

# Restore Justice Foundation

## Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/winter-2021-newsletter-to-people-who-are-incarcerated/>

### Newsletters

Dear Friends,

It has been 10 months and counting since the onset of COVID-19 and statewide quarantine policies. Please know we think about you all the time, we care about the conditions inside prisons, and we are working as hard as we can to address some of the issues you are facing. Thank you to all who have taken time to write to us. While we are unable to answer each letter individually, we read every one of your letters. As usual, we will use this letter to answer as many of your questions as possible. If we don't have an answer, we reach out to our allies to learn more, and pass that information along when it seems useful. Sometimes the answers we get are not what any of us want to hear, but we feel we believe starting with the facts as we see them is the best place to start.

The 101st General Assembly finished its business for 2019-2020 on the morning of January 13 following its 5-day lame-duck session.

The 102nd General Assembly convened January 13th for the 1st time with all the people who were elected in November, 2020. Once they were all sworn in, the legislators went home and will re-commence their work together at some time in the coming two months. They are still very concerned about COVID-19 and want to keep their in-person meetings to a minimum.

There were large even historic shifts in the law during the lame-duck session. We are still digesting the 749 page criminal legal reform bill HB3653 SA2 that passed on the morning of January 13, and we do our best below to summarize what we believe the new bill will do. TWO IMPORTANT THINGS TO REMEMBER:

All of the old bills that were filed and debated in the last session (the 101st session of the General Assembly) died when the session ended the morning of January 13th, 2021. That means that if legislative sponsors want to keep pursuing all their previous bill ideas, they have to refile them and start the process all over again.

If your friends and family on the outside haven't gotten to know their State Senator and State Representative yet, now is a good time for them to start! At the beginning of the session, anything is possible. People come to the General Assembly with a sense of excitement and optimism and an openness to new ideas to improve our state. And that is true now more than ever.

There are some new people who were first elected in November 2020 and many of them have never heard from someone who has an incarcerated friend or family member. Many legislators are not aware that our prison sentences are extremely long. Many legislators are not aware of how accountability laws work to charge and convict people of crimes they did not directly commit. Same thing with felony-murder laws.

Think of this time as an opportunity for your friends and family and you to make a new friend with state legislators. You can send them letters too. And you should! Tell your story (but keep it as brief as possible).

We will find out what the bill numbers are when session starts up again in January.

The General Assembly adjourns May 31 so we are about to get busy. Your voice is important.

**Summary of the 749 page omnibus bill, HB3653 SA 1. as passed Jan 13, 2020**

*DISCLAIMERS!*

**The bill makes 3 relatively small changes related to sentencing:**

**The bill makes several changes to practices within corrections and county jails:**

PREGNANT WOMEN IN CUSTODY

DEATHS IN CUSTODY

**The bill makes significant and ground-breaking changes to the pretrial system in Illinois, including the end of cash bail.**

ABOLISHING MONEY BOND

RIGHT TO COMMUNICATE

**Much of the bill is related to policing, and we are not qualified to provide a strong analysis of this section of the legislation. We can list some of the provisions, however:**

Creates the **Statewide Use of Force Standardization Act** to establish statewide use of force standards for law enforcement agencies.

Creates the **Task Force on Constitutional Rights and Remedies** to review available research, best practices, and effective interventions to formulate recommendations by May 1, 2021.

Some other provisions (not a complete list):

**The bill creates a new law to ensure legislative maps are drawn using incarcerated peoples last known address rather than their address in prison with the No Representation Without Population Act. Provides that:**

**Finally, the law amends the Crime Victims Compensation Act.**

We were unable to find answers to all of your questions between the last letter and writing this one. We are still trying to find out more information about IDOCs tablet program, expanding video visit time frames, and more. We are not ignoring your questions, we just don't have any answers yet. What we can answer, we have included below:

**Many of you asked for the Clemency Tool Kit and info on Medical Releases, Early Release for Elderly:**

This is an excellent time to consider a clemency petition. The Governor and the Prisoner Review Board have streamlined the clemency process. Clemency is literally the only proactive thing most folks can actually do to pursue release after serving many years in prison. Our colleagues at Illinois Prison Project (IPP) put together a toolkit to help loved ones of incarcerated people file. It is available here:

[www.illinoisprisonproject.org/toolkit-for-families-of-incarcerated-people](http://www.illinoisprisonproject.org/toolkit-for-families-of-incarcerated-people)

We included the 18 page document in our last newsletter. If you did not receive it and would like one, you can write to IPP directly and they will send it to you:

Illinois Prison Project, 53 W. Jackson, Suite 1056, Chicago IL, 60604.

