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January 24, 2018

Mr. John Doe
#000000
Street Address
City, State, Zip

Dear John,

Thank you for all of your letters. Since we last wrote, we have been overwhelmed—in a good way—with the depth of your insights and encouragement. Most importantly, to those who submitted testimony for the Governor’s Commission, we did make your letters into a packet, and we shared it with Commission members. We have an update on our thoughts on the commission in this mailing.

First, we want to apologize for the delay between this letter and our last. We expected to send an update last fall, but the last few months ended up being more taxing on our time and resources than anticipated.

In 2017, Restore Justice focused most of its energies on HB 531, a bill that would open the door for new (if limited) parole in Illinois. Our small team spent last spring, winter and fall reaching out to legislators, advocating in Springfield, and building support for HB 531 among undecided representatives in preparation for a vote on our bill during the two-week special legislative session in November. While we were not successful in November, even with all of our additional work, we do believe we are not only laying the groundwork for success in 2018, but also for future efforts to expand on the legislation.

In addition to our support for HB 531, we are developing ideas for new bills that focus on improving prison conditions, specifically in terms of staying in touch with family and friends through visiting. And, most importantly, we are building a network of other organizations to help find new strategies to defeat arguments against retroactive application of reforms to sentencing (currently, opposition to making significant reforms apply to current inmates is too strong to beat in Springfield, and we need a more influential coalition to make progress).

Your letters help us know where we should focus our efforts, and they make us better understand the issues that matter most. Please keep them coming! *One reminder: we are a very small staff devoted to legislative efforts to change the system. We do not have a legal staff nor can we address individual issues.*

Your letters also ask for current, accurate information. With the help of our lobbyist and other legal and legislative experts, we have developed some up to date information for you below to answer some of the questions we saw most frequently in your letters. Hopefully it eases some of the confusion. That said, things move very fast in Springfield, and bills often change several times before they pass; we do not corner the market on information. We will do the best we can, but please continue to seek out information from other sources as well to ensure the most complete picture possible.

We’ve also received some questions about legislative procedure and strategy. We have included some information about that in this mailing as well, and we will add to it as we can over the coming year. One important thing to know about us, is that we have decided, at least for now, to approach our work incrementally (e.g. not trying to get everything we want all at once).

One thing we are excited to share is our overall vision for reforms in Illinois. This is our long term idea of what we want to achieve in legislation. We share this with legislators and others so they can see where we are headed:

1. Significant reduction of mandatory minimums and ineffective firearm enhancements.
2. Restoration of the pre-1978 parole-for-release system and restoration of opportunities for prisoners to earn time off their sentences.
3. The unconditional end of the practice of sentencing of children to life without parole.
4. A measurable shift in carceral policy and practice toward rehabilitation, with public acknowledgment that cruel and inhumane conditions at Illinois prisons will not be tolerated.
5. Retroactive application of the above reforms, so that the people in the system today can benefit from efforts to make Illinois more whole and just.

Thank you for reaching out to us. We are honored that you have trusted us with your stories and we are grateful for your support. You keep us motivated and strong in this fight. We are doing our best to honor your stories and to make sure that your voices are being heard. We deeply apologize for the delay in writing, and we will endeavor to reply more quickly in the future.

Warmly,

A handwritten signature in black ink, appearing to read 'Jobi Cates', with a long, sweeping flourish extending to the right.

Jobi Cates & your friends and allies at Restore Justice

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LEGISLATIVE UPDATES

In 2017, a number of criminal justice reform bills were introduced and debated within the Illinois General Assembly (including the bill that is top of our list, HB 531). Here is the current status of those we were most connected to or interested in because they may impact the people we have set out to help: those serving “extreme” sentences in Illinois prisons.

