

# Restore Justice Foundation

## Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/summer-2019-inmate-letter/>

### Public Facing Advocacy Writing

July 17, 2019

Dear Friends,

Here is the latest letter compiled by the Restore Justice team. We are grateful for your letters and have taken some time to attempt to answer your questions about legislation and other policy developments below. Please stay in touch!

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#### Legislative Updates

We got a lot of questions about bills from many of you, and we will do our best to share information as we see it today. That said, please remember that we are only experts on the bills we work on! So please know that we do our best but may not have as much information on some bills as we do on others.

As we reported in our April letter, HB531, the youthful parole bill, was signed into law, prospectively offering opportunities for parole opportunities for most people under 21 coming in to the system with long sentences. One of you wrote to us, rightly, that while not legislatively retroactive, some people who are currently incarcerated may still benefit. For example, anyone who is re-sentenced now and was under 21 at the time of their offense could get parole reviews. To draw out the example, the Illinois Supreme Court case *Buffer* may open up *Miller v. Alabama* claims for people under 18 who received sentences of more than 40 years. If those individuals get into court and get new term-of-year sentences, they would most likely be eligible for parole opportunities.

We are continuing to build interest and support among legislators in sponsoring possible expansions of parole, including ideas to implement retroactivity or expand eligibility by age.

HB3214 was a broad (if not completely comprehensive) parole bill filed by Representative Mayfield that did not receive enough support to move through the committee process.

As we noted in the April letter, HB1615 was a bill to amend the felony murder statute which failed to gain enough support to move through committee. We are currently looking into ways to access and collect accurate data to determine who is most affected by the felony-murder rule and how it is being used. This information will be very helpful when a similar bill is re-introduced in the future.

Many asked about HB4828, which was an old legislative vehicle for a retroactivity bill (meaning, a bill that would make positive reforms apply to people currently incarcerated, not just those going forward). That bill number is no longer valid nor is the content as it was part of an old legislative cycle. HB2039 is a current legislative vehicle for broad application of retroactivity that has not yet made it to a floor vote in either chamber (it did get through a House committee). It still has a chance next year. We are also working on a possible retroactivity pathway that could be applied law-by-law; for example, we could craft a proposal to apply retroactivity to the 2015 law that made gun enhancements discretionary for children in adult court, then generate other pieces of legislation on other bills, such as the youthful parole bill. This piecemeal approach would be labor-intensive but may face far fewer challenges from the law enforcement establishment in Springfield. We are continuing to look for any and all pathways to retroactive application of positive reforms.

HB2045 did pass both chambers and was sent to Governor at the end of June; if he signs it, the elimination of the Medical Co-Pay will take effect on 1/1/20!

No. As we reported earlier in the spring, HB1618 would have required each Department of Corrections facility to have at least one telephone for every 10 inmates in their custody, ensuring that Illinois prisoners have access to a phone during their limited dayroom times. The bill did not make it out of committee. We have been working to negotiate an agreed bill based on the Illinois Department of Corrections pledge to ramp up phone installation. We are committed to continuing to press this as a legislative matter if progress is not made in the coming year. I would like to note that it seems IDOC will underspend their 2019 appropriation to fix old and failing telecommunications systems, and that they have budgeted to spend more than \$5 million on replacing old and failing phone systems in 2020.

We deeply admire Bill Ryan and his efforts to create opportunities for release. His work is now represented in HB2400, the Pathways to Community bill, that would create a pilot early-release program for people who have served extreme sentences but have demonstrated rehabilitation. HB2400 did not gain enough support to clear the House floor vote this year. Our understanding is that the effort needs either a handful more Dems to pledge a yes vote and/or a more significant number of Republicans to pledge a yes vote before the sponsor will call the bill. As noted in previous letters, our states Democrats are not unified on criminal justice, and many are not as progressive as those in Cook County, which means that even in a Democratic super-majority state, we still have a difficult time passing progressive reforms.

