting victims. What will you do as State’s Attorney to ensure domestic violence cases are prosecuted as charged? What are your intentions regarding deferment or diversion for domestic violence cases?

Accountability is key to reducing the scourge of domestic violence. Under my leadership, felony domestic violence cases will not be routinely reduced to misdemeanors nor will domestic battery charges be routinely reduced to simple battery. Survivors of domestic violence will be informed of any decision to deviate from this general rule and given a detailed explanations of case dispositions. With the most serious charges, we will use pre-trial detention to protect survivors from further violence and ensure accountability from offenders. Deferment, diversion and reduced charges – taken together – tend to let offenders avoid accountability for their actions. So, I believe they are not appropriate strategies for domestic abuse cases. Where we have a case to make in court, we will make

it. We will also make certain that offenders participate in approved partner abuse intervention programs (PAIP) as a matter of course.

3. What protocol would you establish to ensure that victims of domestic violence who were acting in self-defense during a violence incident are not charged with a crime by your office?

The keys to thorough investigation and appropriate charging decisions lie in having well educated felony review assistants. Every attorney who is assigned to the felony review unit will have received training to understand the all issues relating to gender-based violence. If the person in custody raises self-defense during the investigation phase, it will be taken seriously and investigated. If a defendant raises the issue for the first-time post-charging, the ASA assigned to prosecute the case will be expected to alert his or her supervisor so a thorough post charge investigation can be completed. ASA's will be trained to continuously evaluate any changes to the known facts and to make decisions as justice demands.

4. Under your leadership how do envision the State's Attorney's role in maintaining a relationship with the Chicago Police Department in prioritizing the investigation of domestic violence, sexual assault, and human trafficking? How do you see this role balanced with holding law enforcement accountable for officer- involved domestic violence, human trafficking and/or sexual assault?

One of the most effective strategies for fighting crime is a strong working relationship between the CCSA and the 100+ law enforcement agencies in the County. That relationship is badly broken today. The chief prosecutor does not trust police and police are convinced that the SA won't do the right thing when it comes to charging. So, one of my top priorities is to repair this frayed relationship. To begin, we will start charging cases again. No more categorial pronouncements about non charging. No more dismissals for the rich and famous. No more routine reduction of domestic abuse felony charges to misdemeanors. No more electronic monitoring for violent offenders. No more bail by default because the SA won't advocate for advocate when it is necessary to avoid flight risk or danger to the community. These policy steps will jump-start a process where prosecutors and police trust one another. Law enforcement has to deliver evidence and acquire it adhering to the law. Make no mistake, the process is a two-way street. We need to have joint training on domestic abuse issues so officers know what to produce and how to obtain it. That way we can improve our performance in cases involving domestic violence, sexual assault and human trafficking. Of course, repairing the relationship with law enforcement does not mean that officers who engage in wrongdoing will get a "pass." I will prosecute crime no matter who commits it.

5. When it comes to prosecuting prostitution-related crimes, 9 of 10 people prosecuted in Cook County are prostituted people while only 1 out 10 who face any criminal penalties are buyers of sex or traffickers. Does this reflect your beliefs about how to best address commercial sexual exploitation? Please explain.

I believe that prostitution among adults is a "consensual" crime – two people consenting to a criminal act under the law. As such, I believe that prosecution should not focus solely on prostituted offenders. We need to find ways to charge both prostituted people and the persons who create the market for prostituted people. In addition, we should work with federal authorities to investigate and prosecute those engaging in the "business" of human trafficking.

6. Data are an important part of the advocacy process that helps the advocacy community to better assess and meet the needs of victims. How will you ensure that the advocacy community has access to comprehensive and understandable data? Specifically, what data will you share to demonstrate the efficacy of various initiatives? How will you track the number of sexual assault cases that are reduced to lesser charges? How will you provide overall data on charging versus final disposition?

The data portal in use today is a good start. There are shortcomings, however. For one, the community needs to truly understand what the numbers are "saying." The public presentation of the raw data doesn't always tell the story. For example, the County and City are touting reductions in crime. So, it comes as a surprise to many that violent crime is actually on the rise in some of our most vulnerable neighborhoods. They tout a lower number of shootings and murders in 2019, yet such crimes are up by 33% and 42% in January 2020. If I am SA, will take the data sets to the next level and give the community the whole story rather than "cherry pick" numbers for political purposes. For sure, the number of sexual assault cases where charges are reduced will be tracked and revealed. They will not get Jussie-Smollett treatment from an office that I run.

7. In what ways do you believe the criminal justice system is failing victims of gender-based violence? How will you provide oversight to misdemeanor domestic violence and sexual assault cases that meet standards for felony charges but are charged as misdemeanors? How will you ensure safety of victims that are interacting with the criminal legal system?

The criminal justice system in Cook County must improve the response to gender-based violence across the board. In many instances, I believe shortcomings are the result of training deficiencies, not lack of purpose or intent. I'll see to it that misdemeanor assistants in the domestic violence unit are trained on standards for felony charging. They will also be required to alert supervisors if they see a case that meets felony standards but does not get

called into felony review by law enforcement. There will be a felony upgrade system put into place at 555 W. Harrison and the suburban courthouses.

8. What do you identify as the biggest challenge in prosecuting cases of gender-based violence where the victim wants prosecution? How will you specifically address the challenges in prosecuting reported cases of:

a. Domestic Violence?

