

IVI-IPO 2004 STATES ATTORNEY QUESTIONNAIRE – Section 1

DATE: January 8, 2004 **PARTY:** Democratic

NAME: Tommy H. Brewer

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NUMBER OF PETITION SIGNATURES FILED: Over 16,000 **NUMBER REQUIRED:** 5,278

Please use an additional sheet to complete the following background information:

- A)** Elective or appointive public or party offices previously held including dates.
- B)** Other elective offices for which you have been a candidate.
- C)** Principal business, education, professional and civic activities of the past ten years.
- D)** What subjects have you studied and what experience have you had which will be most helpful to you in the office you seek?
- E)** Activities for other candidates. Please be specific.
- F)** Please list all endorsements you have received so far.
- G)** As concisely as possible, please state why you feel you should be endorsed over the other candidate(s). What goals for the office you seek are most important to you personally?
- H)** Please outline the place of patronage, personnel codes, race, gender, and sexual orientation in establishing criteria for hiring and promoting public employees.
- I)** What is your campaign budget? How much have you raised to date?
- J)** How many people are on your campaign staff? How many volunteers are on your list?

IVI-IPO 2004 STATES ATTORNEY QUESTIONNAIRE – Section 2
Cook County State’s Attorney Candidate Questionnaire - 3/16/04 Primary

1. **What is your position on gun control?** I favor laws that severely restrict the purchase, sale, and possession of handguns.

2. **What is your position on capital punishment? In what instance would you seek the death penalty? Do we need a moratorium on the death penalty?** Personally, I feel that capital punishment can be a legitimate sanction of government. I would only seek the death penalty in limited cases of felony murders, murder of law enforcement officers/correctional officers acting in their official capacity, hate-based murders, and murder of children & seniors—I think there should be a moratorium on the death penalty for at least 20 years.

3. **How quickly is the State’s Attorney’s office required to turn around a Freedom of Information Request (FOIA). What do you think the turnaround time should be? (Incumbent: how many FOIA requests has your office processed? What is the current turnaround time for FOIA requests? What should it be?)** I think the turn-around on Freedom of Information Request should be 2 to 3 weeks.

CIVIL RIGHTS

4. **Under what circumstances should law enforcement agencies put citizens or organizations under surveillance?** Neither citizens nor organizations should be put under surveillance until there is clear evidence that they are engaging in criminal activity.

5. **Would you support legislation to prohibit the use of eavesdropping and wire-tapping in criminal investigations?** I would not support legislation to prohibit the use of eavesdropping and wire-tapping in criminal investigations. I would support legislation to severely restrict the use of electronic—monitoring.

6. **Do present procedures adequately protect the rights of the accused?** Yes, present procedures adequately protect the rights of the accused.

7. **Comment on the state of the law on fitness to stand trial and the insanity defense. Should any changes be made?** I feel the laws regulating individuals’ fitness to stand trial and the insanity defense are adequate and there are no changes that I would presently propose.

8. Would you support the mandatory videotaping of all interrogations? I would support the mandatory videotaping of interrogations where an individual faces twenty plus years of incarceration. I would support court reporter statements of individuals facing Class X (minimum of 6 years) sentencing. I would also require that **all** oral admissions be read and acknowledged by the person making the alleged admission.

PROSECUTORIAL DISCRETION

9. What criteria will you employ in reaching decisions as to: whether or not to prosecute; recommendations as to sentences; prosecution for lesser offenses; and grants of immunity? The criteria to be used in reaching decisions as to whether or not to prosecute, recommendations as to sentences; and grants of immunity are difficult to discuss in the abstract. However, the prosecution is ethically required to do justice. Fundamentally, to being just is to consider each case on a case-by-case basis rather than to establish blanket administrative mandates. To be just also calls into play a sense of balance and having served on both sides of the bar—both prosecution and criminal defense attorney, I feel I bring to the office a better sense of balance than the previous State's Attorneys.

10. Comment on the felony screening process currently used by the State's Attorney's office. The current felony screening process as constituted is adequate (particularly, since more experienced trial attorneys are used in the process). The only issue becomes whether or not they are making fair and balanced decision as to who should be charged and what offenses should be charged.

