

LWVIL Criminal Justice Position Update – 14 Consensus Questions

Consensus Question Number 1 – Investing in communities to reduce crime and violence

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

Pro arguments for the consensus question on investing in communities:

Underserved and/or impoverished communities provide limited opportunities to their residents: to find employment, to create a business, to find suitable, affordable housing, to access needed health care and other social services. Young people quite often go to schools with fewer resources, receive little mentoring, and have access to fewer after-school activities or jobs. They often suffer trauma and stress due to violence in their neighborhoods. Researchers and leaders are now making the connection between violence in these communities and the neglect of public and private investment in them. Thus, it could be argued that the Criminal Justice system does not start with the police who make the decision whether to arrest or to deflect the offender from arrest. Some would say that the foundation for crime has been laid long before an individual commits an offense.

Con arguments for the consensus questions on investing in communities:

- 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.

Consensus Question Number 2 – Bias in the criminal justice system

- 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 arguments for the consensus question on bias in the criminal justice system:

We expect the criminal justice system to be alert to and eradicate explicit biases. However, implicit biases are pervasive and everyone has them. But with training, they can be exposed and addressed. The criminal justice system is predicated on the importance of equal treatment under the law; therefore, whether biases should be addressed is an important issue. 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.”

Con arguments for the consensus question on bias in the criminal justice system:

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

Consensus Question Number 3 – Gender-Responsive approach for all offenders

- Should a gender-responsive approach be used for all offenders with the goal of equitable and appropriate treatment?

Pro arguments for the consensus question on gender-responsive approach for all offenders:

The Illinois State Commission on Criminal Justice and Sentencing Reform in its fourth recommendation called for a Gender-Responsive Approach for Female Offenders. However, we know that other populations such as transgender people have special needs and concerns related to gender. A gender-responsive approach is essential for equitable and appropriate treatment.

Con arguments for the consensus question on gender-responsive approach for all offenders

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

Consensus Question Number 4 – Data collection and transparency

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

Pro arguments for the consensus question on data collection and transparency

This question was prompted by the realization that “best practices” and “research based practices” cannot be developed without the analysis of relevant data. When reliable data are shared, the results are mutually beneficial for both the State and the local jurisdictions. Because of the many jurisdictions in the criminal justice system (state, county, local community), accurate and comprehensive data are difficult to collect. Accompanying this is the need for transparency throughout the system so that actual practices and procedures may be analyzed. Data collection and transparency are critical if a criminal justice system is to be impartial and unbiased.

Con arguments for the consensus question on data collection and transparency

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.

Consensus Question Number 5 – Criminal justice coordinating councils

- 5a. Should Criminal Justice Coordinating Councils (CJCCs) be created throughout the state?
- 5b. Should CJCCs include a wide representation from local justice systems agencies, other government bodies, service providers, and the community?
- 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?
- 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 arguments for the consensus question on criminal justice coordinating councils

Coordinating councils are strategic planning bodies that bring together representatives from justice service agencies, other government bodies, service providers and the community to create strategic

plans that deal with local crime problems. “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.”

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.

The Illinois State Commission on Criminal Justice and Sentencing Reform states: 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. The result is an insular approach to funding local needs, and as a result, State spending on criminal justice is often misaligned.

CJCCs will create a coordinated way for both the state and local communities to share data and experiences. 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.

Con arguments for the consensus question on criminal justice coordinating councils

- 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. 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.
- Incentives and support must be adequate to not increase the costs to the local community.
- Local communities are burdened with high expenses and demands and cannot afford to begin a new project that will cost the community more financially with limited personnel. Communities do not need the state to direct them on what needs to be done in their communities.

Consensus Question Number 6 - Policing

- 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?
- 6b. Should law enforcement agencies collaborate with community members to develop policies

- and strategies to reduce crime?
- 6c. Should law enforcement adopt model policies and best practices for technology-based community engagement that increases community trust and access?
 - 6d. Should community policing be the guiding philosophy for all stakeholders (law enforcement, schools, social services, churches, and businesses)?
 - 6e. Should quality training and education begin with recruits and continue throughout an officer's career?
 - 6f. 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?
 - 6g. Is it desirable for police to use alternatives whenever possible to deflect offenders from arrest?

