



Criminal Justice Reform Consensus Questions

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1. Investing in Communities to reduce crime and violence

Existing Position: none

Consensus Question:

To reduce crime and violence, should there be investment in underserved and/or impoverished communities?

PRO:

When the Illinois State Commission on Criminal Justice and Sentencing Reform began its work in 2015, it was faced with the fact that nearly half of all prisoners released from prison and returning to their communities would be re-incarcerated within three years. [Final Report of CJSR](#), P. 9

The first recommendation from the Illinois State Commission on Criminal Justice and Sentencing Reform is “Increase rehabilitative service and treatment capacity in high-need communities. Give the highest priority to behavioral health/trauma services, housing, and work force development with transportation support.” ([Final Report of CJSR](#), p. 18)

And, of course, these services are needed by those convicted but not sent to prison:

“Every type of community supervision—probation and parole, problem solving courts, the Adult Redeploy Illinois program—depends on the availability of service providers who can provide the programming that reduces recidivism.” ([Final Report of CJSR](#), p. 19.)

Beyond preventing further involvement in the criminal justice system, it should be a goal to enable people to escape any involvement in the criminal justice system. Research and leaders are now beginning to acknowledge the connection between underserved communities, violence, and the critical need for investment.

In January of 2017, in the **Chicago Reader**, (at the time state senator) Kwame Raoul made [the connection between investment, poverty, and violence](#): “We must invest in these communities to eradicate poverty, and in eradicating poverty, we will eradicate violence.” And yet, the author noted that the policies that are pursued lead in the opposite direction.

[The Fracturing of Gangs and Violence in Chicago: A Research-Based Reorientation of Violence Prevention and Intervention Policy](#) published in January of 2019 by Great Cities Institute University of Illinois at Chicago had as one of its four conclusions: Anti-violence policy needs to de-emphasize gangs and instead emphasize mediation of interpersonal conflict and conflict resolution among youth, as well as neighborhood economic development. (p.2)

In a three part series in **Crains Chicago Business**, Arthur J. Lurigio, professor of psychology and of criminal justice and criminology at Loyola University Chicago, and Dr. Sidney H. Weissman , clinical professor of psychiatry and behavioral sciences at Northwestern University's Feinberg School of Medicine write in [Part One](#):

“For 50 or more years, the most gang- infested and violent neighborhoods in Chicago have remained isolated, destitute and neglected. Instead, the city has opted to invest more in already prosperous communities—especially the South Loop and now the West Loop, which are expanding with new real estate developments and well-heeled residents. Meanwhile, North Lawndale, Garfield Park, New City, Englewood and other poor neighborhoods continue the downward spiral of deterioration and decay.”

They observe in [Part 3](#):

“Race is the elephant in the room. Violence-plagued communities emerged out of a matrix of racial discrimination and segregation interwoven into the fabric of life in Chicago. Decades of statistics and daily news reports have shown that people of color, and mostly blacks, are affected disproportionately by Chicago's violence. A closer look reveals that color is inextricably tied to socioeconomic status, which is inextricably tied to crime and violence everywhere in the United States. Poverty overwhelms the internal (psychological) and external (sociological) experiences of its sufferers, leading to rage, despair, and fatalism, especially when it is unrelenting and deeply embedded in the streets of Chicago's neighborhoods and the psyche of its residents. . . .Over the long term, economic reinvestment will take tremendous political will and a reprioritization of the city's economic ventures.”

Investment must come not only from the public sector, but also from the private sector. Private sector leaders are beginning to pay more attention to the connection between violence and underserved communities. [JPMorgan Chase plans to invest \\$40 million](#) “in Chicago's historically underserved South and West sides in an effort to tackle the city's poverty and violence through economic growth.”

[A co-founder of developer Sterling Bay and a former senior economic adviser to President Barack Obama](#) have teamed up to raise \$1 billion to invest in the poorest areas of Chicago and other cities. [Starbucks is investing \\$10 million](#) to finance more than 500 loans for small businesses and nonprofits.

Investment does not have to wait for big donors to come forward. **In an Op-Ed entitled [Community investment, not punishment, is key to reducing violence](#)** Patrick Sharkey, a professor and chair of sociology at New York University writes:

“In recent years, rigorous evaluations of several types of community-oriented programs have shown that summer jobs programs and initiatives to clean up abandoned lots have had tremendous success in reducing violent crime. In Chicago, youth who were randomly assigned to take part in a program called Becoming a Man, which combined after-school sports programs and cognitive behavioral therapy, were half as likely as those who did not take part to be arrested for a violent crime.”

Although this rationale focuses on Chicago, it could equally apply to other areas of our state in which impoverished neighborhoods lack the resources that all its residents need to thrive.

CON:

Private companies will not invest in poverty areas because there is no effective demand for their products and services and it is too dangerous to do so.

Resources:

Illinois State Commission on Criminal Justice and Sentencing Reform [Final Report](http://www.icjia.org/cjreform2015/index.html)
<http://www.icjia.org/cjreform2015/index.html>

[the connection between investment, poverty, and violence](https://www.chicagoreader.com/chicago/gun-violence-economics-tifs-2016/Content?oid=2491093): “The economic causes of Chicago’s violence,” **The Reader**, January 3, 2017
<https://www.chicagoreader.com/chicago/gun-violence-economics-tifs-2016/Content?oid=2491093>

[The Fracturing of Gangs and Violence in Chicago: A Research-Based Reorientation of Violence Prevention and Intervention Policy](https://greatcities.uic.edu/wp-content/uploads/2019/01/The_Fracturing_of_Gangs_and_Violence_in_Chicago.pdf), January, 2019, Great Cities Institute University of Illinois at Chicago
https://greatcities.uic.edu/wp-content/uploads/2019/01/The_Fracturing_of_Gangs_and_Violence_in_Chicago.pdf

[Part One](https://www.chicagobusiness.com/article/20170519/ISSUE07/170519818/psychology-of-gun-violence-in-chicago-neighborhoods): “Why so many young Chicago men pull the trigger,” **Crain’s Chicago Business**, May 19, 2017
<https://www.chicagobusiness.com/article/20170519/ISSUE07/170519818/psychology-of-gun-violence-in-chicago-neighborhoods>

[Part 3](https://www.chicagobusiness.com/article/20170524/OPINION/170529987/chicago-gun-violence-brain-science-and-public-health-crain-s-psychology-series): “When it comes to battling gun violence, these little things can make a big difference,” **Crain’s Chicago Business**, May 24, 2017
<https://www.chicagobusiness.com/article/20170524/OPINION/170529987/chicago-gun-violence-brain-science-and-public-health-crain-s-psychology-series>

[JPMorgan Chase plans to invest \\$40 million](https://www.chicagotribune.com/business/ct-jpmorgan-chase-40-million-chicago-investment-0914-biz-20170913-story.html), “JPMorgan Chase's \$40 million investment in Chicago seeks to fight poverty through economic growth” **Chicago Tribune**, September 14, 2017
<https://www.chicagotribune.com/business/ct-jpmorgan-chase-40-million-chicago-investment-0914-biz-20170913-story.html>

[A co-founder of developer Sterling Bay and a former senior economic adviser to President Barack Obama](https://www.chicagotribune.com/columns/ryan-ori/ct-biz-opportunity-zones-chicago-ryan-ori-20190401-story.html), “Chicago's poorest neighborhoods may be transformed by billions invested in 135 ‘opportunity zones’” **Chicago Tribune**, April 4, 2019
<https://www.chicagotribune.com/columns/ryan-ori/ct-biz-opportunity-zones-chicago-ryan-ori-20190401-story.html>

[Starbucks is investing \\$10 million](https://www.chicagobusiness.com/nonprofits-philanthropy/starbucks-investing-10-million-boost-small-business), **Crain's Chicago Business**, October 29, 2019,
<https://www.chicagobusiness.com/nonprofits-philanthropy/starbucks-investing-10-million-boost-small-business>

[Community investment, not punishment, is key to reducing violence](https://www.latimes.com/opinion/op-ed/la-oe-sharkey-violence-community-investment-20180125-story.html)

Op-Ed: "Community investment, not punishment, is key to reducing violence" by Patrick Sharkey, **Los Angeles Times**, January 25, 2018

<https://www.latimes.com/opinion/op-ed/la-oe-sharkey-violence-community-investment-20180125-story.html>

2. Bias In The Criminal Justice System

Existing position: NONE

Consensus Question:

Should there be periodic training for individuals working in the criminal justice system to recognize implicit racial and ethnic bias in order to more adequately work toward the goal of equal treatment under the law?

PRO:

The 5th recommendation of the [Illinois State Commission on Criminal Justice and Sentencing Reform](#) states: "Require periodic training on recognizing implicit racial and ethnic bias for individuals working in the criminal justice system, including but not limited to law enforcement officers, prosecutors, public defenders, probation officers, judges, and correctional staff."

The Commission's rationale for its recommendation is found on pages 30 and 31. Because our criminal justice system is predicated on the importance of equal treatment under the law, it is imperative that the significant racial disparities that exist in the justice system be addressed.

Also see The Ohio State University's Kirwin Institute for the Study of Race and Ethnicity report: [Understanding Implicit Bias](#)

From The Ohio State University report:

Implicit bias refers to the "attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner."

"A Few Key Characteristics of Implicit Biases

- Implicit biases are pervasive. Everyone possesses them, even people with avowed commitments to impartiality such as judges.
- Implicit and explicit biases are related but distinct mental constructs. They are not mutually exclusive and may even reinforce each other.
- The implicit associations we hold do not necessarily align with our declared beliefs or even reflect stances we would explicitly endorse.

- We generally tend to hold implicit biases that favor our own ingroup, though research has shown that we can still hold implicit biases against our ingroup.
- Implicit biases are malleable. Our brains are incredibly complex, and the implicit associations that we have formed can be gradually unlearned through a variety of debiasing techniques.”

Because implicit bias can be addressed and changed, this training should be made available as widely as possible to ensure that equal treatment under the law becomes a more achievable goal.

Con:

Broad-based training detracts from the work that employees are hired to do. This training is sometimes ineffective and therefore not worth the expense.

RESOURCES

[Illinois State Commission on Criminal Justice and Sentencing Reform
http://www.icjia.org/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf](http://www.icjia.org/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf)

The Ohio State University’s Kirwin Institute for the Study of Race and Ethnicity report:
[Understanding Implicit Bias http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/](http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/)

3. Gender-Responsive Approach for All Offenders

Consensus Question:

Should a Gender-Responsive Approach be used for all offenders with the goal of equitable and appropriate treatment?

PRO:

We had originally intended to focus on the needs of incarcerated women, taking our cue from the Illinois State Commission on Criminal Justice and Sentencing Reform which in its fourth recommendation called for a Gender-Responsive Approach for Female Offenders. However, other populations also have special needs and concerns, for example, transgender people. Our rationale focuses on these two populations, but our consensus question is broad in order to include any and all populations with special needs and concerns.

The [Final Report of CJSR](#) states that there are more than 2,500 females in IDOC but that they have “a different profile than male prisoners, and present distinct challenges and opportunities.” For example:

- More women than men are in prison for a Class 3 or Class 4 (less serious) felony: 31% vs. 20%;
- Females are more likely to have been convicted of drug crimes: 30% v. 18%;
- Females are much less likely to have been convicted of sex crimes (3% vs. 13%;

- Females have a much lower recidivism rate: on average 1 in 3 released women will return to prison within 3 years vs. the recidivism rate of roughly 50% for all inmates (p. 28.)

The urgency of treating women differently is further informed by the fact that 80% of all incarcerated women are mothers, and 65% of these children are minors.

The Commission’s Recommendation 4 (pp. 28-29) calls for a Gender-Responsive Approach for Female Offenders. This approach would have four components:

- Implement a gender-responsive risk assessment tool.** Such a tool would assist in determining the appropriate treatment of female offenders and would surely increase the opportunities for diversion from incarceration.
- Implement the Women Offender Case Management Model or similar evidence-based gender-responsive model.** An evidence-based gender-responsive model would require that “IDOC parole and community provider staff be trained in evidence-based case management programming that is both gender responsive and trauma informed.”
- Adopt model disciplinary policies tailored to female inmates.** Such policies would reduce disciplinary infractions that lengthen prison terms due to the loss of sentencing credits.
- Implement gender-responsive, trauma-informed treatment programs.**

Such programs that are based on best practices will assist women in gaining the needed rehabilitation and support they need for successful return to society.

In recent years, an effort has been mounted to reduce the numbers of women in prison in Illinois. The [Women's Justice Institute](#) was founded in Chicago in 2015 by Deanne Benos, a former state corrections official and now director of WJI, and a national prison reform expert Alyssa Benedict a partner on the [National Resource Center on Justice-Involved Women](#), funded by the U.S. Department of Justice. [The WJI website gives detail to these facts:](#) Justice involved women:

- have disproportionate histories of abuse and trauma
- have higher rates of mental illness
- have disproportionate involvement in IDOC (women of color)
- have higher rates of substance abuse and drug crime
- are more likely to be the custodial parent of their children
- have higher rates of poverty and unemployment
- have greater risks and challenges in securing safe, stable housing

The National Resource Center on Justice-Involved Women provides a more detailed [Fact Sheet on Justice Involved Women in 2016](#)

In July of 2018, the WJI launched the [Women's Justice Institute's statewide task force to halve the female prison population within seven years.](#)

The 100-member Task Force includes former inmates, corrections officials, judges and prosecutors.

Illustrating the work of the task force is this report from a task force meeting in McLean County [a task force meeting in McLean County](#) .

Another organization, [Illinois Birth Justice](#), is dedicated to supporting incarcerated pregnant women and new mothers before, during, and after birth to build positive futures for themselves and their families.

Another vulnerable population in prison is the transgender population. Violence against transgender people tends to be worse in places that are separated by sex such as prison. Incarcerated transgender people are usually housed according to the sex assigned at birth, instead of by gender identity. This policy makes transgender people more vulnerable to harassment or attack by staff and/or fellow incarcerated people. U.S. prison officials also block access to transition-related health care such as hormone therapy or sex reassignment surgery, even when it's prescribed as medically necessary by a doctor.

The Report of the [2015 U.S. Transgender Survey](#) (see pp. 191ff) offered these statistics based on those respondents who had been incarcerated:

- Respondents who were incarcerated were five to six times more likely than the general incarcerated population to be sexually assaulted by facility staff, and nine to ten times more likely to be sexually assaulted by another inmate.
- In the past year, more than one-third (37%) of respondents who had been taking hormones before being incarcerated were prohibited from taking those hormones while in jail, prison, or juvenile detention.

The [Prison Rape Elimination Act](#) (PREA) was passed unanimously by Congress in 2003 and was designed for all jail and prison populations. The standards for preventing, detecting and reporting prison rape, however, were not established until 2012.

[The Prison Rape Elimination Act \(PREA\) standards](#) include these protections:

- **Screening and classification** to make appropriate, individualized decisions about an individual's security classification and housing placement.
- **Housing transgender people** Decisions about where a transgender person, or a person with an intersex condition, is housed must be made on a case-by-case basis.
- **Protective custody** Facilities too often respond to the problem of abuse by placing survivors and those most at risk in isolation. The Standards restrict such uses of "protective custody" by requiring that all available alternatives be assessed before placing an inmate involuntarily in segregated housing.
- **Segregated LGBT pods or units** In some facilities, gay, lesbian, bisexual, or transgender individuals are housed in separate units.
- **Staff training** All facilities must train staff on a variety of issues related to sexual abuse prevention, including interacting professionally with LGBT and gender nonconforming people and those with intersex conditions.

[In the courts, incarcerated people have found recourse](#) since the 1994 Supreme Court decision *Farmer v. Brennan*, which provides precedent for transgender people to argue that the

failure to protect them from sexual abuse and other violence, and the failure to provide transition-related health care is cruel and unusual punishment in violation of the Eighth Amendment of the U.S. Constitution. President Barack Obama’s administration found that the Affordable Care Act’s anti-discrimination section protects transgender people seeking health care services. However, in May, 2019, the [Trump administration moves to revoke transgender health protection](#): the Health and Human Services Department released a proposed regulation that in effect says “gender identity” is not protected under federal laws that prohibit sex discrimination in health care. Nevertheless, according to Louise Melling, deputy legal director with the American Civil Liberties Union, courts have been clear for decades that prohibitions on sex discrimination encompass discrimination against transgender individuals.”