11. What do you think about the use of programs as alternatives to prosecution? I think the use of programs as alternatives to prosecution should be expanded; particularly in drug cases.

12. Should the present procedures for bail and personal recognizance bonds be changed and, if so, how? The State's Attorney's staff should seek bonds that are fair and appropriate and not punitive or designed solely to keep defendants in jail pending trial. This can be done without jeopardizing public safety and it will relieve jail overcrowding.

MANAGEMENT

13. What is your opinion on the rights of attorneys to unionize. I feel attorneys should have the right to unionize. I further feel that the bargaining agent should be reasonable as to who should be union eligible.

14. What changes, operational, legislative, or financial, do you believe are necessary to enable this office to be more effective? Operationally, I feel increasing the number of Black and Hispanic attorneys will enable the State's Attorney's Office to be more effective. I would also seek additional funding to establish neighborhood branch offices.

15. What means would you employ to encourage neighborhood outreach and citizen input into your office? I would increase the number of community branch offices.

16. What plans, if any, are needed to make it possible to recruit and hold long-time career personnel in this office? Having served as an Assistant State's Attorney I can state that the personal rewards and satisfaction one gets from working in the office is enough to recruit and keep attorneys. The pay is lower of course than law firms but the type of experience one gets outweighs the pay difference, particularly for someone committed to public service. The only function that is presently missing (and always has for as far back as I can remember) that would prevent the successful recruitment and maintaining of attorney personnel is a sincere commitment to hire and promote on merit rather race and political connections.

17. a) What is your position in regard to putting all Assistant State's Attorneys and other employees of you office under Civil Service or other merit systems? I favor putting all Assistant State's Attorneys and other employees under a merit system.

b) How would hiring minorities and women and retaining career personnel in your office be affected? I think a "merit system" would help recruit minorities and women and retain career personnel in the office.

18. What is your position on state's attorney promotions based on convictions? No promotions would be based on convictions.

19. How would you address the issue of pressure on public defenders to plea bargain? It is no secret that public defenders sometimes encourage their client to "plea bargain" because of their extremely high case loads—I would support any legislation initiative to hire additional public defenders.

20. How would you address the issue of prosecuting police officers for police brutality or any other crime? I would prosecute police officers for "police brutality" or any other crime. This is one of the central issues of my campaign.

SENTENCING

21. Has determinate sentencing had an effect on crime prevention or the behavior of inmates? None that I can discern.

22. What is your opinion on the victim impact statements in the sentencing process? The victim impact statements in the sentencing process is necessary and empowers the victim in the disposition of cases and also gives closure to many victims as well.

PROSECUTORIAL PRIORITIES

23. What are your priorities in prosecuting various types of crime? What is your attitude toward prosecuting victimless crimes? My priorities include vigorously prosecuting violent offenders who prey upon our women, children, and the elderly. In addition, another priority will be the prosecution of hate-crimes. I would place a high priority on public corruption.

24. Comment on the adequacy of the State's Attorney's treatment of crimes of domestic violence. Presently, I do not have any problems with the way the current State's Attorney Office handles domestic violence cases.

25. How would you address the problem of hate crimes and violence against racial minorities, gays and lesbians? How would you implement the Hate Crimes statute? As apart of implementing the Hate-Crimes statute, I would support any initiatives of the legislature, community based organizations or otherwise that would help us encourage greater tolerance for others.

26. Under what circumstances would you prosecute "right to life" demonstrators? We would respect the "right to life" people to protest in a manner prescribed by state and local laws. We will prosecute participants who protest outside the state or local laws.

27. Comment on the current procedures for handling rape cases. What changes would you make, if any? I would continue to ensure that rape cases are handle properly and with great scrutiny. I would favor expanding the term limit on filing a sexual assault case.

28. What would you change, and what would you keep, in the present system of handling criminal housing prosecutions? I would prosecute those who neglect their property to the point that can cause injury or death to the public.

29. Do you plan to prosecute election fraud. Please be specific. I plan to help reform the election process. I would seek to change the primary from March to September. I would also give candidates the option to pay fees or to circulate petitions to get on the ballot. I would also eliminate the slated candidate's petition. Each candidate would have to pay the fee or circulate petitions. Finally, I would prosecute individuals who violate election laws.