- **Status of HB 531 on Meaningful Opportunities for Review and Parole of Young Adults — NOT YET PASSED, we were supportive**

This bill was our first priority, sponsored by Rep. Barbara Flynn Currie and Rep. Lindsay Parkhurst, to provide the chance for meaningful review of sentences to individuals who enter Illinois prisons as children or young adults. The bill, if passed, would provide up to three judicial reviews for most men and women who were imprisoned for offenses committed before the age of 21. These reviews allow for individuals to be released on parole to serve a portion of their sentences outside prison walls. Individuals become eligible for these reviews after serving 10 or 20 years, depending on their offense.

The bill also includes provisions requiring that the Prison Review Board consider the hallmark features of youth in its parole assessments. In cases where parole is not granted, the Board is then required to provide a written statement that details the factors leading to the denial. And, it gives the person seeking parole the right to an attorney.

Initially, HB 531 faced strong opposition from the Illinois Association of State’s Attorneys and victim rights advocates. Objections from these groups are often enough to block meaningful reforms to sentencing. For that reason, Restore Justice worked last year to negotiate with these groups and craft a version of the bill that they would—if not support—at least not oppose outright.

So, as it stands today, HB 531 does not include everything we hoped it would. It no longer includes a presumption of release. And it does not apply retroactively, which means individuals who received prison sentences before its passage will not receive its benefits. While we sought to make our bill retroactive, any degree of retroactivity was adamantly opposed by the Illinois Association of State’s Attorneys. In the current political moment, retroactivity will require a different approach.

Today, we remain fully committed to passing HB 531 in 2018, and we believe doing so will help pave the way for more expansive future reforms, including the opportunity to fight for retroactive application in future. To that end, our primary goal for the 2018 session is to pass HB 531 in the House and place it on the Governor’s desk. While it is not all we wanted, it would be the first time anyone has increased parole opportunities in Illinois since parole was ended in 1978!

Elements of this bill’s language were previously filed under HB 6622, HB 2515, and HB 2470. While each bill was slightly different, all sought to restore sentence review and parole opportunities for young adults.

- **Status of HB 259 (formerly HB 5417) on Solitary Confinement — NOT YET PASSED, we were supportive**

HB 259 (formerly HB 5417) sought to restrict the use of solitary confinement by introducing new, stricter criteria for its use. Sponsored by Representative La Shawn K. Ford, the bill specifically required that no individual could be placed in solitary confinement before receiving a physical and mental health examination from a licensed physician or psychologist. The bill also aimed to limit the maximum number of consecutive days a person could be placed in solitary to 10 days, and that no person could be placed in solitary for more than 10 days in every 180-day period. While the bill gained some support, it did not reach a floor vote before the end of the 2017 session.

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HB 259 was first introduced as HB 5417 during the 2016 session. We had hoped it would make more progress in 2017, but it did not. We are working with a coalition of other organizations interested in promoting this legislation and will do all we can to see this effort continue.

- **Status of HB 2989 on In-Person Visiting Rights — PASSED, we were supportive**

While HB 531 did not pass, Restore Justice succeeded in helping pass HB 2989 (now Public Act 100-0142), which sought to protect the visiting rights of incarcerated people. Sponsored by Rep. Justin Slaughter, the bill was drafted in response to suggestions that electronic video visits could replace in-person visiting rights.

As of January 1, 2018, the bill ensures that incarcerated people are not deprived of their in-person visitation rights due to the availability of video, and also requires the Department of Corrections to publish the number of in-person visits each incarcerated person is entitled to per week and month, better explain identification requirements for visitors, and post daily any restrictions or denials of visitation for that day and the succeeding 5 calendar days.

During the 2016 legislative session, Restore Justice also helped pass HB 6200 (now Public Act 099-0878), which capped the amount prisons could charge for prison phone calls at 7 cents per minute, initial fees included. Previously, prisons were allowed to charge an initial fee of \$3.35, plus an additional 2 cents per minute. Before, eight calls lasting 30 minutes each would cost the family of an incarcerated person \$31.60. Under the new bill, the same eight calls will cost only \$16.80. The bill officially went into effect at the beginning of 2018.