The other two mechanisms for early release are Earned Discretionary Sentencing Credits (EDSC) and Electronic Detention. IDOC has the authority to grant good-time, up to 180 days, to people who are close to their out date (also known as MSR date). IDOC has already reviewed the more than 7,000 people who may have been eligible for EDSC in a pool consisting of class 2-4 felonies with under 6 months to go until their release, and as of mid-December, IDOC data shows that 2,547 made it through. Electronic detention is barely being used, and is a mixed bag, as you know.

**Many also asked about visiting:**

We have been on lockdown with no in-person visits since March 14, 2020. As the vaccine is offered to you this year possibly as soon as February and into 2021 we will advocate for in-person visits to be reinstated as soon as possible. We realize many of you are worried visits will be somehow compromised. We will be working to the best of our ability to make sure that does not happen. You will remember that we worked with legislators to pass a law in 2018 ensuring every inmate is entitled to receive 7 in-person visits per month.

**Several of you asked for more information on mental health and grievance issues:**

*For the most recent information on these issues we went to Alan Mills from Uptown Peoples Law Center*

Back in March, IDOC declared a force majeure as to our settlement agreement. Basically, that means that they aren't able to comply because of some catastrophic act of nature. The pandemic surely counts. It is completely understandable that there are some things they cannot do for example, it would make no sense to hold crowded group therapy sessions while the virus is spreading virtually unchecked. However, there are other things they should be doing including increasing the number of one-on-one sessions and getting people out of their cells as much as possible. We attempted to bring these matters before the Court in the Rasha case. However, the judge ruled that he would not hold a hearing on our motion until after the 7<sup>th</sup> Circuit Court of Appeals rules on whether the injunction the judge entered in the Spring of 2019 is constitutional. We continue to meet with the IDOC and the monitor to try and get as many improvements as we can.

We know the entire grievance system is a mess But people need to know that if they have tried to file grievances, and simply can't get a response, they are allowed to go to court. They should, however, keep careful records of the attempts they have made to follow the process.

**There were also some questions about Pell grants. We've included an article at the end of the newsletter that we hope will give you some insight.**

**U.S. Supreme Court**

On November 3, the U.S. Supreme Court heard arguments in *Jones v. Mississippi*, to address what states must do (really, what judges must do) before imposing a JLWOP sentence. The arguments turned largely on how the Court should interpret two other Supreme Court cases: *Miller v. Alabama*, which deemed sentencing schemes that mandate life without parole for certain juvenile offenders unconstitutional, and *Montgomery v. Louisiana*, which made the *Miller* rule apply retroactively. Brett Jones was sentenced to life without parole the state's mandatory sentence for murder after he killed his grandfather in August of 2004, less than a month after his 15th birthday. After *Miller* was decided, the Supreme Court of Mississippi decided that its holding should apply to Jones case and ordered resentencing. The judge at resentencing upheld Jones' previous sentence after taking the *Miller* factors into account.

Jones argues that the judge who resentenced him operated under a fundamental misunderstanding of *Miller* because he failed to find that Jones was permanently incorrigible before sentencing him to life without parole. The State of Mississippi, meanwhile, argues that *Miller*

merely required that a sentencing court take into account how the qualities of youth counsel against sentencing children to a lifetime in prison, and that a finding of permanent incorrigibility is just one way of testing the sentences proportionality.

The argument (held via telephone) took almost an hour and a half and there is no predicting how the Court will rule. That is particularly true as this was one of the first cases heard by the newest appointee, Justice Barrett (whose questions were not very revealing of how she was thinking about the case). Some judges did seem to suggest that what happened in the resentencing hearing was enough, but others left open the possibility that some kind of permanent incorrigibility finding may be necessary before imposing such a sentence. A decision in the case is expected sometime this year.

As we wrote before, it is not clear what this decision might mean for Illinois. A win for Brett Jones may open up some possible pathways to challenge life sentences imposed without a specific finding of permanent incorrigibility. We really must wait to read a decision from the Court (win or lose) to see if there will be any impact on the existing decisions in Illinois.