No. the current vehicle, HB1115 House Floor Amendment 3, may still be in play during a veto session later this year or during next

years session, but it did not make it to the finish line this regular session. If passed and signed, the bill:

*Provides that applications for electronic monitoring or home detention may include parole or mandatory supervised release, but only for individuals who:*

HB0094 did pass both chambers and was sent to the Governor, but it is not yet signed. It is not a repeal. If signed, here is the official summary of the correct bill amendment for your review:

*Provides that the Department of Corrections shall award sentence credit accumulated prior to the effective date of the amendatory Act for participation in full-time substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the Department of Corrections in an amount specified in this provision to an inmate serving a sentence for an offense committed prior to June 19, 1998, if the Department determines that the inmate is entitled to this sentence credit, based upon:*

*Provides that if the inmate can provide documentation that he or she is entitled to sentence credit under this provision in excess of 45 days of participation in those programs, the inmate shall receive 90 days of sentence credit. Provides that if the inmate cannot provide documentation of more than 45 days of participation in those programs, the inmate shall receive 45 days of sentence credit.*

*Provides that in the event of a disagreement between the Department and the inmate as to the amount of credit under this provision accumulated, if the Department provides documented proof of a lesser amount of days of participation in those programs, that proof shall control.*

*Provides that if the Department provides no documentary proof, the inmates proof as set forth in this provision shall control as to the amount of sentence credit provided.*

*Provides that if the inmate has been convicted of a sex offense as defined in the Sex Offender Registration Act, sentencing credits under this provision shall be awarded by the Department only if the inmate successfully completed or is participating in sex offender treatment as defined by the Sex Offender Management Board.*

*Provides that no inmate serving a term of natural life imprisonment shall receive sentence credit under this provision.*

*Provides that sentence credits for specified offenses and purposes do not apply if the prisoner is required to serve 100% of his or her sentence (rather than not applying if the prisoner is serving a sentence for first degree murder or terrorism).*

*Provides that under certain restrictions and exceptions an additional 180 days of sentence credit shall be awarded to any prisoner who obtains a bachelors degree or who obtains a masters or professional degree while the prisoner is committed to the Department of Corrections.*

We are not aware of specific legislation yet, but the Governor did include a 13% increase in resources in the 2020 budget for IDOC education programs; and, the budget includes a new dedicated funding structure for each facility's adult education library.

### **Other Frequently Asked Questions**

We've attached the Executive Order and an article about the JEO Initiative since we do not yet have any real insight as to what they will do. No concrete plans have been announced. We have been in touch with some of the staff there and are encouraged that they are seeking a great deal of input.

No, Restore Justice does not do direct clemency work. However, because of recent political challenges present in passing retroactive legislation, we believe that a more robust and proactive use of executive clemency is necessary. To alleviate the disproportionate impact of harsh sentencing laws enacted in the 90s, Restore Justice plans to submit a proposal to the Governor's Office encouraging it to systematically review groups or categories of individuals for clemency consideration. Generally speaking, most of these individuals would have been convicted and sentenced for offenses committed in the 1990s (and before the effective date of the [Youthful Parole Bill](#)), [including, but not limited to:](#)

We admire Parole Illinois work and share many of the same goals, but they are an independent organization, distinct from Restore Justice. Many of you asked us questions about them that we are not qualified to answer! But, they do share contact information on their Facebook page, and it is: Parole Illinois, PO Box 394, Delaware OH 43015.

Sadly, we have not been able to get any information on this. Tablets were supposed to begin being available at several Correctional Centers at the beginning of June. The manufacturer hit a snag in production so delivery has been delayed. The good news is, yes, they are coming.

We do not have attorneys on staff, nor can we connect individuals with attorneys. There is a new organization called Illinois Prison Project that hopes to screen thousands of cases to identify people that are strong candidates for clemency, then to match those people with lawyers, social workers, and other volunteers throughout the state who file clemency petitions on their behalf. They provide models, templates, and support to our volunteers throughout the clemency process. Their mailing address is P.O. Box 16147, Chicago, Illinois 60616.