- **Status of the Safe Neighborhoods Reform Act (formerly SB 1722) — PASSED, we were opposed**

SB 1722 (now Public Act 100-0003) was passed and signed in June, and is also named the Safe Neighborhood Reform Act. The law includes both progressive (good) and regressive (bad) changes to criminal justice policy in Illinois. At the end of the day, we thought the bad outweighed the good, and we did not support it.

This is the good (but not good enough) part: For most individuals sentenced under 75% truth-in-sentencing plan, the Act now allows those individuals to earn credit for up to up to 40% time off their sentence (for a minimum of 60% time served). Now, only individuals convicted of gun-running remain in the 75% truth-in-sentencing tier.

Most of the offenses in the 75% tier are related to drug trafficking and conspiracy. The Act does not change earned credit eligibility for individuals sentenced under the higher 85% and 100% tiers, which include most violent crimes. A more ambitious bill—which would expand sentencing credit to allow individuals in the 100% and 85% tiers to earn credit up to release after 75% and 62% time served, respectively—failed to get enough support, and died.

Once enacted, SB 1722 will allow *eligible* individuals to begin earning credit towards their 60% minimum, but will not retroactively award unused credit. That means eligible individuals who have already served more than 60% of their sentence and earned enough credit to be released will not be immediately granted release, and will instead have to earn the credit again.

The Act also restricts the scope of a law that previously allowed individuals over age 21 to be sentenced as a class X offender for repeat class 1 and 2 felony convictions. Specifically, the automatic elevation of offences class no longer applies to theft offenses.

And now the part we really did not like: While the change to truth-in-sentencing and repeat offender laws are welcome (if too modest), the Act also adds new punishments, which is what caused our (unsuccessful) opposition of the bill. Specifically, the law introduces—for individuals with a qualifying prior conviction—a mandatory sentence range of 7 to 14 years for unlawful use or possession of a firearm, or 6 to 7 years for aggravated unlawful use or possession of a

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firearm. While the Act permits judges to depart from the sentencing enhancement, the Act requires that the court specify on the record.

- **Status of HB 1764 on Post-partum mitigation — PASSED, we were supportive**

HB 1764 (now Public Act 100-0574), sponsored by Rep. Linda Chapa LaVia, was passed and signed into law this month. The new law allows judges to consider post-partum depression or psychosis as mitigating factors during sentencing for women charged with forcible felonies. It is the first such law in the nation, and will allow the women who have already been tried and convicted to have their cases re-heard.

While the law does not apply to many of the people we serve, it is a step in the right direction for Illinois, and shows an openness to the idea that sentences can be reconsidered and changed in some cases.

ABOUT THE LEGISLATIVE PROCESS & STRATEGY

Many of your letters requested additional information about Illinois legislation more broadly. Here, we describe Illinois' legislative process, and how our other efforts outside of directly advocating for legislation contribute to moving bills like HB 531.

The Legislative Process: How a Bill Becomes Law in Illinois

Illinois has a lawmaking process that loosely looks like our Federal process, but there are some differences. We operate in two-year cycles (that roughly coincide with elections in the House). During each two-year cycle there are two 6-month sessions. Sessions run from January through May. During each session, a state budget is developed and adopted (most of the time...), and hundreds of bills (*a bill = a potential new law*) are submitted by state legislators to become state laws. The legislator who submits the bill is called the bill sponsor. Only elected legislators can sponsor a bill.

Each session, roughly 8,000 bills get introduced, and approximately 500 of those become law. Many of the 500 that become law look very different from the way they looked on the day they were filed. Below, we describe what needs to happen for a bill to become a law, which may explain why some laws are so different from their original intent. (*Do you remember that song "I'm just a bill..." that used to play on TV from Schoolhouse Rock? We are humming it now...*)

The simple explanation is that a bill must be passed by a majority of members of each chamber, or side, of the Illinois General Assembly—the Senate and the House of Representatives. Then it must be signed by the Governor. But there is a lot more to it than that.

A bill begins its life when a Representative or Senator files it. This just means that the bill gets a number (*eg "HB 531" or "SB 40"*) and gets scheduled for discussion.