The Illinois Department of Corrections (IDOC) is currently embroiled in a series of pending lawsuits. In January of 2018, a [class-action claim](#) was brought by six transgender women contending they received inadequate medical treatment while in prison. This case, [Monroe v Baldwin](#) is ongoing.

[A second case](#) involved Strawberry Hampton who by July, 2018 had filed four lawsuits against IDOC and had been incarcerated in four different men’s prisons where she endured abuse from both staff and inmates. On November 7, 2018, [Nancy J. Rosenstengel, United States District Judge ruled](#) that the IDOC:

- (1) train all correctional staff on transgender issues; (2) allow Hampton to attend the transgender support group while she is in segregation; and (3) ensure the Transgender Care Review Committee considers all evidence for and against transferring Hampton to a women’s facility. She did not allow Hampton to move from segregation.

In December 2018, Ms. Hampton was transferred from Dixon Correctional Center to Logan Correctional Center, a women’s facility. Her case is the second case in the country in which a federal court has recognized that a prison’s decision to mis-assign transgender people is a form of unlawful discrimination. She was released from custody on July 8, 2019.

[Hampton’s case raises grave concerns about Illinois’ compliance with PREA](#) which requires prisons to place trans inmates on a case-by-case basis with safety as a top priority. According to Judge Rosenstengel’s order, all IDOC prisoners are housed based on their genitalia. PREA mandates that placement decisions cannot be made solely based on anatomy. An IDOC spokesperson said that IDOC has placed trans women in female facilities before, but did not respond to a question about how many. She further asserted that the IDOC “maintains 100% compliance with the national standards of the Prison Rape Elimination Act as determined by certified independent privately contracted auditors.”

In October of 2019, [injusticewatch.org](#) reported that at least 25 [IDOC prison guards mocked transgender inmates in two private Facebook groups](#).

Participants in the online conversations included low-level officers, sergeants, lieutenants, and other correctional personnel from across the state. In addition to demeaning transgender inmates, personal and medical information was disclosed. In an emailed statement, Illinois Department of Corrections Acting Director Rob Jeffreys said the department is “firmly

dedicated to fostering a culture of tolerance, inclusion, and respect in our correctional facilities.” IDOC had recently instituted mandatory staff training on implicit bias and transgender care. The training, which began in July, is a two-hour program which all 12,000 employees will receive.

It would seem that more rigorous screening and training of all IDOC personnel is needed to achieve the culture of tolerance, inclusion, and respect to which Acting Director Jeffrey claims that IDOC is firmly dedicated.

CON:

Some inmates would object to transgendered people being transferred to their prison. There is a safety issue and cost issue in accommodating transgendered people.

Resources: Links above are to these websites:

[Final Report of CJSR](http://www.icjia.org/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf) http://www.icjia.org/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf

[Women's Justice Institute](https://womensjustice.net) <https://womensjustice.net>

[National Resource Center on Justice-Involved Women](https://cjinvolvedwomen.org/) <https://cjinvolvedwomen.org/>

[The WJI website gives detail to these facts](https://womensjustice.net/the-facts) <https://womensjustice.net/the-facts>

[Fact Sheet on Justice Involved Women in 2016](https://cjinvolvedwomen.org/wp-content/uploads/2016/06/Fact-Sheet.pdf) <https://cjinvolvedwomen.org/wp-content/uploads/2016/06/Fact-Sheet.pdf>

[Women's Justice Institute's statewide task force to halve the female prison population within seven years.](https://www.pantagraph.com/news/state-and-regional/illinois/new-task-force-aims-to-halve-female-prison-population/article_559b6c85-10bc-5dc8-ad44-3c64aa3fc312.html) https://www.pantagraph.com/news/state-and-regional/illinois/new-task-force-aims-to-halve-female-prison-population/article_559b6c85-10bc-5dc8-ad44-3c64aa3fc312.html

[a task force meeting in McLean County](https://week.com/news/top-stories/2019/06/05/task-force-wants-to-reduce-womens-prison-population-by-50/) <https://week.com/news/top-stories/2019/06/05/task-force-wants-to-reduce-womens-prison-population-by-50/>

[Illinois Birth Justice](https://www.illinoisbirthjustice.org/) <https://www.illinoisbirthjustice.org/>

2015 U.S. Transgender Survey, National Center for Transgender Equality, The Report of the 2015 US Transgender Survey, <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

[Prison Rape Elimination Act, PUBLIC LAW 108–79—SEPT. 4, 2003 PRISON RAPE ELIMINATION ACT OF 2003,](https://www.govinfo.gov/content/pkg/PLAW-108publ79/pdf/PLAW-108publ79.pdf) <https://www.govinfo.gov/content/pkg/PLAW-108publ79/pdf/PLAW-108publ79.pdf>

[The Prison Rape Elimination Act \(PREA\) standards,](https://transequality.org/issues/resources/lgbt-people-and-prison-rape-elimination-act) National Center for Transgender Equality, July 1, 2012, <https://transequality.org/issues/resources/lgbt-people-and-prison-rape-elimination-act>

[In the courts, incarcerated people have found recourse](https://www.lambdalegal.org/know-your-rights/article/trans-incarcerated-people), Lambdalegal.org, Know Your Rights, <https://www.lambdalegal.org/know-your-rights/article/trans-incarcerated-people>

[Trump administration moves to revoke transgender health protection](https://www.pbs.org/newshour/health/trump-administration-moves-to-revoke-transgender-health-protection), PBS Newshour, May 24, 2019, **Trump administration moves to revoke transgender health protection**, <https://www.pbs.org/newshour/health/trump-administration-moves-to-revoke-transgender-health-protection>

class-action claim, Case No. 3:18-cv-156, **Monroe v. Rauner**, https://www.aclu-il.org/sites/default/files/field_documents/complaint_1.31.18.pdf

[Monroe v Baldwin](https://www.aclu-il.org/en/cases/monroe-v-baldwin), ACLU Illinois, **Monroe v. Baldwin**, <https://www.aclu-il.org/en/cases/monroe-v-baldwin> [this is the same case as Monroe v. Rauner]

[A second case](https://www.intomore.com/impact/trans-inmate-sues-illinois-for-fourth-time-alleging-extreme-abuse), Intomore.com, July 24, 2018, **Trans Inmate Sues Illinois for Fourth Time Alleging Extreme Abuse**, <https://www.intomore.com/impact/trans-inmate-sues-illinois-for-fourth-time-alleging-extreme-abuse>

[Nancy J. Rosenstengel, United States District Judge ruled](https://www.uplcchicago.org/file_download/inline/25b054b7-e83c-4430-a829-8c08e3e3922e), **Hampton v Baldwin**, https://www.uplcchicago.org/file_download/inline/25b054b7-e83c-4430-a829-8c08e3e3922e

[Hampton's case raises grave concerns about Illinois' compliance with PREA](https://www.intomore.com/impact/judge-slams-illinois-department-of-corrections-over-trans-prison-abuse-case), Intomore.com, November 9, 2018, **Judge Slams Illinois Department of Corrections Over Trans Prison Abuse Case** <https://www.intomore.com/impact/judge-slams-illinois-department-of-corrections-over-trans-prison-abuse-case>

[IDOC prison guards mocked transgender inmates in two private Facebook groups](https://www.injusticewatch.org/news/2019/prison-guards-mocked-transgender-inmates-in-two-private-facebook-groups/), Injustice Watch, October 17, 2019, **Prison guards mocked transgender inmates in two private Facebook groups** <https://www.injusticewatch.org/news/2019/prison-guards-mocked-transgender-inmates-in-two-private-facebook-groups/>

4. Data Collection and Transparency

LWVIL Position: None

Consensus Question:

Are efficient data collection, data sharing, and transparency critical in an impartial and unbiased criminal justice system?

PRO:

Measurement is essential in order to know whether desired results are achieved, and to help identify and share best practices. Openly sharing data supports the interests of all stakeholders, including those within the criminal justice system, state and local officials, and when appropriate the general public.

Recommendation 6 of The Illinois State Commission on Criminal Justice and Sentencing Reform calls for the improvement and expansion of data collection, integration, and sharing:

“Illinois is a national leader in information technology expenditures, but lags far behind in ensuring that information is shared quickly and effectively among agencies and across State and local jurisdictions. Even when data are shared, the use of different platforms and technology can frustrate efforts to provide a single source of information. Data should be gathered and entered once, and then made available to those who need it; currently, data are often entered multiple times by multiple actors with multiple chances for error. The result is that policymakers, researchers, and other actors within the criminal justice system frequently do not have ready access to the information they need to make informed decisions.

“The Commission recommends the creation of the Illinois Data Exchange Coordinating Council which would...establish the platform, authority, and accountability that will allow the creation of a statewide information-sharing environment.” ([Final Report of CJSR](#), p. 32)

In addition, the Commission’s Recommendation 7 recognizes the need to “collect and report data on race and ethnicity at every point in the criminal justice system to allow a systematic assessment of disproportionate minority impact.”

([Final Report of CJSR](#), p. 34)

When reliable data are shared, the results are mutually beneficial for both the State and the local jurisdictions. Analysis of reliable data can identify procedures and practices on all levels that are more likely to achieve desired outcomes and those that are not helpful or that are even harmful and should be eliminated. Best practices and evidence-based practices and procedures emerge from the analysis of reliable data.

Con:

Jurisdictions throughout Illinois operate on different computer platforms: operating systems, hardware, and software. To enable them all to communicate with one another would be a major expenditure of time and money. This then could also involve privacy and security issues, with data shared inappropriately—e.g. social security numbers

Resource:

[Final Report of CJSR](http://www.icjia.org/cjreform2015/index.html) <http://www.icjia.org/cjreform2015/index.html>

5. Criminal Justice Coordinating Councils

Existing Position: None

Consensus Questions:

5a. Should Criminal Justice Coordinating Councils (CJCCs) be created throughout the state?

PRO:

“Most states, including Illinois, operate criminal justice systems at the county level and with little coordination between them. Illinois’ 102 counties and 24 judicial circuits have unique issues and needs with varying resources and support. Each department of the criminal justice system, from police to parole, is individually funded with impact and success defined within the narrow scope of each organization. Criminal justice coordinating councils (CJCCs) offer a way for these agencies to collaboratively address county criminal justice issues.” [Collaboration in Criminal Justice](#)

Con:

All justice is local, including elected mayors, community boards and sheriffs. Communities do not want increased mandates from the state that are not funded and the local community cannot pay for it.

5b. Should CJCCs include a wide representation from local justice systems agencies, other government bodies, service providers, and the community?

Pro:

In 2017, the Illinois Criminal Justice Information Authority (ICJIA) awarded five counties -Lake, McHenry, McLean, Winnebago and St.Clair Counties technical assistance grants to establish CJCCs.

One of the first CJCCs was started in McLean County in central Illinois, in 2011, to address chronic overcrowding at the county jail. McLean ranked highest in the state of the 20 largest counties in the number of drug defendants sent to state prisons. Through the CJCC, the county sheriff worked to put more emphasis on the release of low-level offenders at bond hearings. There was increased participation in pre-trial release programs and reform measures. “By 2015, as jail usage began to tip significantly towards serious felony defendants, the total bed days for low-level felonies and misdemeanors - a measurement of overnight stays - were down an average of about 30 percent compared with 2007.” [Justice Success Story](#)

CJCC membership varies based on county size, though most generally consists of elected and/or appointed local justice agency directors, others with a vested interest in local government, and community members.

These may include substance use and mental health treatment providers; victim’s advocates; those offering housing resources; workforce training or educational assistance; veteran’s advocates; members of faith-based groups; offender rights group representatives; and former offenders. To be effective, CJCCs need consistent engagement from its members. Since many CJCCs form in response to an ad hoc need, after the urgency of a problem wanes, some members may become less engaged. CJCCs include an executive committee, and some CJCCs establish subcommittees to cover special topics or issues that arise. [Collaboration in Criminal Justice](#), p.2

CON:

Local criminal justice professionals represent all who live in the community. Their role is to keep the community safe and punish those who threaten public safety. Additional organizations may dilute the mandate of the criminal justice departments.

5c. Should incentives and support be provided for the establishment of local CJCCs to assist them as they develop strategic plans to address crime and corrections policy?

PRO:

The third recommendation of the Illinois State Commission On Criminal Justice and Sentencing Reform ([CJSR](#)) states: “Provide incentives and support for the establishment of local Criminal Justice Coordinating Councils to develop plans to address crime and corrections policy.” The report goes on, “Historically there has been insufficient coordination and cooperation between the State and local agencies when it comes to criminal justice planning. The State provides funding for local criminal justice issues from a variety of sources directed toward a variety of local entities, but there is no coordinating mechanism that allows the State to learn how this funding fits in with a local jurisdiction’s overall criminal justice needs, nor is there a coordinated way for local governments to learn from the experiences and data in the hands of the State. Most crime is local, and the needs of local law enforcement, governments, and the community often vary by region. The result is an insular approach to funding local needs, and as a result, State spending on criminal justice is often misaligned.”(pg 26.)

CON:

The incentives and support must be adequate to not increase the costs to the local community. Local communities are overwhelmed with high expenses and demands and cannot afford to begin a new project that will cost the community more financially and with limited personnel.

5d. Should there be cooperation and coordination between the State and CJCCs in order to share experience and data with the goal of improving plans to address crime and corrections policy both locally and statewide?

PRO:

CJCCs will create a coordinated way for both the state and local communities to share data and experiences. Criminal justice tends to be insular. By sharing goals/problems, all parties may find more cost-effective and efficient ways to address local problems which may lead to savings in financial and human capital and improved outcomes regarding recidivism and behavior change.

[Collaboration in Criminal Justice](#) notes (pg 4-5) that key components of effective and long-lasting CJCCs include these best practices:

- * Clearly stated mission
- * A council structure [members to include elected/appointed officials, community members, and other criminal justice agency representatives and leaders]
- * Quality staff
- * Data sharing, collection, and analysis
- * Promotion of evidence-based practices
- * Having plans for system operations in case of an emergency
- * Fair budget and resource appropriation

The report offers further detail of these best practices.

CON:

Most crime is local. Local communities do not need the state to direct them on what needs to be done in their communities.

Resources:

Illinois Criminal Justice Information Authority: Collaboration in Criminal Justice: A Review of the Literature on Criminal Justice Coordinating Councils [Collaboration in Criminal Justice](#)

Illinois State Commission on Criminal Justice and Sentencing Reform, Final Report (Parts I & II) [CJSR, p. 26](#)

Center on Media, Crime & Justice at John Jay College, **The Crime Report**,
 “Justice Success Story: How Illinois Cut its Prison Population” By Edith Brady-Lunny and Ted Gest | January 29, 2018 [justice success story](#)

6. Policing

Introduction

The Illinois League of Women Voters does not currently have a position on policing. We propose that one be added for the following reasons. In a report prepared in August 2019 by the Vera Institute of Justice, *Gatekeepers: The Role of Police in Ending Mass Incarceration*, the need for direct action on police training, support and accountability is clear.

Reforming the criminal justice system has become a bipartisan priority and a topic of intense public interest. Much of the focus is on reversing mass incarceration – lowering the numbers of people in prison and jail, creating constructive pathways for people returning to their communities, and addressing the stark racial and ethnic disparities that have been the a primary feature of the American criminal justice system. ¹

The authors of the Gatekeepers Report claim that for the criminal justice system to be reformed, the practice of policing itself must be fundamentally changed. They state that “policing practices currently tend toward punitive approaches – that is, those that prioritize arrest and frequently lead to time behind bars – in ways that are often not necessary to achieve public safety.”² To change this system “will likely require systemic shifts in how everyone from local elected officials to the public to law enforcement agencies views policing itself.” ³

An exploration of such systemic shifts is precisely the work that was taken up by the Task Force on 21st Century Policing created by President Obama on December 18, 2014. The Task Force was given the responsibility of ‘identifying best policing practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust.’ The Task Force produced 59 recommendations with 92 action items organized around six main topic areas or pillars. ⁴

The *Final Report of the President's Task Force on 21st Century Policing* is an evidence based proposal of what is essential for just policing in a democratic society. The Task Force was created “in light of recent events around the country that have underscored the need for and importance of lasting collaborative relationships between local police and the public.” The Task Force worked with “law enforcement officials, technical advisors, youth and community leaders. . . .to identify best policing practices and offer recommendation on how those practices can promote effective crime reduction while building public trust. “ The Task Force conducted

¹ S. Rebecca Neusteter, Ram Subramanian, Jennifer Trone, Mawia Khagali, and Cindy Reed, Director’s foreword, S. Rebecca Neusteter, *Gatekeepers: The Role of Police in Ending Mass Incarceration*, Vera Institute of Justice .August 2019.

