

Restore Justice Foundation

Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/make-illinois-more-just/>

Campaign and Advocacy

With a national, bipartisan belief in the need for criminal justice reform, Illinois lawmakers have an opportunity to enact long-overdue improvements. [Governor JB Pritzker and legislative leaders have proven their commitment](#) to making Illinois a more fair and just state in several important areas. But, the need for bolder, more comprehensive reforms is clear.

A joint House and Senate [committee will meet](#) Thursday, February 13 to discuss the State of Criminal Justice Reform in Illinois. This is an important step toward advancing justice. Advocates and policymakers agree it is time to apply knowledge derived from research and best practices rather than rely on the fear-based practices of the past.

Starting in the 1970s, Illinois succumbed to national panic about crime and [enacted draconian laws](#) that resulted in the mass incarceration of people of color, especially children, for decades, often for their entire lives. We sentenced young people to die in prison, and continue to do so, even though we now know such harsh sentencing does not meaningfully reduce crime. As a result, Illinois has one of the most overcrowded prison systems in the country, as well as continued problems with crime.

Illinois state prisons house close to 40,000 inmates, about half of whom have been labeled violent based on simplistic definitions and have received our states most severe sentences. We know that due to the structure of our criminal code, a conviction for a violent offense does not always mean a person actually committed or even planned to commit violence. We know some of these people simply had, but didn't use, a gun. We know some of them were charged for felony-murder and accountability, neither of which require any planning or desire to commit violence. We also know that youth are more likely than adults to engage in risky group behavior. Thus, we know a significant proportion of our states so-called violent offenders are fundamentally not hardened, irredeemable criminals; they are kids who made mistakes.

As of 2018, [1,940 people were serving life or de facto life](#) (40 years or more) for crimes that occurred before they were 26 years old. Nearly 69 percent of these people are Black. Together, those youth have 67,471 years left to serve. This isn't just morally abhorrent; those 67,471 bed years put more than 1.7 billion dollars of strain on Illinois budget.

It will be tempting for the joint committee to focus on non-violent offenses. Just the words violent offender put a chilling effect on discussion of reform, despite what we know about the human beings who are mistakenly given that label. But today, we can not flinch. The most significant challenges in our states sentencing system stem from overreliance on policies that remove discretion when reviewing individuals convicted of violent offenses. We must reintegrate consideration that these people are capable of rehabilitation.

Reforming our states harsh, ineffective sentencing laws is deeply personal to the Restore Justice team. Half of our staff and many of our board members have been directly impacted. [Wendell Robinson](#) served more than 25 years in the Illinois Department of Corrections (IDOC) for his involvement in a shooting that happened when he was just 17 years old. He originally received a life without parole sentence and thought he would die in prison. But, in 2012, the [U.S. Supreme Courts Miller decision](#) gave Wendell a chance at freedom. He now works full time at Restore Justice on behalf of the many men he left behind who also deserve second chances.

Here's how Illinois could right the wrongs of our past tough on crime sentencing, provide second chances, and weave fairness and compassion into the fabric of our state.

When [Marshan Allen](#) was a teenager he received a life without parole sentence for felony-murder. Marshan stole a car at his older brothers request after two men robbed the brother of drugs. In an attempt to get the stolen product back, two of the brothers friends approached, and eventually shot and killed the other men. Marshan didn't pull the trigger. He hadn't planned to kill anyone. He was just 15 years old. But for the Courts *Miller* decision, Marshan, now Restore Justices Policy Director, would still be incarcerated. **Illinois has one of the broadest [felony-murder statutes](#) in the country.** Its one example of how we've clung to extreme sentences that destroy young lives and rip apart families and communities. In addition to **reforming the felony-murder statute**, here are other steps Illinois should take:

Illinois should ensure people who are incarcerated have opportunities to demonstrate rehabilitation and work toward an earlier release. Restricting inmates ability to earn sentence reductions or parole teaches them especially those who enter prison as children or young adults that the system believes them to be beyond reform. Here are policies that would ensure people who pose no threat to their communities are able to go home:

We need to provide relief to those already impacted by outdated laws. Illinois could allow **people who were under 18 and received mandatory gun enhancements the opportunity to be resentenced**, as those enhancements were made discretionary in 2017.