One of the biggest challenges in the prosecution of Domestic Violence under the current administration is the crushing caseloads facing ASA's assigned to the DV unit. Resources must be redeployed to increase the number of line assistants and reduce the number of executive staff positions added by the current State's Attorney. In my administration we will prioritize having "boots on the ground" to serve the victims of Cook County.

b. Sexual Assault?

There are many challenges to the successful prosecution of sexual assault cases. Reinstating the specialized team dedicated to the review of sexual assault cases will address issues in the investigation phase and allow for more corroborating evidence to be discovered, collected, and ultimately used at trial. Another issue is the delay in testing DNA kits. I would look to expand the use of private laboratories for testing, request additional funds from the state, and request assistance from the federal government to reduce the backlog.

c. Human Trafficking?

Challenges to prosecuting human trafficking cases include identifying victims of trafficking and holding offenders accountable. Once victims are identified, they need special assistance and resources to overcome their trauma, rebuild their lives, and prepare to testify at trial. One way to increase successful prosecution may be to use the Illinois RICO statute to investigate and prosecute traffickers. The RICO statute is a powerful tool to be used in the investigation and charging of certain offenses. Under my leadership the office will partner with state and federal law enforcement to pool our resources as traffickers generally cross state lines.

9. We want to hear more about your priorities as they relate to violence against women and girls.

a. Will you have a Policy Director focused exclusively on these issues? If not, why not? If yes, what do you see as the first three priorities they will work on?

I want to keep my promises. So, before I make this commitment, I need to determine how best to allocate our financial resources, a process I will engage the minute I take office. We may more urgently need additional felony prosecutors to address violent crimes like those perpetrated on females and children. Training may also be a higher priority initially knowing that nearly half of all female homicide victims are killed by a romantic partner and one in four girls are sexually abused by the age of 18.

b. What will your legislative priorities be? Will you commit to actively collaborating with the GBV community on priority issues?

One priority will be to determine what effect "bail reform" has had on the safety of victims of domestic violence and sexual assault and to advocate for appropriate modifications. Another will be to coordinate a multi-disciplinary team to combat sexual violence against children and women in schools and to successfully prosecute these cases. The alarming Chicago Tribune investigation into the number of sexual assaults in the Chicago Public Schools and the large number of unprosecuted campus sexual assaults cry out for the leadership that only the SAO can provide. We'll also establish and maintain open lines of communication with law enforcement and offices to try to improve the rate of successful prosecutions gender-based violence.

c. How will you increase funding for specialized positions addressing gender-based violence in your Office? Will you collaborate with service providers on joint grant submissions?

The current SAO does a very poor job of confiscating drug and corruption related assets in cases where prosecutions reach conclusions favorable to the County. I am intent on changing the confiscation rate. The US Attorney's office collects three times its annual budget in confiscatory funds. If we do better, we can use the funds to supplement our budget requests. We will collaborate with service providers on grant submissions. We also intend to seek private sector partnerships to address mental health, drug addiction and other behavior health issues that influence gender-based crimes.

10. Cook County has long benefitted from a partnership between advocates and the State's Attorney to develop model programs that prevent and appropriately intervene in domestic violence, sexual assault and human trafficking. How specifically will you partner with advocates to sustain current programming and expand legal protections and services for victims of domestic violence? What are three things you hope to partner with in the upcoming term?

I was in domestic violence court as an ASA and I fully appreciate the expertise that advocates bring to these prosecutions. My approach centers on accountability, and I intend to apply the same principle to programs in which SAO engages to prevent and intervene. My office develop a protocol for evaluating programs so that we – the SAO with various advocates and the general public – can be assured resources are directed toward programs based on need and impact. From my days prosecuting domestic violence cases, I'm intent on partnering with organizations that focus on prevention, principally school and mental health groups. There may be a way for us to interface with the state's 1115 Medicaid Waiver for behavioral health to get reimbursable funds and resources. I'm also dedicated to working closer with DCFS and the Chicago public schools to address the horrific rates of child abuse.

11. What do you see as additional barriers to prosecuting cases with survivors who want prosecution in the following communities? What do you see the role of the CCSAO in assisting in overcoming these barriers?

The CCSAO should play a major role in overcoming barriers to prosecution in all communities. There can be no successful prosecution of gender-based crimes if the survivor does not have trust in her prosecutor. The CCSAO needs to continue to diversity its ranks so that the prosecutors and our victim witness advocates are reflective of the communities we serve. Ongoing diversity training is crucial. Under my leadership I will revitalize and highlight the Community Justice Centers. Having prosecutors visible in the communities in which they serve leads to better communication, improved relationships, and increases trust. The CCSAO should also be a leader in partnering with advocates and research agencies to develop new and updated models to better understand and prosecute gender-based violence in the 21st century.

a. Communities of Color

It is an unfortunate fact that in Cook County that historically communities of color have had a fraught relationship with policing. Effective prosecution of gender based violence crimes require that the survivor have trust in the prosecutor assigned to her case.

b. Immigrant Communities

Immigrant communities may have language barriers that make successful prosecution of gender based violence difficult. Members of immigrant communities may equate our system of justice with the system of justice in the country from which they came. In some circumstances, they may feel reluctant to report violence due to concerns about immigration status.

c. LGBTQ Communities

Some barriers to prosecution in the LGBT community include a reluctance to report crimes, homophobia on the part of investigators and jurors, and harmful gender stereotypes.