

Why It's Imperative That Illinois Prisons Offer College Courses

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While the courts refuse to acknowledge this fact, the writers of the Illinois Constitution wanted our criminal justice system to return people to useful citizenship. Article 1, Section 11 reads, “all penalties shall be determined *both* according to the seriousness of the offense *and* with the objective of restoring the offender to useful citizenship.” (emphasis added).¹

The Illinois Code of Corrections likewise lists two of its four purposes as the following: “(a) prescribe sanctions proportionate to the seriousness of the offense and permit the recognition of differences in rehabilitation possibilities among individual offenders; ... and (d) restore offenders to useful citizenship.”²

Unfortunately, words mean little on paper if not actually enforced. The Illinois legislature, our judges, and the Illinois Department of Corrections (IDOC) have all disregarded the objective of rehabilitation. The legislature has authorized the death penalty (now again abolished due to mismanagement of it), life-without parole (LWOP) sentences, gun enhancements, and other mandatory minimum sentences that combine to deny even juveniles any chance of outliving their sentences to regain their freedom

College courses for people in Illinois prisons are necessary not only to follow the state constitution but to protect the well-being of incarcerated people and the rest of society.

The Declining Commitment to Rehabilitation

Even after the U.S. Supreme Court outlawed mandatory LWOP sentences for juveniles, Illinois judges have no qualms about resentencing them to LWOP or a number of years that ensures they leave prison in a pine box. Those same judges routinely sentence men, women, and children to die in prison with no opportunity for release. The IDOC pays lip service to rehabilitating people, but expends no resources

¹ Illinois Constitution of 1970, Article 1, Section 11.

² *West's Illinois Criminal Law and Procedure. 2004 Edition.* p 668, (730 ILCS 5/1-1-2). Minneapolis, MN. West Publishing, March 2004.

to do so, which is clearly evident in the dearth of programs and revolving-door recidivism rates of releasees.

Voters are not immune from blame. They elect both the legislators and judges in Illinois. They help feed a vicious cycle where they only elect tough-on-crime spewing, fear-mongering officials; then the next people running for office claim to be tougher on crime, preying on their fears even more. Admittedly, voters at this point have been brain-washed by nearly five decades of tough-on-crime rhetoric from both government officials and the news media. In knee-jerk fashion, voters now disregard any candidate labeled “soft-on-crime.” Voters also punish any legislators or judges who support programs for rehabilitation: Smeared as “soft,” these officials are quickly run out of office.

Moreover, current sentencing laws and prison rules often serve to thwart an incarcerated person’s attempts at self-rehabilitation. For instance, any significant amount of money saved for release is confiscated to pay for costs of incarceration; the rare prisoners with sufficient funds to enroll in college correspondence courses are barred from getting a degree because they are denied access to proctors. Even staff or volunteers willing to proctor exams are often banned by the prison from doing so. So not only are those people who remain in prison not allowed to be restored to useful citizenship, but people who do get out are more likely to be returned to prison than they are to be restored to useful citizenship.

The Decline of College Courses in Prison

There is only one tried-and-true way to restore incarcerated people to useful citizenship: college education. Many states, however, have abandoned even their minimal efforts to offer college courses in prison. Illinois, where I am currently incarcerated with a life-without-parole sentence, is a case in point. Many years ago, nearly every Illinois prison had modest college programs. These were highly effective in ensuring that the students enrolled in them did not return to prison. One that survived past the turn of the century was run by Roosevelt University. The Chicago Sun-Times reported in 2001 that “graduates of Roosevelt University’s program in the IDOC have a 4.6 percent recidivism rate, compared with the state’s overall recidivism rate of 46 percent.”³

3 Dodge, Susan. “Budget Ax Hits Prison Education.” *Chicago Sun-Times*. December 12, 2001.

Nevertheless, in the frenzy of tough-on-crime rhetoric in 1994, the federal government stripped Pell Grant eligibility for all prisoners, which decimated prison college programs across the country. According to a policy brief by The Education from the Inside Out Coalition:

The 1994 elimination of eligibility for Pell Grants for the incarcerated was a severe blow to post secondary education programs. Without funding, community colleges, colleges and universities withdrew from the correctional education market. According to a 1997 study, within three years of the ban's enactment, the number of higher education programs dropped from 350 to 8 nationally. In 2004, a nationwide survey of prison systems found that postsecondary correctional education was available to only about five percent of the overall prison population.⁴

After Pell Grants were banned to incarcerated people, college programs in Illinois' maximum security prisons completely disappeared. With them went nearly all vocational courses as well. By 2010, the John Howard Association (JHA) would report that:

For much of the past decade, Illinois has allowed its prison vocational and academic programs to wither away.... This trend is significant.... Education protects the public from crime. Now the pace of neglect is accelerating.... When education reduces recidivism, it minimizes the financial and social costs of crime. Education does not cost the public money. The management of the IDOC supports education in its prisons. But unless state government finds money to finance the community colleges, prison educational programs are certain to continue shrinking and the public will be the victim.⁵

IDOC Obstructions to Educational Programs

In 2015, there were still no college or vocational classes available to the thousands of men in Illinois' maximum security prisons. The administration claims that it has no money for the programs. On the surface, this is true. In the face of the tsunami of new people being admitted to IDOC, the JHA (in 2011) found that--although appropriations

⁴ "Policy Brief; Restoration of Pell Grant Eligibility." The Education from the Inside Out of Coalition, n.d. www.EIO_coalition.org

⁵ Manor, Robert, and Maki, John. *Cuts in Prison Education Put Illinois at Risk. The John Howard Association.* (2010).

to the IDOC had increased by more than 60% since 1995 alone-- “there are still not enough resources to staff educational and vocational programs that help inmates get jobs and stay out of prison.”⁶

If funding were the sole impediment to college or vocational courses one would think that prison wardens would welcome universities and professors willing to volunteer their time, raise money, and establish programs for free. Instead, the IDOC administration impedes any expansion of the meager non-accredited programs at Stateville. Moreover, they allow IDOC staff to censor both teachers and students, and harass all involved to discourage professors from volunteering and students from enrolling.

In addition, students’ class materials and projects are routinely destroyed or thrown out during shakedowns. Final projects are often confiscated. Graduations are arbitrarily cancelled 90% of the time and not rescheduled. Teachers are routinely treated as suspects. On more than one occasion, teachers have arrived in classes in tears after being excessively groped by overzealous guards during pat-downs. Many have been arbitrarily banned from Stateville after being falsely accused of misconduct as a pretense to cancel courses or in an attempt to cancel an entire program.

The Benefits of Prison Educational Programs

Supporting college and vocational programs means standing by our proclaimed ideals that everyone deserves a second chance, that people can change, and that people should be able to pursue the American dream of being able to rise up out of poverty.

In addition, college courses are the single, nearly fool-proof way of returning people to useful citizenship. The Alabama State Board of Education found that “[c]orrectional education appears to be the number one factor in reducing the recidivism rates nationwide.”⁷ *Prison Connections* reported in 1997 that in “Alabama the general prison population recidivism rate in any given 12 month period averages 35% as compared to 1% for inmates who completed post secondary degrees in prison.”⁸ In Maryland, they

6 Maki, John. “Director Godinez and the Challenges Facing the Illinois Department of Corrections.” The John Howard Association.

7 Mosso, G.E. “The Truth About Prison Education.” *Prison Connections*. Winter 1997 : Vol. 1, No. 3.

8 Stevens, Dennis J., and Ward, Charles S. “College Education and Recidivism: Educating Criminals Meritorious.” *Journal of Correctional Education*. September 1997: Vol. 48, Issue 3, p-106-111.

looked at the recidivism rates of over 19,000 people released from prison who were in general population. They found that nearly half (46%) returned to prison within three years, but out of the 120 who left after receiving a college degree while inside, not a single one returned.⁹

James Gilligan, a psychiatrist and former director of mental health in Massachusetts' prison system, found similar results when looking at the issue there. He reported that :

While several programs had worked, the most successful of all, and the only one that had been 100 percent effective in preventing recidivism was the program that allowed inmates to receive a college degree while in prison. Several hundred prisoners in Massachusetts had completed at least a bachelor's degree while in prison over a 25 – year period, and not one had returned to prison for a new crime. ¹⁰

Therefore, college courses are needed because they protect society. This is clearly shown in the recidivism statistics in Illinois. Prior to the elimination of Pell Grants and the decimation of college courses in Illinois, overall recidivism rates hovered around 42% - 44%. (Hardly stellar, but the college programs, etc. were still only reaching a small percentage of the prison population.) Afterwards, the recidivism rate in Illinois steadily rose to where it is today, hovering around 54% - 58%.

At the same time, the denial of an education in prison compounds criminality. It does so for a couple of reasons. First, it sends a message that, despite the state constitution, laws, and rhetoric about rehabilitation and second chances, people in prison are being told they are not worth the “expense” of returning them to useful citizenship. This increases the likelihood that they will have little interest in acting in society's best interest upon release. Ostracize people and they won't want to join you. If society treats people like garbage they can hardly expect them to act like angels.