## Illinois Supreme Court

On October 22, in *People v. Lusby*, the Illinois Supreme Court concluded that a 2002 sentencing hearing of a 16-year-old passed constitutional muster under *Miller* because the trial court mentioned Mr. Lusby's youth twice (once in reference to the fact that his age made him ineligible for capital punishment), considered the presentence investigation report, and concluded that the defendant showed absolutely no respect for human life and that the crimes were clearly depraved. The majority determined that Mr. Lusby's discretionary de facto life sentence was constitutional, finding that there was some evidence on each of the *Miller* factors available for consideration, reversing the appellate courts judgment.

A bright spot of the decision was Justice Nevilles vigorous dissent. He powerfully called out the majority for overlooking the constitutional presumption against the imposition of such sentences for juveniles and noted that the majority's oversight of this fundamental principle that JLWOP sentences are rare and uncommon skewed the majority's analysis. The trial courts failure to acknowledge this presumption, he said, renders the sentencing hearing unconstitutional. Justice Neville also affirmed that a trial courts mere awareness of a juvenile defendants age and consideration of a Pre Sentencing Interview does not show that the court considered the defendants youth and attendant characteristics. Not unlike the *Holman* decision, the Court found a way to affirm a pre-*Miller* sentencing hearing by concluding that the original sentencing court had adequately considered the *Miller* factors to conclude that the defendant was incorrigible and a life sentence was appropriate.

Mr. Lusby's attorney has filed a Petition for Rehearing asking the Illinois Supreme Court to reconsider its decision, or at least hold the case until the U.S. Supreme Courts decision in *Jones*, discussed above. The Court has not ruled on that petition yet.

Pending cases in the Illinois Supreme Court:

*People v. Antonio House* The briefing process continues for Mr. House. The First District Appellate Court has twice found the life sentence that Mr. House is serving for an offense that occurred when he was 19 years old to be unconstitutional. The State has asked the Illinois Supreme Court to reject the appellate courts conclusion. The Illinois Supreme Court is ultimately being asked whether there is enough evidence in the record to support an as-applied Illinois Constitutional challenge. There is some hope that the Courts decision could provide some clarity about the method and manner for raising emerging adult challenges to lengthy sentences in Illinois. We expect argument will occur sometime in 2021.

*People v. Derrell Dorsey* In *Dorsey*, the Court will answer whether the 14-year-old defendants consecutive sentences of 40, 18, and 18 years, for an aggregate sentence of 76 years, is a de facto natural life sentence, where Mr. Dorsey's eligibility for day-for-day credit may lead to release after 38 years. This case will likely answer what is called the *Peacock* issue which itself is clarifying the reach of the *Buffer* decision that found that any sentence more than 40 years is a life sentence for juveniles. *Dorsey* will allow the Court to answer whether that means 40 actual years, or whether you should ignore possible sentence credit and just look at the number of years imposed by the original sentencing court. The opening brief was filed in August and the State has not filed its brief yet. Briefing should conclude and argument should happen in 2021.

*People v. Robert Christopher Jones* In *Jones*, the Court is asked to answer whether a defendant who, before *Miller* and *Buffer* were decided, agreed to plead guilty in exchange for a de facto life sentence for an offense that occurred when they were a juvenile, should now be able to challenge that sentence in a post-conviction petition and seek a new sentencing hearing where youth is adequately taken into account. The Court just accepted this case in November, briefing will begin next year.

## Illinois Appellate Courts

### *Buffer* decisions

The major headline is that in August 2020, Dimitri Buffer received a new sentence of 25 years.

Many individuals who were serving more than 40 years (for offenses that occurred before they turned 18) have been remanded for new sentencing hearings.

In at least two cases, the appellate court itself has reduced sentences: *People v. McKinley*, 2020 IL App (1st) 191907 (individual with a de facto life sentence, resentenced to 39 years; appellate court reduced to 25 years); and *People v. Hill*, 2020 IL App (1st) 171739 (individual originally sentenced to life plus a consecutive 30, resentenced to 54 years with 6 years consecutive; appellate court reduced murder sentence to 34 years with 6 years consecutive).

The above two decisions are also noteworthy as instances in which appellate courts are continuing to monitor resentencing hearings that have occurred after *Miller*. In these cases, the appellate courts decided the sentencing courts still did not adequately consider the individuals youthful characteristics in coming up with a sentence. Another example of this can be found in *People v. Dicorpo and Henney*, 2020 IL App (1st) 172082 (remanding for a new sentencing hearing to happen speedily and encouraging the sentencing judge to

look closely at *Buffer*).

We are aware that the State continues to ask the Illinois Supreme Court to review resentencing decisions. This is happening most often when the individual is serving a sentence greater than 40 years, but the individual is eligible for good time credit. Essentially, the State is saying these decisions should be put on hold while we wait for the Illinois Supreme Courts *Dorsey* decision.

