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The United Congress of Community &
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Dear Members of the Illinois State Commission on Criminal Justice and Sentencing Reform:

In response to the testimony provided at your meeting on October 30, 2015, we would like to both share some relevant research and offer our recommendations for addressing the vast racial inequities within Illinois' criminal justice system.

First, while the Commission has offered some promising suggestions for reducing Illinois' incarcerated population, we respectfully submit that the lack of explicit attention to racial disparities will limit the effectiveness of your proposals. History has shown us that race-neutral solutions are simply inadequate to address problems in which racial inequities are as pervasive as they are within our criminal justice system. Moreover, without targeted efforts directed at addressing racial disparities within the criminal justice system, those disparities will likely worsen even as the overall incarcerated population shrinks.

Second, it is important to mention that racial disparities within the incarcerated population are the end result of a long series of law enforcement and corrections policies and practices. From decisions about where and how to police, to the use of prosecutorial discretion, to diversion opportunities, to sentencing decisions, to reentry services, and virtually every step in between, racial inequities can be identified. These inequities accumulate to create a "snowball effect" that manifests itself as extreme disproportionality in the incarcerated population. Consider the following research on Illinois criminal justice practices:

Racial Disparities in Policing

- *Drug Arrests:* A 2010 study by the Illinois Disproportionate Justice Study Commission found disproportionality in drug arrests within 62 of the 102 counties in Illinois, including urban, suburban, and rural areas.¹
- *Stop and Frisk:* During a four-month period in 2014, there were more than 250,000 uses of "stop and frisk" in Chicago that did not lead to an arrest. Blacks were eight times more likely to be subjected to "stop and frisk" than Whites, and Latinos were twice as likely to face to be stopped and frisked.²
- *Traffic Stops:* In 2013, Black motorists in Chicago were about 70% more likely than White motorists to have their cars stopped by police. Black and Latino drivers were far more likely

¹ Illinois Disproportionate Justice Study Commission, *Final Report* (Dec. 2010), at http://www.centerforhealthandjustice.org/DJIS_FullReport_FINAL.pdf.

² ACLU of Illinois, *Stop and Frisk in Chicago* (March 2015), at http://www.aclu-il.org/wp-content/uploads/2015/03/ACLU_StopandFrisk_6.pdf.

than Whites to be searched after being stopped, though they were less likely to be caught with contraband.³

- *Youth Arrests:* Statewide, among youth ages 10-17, Black youth are more than five times more likely to be arrested than White youth in 2013. In Chicago, Latino youth were over five times more likely to be arrested than their White peers.⁴
- *School Policing:* In 2011-12, there were over 8,000 K-12 students arrested in Illinois schools. Black students were almost five times more likely to be arrested than White students, and Latino students were almost twice as likely to be arrested as their White peers.⁵

Racial Disparities in Prosecution

- *Youth:* Statewide, Black youth are over twice as likely to be referred to juvenile court, four times less likely to receive diversion, and 300 times more likely to be transferred to adult court.⁶
- *Drug Charges:* A statewide analysis of the decisions to either prosecute in felony court or to drop/dismiss charges showed that, after controlling for other variables, including criminal history, Blacks were approximately 1.8 times more likely than Whites, and Latinos were approximately 1.4 times more likely than Whites, to be prosecuted for any crime.⁷

Racial Disparities in Sentencing

- *Youth Detention:* Statewide, Black youth are over 40% more likely to be placed in DJJ than White youth.⁸ In Cook County, Latino youth were almost three times as likely as White youth to be placed in DJJ.⁹
- *Drug Sentences:* Statewide, Black and Latinos were almost five times more likely to be sentenced to prison, while Whites were more likely to be sentenced to court supervision or probation.¹⁰

Racial Disparities in Incarceration

- *Incarceration Rates:* Statewide, as of 2013, Black residents were incarcerated at nearly nine times the rate of Whites and the incarceration rate for Latinos was 70% higher than it was for Whites.¹¹
- *Concentrated Impact:* The money we spend on incarceration is overwhelmingly concentrated in low-income communities of color. For example, in Chicago between 2005-2009, \$550 million was spent to incarcerate just the residents of Austin; \$293 million and \$241 million was spent to incarcerate residents of Humboldt Park and North Lawndale, respectively.¹²
 - There were over 851 individual blocks with more than \$1 million committed to the incarceration of residents, and 121 blocks with more than \$1 million committed to prison sentences for non-violent drug offenses.