Here are examples of how other states have addressed retroactivity in efforts to reduce prison populations:

Research shows harsh prison conditions do not reduce recidivism and can actually have the opposite effect. Most people who are incarcerated will eventually be released, and society is best served when time behind bars prepares people to live responsibly once released. Here are ways Illinois could improve prison conditions:

Its important for the IDOC to ensure visits are possible. Visits are [key to good behavior](#), rehabilitation, re-entry, and family stability (Prison Policy Initiative, 2015; the Minnesota Department of Corrections, 2011; Karen De Claire and Louise Dixon, 2011).

But, these visits are difficult. Nearly two out of every three families with an incarcerated member are [unable to meet their familys basic needs](#), according to an Ella Baker Center for Human Rights study. Still, moms and dads, sons and daughters, brothers and sisters, and aunts and uncles drive hundreds of miles and spend hundreds of dollars to make these visits happen.

We need to ensure these families are treated with dignity. Currently, they have little to no redress when they are treated inhumanely in IDOC facilities. Restore Justice recently received an email from a concerned mother who brought her 10-year-old son to visit an incarcerated loved one. Prison staff searched the boy without the mother present, despite state law and her objections. We witnessed firsthand a mother turned away because of inadequate underwear. We watched as an elderly woman became incontinent after waiting too long to be escorted to the bathroom.

Heres how Illinois can support families:

Court and prison data collection, storage, and sharing is flawed and inconsistent throughout Illinois. The lack of accessible data obscures critical information about convictions that could have a profound impact on legislation, prison placement, and re-entry opportunities. We need to be able to review, compare, and understand all aspects of the system in order to decide what works and what needs to be reformed. Illinois should streamline and improve data collection and sharing processes.

Everyone deserves support for rehabilitation and a second chance at life. But, 50 years of harsh sentencing in Illinois has plundered communities of family members, of neighbors, and of people who could be fully contributing to society. We have a rare chance right now to move our state forward. We can right wrongs, release men and women who pose no threat to safety, and advance true fairness. Join Restore Justice in this essential, empowering work for a more compassionate Illinois.

My son was convicted of 1st degree Murder and attempted armed robbery by ACCOUNTABILITY in a cook county circuit court, judge ford sentenced him to 50 years in total to be served at 100%, NO PAROLE. My son was 20 years old and had no weapon.. He has been imprisoned since 2011. We as family members visit as much as possible, the 6 hour trip down state is difficult to do, he has recently transferred to a facility thats only 4 1/2 hours away, still difficult. Over the years of visiting we have been abused by jail guards, disrespected by the guards repeatedly.. I have been issued a written warning informing me that I will loss my visiting privilege, because I spoke up about the childish games of abuse some guards use to intimidate visitors. My son has told me of the same type of tactics guards use on him trying to provoke him into a ticket or write- up resulting in a loss of privileges and possible segregation time. Justice reform is required. Thanks for reading.

Louis, Im sorry about this. Illinois did away with parole in 1978. A few years ago, we reinstated some parole opportunities for people who were under 21. However, we have not yet been able to make this bill retroactive. (We will keep working to create retroactive opportunities). Restore Justice believes strongly in the need to create opportunities for release. Please sign up for our mailing list or follow us on Facebook to stay updated on our efforts.

We also work on family/visiting bills. Right now, SB 2311 would create a statewide point of contact for visitors to call if they are treated unfairly or denied access. If you would like, you can follow the steps of this petition and ask your state representative to vote yes: <https://actionnetwork.org/letters/support-families-visiting-their-incarcerated-loved-ones>

Please let me know if you have any questions. Please stay in touch so we can work together to reform this system!

Thank you, Restore Justice, for articulating and advocating for these crucial steps toward justice. You said it so well There is no reason to continue incarcerating someone who poses no danger. And there is every reason to bring people home and repair our families and communities.

Thank you for being in this movement with us, Shari! Heres to a more compassionate Illinois!

Just a question will this effect people previously sentenced to lwop as young adults

Hi Michael, This effort to abolish life without parole for children and emerging adults was put on hold because of COVID-19. HB 1064 is currently moving in the Illinois Legislature. It passed through the House and is currently in the Senate. The bill would not be retroactive. Restore Justice believes strongly in retroactive reform and will keep pushing for it. I would note, the Illinois Supreme Court is scheduled to hear People v. House tomorrow. This case could (if the IL Supreme Court agrees with the Appellate Court) give emerging adults the chance to get back into court and seek resentencing. We will post updates on the case.

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