

THE UNIVERSITY OF CHICAGO

**Progressive Prosecutors and the Politics Surrounding Harm Reduction: A Look into Cook  
County, Illinois**

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## Abstract

Previous studies have shown that there are structural limitations present that prevent prosecutors from impacting the carceral system and lowering sentencing rates. It is known that mass incarceration is present in both the United States and also in Illinois. However, little is known about the politics surrounding progressive prosecutors in Cook County in their quest for harm reduction, along with the impact that geography has on those politics. This research looks to examine the potential benefits that progressive prosecutors can provide, along with recognizing their limitations.

This study analyzes a sentencing dataset provided by Cook County to determine how the presence of progressive prosecutors, under the leadership of Kim Foxx, has impacted sentencing rates. In addition, prosecutors, public defenders, and academics in Cook County were interviewed to understand the political factors surrounding progressive prosecutors. These interviews revealed the context behind the changes in sentencing rates in Cook County, along with discussing how the geography of Cook County impacts the politics of progressive prosecutors and their relationship with other legal actors.

The limitations found in the survivability of progressive prosecutors' reforms were utilized to create the recommendations provided at the end of this paper. The recommendations include recognizing that progressive prosecutors are merely one actor within the legal system, so addressing reforms in other areas, such as changing laws, should also be prioritized. This paper also recommends that the state's attorney provides clear communication to the public and other prosecutors regarding reforms and their goals. This paper ends inquiring for further research into other societal changes, such as abolition or social programs, that should occur alongside or in place of progressive prosecutors' reforms.

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## Introduction

The United States has the highest incarceration rate in the world, with a rate of 639 per 100,000 people incarcerated, as of 2018 (Murakawa & Beckett, 2010; Gajwani & Lesser, 2019; Gramlich, 2021; Alexander, 2012). Black and Latino people make up 60% of the prison population, yet they only make up around 30% of the general population in the United States (Murakawa & Beckett, 2010; Gajwani & Lesser, 2019). Existing literature has shown that systemic racism within the carceral system has been facilitated by prosecutors, whose unchecked power and reliance on “tough-on-crime” policies have led to increasing incarceration rates in the United States (Gajwani & Lesser, 2019).

There are conflicting views on whether progressive prosecutors have enough power to significantly alter and reform the carceral system. In this paper, the carceral system refers to a network of systems that rely on state sanctioned violence in many forms- political, economic, emotional, physical- to preserve the interests of the state, meaning this definition includes institutions such as the courts and law enforcement but also extends out to other methods of surveillance and oppression (Underground Scholars, 2019). Some scholars argue that the presence of progressive prosecutors, who pledge to lower incarceration rates, address racial disparities, and lower mass incarceration by examining each case and its context individually, have been imperative in implementing progressive reforms in attempt to correct the carceral system (Davis, 2018; Gajwani & Lesser, 2020). However, other scholars argue that the carceral system is fundamentally flawed in exacerbating the punishment and surveillance of racially oppressed groups, so progressive prosecutors alone will not be enough to greatly alter the system, though they are helpful in harm reduction (Gajwani & Lesser, 2019).

This paper focuses on progressive prosecutors acting towards harm reduction in society, since state prosecutors are invested in the legal system through elections and public perception. The term harm reduction is used to recognize that progressive prosecutors are not the sole actor present in the carceral system and thus cannot be relied on to solve all of its injustices. However, progressive prosecutors can play a major role in limiting the harms the carceral system has on people. Understanding the role that prosecutors play within the carceral system is integral because the consequences of prosecution affect people's lives, since a prosecutorial decision on whether or not to charge someone with a crime can impact whether that person will probably face incarceration or have a criminal record. The disadvantages that Black and Brown communities have within society and the job market are exacerbated when criminal records are included (Street, 2002). There are high unemployment rates for those with criminal records, and there is evidence that when those on parole are able to find a job, they earn about half as much as people without a criminal record (Street, 2002).

The limitations of progressive prosecutors from creating substantive change within the carceral system include structural limitations (Romero, 2020; Gajwani & Lesser, 2019). In addition, there is literature discussing recommendations for progressive prosecutors so that their successes are seen long-term (Bellin, 2020). However, there has not been significant literature surrounding the politics surrounding progressive prosecutors in Cook County in their quest for harm reduction. This paper explores the research question: In looking at Cook County, Illinois, what are the politics and factors surrounding progressive prosecutors that impact the survivability and implementation of their reforms? How have sentencing rates in Cook County changed from 2010 to 2021, specifically looking at the years before and after Kim Foxx took office as the Cook County State's Attorney?

To answer those questions and close the gaps in research, I conducted a mixed-method study in which I utilized quantitative data surrounding sentencing rates in Cook County, along with qualitative data from interviews I conducted with legal experts, such as Cook County public defenders and prosecutors. My hypothesis was that Cook County sentencing rates have decreased overall since Kim Foxx entered office, signaling progressive prosecutors' role in harm reduction, even with the implementation of reforms being unevenly enforced across the districts due to geographical and political differences. The quantitative data was utilized to understand the impact of progressive prosecutors on sentencing rates. The focus of this paper lies on sentencing rates particularly because it is a way to look at the different outcomes aside from incarceration that people can be charged with, such as probation or jail. As inspired by author Michelle Alexander, "reducing the amount of time people spend behind bars [...] will alleviate some of the necessary suffering caused by this system, but it will not disturb the closed circuit" (Alexander, 2012: 95). Therefore, looking at the number of sentences charged each year focuses the conversation on how to lower them overall and therefore keep people out of the carceral system and state surveillance under prison or jail, while acknowledging the limitations of trying to end mass incarceration through progressive prosecutors.

Given the presence of Kim Foxx, who is described as a progressive prosecutor, in office since 2016 one would imagine that sentencing rates would have declined since her time in office, which would then relate to a lower rate of incarceration. The quantitative research revealed that actually since 2015 sentencing rates have been on the decline, with Kim Foxx's presence in office showing a continued steady decline, and an even more dramatic decline during the COVID years of 2020-2021. The data also revealed that Black people are still the group of people that are disproportionately sentenced when compared to other races. It is also important to

note that while sentencing rates have declined, there has been no difference in the average age of people who have been sentenced. Sentence lengths have also seen no significant change since Kim Foxx took office, meaning that while sentencing rates have declined, people who are sentenced are not facing more or less time.

Then, the interviews were conducted to expand on the reasoning and context behind the rates found in the quantitative data, along with the politics surrounding progressive prosecutors. While the literature review revealed the tensions present in implementing reforms across urban and rural areas, the qualitative analysis revealed the complexities seen in Cook County, even with less of a drastic rural and urban divide seen between Chicago and the suburbs. The interviews revealed the political hurdles that progressive prosecutors must endure, such as getting other law enforcement to agree to implement the reform. In addition, the interviews revealed the distinctions seen across different districts in Cook County that lead to very different norms and customs, affecting the implementation of Foxx's reforms as some suburban districts tend to have more conservative leaders. For instance, creating reforms, such as not prosecuting retail thefts across Cook County over a certain dollar amount, have not been evenly embraced across the districts. Since some suburban districts have higher rates of retail theft than others, those districts with high rates of retail theft do not want to implement reforms that call for fewer prosecutions of retail thefts. Therefore, some constituents in suburban areas of Cook County expect their law enforcement to address the retail thefts in their area, since it is more of an issue there. Those interviewed in this project had differing predictions and visions for the future of progressive prosecuting in Cook County, such as some having more optimistic visions and others having pessimistic visions of the future. These varying predictions further highlight the complexities surrounding this topic.

The findings of this mixed-method research are important because they create an understanding around the possibilities for progressive prosecutors in harm reduction, yet also address the systemic challenges and limitations prosecutors face. These findings are useful for lawmaking and policymaking spaces. The immense injustices that have been occurring within the carceral system signal the importance of progressive prosecutors in best utilizing their resources for harm reduction.

## Background

### Mass Incarceration in the United States

The United States has 2.2 million people incarcerated (Gajwani & Lesser, 2020; The Sentencing Project, 2021). Over the last 40 years, there has been a 500 percent increase in incarceration in the United States (Gajwani & Lesser, 2020; Davis, 2019). This high rate of incarceration in the United States is due to a number of policies that have compounded over time, namely the War on Drugs policies and mandatory minimums.

The War on Drugs was a campaign that began in the 1970s and 1980s that looked to promote safety within communities in the United States (Street, 2002). The campaign relied on political and legal figures blaming the violence seen across communities on the perception of drug use (Street, 2002). The hysteria that the public had surrounding drugs allowed for future policies, such as zero tolerance policies, to be passed in the late 1980s (Kang-Brown et al., 2013). Zero tolerance policies are policies that punish casual drug users and possession in an ineffective attempt to quell violence and drug usage (Kang-Brown et al., 2013). These zero tolerance policies were implemented in schools and helped create the school-to-prison pipeline that emphasized harsh punishments on children (Kang-Brown et al., 2013). The number of Americans incarcerated for drug offenses rose from 40,900 in 1980 to 430,926 in 2019 (The

Sentencing Project, 2021). In addition, more recent policies, such as mandatory minimums, leave people incarcerated for longer periods of time than their offenses would otherwise call for. For instance, in 2004 people convicted on federal drug offenses were expected to serve 62 months in prison for which they would have only served 22 months in prison for the same crime in 1986 (The Sentencing Project, 2021).

It is important to note that mass incarceration does not affect oppressed races and ethnicities in the same way. According to The Sentencing Project, Black men are six times more likely to be incarcerated as white men, and about 1 in every 12 Black man in their thirties is in prison or jail on any given day (2021). While Black people make up about 13 percent of the United States population, 40 percent of the people in prison are Black (Gajwani & Lesser, 2020). The role of race in incarceration is prominent even in seemingly race-neutral laws and institutions that claim to treat all of the accused equally, regardless of race. The idea of institutions being race-neutral is extremely problematic because, under Murakawa and Beckett's idea of racial innocence, our institutions begin with the assumption that the carceral system and its members are innocent of racism and are race-neutral until proven otherwise (Murakawa & Beckett, 2010). The defendant is then forced to prove racial intent and racial causation by the perpetrators; thus, if those two factors are not proven, then the claim is that racism was not present (Murakawa & Beckett, 2010).

According to the Brennan Center for Justice, "harsh, tough on crime policies were not the main driver of the crime decline, and increased incarceration at today's levels has a negligible crime control benefit" (Gajwani & Lesser, 2020: 75). Tough on crime policies and longer sentences rarely deter crime, and incarcerating people tends to increase their chances of recidivism and recommitting crimes (Roodman, 2017). According to law professor John Pfaff,

prosecutors and their unchecked power mainly contributed to the rising incarceration rates in the United States (Gajwani & Lesser, 2020). As evidence, Pfaff proved that even as police made less arrests due to lower crime rates, prosecutors still increased the number of felony charges they made, with a 40 percent increase in the number of felony cases between 1994 and 2008 (Gajwani & Lesser, 2020).

In addition, prosecutors play a large role in deferred prosecution, which is a “legal practice that is differentially applied to defendants with financial means and defendants with few financial resources” (Harris, 2016: 66). Essentially, some defendants are able to pay fees for a deferred sentence, or even to have a clean record (Harris, 2016). The difference in who can receive a deferred sentence leads to an issue of intersectional disadvantage since only those who are financially stable will be able to buy their way out of conviction. Prosecutors can decide who they will or will not provide with the opportunity for deferred prosecution. Those who are given deferred prosecution, but do not make their payments on time, can end up with an increase in their conviction and jail time (Harris, 2016: 66). Given the major role prosecutors play within the realm of mass incarceration, it leads to a question of how progressive prosecutors hope to impact the carceral system and alleviate the injustices present.

After the next section’s discussion on mass incarceration in Chicago, I will then discuss how progressive prosecutors can impact mass incarceration by lowering the number of people sentenced to prison. As already mentioned in the introduction, progressive prosecutors work to lower incarceration rates, address racial disparities, and lower mass incarceration by examining each case and its context individually (Gajwani & Lesser, 2020; Fryer, 2020; Bellin, 2020). Thus, progressive prosecutors are distinct from the prosecutors beforehand who maintained a tough on crime mentality because progressive prosecutors recognize that a tough on crime

mentality rarely deters crime and instead want to deter people from long prison sentences (Roodman, 2017).

