

Incarcerated Activists Raise the Bar on Parole

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Over-incarceration in this country takes many forms. One form that is particularly egregious in Illinois is that of keeping people imprisoned for years, or even decades, beyond the time that they pose any risk to public safety—and even beyond their life expectancy.

Illinois stands out in this “lock ‘em up and forget about ‘em” form of over-incarceration because the state has no inclusive system of discretionary parole. For the vast majority of the 40,000 men and women incarcerated in Illinois, the state has no mechanism for early release and no periodic assessment of whether their continued incarceration is necessary for public safety. If nothing changes, the state faces an impending crisis of geriatric prisons, and at least 5,600 people will die behind bars.

The Abolition of Parole

Illinois abolished parole in 1978. The elimination of parole came on the heels of a conservative backlash to a 1972 Supreme Court ruling that for several years made the death penalty unconstitutional. Following this ruling, former death row prisoners were given life sentences, which in Illinois came with parole hearings after 11 years and 3 months of incarceration. Pressure built to remove people with life sentences

permanently from society; thus the introduction of life-without-parole sentences.

In addition, the parole board had been racially biased, which garnered bipartisan criticism. Rather than trying to ameliorate the bias, however, the state abolished parole altogether. Parole was eliminated, but racism persisted in the form of longer sentences handed out by the courts to black defendants. Today, while blacks comprise only 15 per cent of Illinois' population, they make up 68 per cent of the people sentenced to die in prison.

Recent decades also have produced changes in the sentencing laws, which have doubled and tripled the average time served for the same crimes. If before 1978 all people imprisoned in Illinois were reviewed for parole, but people of color had to wait longer for release, now thousands of people—a disproportionate number of whom are black—have been condemned to spend the remainder of their lives in prison.

Illinois' First Parole Legislation since 1978

With the exit doors shut behind thousands of incarcerated Illinoisans, justice advocates have turned their attention to reestablishing parole. Restore Justice has championed a Youth Parole Bill, which Governor Pritzker recently signed into law as the state's first parole bill since 1978. Public Act 100-1182 provides parole opportunities to individuals under 21, who do not fall under excluded categories and who are sentenced or resentenced after June 1, 2019. Restore Justice Director Jobi Cates describes the bill as the “first chip away from the rock that is juvenile life without parole in Illinois.”

The Illinois Prisoner Review Board also continues to evaluate for parole about 100 people who were convicted prior to 1978. These so-called “C-numbers” have spent four to five decades in prison and are now elderly. Many have educated themselves and mentored younger prisoners, and have allies on the outside willing to provide them with jobs and housing. Nonetheless, they continue to be denied parole by board members who focus on the one thing that the candidates cannot change: their original conviction.

Meanwhile, over 90 per cent of incarcerated Illinoisans still have no eligibility for discretionary parole.

A New Coalition for Parole

A group of men incarcerated at Stateville prison initiated a more inclusive movement for parole. In a prison debate class taught by Katrina Burlet in 2017/2018, the men chose parole as their topic. Upon researching parole systems across the nation, they drafted a 21-point proposal for a system

that would regularly and fairly assess for release every individual imprisoned in the state. In March, 2018, in the first event of its kind at Stateville, the men presented arguments about the intricacies of different parole systems to a group of invited guests, which included 10 per cent of the state's legislators. Several of the guests, including Representative Rita Mayfield, were inspired by the men to work on parole legislation, informed by the men's arguments. Despite the success of the event, the Department of Corrections responded by cancelling the class and banning the teacher.

The men of the debate class were not deterred. The authors of this article launched a website, ParoleIllinois.org, that shares resources about Illinois justice advocacy and brings the voices of incarcerated individuals into discussions about parole. They were joined by a handful of activists inside and outside of prison to form Parole Illinois.

Now an official state-registered organization co-directed by Joseph Dole and Rebecca W. B., the coalition has been educating the public about the devastation that over-incarceration has wrought on our communities and the need to shift the focus of the Illinois Department of Corrections from warehousing to rehabilitating people, so that every incarcerated person has a chance to come home. It also has been forming alliances with other racial and social justice movements and preparing to mobilize for fair and inclusive parole legislation.

Fairness and inclusivity are key themes. Parole Illinois has called not only for the return of discretionary parole but for the use of a risk assessment instrument to serve as the primary factor in evaluating eligibility for parole. They also have called for the regular auditing of that instrument for racial bias; revised qualifications for parole board members that ensure a more broadly educated, racially diverse, and less political make-up; and clear criteria for rehabilitation for every incarcerated individual.

Inclusivity is also paramount. An inclusive parole system would not release every incarcerated person. It would require, however, that every person have a rehabilitation plan and an opportunity, after a reasonable period of incarceration, for fair parole hearings. No person can be merely warehoused and disregarded due to the category of the crime they were convicted for.

Exempting people from rehabilitation and parole eligibility based on the category of their crime is unjust for several reasons. First, many of the people who have been charged for multiple murders and sex crimes (the crime categories typically excluded from reforms) have been found guilty under a theory of accountability, which extends the realm of legal accountability to people with only indirect connection to an act. In these cases, people are charged for "multiple

murders” and “sex offenses” even when when they did not actually commit those acts. Second, as the many recent exonerations demonstrate, faulty and coerced testimony often lead to wrongful convictions for multiple murders and sex offenses. Parole can serve as a safety valve for people who have been wrongfully convicted but lack the resources to prove their innocence.

Finally, categories of crime conviction tell us little about a person’s growth in prison and current risk to public safety. In fact, contrary to popular myths about “violent criminals” and “sex offenders,” studies show that people who have been convicted of murder and sex offenses have the lowest recidivism rates.

In less than a year, Parole Illinois has mobilized hundreds of people. Over 50 family members participated in Parole Illinois’ recent public meeting. Over 300 incarcerated men and women have written to Parole Illinois seeking to get involved and requesting campaign packets, which were jointly composed by writers and artists inside and outside of prison, printed for free by supporters, and stuffed into envelopes by student volunteers.

For these activists, parole advocacy goes deeper than reforming the system. It is about sharing resources and knowledge across prison walls; responding to the rupturing of our communities by building community back up; linking decarceration with efforts to address the homelessness, poverty, racism, and addiction that lie beneath the criminalization of individuals; and affirming our capacity to be more than circumstances and categories and to reassess our labels in light of the human beings who transcend them.

http://publici.ucimc.org/2019/06/incarcerated-activists-raise-the-bar-on-parole/?fbclid=IwAR2OZK0qNRcnl_BkOgTfTnbBNIZkoE8R6LM7rq0xW69gUsHjS5Tuu0XuI
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