<https://www.vera.org/publications/gatekeepers-police-and-mass-incarceration>

² *ibid.*, p.3.

³ *ibid.*, p.8.

⁴ *The President’s Task Force on 21st Century Policing Implementation Guide: Moving from Recommendations to Action*, p. 1.

<https://noblenational.org/wp-content/uploads/2017/02/President-Barack-Obama-Task-Force-on-21st-Century-Policing-Implementation-Guide.pdf>

seven public listening sessions with 123 participants, and received written testimony from 150 individuals and 41 organizations.⁵

The report was submitted to the President in May 2015, and the members of the Task Force concluded that there are six pillars of just policing in a democratic society, and identified specific recommendation on how these pillars may be enacted.⁶ The six pillars are “Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Officer Training and Education, and Officer Safety and Wellness.”⁷

The recommendations found in the President’s Task Force range from honest acknowledgement of the scope and impact of unjust policing in the past and present to ongoing training in checking implicit bias and developing cultural awareness and empathy to deliberate attention on how best to address the high rate of suicide among police officers by providing ongoing attention to officer wellness and safety. While specific forms of training will change and evolve, the core principle of the need for evidence based training and accountability will remain. Furthermore, while each recommendation is essential, none, on its own, is sufficient for comprehensive and just policing practices.

It is these pillars that have informed six of our consensus questions. Our seventh consensus question is based on the conclusions reached in the study by the Vera Institute of Justice on the role of policing in reducing mass incarceration. All of these consensus questions are interrelated, each is dependent upon the others. Foundational is changing the culture of policing. Law Enforcement officials must treat all members of the communities that they serve and protect with respect, especially the most vulnerable. Instead of seeing bad people breaking laws, they need to see situations as problems to be solved. They are guardians, not warriors. As guardians, the purpose of law enforcement is to protect and serve, not a warrior mindset in which police officers are trained and equipped like soldiers.⁸ Trust between law enforcement agencies and the people they protect and serve is essential in a democracy.⁹

The President’s report has been adopted by the Illinois Association of Chiefs of Police, in conjunction with the Illinois NAACP.¹⁰ It has also been adopted by the International Association of Chiefs of Police, who state that it “is one of the most significant documents for law

⁵ *Final Report of the President’s Task Force on 21st Century Policing* May 2015, p. iii.

<http://www.gbfirm.com/wp-content/uploads/2016/06/Presidents-task-force-on-21st-Century-Policing.pdf>

⁶ *The President’s Task Force on 21st Century Policing Implementation Guide*, p. 3.

⁷ *Final Report of the President’s Task Force on 21st Century Policing*, p.1.

⁸ Sue Rahr and Stephen K. Rice, “From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals.” *New Perspectives in Policing Bulletin*, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015 NCJ 248654

⁹ *Final Report of the President’s Task Force on 21st Century Policing*, p. 5.

¹⁰ *Affirmation of Shared Principles*, Illinois NAACP and Illinois Association of Chiefs of Police, March 22, 2018

enforcement in modern history.”¹¹ The International Association of Chiefs of Police provide an extensive evidence based assessment of the report, demonstrating three things: the validity of the recommendations, what is required for effective implementation of the recommendations, and areas that warrant further research

Policing Consensus Questions

6a: Is building trust and nurturing legitimacy on both sides of the police/citizen divide foundational to positive relationships between law enforcement agencies and the communities they serve?

PRO

Police are called upon to respond to a number of issues that would be better handled by the public health system or social services. Too often police officers rely on intrusive measures that leave residents feeling overpoliced and underprotected. Police may allow fear, distrust, and rancor to germinate between them and the communities they serve. A new model is needed: one that rebuilds trust, maintains public safety, and reserves arrest as a last resort.¹² As stated in the President’s Task Force, “Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority.”¹³ To meet this goal, it is essential that law enforcement culture should embrace a guardian mindset in which the purpose of law enforcement is to protect and serve rather than a warrior mindset in which police officers are trained and equipped like soldiers. Law enforcement should initiate positive activities to establish and maintain good relationships with the public. Such activities include volunteering and coaching at community sports leagues, coffee and tea with community members, opportunities to talk with clergy and students, and engaging in workshops on racial reconciliation.¹⁴

The President’s Task Force makes, therefore, a strong claim:

“Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve....[Law] enforcement cannot build community

¹¹ C. Lum, C.S. Koper, C. Gill, J. Hibdon, C. Telep and L. Robinson. *An Evidence-Assessment of the Recommendations of the President’s Task Force on 21st Century Policing- Implementation and Research Priorities*. Fairfax, VA: Center for Evidence-Based Crime Policy, George Mason University. Alexandria, VA: International Association of Chiefs of Police, p.3.

<https://cebcp.org/wp-content/evidence-based-policing/IACP-GMU-Evidence-Assessment-Task-Force-FINAL.pdf>

¹² *Gatekeepers*, Conclusion, pp. 52-54.

¹³ *Final Report of the President’s Task Force on 21st Century Policing*, pp.

¹⁴ *Ibid.*, p. 15. See also the description of specific community policing practices in David O. Brown, with Michelle Burford, *Called To Rise: the Power of Community in a Nation Divided*, (New York: Ballantine Books) 2018, chapter 11, chapter 15, especially pages 168-170.

trust if it is seen as an occupying force coming in from outside to impose control on the community. . . Law enforcement culture should embrace a guardian – rather than a warrior – mindset to build trust and legitimacy both within agencies and with the public.¹⁵

Some of the key recommendations from the President’s Task Force include:

1. Law enforcement culture should embrace a guardian mindset rather than a warrior mindset in which police officers are trained and equipped like soldiers.¹⁶
2. “Law enforcement agencies should acknowledge the role of policing in past and present injustice and discrimination and how it is a hurdle to the promotion of community trust.”¹⁷
3. Procedural justice (“fairness in the processes that resolve disputes and allocate resources” <https://cops.usdoj.gov/prodceduraljustice>] should be the guiding principle for both citizen-police interactions as well as for internal policies and practices in police agencies. “Procedurally just behavior is based on four central principles: 1. Treating people with dignity and respect 2. Giving individuals ‘voice’ during encounters 3. Being neutral and transparent in decision making 4. Conveying trustworthy motives.”¹⁸
4. “Law enforcement agencies....should make available” data about “stops, summonses, arrest, reported crime, and other law enforcement data aggregated by demographics.”¹⁹
5. When there are incidents of possible police misconduct, “agencies should communicate with citizens and the media swiftly, openly, and neutrally...”²⁰
6. “Law enforcement agencies should ...promote public trust” by creating “opportunities for interactions that are positive and not related to investigation or enforcement action.”²¹

CON

These reforms cannot be accomplished without the abolition of the police and the prison system. There are a significant number of organizations who share the same goals of structural reform, but argue that it cannot be achieved within the given institutional structure and composition of law enforcement agencies and the power and influence of police unions who resist police accountability and the move from a warrior to a guardian mindset.

In order for the type of system of equitable and just “protect and serve” described here to be achieved, they argue for the abolition of the police and the prison system.

<https://www.thenation.com/article/what-is-prison-abolition/>

<https://www.themarshallproject.org/records/4766-prison-abolition>

¹⁵ *Final Report of the President’s Task Force on 21st Century Policing*, p.1.

¹⁶ *ibid.*, p.11.

¹⁷ *ibid.*, p. 12.

¹⁸ *ibid.*, p. 10.

¹⁹ *ibid.*, p.13.

²⁰ *ibid.*

²¹ *ibid.*, p.14.

<http://criticalresistance.org/about/not-so-common-language/>

<https://www.nlg.org/tag/prison-abolition/>

6b: Should law enforcement agencies collaborate with community members to develop policies and strategies to reduce crime?

PRO

Communities must be respected and valued in order for there to be positive response from and collaboration with the community. The community's input and insight is essential if law enforcement is to respond properly and effectively. Both the community and police departments are responsible for developing ways of ongoing collaboration with the community that will lead to more deflection from arrest by using community resources and responding in a creative, less punitive manner.²²

Some of the key recommendations from the President's Task Force include:

1. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.²³
2. Police officers should be trained to use alternative tools in lieu of use of force when possible, and use of force training should include de-escalation technique and alternatives to arrests or summons.²⁴
3. Incidents involving suspect death or officer-involved shootings should be subject to both external and internal oversight.²⁵
4. Law enforcement agencies should create policies and procedures for policing mass demonstrations that employ a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.²⁶
5. Agencies should refrain from using practices such as quotas for traffic or pedestrian stops, tickets, and summonses that are not directly related to improving public safety (such as for generating revenue).²⁷

CON: See 6a

6c: Should law enforcement adopt model policies and best practices for current technology-based community engagement that increases community trust and access?

PRO

²² *ibid.*, p.13.

²³ *ibid.*, p. 26.

²⁴ *ibid.*, p.20.

²⁵ *ibid.*, p.21.

²⁶ *ibid.*, p.25.

²⁷ *ibid.*, p.26

Some technology is not conducive to increasing trust, so there is a need for the community's input in choosing technology that is appropriate. Types of technology that are not desirable are those that are more appropriate for the military than for police. Transparency, accountability, accuracy and privacy are chief concerns.

Some of the key recommendations from the President's Task Force include:

1. Law enforcement agencies "should support the development of new "less than lethal" technology to help control combative suspects. ²⁸
2. Law enforcement agencies should use the best available technology, such as body cameras, to accurately record the actions of police and community members.²⁹
3. Law enforcement agencies should deploy smart technology that is designed to prevent the tampering with or manipulating of evidence. ³⁰

CON See 6a

6d: Should community policing be the guiding philosophy for all stakeholders (law enforcement agencies, schools, social services, churches and businesses)? ³¹

PRO

The President's Task Force provides the following definition of community policing:

"Community policing emphasizes working with neighborhood residents to coproduce public safety. Communities should support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all— especially the most vulnerable, such as children and youth most at risk for crime or violence. Law enforcement agencies should avoid using law enforcement tactics that unnecessarily stigmatize youth and marginalize their participation in schools (where law enforcement officers should have limited involvement in discipline) and communities. ³²

Some of the key recommendations from the President's Task Force include:

1. Community policing should be infused throughout the culture and organizational structure of law enforcement agencies. Community policing must be a way of doing business by an entire police force, not just a specialized unit of that force.³³

²⁸ Ibid., p.37.

²⁹ Ibid., p.36.

³⁰ Ibid., p.34.

³¹ Ibid., pp.41.43.

³² Ibid., p.3.

³³ Ibid., p.41.

2. Law enforcement agencies should consider adopting preferences for seeking “least harm” resolutions, such as diversion programs or warnings and citations in lieu of arrest for minor infractions.³⁴
3. Law enforcement officers’ goal should be to avoid use of force if at all possible, even when it is allowed by law and by policy.³⁵
4. Because offensive or harsh language can escalate a minor situation, law enforcement agencies should underscore the importance of language used and adopt policies directing officers to speak to individuals with respect.³⁶

CON See 6a. Not all officers are interested in or suited for community policing.

6e: Should quality training and education begin with recruits and continue throughout an officer's career?

PRO

The Taskforce found that there is a need for ongoing evidence based training of police officers throughout their careers. Better and ongoing training in each of the following areas will lessen bad outcomes and increase better ones, as officers feel better prepared and more confident in stress producing situations.

Some of the key recommendations from the President’s Task Force include:

Basic recruit and in-service training, as well as leadership development should include:

1. Policing in a democratic society *“The final report calls for law enforcement to protect the dignity and human rights of all, to be the protectors and champions of the constitution.”*³⁷
2. Community policing and problem-solving principles³⁸
3. Implicit bias and cultural responsiveness³⁹
4. Social interaction skills and tactical skills⁴⁰
5. Crisis intervention teams (mental health, addiction, spectrum disorders)⁴¹
6. How to work with LGBT and gender nonconforming populations⁴²
7. Languages and cultural responsiveness⁴³

CON: See 6a. The cost of such extensive and ongoing training for all officers is prohibitive.

³⁴ Ibid.

³⁵ Ibid., p.45.

³⁶ Ibid.

³⁷ *The President’s Task Force on 21st Century Policing Implementation Guide*, p.2.

³⁸ Ibid., pp. 17-18.

³⁹ Ibid., pp.21, 30.

⁴⁰ Ibid, p.30.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

6 f: Is the wellness (health) and safety of law enforcement officers critical not only for the officers, their colleagues, and their agencies but also to public safety?

PRO

Good physical health and good mental health are essential for a police officer to be effective and safe in their work. The Task Force found that officer suicide is also a problem: a national study using data of the National Occupational Mortality Surveillance found that police died from suicide 2.4 times as often as from homicides.⁴⁴

Some of the key recommendations from the President’s Task Force include:

1. There should be mandatory annual mental health checks for officers, as well as fitness, resilience and nutrition. ⁴⁵
2. Shift lengths should be limited based on the research that shows that, as a standard practice, long shifts “can lead to poor morale, poor job performance, irritability, and errors in judgement that can have serious, even deadly, consequences. ⁴⁶

Con. See 6a. It should be the responsibility of individual officers to seek the mental and physical health support and treatment that they need.

6g: Is it desirable for police to use alternatives whenever possible to deflect offenders from arrest?

PRO

Police are called upon to respond to a number of issues that would be better handled by the public health system or social services. Too often police officers rely on intrusive measures that leave residents feeling overpoliced and underprotected. Police may allow fear, distrust, and rancor to germinate between them and the communities they serve. A new model is needed: one that rebuilds trust, maintains public safety, and reserves arrest as a last resort.⁴⁷ In their 2019 report, the Vera Institute of Justice stated the cost of an undue reliance on arrests, especially, arrests of ethnic and racial minorities:

Beyond unleashing the steep human and financial costs of jail time, punitive actions by police often saddle already poor people, and a disproportionate number of people of color, with onerous fines and fees and limit their life opportunities by branding them as criminals. Moreover, a punitive approach to law enforcement makes policing vastly more dangerous for both members of the public and officers, creates ripples of social

⁴⁴ *The Final Report of the President’s Task Force on 21st Century Policing*, p. 61.

⁴⁵ *ibid.*, p. 61.

⁴⁶ *ibid.*, p. 65.

⁴⁷ Conclusion, *Gatekeepers: The Role of Police in Ending Mass Incarceration*, Vera Institute of Justice, p.52.

and emotional harm that burdens entire communities, and drives a wedge between officers and the people they are sworn to serve and protect.” (Director’s foreword, VI)

The Vera Institute Report describe the drivers that lead police officers to default to arrest “in lieu of less intrusive interventions: insufficient training and resources, perverse organizational incentives, individual and systemic biases.”⁴⁸

Some of the key recommendations from the Vera Institute report include:

1. Identify, promote, and invest in alternatives to enforcement that do not involve the criminal justice system. This would entail “police partnering with...community -based services and reports that focus on dealing with the root causes of crime and social disorder, such as mental illness, homelessness, substance use, and poverty.⁴⁹
2. Reengineer the 911 system in order to differentiate calls that do not require and emergency law enforcement response, but require response from nonemergency health services, human services and social services.⁵⁰
3. Increase the number and types of offenses that do not require punitive enforcement, such as liquor law violations, curfew violations and loitering.⁵¹
4. Expand the reach of alternatives to arrest and limit police discretion in the use of alternatives for low-level, nonviolent offences .⁵²
5. Create structural incentives for police to use alternatives, and stop the use of rewarding officers for arrests, citations and stops.⁵³

CON: See 6a. Many officers do not see themselves as social workers, nor do they want to be seen that way.