### Mass Incarceration in Chicago, Illinois

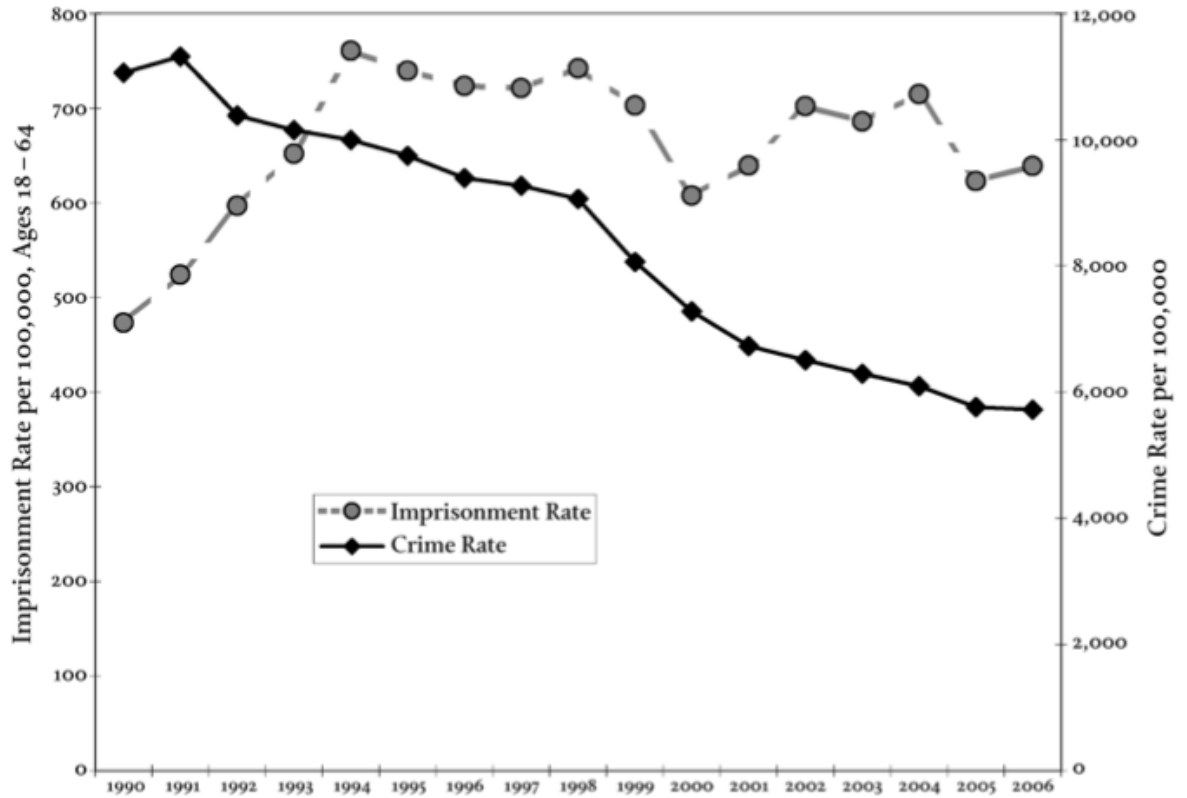
This paper will focus on Cook County, Illinois, because it is the second largest county in the nation and contains the City of Chicago. Previous research in Chicago revealed that mass incarceration is experienced locally, and hot spots for incarceration are systemic (Sampson & Loeffler, 2010: 21). The crime rate in Chicago peaked in the 1990s and declined by the early 2000s; by 2006 the crime rate was the lowest in 20 years (Sampson & Loeffler, 2010: 21). However, as seen below in Figure 1, the incarceration rate was increasing in the 1990s and peaked in 1994, only fluctuating slightly from that peak through 2006 (Sampson & Loeffler, 2010: 21). The number of prisons in Illinois doubled during the 1980s and 1990s, which matched the “tough-on-crime” policies were used at the state and federal level (Scott & Saucedo, 2013: 7). This relationship is seen in the graph because even as imprisonment remains high and fluctuates, the crime rate is unaffected and continues following its own path.

Even as the crime rate in the United States has seen recent declines, the United States still has an incarceration rate that is six to ten times greater than that of other industrialized nations (Alexander, 2012: 8). In addition, there was research done in the late 1900s that found that prisons did not deter crime significantly (Alexander, 2012: 8). The distinction between low crime rates and high incarceration rates in Chicago is reflective of the national trends, which prompted progressive prosecutors to combat these patterns in incarceration. The next sub-section will provide the history of progressive prosecutors. While the next section introduces some literature regarding difference waves of progressive prosecutors, the section remains in the background portion of this paper to make sure that progressive prosecutors have been properly introduced before discussing the theories regarding progressive prosecutors’ powers and responsibilities.

Figure 1- Imprisonment and Crime Trends in Chicago, 1990-2006

Robert J. Sampson & Charles Loeffler on mass incarceration

Figure 1  
Imprisonment and Crime Trends in Chicago, 1990 – 2006



Source: Authors’ calculations based on information collected from the Circuit Court of Cook County, the U.S. Census Bureau, and the U.S. Department of Justice. (Sampson & Loeffler, 2010: 22).

### History of Progressive Prosecutors in the United States

There have been two waves of progressive prosecutors over history (Green & Roiphe, 2020). However, the most recent wave of progressive prosecutors, which erupted about five years ago, are loosely defined as prosecutors who seek to lower incarceration rates, address racial disparities, and end mass incarceration (Gajwani & Lesser, 2020; Fryer, 2020; Bellin, 2020). The first wave of progressive prosecutors appeared in the late nineteenth and early twentieth centuries focused on combating the corruption within the carceral system by substituting partisan prosecutors connected to party machines for less-biased legal experts who base their decisions on

the law (Green & Roiphe, 2020). Throughout the twentieth century, scholars became increasingly skeptical that experts who became prosecutors would not act under self-interest, given that they are still political actors with incentives (Green & Roiphe, 2020).

The second, and most recent, wave of progressive prosecutors arose around 2015. Beginning in 2015, Democratic billionaire George Soros donated to progressive district attorneys in Florida, Illinois, Louisiana, Mississippi, New Mexico, and Texas (Bland, 2016). The main distinction between progressive prosecutors and prosecutors who endorse tough on crime policies is that progressive prosecutors typically abandon cash bail, not prosecute low-level drug offenses (such as marijuana) and prosecute officers for police misconduct (Green & Roiphe, 2020). In 2019, many progressive prosecutors were elected across the United States. These prosecutors were elected in both big Northern cities, such as Boston, Brooklyn, and Philadelphia, and also in Southern cities, such as Dallas, Orlando, and Louisiana (Green & Roiphe, 2020). For instance, in 2019, the newly elected Dallas County District Attorney John Creuzot proclaimed that his office would not prosecute crime, such as first-time marijuana possession and theft of necessary personal items valued under \$750 (Gajwani & Lesser, 2020).

In Chicago, there was unrest to unseat Kim Foxx's predecessor, Anita Alvarez, as the State's Attorney in Cook County because of her support for law-and-order groups, such as mandatory minimums for gun possession (Bazelon, 2019: 81). The unrest over Anita Alvarez was due to movements, such as the Black Lives Matter movement, frustrated that Alvarez was refusing to file charges against a police officer who shot Laquan McDonald, a young Black seventeen-year-old, sixteen times, and Alvarez resisted releasing the police dash-cam video of the shooting (Bazelon, 2019: 81). Kim Foxx, who raised \$3.8 million in her campaign, ended up

defeating Anita Alvarez in the 2016 election in a campaign focused on reform and lowering incarceration rates (Bazelon, 2019: 83).

### **Kim Foxx and Progressive Prosecutors in Cook County**

One of the most well-known progressive prosecutors, Cook County State's Attorney Kim Foxx, first ran for office in 2016 under a progressive platform based on reform and accountability, through actions such as decriminalizing marijuana (Goudie & Markoff, 2019). Research shows that from December of 2016 to 2019, prison sentences dropped 3 percent (Goudie & Markoff, 2019). Foxx said that in the past 5 years the jail population has reduced by 45 percent (Goudie & Markoff, 2019). Still, her reign as state's attorney has not been without controversy, as seen with public criticism of her handling of the Jussie Smollett case, in which Smollett's charges of faking a hate crime against himself were dropped in exchange for community service (Goudie & Markoff, 2019). Foxx was re-elected in 2019, with her office of more than 700 attorneys as the second largest in the nation (Corley, 2020). The movement of progressive prosecutors is small, since only 100 elected prosecutors out of 2,400 have reform agendas, though it is growing (Corley, 2020). The next section regarding theory will unpack some characteristics of prosecutors that impact their ability to create reform.

## **Theoretical Framework**

### **Progressive Prosecutors- Reliance on Other Legal Actors**

Literature regarding the progressive prosecutor movement assumes that prosecutors have unilateral power to reform the system (Fryer, 2020; Davis, 2019). Professor Angela J. Davis said that "just as the power and discretion of prosecutors have contributed to mass incarceration and racial disparities in the criminal justice system, that same power and discretion to institute

reforms to correct these injustices” (Davis, 2019: 5; Fryer, 2020: 771). In addition, Davis went on to say, “prosecutors are the most powerful officials in the system” (Davis, 2018: 9).

However, Daniel Fryer challenged Davis’ assumption in his work claiming that prosecutors depend on other legal actors to join them in action in addressing the problem of mass incarceration (Fryer, 2020). According to Fryer, prosecutors depend on other legal actors and the public to pass and support their reforms, and thus instead of having unilateral power that Davis implies, they have contingent power (Fryer, 2020). Jeffery Bellin, though more skeptical of prosecutors’ power in relation to other actors such as judges and police, agreed with Fryer that prosecutors need to work with other actors, such as judges, to pass their reforms because the carceral system is “bigger than the prosecutor” (Bellin, 2020: 715). Bellin called prosecutors the “caretaker of the criminal justice system” in which prosecutors work to help other actors, like judges and defense attorneys, in fulfilling their constitutional obligations (Bellin, 2020: 715). This paper will build on the theories of Fryer and Bellin in discussing the complex power of prosecutors. Given this complicated power of prosecutors, it is the reason why this paper focuses on maximizing the potential for harm reduction that progressive prosecutors can have in the carceral system.

It is important to discuss the power and responsibilities of prosecutors because it directly relates to the potential for progressive prosecutors to harness that power in ways that they were not harnessed by tough on crime prosecutors. Even during the War on Drugs, tough on crime prosecutors utilized their powers to contribute to the rising incarceration rates by supporting zero tolerance policies and mandatory minimums (Kang-Brown et al., 2013). The lingering impacts of the War on Drugs and its policies are still seen currently as number of Americans incarcerated for drug offenses has risen from 40,900 in 1980 to 430,926 in 2019 (The Sentencing Project,

2021). Thus, the actions of tough on crime prosecutors can help create an understanding of how progressive prosecutors can redirect their powers to mitigate mass incarceration instead of enabling further mass incarceration. For instance, instead of following the mentality of tough on crime prosecutors, who believe that more people incarcerated for longer periods of time translates to less crime in communities, progressive prosecutors can instead recognize that people do not have to be given the longest and toughest punishment for their crimes. People can be held accountable in other ways, such as by going to rehab or through community service.

Another assumption regarding the power of progressive prosecutors is that reforming the system through reforms is enough to create a fair carceral system (Fryer, 2020; Davis, 2019; Davis, 2018; Green & Roiphe, 2020). According to Davis, fairness and equity in our carceral justice system will “only happen if good people become prosecutors” (Davis, 2018: 12).

However, this paper will follow the view of progressive prosecutors acting as harm reduction in the system (Fryer, 2020: 801). Reforms can be used as a harm reduction tool to address mass incarceration and eventually lead to abolition. Abolition is the movement that looks to transform this world from economic, social, and systemic injustices by dismantling oppressive institutions such as prisons (McLeod 2019). Even though progressive prosecutors are expanding their discretionary powers and responsibilities through reforms, the presence of other legal actors ultimately limits prosecutors’ powers.

### **Prosecutorial Discretion- A Prosecutor’s Choice on Charges**

The main theory behind the role of prosecutors is the fact that they have prosecutorial discretion, where prosecutors can decide whether and how to prosecute someone. Understanding the role of prosecutorial discretion is important in this research because prosecutors have the ability to use discretion in deciding what charges to give someone, and it relates to the power of progressive prosecutors to impact sentencing rates. Criminologist Alfred Blumstein claimed that

24 percent of the racial disparities in the prison population in the United States may be due to aspects such as the discretionary decisions of those in power, such as prosecutors and police officers (Davis, 2019). Discretion is a significant power that prosecutors have because their decision-making, especially in regard to prosecuting and plea-bargain choices, impact racial inequalities in incarceration (Davis, 2019). Prosecutors have the power to “over-charge” a defendant, meaning they can increase the charges placed on the defendant, to then increase the likelihood that the defendant will accept the plea bargain to avoid going to trial (Davis, 2019). Since the choice to offer a plea bargain is in the hands of the prosecutor, racial disparities erupt as different plea bargains and charges may be given to people accused of similar crimes.

The role of prosecutorial discretion between the first wave of progressive prosecutors and modern progressive prosecutors is distinct. According to Green and Roiphe, modern progressive prosecutors discuss and defend their discretionary decision-making while they are campaigning, specifically “tying their proposed policies regarding prosecutorial discretion to the social and political concerns of the day” (2020: 748). In contrast, the first wave of progressive prosecutors wanted to separate public control and influence on prosecutorial discretion so that way prosecutors can act more impartially (Green & Roiphe, 2020). Understanding the current wave of progressive prosecutors is important because the impact of progressive prosecutors increasing transparency and appealing to the public through their reforms places some important limitations on their power, even as those powers are expanding in other ways.

### Limitations of Prosecutorial Discretion

Only reforming the prosecutorial arm of the carceral system will not be enough to greatly reduce mass incarceration within our lifetime, given the limitations of prosecutorial power (Gajwani & Lesser, 2020; McWithey, 2020). Even with prosecutors reforming their offices and not prosecuting low-level drug offenses, prosecutors will still have to prosecute violent crimes.

Four out of five people in prison or jail are incarcerated for reasons other than drug offenses, so those offenses may be violent offenses or even more minor offenses than drug offenses (Sawyer and Wagner 2020). Thus, progressive prosecutors can still impact the carceral system, and potentially incarceration rates, though it will be limited.

