

# Restore Justice Foundation

## Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/the-facts-about-illinois-848-not-4000-covid-19-related-early-prison-releases/>

## Public Facing Advocacy Writing

*Update 5/28/20: IDOC has continued small numbers of early releases. We are providing updated early and total release information [here](#).*

4/30/20:

Thank you, Governor JB Pritzker and the Illinois Department of Corrections (IDOC), for [releasing as many as 848 people early](#) during the first eight weeks of this COVID-19 pandemic. (Its possible some of the people included in that figure served their entire sentences.) We analyzed data provided to the public by IDOC, nearly 44 percent of those released were within weeks of their out dates, and another 20 percent were within one or two months of their out dates. Thirty percent were serving time for the lowest level of felonies, Class 4, and an additional 30 percent were serving time for Class 3 felonies, the second lowest level in Illinois criminal code. (Again, some of these people may have served their full sentences.)

In addition to early releases for low-level felonies, Governor Pritzker commuted the sentences of approximately 20 individuals after recommendations from the [Illinois Prisoner Review Board](#) (PRB). Clemency is a rigorous process, and prosecutors and victims families are given the opportunity to challenge each clemency request. Clemency and other early release mechanisms became confused in public discourse this week due to the release of a series of inaccurate stories in local media outlets.

Early releases during this pandemic are critical because of the contagious and widespread nature of the virus. As Governor Pritzker and Illinois Department of Public Health Director Dr. Ngozi Ezike have both noted at their daily press conferences, congregate settings, including correctional facilities, are [uniquely vulnerable to the virus](#). Before COVID-19 struck, Illinois prisons were operating under a [consent decree for providing inadequate healthcare](#), which gives the state even more motivation to reduce facility populations and relieve stress on medical resources.

Recent reports in multiple media outlets across Illinois have erroneously attributed 4,000 IDOC releases to COVID-19. The number seems to be derived from a [list posted on the IDOC website](#) of all releases from March 1 to April 30. Our analysis, along with consistent public statements from IDOC, shows clearly that more than 3,100 of those individuals were released on their anticipated exit date after **serving their entire sentences**. The remaining 848 individuals were released early. Sixty-five percent of these people had fewer than 2 months remaining on their sentences, and many had just weeks remaining. These people were released early through one of the mechanisms that have long been available to IDOC officials who would like to reduce sentences based on behavior or merit. The mechanisms are [Earned Sentence Credit](#) or [Supplemental Sentence Credit](#), both of which allow IDOC to award up to 180 days of credit toward early release; and Meritorious Good Time, a program which was suspended in 2009 but through which people sentenced before its cancellation still receive their previously awarded sentence credits. Some of those released will continue to be supervised by IDOC via [electronic monitoring](#).

Restore Justice analyzed the data made available to the public by IDOC. While we will continue to review the information, here's what we have found thus far about those released through the Earned Sentence Credit, Supplemental Sentence Credit, and Meritorious Good Time programs.

A small number of State Attorneys, state representatives, and news outlets have also made a significant and misleading mistake by conflating clemency, a process in which the governor can commute a person's sentence or issue a pardon, with other forms of early release. To the best of our knowledge, only 20 people have received clemency from Governor Pritzker, and all of those had their sentences commuted (meaning the Governor did not issue a pardon, but rather amended their sentence to match the time they have already served). The PRB manages the clemency process. An incarcerated person submits an extensive written application, and the PRB then reviews those files, letters, and other documentation. There are always public hearings as part of this process, and victims are notified. Victims and the local prosecutor have the opportunity to challenge a clemency at the hearing or in writing.

This minority of lawmakers and news outlets represent an outsized share of critique of prison releases in both Illinois and the United States. Recall that the **United States incarcerates more citizens per capita than any other nation in the world at any time in history**. In Illinois, more than 36,000 people are confined in our prisons, not including jails, in large part because of ineffective tough on crime legislation dating back to the 1970s and 1990s. Nearly 20 percent of the people currently incarcerated are elderly, and many others are sick and disabled. Outside of clemency, these individuals get little to no opportunity for early release since our state eliminated parole opportunities in 1978 and added sentencing enhancements over decades. While the legislature and recent governors have started to roll back these inhumane, failed policies, the solutions are not applied retroactively, leaving a segment of the prison population to serve a disproportionate number of years behind bars because their offense deems them as violent, their sentences are extreme, and there is no consistent mechanism for release.