#### Emerging adult decisions

As discussed above, the Illinois Supreme Court may provide further guidance on this issue in the *House* case. Some appellate courts have tried to outline what a *Harris* claim should entail:

When young adults raise claims that the *Miller* line of cases applies to them, we read our supreme courts precedents to set out the following procedure:

- (i) under *Harris*, a young adult defendant must plead, and ultimately prove, that his or her individual characteristics require the application of *Miller*;
- (ii) if, and only if, the young adult makes this showing, then the trial court considers whether the initial sentencing hearing complied with *Miller*, following our supreme courts guidance in *Holman* and the analysis in *Croft*; and
- (iii) if the initial sentencing hearing was *Miller*-compliant, then the trial court can reject the defendants claim (as the courts did in *Holman* and *Croft*); or if the initial sentencing hearing was not *Miller*-compliant, then the trial court should order resentencing.

*People v. Johnson*, 2020 IL App (1st) 171362, 25; see also *People v. Ruiz*, 2020 IL App (1st) 163145, 52.

There is a divide within appellate districts and among appellate districts as to who may get relief for an emerging adult claim. It is not clear that anyone 18 or older has received a new sentencing hearing under an Illinois constitutional challenge that their youth was not adequately considered at the original sentencing hearing. But many appellate court decisions are allowing claims to be further developed in post-conviction proceedings. Many of the good decisions are coming out of the First District and there are some decisions rejecting these arguments in the Second, Fourth, and Fifth Districts. Compare *People v. Ruiz*, 2020 IL App (1st) 163145; *People v. Minniefield*, 2020 IL App (1st) 170541. First District courts sometimes also look to the record to determine whether a claim should advance. *People v. Daniels*, 2020 IL App (1st) 171738 (where appellate court even willing to look to the record to see whether the petitioners individual circumstances corroborate their pro se petitions general pleadings, even when those circumstances arent specifically pled in the petition); with *People v. Moore*, 2020 IL App (4th) 190528 (acknowledging that the record showed the defendants behavior was influenced by his difficult upbringing, as he was abandoned by his father at a young age, and . . . his mother struggled with drug addiction and keeping her children fed, but denying leave to file because th[o]se factual allegations were missing from defendants motion to file a successive post conviction petition); *People v. White*, 2020 IL App (5th) 170345, 24 (denying leave to file a successive petition that generally assert[ed] studies that show that sometimes youthfulness can extend into a persons twenties, because it did not allege how he was particularly affected by immaturity). The Second Appellate District has also shown some hostility to these claims in *People v. LaPointe*, 2018 IL App (2d) 160903, and *People v. Hoover*, 2019 IL App (2d) 170070. In both cases, the Court found petitioners could not establish cause and prejudice on their claims.

While we are heartened when we see decisions like *People v. Jakeen Savage*, 2020 IL App (1st) 173135 (permitting further post-conviction proceedings on a challenge to a life sentence for a 21 year old) and *People v. Darione Ross*, 2020 IL App (1st) 171202, there are many decisions out of the First District that have rejected these same emerging adult claims. See, e.g., *People v. Carrion*, 2020 IL App (1st) 171001, 30-33; *People v. Gomez*, 2020 IL App (1st) 173016, 37-38; *People v. McClurkin*, 2020 IL App (1st) 171274, 20-23; *People v. Handy*, 2019 IL App (1st) 170213, 40-41.

#### Other challenges for youthful offenders

*People v. Womack*, 2020 IL App (3d) 170208 Following a 2006 shooting when he was 16 years old, Womack was convicted of attempt murder and sentenced to 18 years imprisonment, plus a mandatory 20 years for personal discharge of a firearm. The trial court denied Womack leave to file a subsequent post-conviction petition; his petition argued his sentence violated the proportionate penalties clause by virtue of the mandatory firearm enhancement.

A majority of the appellate court found that Womack had met the cause and prejudice test, and it remanded for stage-two proceedings. Relying on *People v. Barnes*, 2018 IL App (5th) 140378 and *People v. Aikens*, 2016 IL App (1st) 133578, the majority concluded that mandatory firearm enhancements for youth no longer reflects Illinois evolving standard of decency. The majority also relied on recent legislative changes to 730 ILCS 5/5-4.5-105, which both require courts to consider the specific mitigating factors of youth at sentencing and render firearm enhancements discretionary for youth. Although these statutory changes dont apply retroactively, the majority noted they are an additional indicator of evolving standards of decency.