According to Gajwani & Lesser, the theory behind the increasing punitiveness of prosecutors over time is due to three main reasons: salience, reductionism, and transference (2020). Salience refers to the idea that prosecutors recall previous offenders and compare their situations and results with similar offenders. For example: A prosecutor who chose not to prosecute some juveniles and found out that those juveniles were arrested again will influence how that prosecutor will prosecute other similar juveniles in the future. That prosecutor will most likely choose to prosecute juveniles in the future, fearing political backlash otherwise from the public who may find prosecutors too lenient. Reductionism is the idea that prosecutors rarely have any contact with the accused, and instead only hear from the victims and from the police, thus reducing the perception prosecutors have of defendants to their accused crime and rarely understanding their backgrounds (Gajwani & Lesser, 2020). Transference refers to the idea that prosecutors are not only unable to communicate with the defendants, leaving their perception of the defendant to merely their accused crime, but prosecutors also view them with manipulation and distrust because of defense attorneys (Gajwani & Lesser, 2020). Defense attorneys represent their clients and try to reap them the maximum benefits, leaving an air of mistrust between prosecutors and defense attorneys that extends to prosecutors and defendants. The relationship prosecutors have among other legal actors, such as police and defense attorneys, affect the limitations of prosecutorial discretion.

The reliance placed on progressive prosecutors to use their discretion in a way that addresses mass incarceration may be seen as problematic since it centralizes more leadership and power within a system that has previously done more harm than good in terms of achieving justice, as seen in the role of prosecutors over-prosecuting since the War on Drugs era (Romero, 2020; Gajwani & Lesser, 2020). In addition, skepticism is also present because legitimizing progressive prosecutors still inherently “buys into a criminal legal system” that some find fundamentally broken, which even reforms would not be able to fix (Romero, 2020: 806). Progressive prosecutors do not align with the idea of “actively working to completely dismantle the systems and hierarchies in which they exist,” which some believe to be problematic through their definition of the word “progressive” (Romero, 2020: 815). However, in staying aligned with the theory presented by Fryer, progressive prosecutors’ powers, if used responsibly, can be a way to reduce the harms of the carceral system in addressing mass incarceration.

### **Geographic Impact on Constraints of Progressive Prosecutors** *Urban vs Rural Impacts*

According to law professor Angela J. Davis, 90 percent of criminal cases are prosecuted on the state and local level, keeping in mind that most state prosecutors are elected (2019). At the local level, there are thousands of state and local prosecutors that handle cases at the county level (Davis, 2019). Therefore, rules and reforms differ among distinct places in states. The importance of understanding the theory behind urban and rural impacts on progressive prosecutors relates to Cook County, which is comprised of more rural, suburban districts and Chicago, an urban district.

Geography affects the effectiveness of progressive prosecutors and their reforms. While many progressive prosecutors come from large cities, there are progressive prosecutors in small rural communities as well (Davis, 2019; Romero, 2020). Even though the general success of

progressive reformers is hoped for, skepticism and warnings are also present (Davis, 2019; Romero, 2020; McWithey, 2020). One of those warnings is that there is an urban and rural divide that prevents reforms from large cities from sometimes extending to also address injustices in small towns (Romero, 2020). The urban and rural divide is important to discuss because race also plays a factor there too. People of color make up about 20 percent of rural America, and that percentage is growing each year, which is an issue as rural communities are being overly policed (Romero, 2020). In addition, only 3 percent of elected prosecutors are men of color and only 2 percent are women of color (Romero, 2020). Thus, prosecutors are more likely to act under implicit biases that disproportionately affect people of color in terms of incarceration (Romero, 2020). While there is a rural and urban divide that limits reforms made in cities solving issues in smaller towns, there are prosecutorial constraints that affect prosecutors from both urban and rural areas.

### *Legitimacy*

Progressive prosecutors' legitimacy is impacted in both urban and rural areas. One of the internal challenges that prosecutors face is that they rely on police to conduct their work, arrest suspects, serve as witnesses in trials, and gather evidence. Yet, progressive prosecutors impact police and prosecutor relations because they often run on platforms that call for police to be held accountable for misconduct (McWithey, 2020). The fractured relationship between police and prosecutors can affect the future effectiveness of progressive prosecutors, if police become unwilling to cooperate with them. For example, if a progressive prosecutor desires to decriminalize low-level marijuana possession to decrease the amount of incarcerated people, prosecutors will have to depend on police to stop arresting people for those crimes to uphold the legitimacy of progressive prosecutors (McWithey, 2020).

In urban areas, progressive prosecutors have to face resistance from police unions and police commissioners who hope to undermine the legitimacy of progressive prosecutors. In addition, some cities have special prosecutors to handle police misconduct cases to provide a sense of impartiality. A unique case of this was seen in Chicago with Kim Foxx, who had a special prosecutor investigate how she handled the Jussie Smollett case (Goudie & Markoff, 2019). In urban environments, there tend to be more “generalized, detached feelings towards police” (McWithey, 2020). Given that cities are becoming more and more non-white, and that these non-white groups face more police discrimination and misconduct than other groups, those constituents may feel neglected by their representative if their elected progressive prosecutor does not personally stand up to the police and instead hires a special prosecutor (McWithey, 2020). Constraints, such as police unions/commissioners along with displeased constituents, impact the legitimacy of progressive prosecutors.

In rural areas, there are usually fewer officers than in cities, given the distinct geographic sizes. Thus, there is more of a chance for progressive prosecutors to develop more personal relationships with the local police officers, especially since they are highly likely to consistently interact with the same police officers over time (McWithey, 2020). These personal relationships with police give progressive prosecutors the incentive to utilize special prosecutors to handle cases of police misconduct, especially since constituents in close knit towns may also develop personal relations with the local police department. Closer interpersonal relationships in rural areas occur between the community and police (McWithey, 2020). However, the close relationship between the rural community and police must be recognized as mostly being between white people and police, since even in rural communities non-white people tend to feel unsafe since they are usually over-policed. The diversity in some rural communities, which can

be overlooked at times, means that the relationship between community members and police are also distinct. Rural places in the United States had a 90 percent increase in diversity between 1990 and 2010 (Romero, 2020). Thus, these rural progressive prosecutors have to also balance their persistence in going after police misconduct, since they have to keep in mind the future of their legitimacy.

### *Resources*

Management of resources is a constraint on progressive prosecutors from both rural communities and urban cities. Progressive prosecutors have expanded their roles from prosecuting cases to also acting to aid defendants and get their lives on track (McWithey, 2020). However, to fund programs that provide aid and rehabilitation require money and resources. The divide in resources between urban cities and rural communities is evident. For example: since 2007, the number of specialty courts in Texas rose from 99 to 177, where in Dallas there are 22 and in rural Nueces County there are only 4 (McWithey, 2020). Thus, increasing the number of alternatives to incarceration can also increase the chance of a defendant receiving aid from those programs and alternatives (McWithey, 2020). Urban progressive prosecutors have the advantage of usually being able to lead large-scale efforts with more funds in their budget. For example: The city of Philadelphia has budgeted \$750,000 each year to a program designed to place people in drug treatment facilities as opposed to getting arrested, and that program is part of a \$6 million initiative to lower the population of people in jails in the city over a 3 year period (McWithey, 2020). Thus, even though there has been success in some cities with funding large scale initiatives to promote progressive prosecutors' ideals of lowering mass incarceration, these resources and benefits must be accessible to individual prosecutors to then utilize to provide aid to defendants rather than incarceration (McWithey, 2020).

While similarly large programs are not necessary in rural areas, given the smaller population size, there has been some success in creating programs for rehabilitation of people instead of incarceration. In rural Nueces County, Texas District Attorney Mark Gonzalez has diverted around 2,600 defendants away from incarceration and instead into diversion programs and rehabilitations, which have generated \$700,000 in revenue to be reinvested back into the programs (McWithey, 2020). Thus, smaller programs in rural areas prove that funding does not have to be insanely large to improve the carceral system, though the management and allocation of their funding is integral. Smaller diversion programs that are created can be extremely effective, given the individualized attention that defendants can receive (McWithey, 2020). In addition, the smaller rural courthouses may also provide more individualized care to defendants, since they are less burdened and overrun than courthouses in urban cities (McWithey, 2020). Thus, while progressive prosecutors in rural areas may have had some success so far in utilizing their resources to productively help address incarceration, the hope is that as more progressive prosecutors are elected in rural areas there is also an efficient allocation of resources.

The geographic constraints of legitimacy and resources impact the effect that progressive prosecutors are able to have on reforms and sentencing rates. Even though the suburbs of Cook County may not necessarily be described as rural, the distinction between Chicago and its surrounding suburbs is an important relationship that can relate to the issues present as seen among rural versus urban areas. The background and theoretical framing sections have revealed the powers and limitations of progressive prosecutors. Now I will look at the applicability of these theories in Cook County and use my findings to expand on these theories. The next section will delve into the methods I used to analyze sentencing rates in Cook County from 2010-2021, along with the interviews that I conducted to find how the geographic differences in Cook

County impact the politics surrounding progressive prosecutors, the relationship between legal actors, and the survivability of reforms.

## Data and Methods

To address the questions regarding sentencing rates in Cook County and factors that affect how progressive prosecutors can act towards harm reduction, I used a mixed method approach. I analyzed data from the Cook County Government's open data source to look sentencing data from 2010 to 2021, which was published by the Cook County State's Attorney Office as of January 3, 2022. In addition, I conducted semi-structured interviews with legal experts and lawyers to illustrate the mechanisms underlying the theoretical expectations, along with further explain the trends in the quantitative analysis. The sentencing data from the Cook County State's Attorney Office was chosen because progressive prosecutor Kim Foxx is currently Cook County State's Attorney. As seen below by Figure 2 and 3, Cook County is a very large county, which contains Chicago along with surrounding suburbs. As seen in Figure 3, there are six districts and courthouses in Cook County: Chicago, Skokie, Rolling Meadows, Maywood, Bridgeview, and Markham. Analyzing sentencing data allowed for me to expand my understanding on the relationship between sentences, length of sentences, and other factors.

Figure 2- Map of Cook County, Illinois (Omnedon, 2009).