Second, it increases the likelihood that people released from prison will need to commit crimes in order to survive. After all, they have just been warehoused and kept impoverished for years or decades with no opportunity to gain any employable skills.

College courses would also greatly increase institutional security. Men in the current non-accredited program at Stateville (only offered to less than 5% of the population)

⁹ Ibid.

¹⁰ Gilligan, James. “Reflections From a Life Behind Bars; Build Colleges Not Prisons.” *The Chronicle of Higher Education*. October 16, 1998. www.chronicle.com.

refrain from committing serious rule infractions for the specific reason of wanting to remain in the programs.

Lifers and long-termers largely languish at Stateville. They have very few intellectual or creative outlets. When they do engage in positive, constructive activities on their own, they are often punished for it. (For instance, one inmate was recently disciplined for writing several books. He has a right to do this, but the administration wrote him a ticket for an “unauthorized business venture.”).

Even if someone is never going to be released from prison, he or she should still have the opportunity to lead a productive, goal-oriented life inside of prison. They shouldn't be forced to spend 22 hours per day in a cell with little to do for decades on end. Uneducated prisoners are more angry, frustrated, and even suicidal, if not homicidal, than educated prisoners.

In addition, there is a monetary return on investment: The JHA found that the annual cost of the then remaining programs throughout Illinois was \$9.8 million. At the same time though, these programs save the state \$10.4 million each year.¹¹

Moral Obligations to Rehabilitate

Society has a moral obligation to return people to useful citizenship. Yes, you read that right. Not only are many of them victims of racist sentencing laws, prosecutors, and judges, but many are innocent of the charges, victims of out of control police forces like Chicago's that routinely hide exonerating evidence, fabricate both evidence and charges, torture people into falsely confessing, and more.

The vast majority of incarcerated people also come from impoverished areas and housing projects. They were born and raised there through no fault of their own. For various reasons, this greatly increased the likelihood that they would come into contact with the criminal justice system. Here are just a few.

If there is one overwhelming theme in the majority of studies concerning criminality, it is that almost every factor disproportionately affects the poor. Impoverished people are not inherently less moral or more “evil” than the rich or middle class; rather they are subjected to more environmental factors which increase someone's likelihood of committing a crime. Everything from the quality of food, to exposure to pollution, to

¹¹ Manor, Robert, and Maki, John. *Cuts in Prison Education Put Illinois at Risk*. The John Howard Association. (2010).

educational level, to access to treatment for mental illness, affect someone's likelihood of breaking the law.

Schools in impoverished neighborhoods are usually the poorest performing as well. They have the least resources and fewer quality teachers. Graduation rates at high schools are often below 50%. The uneducated are exceedingly susceptible to becoming incarcerated. (This is especially true in tough economic times when they are pushed out of the job market.) This helps to explain why, compared to the general population, people entering prison are five times as likely to be completely illiterate (19% compared to 4%) and twice as likely to be functionally illiterate (40% versus 21%).¹² Moreover 70% have not completed high school.¹³

In August 2007, *The Chicago Tribune* reported that “two independent studies link the drop in crime to ...the coordinated removal of lead from gasoline about 20 years earlier”. Like many impoverished neighborhoods and housing projects, the one studied was situated next to a freeway exposing the residents to copious amounts of car exhaust. It has long been known that exposure to lead has caused people to behave in an uncharacteristically violent manner. Dr. Herbert Needleman, a professor of pediatrics and psychiatry, studied the level of lead in bones of juvenile delinquents and found that they had higher levels than their peers. The causes of lead exposure--car exhaust, lead paint, toxic waste, etc. – almost all disproportionately affect the poor.

America has also shuttered most of the mental health facilities, and has now basically criminalized being mentally ill. The poor are the least likely to have access to mental health treatment, as they are the least able to afford it. This makes them more likely to be incarcerated when their mental illness prevents them from being able to follow the law. Thus, more than half of the U.S. prison population (56%) has a mental health problem.¹⁴ Often prison is the only place they find treatment.

The Cases of Stateville and Menard

12 Haigler, K.O. Harlow, C., O'Connor, P., and Campbell, A. *Literacy Behind Prison Walls: Profile of the Prison Population from the National Adult Literacy Survey*. (1994) (NCES Publication No. 94-102). U.S. Department of Education, National Center for Education Statistics. Washington, D.C.

13 Maguire, K., and Pastore, A.L. *Sourcebook of Criminal Justice Statistics 1995*. (1996) (NCJ 158900) p. 567. U.S. Department of Justice, Bureau of Justice Statistics. Washington D.C.