While it may seem logical to label people as violent based on the crimes for which they were convicted, our states overly broad accountability and felony-murder laws have placed swathes of violent offender labels on people who didn't commit, didn't plan to

commit, and/or weren't present for the actual violent offenses. We know these laws are often used to hold women responsible for their partner's crimes, just as we know many of the women who've been convicted of murder killed an abusive partner. Furthermore, we sit in the [False Confession Capital](#) of the nation in Cook County. Courts have spent the past decade working in earnest to undo previous decades of wrongful convictions. And, we also know that many of them [were children or young adults](#) when convicted. They've since matured, grown, and changed. Who among us wants to be remembered solely for the worst thing we've ever done? **People who serve extreme sentences beginning in their youth or teen years have [virtually non-existent recidivism rates](#).**

Governor Pritzker has begun the important process of granting clemencies when appropriate, and more notably, has begun a careful process of early release for lower-level offenses using existing legal mechanisms. He should be applauded for reminding all stakeholders in the criminal legal system that those who are incarcerated must be treated with humanity and dignity. We ask him to stay the course; his administration must continue to release people safely, which in turn protects incarcerated people, prison staff, local medical workers, and the communities that house prisons.

During times of uncertainty and fear, we should be able to rely on elected officials and local media outlets to do their best to report and analyze the facts. No one is perfect. But recent distortions and conflation have increased fear, exacerbated uncertainty, and created pressure to change course based on that fear. Governor Pritzker and IDOC did the right thing in sharing detailed information about the releases, including the 3,100 people who served their entire sentences. Members of the media and those with political agendas are reckless in using that transparency to mislead the public. We can and must do better.

*\*The early release list provided by IDOC could include people who served their full sentences.*

I urge the Governor to review more clemency cases from central Illinois. My son Richard had a clemency hearing 1/8/2020. Richard has health issues that may make him more susceptible to transmission of the virus. Richard's health issues are not being addressed by the prison. Richard has taken steps to rehabilitate himself while incarcerated.

[ ] CLICK [ ]

If there were only 962 early releases, what is the spreadsheet with 4205 names on it as being released?

That spreadsheet includes everyone released from an Illinois prison in March or April, including the 3,100+ people who served their entire sentences.

I am currently embarking on a sentence commutation for my cousin Charles Jackson. He is doing a 75 years sentence for attempted murder and armed robbery. With a release date of 2033, we are hoping to give back a decade and get him home. Charles was 28 years old when he went in and is now 55. He has grown and matured in the IDOC and wants nothing more than to raise his grandchildren and have a second chance at life. I pray that the PRB and Governor Pritzker look closely at his case and see that it was not as egregious as the charges listed above to warrant 75 years.

Also, I should mention that I started a petition at <https://www.change.org/A-Life-Line-4-Prison-Elderly> in hopes of gathering support to release not only my cousin Charles Jackson but many of the elderly that have served a significant amount of their sentence. I directed this position to Governor Pritzker and the IL Congress.

My son is sitting on a 11 yr sentence (habitual offender) in which he was shot by Rockford police in 2015. The officer who shot him sealed his entire testimony was thrown out with the judge stating that he knew his testimony was all lies. The police had also beat my son to a state of being unrecognizable in 2008. My son has mental health issues. His sentence is excessive and he also has a marijuana charge that needs to be removed. His case needs to be reviewed and commuted btw. DIXON correctional facility has a horrible habit of withholding his and others medication to point my son calls me crying. On numerous times I had to call down there and talk to the medical personnel and have had situations resolved being his statements were true.

My son is currently serving a 60 year sentence at Menards correctional center. He has been incarcerated for over 10 years. He only had one charge against him as being the shooter and taken to trial as such. He was found not guilty of personally discharging the only fire arm used in the crime, so if he was found not guilty of shooting, who did he shoot at !!but an inconsistent verdict found him not guilty of that crime, but guilty by a theory of accountability. The accountability theory was never mentioned during the course of his trial or evidence or facts supporting it presented. The state failed to meet their burden of proof so therefore I guess they had to find him guilty of something, anything.. To win a conviction! Is this what our justice system is about!

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My son has a 25 year sentence he has been locked up the last ten home invasion in IL is kinda not home invasion he went in house while the guy he was trying to rob was at neighbors not saying that I'm proud of that but he was a kid that messed up no has Covid is there a process he could start to ask for early release

First Name

Last Name

Email address:

Street Address

City

State

ZIP

Country

United States

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