Pro arguments for the consensus questions on policing:

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. 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.

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.

With Community Policing, the police and the community share responsibility. The police and the community must trust each other and respect each other if the community is protected and the police are effective in their work. Some technology is not conducive to increasing trust. 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. 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.

The President's Task force found that 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: policing in a democratic society, community policing and problem solving principles, implicit bias and cultural responsiveness, social interaction skills and tactical skills, crisis intervention teams (mental health, addiction, spectrum disorders), how to work with LGBTQ and gender nonconforming populations, languages and cultural responsiveness.

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.

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Con arguments for the consensus questions on policing:

- A significant number of organizations share the goals of structural reform, but argue 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. For the system of equitable and just policing described here to be achieved, they argue for the abolition of the police and the prison system.
- The cost of such extensive and ongoing training for all officers is prohibitive.
- It should be the responsibility of individual officers to seek the mental and physical health support and treatment that they need.
- Many officers do not see themselves as social workers, nor do they want to be seen that way.

Consensus Question Number 7 - Pre-Trial procedures

- 7a. Should we delete the existing position which supports a bail bond system and revise our position based on consensus regarding the following issues?
- 7b. Should cash bail be abolished?
- 7c. Should defendants be detained in jail only if they are a flight risk or a danger to society?
- 7d. Should risk assessments be transparent and designed to exclude weights that may be prejudicial against certain populations?
- 7e. Should electronic monitoring be used rarely for offenders prior to trial and/or sentencing?
- 7f. Must the Bond Court Judge review the Public Safety Assessment that is the basis of determination as to an individual's release?
- 7g. Should Pre-Trial Service providers remind defendants of court appearances?
- 7h. Should an attorney or a public defender be present for all defendants, at all hearings?

Pro arguments on consensus questions on pre-trial services:

After arrest, a defendant appears in bond court. One of the principles of the American criminal justice system is that a defendant is innocent until proven guilty.

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 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. 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."

Risk assessments are non-biased, and therefore are a reliable instrument in determining if the defendant is a flight risk or a danger to the community. In Cook County, Chief Judge Timothy Evans, ordered 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." He ordered that "When setting bail, conditions of release imposed shall be non-monetary. The court shall consider the defendant's social and economic circumstances when setting conditions of release."

A pretrial risk assessment tool provides 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.

Electronic monitoring puts the defendant, who has not been found guilty, in a restrictive situation, not allowing them to care for their children, go the doctor or grocery store or perform other essential tasks. Continuing to work can be challenging, given the restrictions. Some jurisdictions charge for electronic monitoring, unduly burdening the defendant. If a defendant is neither a danger to the community or a flight risk, electronic monitoring is inappropriate.

The need for a lawyer from the moment of arrest was supported 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 to provide immediate defense for arrestees at the police station, where it was found that 20% of the cases were dismissed."

In 2019, Cook County Board President Toni Preckwinkle and other county officials and criminal justice reform advocates supported a bill 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 arguments on consensus questions on pre-trial services:

- 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.
- Law enforcement would be discouraged from making arrests if they see someone whom they

- arrested on the street the next day.
- Risk assessments may consider those from disadvantaged communities to be a higher risk of flight or danger to the community.
 - Electronic monitoring isn't as restrictive as jail, and provides the community with a sense of security.
 - The judge is able to make a decision about pre-trial release without the pre-trial risk assessment, considering the 37 factors that they must consider in making this decision. These factors are set by state statute.
 - It is the defendant's own responsibility to remember court dates.
 - By law, attorneys are provided to defendants who can't afford one. But to require the attorney to be present at all hearings represents an undue burden on courts especially in rural areas.

Consensus Question Number 8 – Restorative Justice

- 8a. Should the criminal justice system be open to the use of restorative justice approaches and values?
- 8b. Must restorative justice courts involve members of the community to be successful?
- 8c. Must restorative justice courts be adequately funded?