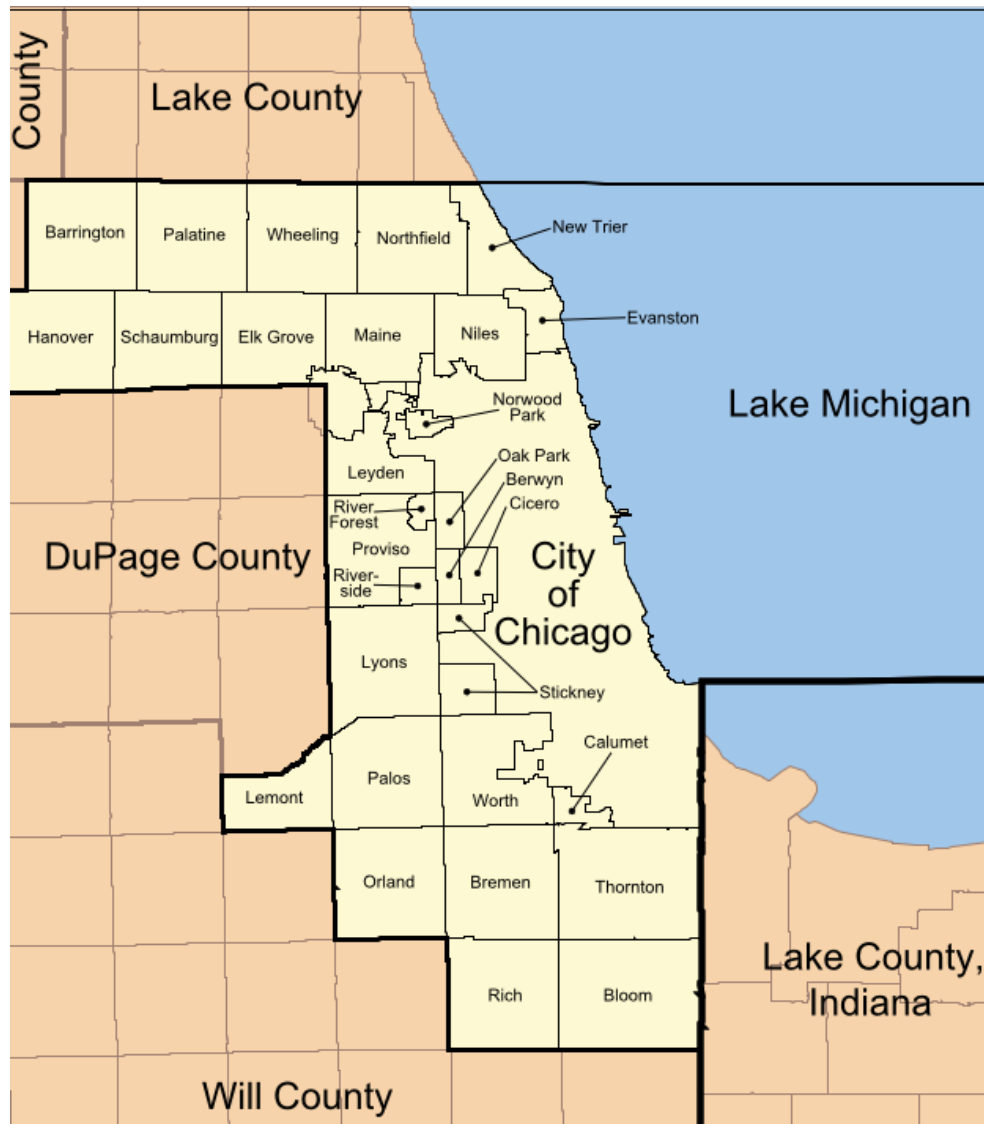
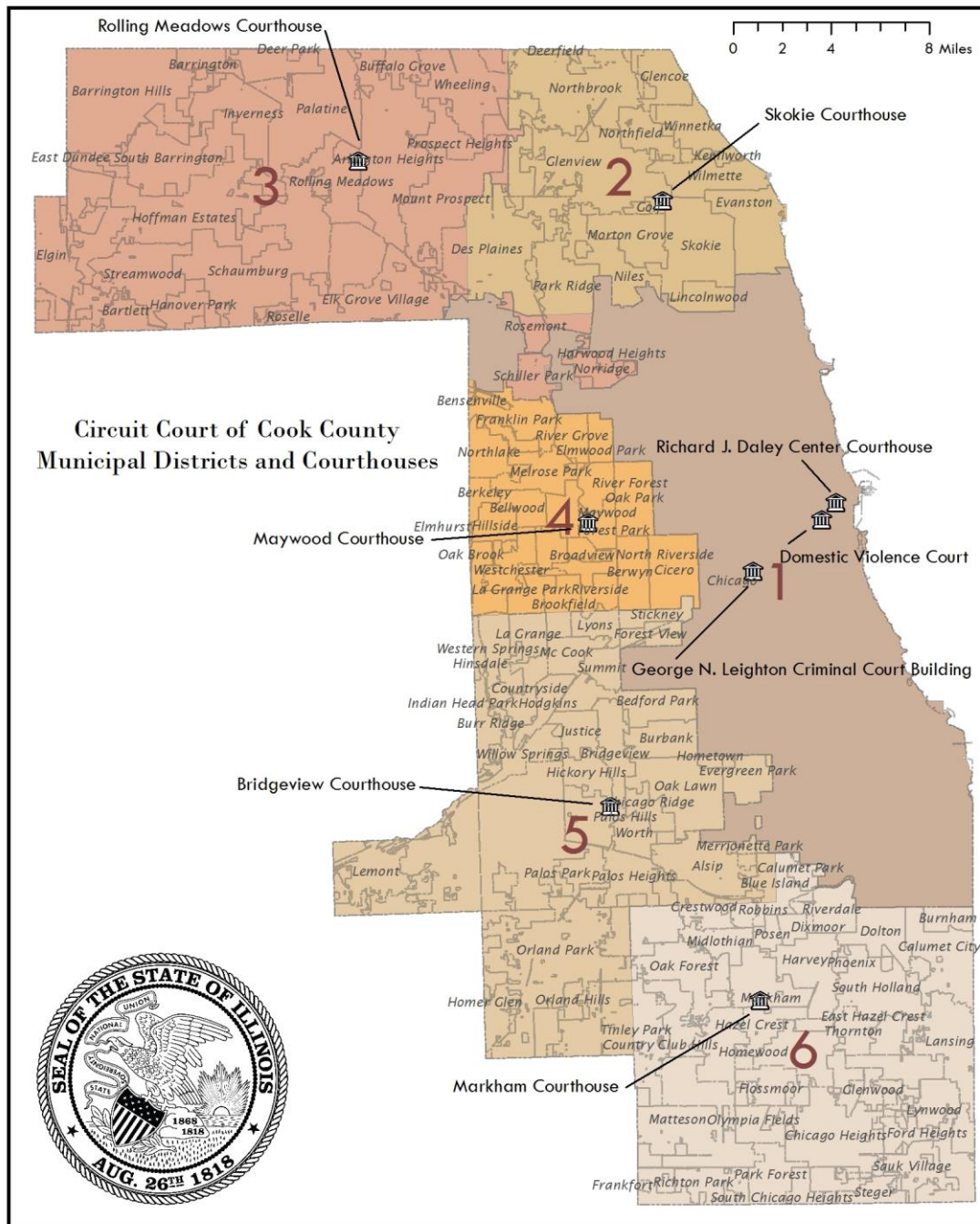


Figure 3- Circuit Court of Cook County: Municipal Districts and Court Houses (Cook County Government, 2012)



Map prepared on Aug. 8, 2012; Department of Geographic Information Systems, Cook County Bureau of Technology; cook\_muniJudict\_2012.pdf.  
 ©2012 Cook County Government  
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The Cook County sentencing data was recent as of January 3, 2022 and contained information of over 250,000 cases and individuals. This dataset was used to compare the

different sentences and sentence types (such as prison, probation, supervision, etc) that have been issued between 2010 to 2021. This timeframe was incredibly useful because State's Attorney Kim Foxx entered office in December of 2016 and has held the office since then. Thus, I graphed the sentences issued before and after Kim Foxx entered office to see if there were any drastic changes in the sentence types and sentence lengths issued over time. I also wanted to see if factors such as race and age were potentially impacted by the reforms for Kim Foxx, to make sure that the reforms by Kim Foxx were not contributing to increasing the incarceration of younger people, particularly young Black people.

To provide more depth in my analysis of progressive prosecutors, I interviewed legal experts and lawyers in Illinois. For instance, the quantitative dataset did not provide information regarding factors, such as reforms and politics, that affect the sentences that are issued. These experts were able to speak to the broad discussion of progressive prosecutors and reform along with adding to a discussion of the impact of geography, specifically using Cook County as a case study. Each expert interviewed was asked multiple questions including but not limited to: What do you think are the strengths and weaknesses of the progressive prosecutors today? To what extent are the problems within the carceral system able to be addressed by progressive prosecutors? How does geography (urban vs rural areas in Chicago) affect the implementation of reforms? The rest of the questions that were asked in each interview are included in the Appendix A. As seen by the questions stated, the purpose of the interviews was to analyze what factors that impact a progressive prosecutor's ability to act as harm reduction. I interviewed twelve participants who have conducted legal work in Cook County, as seen in the table below. It is worth noting that the participant table below contains a mix of true identities and also pseudonyms, based on the results and preferences listed on each participant's consent form.

These participants were chosen since they could speak to the politics behind progressive prosecutors and their hopes for reform, specifically in Cook County. I also made sure to interview people from a variety of districts in Cook County to get various perspectives from more rural districts to Chicago. The interviews helped illuminate how geography impacts the politics surrounding progressive prosecutors that then impact the survivability of their reforms.

Table of Participants:

Name	Occupation
Ms. Ali	Cook County Public Defender (Chicago)
Ms. Manning	Cook County Public Defender (Skokie)
Ms. Krieger	Cook County Public Defender (Markham)
Mr. Sonnet	Former Prosecutor under Kim Foxx
Ms. Campbell	Cook County Public Defender (Chicago)
Mr. Lewellen	Lawyer in Chicago and former Prosecutor in Cook County
Ms. Weaver	Lawyer in Chicago and former Prosecutor in Cook County
Ms. Willis	Cook County Public Defender (Markham)
Ms. Smith	Cook County Public Defender (Maywood)
Ms. Rapinoe	Cook County Public Defender (Bridgeview)
Ms. Garcia	Cook County Public Defender (Maywood and formerly worked in Rolling Meadows)
Ms. Franch	Law Professor in Chicago and a former prosecutor in Illinois

### Limitations

A mixed method approach was utilized to help limit the limitations that solely a quantitative or solely a qualitative study would have had. For instance, a quantitative study relies on statistics and data that may not take into account the context of that data. That limitation was why I included a qualitative analysis to help provide more context surrounding the progressive prosecutor movements and reform to help explain the sentencing data more clearly.

However, there were other limitations present within this project. For instance, the interviews were conducted in a semi-structured fashion, meaning every interview was unique. This semi-structured method of interviewing also allowed for some of my personal biases to

appear when reacting to answers of the participants and leading to tangents in the interviews. Still, the inconsistencies among the interviews were important in revealing variations that were used to further the argument and findings of this paper. In addition, the technique of snowball sampling was utilized to conduct the interviews, meaning that the views gathered in the interviews are not representative of all legal experts and that the interviews do not represent an unbiased, random sample (Weiss 1994). However, the snowball sampling method allows for the individuals recruited for this project to represent a social network, instead of a random sample (Wood 2008: 540).

The number of interviews conducted in this interview followed Mario Small's logic of case selection. Small argued that rather than numerically limit interviews to a certain sampling size, instead one should stop interviewing people once you reach a critical mass of people or you start hearing repetitive responses in your interviews. While the findings of this paper may not necessarily represent the views of every legal expert, there were sufficient interviews conducted to where "the very last case examined provide[d] very little new or surprising information" (Small, 2009: 25). Therefore, the interviews of this paper were utilized to find patterns among the responses to provide insight on my broader questions regarding the political factors affecting progressive prosecutors' reforms.

## Findings and Analysis

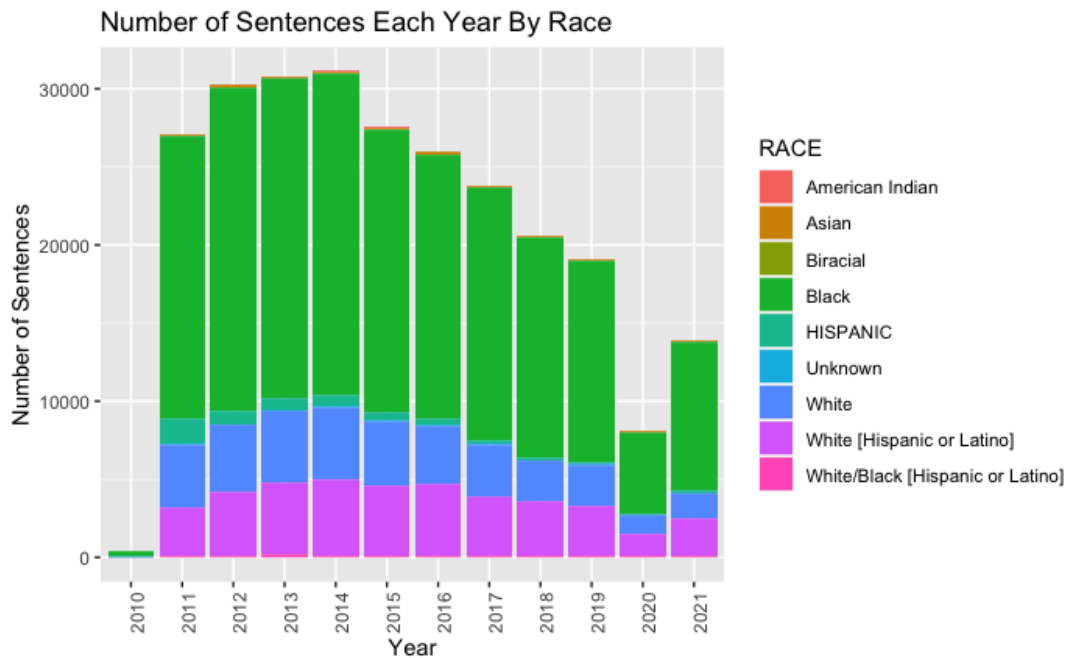
This paper utilized a mix method approach to answer the question of how sentencing rates in Cook County have changed between 2010 to 2021, along with looking at the politics surrounding progressive prosecutors and their reforms. This paper discusses both quantitative analysis, along with qualitative analysis. The quantitative analysis looks at data provided by the

Cook County States' Attorney Office to examine sentencing rates across 2010 to 2021. This analysis looks to see if there were any major signs in 2016 on Kim Foxx's office impacting sentencing rates. The qualitative analysis is used to build on the quantitative analysis and looks to examine the politics surrounding progressive prosecutors in Cook County. Understanding the politics surrounding progressive prosecutors is important to recognize the strengths of weaknesses of their profession along the ability to make survivable reforms. This paper consists of 12 interviews with legal professionals that have practiced law in Cook County, IL. I will begin with discussing the quantitative analysis, noting the lifesaving effects of lower sentencing rates, before transitioning to discussing the interviews.

### [Harm Reduction Has Lifesaving Effects](#)

The quantitative analysis that was conducted revealed the ways in which the contributed work of progressive prosecutors has been lifesaving. Lifesaving refers to the fact that the lower number of sentences charged each year means more people are staying outside the carceral system and its lasting impacts. Note that I am assuming that since I am looking at data from the years 2010 to 2021, changes in sentencing rates since 2016 are assumed to be at least somewhat attributed to Kim Foxx. As seen in Figure 4 below, there was an increase in the number of sentences from 2010 to 2014 in Cook County. Then by 2015 there was a downward trend in the number of sentences. The year 2020 drastically saw the lowest number of sentences, which is assumed to be mostly due to the COVID-19 pandemic. Constant throughout each year was a disproportionately high number of sentences that were given to Black people as opposed to the other races. The disproportionate sentencing of Black people has continued in the recent years of 2020 and 2021 as well, even though the number of sentences given to each race overall dropped.