The cause prong of the cause-and-prejudice test was satisfied because *Barnes* and *Aikens* were not yet decided when Womack filed his first post-conviction petition. And prejudice was satisfied because the application of a mandatory firearm enhancement violated the proportionate penalties clause in his case. Like the youth in *Barnes* and *Aikens*, Womack has no prior criminal history and additional mitigating factors were present. Furthermore, the shooting occurred during a tense exchange that resulted in the impulsive and reckless decision-making behavior to which young minds are more susceptible.

But for every good decision, be aware of the possible bad:

*People v. Woods*, 2020 IL App (1st) 163031 Roscoe Woods was convicted of attempt murder for a 2006 shooting of a police officer when he was 17 years old, and he was sentenced to 8 years, plus a mandatory 25-year mandatory firearm enhancement. The trial court denied Woods leave to file a subsequent post-conviction petition that raised an as-applied proportionate penalties challenge to the firearm enhancement that was rooted in *Miller* and *Buffer*. The appellate court affirmed. It found Roscoes reliance on *Miller* and *Buffer* was

misplaced, as he wasn't serving a life sentence. It noted that the Illinois Supreme Court previously rejected a shocks-the-conscience challenge to enhancements in *People v. Sharpe*, 216 Ill.2d 481 (2005) and that the 1st District later extended *Sharpe* to youth in *People v. Wilson*, 2016 IL App (1st) 141500. While the Legislature and Governor made firearm enhancements discretionary for youth, the court ruled these statutory changes were insufficient to say mandatory enhancements are unconstitutional for all youth.

**On September 15th**, our sister organization, Restore Justice Illinois (RJI), which can do some political work, held a Day of Action. Volunteers reached out to States Attorney and General Assembly candidates from across Illinois to ask them to fill out a survey regarding criminal legal reforms. Using their answers, RJI endorsed some candidates. RJI endorsed Eric Rinehart for Lake County States Attorney, and he won; RJI hopes Eric will bring some much-needed compassion and fairness to the office.

**On November 6th**, we held a Day of Action with family members, board members, and advocates. We started the day with a video call explaining the process and our goals. Our Big Ask was for IDOC to test every incarcerated person for COVID-19, rather than just those who might have symptoms. All public health experts have said that before the vaccine, this is the only way to really get a handle on the virus and protect people. To accomplish this we asked that everyone make four phone calls: one to IDOC in Springfield, one to the Governors Office, and the other two to their State Representative and State Senator. We felt IDOC could not begin to address things like restoring yard, commissary, or visits until they know how widespread the virus is. In December, IDOC began widespread testing; testing will continue until the virus is stopped.

**On January 15th**, we hosted another Day of Action, again with family and friends. We made calls about IDOC plans to begin vaccinations and what the expected timeline might be.

**Please ask your people to contact us if they want to join our next Day of Action!**

They can find out more on our website: [restorejustice.org](http://restorejustice.org)

**Other Updates for your Loved Ones:**

**CRIIC COMMUNITIES & RELATIVE OF ILLINOIS INCARCERATED CHILDREN**

Please invite your family and friends to join us. Our 2021 meetings will be held on:

When we resume meeting in person, the meetings will be at Art on 51st, located at 1238 W. 51st Street in Chicago. We will serve lunch and post information on the discussion topics in advance. We hope to be able to resume meetings in August, but, of course, that depends on the pandemic.

**Support for Court**

Do you have an upcoming court date? If you need support and want someone to be in the courtroom, physically or in Zoom court, let us know. We will do our best to accommodate.

**From the Desk of Jobi Cates Executive Director**

Hello!

The most top of mind topic for me these days continues to be COVID-19. My family has been very lucky so far. While my son did contract the illness, he recovered and is doing very well. My parents, who are in their late 80s, have so far stayed safe by basically staying home in their retirement community; I will breathe a major sigh of relief when they are finally able to receive their vaccine shots. (The first one is supposed to be administered tomorrow.) Before COVID, my family had two major activities together: visiting my parents and family on the east coast, and visiting our small handful of loved ones in prison. We miss being with our people so much, and we know you do, as well. I see the vaccine as the fastest track to being able to get back in the car and visit with the people we love!

