

Who Are WE and What Do WE Do?

We are a coalition of people inside and outside of prison who are working toward a more just and humane legal system. Our first goal is to bring to Illinois a fair, inclusive, and retroactive parole system. Though most people are unaware, discretionary parole was abolished in Illinois in 1978. For the vast majority of the 40,000 people incarcerated in Illinois, the state has no mechanism of early release and no periodic assessment of whether their continued incarceration is necessary for public safety. If nothing changes, the state faces an impending crisis of geriatric prisons, and *thousands* of men and women will die behind bars.

We are building a grassroots movement and working with legislators to promote inclusive parole legislation that will help to shift the focus of the Illinois Department of Corrections (IDOC) from warehousing to rehabilitating people and give every incarcerated person a chance to come home.

Why Was Discretionary Parole Abolished?

Illinois abolished parole for two reasons. First, life-without-parole (LWOP) was sought as a replacement for the death penalty when the United States Supreme Court ruled the death penalty unconstitutional from 1972-1976. The handful of people previously sentenced to death in Illinois were, by default, resentenced to parole-eligible life sentences. For several years, Illinois grappled to find a replacement for the death penalty that would permanently remove people from society. That replacement would be LWOP. The push for this was accompanied by "life means life" rhetoric and the demand that Illinois abandon the policy of providing parole eligibility for lifers after 11 years and 3 months of incarceration. Then, in 1978, legislation passed abolishing parole and implementing LWOP sentences. By that time, however, the death penalty had already been reinstated.

Second, the Parole Board was seen by many as extremely *racist*, with white people being released from prison earlier than black and latinx people. Some people believed that the abolition of discretionary parole (and the Parole Board) and the replacement of discretionary parole with day-for-day good time for everyone would be more just.

Did the Abolition of Discretionary Parole Cure Illinois's Criminal Legal System of Racial Bias?

No! The initial belief was that replacing parole with day-for-day good time would be more just because everyone, regardless of race, would receive the same amount of time off their sentence if they "behaved." The truth, however, is that, just as Illinois had racially biased Parole Board members, Illinois also had, and still has, racially biased prosecutors and judges. This means that the sentences that black and Latinx defendants receive in court are disproportionately longer than sentences handed down to white defendants. Therefore, providing people with the same amount

of good time does not cure those disparities. Especially when, due to numerous changes in sentencing laws, the average time served for most crimes has *doubled or tripled* since then.

For instance, day-for-day good time was short-lived for many. Beginning in 1998, people sentenced for violent crimes no longer received day-for-day good time. Instead, Truth-In-Sentencing now requires them to serve 85% to 100% of their sentence, making them either ineligible to receive any good time or eligible for only a negligible amount of good time.

In addition, the common practice of plea bargaining combined with a racially biased legal system has resulted in many more blacks than whites receiving long-term prison sentences. While blacks comprise only 15% of Illinois' population they make up *68%* of the people sentenced to spend the remainder of their lives in prison.

Thus, the abolishment of discretionary parole has not eliminated racial bias from our legal system. Rather, it only exacerbated the unjust treatment of people of color. In the past, everyone was considered for parole, but minorities had to wait longer for release than whites. Now we have a system where *thousands* of people—a disproportionate number of whom are black—are unjustifiably sentenced to die in prison.

Abolishing parole was not the cure. The cure should have been to: A) make the Parole Board more racially diverse; B) eliminate the factors in parole decisions that are known to be racially biased; and C) work to cure our criminal legal system of racial bias in the charging, plea bargaining, and sentencing stages.

Why Is Everyone in Illinois Confused about Parole?

First, even today, around 100 people are still being considered for parole because they are still serving time for crimes that occurred prior to 1978. These people are commonly known as “C-Numbers” because their prison identification numbers begin with a “C.”

Second, parole is often confused with Mandatory Supervised Release (MSR). Illinois now requires everyone released from prison to spend additional time on MSR. Although MSR is not a form of discretionary release, people on MSR are commonly referred to as being “on parole” because the same infrastructure (parole officers, etc.) is used to monitor both those on MSR and the few remaining C-Numbers who are released. However, in reality, people on MSR were not granted any discretionary release. They completed their entire sentence (whether they were granted good time credits or not) and are now serving several additional years on an intense form of probation known as MSR.