Resources:

Affirmation of Shared Principles, Illinois NAACP and Illinois Association of Chiefs of Police, March 22, 2018

<https://www.ilchiefs.org/shared-principles>

David O. Brown, with Michelle Burford, Called To Rise: the Power of Community in a Nation Divided, (New York: Ballantine Books) 2018, chapter 11, chapter 15, pp. 202-3.

Campaign Zero <https://www.joincampaignzero.org/>

Campaign Zero provides an ongoing "analysis of policing practices across the country, research to identify effective solutions to end police violence, technical assistance to organizers leading police accountability campaigns and the development of model legislation and advocacy to end police violence nationwide.")

⁴⁸ *ibid.*, Director’s Foreword, p.vi.

⁴⁹ *ibid.*, pp.37-41.

⁵⁰ *ibid.*, pp.41-44.

⁵¹ *ibid* pp. 45-47.

⁵² *ibid.*, p.48.

⁵³ *ibid.*, pp.49-50.

Final Report of the President's Task Force on 21st Century Policing

<http://www.gbfirm.com/wp-content/uploads/2016/06/Presidents-task-force-on-21st-Century-Policing.pdf>

C. Lum, C.S. Koper, C. Gill, J. Hibdon, C. Telep and L. Robinson. An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing- Implementation and Research Priorities. Fairfax, VA: Center for Evidence-Based Crime Policy, George Mason University. Alexandria , VA: International Association of Chiefs of Police.

<https://cebcp.org/wp-content/evidence-based-policing/IACP-GMU-Evidence-Assessment-Task-Force-FINAL.pdf>

S. Rebecca Neusteter, Ram Subramanian, Jennifer Trone, Mawia Khagali, and Cindy Reed, Gatekeepers: The Role of Police in Ending Mass Incarceration, Vera Institute of Justice .August 2019.

<https://www.vera.org/publications/gatekeepers-police-and-mass-incarceration>

Obama Foundation's June 3, 2020 Town Hall, *Reimagining Policing in the Wake of Continued Police Violence* <https://www.youtube.com/watch?v=leXLTm-jhoY> (90 minutes)

The President's Task Force on 21st Century Policing Implementation Guide: Moving from Recommendations to Action <https://noblenational.org/wp-content/uploads/2017/02/President-Barack-Obama-Task-Force-on-21st-Century-Policing-Implementation-Guide.pdf>

Sue Rahr and Stephen K. Rice, "From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals". New Perspectives in Policing Bulletin, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015 NCJ 248654

7. Pre-Trial Procedures

Current Position:

Pretrial Release: The League supports a bail bond system to ensure court appearances, but opposes a system of bondsmen who provide bail monies for fee. Financial ability should not be a criterion for pretrial release. Thorough evaluation and investigation should precede the use of release on Recognizance.

Consensus Questions

7a. Should we delete the existing position and revise our position based on consensus regarding the following issues?

PRO:

This update would replace the existing position, deleting out-of-date references to bondsmen and retaining the opposition to the concept that financial ability should not be a criterion for pretrial release.

CON:

None.

7b. Should cash bail be abolished?

PRO:

The update supports the abolition of cash bail altogether. Cash bail makes jail a debtor's prison for some and enables others who can pay to be released regardless of other considerations such as their danger to the community or flight risk. Furthermore, incarceration of those who cannot afford to pay can drag on for months, costing tax dollars, and sometimes resulting in a not guilty verdict, a sentence of probation, or a suspended sentence. The cost of these long periods of incarceration outweighs the financial benefit to the courts of cash bond. During this time period, the defendant is prevented from working and supporting his/her family and from assisting with childcare, as well as other household responsibilities. In the period prior to sentencing, the presumption of innocence is a principle that should not be abused.

CON:

There should be a presumption of detention for violent crimes. The court system relies on cash bail to provide services to victims. Cash bail makes the defendant more likely to remember to show up for court appearances. Victims of crime would be endangered.

7c. Should defendants be detained in jail only if they are a flight risk or a danger to society?

PRO:

A document produced by the Chicago Appleseed Fund, [Principles of Bail Reform in Cook County](#) and endorsed by a number of organizations including the LWVCC and LWVIL begins:

“The overuse of pretrial incarceration and monitoring comes at tremendous personal cost to impacted individuals and entire communities. Pretrial detention leads to lost jobs, lost housing, and even lost custody of children. In addition, people detained pretrial are more likely to be convicted. They also receive longer sentences compared to people released pretrial with similar backgrounds and charges. African Americans receive disproportionately high monetary bonds and are disproportionately unable to pay these bonds. Seventy-three percent of the people incarcerated in the Cook County Jail are African American despite the fact that African Americans make up only 25% of Cook County's population.”

The Illinois Supreme Court in April, 2017 adopted a [Statewide Policy Statement for Pretrial Services](#):

“Illinois pretrial principles and practices are founded upon the presumed innocence of the accused – the cornerstone of our nation's justice system. As such, defendants are entitled to bail practices that are consistent with the requirements of due process. . . . Our bail statutes provide for release on recognizance when a court is of the opinion that the defendant will appear as required, will not pose a danger to any person or the community, and will comply with the conditions of release. . . .”

CON:

Law enforcement would be discouraged from making arrests if they see someone whom they arrested on the street the next day.

7d. Should risk assessments be transparent and designed to exclude weights that may be prejudicial against certain populations?

PRO:

An article from the Illinois Criminal Justice Information Authority, [An Examination of Illinois and National Pretrial Practices, Detention, and Reform Efforts](#) “provides an overview of the main issues driving a renewed focus on pretrial detention, the effects of overuse of pretrial detention, and potential areas of reform with a focus on Illinois law and practices when possible. Illinois has made some progress in pretrial reform including the passing of [The Illinois Bail Reform Act of 2017](#) which became effective in 2018.” (p. 1)

“Research shows the use of pretrial detention does not decrease the likelihood of recidivism in certain populations and, in some instances, may increase the likelihood. In a 2018 study, W. Dobbie and colleagues used quasi-random assignment of defendants to different bail judges and found ‘pretrial detention has no detectable effect on future crime.’” (p. 4)

“Other research has found that for low-risk defendants, days spent in pretrial detention was associated with significant increases in committing new crimes.” (p. 4)

The article also observes that “[The Illinois Bail Reform Act of 2017](#) supports the use of the least restrictive conditions based on an individual’s risk of pretrial risk rather than the financial ability to secure release from custody. The Act:

- Creates a presumption that any conditions of release shall be non-monetary
- Encourages the Illinois Supreme Court to adopt a risk assessment tool, which does not discriminate on the basis of race, gender, education level, or socio-economic status.” (p. 8)

In the [Cook County Procedures for Bail Hearings and Pretrial Release](#), Chief Judge Timothy Evans, orders that “Pretrial Services shall use a risk-assessment tool approved by the chief judge to assist the court in establishing reasonable bail for a defendant by assessing the defendant's likelihood of appearing at future court proceedings or determining if the defendant poses a real and present threat to the physical safety of any person or persons.” (#3). But he further orders that “When setting bail, there shall be a presumption that any conditions of

release imposed shall be non-monetary in nature. . . . The court shall consider the defendant's social and economic circumstances when setting conditions of release.”(#5)

CON:

Risk assessments may consider those from disadvantaged communities to be a higher risk of flight or danger to the community

7e.Should electronic monitoring be used rarely for offenders prior to trial and/or sentencing?

PRO:

In some instances, a defendant will be released—but on electronic monitoring. Although electronic monitoring allows the defendant to leave jail, it can be highly restrictive so that going to work and/or carrying out day-to-day tasks can be very difficult; violating these restrictions can result in detention. If a defendant is neither a danger to the community or a flight risk, electronic monitoring is inappropriate.

CON:

Electronic monitoring isn't as restrictive as jail, and provides the community with a sense of security.

7f.Must the Bond Court Judge review the Public Safety Assessment that is the basis of determination as to an individual's release?

PRO:

[An Examination of Illinois and National Pretrial Practices, Detention, and Reform Efforts](#) observes that: “A pretrial risk assessment tool provides the court with an objective research-based measurement of pretrial failure for defendants released from custody during the pretrial phase of their case. Such validated tools can help judges make risk-based decisions on detention and release, thereby reducing potential bias and subjectivity about who should be detained pretrial.” (p. 6)

The “Pro” arguments for Consensus Question 7d. also apply for Consensus Question 7f.

CON:

The judge is able to determine these factors without the PSA, considering the 37 factors that they must consider in making this decision. These factors are set by state statute. See [Supreme Court Commission on Pretrial Practices Preliminary Report](#) pp. 8-9

7g. Should Pre-Trial Service providers remind defendants of court appearances?

PRO:

In the Cook County Procedures for Bail Hearings and Pretrial Release, Chief Judge Timothy Evans, recognizing that defendants may unintentionally miss their court dates, orders that “Pretrial Services shall provide reminders to all defendants released on bail in felony cases of their upcoming court dates, unless the defendant informs Pretrial Services that he or she does not want to receive reminders.”(#12) This is a commonsensical measure that avoids unnecessary sanctions should a court date be missed.

Con:

It is the defendant’s own responsibility to remember court dates.

7h.Should an attorney or a public defender be present for all defendants, at all hearings?

PRO:

The need for a lawyer from the moment of arrest was illustrated by the Cook County Public Defender in her 2019 Public Defender Budget Hearing. She spoke of a relatively new program which “provides for 9 on-call attorneys who can be called to represent arrestees at every police station in Cook County 24 hours a day, 365 days a year. The intent is to provide immediate defense for arrestees at the police station, where it was found that 20% of the cases were ‘dismissed.’”

Earlier in the year (2019), Cook County Board President Toni Preckwinkle and other county officials and criminal justice reform advocates supported HB1616 to ensure that people who are arrested are allowed to call their attorney or a family member within the first hour of being in police custody. The bill, however, failed to move in the General Assembly.

Con:

By law, attorneys are provided to defendants who can’t afford to hire one. But to require the attorney to be present at all hearings represents an undue burden on courts especially in rural areas.

Resources:

[Principles of Bail Reform in Cook County, Chicago Appleseed Fund for Justice
http://www.chicagoappleseed.org/wp-content/uploads/2017/07/Principles-of-Bail-Reform-in-Cook-County_FINAL.pdf](http://www.chicagoappleseed.org/wp-content/uploads/2017/07/Principles-of-Bail-Reform-in-Cook-County_FINAL.pdf)

[Statewide Policy Statement for Pretrial Services:
Illinois Supreme Court Policy Statement for Pretrial Services
http://www.illinoiscourts.gov/media/PressRel/2017/042817.pdf](http://www.illinoiscourts.gov/media/PressRel/2017/042817.pdf)

[An Examination of Illinois and National Pretrial Practices, Detention, and Reform Efforts](#)

An Examination Of Illinois And National Pretrial Practices, Detention, And Reform Efforts, June 7, 2018, Illinois Criminal Justice Information Authority

http://www.icjia.state.il.us/assets/articles/Pretrial_Article_060718.pdf

[Cook County Procedures for Bail Hearings and Pretrial Release](#)

General Order No. 18.8A Procedures for bail hearings and pretrial release

<http://www.cookcountycourt.org/Manage/DivisionOrders/ViewDivisionOrder/tabid/298/ArticleId/2562/GENERAL-ORDER-NO-18-8A-Procedures-for-Bail-Hearings-and-Pretrial-Release.aspx>

[Public Defender Budget Hearing https://www.lwvcookcounty.org/cook-county-board-observer-reports/cook-county-public-defender-and-states-attorney-present-program-evaluation-data-at-budget-hearing](https://www.lwvcookcounty.org/cook-county-board-observer-reports/cook-county-public-defender-and-states-attorney-present-program-evaluation-data-at-budget-hearing)

Pretrial Services Act, 725 ILCS 185/0.01

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1985&ChapterID=54>

8. Restorative Justice

Existing Position: NONE

Consensus Questions:

8a. Should the criminal justice system be open to the use of restorative justice approaches and values?

PRO:

The concept of restorative justice is found in the Illinois Constitution. Article 1 SECTION 11 states: "All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship."

Our traditional system of justice is an adversary system in which opposing parties present evidence and challenge the strength of the opposing party's case. The system rests on the assumption that such an adversarial process will result in a just outcome.

Reforms in recent years have modified our traditional justice system. [A survey of prosecutorial diversion](#) describes the various diversion programs in Illinois, their virtues and their

shortcomings. By moving away from strictly punitive sentences, these programs reveal a willingness to seek better outcomes for the offender. [Problem Solving Courts](#) recognize that certain offenders require services to meet needs that must be addressed before a just sentence can be determined. [Adult Redeploy Illinois](#) (ARI) allows offenders to serve their sentences in their own community, avoiding a transfer to IDOC and imprisonment. In 2018, PA100-0999 expanded eligibility for Adult Redeploy Illinois to include all probation-eligible offenders (which includes certain violent offenders.)

Adult Redeploy Illinois and Problem Solving Courts are models that break away from the traditional justice system because sanctions are imposed in the community and offenders receive services that address the root causes of their offenses. Rehabilitation and a successful return to society are goals of these diversions. Upon successful completion of these programs, defendants may have the original sentence reduced or even expunged. The expungement of a felony conviction eliminates the many barriers which face people who are burdened with a felony conviction.

“Restorative justice” moves even further from our traditional adversarial justice system. This short video, [Restorative Justice: Why Do We Need It?](#), offers compelling reasons for why restorative justice is superior to our current justice system.

The chart on this website, [Retribution v Restoration](#), illustrates the differences between our traditional adversarial justice system and restorative justice. The two differ in major ways, among them:

Crime is an act against the state v. Crime is an act against another person and the community;

Emphasis is on adversarial relationship v. Emphasis is on dialogue and negotiation;

Crime is an individual act with individual responsibility v. Crime has both individual and social dimensions of responsibility.

Victims are peripheral to the process v. Victims are central to the process of resolving a crime.

The offender is defined by deficits v. The offender is defined by capacity to make reparation.

Restorative justice views crime as more than breaking the law. Crime causes harm and justice should focus on repairing that harm. By repairing the harm to the relationships between offenders and victims, and offenders and the community that resulted from the crime, restorative justice seeks to understand and address the circumstances which contributed to the crime.

Restorative justice gives victims the chance to meet or communicate with their offender to explain the real impact of the crime. It empowers victims by giving them a voice. Restorative justice holds offenders accountable for what they have done and helps them to take responsibility and make amends.

The traditional system asks three questions: (1) Who did it? (2) What laws were broken? (3) What should be done to punish or treat the offender? Restorative justice programs emphasize other questions: Who has been harmed? What is the nature of the harm resulting from the crime? What needs to be done to “make it right” or repair the harm? Who is responsible for

this repair? How can the responsible party return to a law-abiding life? The intent is to restore the victim and community affected by the crime as close as possible to pre-crime conditions. What is the difference between restorative justice and our traditional legal system?

CON:

The criminal justice system exists for the victims of crime to receive restitution and retribution and to punish the offenders.

8b. To be successful, must restorative justice courts involve members of the community?

PRO:

Creating a restorative justice process that operates with fidelity inside the traditional criminal courts is a challenging task. In 2017, a [Restorative Justice Community Court](#) (RJCC) was established as a pilot project serving the North Lawndale neighborhood of Chicago with Circuit Judge Colleen F. Sheehan presiding. RJCC empowers victims and residents to help restore nonviolent individuals back to society and to provide restitution to victims. The court is restricted to 18 to 26 year-olds, a population also known as “emerging adults.” Because this age group is not fully mature and not fully culpable for their actions, they need a response to their offenses which is tailored for them. Judge Sheehan, who serves primarily as a judge in Cook County’s juvenile courts commented: “Many of the people I work with are so young, and there is so much possibility for their lives.” [Should communities have a say in how residents are punished for crime?](#)

For a case to be eligible for the court both the person charged and the victim of the crime must agree to participate in the process. In addition, the person charged must: have been charged with a nonviolent felony or misdemeanor, live in North Lawndale [or Garfield Park], have a nonviolent criminal history, and accept responsibility for the harm caused.

Unlike a traditional court setting, participants sit at a table on the same level as the judge. Restorative justice practices put emphasis upon the ways that crime harms relationships in the community. The people most impacted by the crime are brought together to address and repair the harm. Restorative conferences and peace circles involve defendants, victims, family members, friends, others affected by the crime, and the community. Victims have the opportunity to directly address the defendant to express how they were hurt and what they need to heal from the crime.