As you have no doubt seen on the news, older people and those with existing conditions are scheduled to get the vaccine in the first priority group, as they suffer the worst consequences. I am thrilled that Illinois is offering the vaccine to YOU at the same time as those high-priority seniors. We are hearing you should be offered the vaccine relatively soon, perhaps as soon as February. People in IDOC you have suffered so much from COVID, even if you have not been ill, because of the impact on your day to day lives. My sincere hope is that if enough of us take the vaccine, we can start getting back to a more normal life, which includes visits.

Im sure you all have a lot of questions about the vaccine, and I am sure that there are loads of rumors. I have been nerdy about reading the science as much as I can, checking with both the Centers for Disease Control and the World Health Organization for the facts. So far, I am convinced that Dr. Ezike, Illinois Director of Public Health, has steered us straight on everything, including the vaccine. Ive included a Q & A from the CDC at the end of this letter in case you want to read a little more on your own.

This has been such an emotional month on so many levels regardless of your political affiliation, the election and surrounding national chaos really sent us all for a loop. Between that and the toll the virus is taking, being disconnected from family and friends, I can really only imagine how difficult your lives have become in prison, and I want you to know myself and our entire team at Restore Justice think about you every day, all day, in the hope that our efforts will meet with some success.

Thank you for your letters and for your courage. Warmly, Jobi

**From the Desk of Julie Anderson, Outreach Director**

Greetings; Although my New Years was quiet this year, I have never been more thankful to see the beginning of a New Year Welcome 2021. Its been a tough year for all of us, especially for all of you. Resilience is what defined 2020, but more importantly, it will be what takes us forward. My hope for 2021 is that we can work on some great legislation to reduce sentences and also to make things a little

better for you our loved ones. I also hope the virus will soon be stopped and we can resume in-person visits. I never realized how much I would miss traveling to visit prison, I miss the long 4 hour talks, the terribly expensive junk food from the machines and even the long drives. Since covid 19 has taken over all of our lives, my screen time has increased by 200%. I know many of you have tablets and your own screen time has increased significantly. Please know you are my thoughts and everything we do here at Restore Justice is done to help as many individuals as we can and to do no harm to anyone, what that means is, if we think passing a law will help some people, but may harm others who are currently in court or have cases pending, we will not proceed. We do our best to try and anticipate any unintended consequences from legislation that we work on. Heres to a 2021 filled with hope and hopefully improvements. Once again thank you all for reaching out to us and please invite your family and friends to join our family group, when we work together, we can accomplish great things. Together we *will* be heard.

**From the Desk of Alissa Rivera, Communications Manager**

We successfully hosted our first ever virtual fundraising event in December. My incredible co-workers, Julie, Wendell, and Nelson bravely shared their stories. I am in awe of them.

As we begin this new year, I am thinking about all of you. You guide our work. We will keep fighting for better COVID protections, and we will also keep advocating to fix Illinois cruel sentencing laws.

Thank you, always, for being part of the Restore Justice family. Were grateful for you!

**From the Desk of Wendell Robinson, Program Manager**

Greetings,

As always, I give it to you as I see it. So with this entry Ill be speaking about HOPE!

Knowing some of you are up against some extreme odds, I cant applaud you enough for how youve managed to keep your resilience in hand. I chose to speak about hope for a number of reasons, but, the main reason is that since I last wrote I had the opportunity to be at the front gates for three individual releases (all from separate institutions). Each of these guys did 29 years.

We picked up the last person on December 9. On this particular night, six of us went and had dinner. As I looked around the table, it hit me like a ton of bricks. At one point in time, every person at the table had a life sentence (Natural Balls, Elbows). (Among the six, five were JLWOP, and two were wrongfully convicted.) To know in that moment what every person at that table had overcome was electrifying. Can you imagine being in that space? Can you imagine what that energy felt like?

I share this moment with you not in a braggadocious manner. But simply put, I need you to know that HOPE is real, HOPE is alive, HOPE is well! So until next time, please keep HOPE in your possession.

Peace

Forever in solidarity

Wendell

**From the desk of Alice Swan, Office Manager**

Happy New Year to allheres hoping that 2021 brings a better world than we had in 2020. I am really hoping that the rolling out of vaccines means that in-person visiting can resume before long. I miss seeing people in real life, and Im sure you all do too.

Im excited for what the new year will bring to Restore Justice alsoworking virtually for almost a year has been a bummer in many ways, but in many ways our team is closer and stronger than ever because of it. We hope that the pandemic will soon be under control and prisons become safer so that our focus can shift back to sentencing reform.

**From the Desk of Nelson Morris, Program Associate**

Hello, I am Nelson Morris the Project Associate for Restore Justice. And I am looking forward to this new opportunity that has come with this new year, like fighting for your well being and best interest. I know first hand these are hard times. keep your head up and stay strong.