Pro arguments on consensus questions on restorative justice:

The concept of restorative justice is found in the Illinois Constitution, which 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 adversarial system can consist of punishment devoid of any intent to restore the offender to useful citizenship. Because of ongoing criminal justice reform, many defendants have had access to less punitive sentences. Adult Redeploy Illinois and Problem Solving Courts are models that break away from the traditional justice system: sanctions are imposed in the community and offenders receive services that address the root causes of their offenses. Restorative justice is a new diversion idea in criminal justice although it has been practiced in juvenile justice.

Restorative justice relies on cooperation between various participants including the victim, the offender, and representatives of the community to achieve just outcomes. 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.

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.

Con arguments on consensus questions on restorative justice:

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

Consensus Question number 9 - Emerging adults

- 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 arguments on consensus question on emerging adults:

Currently, anyone over the age of 18 is considered an adult to be tried in criminal court. However, research has demonstrated that the brains of young people are not fully developed. They often act rashly and fail to consider the consequences of their actions. This population should be diverted from incarceration and provided with programs and services designed to move them toward maturity, which might prevent criminal behavior and involvement in the criminal justice system in the future.

Con arguments on emerging adults:

- Young people are considered adults, e.g., in voting and serving in the military; why should they be treated differently here?

Consensus Question Number 10 - Courtroom procedures and access

- Should barriers in the courthouse and courtrooms be eliminated whenever possible?

Pro arguments on consensus question on courtroom procedures and access:

There are barriers that might impact participation of all those who have need attend or participate in courtroom procedures or have business or roles in the courthouse. These barriers should be removed. Barriers may be physical, or include other things such as the inability to hear the proceedings or insufficient time to fairly conduct a hearing.

Con arguments on consensus question on courtroom procedures and access:

- It is not necessary for everyone to hear the proceedings.

Consensus Question Number 11 – Sentencing Laws and Procedures

- 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.”
- 11b. Should evidence-based practices and best practices guide sentencing laws and prosecutorial decision-making?
- 11c. Should sentencing take into consideration the public health issues involved in any crime committed?
- 11d. Should there be more collaboration between stakeholders so that sentencing outcomes are more just and fair?
- 11e. Should racial impact statements inform any new criminal law or regulation?
- 11f. Should legislation that reduces penalties for a crime also benefit those previously convicted and sentenced for that crime?
- 11g. Should the charge of felony murder be abolished?

Pro arguments on consensus question on sentencing laws and procedures:

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. Evidence-based practices and best practices, state 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.

Overcrowding in prison for the most part is due to the population that has received longer sentences. 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. At a certain point, longer sentences may not be effective since people “age out” of criminal activity. Certain racial and ethnic groups tend to receive longer sentences due to bias.

Public Health strategies include violence prevention, family support, and strategies dealing with trauma and consequences of violence. There is evidence that violence may be more effectively addressed if treated as a public health issue. Focusing resources on making behavioral health and trauma recovery services available in high-need areas is the best strategy for reducing crime.”

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. In our system, prosecutors have great power: they decide whether to charge and what to charge. The charge that a prosecutor brings determines the range of sentence an offender might receive and can limit the judge’s discretion in sentencing. The charge is quite often used to encourage plea bargaining--**over 90% of sentences are reached by plea bargains**. But a plea which imposes a felony conviction upon a defendant becomes a great burden when the offender returns to society. Collaborating with other stakeholders may produce better justice outcomes for all.

A prime example of legislation that affected people of color in disproportionate numbers was drug

sentencing legislation from the 1980s. The law placed the quantity of crack, that triggered 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.

Severe sentences have not shown to improve public safety and or deter crime. The fiscal cost to the state in 2015 to annually incarcerate one prisoner was greater than \$37,000. Sentencing retroactivity refers to allowing individuals sentenced under earlier and harsher laws to benefit from newer sentencing laws.

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 a number of online petitions to abolish it in the U.S., and many states have limited the rule’s application, either by statute or court decision, to prevent unfair and absurd results.”

Con arguments on consensus questions on sentencing laws and procedures:

- There is more certainty of being killed with a gun rather than another weapon.
- Sentences are set by statute to dissuade and punish crimes. The legislature proscribes certain conduct, sets sanctions and rules under which the system operates.
- Public health is too broad of a term; the issue of sentencing may consider mental health specifically.
- 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.
- All laws should treat defendants equally already. A new regulation is not required. Justice should be blind.
- 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.
- 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.