Defendants take accountability for their actions and then work out an agreement with the person harmed and the community. Agreements can focus on restitution, community service, and letters of apology. Needs of the offenders are also addressed: they are connected with services including mental health counseling, substance abuse treatment, education, job training, and parenting classes. The goal is the restoration of relationships and the repair of harm done to all three: the community, the victim, and the offender. Defendants who successfully complete the program may have their charges dropped and arrests expunged. The court will hold offenders accountable for their actions, but not burden them with a felony

conviction that restricts their access to decent employment or housing. RJCC expects to be dealing with crimes such as burglary, property damage, and theft.

The court works even if there isn't a victim. Drug cases are common and at times, there is no specific victim. In these cases, volunteers serve as "surrogate victims." Court personnel and supporters recruit community members as surrogate victims. These volunteers often fall into two categories: former victims of crimes or people with criminal backgrounds who now want to act as mentors. [WBEZ News "This Chicago Court Uses Peace Circles to Dole out Justice," June 19, 2018](#)

Why is there hope for better results using a restorative justice model? In the traditional system, young people are too often handed exorbitant punishment for their crimes and victims get short shrift. Regarding victims, Judge Sheehan observed: "The victims I have known are very generous, and they really just want something good to come out of a negative thing." And for the offender, the restorative-justice process "can keep a person accountable and allow them to pay their debt, so to speak, so they do not have to pay it over and over again by being saddled with a felony conviction for the rest of their life." [Should communities have a say in how residents are punished for crime?](#)

There are challenges to the effective employment of Restorative Justice.

1. Ongoing outreach to the community is essential in building trust that restorative justice will be a less punitive and a more productive way of addressing crime. Time is required to build a relationship with neighborhood groups and residents that will be effective. The Illinois Criminal Justice Information Authority has prepared a [Bridges to Justice Toolkit](#) to guide the integration of community involvement in adult diversion programs. The role of the community in the restorative justice model cannot be overstated.
2. Can restorative justice operate freely within the criminal justice system? Is restorative justice a free choice? Will defendants choose it to avoid incarceration? Will they be truly committed to the process of "repairing the harm"? Sincere intent on the part of the victim and the offender and the participation of the community can address this challenge.
3. [Adequate funding is a challenge](#): The court received a \$200,000 U.S. Department of Justice grant which funded the salary, travel and evaluation of the court's first coordinator. For everything else, the court has had to rely on other sources. The Steans Family Foundation (which concentrates its grant making and programs in North Lawndale) funded consultants to establish a steering committee, a practice and procedure manual, and part of the pilot program, to test collaboration between local nonprofits serving the court. The total estimated cost of the Restorative Justice Community Court is more than \$2 million. The cost would eventually be borne by the Cook County budget. Expansion of the court to other communities would entail more cost and in each area, labor-intensive community outreach.

Receiving a grant from the Robert R. McCormick Foundation, [researchers at Adler University are measuring the court's success](#). "The evaluation will include both quantitative and qualitative assessments of participating adults and a control group comprised of those who

have been involved in the traditional criminal justice system. Among measured outcomes will be the psychosocial changes that result from restorative justice programming, such as changes in empathy, social support and relationships.”

CON:

It can be exhausting work to keep community members involved in restorative justice. In the adversarial system, members of the community do not need to be involved in the process. It is between the offender, the victim, and the court. Restorative Justice Courts should only focus on the victim being made whole subsequent to a crime.

8c. Must restorative justice courts be adequately funded?

PRO:

As noted above, funding can be a challenge. But this model has such promise of actually restoring young people to their communities and at the same time addressing the needs and concerns of victims in a manner far superior to our traditional system. How do you measure cost when results can be so promising?

CON:

It seems unlikely that the two systems can be adequately funded. This is a new experiment in Illinois. It is too early to see whether the outcomes measure up to the hopes for restorative justice. Restorative Justice Courts should only focus on the victim being made whole subsequent to a crime.

RESOURCES: Links above are to these websites:

[A survey of prosecutorial diversion](#)

A Survey Of Prosecutorial Diversion In Illinois, Center for Health and Justice at TASC, March 2017.

<http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/IL-ProsecutorialDiversionSurvey-2017.pdf>

[Problem Solving Courts](#) An Overview of Problem-Solving Courts and Implications for Practice, **Illinois Criminal Justice Information Authority, December 11, 2017**

<https://icjia.illinois.gov/researchhub/articles/an-overview-of-problem-solving-courts-and-implications-for-practice>

[Adult Redeploy Illinois](#) <https://icjia.illinois.gov/adultredeploy/about/overview>

[Restorative Justice: Why Do We Need It?](#)

<https://www.youtube.com/watch?v=8N3LihLvfa0&list=PLQ9B-p5Q-YOM0YQgtc9N-EnsCjnLC1qIV>

[Retribution v Restoration](#) **Conflict Solutions Center Community Building Once Peace at a Time**, Retributive vs. Restorative Justice

http://www.cscsb.org/restorative_justice/retribution_vs_restoration.html

[What is the difference between restorative justice and our traditional legal system?](#)

Community Justice Network of Vermont, What is the difference between restorative justice and our traditional legal system?

<http://cjnvt.org/faqs/what-is-the-difference-between-restorative-justice-and-our-traditional-legal-system/>

[Restorative Justice Community Court](#), State of Illinois, Circuit Court of Cook County, Press Release, 7/20/2017, **Restorative Justice Community Court Arrives In North Lawndale**

<http://www.cookcountycourt.org/MEDIA/ViewPressRelease/tabid/338/ArticleId/2564/Restorative-Justice-Community-Court-arrives-in-North-Lawndale.aspx>

[“Should Communities Have a Say in How Residents Are Punished for Crime?”](#), **The Atlantic**, May 2, 2017, <https://www.theatlantic.com/politics/archive/2017/05/chicago-restorative-justice-court/524238/>

[WBEZ News "This Chicago Court Uses Peace Circles to Dole out Justice," June 19, 2018](#)

<https://www.wbez.org/shows/wbez-news/this-chicago-court-uses-peace-circles-to-dole-out-justice/7bdcf936-6f46-4ae8-999e-23ea460ecd2c>

[Bridges to Justice Toolkit](#), **Illinois Criminal Justice Information Authority**, Adult Redeploy Illinois, “Bridges To Justice: A Community Engagement Toolkit For Adult Diversion Programs”

https://ariallsites2017.icija.cloud/static/summit_documents/Community_toolkit_bridges_to_justice_FINAL.p

[Adequate funding is a challenge](#), **Chicago Defender**, “Justice Restored? New North Lawndale Court Aims to Change Punitive System,” September 20-26, 2017.

https://issuu.com/chidefender/docs/chicagodefender_09.20.17

[researchers at Adler University are measuring the court's success.](#), **Adler University**, University News, “McCormick Foundation Funds Adler University’s Evaluation of New Restorative Justice Court 05.16.18”

<https://www.adler.edu/page/news-events/campus-news/mccormick-foundation-funds-adler-universitys-evaluation-of-new-restorative-justice-court>

9. Emerging Adults

Consensus Question:

Should emerging adults (ages 18-25) in the criminal justice system be treated in a developmentally appropriate manner, recognizing that those in this age group are not fully mature and culpable for their actions?

PRO:

The Columbia [University] Justice Lab’s [Emerging Adult Justice](#) Project “leads action-research projects focused on 18- to 25-year-olds involved in the justice system. . . . The Emerging Adult Justice Project conducts action-research projects and publishes reports to thoughtfully guide, shape, and develop policies, laws, and practices that provide for developmentally appropriate justice implementation. The EAJ’s research and policy projects aim to elevate the ripening policy conversation regarding young adult justice reform to render it a viable option for policymakers, administrators, and advocates.”

One of Columbia Justice Lab’s publications is:

[Emerging Adult Justice in Illinois: Towards an Age-Appropriate Approach](#)

The term “emerging adults,” was first coined in 2000 by psychologist Jeffrey Arnett. “It defines a critical developmental period: the transition from a youth who is dependent on parents or guardians for supervision and guidance (as well as emotional and financial support) into a fully mature, independent adult who engages as a productive and healthy member of society. While there is no universal definition of “emerging adults” in the context of criminal justice, it is defined here [in the report] as individuals transitioning from youth to adulthood, from age 18 to 25.” (p. 2)

Following is a [summary](#) of the 16-page report:

“The report highlights that emerging adults are overrepresented in Illinois’ criminal justice system, primarily for nonviolent and minor offenses, and bear the brunt of the worst systemic racial disparities.

- Emerging adults comprised 10 percent of the general population in Illinois, yet accounted for 34 percent of total arrests and 28 percent of individuals sentenced to incarceration in Illinois state prisons in 2013.
- Of those emerging adults admitted to state prisons in 2013, 73 percent were incarcerated for non-violent offenses.
- Over a third of youth ages 18-21 admitted to the Cook County Jail in 2017—2,252 young people—were charged with misdemeanors or other petty offenses.
- African American emerging adults are incarcerated at a rate 9.4 times greater than their white peers in Illinois. Illinois has one of the highest incarceration rates of African American emerging adults in the country, three times higher than New York and 2.5 times higher than California.
- Nationally, 3 out of 4 emerging adults released from incarceration are rearrested within 3 years. These poor public safety outcomes are exacerbated by significant barriers to reentry, such as a growing prevalence of substance use disorders and homelessness among this age group.

“As the Justice Lab report shows, Illinois policymakers and justice leaders have already begun to experiment with policies and practices that treat emerging adults in a developmentally appropriate manner. These include, for example, a new [“Young Adult Restorative Justice Community Court”](#) in North Lawndale and a [legislative proposal](#), filed in the 2018 session of the Illinois legislature, to gradually raise the age of juvenile justice in misdemeanor cases up to age

21. The report concludes that “[e]xpanding juvenile jurisdiction increases the likelihood that system-involved youth will become engaged and productive members of society, and provides an opportunity to simultaneously increase public safety and reduce long-term costs to taxpayers.”

The Loyola University Chicago Center for Criminal Justice Research, Policy and Practice has published a September, 2017 report:

[Emerging Adults and the Criminal Justice System: Specialized Policies, Practices & Programs](#)

The report notes that “This age group is deserving of special focus, because neuroscientists and developmental researchers have found that the human brain continues to develop until approximately age twenty-five, with different parts of the brain developing in stages. While general cognitive ability matures by the midteens, areas of the brain that control judgment, reasoning and impulse control are continuing to develop. And physical maturity is independent of developmental capacity. This unique developmental phase is characterized by distinct features – such as identity exploration, impulsivity, sensitivity to peer influence, risk-taking and instability – and may give rise to particular risks for criminal justice system involvement. A wide variety of psychological disorders and behavioral problems (such as substance abuse) reach their peak during the emerging adult years. Data analyses consistently indicate that young adults are significantly overrepresented at every phase of the criminal justice system – from arrest to corrections. On the other hand, emerging adults are highly amenable to positive change and development and “desistance” from criminal offending, if justice stakeholders and other support systems respond effectively. In short, attaining positive criminal justice outcomes requires developmentally appropriate, fair and effective interactions with this population of emerging adults.” (p.3)

CON:

Leave age out—further research might expand or contract the ages involved. Young people are considered adults, e.g., in voting and serving in the military; why should they be treated differently here?

Resources: Links above are to these websites:

[Emerging Adult Justice](https://justicelab.columbia.edu/EAJ), <https://justicelab.columbia.edu/EAJ>, Columbia Justice Lab, Shaping Justice for the Future, Emerging Adult Justice.

[Emerging Adult Justice in Illinois: Towards an Age-Appropriate Approach](https://justicelab.columbia.edu/sites/default/files/content/EAJ%20in%20Illinois%20Report%20Final.pdf), <https://justicelab.columbia.edu/sites/default/files/content/EAJ%20in%20Illinois%20Report%20Final.pdf> Columbia Justice Lab, Emerging Adult Justice, January, 2019.

[summary](https://justicelab.columbia.edu/Emerging-Adult-Justice-in-Illinois) <https://justicelab.columbia.edu/Emerging-Adult-Justice-in-Illinois>, Columbia Justice Lab, Shaping Justice for the Future, January 24, 2019.

["Young Adult Restorative Justice Community Court" http://www.cookcountycourt.org/MEDIA/ViewPressRelease/tabid/338/ArticleId/2564/Restorative-Justice-Community-Court-arrives-in-North-Lawndale.aspx](http://www.cookcountycourt.org/MEDIA/ViewPressRelease/tabid/338/ArticleId/2564/Restorative-Justice-Community-Court-arrives-in-North-Lawndale.aspx)

[legislative proposal](http://www.ilga.gov/legislation/BillStatus.asp?DocNum=4581&GAID=14&DocTypeID=HB&LegID=&SessionID=91&SpecSess=&Session=&GA=100) (HB4581 introduced 2/6/2018)
<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=4581&GAID=14&DocTypeID=HB&LegID=&SessionID=91&SpecSess=&Session=&GA=100>

[Emerging Adults and the Criminal Justice System: Specialized Policies, Practices & Programs](https://www.luc.edu/media/lucedu/criminaljustice/pdfs/National%20Scan%20of%20Emerging%20Adults%20Policy,%20Practice%20and%20Programs.pdf)
<https://www.luc.edu/media/lucedu/criminaljustice/pdfs/National%20Scan%20of%20Emerging%20Adults%20Policy,%20Practice%20and%20Programs.pdf>

Emerging Adults and the Criminal Justice System Specialized Policies, Practices & Programs
September, 2017, Loyola University Chicago

10. Courtroom Procedures and Access

Current Position:

The League supports improvement in courtroom procedures that serve to minimize confusion and delay and increase fairness and efficiency. Trials should be prompt, with a limit on the time the accused can be held in jail prior to trial. Sufficient numbers of well-trained judges, assistant state's attorneys, public defenders and other court personnel are essential. Uniform standards should be used for appointing public defenders.

Consensus Question (addition to existing position):

Should barriers to and within the courthouse and courtrooms be eliminated whenever possible?

PRO:

Barriers can interfere with just proceedings and therefore must be eliminated insofar as possible to accommodate all who must participate in the courtroom proceedings or who have roles in the courthouse. This includes not only criminal justice personnel, the defendant, witnesses, and other participants in the trial proceedings, but also those observing the proceedings, including the family members.

Barriers may include physical impediments to people with such disabilities as hearing, vision, or speech. A barrier could be a problem with sound so that not all are able to hear the proceedings. A barrier might be insufficient time to fairly conduct a hearing. [This has been an ongoing problem in Cook County Bond Court.] Or there may be barriers that only become apparent over time: for example, accommodating women in need of a lactation area. Legislation providing for lactation areas in all courthouses, [PA100-0947](#), was only passed in 2018.

The Supreme Court has produced a comprehensive report, documenting

Illinois Courtroom Standards.

These standards include trial courtrooms themselves, judge's chambers and reception areas, court administrative offices and storage areas, circuit clerk and court reporter offices, attorney/client conference rooms, prisoner holding areas, and jury deliberation rooms and assembly rooms. County boards of the several Illinois counties are required to comply with the Standards and the chief circuit judge of each circuit within the State, or his or her designee ensure compliance.

CON:

It is not necessary for everyone to hear the proceedings.

Resources:

Illinois Courtroom Standards Minimum Courtroom Standards In The State Of Illinois, Supreme Court of Illinois, https://courts.illinois.gov/supremecourt/Policies/Pdf/Courtroom_Standards.pdf

PA100-0947

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3503&GAID=14&DocTypeID=SB&LegId=111586&SessionID=91&GA=100>

11. Sentencing Laws and Procedures

Existing Position:

- **Sentencing Laws and Procedures:**
- The League believes that judges should retain the discretion to choose between imprisonment and probation for most offenses and opposes the proliferation on non-probational offenses.
- The League believes that there should be strict penalties and enforcement for all crimes committed with a handgun or an assault weapon (see [LWVIL Gun Violence Prevention position](#)).
- The League supports reduction in time served as an incentive for good conduct by inmates. Such credits should be incorporated into the sentencing structure and should not be revoked without due process.
- The League believes that a body, free from political influence, should make recommendations that promote certainty and fairness in sentencing, develop guidelines that provide greater uniformity and monitor the fiscal impact and effect on prison populations.