**From the Desk of Kayla Rueda, Policy Associate**

I will echo what my team has already said above Happy New Year to you! Like many, I am hoping this year will bring positive change and better news ahead. It has been a wild ride since starting with the RJ team last January. Unfortunately, the pandemic hit and I was unable to join the rest of the team on their visits to all of you. Hopefully, those can resume soon so that I can join them!

Im looking forward to the work Restore Justice will be doing in the next year to continue our advocacy efforts and change sentencing laws in Illinois.

**From the Desk of Willow So Intern**

Happy New Year everyone! I hope that 2021 brings in more positivity for all. Ive only been working here a short while but am in deep admiration of everyone on the team for all of the work they put in. Hopefully once conditions improve, Ill get to join in on the team visits to all of you. Im looking forward to continuing to work with Restore Justice and advocating for sentence reform.

*Are COVID-19 vaccines safe?*

All the COVID-19 vaccines being used have gone through rigorous studies to ensure they are as safe as possible. Systems that allow CDC to watch for safety issues are in place across the entire country. The U.S. Food and Drug Administration (FDA) has granted Emergency Use Authorizations for COVID-19 vaccines that have been shown to meet rigorous safety criteria and be effective as determined by data from the manufacturers and findings from large clinical trials. Clinical trials for all vaccines must first show they meet rigorous criteria for safety and effectiveness before any vaccine, including COVID-19 vaccines, can be authorized or approved for use. The known and potential benefits of a COVID-19 vaccine must outweigh the known and potential risks of the vaccine.

*Can a COVID-19 vaccine make me sick with COVID-19?*

No. None of the authorized and recommended COVID-19 vaccines or COVID-19 vaccines currently in development in the United States contain the live virus that causes COVID-19. This means that a COVID-19 vaccine cannot make you sick with COVID-19.

There are several different types of vaccines in development. All of them teach our immune systems how to recognize and fight the virus that causes COVID-19. Sometimes this process can cause symptoms, such as fever. These symptoms are normal and are a sign that the body is building protection against the virus that causes COVID-19. Learn more about how COVID-19 vaccines work.

It typically takes a few weeks for the body to build immunity (protection against the virus that causes COVID-19) after vaccination. That means its possible a person could be infected with the virus that causes COVID-19 just before or just after vaccination and still get sick. This is because the vaccine has not had enough time to provide protection.

*After getting a COVID-19 vaccine, will I test positive for COVID-19 on a viral test?*

No. Neither the recently authorized and recommended vaccines nor the other COVID-19 vaccines currently in clinical trials in the United States can cause you to test positive on viral tests, which are used to see if you have a current infection.

If your body develops an immune response the goal of vaccination there is a possibility you may test positive on some antibody tests. Antibody tests indicate you had a previous infection and that you may have some level of protection against the virus. Experts are currently looking at how COVID-19 vaccination may affect antibody testing results.

*If I have already had COVID-19 and recovered, do I still need to get vaccinated with a COVID-19 vaccine?*

Yes. Due to the severe health risks associated with COVID-19 and the fact that re-infection with COVID-19 is possible, vaccine should be offered to you regardless of whether you already had COVID-19 infection. CDC is providing recommendations to federal, state, and local governments about who should be vaccinated first.

At this time, experts do not know how long someone is protected from getting sick again after recovering from COVID-19. The immunity someone gains from having an infection, called natural immunity, varies from person to person. Some early evidence suggests natural immunity may not last very long.

We wont know how long immunity produced by vaccination lasts until we have more data on how well the vaccines work.

Both natural immunity and vaccine-induced immunity are important aspects of COVID-19 that experts are trying to learn more about, and CDC will keep the public informed as new evidence becomes available.

*Will a COVID-19 vaccination protect me from getting sick with COVID-19?*

Yes. COVID-19 vaccination works by teaching your immune system how to recognize and fight the virus that causes COVID-19, and this protects you from getting sick with COVID-19.

Being protected from getting sick is important because even though many people with COVID-19 have only a mild illness, others may get a severe illness, have long-term health effects, or even die. There is no way to know how COVID-19 will affect you, even if you dont have an increased risk of developing severe complications.

*Will a COVID-19 vaccine alter my DNA?*

No. COVID-19 mRNA vaccines do not change or interact with your DNA in any way.