14 James, Dons J., and Glaze, Lauren E. *Mental Health Problems of Prison and Jail Inmates*. U.S. Department of Justice, Bureau of Justice Statistics Special Report. September 2006 (NCJ 213600) www.ojp.usdoj.gov/bjs/abstract/mhppji.htm

The only two remaining maximum security prisons in Illinois that house general population inmates are Menard and Stateville Correctional Centers. In 2010, the JHA reported that, with no programs, people in Menard were simply being “warehoused.”¹⁵ On the other hand, while programs in Stateville were severely lacking, Stateville did allow some volunteers to come in and offer non-accredited college-level classes.

In the intervening years, Stateville has had relatively few staff assaults and lockdowns are short, usually no more than a week. Meanwhile at Menard, violence has exploded. It is now a vicious cycle of months-long lock down, followed by staff assault, and then another months-long lockdown. It has gotten so bad that the chaplain now preaches from behind a razor-wire topped fence, and guards hide in protective cages in the chowhall, law library, and elsewhere.

Two main differences distinguish Menard from Stateville. First, the aforementioned programs in Stateville and the lack thereof in Menard. People in Stateville at least have some opportunity to get out of the cell, converse with academics, work towards a goal, and contribute to discourses on societal ills. People in Menard don’t have that.

Second, guards in Menard have, for decades, been extremely disrespectful to inmates. They hound the population over every petty rule infraction, most of which are completely unnecessary to security. Inmates routinely assault staff simply because it is a ticket out of one of the most racist and oppressive environments in the IDOC.

In Stateville on the other hand, guards used to often overlook such rule violations that don’t affect security. This helped to reduce stress and rage, and thus lessen the frequency with which inmates felt compelled to retaliate against staff in order to find some semblance of justice.

In 2006, as part of its “Campaign For Responsible Priorities”, AFSCME (The American Federation of State, County, and Municipal Employees) the guards’ union, lambasted the IDOC in a report titled “Failing Grade: The Decline in Educational Opportunities For Illinois Inmates.”¹⁶ AFSCME argued that such a decline makes both prisons and society less safe. Four years later, one Menard guard would tell a JHA tour group that “[w]e have to give these guys something to do. If we don’t they’re going to

15 Manor, Robert. *Monitoring Tour of Menard Correctional Center, April 6, 2010*. The John Howard Association

16 *Failing Grade: The Decline In Educational Opportunities for Illinois Inmates*, The American Federation of State, County, and Municipal Employees. Campaign for Responsible Priorities. AFSCME, Council 31 (2006)

cause problems.”¹⁷ They weren’t given something to do though. Instead, guards in all of Illinois’ maximum security prisons began conspiring to instigate staff assaults.

In the fight to close Tamms Supermax Prison in 2011, when people began transferring out of Tamms to other max joints, AFSCME and individual guards started telling the media that staff assaults were rising because of it. The IDOC released statistics proving otherwise, so guards, especially at Menard, began instigating more confrontations with inmates. People there were already living in conditions largely similar to disciplinary segregation (i.e. locked in cells all day, no programs, few privileges). When staff began increasingly antagonizing them, many inmates felt like they had nothing to lose by assaulting staff over the accumulating injustices.

After the explosion of violence at Menard, the administration, in 2014, finally started bringing back some of the abandoned programs. Unfortunately, Stateville seems to be heading in the opposite direction. More and more guards advocate opening Tamms back up and complain about having to run program lines. Students are increasingly censored, teachers increasingly harassed, and a number of courses were eliminated. In addition, staff have begun nit-picking over petty rule violations, inciting racism among inmates, antagonizing inmates by racking cell bars twice a day, and routinely canceling yards, classes, law library and personal property lines, and graduations. If violence erupts at Stateville, no one should be surprised.

Moving toward Rehabilitation

If our society wanted to reduce recidivism, then, at the very least, we would see the following: 1) the government would find the money for college programs; 2) the administration at Stateville would work to expand and accredit the volunteer programs, accommodate the volunteers, and encourage the incarcerated to seek college degrees; and 3) guards would not: a) ban people accused of being a member of a security threat group or who have a staff assault in their history from enrolling; b) complain about having to run program lines; c) harass volunteers; d) arbitrarily censor students; nor e) confiscate their school materials at every turn.

In recent years, both Mayor Rahm Emanuel and President Barack Obama have made headlines with their remarks advocating for free community college education for all. For the safety and security of both prisons and society, it is imperative that “all” includes incarcerated people as well. Even if that doesn’t come to fruition, Stateville

17 Manor, Robert, *Monitoring Tour of Menard Correctional Center, April 6, 2010*. The John Howard Association.

should work towards greatly expanding all programming if the IDOC is truly interested in institutional security and returning people to useful citizenship.

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