Consensus Questions:

11a. Should we delete from existing position: “ The League believes that there should be strict penalties and enforcement for all crimes committed with a handgun or an assault weapon.”

PRO:

Sentencing for a crime should be based on the actual crime, circumstances and outcomes, and not be dependent on the type of weapon used whether it is a car, drugs, knife, rope, gun or something else. In the final report of the Illinois State Commission on Criminal Justice and Sentencing Reform [Final Report of CJSR](#), there are numerous recommendations to decrease all mandatory sentences. Also, in the conclusion of the CJSR report, it reads “removing or reducing the automatic enhancement for possessing a firearm during any felony crime”. According to The National Institute of Justice in its report [Five Things about Deterrence](#) it states that increasing the severity of punishment does little to deter crime. In [Evidence-based practices and best practices](#), (p.1) it states that the anger and fear that gun violence provokes should not lead to harsher penalties which are politically expedient but not proven to address the underlying causes of the violence.

CON:

In the League’s current position on Gun Violence Prevention states -“The League advocates restricting access to automatic and semi-automatic assault type weapons. These weapons present a clear and unequivocal danger to public safety.” Therefore, there should be strict penalties for a crime committed with a handgun or assault weapon. There is more certainty of being killed with a gun rather than another weapon.

**Should we revise the position based on consensus regarding the following?
[numbered 11b-11g.]**

11b. Should evidence-based practices and best practices guide sentencing laws and prosecutorial decision-making?

PRO:

In the Illinois State Commission on Criminal Justice and Sentencing Reform Final Report [Final Report of CJSR](#), 10 recommendations deal with sentencing reform and procedures (pp. 40-59). In general, the CJSR report recommends decreases in all mandatory sentences.

Sentencing should be based on [Evidence-based practices and best practices](#) (pg.1) The anger and fear that gun violence provokes should not lead to harsher penalties which are politically expedient but not proven to address the underlying causes of the violence. See also #2 and #3 below.

Professor David Olson, PhD. Loyola University, Department of Criminal Justice and Criminology presented a [Power point at 2019 LWVIL Preconvention Workshop](#) on June 7, 2019. One of the slides states the following:

Moving Forward

- Demand that policies and practices truly address the problem
- Demand and support research, planning, evaluation and coordination of efforts
- Support practitioners and policy makers who implement evidence-based strategies; challenge those that don't
- "All justice is local;" become informed & involved

Research has proven many of our practices are not effective or are even harmful, yet change is slow to effect. For example:

- Long sentences should be modified because evidence shows that lengthy sentences do not produce desired results: See V through VIII in [Long-Term Sentences: Time to reconsider the scale of Punishment](#)
- What really deters crime? The National Institute of Justice in its report [Five Things about Deterrence](#) summarizes a large body of research related to deterrence of crime into five points.
 1. The *certainty* of being caught is a vastly more powerful deterrent than the punishment.
 2. Sending an individual convicted of a crime to prison isn't a very effective way to deter crime.
 3. Police deter crime by *increasing the perception* that criminals will be caught and punished.
 4. Increasing the severity of punishment does little to deter crime.
 5. There is no proof that the death penalty deters criminals.
- Emerging adults (18-25) should be sentenced in a developmentally appropriate manner and not as adults. Neuroscientists and developmental researchers have found that the human brain continues to develop until approximately age twenty-five, with different parts of the brain developing in stages. (Refer to update piece on EMERGING ADULTS.)

Illinois could learn from other societies and their best practices which might enable us to implement a better way to sentence offenders.

In a 2015 column, [What We Learned from German Prisons](#), Nicholas Turner, the president of the Vera Institute of Justice and Jeremy Travis, president of John Jay College of Criminal Justice describe their experience visiting several German prisons and reflected upon the implications for the way we in the United States treat those who offend:

"But for all the signs of progress, truly transformative change in the United States will require us to fundamentally rethink *values*. How do we move from a system whose core value is retribution to one that prioritizes accountability and rehabilitation? In Germany we saw a potential model: a system that is premised on the protection of human dignity and the idea that the aim of incarceration is to prepare prisoners to lead socially responsible lives, free of crime, upon release.

While the United States currently incarcerates 2.2 million people, Germany — whose population is one-fourth the size of ours — locks up only about 63,500, which translates to an

incarceration rate that is one-tenth of ours. More than 80 percent of those convicted of crimes in Germany receive sentences of “day fines” (based on the offense and the offender’s ability to pay). Only 5 percent end up in prison. Of those who do, about 70 percent have sentences of less than two years, with few serving more than 15 years.”

Is Illinois ready to rethink values and can we move from a system of retribution to one that prioritizes accountability and rehabilitation. Reformers want to do so and it will take policy makers and government officials political will to do so.

CON:

Sentences are set by statute to dissuade and punish crimes. The legislature proscribes certain conduct, sets sanctions and rules under which the system operates.

www.rstreet.org/2020/01/30/how-conservatives-can-make-prosecution-more-productive, pg.3-4. Politics and Practice, 4th paragraph

11c.Should sentencing take into consideration the public health issues involved in any crime committed?

PRO:

The first recommendation (pp.18,19) of the [Final Report of CJSR](#) acknowledges the need for behavior health and trauma services. “Focusing resources on making these [behavioral health and trauma recovery] services available in these [high-need] areas is the State’s best strategy for reducing crime.”

Because mental health and substance abuse services are underfunded, both those in prison and those released from prison do not receive the services they need. [Blueprint for Smart Justice Illinois](#) p.10

In [Building a Safe Chicago](#), the first core component of a comprehensive plan to address root causes of violence is “Put Public Health First”(pp. 3-7). Public health strategies include primary (violence) prevention, such as positive early care and education; secondary prevention, such as mentoring and family support services; and tertiary prevention, or “aftermath” strategies which deal with the consequences of violence after it has occurred to reduce the chances it will re-occur. These strategies include mental health services and successful reentry programs that support a successful transition from a period of incarceration/detention to the community.

The Report goes on: “A criminal justice system focused on correcting illegal gun-carrying behavior should:

- Incorporate a neutral assessment of individual harm, intent, and risk;
- Address behavior in a manner that addresses and decreases underlying risk; and
- Punish proportionately, in a way that allows restoration to useful citizenship.

In Illinois, meeting any of these three objectives with our criminal code would require rolling back existing penalties -- not increasing them for yet a seventh time since 2000.” (p.9)

CON:

Public health is too broad of a term, the issue of sentencing may consider mental health specifically.

11d. Should there be more collaboration between stakeholders so that sentencing outcomes are more just and fair?

PRO:

Modifying our adversarial system of justice with the various stakeholders (such as victims, accused, prosecutor, defense attorney, judge, probation services, and community) actually collaborating together has been shown to produce better justice outcomes—see [Successful Alternatives to Incarceration](#), and [Success of ARI in DuPage County](#).

Collaboration already exists with problem solving courts (PSC): “The PSC team shall include, but not be limited to, the judge, a prosecutor, a public defender, probation officer(s), licensed treatment provider(s), and the local PSC coordinator. PSC teams may include additional team members, including a participant’s private counsel of record.” [Problem-Solving Court Standards](#), Sections 6.1 and 6.2.

Collaboration is essential in the [Restorative Justice Community Court](#): “The Community Court will resolve conflicts through restorative conferences and peace circles involving defendants, victims, family members, friends, others affected by the crime, and the community.”

With the goal of increasing collaboration, the [Final Report of CJSR](#) recommends the establishment of Criminal Justice Coordinating Councils. (p. 26) [See our section on Coordinating Councils.]

In order for collaboration to be most effective, prosecutors must recognize the need to modify their traditional adversarial role and adopt a more, holistic model that considers the outcome, not simply for the victim and public safety, but for the defendant as well. [21 Principles for the 21st Century Prosecutor](#) published by the Brennan Center for Justice offers recommendations for the way prosecutors pursue justice. Following are several of the principles offered with comments from prosecutors:

#1 Make Diversion the rule. “We don’t want to push people into the system. We want to steer them from it. ... The system perpetuates criminal activity.” — 13th Judicial Circuit (Tampa, FL) State Attorney Andrew Warren

#2 Charge with restraint and plea bargain fairly. “I don’t particularly care for mandatory sentences. ... I don’t think we’ve seen that that has worked [and] with a different approach we can actually provide more public safety through a more enlightened view on prevention as well as prosecution.” — Denver (CO) District Attorney Beth Mccann

#9 Promote Restorative Justice. “I don’t think our primary responsibility should be incarceration. That should be the last option. The first option is making sure people are truly accountable and admit what they’ve done wrong and to try to make amends with the victims in the ways that they can.” — Kings County (Brooklyn, NY) District Attorney Eric Gonzalez

#11 Change Office Culture And Practice. “You have to train people, re-educate them, and change the culture so that people understand their job is not to obtain convictions. Their job is to seek justice.” — 13th Judicial Circuit (Tampa, FL) State Attorney Andrew Warren

The goal of sentencing should be to impose a sentence that will enable the offender to return to society successfully. (According to the [Illinois Sentencing Policy Advisory Council](#), roughly 96% of the people admitted to prison eventually return to the community.)

CON:

An increase in collaboration may increase the time involved in getting to a sentence. Additional parties may confuse or distract from the issues involved. Our adversarial system guards against collaboration and/or collusion that may not lead to just outcomes.

11e. Should racial impact statements inform any new criminal law or regulation?

PRO:

The Sentencing Project in its publication, [Racial Impact Statements: Changing Policies to Address Disparities](#), states that “The premise behind racial impact statements is that policies often have unintended consequences that would be best addressed prior to adoption of new initiatives. In this sense they are similar to fiscal and environmental impact statements. Policymakers contemplating new construction projects or social initiatives routinely conduct such assessments, which are now widely viewed as responsible mechanisms of government.” (p. 1)

The Sentencing Project documents the attempts of several states in [Expanding Racial Impact Statements](#). Racial impact statements help legislators evaluate potential disparities of proposed legislation prior to adoption and implementation. In 2019, Illinois introduced [legislation](#) to require racial impact statements, however, they were not enacted into law.

A prime example of legislation that affected people of color in disproportionate numbers was drug sentencing legislation from the 1980s. An opinion piece in the Washington Post, [Thousands are stuck in prison — just because of the date they were sentenced](#) illustrates the situation:

“In the 1980s, at the height of the war on drugs, Congress approved tough mandatory minimum sentences for drug offenses. Among the most severe sentences were those prescribed for crack cocaine. The law placed the quantity of crack, that triggered the laws' five- and 10-year mandatory minimum sentences, at 100 times lower than what was required for offenses involving powder cocaine, a substance pharmacologically similar to crack.

“This had an overwhelmingly disproportionate impact on African Americans living in impoverished inner-city neighborhoods, since crack cocaine was sold in cheaper amounts than the powder form. That's why the U.S. Sentencing Commission — a bipartisan and independent agency — urged Congress for more than a decade to fix the sentencing disparity between the two substances.”

[The Fair Sentencing Act](#) (2010) reduced the drug quantity ratio between powder and crack cocaine that triggers the mandatory minimum from 100 to 1 to 18 to1. The laws disparity is still unjustified, but the 2010 reform was a step in the right direction.

CON:

All laws should treat defendants equally already. A new regulation is not required. Justice should be blind.

11f. Should legislation that reduces penalties for a crime also benefit those previously convicted and sentenced for that crime?

PRO:

Sentencing retroactivity refers to allowing individuals sentenced under earlier and harsher laws to benefit from newer sentencing laws. The opinion piece cited above, [Thousands are stuck in prison — just because of the date they were sentenced](#), illustrates the need for sentencing retroactivity:

“On Aug. 2, 2010, [Eugene] Downs was sentenced to a mandatory minimum sentence of 10 years for conspiring to distribute at least 50 grams of crack cocaine. The very next day, President Barack Obama signed the Fair Sentencing Act, a law that limited mandatory minimum sentences for crack cocaine and the number of cases subject to them.

“If Downs had been sentenced one day later, he would now be free, because the Fair Sentencing Act reduced the sentence for distribution of 50 grams of crack cocaine to five years. Incidentally, Downs's co-defendants were all sentenced after Aug. 2 and benefited from the lowered penalties.”

In January, 2018, the U.S. Court of Appeals for the 6th Circuit ruled that because the Fair Sentencing Act contained no provision for retroactivity, there was nothing that could be done to help Downs.

The First Step Act passed in 2018, finally made the **Fair Sentencing Act** retroactive. Its long road to passage is described in [How First Step Act Became Law](#)

However, there are issues related to the legality of sentencing retroactivity. **The Illinois Justice Project** sent a [questionnaire](#) to those running for Illinois Attorney General in 2018 including questions about the legality of sentencing retroactivity. Without a positive opinion from the Attorney General, legislation to implement sentencing retroactivity in the General Assembly has stalled.

Accompanying the questionnaire was this statement:

“With an Illinois prison population still over 42,500 people, many advocates argue that reforms that seek to achieve serious reductions to prison population must include both changes to sentencing law that affect the pipeline of those coming in, but also must explore retroactive reductions in sentences for those already in prison. Many of these individuals were sentenced under now abandoned, so-called “tough-on-crime” policies that have been rejected by the modern approach to criminal justice and that the “tough-on-crime” policies produced detrimental social and safety outcomes.”

Practical solutions to address mass incarceration and excessive sentencing need to apply to persons already incarcerated. According to [the Sentencing Project](#) incarcerated persons have benefited in recent years from a range of policy improvements in states like California while efforts are underway in Florida and Oklahoma to retroactively remedy excessive sentencing.

CON:

If someone is convicted of a crime, particularly by a jury, then that person should serve out that sentence even if the law gets changed. You do the crime, you serve the time.

11g. Should the charge of felony murder be abolished?

PRO:

The United States is one of the last “major, modern countries” to still enforce felony murder rules. [Because of its broad reach](#): “The felony murder rule is widely criticized because it can lead to murder charges for people with little or no involvement in the death—for example, someone who simply drove the getaway car. Many Western countries have abolished the doctrine. There are also a number of online petitions to abolish it in the U.S. In addition, many states have limited the rule’s application, either by statute or court decision, to prevent unfair and absurd results.”

The advocacy organization, **RestoreJustice** explains the [felony murder rule](#). To charge someone with first-degree murder in Illinois, an individual (1) intended to kill or do great bodily harm or knew that their actions would cause death; (2) knew that their actions created a strong probability of death or great bodily harm; or (3) were attempting or committing another felony crime. Under the felony-murder rule (3), people can be convicted of first-degree murder in scenarios where a death is unintentional or caused by another person, all in the commission of a different type of crime.

“A conviction for felony-murder in Illinois carries a penalty of 20 to 60 years imprisonment and, under some circumstances, the maximum penalty can be extended to a term of natural life. This same maximum and minimum sentence is available to juveniles and young adults who are disproportionately impacted by the felony-murder rule, as they are more likely to act in groups (or “co-offend”) and are more susceptible to peer pressure. . . . A conviction for felony-murder usually results in youthful offenders being sentenced to extreme periods of incarceration, including life without parole (LWOP) or de-facto LWOP.”

CON:

Felony murder is a charge that can be levied on a defendant to punish that person or their co-defendants involved in a crime that results in someone’s death. If someone is involved in a crime, even if that person was just the driver of the get-away car, that person should have understood the risk and suffer the consequences. The felony murder charge assumes that an individual or group involved in committing a crime that ends in a death should have known that death could be a consequence and all are equally culpable for the death. Those people often are involved in gangs.