Figure 4



As seen in Figure 5a below, throughout each of the years in the Cook County dataset, the highest number of sentences were probation and prison. Therefore, when conducting further analysis, I only focused on the sentences of probation and prison, since they disproportionately took up most of the data. As seen in Figure 5b, while prison and probation were the highest number of sentences in the graph, 2015 marked the year that there began a downward trend in the number of total sentences for each category. Thus, under Kim Foxx’s leadership since 2016, there has been noticeable decreases in the number of sentences. Under 2020 and 2021, the gap between the number of prison sentences charged versus the number of probation sentences charged essentially disappeared, meaning that the number of sentences decreased so much that the low number of sentences charged are roughly half prison and half probation sentences. Again, constant throughout each year was a disproportionately high number of prison and probation sentences that were given to Black people as opposed to the other races. It is important to note that there was been a decrease in both the number of people sentenced to probation and to

prison because it shows that the overall decrease in the number of sentences was not disproportionately seen in only one sentencing outcome. Therefore, less and less people are getting swept into the carceral system through prison sentences and are also under less surveillance through probation. While 2015 marked the year in which there began to be a decrease in the yearly number of sentences charged, under Kim Foxx's that downward trend has continued.

Figure 5a

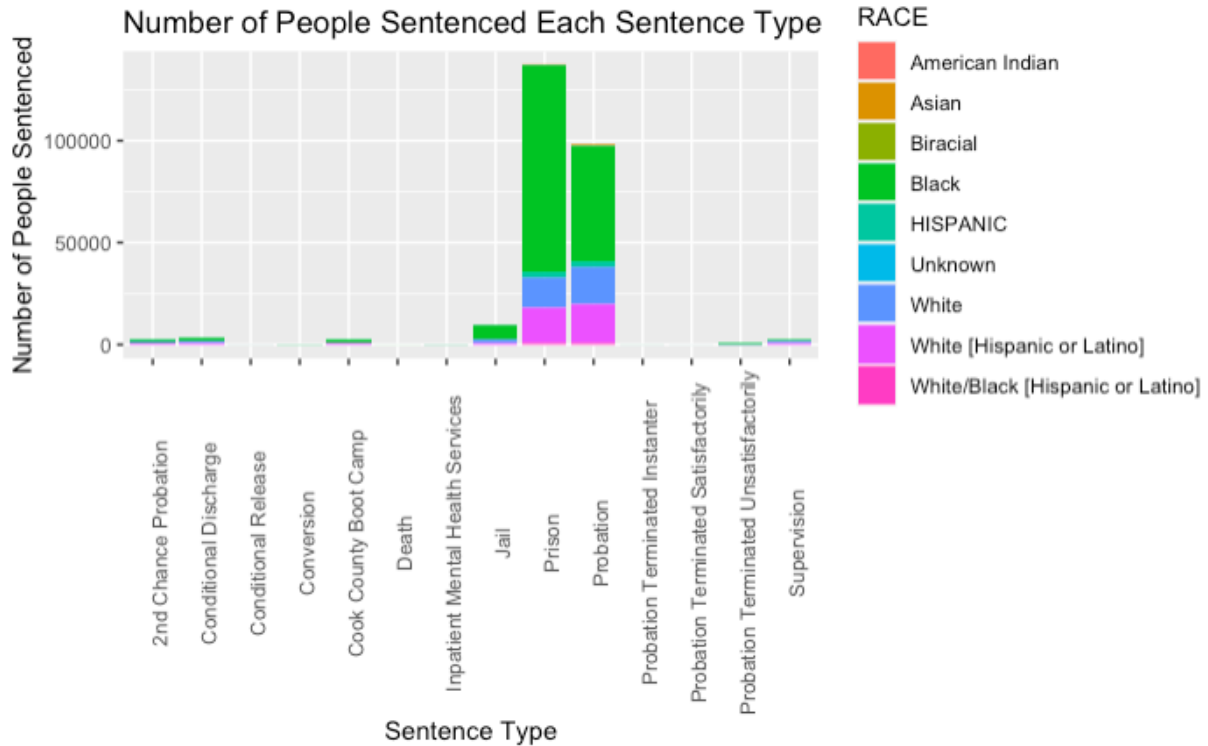
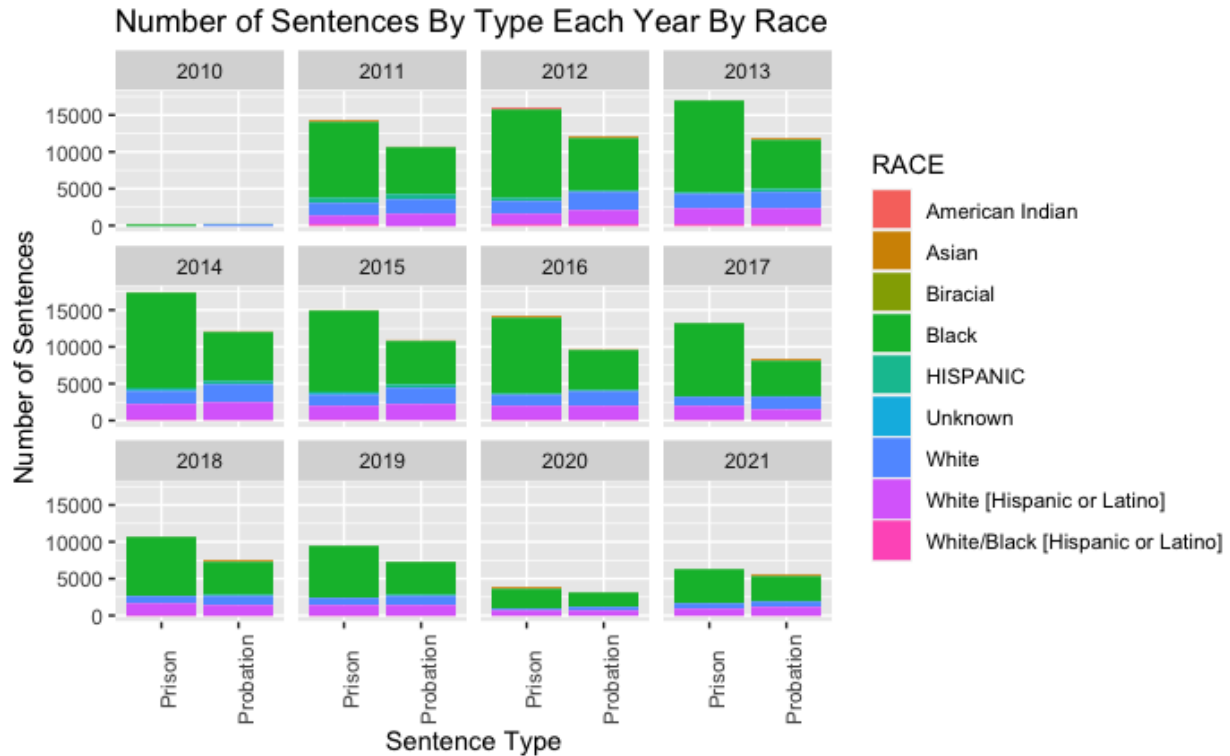


Figure 5b



In addition to looking at the number of sentences across Cook County as a whole, I graphed how the number of sentences changed among the different districts in Cook County. As seen in Figure 6a, Chicago disproportionately sentenced the most people across all the years. Therefore, Figure 4 essentially matched the same graph as Chicago. I then free scaled the y-axis so that I could get a better look at the distribution of the other districts. As seen in Figure 6b, there was still an overall decreasing trend in the number of sentences seen each year across all the districts. On a side note, a majority of those sentenced across the years in Rolling Meadows was white because, unlike the other districts, Rolling Meadows is 70-80% white.

Some suburban districts, such as Markham, saw less of a decrease in the number of sentences charged each year, due to factors discussed during the interviews. For instance, an interview with Ms. Krieger, she explained how when Kim Foxx said that retail thefts would be prosecuted less when she first entered office, there were mixed reactions. Prior to when Kim

Foxx entered office, low retail thefts were classified as a felony charge, and Foxx decided that her office would raise the amount stolen for the theft to be considered a felony. This was pretty well-received in Chicago, since people overall agreed that over-charging people for retail thefts should not be pursued. However, Ms. Krieger explained how in Chicago there's less concern overall for retail thefts and more concern for gun cases. Meanwhile, districts like Markham had the opposite concerns, since there are low gun crimes in Markham but high retail thefts concerns. Therefore, the courts and law enforcement there in Markham, along with prosecutors, were skeptical of Foxx's reforms and thus people were still arrested and sentenced.

Figure 6a

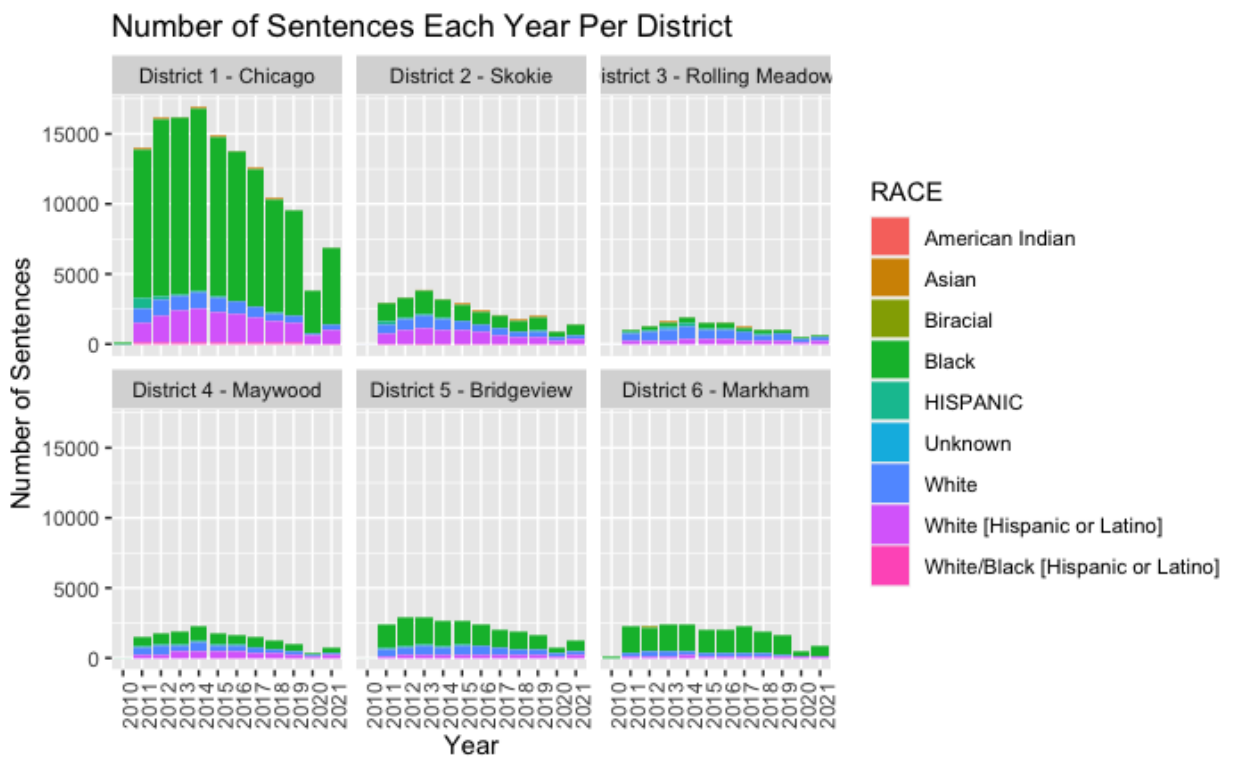
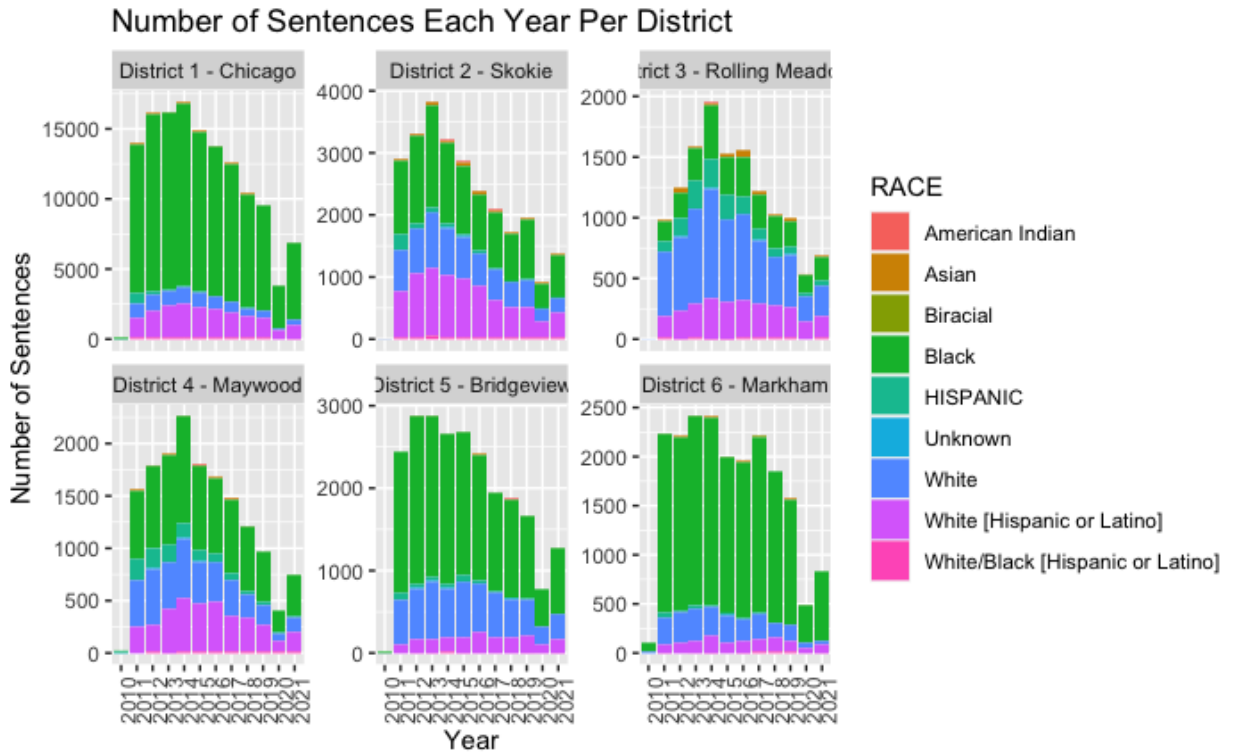


