

TESTIMONY ON BEHALF OF PROJECT I-11
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TO ILLINOIS STATE COMMISSION ON CRIMINAL JUSTICE AND SENTENCING REFORM
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WHO WE ARE

I am here to speak on behalf of Project I-11. That name refers to the section of the Illinois Constitution saying that prison sentences should aim to restore the prisoner to useful citizenship, as well as to punish. The goal of our group is to improve the circumstances of Illinois' long-term prisoners, both by finding ways to shorten lengthy sentences, and also by improving access to meaningful programs and jobs for long-termers.

We formed our group several years ago because of the experience many of us have had in representing men and women formerly on death row, or serving lengthy sentences. From these folks we learned that some of the people serving decades-long sentences are not defined by the terrible acts that brought them to prison, but instead have turned their lives around.

WHY WE ARE HERE

We spoke to you in July, when we recommended that the Commission adopt a system to allow the possibility of modifying the sentence of prisoners serving long-term sentences. We told you the reasons why we support such a system – it saves money and will help decrease the prison population – releasing short termers will not do the job. Done right, this system will reduce recidivism and is consistent with our democratic and moral values. In July, you told us and the day's other speakers that we should provide specific proposals to assist the Commission in its thinking. That is what we are doing today.

WHAT WE SUPPORT

As most of you are aware, Illinois used to have a form of parole, which the legislature abolished in 1978. It still exists for persons who committed a crime before 1978, about 200 of whom remain in prison. It was abolished for good reason: the statute allowed complete discretion and no guidance for the decisionmakers. There was no consistency in decisions, and inmates had (and have) no idea what they can do to improve their chances for parole.

We are recommending a very different statute. Here are the general principles that should guide such a statute.

Principles for Legislation Enabling the Modification of Long-Term Prison Sentences

- The members of this decisionmaking body (or prisoner review board) would be chosen under a merit selection system. An independent commission or group would investigate and evaluate candidates and send names of their chosen candidates to the governor, who would select members from the list.
- Once established, the decisionmaking body would hear and rule upon applications for sentence modification from prisoners who have served 15 years of a prison sentence.
- After the first eligibility, a prisoner's right to apply for sentence modification would recur at intervals not to exceed five years.
- The Department of Corrections will notify prisoners of their rights under this provision and ensure that they have adequate help to prepare applications, which may be provided by nonlawyers. The decisionmaking body will have discretion to appoint counsel to represent applicant prisoners who are indigent.
- In making decisions, the inquiry should be whether the purposes of incarceration would better be served by a modified sentence than by the prisoner's completion of the original sentence. The decisionmaker should focus on assessing the likelihood of the prisoner's living successfully outside prison. The law should include procedures to establish standards for making decisions, which will be guided by the standardized risk assessment tool developed by the Department of Corrections. The decisionmaker may adopt procedures for the screening and dismissal of applications that are unmeritorious on their face.
- The decisionmaker would be empowered to modify any aspect of the original sentence, so long as the portion of the modified sentence to be served is no more severe than the remainder of the original sentence. The sentence-modification authority under this provision will not be limited by any mandatory-minimum term of imprisonment under state law.
- Adequate notice of the sentence-modification proceedings should be given to the relevant prosecuting authorities and to victims of the offenses for which the prisoner is incarcerated who can be located with reasonable efforts, and they should be allowed input in the proceedings.
- The decisionmaker will maintain a record of proceedings and will provide a statement of reasons for its decisions on the record.
- The law should be retroactive and apply to prisoners sentenced before its effective date. The decisionmaking body will establish a system to allow for the orderly disposition of the applications of those presently incarcerated who become eligible.