Resources: Links above are to these websites:

[Evidence-based practices and best practices](#)

http://canatx.org/rrt/professionals/CJP_EBP_FAQ.pdf

[Power point at 2019 LWVIL Preconvention Workshop](#)

<https://www.lwvil.org/uploads/1/2/3/7/123745968/illinoislwv2019conventionpreworkshopdav idolson.pdf>

[Long-Term Sentences: Time to reconsider the scale of Punishment](#)

<https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment/>

[Five Things about Deterrence](#) <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>, National Institute of Justice

[What We Learned from German Prisons](#)

https://www.nytimes.com/2015/08/07/opinion/what-we-learned-from-german-prisons.html?_r=1

What We Learned From German Prisons By Nicholas Turner and Jeremy Travis, Opinion, New York Times, **Aug. 6, 2015**

[Final Report of CJSR http://www.icjia.org/cjreform2015/index.html](http://www.icjia.org/cjreform2015/index.html) Illinois State Commission on Criminal Justice and Sentencing Reform Final Report

[Blueprint for Smart Justice Illinois https://50stateblueprint.aclu.org/states/illinois/](https://50stateblueprint.aclu.org/states/illinois/)

[Building a Safe Chicago](http://www.law.northwestern.edu/legalclinic/cfjc/documents/Building%20a%20Safe%20Chicago%20Report.pdf)

<http://www.law.northwestern.edu/legalclinic/cfjc/documents/Building%20a%20Safe%20Chicago%20Report.pdf>

[Successful Alternatives to Incarceration,](https://nmc.dn.io/e186d21f8c7946a19faed23c3da2f0da/5ef2e685c81348acbb22d12524a5a4be/files/77G-B-Dyar.pdf)

<https://nmc.dn.io/e186d21f8c7946a19faed23c3da2f0da/5ef2e685c81348acbb22d12524a5a4be/files/77G-B-Dyar.pdf> REDEPLOY ILLINOIS & ADULT REDEPLOY ILLINOIS SUCCESSFUL

ALTERNATIVES TO INCARCERATION FOR YOUTH AND YOUNG ADULTS,
31st Annual Research & Policy Conference Child, Adolescent, and Young Adult Behavioral Health Wednesday, March 7, 2018

[Success of ARI in DuPage County,](http://www.icjia.state.il.us/assets/pdf/ResearchReports/ARI_DUPAGE_030315.pdf)

http://www.icjia.state.il.us/assets/pdf/ResearchReports/ARI_DUPAGE_030315.pdf

Performance incentive funding for prison diversion: An implementation study of the DuPage County Adult Redeploy Illinois Program March 2015 Prepared by Jordan Boulger, Research Analyst Jessica Reichert, Senior Research Analyst Rebecca Skorek, Research Analyst Joshua Lettner, Research Intern

[Problem-Solving Court Standards https://courts.illinois.gov/Probation/Problem-Solving_Courts/P-SC_Standards_2015.pdf](https://courts.illinois.gov/Probation/Problem-Solving_Courts/P-SC_Standards_2015.pdf)

[Restorative Justice Community Court](http://www.cookcountycourt.org/MEDIA/ViewPressRelease/tabid/338/ArticleId/2564/Restorative-Justice-Community-Court-arrives-in-North-Lawndale.aspx)

<http://www.cookcountycourt.org/MEDIA/ViewPressRelease/tabid/338/ArticleId/2564/Restorative-Justice-Community-Court-arrives-in-North-Lawndale.aspx>

[21 Principles for the 21st Century Prosecutor](https://www.brennancenter.org/sites/default/files/publications/FJP_21Principles_FINAL.pdf)

https://www.brennancenter.org/sites/default/files/publications/FJP_21Principles_FINAL.pdf

[Illinois Sentencing Policy Advisory Council](https://spac.icjia-api.cloud/uploads/Illinois_Result_First-The_High_Cost_of_Recidivism_2018-20191106T18123262.pdf)

https://spac.icjia-api.cloud/uploads/Illinois_Result_First-The_High_Cost_of_Recidivism_2018-20191106T18123262.pdf

[Racial Impact Statements: Changing Policies to Address Disparities](https://www.sentencingproject.org/publications/racial-impact-statements-changing-policies-to-address-disparities/?eType=EmailBlastContent&eld=f59f7be8-0d90-45ed-bbdc-2bf01dbe8902)

<https://www.sentencingproject.org/publications/racial-impact-statements-changing-policies-to-address-disparities/?eType=EmailBlastContent&eld=f59f7be8-0d90-45ed-bbdc-2bf01dbe8902>

[Expanding Racial Impact Statements https://www.sentencingproject.org/news/7002/](https://www.sentencingproject.org/news/7002/)

[Thousands are stuck in prison — just because of the date they were sentenced](https://www.washingtonpost.com/opinions/thousands-are-stuck-in-prison--just-because-of-the-date-they-were-sentenced/2018/01/31/0c1629e2-fd68-11e7-ad8c-ecbb62019393_story.html)
https://www.washingtonpost.com/opinions/thousands-are-stuck-in-prison--just-because-of-the-date-they-were-sentenced/2018/01/31/0c1629e2-fd68-11e7-ad8c-ecbb62019393_story.html

[The Fair Sentencing Act](https://www.aclu.org/issues/criminal-law-reform/drug-law-reform/fair-sentencing-act) <https://www.aclu.org/issues/criminal-law-reform/drug-law-reform/fair-sentencing-act>

[How First Step Act Became Law](https://www.brennancenter.org/our-work/analysis-opinion/how-first-step-act-became-law-and-what-happens-next) <https://www.brennancenter.org/our-work/analysis-opinion/how-first-step-act-became-law-and-what-happens-next>

[questionnaire](https://www.iljp.org/agq7-sentencingretroactivity) <https://www.iljp.org/agq7-sentencingretroactivity>, Illinois Justice Project, Illinois Attorney General Candidates Criminal Justice Questionnaire, VII. Sentencing Retroactivity

[the Sentencing Project](https://www.sentencingproject.org/news/state-advocacy-news-retroactivity-criminal-justice-reform/)
<https://www.sentencingproject.org/news/state-advocacy-news-retroactivity-criminal-justice-reform/>

[Because of its broad reach](https://www.criminaldefenselawyer.com/resources/felony-murder.htm) <https://www.criminaldefenselawyer.com/resources/felony-murder.htm>

[felony murder rule](https://restorejustice.org/know-more-felony-murder/) <https://restorejustice.org/know-more-felony-murder/>

12. Illinois Department of Corrections

CURRENT POSITION

- ❑ *The League supports correctional services that conform to national professional standards*
- ❑ *The League believes that offenders are entitled to mail, telephone calls, visits from relatives, extended family visits, furloughs, the opportunity to voice grievances, and access to information in their case records. (1)*
- ❑ *Education and job training for inmates should be provided in conjunction with the boards of education, private industry and unions. (2)-(6)*
- ❑ *The League supports pre-release planning to bridge the gap between prison and the community. (7)*
- ❑ *The League supports mandatory supervised release and the provision of community services to offenders, particularly when first released. Technical violations of mandatory supervised release need to be carefully defined and uniformly reported. (8)-(10)*

Consensus Questions:

12a. Should offenders be entitled to humane treatment and access to healthcare?

PRO

“ Over the past 40 years, as the Illinois prison population has increased by more than 700%, IDOC’s constitutional healthcare obligations have become increasingly difficult to fulfill. As of August 2012, IDOC housed almost 50% more inmates than it was designed to hold. Many minimum and medium security facilities housed more than 100% beyond their design capacity. These numbers place a nearly impossible demand not only on IDOC’s ability to house inmates, but also on the ability to deliver healthcare services. Compared to the general public, inmates have significantly greater healthcare problems with higher rates of chronic and infectious disease, addiction and mental illness. The more inmates that IDOC incarcerates, the more sicknesses it must treat. Apart from overseeing the care of its general population, IDOC also struggles to treat the growing number of inmates with special needs. For instance over the past decade, Illinois’ elderly prison population grew by more than 300% far outstripping increases in other age groups.” [John Howard Association--Unasked Questions, Unintended Consequences](#) (p. 3.)

“Many people in Illinois Prisons have mental health and substance abuse challenges, yet few receive the treatment they need. In 2016, the Illinois State Commission on Criminal Justice and Sentencing Reform reported that treatment and service capacity for mental health problems was at an all-time low, with only about 27 percent of people in Illinois prisons receiving ongoing mental health services. In 2014, 45 percent of people screened for substance abuse upon entering prison were determined to be in need of treatment services, but only half of those in need received those services. Even if treatment programs in Illinois prisons were adequately funded, the current degree of overcrowding means the Department of Corrections lacks adequate physical space in its institutions to render meaningful treatment to all the people who need it. State funding for drug treatment programs has plummeted in recent years, making these services less accessible to those who need them. In 2012, Illinois ranked 44th out of 46 states for state-funded treatment capacity. This lack of programming has serious consequences for people leaving prison: An estimated 75 percent of people released on parole without drug treatment for their addictions resume drug use within three months of release. Meanwhile, the state’s budget crisis has taken a toll on Illinois’ community based providers, diminishing the available treatment options for those leaving prison.”

[Blueprint for Smart Justice Illinois - ACLU](#) (p. 10)

Treatment of persons while incarcerated is necessary in order to assist them in returning to society successfully and thus avoiding a potential return to prison.

“IDOC’s healthcare system is not just an issue for the state’s prisons. Every year almost 35,000 inmates leave IDOC to return to their communities. If the prison system is not able to meet its healthcare obligations, cities, counties and the general public will inevitably pay

a higher price when inmates are released, with increased transmissions of infectious diseases, emergency room visits and higher recidivism rates.”

[John Howard Association--Unasked Questions, Unintended Consequences](#) (p.4)

“The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed.”

[\(LWVUS Impact on Issues 2018-2020 p. 13\)](#)

CON

The population increase over the last 40 years (700%) has made it virtually impossible to keep up with and pay for the cost of healthcare for inmates. The elderly population has grown by 300%. IDOC lacks adequate physical space which means either early release or building new facilities.

12b. Should all programs be evidence-based or based on best practices?

12c. Should all rehabilitative and evidence-based programs be made available to all for whom they are appropriate?

12d. Should programs be tailored according to individual needs.

12e. Should all offenders have access to program credits?

PRO

There is firmly established research to support these Items Including these references: The 23rd recommendation of [Illinois State Commission on Criminal Justice and Sentencing Reform](#) states: “Enhance rehabilitative programming in IDOC. Implement or expand evidence-based programming that targets criminogenic need, particularly cognitive behavioral therapy and substance abuse treatment. Prioritize access to programming to high risk offenders. Evaluate promising programs and eliminate ineffective programs.” (p.68)

In its rationale for the recommendation, the Commission states, “It is now firmly established that evidence-based prison programming that addresses the criminogenic needs of offenders plays an important role in reducing recidivism. If inmates do not have access to educational and vocational training to help them find jobs and if they do not get assistance with their substance abuse and psychological problems, the chances of successful integration after release drop dramatically.”(p. 68)

The Commission earlier states why access to programming for any offender returning to society is critical and why incentives are needed: “About 97% of all inmates will someday be released from prison, and society has a compelling interest in encouraging those inmates to address the problems- lack of job skills, substance abuse, poor education- that increase the chances of recidivism after release. Giving inmates an incentive to participate in these programs through sentence credits is one of the best ways to safely reduce prison population, and through supplemental sentence credits, to improve the safety of the prisons themselves.

[Illinois State Commission on Criminal Justice and Sentencing Reform](#)

(recommendation #19, p. 58.)

In its report, [The High Cost of Recidivism](#), the Illinois Sentencing Policy Advisory Council calculates the cost of recidivism but suggests that solutions are readily available:

“Criminal justice and social science research has established that recidivism can be reduced and criminal conduct changed through effective, tried and true interventions. Effective, evidence-based policies and programs are those that have been shown to improve outcomes in rigorous evaluations across jurisdictions and in multiple studies.” (p. 7) . . . “ If Illinois implemented proven evidence-based programs with fidelity, the State could achieve lower rates of recidivism, which would result in fewer convictions, fewer crimes and less victimization.” (p. 8)

“One of the most significant changes in thinking about corrections over the last two decades is that restrictions like this [denying sentence credit to certain offenders] focus on the wrong issue. Prison programming and the resulting sentence credit, should be made available based on the individual risk and needs assessment. Preventing inmates from receiving credit because they are repeat offenders or because they have once received programming credit and then committed another crime misses the point- these are precisely the high risk, high need inmates that need programming the most. By allowing these offenders to receive this sentence credit, their participation in rehabilitative programming would increase and as a result of higher rates of program completion, recidivism should be reduced.”

[Illinois State Commission on Criminal Justice and Sentencing Reform](#)

(recommendation #18, pg 56)

CON

12b. It is very expensive to house inmates in prisons. Why should we go ahead and spend MORE money to make their lives easier upon release—for example, offering school and vocational programs while they are incarcerated. Most of us have to pay for college or training for ourselves or our families. We should not have to pay for those incarcerated.

12c. Inmates are sentenced to do their time. They should not be involved in programming.

12d. Tailoring programs to fit individual needs is expensive. We should not have to foot the bill for inmates to receive programming.

12e. Those persons serving long sentences should not have access to program credits based on the severity of their offense or if they are repeat offenders. They do not deserve to have programming.

12f. Is pre-release planning critical for successful reentry into the community?

12g. Are adult transition centers critical in bridging the gap between prison and the community in order to ensure successful reintegration into society?

PRO

One of the Commission's recommendations focuses on successful reentry into society: "Research and experience have shown that releasing an inmate at the end of his sentence without adequate preparation while in prison and without adequate support outside of prison is a recipe for failure. Adult Transition Centers (ATCs) have proven to be an effective way to help offenders adjust from life behind bars to life on the outside. Prior to the completion of their sentence, inmates have the chance to live in a secure facility while learning the money management, educational, and job seeking skills that will help them re-integrate into their community. Inmates in ATCs also can benefit from substance abuse and mental health treatment or referrals." The recommendation calls for better use of ATCs. The risk-and-need research and evidence indicates that "residential transitional facilities, paired with appropriate programming, should be primarily reserved for high and medium risk offenders to obtain the highest public safety benefit."

[Illinois State Commission on Criminal Justice and Sentencing Reform](#) (recommendation #20, p. 61.)

CON

12f. It should be incumbent upon the releasee to plan for his/her release.

12g. When individuals are released from prison, they should not continue to be housed at taxpayers' expense. When they have completed their sentence of incarceration they should find their own housing. ATCs are ineffective since they have rules but no special areas of confinement if rules are not followed.

12h. Should the length of Mandatory Supervised Release (MSR) be determined by completion of goals tailored to the individual rather than a strict length of time?

12i. Should rules attached to MSR be clearly explained to the offender as well as expected consequences if rules are violated?

12j. Should caseloads be manageable so that parole officers are able to play a supportive role with the parolee?

PRO

"Successful reentry programs support a successful transition from a period of incarceration/detention to the community and reduce recidivism with service during incarceration and extending to post release (eg. Housing assistance, job placement and support, education support, case management, income support, restorative justice, family support, substance abuse and mental health support, tattoo removal." [Building a Safe Chicago](#) (p. 6)

"Providing incentives for meeting case-specific goals of supervision is a powerful tool to enhance individual motivation and promote positive behavior change. . . Shortening the period

of supervision builds on research... [which has] found that recidivism rates are highest in the first year of release before stabilizing in the second and third year. . . Front loading supervision addresses the period of highest risk, and the possibility of reducing the supervision term through earned discharge should enhance offender motivation to comply with conditions and reform their behavior. Additionally there is a cost saving advantage to the goal driven supervision where-by front loading resources in the first year when violations are most likely to occur and reducing or eliminating supervision thereafter results in fewer resources spent on simply trying to catch technical violators.”

[Putting Public Safety First](#), (p. 16-17)

“In fact, extended periods of MSR can be harmful to low-risk offenders in two respects. First, requiring offenders to continue to disclose on job, credit, and housing applications that they are currently under the supervision of the justice system is surely an impediment to their reintegration efforts. Second, inmates who remain on MSR when they are unlikely to commit a new offense are still subject to a large number of restrictions, some of which can be easily violated without any bad intent or creating any risk to the community. (p. 70)

The MSR structure should be more targeted, more flexible, and the supervision should end promptly once the period of significant risk to the public has passed. (p.71)

[Illinois State Commission on Criminal Justice and Sentencing Reform](#)
(recommendation #24)

At present, the Judge sets MSR (also known as parole) when sentencing; MSR is currently time based. (see recommendation 24 and 25)

CON

12h. It should be dealt with the same as a sentence. It takes more time to compile a specific MSR program for an individual and is costly and inappropriate use of staff time.

12i. When an individual is released from prison there are rules they must follow. They should be held accountable.

12j. When an individual is released from prison there are rules they must follow. Shouldn't the assigned parole officer act as a police officer and send them back to prison when they violate the rules? Shouldn't a releasee be held accountable for following the rules of parole/Mandatory Supervised Release? Reducing the caseload is not going to help Parole Officers who are ineffective, enjoy being the “cop” and having “control” over their caseload.