³ ACLU of Illinois, *CPD Traffic Stops and Resulting Searches in 2013* (Dec. 2014), at <http://www.aclu-il.org/wp-content/uploads/2014/12/Report-re-CPD-traffic-stops-in-2013.pdf>.

⁴ Illinois Juvenile Justice Commission, *Disproportionate Minority Contact 2013*, at <https://chiyouthjustice.files.wordpress.com/2015/11/dmc-data-for-sept-15-cook-co-forum.pdf>; Project NIA, *Arresting Justice: Juvenile Arrests in Chicago, 2013 and 2014* (Oct. 2015), at <https://chiyouthjustice.files.wordpress.com/2015/11/cpd-juvenile-arrest-stats-2013-2014rev.pdf>.

⁵ Analysis completed by Voices of Youth in Chicago Education (VOYCE).

⁶ *Supra* note 4.

⁷ *Supra* note 1.

⁸ *Supra* note 4.

⁹ *Supra* note 4.

¹⁰ *Supra* note 1.

¹¹ Analysis provided by the Urban Institute.

¹² *Chicago's Million Dollar Blocks*, at <http://chicagosmilliondollarblocks.com>.

We believe the Commission could make valuable contributions to addressing these issues through the following three steps:

1. Target policies and practices that currently have a disproportionate racial impact.

While it is likely unrealistic for this Commission to address all of the issues mentioned above, we would recommend devoting some of its remaining time and resources to convening the experts needed to diagnose and address some of the key drivers of racial disproportionality in Illinois. Additionally, it could seek to initiate a supplemental process for doing a "deep dive" into the full array of these policy drivers in 2016.

2. Promote strategies for identifying and addressing ongoing, race-based inequities.


While meaningful progress can be achieved through the types of reforms that this Commission will recommend, there will still be a critical need for ongoing vigilance in identifying and addressing racial inequity at the local and state levels. The Commission could advance this effort by offering policy recommendations that would require and/or incentivize relevant state agencies and localities to incorporate racial equity analyses into their criminal justice decision-making, policies, practices, and budgets. As one example of how to operationalize such a reform, the Local and Regional Government Alliance on Race & Equity has created excellent tools and resources that are already being used in over 100 jurisdictions around the country.¹³

3. Advance justice reinvestment efforts that reallocate resources from the criminal justice system to meeting vital educational, health, and employment needs within low-income communities across the state.

As was mentioned at the meeting on October 30th, we believe it is critically important that the Commission address the disproportionate investment in the criminalization and incarceration of communities of color, at the expense of investments in high-quality educational opportunities, afterschool programs, youth jobs, affordable housing opportunities, mental health services, and living wage jobs for those communities. We recommend that the Commission offer policy recommendations that would require and/or incentivize relevant state agencies and localities to engage in robust justice reinvestment processes. By shifting the investments we are making in our communities, and prioritizing the health and well-being of low-income communities in particular, we can undo the harm caused by 30+ years of mass incarceration and create a better, stronger, and more fiscally sound Illinois for all of its residents.

Thank you for all of the work you have done to advance Governor Rauner's laudable goal of reducing the incarcerated population by 25%. If there is anything we can do to support the Commission's efforts going forward, including offering additional information or assistance with regard to any of the above recommendations, please do not hesitate to let us know.

Sincerely,


Matthew T. Bush, Justice Reinvestment Coordinator
Communities United

¹³ See <http://racialequityalliance.org/2015/10/22/resource-guide/> and <http://racialequityalliance.org/2015/10/30/racial-equity-toolkit/>.