We looked into your idea to create a ConnectNetwork account for Restore Justice to communicate via email, and we determined that we do not have the capacity to maintain that form of communication. We have committed ourselves to sending update letters like this one as often as we can, but we do not have the staff or volunteer time to set up and monitor that ConnectNetwork system as it stands for the number of individuals on our mailing list.

Thanks for asking! Most of our actual, day-to-day work falls into three areas: Research, Advocacy, and Outreach.

Some of our work does not fall into these three areas. For example, as Executive Director, Jobi spends much of her time raising funds to pay for things like staff salaries and the costs of renting busses and generating materials for advocacy activities.

We are a non-profit organization. Our staff members are paid salaries based on our ability to raise funds. Board members are volunteers who act as a governing body for the organization:

Our staff members come to the office, report to one another on progress, and are accountable for the work described above (advocacy, outreach, research, fundraising, etc.). Right now, we have a small staff, which includes Jobi Cates, Marshan Allen, Julie Anderson, and Wendell Robinson, along with two brand-new staffers, Alice Swan and Alissa Rivera. These individuals are employed by Restore Justice.

Board members, on the other hand, are volunteers who are charged with helping to guide the organizations strategic direction, to build the organizations influence and profile, to hold staff accountable for meeting goals, and to ensure the organizations finances are being managed properly. We have more than 22 board members, and none of them are paid. This is pretty standard across most non-profit organizations.

Restore Justice advocates for fairness, humanity, and compassion throughout the Illinois criminal justice system, with a primary focus on those affected by extreme sentences imposed on our youth. We create and support policies that allow those who are rehabilitated to go home, and that ensure those incarcerated, their families, and victim families have opportunities for healing and justice. We engage currently and formerly incarcerated individuals and their families, victims and their families, communities and concerned Illinoisans in advocacy and service within the criminal justice system.

Restore Justice believes every human being deserves dignity, including those who have committed serious crimes. We work toward a day when the criminal justice system in Illinois treats every case as an opportunity to heal individuals and communities.

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### **Civics Refresher: More About Bill Numbers and the Life Cycle of a Bill**

As we wrote last time, a bill has to get filed by a legislative sponsor, pass a subject matter committee in the House (usually Judiciary-Criminal for stuff we care about), pass a subject matter committee in the Senate (usually Judiciary for stuff we care about), get 60 of 118 votes in the House, 30 of 59 possible votes in the Senate, and, after any changes are made and concurred across both sides of the legislature, it must be signed by the Governor. Then it is a law. About 8,000 bills get filed each year, and maybe 500 or so become law. Almost none are identical to how they were filed, meaning they were amended during the process.

#### **But what happens to bills that dont make it, bills that die? Can they come back? What happens to the bill numbers?**

Think of any possible new law as an idea. It is just an idea, nothing more, until it gets filed and is assigned a bill number. Then it is a bill, an idea formally being considered by the legislature.

The legislature operates within two-year cycles, and each cycle is numbered. For example, we are now in the first year of the 101st General Assembly, meaning the legislature is assembled for the 101st two-year period in the history of our state. HB531, the Youthful Parole Bill, was passed on one of the final days of the 100th General Assembly, at the end of a two-year cycle.

Bill numbers are only good during the two-year period in which they were introduced.

**For example**, lets pretend we want to file a bill to say the state must provide ice cream for every 5-year-old on their birthday. We find a sponsor and they file it now, in the first year of the 101st General Assembly, 2019, and it is given the number HB001. We work very hard, but the Cookie Manufacturers Association hates the HB001 because they think the Ice Cream Manufacturers are going to get rich while cookies become unpopular. They fight HB001, and for two years, 2019 and 2020, the bill fails. In 2021 the 102nd General Assembly begins, and we want to keep working on our ice cream birthday proposal, but now we cant use the number HB001. We have to start over with a new bill number because we have jumped over into a new General Assembly. Lets imagine the only bill number available is HB022. So now we can take the exact words from HB001 but we need to file them with a new number, and someone else will get HB001.

This may explain why, when you ask a loved one to look up a criminal justice bill for you by the number, they look it up and find something totally unrelated. This may be because you have given them an old bill number to look up, and the proposal you care about may have a new one.