Resources:

Illinois State Commission on Criminal Justice and Sentencing Reform

Dec 2016 <http://www.icjia.org/cjreform2015/index.html>

Blueprint for Smart Justice- Illinois, American Civil Liberties Union, 2018

<https://50stateblueprint.aclu.org/assets/reports/SJ-Blueprint-IL.pdf>

Building a Safe Chicago, November 3, 2016

<http://www.law.northwestern.edu/legalclinic/cfjc/documents/Building%20a%20Safe%20Chicago%20Report.pdf>

Illinois Sentencing Policy Advisory Council, "Illinois Results First", Summer 2018, [The High Cost of Recidivism](https://spac.icjia-api.cloud/uploads/Illinois_Result_First-The_High_Cost_of_Recidivism_2018-20191106T18123262.pdf) https://spac.icjia-api.cloud/uploads/Illinois_Result_First-The_High_Cost_of_Recidivism_2018-20191106T18123262.pdf

John Howard Association of Illinois--Unmasked Questions, Unintended Consequences
<https://www.thejha.org/special-reports/unmasked-questions-unintended-consequences>

League of Women Voters Impact on Issues, 2018-2020
<https://www.lwv.org/sites/default/files/2019-04/LWV%202018-20%20Impact%20on%20Issues.pdf>

The Urban Institute, December, 2008 [Putting Public Safety First](#)

13. Post Incarceration and Sentence Completion: From recidivism to successful re-entry

Consensus Questions:

13a. Should all unnecessary barriers encountered by people with criminal records which hinder their successful return to society after completion of sentences be removed?

13b. Should people with criminal records have access to the same income-based support opportunities and services that are available to others in society and for which they would otherwise qualify?

PRO:

The goal for both society and people returning to society from the oversight of the criminal justice system should be a successful reentry. Yet a significant number of people recidivate back to prison. The Illinois Sentencing Policy Advisory Council issued a report in 2018, [The High Cost of Recidivism](#) that 43% of those released from prison each year recidivate within three years of release and 17% will recidivate within one year of release. 35% of those sentenced to probation for felony offenses each year recidivate within three years of sentencing, and 17% will recidivate within one year.

This high rate of recidivism is caused in great measure because people with criminal records (PWCR) quite often have little preparation for reentering society. Once released, not only is little support received, there are significant barriers imposed. Why do we continue to punish even after a sentence has been served? Is there any justification for doing so?

Among the barriers that PWCR encounter include these:

- The burden of being a felon
- Debt barriers
- Housing barriers
- Employment Barriers
- Difficulty in pursuing higher education.

PWCR must disclose that they are felons when seeking housing, employment, or higher education. This disclosure often results in automatic rejection. A helpful remedy is the sealing and/or expungement of records. Sealed records still “exist” in both a legal and physical sense; expunged records are destroyed so that there is no longer any record that an arrest or criminal charge ever occurred. A record that resulted in a conviction cannot be expunged unless the conviction was reversed, vacated, pardoned by the Governor, or approved for expungement by the Prisoner Review Board. There are more opportunities for sealing a record: [Qualifications for sealing and expungement](#) (pp. 3,4.)

Debt poses a serious barrier. The Illinois court system relies heavily on an excessively complicated court assessment system that disproportionately impacts low- and moderate-income individuals and communities of color. Financing the court system began shifting in the 1970s from the taxpayer to the defendant and/or the one convicted. What resulted is described in the report, [The Cost of Justice: The Impact of Criminal Justice Financial Obligations \(CJFOs\) on Individuals and Families](#): “While CJFOs are intended to punish wrongdoers, fund system activities, or deter future crime, those with more contact with the justice system – those with lower socioeconomic status and in predominately minority communities are more likely to bear the burden of these direct and collateral costs. This creates a contradictory effect that disproportionately penalizes citizens for their poverty or the community they live in, adding to their cumulative disadvantage, perpetuating a cycle of criminal justice involvement.”(p. 2.)

Early in 2019, the U.S. Supreme Court issued a [ruling](#), prohibiting states and municipalities from using use fines as a mechanism for raising revenue. In 2016, Chicago Appleseed Fund for Justice and Chicago Council of Lawyers published a [statement on effect of fines, fees, and costs](#) and made recommendations on improving these. Shortly thereafter, the [Statutory Court Fee Task Force Report](#) was released. The General Assembly passed The Criminal and Traffic Assessment Act (PA100-0987) in response to the work of this task force. The act provides a full or partial waiver for low-income individuals in criminal courts and reclassifies 90 different court costs, fines and fees into schedules to help reduce administrative errors in imposition. Only

finer, which are a form of punishment, are legitimately imposed on one who is convicted and even then, ability to pay must be taken into consideration or an alternative, such as community service be substituted for the fine. As indicated in this [Power Point](#), the Criminal and Traffic Assessment Act is not easy to navigate and how much relief will be realized by PWCR remains to be seen.

PWCR encounter great difficulty in finding housing that is affordable and landlords who are willing to rent to them: "In Illinois, nearly 5 million adults, 50% of the population, are estimated to have an arrest or conviction record. Housing is foundational for employment success, family stability, and overall well-being. Unfortunately, criminal history checks are a typical part of the housing application processes, and many people with records are declined housing opportunities they would otherwise be a good fit for, but for the criminal record."

[Win-Win: Equipping Housing Providers to Open Doors to Housing for People with Criminal Records](#), (p. 5.) In addition to the reluctance of landlords and lacking the resources to secure housing, those who are registered sex offenders and certain other people with convictions will be denied Section 8 housing. However, [a federal judge has found the Illinois rules on sex offenders unconstitutional](#) because the restrictions are so stringent that suitable housing cannot be found. These offenders are then kept in prison long after their sentences have been completed. In the Illinois Justice Project's Report, [Re-entry Housing Issues in Illinois](#), fifteen specific ideas for expanding housing options for exiting prisoners are offered. Although these ideas require funding, the report argues "that positive action on re-entry housing can significantly reduce recidivism, help stabilize neighborhoods, and return thousands of individuals to a productive life."(p. 4)

Coming often from poor communities, PWCR have had poor educational preparation and therefore limited employment opportunities. Prison too often provides insufficient educational and skill-building opportunities. Pell grants have been denied to incarcerated people since the passage of the 1994 crime bill signed into law by President Bill Clinton. PWCR are barred by law from certain areas of employment. Employers are hesitant to hire PWCR, concerned about the time gap in work history and, of course, the fear that is created from assumptions about PWCR.

PWCR can find admission to college challenging. Besides lacking the financial resources to do so, the main deterrent is the college application which often includes a box to disclose a felony conviction. PWCR wonder if they are then automatically deleted from the list of prospective students.

There are solutions:

- The final report of the **Illinois State Commission on Criminal Justice and Sentencing Reform** [CJSR](#) has recommended enhanced rehabilitative programming in IDOC to better equip people returning to society (#23); and the removal of unnecessary barriers to occupations requiring licenses (#26);
- Restoring Pell Grants is possible as [Senate Leaders Reconsider Ban on Pell Grants for Prisoners](#);
- Legislation to incentivize employers and landlords to employ and rent to PWCR.

- “Ban the Box” on applications for employment and college;
- Liberalize the requirements for the expungement and sealing of records;
- Taxpayers resume their responsibility for funding the court system;
- Invest in underserved communities so that the conditions that breed crime in communities from which PWCR come and back to which PWCR often return are addressed.

The most important solution is for the public to change its mindset and behavior toward PWCR. Although PWCR have made bad, even terrible choices, they have been considered qualified to reenter society. It is in the public’s interest to assist PWCR to successfully reenter society. The public must learn that punitive measures serve to drive PWCR back to crime and to the criminal justice system. There must be a desire to successfully restore PWCR to society by welcoming them and treating them with respect. Only when the public is able to change in this manner will there be successful outcomes for all.

CON:

Even though someone has completed their sentence, they still may pose a danger to the community. Those convicted of certain crimes forfeit their rights forever.

Links above are to these Websites

[The High Cost of Recidivism https://spac.icjia-api.cloud/uploads/Illinois_Result_First-The_High_Cost_of_Recidivism_2018-20191106T18123262.pdf](https://spac.icjia-api.cloud/uploads/Illinois_Result_First-The_High_Cost_of_Recidivism_2018-20191106T18123262.pdf), ICJIA, Summer, 2018.

[Qualifications for sealing and expungment](https://www2.illinois.gov/osad/Expungement/Documents/Adult%20Exp/ExpungementSealing_Instructions_Approved.pdf), Illinois Office of the State Appellate Defender, **How To Expunge And/Or Seal A Criminal Record**
https://www2.illinois.gov/osad/Expungement/Documents/Adult%20Exp/ExpungementSealing_Instructions_Approved.pdf

[The Cost of Justice: The Impact of Criminal Justice Financial Obligations \(CJFOs\) on Individuals and Families](https://icjia.illinois.gov/researchhub/articles/the-cost-of-justice-the-impact-of-criminal-justice-financial-obligations-on-individuals-and-families)
<https://icjia.illinois.gov/researchhub/articles/the-cost-of-justice-the-impact-of-criminal-justice-financial-obligations-on-individuals-and-families>

ruling **Capitolfax.com, February 21, 2019,**
<https://capitolfax.com/2019/02/21/a-big-nail-unanimously-driven-into-the-drug-wars-coffin/>

[statement on effect of fines, fees, and costs](http://www.chicagoappleseed.org/wp-content/uploads/2016/05/Collaboration-for-Justice-Policy-Brief-Fines-Fees-and-Costs-May-2016.pdf), **Stop Forcing Illinois’ Poor To Pay Excessive Court Fines, Fees, And Costs,**
May, 2016
<http://www.chicagoappleseed.org/wp-content/uploads/2016/05/Collaboration-for-Justice-Policy-Brief-Fines-Fees-and-Costs-May-2016.pdf>

[Statutory Court Fee Task Force Report](#) , June 1, 2016,

https://courts.illinois.gov/2016_Statutory_Court_Fee_Task_Force_Report.pdf

[Power Point](https://www.mcleancountybarassociation.com/uploads/2/9/3/3/29331367/abcs_of_new_ctaa-linked_to_materials.pdf) McLean County Bar Association, CLE Luncheon, July 16, 2019,
https://www.mcleancountybarassociation.com/uploads/2/9/3/3/29331367/abcs_of_new_ctaa-linked_to_materials.pdf

[Win-Win: Equipping Housing Providers to Open Doors to Housing for People with Criminal Records](https://heartlandalliancepolicyadvocacy.issuelab.org/resource/win-win-equipping-housing-providers-to-open-doors-to-housing-for-people-with-criminal-records.html),
Heartland Alliance Policy and Advocacy, July 12, 2019
<https://heartlandalliancepolicyadvocacy.issuelab.org/resource/win-win-equipping-housing-providers-to-open-doors-to-housing-for-people-with-criminal-records.html>

[a federal judge has found the Illinois rules on sex offenders unconstitutional](https://www.wbez.org/shows/wbez-news/federal-judge-finds-illinois-rules-on-sex-offenders-unconstitutional/fdea1372-1b00-44b1-b0e6-2501bc082378) , April 1, 2019,
<https://www.wbez.org/shows/wbez-news/federal-judge-finds-illinois-rules-on-sex-offenders-unconstitutional/fdea1372-1b00-44b1-b0e6-2501bc082378>

[Re-entry Housing Issues in Illinois](https://www.metroplanning.org/uploads/cms/documents/re-entry_housing_issues_report_final.pdf), Illinois Justice Project,
https://www.metroplanning.org/uploads/cms/documents/re-entry_housing_issues_report_final.pdf

[CJSR](http://www.icjia.org/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf) The Illinois State Commission on Criminal Justice and Sentencing Reform
http://www.icjia.org/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf

[Senate Leaders Reconsider Ban on Pell Grants for Prisoners](https://www.nytimes.com/2018/02/15/us/politics/pell-grants-prisoners.html)
<https://www.nytimes.com/2018/02/15/us/politics/pell-grants-prisoners.html>

14. Funding

EXISTING POSITION

Funding: The League believes that the criminal justice system must be adequately funded in order to carry out its goals.

Funding of specialized programs for offenders, such as mental health services, programs for female offenders and substance abuse treatment, is essential.

The League supports funding to guarantee humane prison conditions and to provide programs and services that offer the opportunity for self-improvement.

The League believes that state funds should emphasize community-based sanctions over the construction of more prisons.

Consensus Questions:

14a. Should we delete from the existing position: “The League believes that state funds should emphasize community-based sanctions over the construction of more prisons.”

14b. below is simply a better rewording of the position, substituting “and treatment instead of incarceration” for “over the construction of more prisons.” The sense of the position has not been altered and so there is no “con.”

Should we revise the position based on consensus regarding the following:

14b. Should state funding emphasize community-based sanctions and treatment instead of incarceration?

PRO:

Whenever possible and appropriate, community-based corrections should be utilized. They provide superior outcomes for the community and the offender. The [Final Report of CJSR](#) notes that “incarceration is costly, harsh, and in some cases, has a criminogenic effect on individuals, making them more likely to commit future crimes.” (p. 44.)

“Adult Redeploy Illinois (ARI) was established by the Illinois Crime Reduction Act of 2009 (Public Act 96-0761) to provide financial incentives to local jurisdictions for programs that allow diversion of individuals from state prisons by providing community-based services.

Administered by the Illinois Criminal Justice Information Authority, ARI provides grants to counties, groups of counties, and judicial circuits to increase programming in their areas, in exchange for reducing the number of people they send to the Illinois Department of Corrections.

The Crime Reduction Act is based on the premise that crime can be reduced and the costs of the criminal justice system can be controlled by understanding and addressing the reasons why people commit crimes. It also acknowledges that local jurisdictions know best what resources are necessary to reduce crime in their communities. Rigorous evaluation processes with standardized performance measurements are required to confirm the effectiveness of services in reducing crime.

“ARI is an example of a national best practice called '[performance incentive funding](#)' and is based on the successful youth Redeploy Illinois program which has been operating since 2004. Results expected from ARI include reduced prison admissions, lowered cost to taxpayers, and an end to the expensive and vicious cycle of crime and incarceration.” [Adult Redeploy Overview](#) [PA100-0999 has expanded eligibility for Adult Redeploy Illinois to all probation-eligible offenders.]

Community programs in addition to providing alternative sanctions, also offer treatment programs through problem solving courts (PSC):

“PSC are also known as specialty or therapeutic courts. PSC include, but are not limited to, drug, mental health, veterans and DUI courts. They have developed nationally and in Illinois to provide an alternative forum for individuals in the criminal justice system who have behavioral health disorders, which include mental illness and substance use disorders. PSC utilize a collaborative, therapeutic approach with justice professionals partnering with community treatment providers to address an individual’s underlying behavioral

health issues.” [Problem Solving Court Standards](#)

CON: The sense of the position has not been altered. There is no “con.”

14c.Addition: Should all program funding be periodically evaluated for its effectiveness and to ensure that proper offender populations are being served?

PRO:

Periodic evaluation is in accord with Recommendation 8 of The Illinois State Commission on Criminal Justice and Sentencing Reform :

“Require all State agencies that provide funding for criminal justice programs to evaluate those programs. Agencies should eliminate those programs for which there is insufficient evidence of effectiveness and expand those that are proven effective. Ensure that programming appropriately targets and prioritizes offenders with high risk and needs. ([Final Report of CJSR](#) , p. 37.)

CON:

Won't the people directly involved keep the programs that work and eliminate the ones that don't work? Is this oversight necessary?

Resources:

- [Final Report of CJSR Illinois State Commission on Criminal Justice and Sentencing Reform](#) <http://www.icjia.org/cjreform2015/index.html>
- Adult Redeploy Overview <https://icjia.illinois.gov/adultredeploy/about/overview>
- Performance Incentive Funding, Vera Institute of Justice, <https://www.vera.org/projects/performance-incentive-funding>
- **Problem Solving Court Standards, Supreme Court of Illinois, Administrative Office of the Illinois Courts** [Problem Solving Court Standards](#) https://courts.illinois.gov/Probation/Problem-Solving_Courts/P-SC_Standards_2015.pdf