Messenger RNA vaccines also called mRNA vaccines are the first COVID-19 vaccines authorized for use in the United States. mRNA vaccines teach our cells how to make a protein that triggers an immune response. The mRNA from a COVID-19 vaccine never enters the nucleus of the cell, which is where our DNA is kept. This means the mRNA cannot affect or interact with our DNA in any way. Instead, COVID-19 mRNA vaccines work with the bodys natural defenses to safely develop immunity to disease. Learn more about how COVID-19 mRNA vaccines work.

At the end of the process, our bodies have learned how to protect against future infection. That immune response and making antibodies is what protects us from getting infected if the real virus enters our bodies.

Article by Sara Weissman, published in Diverse Issues In Higher Education on December 31, 2020.

As Congresss stimulus package heads to the presidents desk for signing, the legislation has major implications for students in prison.

Notably, the bill pushed forward on Dec. 21 moves to end a 26-year ban on Pell grants for incarcerated students, a major victory for students and their advocates after years of activism.

The reversal will increase access to opportunity for people leaving prison, in terms of their career paths and their ability to take care of themselves and their families post-release, said Margaret diZerega, who directs the Center on Sentencing and Corrections at the Vera

Institute of Justice, a nonprofit for criminal justice reform. Really its an equity issue also, given the disproportionate number of Black and brown people in prison.

In recent years, restoring Pell grants to incarcerated students has enjoyed rare bipartisan support. The Second Chance Pell Experiment a pilot program allowing some incarcerated students to access Pell grant funding began under former President Barack Obama and expanded under President Donald J. Trump.

Thanks to the program, there are more members of Congress who are interacting with the colleges, the corrections departments and the students in these programs, diZerega said. We saw several members attend graduations in prisons or go visit prison programs. And I think being proximate to the students and the faculty and the corrections staff that make these programs possible, people see how transformative they are.

Historically, incarcerated students lost access to Pell grants as a part of the 1994 crime bill. The legislation wasnt only a hit to college affordability for students in prison. It also cut down their options for higher education programs.

Without federal funding toward tuition, the drop in the availability of college programs in prison was dramatic, said Dr. Bradley Custer, senior policy analyst for postsecondary education for the Center for American Progress, a left-wing think tank.

The programs that persisted found other sources of funding like private funds or state funds but now we have this opportunity to have a steady, secure stream of federal funding that students can rely on, just like non-incarcerated students with financial need can rely on.

He expects to see more colleges and universities developing courses and degree programs for incarcerated students, and he praised the legislation for including standards to ensure students receive quality education options. For example, colleges have to be accredited private or public nonprofit institutions approved by the state and programs need to report data to the secretary of education, who in turn will report to Congress.

This was not just a simple lets remove the ban, Custer said. [These schools] have to be able to provide programs that lead to careers where students are not going to be denied a license because of their criminal background. A lot of thought was put into which types of colleges and programs do we want offered in exchange for Pell dollars.

The end of the Pell grant ban isnt the only measure in the stimulus package thatll benefit incarcerated students. It also removes a 1998 law that barred students with drug convictions from eligibility for financial aid, enforced through a question on the FAFSA. In 2006, Congress narrowed the law and the FAFSA question only temporarily removing financial aid from current students convicted of drug offenses. Still, the application question confused students and hundreds lose aid every year, either because of actual drug convictions or because they leave the question blank.

It was a bit of a nightmare, Custer said. The new bill completely deletes that law. Theres no ifs, ands or buts about it anymore, and the question will no longer appear on the FAFSA.

He pointed out that the measure isnt perfect. Under the 1988 Anti-Drug Abuse Act, students convicted of drug offenses can still have federal benefits taken away from them, including student aid. Thats a hole that needs fixing, but he thinks this helps a lot more people than it leaves behind.

The bill also re-extends the Pell grant to those confined for psychiatric treatment for sexual offenses under state civil commitment laws. Before 2008, these students could use the Pell grant toward correspondence courses, where faculty could send reading and assignments to their facilities.

Meanwhile, some measures not specifically designed for incarcerated students will help them nonetheless, like shortening the FAFSA. Notably, the bill removes the question about whether applicants are registered for selective service, a known barrier for incarcerated students, who have a harder time registering or proving theyve registered from prison, Custer noted.

Despite these inroads, advocates say the work of ensuring affordable higher education for students in prison is far from over.

DiZeregas focus is now on ensuring implementation goes well and that it happens with a sense of urgency, she said, because people in prison have been waiting a long time for this ban to be lifted, she said. We and others want to make sure they dont have to wait any longer than necessary.

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