Figure 6b

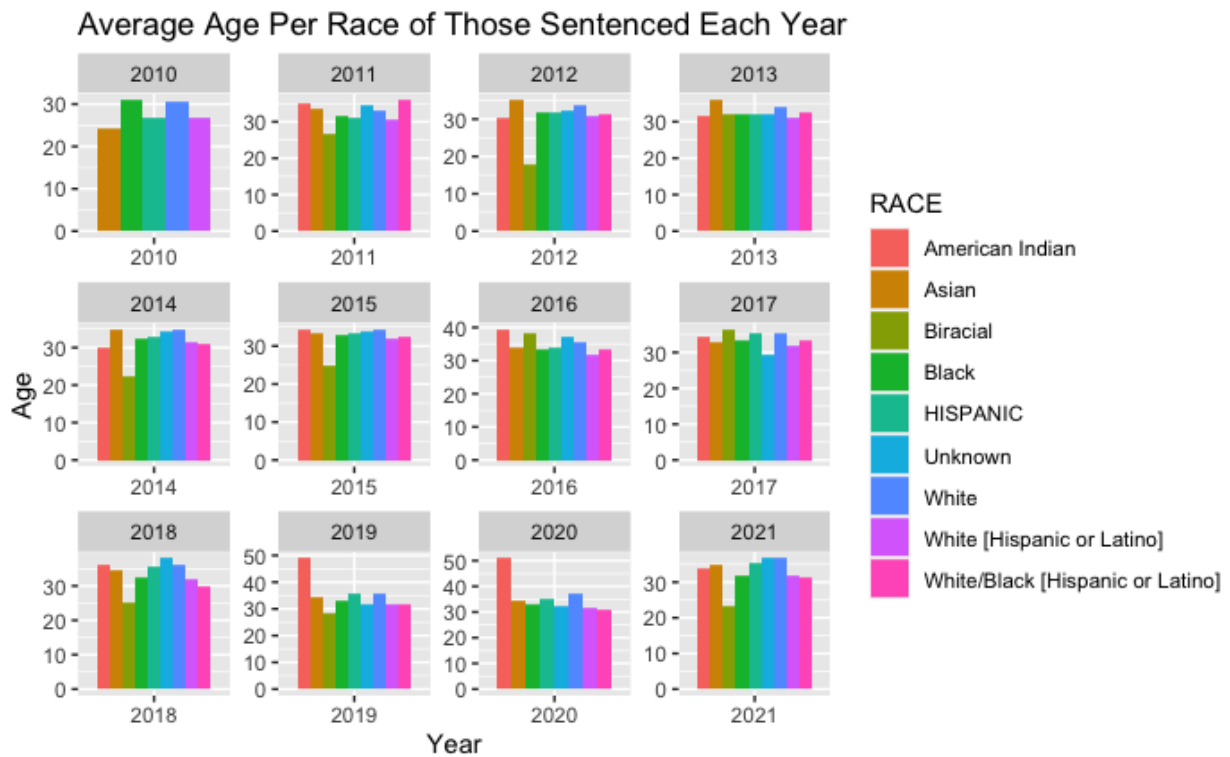


There might be a worry that, even though less people have received sentences in recent years, it might mean that young people are the center of the sentences. However, as seen in Figure 7 below, throughout the years of 2010 to 2021 in the Cook County dataset, the average age of each person sentenced has been relatively constant. There was a jump from the average age being 29 in 2010 to being 31 in 2011. After 2014, the average age remained relative stable, only fluctuating slightly between the ages of 32 and 33. As seen in Figure 8, the trend of average sentencing ages staying between the late twenties and early thirties has stayed mostly constant across different races through 2010 to 2021. The reason that age was analyzed was because I wanted to see if the changes in the number of sentences were affecting younger people. I wanted to see if the decrease in the number of sentences related to a higher proportion of sentences being given to younger people, particularly younger Black people, which was not the case according to the data.

Figure 7- Average Age of Those Sentenced Each Year

	▲ Dates ▼	avg ▼
1	2010	29.76203
2	2011	31.46109
3	2012	31.49378
4	2013	31.77446
5	2014	32.30996
6	2015	32.76695
7	2016	33.04455
8	2017	33.10342
9	2018	32.58287
10	2019	33.16043
11	2020	33.11624
12	2021	32.32086

Figure 8



Another worry that I wanted to address in this analysis is that with less sentences being charged overall; it might mean longer sentences for those who are sentenced. However, again that was not the case, as seen in Figure 9. Across 2010 to 2021, the average sentence length each year had remained pretty consistent, meaning people are not now receiving higher sentences. I wanted to make sure that this consistency was seen across all the districts in Cook County, which was deemed true as seen in Figure 10.

Figure 9 (Note: Jittering was utilized to avoid all the sentences in a given year overlapping onto one point on the plot)

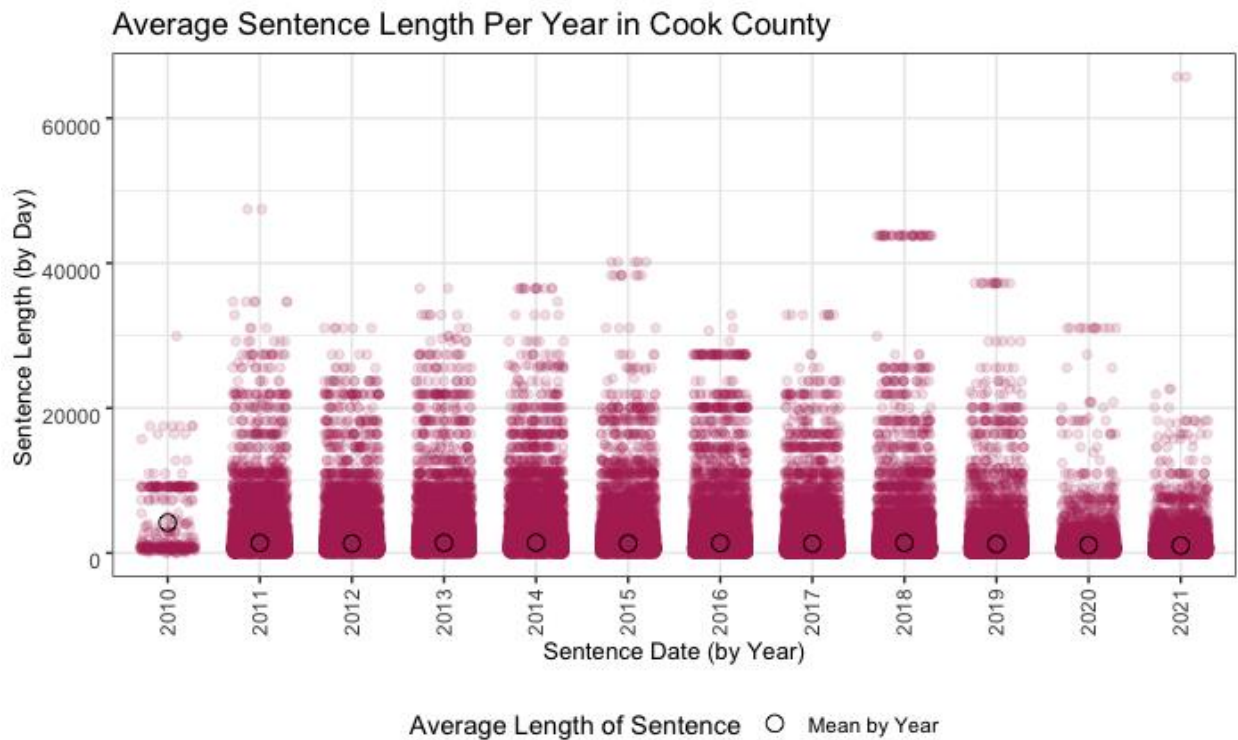


Figure 10



The quantitative data showed that between 2010 to 2021, the number of sentences that were charged began a decreasing trend since 2015, in which Kim Foxx has continued that trend through her years in office. In addition, the years 2020 and 2021 have seen the lowest number of sentences, which can also be attributed to the pandemic. Between 2010 to 2021, the highest sentences have been probation and prison sentences. However, following the trend of lowering the number of sentences charged, that means that less probation and prison sentences have been charged over time too. Yet, what has remained constant is the disproportionately high number of Black people that have been sentenced over time, when compared to other races. In addition, the average ages across all the races over 2010 to 2021 have been in the early thirties for the most part, meaning that the lower number of sentences that have been charged has not seen an effect on the average ages of people sentenced. These lower sentences, and especially the decrease in

prison sentences, relates to lower incarceration rates. In addition, the average length of sentences has been consistent over the years, and across the districts in Cook County.

Therefore, it appears that the work of progressive prosecutors under Kim Foxx has contributed to these lower number of sentences people have been charged with, meaning more people are staying out of prisons. The harm reduction that progressive prosecutors have contributed to, in terms of affecting the sentencing rates, and therefore the incarceration rates, has had lifesaving effects, since people have been kept out of prison. While the quantitative data has revealed these lifesaving impacts, the data does not explain why these trends have been occurring, nor do they discuss the limitations of progressive prosecutors in terms of harm reduction. The interviews and qualitative analysis that follows fill in the gaps that are left by the quantitative analysis.

### Decreasing Sentences Under Kim Foxx

The decrease in the number of sentences that has continued under Kim Foxx's progressive leadership is reflected by her reforms and the greater use of discretion among prosecutors. Ms. Ali and Ms. Manning, both Cook County public defenders in the city of Chicago, noted in their respective interviews how when Kim Foxx's entered into office, Foxx created reforms that called for fewer sentences for drug and retail thefts, therefore limiting the clients overall that would be incarcerated for those crimes. In addition, Ms. Krieger, a Cook County public defender in Markham, discussed how COVID-19 called for the use of bonds for people to stay out of jail. Ms. Ali also said that prosecutors have a great deal of power in our carceral system, since they make important decisions and are "the only ones who can stop the train overall." According to Mr. Sonnet, a former prosecutor under Kim Foxx, progressive prosecutors recognize that the status quo present prior to Kim Foxx entering office was not

working and that there was a failure of the old system, in which harsh sentencing was common. Mr. Sonnet went on to say that under Kim Foxx “pre-trial incarceration went down in Cook County” with people avoiding incarceration due to different reforms, such as bail reform that allowed people to be released without bonds. Mr. Sonnet discussed the positive ways that discretion has been used, and Ms. Campbell, a Cook County public defender in Chicago, noted that there is a worry of prosecutors who would abuse their discretion abilities by “only giving a break to people deemed ‘worthy.’”

In addition to lowering sentences for people accused of drug crimes and retail thefts in Chicago, Kim Foxx also instituted and enhanced the funding for specialty courts, which are courts, such as drug treatment court, designed for people as an alternative to incarceration. According to Ms. Krieger, a Cook County public defender in Markham, these specialty courts should be expanded and granted more resources, along with more expungement of drug cases as well, since the implementation of these courts in Cook County has been pretty consistent in her opinion and helpful in limiting incarceration. While Kim Foxx and progressive prosecutors in Cook County have seen some successes of their reforms, in terms of their effects on sentencing and incarceration rates, there are many limitations and political factors to consider in the carceral system.

## Politics Limiting Harm Reduction in Cook County

### Many Legal Actors need to “Buy-Into” Reform

A major limitation of Kim Foxx’s reforms when she first entered office was the lack agreement among legal actors to pursue the goals and policies put forth by Foxx. According to Ms. Campbell, there was a failure of “buy-in from stockholders,” in which Foxx did not even initially have buy-in from line-prosecutors, which are lawyers from the prosecutor’s office who have discretion on which cases they would like to pursue. Since Foxx cannot be in charge of

every case, she needs people she can rely on to conduct the caseloads that would align with her vision of progressive prosecuting. In addition, Foxx also needs buy-in from other legal actors as well, such as judges and police officers. Mr. Sonnet said that “Foxx has not been able to work effectively with CPD [Chicago Police Department], with heated rhetoric being exchanged between the mayor, Foxx, and CPD.” Thus, different groups, such as the mayor, police, and prosecutors, are all casting blame on each other for the issues present in our society.