CIVIL DUTIES

30. What plans do you have to enhance the collection of unpaid taxes on behalf of the county when such matters come into your preview? I would review and see if there are ways to help improve the collection of unpaid taxes.

31. What types of cases involving law reform or civil activism (such as civil rights or environmental enforcement) would you anticipate bring to the State's Attorney's office? I would work towards a State of Illinois' civil rights statute similar to the Federal 1983 statutes.

VARIOUS

32. How would you speed up the time which normally elapses between arrest and trial? Be specific. There are a sufficient number of ASAs to be able to answer "ready" for trial three months after a case is assigned to a courtroom. I would expect all ASAs to answer ready for trial or explain the reason(s) for not being able to answer ready.

33. Comment on the propriety of prosecutorial public criticism of judges on criminal case outcomes. Be specific. It is never proper for lawyers to publicly criticize judges.

34. Do you favor mandatory drug testing of: your employees? prisoners? probationers? under what circumstances and standards? If there is probable cause that an employee is using drugs, then and only then would they have to be tested. Mandatory testing of prisoners and probationers is valid anytime when an individual is a suspected drug user or one who has been in a rehabilitation program for drugs.

- A) Elective or appointive public or party offices previously held including dates.** Special Prosecution for Cook County May 1, 2002-October 1, 2003
- B) Other elective offices for which you have been a candidate.** Democratic Candidate for Sheriff-1994; Harold Washington Party Candidate for Sheriff—1989
- C) Principal business, education, professional and civic activities of the past ten years.** Brewer & Associates—Criminal Defense, 1996—Present, 175 W. Jackson Blvd., Suite A 640 Chicago, IL 60604
Illinois Department of Professional Regulations, Director of Enforcement, 1993—1996, 100 W. Randolph
- D) What subjects have you studied and what experience have you had which will be most helpful to you in the office you seek?** I have over twenty years of criminal justice experience as a special agent of the FBI, Assistant States Attorney, Deputy Assistant Attorney General, and a criminal defense attorney.
- E) Activities for other candidates. Please be specific.** Raised money and did surrogate speaking for the following campaigns: Aldermatic Candidate Hattie Williams; Mayoral Candidate Harold Washington; Mayoral Candidate Danny Davis; City Treasurer Candidate Lawrence Bloom; Senatorial Candidate Carol M. Braun; Mayoral Candidate Bobby Rush; Gubernatorial Candidate Roland Burris; Clerk of the Circuit Court Candidate Dorothy Brown; State’s Attorney Candidate Patrick O’Connor; County Board President Candidate R. Eugene Pincham; State’s Attorney Candidate R. Eugene Pincham
- F) Please list all endorsements you have received so far.** No formal endorsements as of today’s date.
- G) As concisely as possible, please state why you feel you should be endorsed over the other candidate(s). What goals for the office you seek are most important to you personally?** I feel that the public’s confidence in the criminal justice system’s (CJS) ability to administer justice fairly and equitably has been eroding over the past several years. The recent release of several death row inmates and former Governor Ryan’s declaration that the criminal justice in Illinois is “broken” only affirmed what has been known by many for years. My candidacy represents a referendum on the need for significant changes in the CJS. The incumbent, Dick Devine, not only represents a bridge to the past, but personally he has refused to acknowledge just how dysfunctional the CJS presently is. This is evident by his personal attacks on former Governor Ryan’s motives in commuting all death sentencing and pardoning several inmates. My election will begin to help restore the public’s confidence in the CJS, to administer justice in a fair and compassionate way.
- H) Please outline the place of patronage, personnel codes, race, gender, and sexual orientation in establishing criteria for hiring and promoting public employees.** The State’s Attorney hiring and promotion practices should be based on personal merit and not political considerations. Additionally, hiring and promotional practices should not be based on race, gender or sexual orientation. Finally, the staffing of the State’s Attorney’s Office should reflect the diversity in this county.
- I) What is your campaign budget? How much have you raised to date?** We have set a campaign budget of \$300,000. To date we have raised approximately \$30,000.
- J) How many people are on your campaign staff? How many volunteers are on your list?** We presently have a campaign staff of 10. There are over 400 persons on our volunteer list.