Consensus Question Number 12 – Incarceration, mandatory supervision and release

- 12a. Should offenders be entitled to humane treatment and access to healthcare?
- 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?
- 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?
- 12h. Should the length of mandatory supervised release (MSR) be determined by completion of goals tailored to the offender as well as expected consequences if rules are violated?
 - 12i. Should rules attached to MSR be clearly explained to the offender as well as expected consequences if rules are violated?
 - 12.j Should caseloads be manageable so that parole officers are able to play a supportive role with the parolee?

Pro arguments on consensus question on incarceration, mandatory supervision and release

As of August 2012, the Illinois Department of Corrections (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. 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. 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.

Evidence-based prison programming that addresses 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. Incentives such as sentence credits can encourage inmates to engage in programs that may benefit them and help ensure that they return to society successfully. Noting that the loss of freedom is the punishment, the basic human rights of all incarcerated persons should be respected.

The LWVUS supports voting rights for incarcerated people who are citizens and opposes prison gerrymandering, which for the census counts prisoners not in their home districts but in the community where the prison is located. Preventing inmates from receiving credits 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 the programming the most.

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) are 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.

Mandatory Supervised Release (MSR) too often is punitive—parole officers focus on rules instead of helping the inmate make a successful transition. Providing incentives for meeting case specific goals of supervision is a powerful tool to enhance individual motivation and promote positive behavior change. Extended periods of MSR can be harmful to low-risk offenders. 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 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. When caseloads are manageable, parole officers can focus less on the breaking of rules and more on providing support to the parolee.

Con arguments on consensus question on incarceration, mandatory supervision and release

- 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.
- 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.
- Inmates are sentenced to do their time. They should not be involved in programming.
- Tailoring programs to fit individual needs is expensive. We should not have to foot the bill for inmates to receive programming.
- 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.
- It should be incumbent upon the releasee to plan for his/her release.
- When individuals are released from prison, they should not continue to be housed at taxpayers' expense. When they have completed their sentence they should find their own housing.
- Mandatory supervised release 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. When an individual is released from prison there are rules they must follow. They should be held accountable.
- Reducing the caseload is not going to help Parole Officers who are ineffective.

Consensus Question Number 13 – Post-incarceration and sentence completion

- 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 arguments on consensus questions on incarceration, mandatory supervision and release

The recidivism rate in Illinois testifies to the difficulties that people with criminal records face when returning to society. These difficulties result from having to disclose that they are felons when seeking housing, employment, or higher education. People with criminal records often continue to have the burden of fees, fines, and other costs that follow them even after they have served their sentence. Although a sentence has been served, the mark of “felon” is with the returnee unless the opportunity of expungement and/or sealing is available.

Con arguments on consensus questions on incarceration, mandatory supervision and release

- 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.

Consensus Question Number 14 – Funding

- 14a. Should we delete from existing position: “The League believes that state fund should emphasize community-based sanctions over the construction of more prisons.”
- 14b. Should we revise the position to state that funding should emphasize community-based sanctions and treatment instead of incarceration?
- 14c. Should all program funding be periodically evaluated for its effectiveness and to ensure that proper offender populations are being served?

Pro arguments on consensus questions on incarceration, mandatory supervision and release

Community programs in addition to providing alternative sanctions, also offer treatment programs through problem solving courts. Problem-Solving Courts are also known as specialty or therapeutic courts. They 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. Problem-Solving Courts use a collaborative, therapeutic approach with justice professionals partnering with community treatment providers to address an individual’s underlying behavioral health issues.

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.

Con arguments on consensus question on incarceration, mandatory supervision and release

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

Additional information on The LWVIL Criminal Justice Position Update Study can be found at the LWVIL website <https://www.lwvil.org/criminal-justice-position-update.html>

The source and references for the information in this document can be found in the Resource section of the LWVIL Criminal Justice Position Update Study under “Background Information for all 14 Study Questions”. [file:///C:/Users/User/Downloads/background_information_6-15%20\(13\).pdf](file:///C:/Users/User/Downloads/background_information_6-15%20(13).pdf)