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### **New Restore Justice Interns and Staff!**

**Alissa Rivera** joins us in July as our new Communications Manager. Alissa is currently on the communications team at the Shriver Center on Poverty Law, where she handles digital communications. Her background, however, is as a journalist and editor. Alissa reported on politics as an intern for the Chicago Tribune, and then worked for the State Journal-Register in Springfield, Illinois, the Tampa Tribune, and Tampa Bay area TV stations. Shes worked on investigations related to the criminal justice system and poverty for The Chicago Reporter and CU-Citizen Access. Alissa loves visiting and hiking through new national parks every year.

**Alice Swan** also joins us in July as Office Manager. Alice comes to us from the Princeton Review, where she has been a consulting content developer and project manager for the past 8 years. Prior to Princeton Review (and raising up some small kids), she had built up 7 years of experience in nonprofit administration. She is eager to apply her skillset to a social justice oriented mission.

**Sierra Dana** is our summer intern. Originally from Lombard, Illinois, Sierra is a rising senior undergraduate at Brandeis University

majoring in Politics and Womens, Gender, and Sexuality Studies. She recently completed a research project on women of color and incarceration, which led her to seek an internship in the field of criminal justice reform. She is a competitive soccer player and an overall great team player.

**Wendell Robinson** is RJs first summer apprentice (the apprenticeship is a pilot for an initiative to develop high-level non-profit management skills among people returning home from extreme sentences). Wendell served 25 years in the Illinois Department of Corrections for a conviction at the age of 16. Released in January, 2018, Wendell immediately began to both seek sustainable employment and to engagement in advocacy to help his peers who are still incarcerated. He completed a training and certification program in trucking, and he has been working as a truck driver for the past 6 months. Having attended all of Restore Justices advocacy days since his release, Wendell was a strong candidate for the new apprenticeship.

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

Hi, Friends,

Im full of gratitude for all of your letters, and as usual, Im overwhelmed by the generosity of spirit you each expressed in your own way.

Things here have been looking up. Im really excited about the fact that some of our modest legislative reforms of the past several years have already made their way into Illinois Supreme Court and Appellate Court decisions. In April, in deciding *Illinois v. Buffer*, the Illinois Supreme Court referenced language in legislation developed by Restore Justice to affirm their decision to grant Mr. Buffer a new sentencing hearing. Our work with Representative Barbara Flynn Currie and Senator Don Harmon to pass HB2471 in 2015 defined a life sentence at 40 years, which opened the door for Buffer to request a new sentence.

And in May, an Illinois appellate court cited the recent Youthful Parole Law in their decision to grant Antonio House an opportunity for a new sentence. Mr. House, who was 19 at the time of his crime, would not have been eligible for resentencing under the 2012 US Supreme Court Miller ruling, which only applied directly to those under 18. Among other important factors, the court referenced passage of HB531, the Youthful Parole Bill, as evidence of a shift in the Illinois General Assemblys thinking of youthfulness, allowing them to consider a re-sentencing opportunity for those under 21.

Finally, we were able to hire new staff after our tough run in 2018. It is wonderful to work in an office that has such a mix of experiences and skills.

We are looking forward to making a bigger impact and helping solve some of the awful problems out there.

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**From the Desk of Marshan Allen, Project Manager**

Hi Everyone!

Thanks for your letters!

Next month marks a full year that Ive been working as a Project Manager at Restore Justice. And Ive learned so much about the legislative process. For a person whose prior advocacy experience has been in the judicial branch (as a paralegal and law clerk), it has been a quite different experience learning how to work with legislators. One of the challenges has been the shift from making a purely logical, legal argument thats supported by facts and data to making an argument that, while still logical and supported by facts and data, is more nuanced by political considerations. I cant tell you how many meetings Ive had with legislators last year where they agree that a particular proposal is good policy, but they cant or wont vote for it because of the political environment in Springfield. It is this environment that I am learning to navigate, which has been one of the most fascinating and frustrating aspects of the job.

