SB 3233: FAIR AND INCLUSIVE EARNED DISCRETIONARY RELEASE

Victims of crime, convicted people, and their families all suffer when people are locked up for years beyond the needs of public safety. Nearly every other state has some mechanism to release long-term incarcerated individuals who are ready to rejoin society. Illinois does not. If nothing changes, over 5,000 Illinoians—our mothers, fathers, sons, daughters, friends, and loved ones—will be required to grow old and die in prison. To avert this human and financial crisis and help repair our families and communities, SB 3233 provides a fair and inclusive mechanism for every incarcerated Illinoian to demonstrate their readiness to return home.

SB 3233 provides one crucial response to our state’s impending crisis of geriatric prisons. Studies show that states pay $70,000 a year for each person over 50 in prison.1 Studies also show that recidivism rates drop dramatically as people age. II SB 3233 would provide an outlet for aging incarcerated individuals who no longer pose a risk to public safety.

SB 3233 is integral to mending our families and communities. According to a 2016 Alliance for Safety and Justice national poll, 69% of crime-survivors supported alternatives to incarceration, such as mental-health treatment and rehabilitation that focus on positive transformation. III Crime-survivors, people convicted of crime, and their families all benefit from such positive transformation and the healthy return of individuals to their families and communitiesIV. When joined with re-entry services, SB 3233 can help restore people to useful citizenship and help families and communities to mend.

SB 3233 is integral to shifting the Illinois Department of Corrections focus from warehousing to rehabilitating people. SB 3233 guards against decades of costly and senseless over-incarceration by requiring that every incarcerated person receive a risk assessment. It also gives every incarcerated person the right to engage in rehabilitative programming. It also thereby motivates incarcerated individuals to prepare themselves for productive citizenship.

SB 3233 provides a safety valve for the wrongly convicted who lack the resources to prove their innocence. Faulty eyewitness testimony, coerced statements, and other official misconduct by police and prosecutors regularly lead to wrongful convictions. V Experts believe that the numerous recent exonerations represent only the tip of the iceberg of people who have been wrongfully convicted. VI SB 3233 serves as a safety valve for people who have been wrongly convicted, but who lack the resources to prove their innocence.

SB 3233 affirms the power of transformation and redemption. Many incarcerated men and women have worked hard to improve their lives. Thus, it makes no moral or practical sense to define people indefinitely by a past crime conviction, which could have occurred decades earlier. Instead, SB 3233 evaluates incarcerated individuals in terms of who they are now and their current readiness to return to rejoin society.
SB 3233 is a measured response to over-incarceration. SB 3233 would not let everyone out. It would ensure, however, that our loved ones would not be locked up and forgotten about without at least having the opportunity (after a reasonable period of incarceration) to demonstrate their readiness to rejoin society.

SB 3233 is inclusive. If we want to shift from warehousing to rehabilitating people—and to have the IDOC fulfill its constitutional mandate to restore people to useful citizenship—then every incarcerated person must be provided with a path and standards for rehabilitation. No person should be warehoused and forgotten about forever, simply because of the category of crime for which they were convicted.

- Categories of crime conviction are misleading. Many people who have been convicted under the crime-category of multiple murders or sex crimes (the crime-categories that are typically excluded from reforms) have been convicted under a theory of accountability: a theory that extends legal accountability to people who were only indirectly involved in an act. Thus, many people who have been charged under the categories of murder or sex-offense did not actually commit those crimes.

- Categories of crime conviction include the wrongfully convicted. As many of the recent exonerations have demonstrated, faulty and coerced testimony have led to many wrongful convictions for murders and sex offenses—precisely the categories that are often excluded from reforms. An EDR “safety valve” for the wrongfully convicted is particularly necessary for people convicted under these categories of crime.

- Categories of crime conviction tell us little about a person’s growth in prison. Contrary to popular myths about “violent-offenders” and “sex-offenders,” studies show that people who have been convicted of murder and sex-offenses have the lowest recidivism rates. vii

---