

Restore Justice Foundation

Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/restore-justice-statement-on-governor-pritzkers-proposed-principles-for-reforming-the-criminal-legal-system/>

Newsletters

Restore Justice applauds Governor JB Pritzker for his focus on fixing the criminal legal system in Illinois. We welcome the Governors [proposed principles](#) for building an equitable system and the administrations acknowledgement of the racism inherent in policing, charging, sentencing, and in prison. These principles complement ideas generated by the Illinois Legislative Black Caucus, which is developing an actionable agenda on issues involving equity in the criminal legal system. We look forward to more discussion as the Governor and the Illinois General Assembly move forward in this vital work.

Racism in criminal legal systems, in addition to other aspects of American life, leads to immense racial disparities in the Illinois prison population. [Historically, elected officials have constructed definitions of crime to entrap Black communities](#) and legislated harsher punishments for Black people; take the [powder cocaine-crack sentencing disparity](#). **As a result, today, 54 percent of the people incarcerated in our state prisons are Black, while Black people comprise just 14.7 percent of our states population.** Research and analysis shows [these aggressive criminal legal policies have little to no effect on reducing crime](#), but are nevertheless pervasive. They are the counter-narrative that undercuts the promise of American values. Slavery, and then racial terror, segregation, and policies such as [redlining](#) perpetuate racism in every aspect of the criminal legal system. As a result, Black communities deal with police more often, are arrested at higher rates, receive more serious charges, are sentenced to more extreme punishments and, ultimately, receive disproportionately harsh prison discipline.

Released in October 2020, the Governors seven principles are designed to build a more equitable system. Restore Justice does not have a position on all of them because the principles do not clearly address our areas of focus. We hope our review of the framework will nonetheless add to the policy discussion in the weeks and months to come.

Restore Justice supports ending the use of the cash bail system, which does not make our state safer but does harm families, prevent people from working, and treat those who havent been convicted as if they must prove their innocencean idea contrary to the premise of our legal system. Were proud to support the [Chicago Community Bond Fund](#) and advocate partners who are working to fix the bail system.

Restore Justice advocates for people who received extreme sentences in their youth or young adulthood, and we are grateful to see the Governors focus on creating pathways to release. We support the restoration of sentencing credits but **need more details to adequately assess** this principle. Sentence credits are severely limited today, and very few people in Illinois qualify for parole because the system was eliminated in 1978. In 2019, Governor Pritzker helped bring back new parole opportunities for people convicted before the age of 21. **We encourage the Governor and legislators to restore more parole opportunities** while also implementing earned sentencing credit expansions.

We are disappointed to see a distinction made between violent and non-violent in this high-level set of recommendations, as this distinction obscures serious issues with criminal sentencing and data management in Illinois and leads to arbitrary and harmful policy decisions. People with violent offenses account for roughly half of those serving time in Illinois state prisons. Yet, they are often left out of the reform conversation, largely based on an assumption that a conviction for a violent offense means the individual directly committed an act of violence. Lawmakers and the Governor have the responsibility to understand the laws of our state; this requires a more nuanced understanding of what it means to be convicted of a violent crime. For example, accountability laws and the felony-murder rule allow people to be convicted of first-degree murder for killings they did not commit, did not plan to commit, and/or were not present for. People convicted under these statutes are recorded in data systems and subsequently treated as though they pulled the trigger; **they are classified as violent. Further, even individuals who did commit a violent act should have the opportunity to rehabilitate, especially considering research that affirms the role trauma and poverty play in many violent cases, particularly among youth.**

New sentencing laws are almost always forward facing; they ignore those whove already served decades in prison because of out-of-date, ineffective laws. We call on the General Assembly to recognize its ability and duty to make ameliorative legislation retroactive and create pathways to meet Illinois constitutional obligation to restore those convicted of criminal offenses to useful citizenship. Additionally, Governor Pritzker could adopt a proactive commutation strategy to give entire categories of people, such as everyone convicted under the felony-murder statute, who has served more than 20 years in prison, a chance at a new sentence. Restore Justice Program Manager Wendell Robinson reflected on his [recent testimony at a legislative committee hearing](#). There are many positive individuals who have fully rehabilitated in prison, and they dont have a chance of coming home unless the Governor takes action, he explained.

Ultimately, while we applaud the principles, we do not believe that, as stated, they go far enough to truly address racial inequity in our criminal legal system. Governor Pritzker and Illinois lawmakers have a historic opportunity and a grave responsibility to right historic, ongoing wrongs. This will require hard work, difficult conversations with opponents, and ultimately, the adoption of policies that have historically been politically controversial.

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