Mr. Sonnet noted that Foxx has struggled “changing the culture of the office” and that “people don’t have the respect they should have for her.” Ms. Ali noted that the difficulty of entering office for people like Kim Foxx is that it is “hard to gut an entire prosecutor’s office and have everyone agree with you.” Ms. Campbell noted how Cook County judges “are usually former prosecutors from before Kim Foxx,” and thus they are less likely to “buy-into” her reforms since they usually fall under a law-and-order mentality of prosecuting. In addition, police who reject Foxx’s policies by arresting people for charges that prosecutors would now otherwise dismiss, such as certain drug offenses, end up wasting taxpayer money and people’s time.

Another limitation is that there may be some unintended consequences to the reforms that progressive prosecutors try to make, including the struggle of other prosecutors not “buying into” the reform. Mr. Lewellen, a lawyer in Chicago and a former prosecutor in Cook County, explained how there were “good intentions behind getting rid of cash bonds,” yet the effect was that some attorneys limited the number of cases they took on. He said that “there are private attorneys who use bonds as a way to get payments from cases, and once the bonds were removed, some attorneys may not take risky cases since the bond money won’t pay them.” Ms. Weaver, a lawyer in Chicago and a former prosecutor in Cook County, in a separate interview

said how prosecutors are also limited in their desire to be progressive due to public perception. Since state prosecutors are elected, they want to appeal to public and thus do not want to face the possibility of losing office over progressive reforms that may have failed. Weaver also said that because line assistants, who aid prosecutors, are not elected, if they disagree with the lead prosecutor then there is less political pushback on the line assistants. The burden is on the lead prosecutors to convince the line assistants to follow progressive reforms, since they are elected, unlike line assistants.

According to Ms. Willis, a public defender in Markham, while the prosecutor has the most power in the courtroom, given their ability to provide charges and use their discretion, at the end of the day prosecutors will try to please judges. Prosecutors do not want to hurt their status and relationship with judges because it could affect the future of their career. Ms. Willis noted how in Markham, there were some looting cases in which some judges would take a harder stance on, even though the defenders asked to be charged with misdemeanors. However, prosecutors would then still reluctantly need to raise the charges to appeal to the judge. Still, there are some ways defenders try to work within the system for their benefit, such as by filing an SOJ (substitution of judge) so that they get another judge, but an SOJ also changes who the prosecutor on the case is. Therefore, according to Ms. Willis, usually an SOJ is filed with the intention of getting a new prosecutor as opposed to a new judge. The limitation of legal actors, such as police, judges, and even other lawyers, rejecting Foxx's reforms is impacted by the geography of Cook County, given its large size and diverse populations.

#### Geography of Cook County Making Reform Inconsistent

Ms. Manning mentioned that "each courthouse in Cook County is like a different animal." Ms. Manning went on to say that "each courthouse has its own presiding judge who

makes up their own rules for. For instance, during COVID-19 surges last year one of the courthouses in the suburbs wasn't open at all, yet the courthouse in Skokie was open with its regular hours." In addition, she noted how constituents of Cook County would call her office regarding other courthouses in the county. Yet, since Ms. Manning only worked in the Skokie courthouse, and each courthouse is unique, she was unable to answer questions regarding other courthouses in Cook County. Suburban local police departments are also distinct from the Chicago Police Department, just as courthouses are distinct from one another.

Ms. Campbell discussed the distinction between local police departments in Cook County related to implementation struggles. She noted how "CPD is its own animal- I always say this: In the suburbs, the police are there to protect and serve the residents, but for CPD they're there to arrest and harass." She went on to discuss how the size difference of the suburbs and the city of Chicago affects the accountability of police:

Because the suburbs are smaller, there's some expectation, maybe higher expectations, of police. In Chicago, burglaries happen all the time, yet in the suburbs burglaries happen less often so there's an expectation for police to be more responsive. At the end of day, they [prosecutors] are elected officials and are supposed to be responsive to the general public. If somebody is complaining that they [prosecutors] were too lenient on someone, that can undermine their [prosecutors'] work.

Thus, the different expectations of police in the suburbs and the city of Chicago affect the possibilities of reform for progressive prosecutors. As Ms. Campbell noted, prosecutors are elected and have to be responsive to the public, which requires the cooperation of police and judges to fulfill these goals. In addition, some constituents "want people locked up," according to Campbell, which leave some prosecutors limited in their ability to promote progressive reforms

in fear of political backlash and not being elected into office. Ms. Manning's responses also expanded on this idea of suburban versus city police when she described how suburban law enforcement disagreed with Kim Foxx's reforms to limit prosecuting retail thefts.

The incentives for different legal actors to cooperate in implementing the reforms put forth by progressive prosecutors is affected by the geography of Cook County. Ms. Garcia, who is a public defender in Maywood and formerly worked in Rolling Meadows, explained how officers may make more low-level arrests in the suburbs for financial reasons. According to Ms. Garcia, there tends to be a higher number of cases in the city of Chicago than in its surrounding suburbs. She went on to say that police in the suburbs are more incentivized to arrest people for low-level crimes, such as driving on a suspended license, so that the police can engage in asset forfeiture, which means police can seize the vehicle. Then, the police can auction off the seized vehicle and in return "part of that money goes back to the police department." Thus, the financial incentives of suburban police play a role in their agreeability with progressive prosecutors.

The geographic reach of Cook County creates a lack of unity in the mission of prosecutors in Cook County under Foxx's leadership, making it difficult for Foxx to set priorities when courthouses across Cook County are so different from each other. Mr. Sonnet went on to discuss how "suburban areas have different priorities, such as protecting residents from retail theft is more of a priority than gun violence, yet in Chicago there is more of a focus on gun violence rather than retail theft." The difference in priorities across Cook County relates to difference in handling crime. Ms. Krieger discussed how committing the same crime in different areas in Cook county will yield to different charges because different areas prioritize different crimes. For instance, property crimes in the suburbs are taken much more seriously than in Chicago, according to Ms. Krieger. In addition, she explained how "turning yourself in for a

crime in Skokie is much more informal than turning yourself in Markham.” In addition, Ms. Smith, a public defender in Maywood, explained the disconnect between Chicago and the suburbs, with charges treated differently across the suburbs. Ms. Smith went on to say that in Maywood there were aggravated battery charges people faced, due to their psychiatric episodes, and “those charges were seen as something we could work with and divert to mental health court.” However, “in the northern suburbs, those same cases would be overcharged and over prosecuted.”

In addition, Ms. Rapinoe, a Cook County public defender from Bridgeview, noted how different districts in Cook County have different resources to provide to people. She explained how in Bridgeview, there are not many good social providers, and thus in treatment courts, case managers are constantly moving around and switching jobs to find higher paying ones. However, this constant shuffling of case managers leaves community members little trust in case managers. However, she did add that one benefit of working in a small district such as Bridgeview leads to the potential for progressive prosecutors to be more thorough and thoughtful in their cases, since there is less of a caseload in Bridgeview than Chicago. In addition, the smaller influx of people means that prosecutors can have more of an opportunity to get to know their client. However, resources add to the advantage of coming from a bigger district. Ms. Rapinoe and Ms. Garcia also discussed in their respective interviews how there’s not enough mental health services for those convicted for a charge related to their addiction or mental act. With long waiting lists, along with COVID restrictions requiring proof of vaccination and/or negative tests, means that in general people have to wait longer to get the help they need. According to Ms. Rapinoe, “time is of the essence for addicts,” and therefore having more resources devoted to social and rehab programs is important, especially to prevent recidivism.

## Future of Progressive Prosecuting in Cook County

For Ms. Campbell, the future of progressive prosecuting is uncertain. She stated how the president of the Fraternal Order of Police's announcement of running for mayor makes her unhopeful. She said that she worries that the institutions and reforms created by Kim Foxx, such as the specialty courts, will be undone by the next prosecutor in office. Ms. Campbell noted she is uncertain of whether next leader of the State's Attorney's Office will be progressive because "I don't know that the progressive folks have a clear majority. I think we're neck and we're between progressive folks and those of law and order." Another interviewee who was uncertain about the future of progressive prosecuting in Cook County was Ms. Franch, a law professor in Chicago and former prosecutor. Ms. Franch explained that it depends on what the person who entered office was elected for. Therefore, it is up to the public to decide whether the prosecutor should be progressive or not. However, according to Ms. Franch, it is "harder for prosecutors to walk back on changes to the law."

Ms. Manning said she believes the future of progressive prosecuting in Cook County to be contingent to who is in office because the laws themselves have not changed, so the next administration to take office has the ability to undo all of progress initiated by Foxx. Ms. Krieger similarly said how the lasting effects of progressive prosecutors is reliant on who is in office. Thus, if there is political pushback against a previous administration's reforms, then those reforms can be removed and changed in a new election. In contrast, Mr. Sonnet said he believes that while progressive prosecutors will endure an "uphill struggle in Cook County as long as there continues to be antagonizing feelings between police, the prosecutor's office, and judges," it is "hard to imagine a prosecutor coming in who is regressive and not progressive," given the general consensus that old, punitive prosecuting is ineffective and damaging.

The most radical comment regarding the future of progressive prosecuting came from Ms. Ali. She said that she predicts Kim Foxx may just have one election victory left, and that after her time in office, the next State's Attorney will be an extreme right-wing prosecutor. After what happened at the national level with Trump succeeding Obama, a similar result will occur locally in the prosecutor's office that will undo the progress that began with Foxx, according to Ms. Ali.

Among all the people interviewed, there was a consensus that the reforms of progressive prosecutors are not sufficient to combat the problems seen in the carceral system. Ms. Ali said she describes herself as an abolitionist, and thus believes that the carceral system is too fundamentally flawed for it to be corrected by reforms, though conceding that her work as a public defender is acting in the realm of harm reduction. However, the other people interviewed had less radical views and claimed that there are social changes that must be made alongside progressive prosecutorial reforms. Ms. Krieger said she believes that "we can't let everyone out [of prison]" because there are "some bad people in society." She also said that leaders like Kim Foxx must educate the community about charges and consequences, especially given the differences between suburban and city courts. Ms. Krieger and Ms. Manning both said that specialty courts should be expanded, yet Ms. Manning said the public should also be educated on specialty courts because some people are skeptical of the help that they could be receiving through government programs and courts. Ms. Manning went on to say how reforms can be useful, but that people need to be given resources, such as work and housing, to prevent them from committing crime. These results regarding the future of progressive prosecuting reflect the policy recommendations that follow regarding how to improve the survivability of progressive prosecutorial reforms to work towards harm reduction in Cook County.

## Policy Recommendations

Given the large size of Cook County, and that it is the second largest county in the United States, the policy recommendations listed below are limited in scope. As the findings section has shown, there are important distinctions across the multiple courthouses in Cook County, which is taken into account when creating these recommendations. Therefore, this recommendation section will address ways to improve the survivability of reforms created by progressive prosecutors. These recommendations will also only directly apply to Cook County, given how the research done in this paper. However, these recommendations can be considered when conducting further research on this topic, even in more areas in the United States.

### Reforming Local Laws to Divert People (Including Drug Users and Dealers) to Treatment Courts

As discussed in the findings section of this paper, there was a consensus among the participants that the reforms of progressive prosecutors needed to be supplemented with other solutions, such as reforming the law. The interviews conducted in this paper have laid the groundwork for further studies to look at the interactive effects of the law and progressive prosecutors. Ms. Campbell noted that while progressive prosecutors have been able to use their discretion when deciding on sentencing charges, there is a limit on the discretion they have because there are certain laws in place that create mandatory minimums for certain crimes. This policy recommendation looks to further cement the reforms of progressive prosecutors through the law, so that more people are diverted from prisons. However, it should be noted the laws endorsed and passed by progressive prosecutors should over the following years be reviewed by the public to hold them accountable.

There are currently laws in place that need to be reformed since they are sending people to prison when they could instead be diverted to treatment courts. Ms. Campbell expressed her

frustration with the current sentencing laws in Illinois, which she said increase the prison time her clients are forced to receive. Ms. Krieger also expressed her frustrations with some of sentencing laws surrounding drugs. She noted how there is not a current separation the handling of drug cases that are cases of drug abuse versus and drug dealing, in Markham. Ms. Krieger noted how “drug abusers are tried as drug dealers,” which is why she said that educating the community about the current laws in place is important because people are not aware of the possible consequences.

Given Ms. Krieger’s statement regarding the ambiguity of laws that allow for drug abuses to be tried as drug users, I propose that the law be reformed so that, especially for nonviolent offenses, both drug dealers and drug abusers have the option of being diverted to rehab/drug court, or be diverted from prison through other means such as community service. The reason that I specify that drug abuses and dealers should be given the option of treatment court is because I don’t want to mandate going to treatment court because some people may not be ready to get sober yet and someone else may be a drug dealer but not necessarily a drug user. Therefore, I think cases should be dealt with on a case-by-case basis in a way that sends more people away from prisons, whether that be diverting to treatment court or for people’s charges to be lowered to misdemeanors. One other example of diverting people away from prison was provided by Mr. Lewellen, who said that there are diversion programs, including juvenile programs, that hold people accountable by giving them community service requirements and engaging in community outreach. Community service may also be a viable diversion program, especially for juveniles who get caught up in drug dealing. According to Mr. Lewellen, these programs “build within a community and makes it harder for people to come back and commit crimes” in a community they’re more invested in. As Ms. Rapinoe discussed, there needs to be

patience for those who are relapsing in drug treatment court, since drug addiction is a complex and difficult battle to overcome.