Finally, beginning on June 1, 2019, a small number of people whose crimes occur after that date, or who can get re-sentenced thereafter, and who were under age 21 at the time of the crime, will be eligible for parole after 10 or 20 years (if they were not convicted of murdering a police officer or other excluded categories of crimes, or are not sentenced to life without parole).

Therefore, for the vast majority of people in prison in Illinois—*well over 90%*--there is no discretionary parole system that applies to them.

Why Should We Bring Back Parole for Everyone?

For several reasons:

- **Parole can respond to the impending human crisis of death by incarceration.** Far too many people--*over 5,600 men and women--are sentenced to die in Illinois prisons*. The vast majority of these people will cease to pose any threat to public safety decades before they die.
- **Parole can respond to the impending financial crisis of geriatric prisons.** It is exorbitantly expensive to house the elderly in prison--*\$75,000 per year* for those 65 and older, *compared to \$2,000 per year* to monitor them on parole.
- **Parole can be made fairer.** We now have the ability to design a much less biased parole system by: A) rewriting the qualifications for parole board members to ensure a more educated, racially diverse, and less political make-up; B) requiring the use of a risk-assessment instrument as the primary factor in determining release; and C) requiring the consistent auditing of that instrument for bias.
- **Parole can serve as a safety valve for the wrongly convicted and over-incarcerated.** Parole can minimize the detrimental effects of the overly harsh sentencing laws passed over the past 40 years, our state's lack of a compassionate release law, and the multitude of wrongly convicted people languishing in prison who lack the resources to prove their innocence.
- **Parole can help mend our families and communities.** In a 2016 Alliance for Safety and Justice national poll of crime survivors, 69% of survivors supported alternatives to incarceration, such as mental health treatment and forms of rehabilitation that focus on positive transformation. A fair parole system, combined with educational programs in prison and re-entry programs, would provide incentives to incarcerated individuals to work on positive change; and it would open paths of transformation beyond prison, so that families and communities can heal.

Victims of crime, convicted people, and their families all suffer when people are locked up beyond the needs of public safety. Nearly every other state has some type of mechanism to release long-term incarcerated individuals, who no longer pose a threat to public safety, before the end of their sentence. Illinois does not.

If we want to shift the focus of the IDOC from warehousing to rehabilitating people—and if we want the IDOC to fulfill its constitutional mandate to restore people to useful citizenship—then every incarcerated individual must be provided with a path towards, and standards for, rehabilitation and a return to full citizenship. Parole is an integral part of this process.

What Kind of Parole?

Parole must be focused on public safety.

A fair and effective parole system must use a risk-assessment instrument to evaluate people based on their **present risk to public safety**. Parole decisions must **not** be based on a past (often decades old) crime because this is not an effective way to determine the risk a person poses to public safety. Basing parole decisions on past convictions is particularly misguided and unfair in light of Illinois's history of police corruption, prosecutorial misconduct, and excessively long sentences.

Parole must apply to everyone.

An inclusive parole system would not let everyone out. It would require, however, that every incarcerated person have a rehabilitation plan and an opportunity to demonstrate to a parole board their readiness to rejoin society.

Exempting people from parole eligibility based on the category of crime for which they were convicted is imprudent and unjust for several reasons:

- Many of the people who have been charged for multiple murders and sex crimes (the crime categories typically excluded from reforms) have been found guilty under a theory of **accountability**, or via **the felony murder rule**, both of which extend the realm of legal accountability to people with only indirect connection to an act. In these cases, people charged for “multiple murders” and “sex offenses” did not actually commit those acts.
- As the many recent exonerations demonstrate, false and coerced testimony often leads to wrongful convictions in cases of multiple murders and sex offenses. Parole can serve as a safety valve for these wrongfully convicted people who lack the resources to prove their innocence. While this won't entirely cure the injustice of the wrongful **conviction**, parole can help to reduce the length of the wrongful **incarceration**.
- Categories of crime conviction tell us little about a person's growth in prison and current risk to public safety. In fact, contrary to popular myths about “violent criminals” and “sex offenders,” studies show that people who have been convicted of murder and sex offenses have the lowest recidivism rates.

Thus, Parole Illinois is advocating for a fair and inclusive parole system that, together with educational and re-entry programs, will shift the focus of the IDOC from warehousing to rehabilitating people and will make possible the mending of our families and communities.