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Illinois State's Attorneys

# **RACIAL JUSTICE**

# **PROSECUTOR ASSESSMENT**

WORKERS CENTER FOR RACIAL JUSTICE  
CENTER FOR RACIAL & GENDER EQUITY

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## CHARGING: DOES THE OFFICE...

- Decline to prosecute offenses that are associated with poverty (i.e. failure to pay child support, sex work, failure to pay traffic fines, etc.)?
- Decline to pursue charges for retail theft that falls below a specified dollar amount?
- Decline to pursue marijuana possession charges? Is this restricted to a particular amount?
- Decline to prosecute any other category of charges?
- Analyze the racial impact of charging practices in order to identify disparities, and if so, does the office implement measures to correct racialized imbalances?

## BAIL: DOES THE OFFICE...

- Issue any guidelines regarding bail recommendations and pretrial release?
- Recommend pretrial release without bail for a particular category of charge?
- Analyze the racial impact of its bail recommendation practices in order to identify disparities, and if so, does the office implement measures to correct racialized imbalances?

## DIVERSION: DOES THE OFFICE...

- Participate in pre-trial diversion programs? If so, for which category of cases? Are there eligibility restrictions or costs associated with these programs? Are charges dropped upon completion of such programs?
- Analyze racial disparities in eligibility, access and successful completion of diversion programs, and if so, does the office implement measures to correct racialized imbalances?

## **FAIR & SPEEDY TRIAL: DOES THE OFFICE...**

- Issue any policies to ensure Illinois' speedy trial guidelines are met? What are the average timelines for case resolution for misdemeanor and felony charges?
- Analyze racial disparities in case resolution timelines, and if so, does the office implement measures to correct racialized imbalances?
- Implement policy to promote equitable representation on juries?

## **EVIDENCE: DOES THE OFFICE...**

- Promote a policy of transparent file discovery? If so, what guidelines are offered as to what type of evidence is turned over to the defense and how promptly?

## **PLEA BARGAINING: DOES THE OFFICE...**

- Issue guidelines to promote fairness to the plea bargaining process? Are there categories of charges for which prosecutors are instructed to make offers within the lower range of sentencing guidelines?
- Analyze racial disparities in plea offers, and if so, does the office implement measures to correct racialized imbalances?

## **SENTENCING: DOES THE OFFICE...**

- Effect any policy concerning sentencing recommendations? Are there categories of charges for which prosecutors are instructed to recommend sentences within the lower range of state guidelines?
- Issue any guidelines pertaining to recommendations for probation sentences?

## RACIAL JUSTICE PROSECUTOR ASSESSMENT

- Participate in sentence diversion programs as an alternative to incarceration? If so, for which category of cases? Are there eligibility restrictions or costs associated with these programs?
- Analyze racial disparities in sentencing recommendations, and if so, does the office implement measures to correct racialized imbalances?

## **POLICE ACCOUNTABILITY: DOES THE OFFICE...**

- Implement protocol to ensure transparency, independence and impartiality in the investigation and prosecution of alleged police misconduct?
- Require the local police department to immediately notify the State's Attorney in the circumstance of any officer involved shooting and share investigative evidence in a prompt manner?
- As a matter of policy, ensure timely public disclosure of dashboard or body camera evidence in the event of a police involved shooting?

## **INTERNAL PRACTICES: DOES THE OFFICE...**

- Collect data on the number and type of felony and misdemeanor charges, percentage of police charge recommendations the office declines, plea offers and sentencing recommendations with respect to state guidelines, or other key data points? Does the office analyze data to identify racial disparities in prosecutorial practices? Does the office make this information publicly available?
- Adhere to hiring practices that promote equitable staffing representation of people of color and members of communities disproportionately impacted by crime, policing and mass incarceration?
- Offer professional incentives to prosecutors who pursue more humane and equitable methods of law enforcement such as case diversion, alternatives to incarceration and restorative justice practices?