The emphasis on diverting people away from prison sentences, including drug abuses and dealers, comes from Ms. Willis' discussion of the systemic issues embedded into society. She said that systemic problems such as "long term poverty, systemic racism, redlining, and education" means that "if everyone around you is struggling, it affects your mental bandwidths and makes you believe that 'I can't afford to be moral.'" While many people tend to judge those, who deal or abuse drugs, there are systemic issues that help drive people towards drug, since they may feel like dealing drugs is their only way to make money or that using drugs will help alleviate their suffering. Therefore, I propose that both drug dealers and users should be viewed with compassion, especially for nonviolent offenses related to drugs.

Mr. Lewellen, who also acknowledged the systemic issues surrounding why people may commit crimes, outlined three steps all progressive prosecutors should follow for each individual case: 1) consider the elements of the crime [which are facts that must be proven to convict someone] 2) examine the evidence for each element that aim to prove that this person is responsible for the crime 3) "even after you can prove that this person committed the crime and meet the elements for conviction, can you look and say this conviction would ruin his life or is there another way to hold him accountable and not ruin his life, especially for nonviolent crimes?" Since every case is different, progressive prosecutors should strongly consider for each case whether diverting people to mental health or drug treatment court would be better way to hold people accountable for their offenses, as opposed to convictions and prison.

In addition, Ms. Rapinoe explained how some laws, such as retail thefts, are given a mandatory minimum or reduced to misdemeanors. However, especially in the cases of

mandatory minimums, Ms. Rapinoe said that “sometimes people [such as those who commit retail thefts] need treatment help.” Even though people interpret the law differently, consistent laws will help aid progressive prosecutors in diverting people away from prison and felony sentences, and instead be diverted to get help. Therefore, it is important that mental health programs and courts are widely available in the suburbs as well. Ms. Rapinoe noted that one of her cases involved a suicidal man who shot into the ground. However, she could not send him to a mental health court because he was located in the suburbs and not in Chicago where there is a gun program available.

The limitation of this recommendation is that the laws in place need to be continually reevaluated to ensure that they are applicable and deemed useful by the public. In addition, this policy recommendation places large responsibility in the hands of progressive prosecutors to use their discretion towards harm reduction, even towards drug dealers and drug abusers, to divert people away from prison. In terms of the implementation of this reform, prosecutors themselves should reach out to lobbyists and other congresspeople to appeal for legal changes. I specifically place this burden on prosecutors themselves since they are the most knowledgeable of the laws that impact their ability to utilize their discretion. As Ms. Krieger noted, people are not even aware of the potential consequences they could face for their actions, specifically in the case of being tried as a drug dealer even though that person is a drug abuser. Given the lack of knowledge that the public has surrounding the law, it is thus the responsibility of the progressive prosecutor to appeal to their local lawmakers to change their laws. However, even though the majority of the burden is placed on the prosecutor, prosecutors can appeal to the public and communicate their concerns to the public, so that public pressure can push for more legal reforms.

## Improve Communication and Legitimacy

For progressive prosecutors to improve the chances of uniformity and unison among other legal actors in Cook County, the State's Attorney has to ensure that their communication and therefore legitimacy are prioritized. Among the participants in this research, most of them have commented that Kim Foxx has failed to create a comprehensive plan that was well communicated to the public. As Ms. Manning stated, she feels that Kim Foxx lost some of her credibility with the public and with other prosecutors in Cook County through the lack of transparency in the Jessie Smollett case. In addition, Ms. Manning said that people have a lack of understanding surrounding the Foxx's "goals and what the specific programs she promotes are. People are unaware of the drug facilities that are across Cook County and how those programs work." According to Ms. Manning, the next progressive State's Attorney needs to "communicate what she wants to do so that centrists buy into it." Thus, communication is essential for progressive prosecutors to increase transparency along with their legitimacy to increase the chances of other people and legal actors to be persuaded to promote progressive reforms. The increased transparency and communication can increase the chances for line-prosecutors to follow progressive policies, along with the public to buy-in these policies as well and keep re-electing progressive prosecutors. Legitimacy is important to ensure that aspects such as culture changes will outlast administrations and sustain the survivability of progressive prosecutors' reforms.

Ms. Weaver also noted that some of the pushback that was seen against Kim Foxx's decision to lower the number of prosecutions regarding retail thefts. She said that "the messaging was so poor that people thought they could get away with theft." In essence, after Foxx's reforms, there was a disconnect among the public regarding the potential consequences of retail

theft. Kim Foxx set the threshold higher so that prosecutors would not prosecute retail theft charges that were under a certain amount, thereby leaving those thefts under that threshold amount as merely a misdemeanor. However, as Ms. Weaver explained, the communication of that reform was poor, and people were not aware of the consequences of retail thefts over the misdemeanor threshold.

I promote the increased legitimacy of progressive prosecutors with caution because a major point of this paper is to look at removing control from the carceral state and instead placing power to the people. The legitimacy of progressive prosecutors needs to be improved so that other legal actors, such as judges and law enforcement, abide by and support the progressive reforms that are promoted. However, placing too much power and confidence in one actor of the legal system can be problematic. For instance, placing too much confidence in progressive prosecutors creates too much public pressure on them to create reforms that address issues regarding sentencing and incarceration. In addition, the public tends to expect a quick and unrealistic turnaround in positive effects as soon as a reform is passed. Therefore, communication is important, meaning that the state's attorney should be clear when announcing a new reform about the timeline for which people can expect progress to be seen, or at least be honest about the uncertainty of the future.

Another problem with placing too much power and responsibility on prosecutors is that it creates a problematic sense of achievement among the public regarding combatting the issues seen within the carceral system. Some may fear that, once progressive prosecutors are relied on to address the issues within the carceral system, people will then stop focusing on other aspects of the carceral system that need to be addressed, such as policing, since too much reliance is

placed on prosecutors. Therefore, it is again important to recognize the fact that progressive prosecutors are merely one actor within the carceral system.

Despite these concerns, I still recommend that progressive prosecutors still improve their communication and legitimacy with the goal of reducing harm in the carceral system. I envision communication improving through scenarios such as the State's Attorney of Cook County promoting reforms on their website or social media that address questions such as: why this reform is being pursued; where it is being implemented; and how this will be beneficial to the constituents of Cook County. Simple yet important changes to communication can go a long way to improving the legitimacy of prosecutors, which will be helpful in improving relationships with the public, other prosecutors, the mayor, judges, and law enforcement. Communication is also important so that the public holds the states attorney accountable through elections, so that the policies and reforms pursued are those that the public supports. While the legitimacy and dependence on progressive prosecutors is to be pursued with caution, it can be an important step in allowing the reforms of progressive prosecutors be implemented with the support and cooperation with other legal actors, with the end goal of more and more people avoiding contact with the carceral system and therefore reducing its harm.

### Consider Other Social Changes

While the scope of this paper does not go in-depth sufficiently to support the endorsement of specific social changes, there should be further research done on other social changes, as proposed by the participants of this study. For instance, Ms. Manning called for people in society to be given resources to help them stay out of jail. Mr. Sonnet said that we have to address schooling and social services to provide more resources and support for the public and the next generation. Ms. Campbell noted how social changes have to occur at the police level,

and Ms. Manning proposed that local police need training on the history of misconduct and abuse by police against Black people, so that law enforcement becomes aware of why there is public mistrust by police by non-white people. In addition, as stated below, Ms. Ali claimed that abolition should be the future, since the reforms of progressive prosecutors will never be enough to fundamentally stop the caging of people in society. More research should be done on these social issues to see what specific changes should be adopted by Cook County.

As already mentioned in the findings section, the viewpoint of abolition is one to be considered. While the thorough discussion of abolition will be left to future research, it is important to wonder how an abolitionist would view progressive prosecutors. Would abolitionists include progressive prosecutors in their re-design of society? If so, what would the role of progressive prosecutors look like in society? I bring these questions up because abolition would be a major social change that would encompass fixing many systemic issues that are present in our society. As already stated in the theoretical framing section of this paper, abolition would mean a complete reconstruction of society, including removing prisons, to address the inequality seen today. While societal reforms, such as addressing issues related to housing and education, would need to individually be created and passed, if abolition was pursued it would holistically address all of those issues. Again, more research should be done on abolition to see how it can be pursued in Cook County, and one day the nation.

## Conclusion

Mass incarceration has been a major problem in the United States and in Illinois, and thus action needs to be taken to address this problem. Without action, more and more lives are negatively impacted by the carceral system. Progressive prosecutors can be a helpful way to limit

the harms of mass incarceration, but they alone are not the solution. As the policy recommendations in this paper suggest, there are ways progressive prosecutors can maximize harm reduction, but there are other solutions that need to be considered as well. While suggested social changes such as abolition may take a while to become realized in our society, one way to have a more immediate impact on the carceral system is to also reform laws in Cook County.

In 2016, Kim Foxx became the successor of Anita Alvarez as the Cook County State's Attorney. In conducting an analysis on the Cook County dataset, I found that the number of sentences that occurred continued to decrease under Kim Foxx's, meaning that less people were sentenced as well since the number of people incarcerated in prison decreased. However, the disproportionately high number of Black people sentenced when compared to other races was constant throughout the years. Still, under Kim Foxx's reforms, progressive prosecutors have been able to use their discretion to limit the number of people sent to prison, instead sending people to specialty courts.

In terms of the politics surrounding progressive prosecutors, their ability to implement reforms is dependent on the cooperation of other legal actors, such as police officers and judges. The interviews revealed how distinct each courthouse is in Cook County, with their own judges and rules. Making a united vision of priorities in Cook County is difficult because the crimes are prioritized differently among the districts. The recommendations provided in this paper call for a focus on more holistic changes to be made, such as changing laws, to help progressive prosecutors move the needle. Having state's attorneys that prioritize communication and building their legitimacy is important because it will help the reforms they propose to be supported by the public and last through different administrations. While it is important to recognize the power that progressive prosecutors have in the ability to reduce harms by the carceral system, it is also

important to recognize the limitations to relying on progressive prosecutors to address all of the issues within the carceral system. Further research is needed to determine what other societal changes, such as specific social programs, should be implemented to aid the mission of reducing the harms of the carceral system.

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## Appendices

### Appendix A: Interview Questions

#### **Progressive Prosecutors and Incarceration Rate**

- How would you define a progressive prosecutor?
- What do you think are the strengths and weaknesses of progressive prosecutors today?
- What do you think is causing the increase in prosecutors identifying as progressive and taking office?
- What limitations are present that prevent progressive prosecutors from enacting change?
- What role do you think progressive prosecutors play in regard to affecting incarceration rates?
- What are the pros and cons of prosecutorial discretion?
- To what extent are the problems within the carceral system able to be addressed by progressive prosecutors?
- Do you think that progressive prosecutors will (or can) have the ability to affect meaningful change? Would that change be long-lasting?

#### **Progressive Prosecutors' Reforms**

- What factors impact a reform's implementation?

- Which usually has a greater effect on the impact of a reform on the carceral system: external forces (such as politics, timing of the reform, etc) or the contents of the reform itself?
- How do you measure the success of a reform?
- What are the pros and cons of relying on reforms to create change in the system?
- Are reforms the best solution to our current carceral system? If yes, why? If not, what would be?

**Cook County (case study)**

- How does Kim Foxx align (or not align) with the progressive prosecutor movement, in your opinion?
- How do you think progressive prosecutors have affected Cook County (in terms of incarceration rates, crime, etc)? What do you think is the role of reforms (such as decriminalizing marijuana) on Cook County incarceration rates?
- What do you think is the future of progressive prosecuting in Cook County?
- How does geography (urban vs rural areas → Chicago vs the suburbs) affect the impact and implementation of reforms?

Appendix B: Codebook

Code	Meaning/Description	Importance
<b>Strength</b>	<p>Discretion- While this was usually seen as positive among interviewees, some revealed why discretion could be mis-utilized by prosecutors who are “only giving a break to people deemed ‘worthy.’”</p> <p>Power in Sentencing- Some interviewees noted the large</p>	<p>This section is important in noting ways that reforms by prosecutors have been able to be implemented, given the inherent powers of prosecutors.</p>

	<p>power prosecutors have in the courtroom, essentially deciding where someone should be charged with a crime. Therefore, their choices can influence how many people have to deal with courts and possible sentences.</p>	
<p><b>Weakness</b></p>	<p>Intersection of Many Actors-  Many interviewees noted that a difficulty regarding progressive prosecutors is the fact that prosecutors rely on other actors, such as police and judges, to enforce their reforms.</p> <p>Geography of Cook County-  Interviewees would sometimes say phrases such</p>	<p>This section is important to explaining why there is struggles and obstacles to creating and implementing reform that would then see its results in lowered incarceration and sentencing rates.</p>

	<p>as “each courthouse in Cook County is like a different animal,” signaling the complexity of creating reforms across different districts of Cook County.</p>	
<p><b>Future Outlook</b></p>	<p>-Optimistic: Some interviewees were optimistic in the future of progressive prosecuting in Cook County. I coded their optimism in terms of phrases such as “it is hard to imagine a prosecutor coming in who is regressive and not progressive.”</p> <p>-Uncertain: Phrases such as “I don’t know” fit into this category, since some people felt that it’s too tough to decide.</p>	<p>This section is important for the thesis in looking at the potential longitudinal impacts of progressive prosecutors and their reforms. It also shows the perception that people</p>

	<p>-Pessimistic: Some people were outright pessimistic saying phrases such as “right-wing” when predicting the next progressive prosecutor of Cook County.</p>	
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