Here is another frustration that I have encountered. In June, I testified at the sentencing hearing of a young man who was convicted of first-degree murder and attempted first-degree murder when he was 15-years old. His attorney asked if I would testify about the Returning Citizens Network (RCN) that I coordinate at Restore Justice, and how the group and its resources would be available for her client upon his release from IDOC. She also wanted me to talk about how well the other 18 former juvenile lifers in the network are doing since their return to society.

The attorney, who works at the Public Defenders office, did a great job of showing that her client wasnt irreparably incorrigible but, in the end, the judge still sentenced the young man to 35 years imprisonment! It was heart-breaking seeing his familys reaction to the sentence, two of whom approached and thanked me afterward for coming. They had a lot of questions about whats next for their loved one and the chances of him getting out sooner. And then, I realized that Restore Justices work may have made an impact (even a small one) on this mans case: I was happy to tell them about the youthful parole bill that Restore Justice supported last year and how, because of it, their son would be eligible for parole after serving 20 years! And while 20 years is still a very, very long time, at least this young man will now have two opportunities of being released before serving every single day of his 35-year sentence.

This is the part of my job that I love: making a difference! Even if that difference, and the role I played in making it, initially seems quite small.

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

Greetings, we here at Restore Justice are so excited to get this letter out this month (July). We realize that news is sometimes slow

coming in and rumors abound. Our goal is to do the letters quarterly, but we are a small staff and our mailing list has grown (we are very happy that it has). This year we are working on trying to expand our support base outside of Chicago. We hope to expand Restore Justices work to Central and Southern Illinois, along with the counties right outside of the city. Many times we face strong opposition to our legislation and the best way to combat that is to have supporters around the state. We have targeted 5 areas to work on this year, Rockford, Decatur, Belleville, Peoria and Naperville. If you have friends or loved ones in these areas please pass along our contact information, we would love to hear from them.

On another note our annual Family trip to Menard is July 16th, 17th & 18th. Restore Justice is sponsoring the visit for 35 family members to visit their loved ones. The trip originally scheduled for May 7th, 8th & 9th, was postponed because of flooding. The visiting room along with several cell houses flooded. Menard just reopened the visiting room July 8th.

Thank you for all of your letters, we appreciate them, you are what keep us motivated. Even though we cannot answer them individually please know we read every single letter. Once again if you move or are going home please update us. I think of all of you often and I know many, many of you should be home and would make a positive impact on the world. Change comes slowly, together we will continue our mission towards meaningful opportunities for release along with improving prison conditions in Illinois.

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### **From the Desk of Wendell Robinson, Apprentice**

Hello Fellas

Some of you know me, but for those that dont, Im a former JLWOP, I served just over 25yrs.

My sentence was reduced to 51yrs in Jan 2018. I was released two weeks after my resentencing.

Ive been here at RJ for the past 7 weeks. Working here has been so fulfilling, Im awarded an opportunity to give back to the people I spent so many years with. Since I started here Ive taken part in meetings, summits, think tanks or just plain ole calls to

action. And no matter what setting, you guys best interest are the common denominator. Its so many people that genuinely care about you guys cause. If its harsh sentences, living conditions, visits, phones, commissary pricing, healthcare, you name it, they care. I know its only so much you can see from that side, thats why in each of my entries, Ill tell it to you as I see it. Its impossible for me to express how excited I am to embark on this NEW chapter with RJ.

Please believe Im a reflection of the best of you! Until my next entry, Stay focused Fellas!

Wendell

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### **Here is the best way to get in touch:**

Have some loved ones who want information? Or, are you being released?

The BEST way to make sure we receive and process your outreach is via US Mail at PO Box 101099, Chicago, IL 60610, or via email: [admin@restorejustice.org](mailto:admin@restorejustice.org)

Because there are so few of us, we really struggle to keep up with phone calls. We cannot always answer our phones, and often, voice messages are difficult to understand and record accurately. We know this is a frustration for you, and it is for us, too.

If you want to alert us when you are released, please send us a letter or an email.

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Is there anything for class x to get lesser time

Hi Sarey, Only people sentenced before 1998 (when truth in sentencing was enacted) have the possibility of good time sentence reductions.

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