Once a bill has been filed and gets its number, it has to jump over every hurdle twice: once in the House and once in the Senate. For the sake of example, let's say a bill starts its journey in the House (in reality it can start in either chamber, or as a duplicate in both).

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OTHER RESOURCES

Restore Justice regrets that we are unable to provide help with individual cases, as our current focus lies specifically in creating sustainable policy change. If you require assistance, we highly encourage you to reach out to one of the partner organizations below.

LEGAL AID

Cabrini Green Legal Aid

740 N. Milwaukee Ave
Chicago, IL 60645
(312) 738-2452

INNOCENCE CLAIMS

Chicago Innocence Project

205 W. Monroe St, Suite 315
Chicago, IL 60606
(312) 263-6213

POST-RELEASE SERVICES

The Safer Foundation

571 W. Jackson
Chicago, IL 60661
(312) 922-2200

St. Leonard's Ministries

2100 W. Warren Blvd
Chicago, IL 60612
(312) 738-1414 x. 24

PRISON CONDITION CASES

ACLU of Illinois

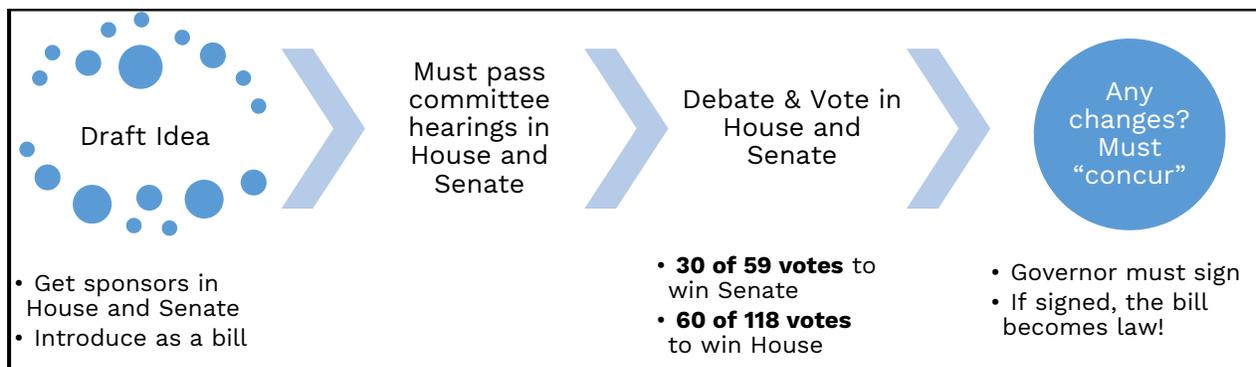
180 N. Michigan Ave, #2300
Chicago, IL 60601
(312) 201-9740

The John Howard Association

PO BOX 10042
Chicago, IL 60610
(312) 291-9183

Uptown People's Law Center

4413 N. Sheridan
Chicago, IL 60640
(773) 769-1411



A bill's first hurdle is to make it through a subject-matter committee. The committee is made up of a group of Representatives or Senators assigned to that committee based on interest or expertise. There are over a hundred different committees and subcommittees in the House alone, each of which focuses on a different topic. Topics include Consumer Protection, Mass Transit, and Veterans' Affairs, as well as Restorative Justice and Judiciary. Some overlap, which is confusing, but it is always public information which committee is reviewing which bills.

In committee, bills are discussed and, possibly, amended by members. Committees may also hold hearings, which is when members invite experts or stakeholders to clarify or discuss an issue within a bill. For instance, a committee discussing a bill that proposes a new tax on soda sales might hold a hearing that invites health experts and economists to discuss the potential impacts of the law on public health and business.

Once the House committee has discussed the bill and any amendments have been accepted, they vote. If it passes, it goes on to the House floor for a debate and its second hurdle: a floor vote. If it does not pass committee, it is dead for that session.

On the House floor, it will be read to the full body of Representatives three times (so you can know where a bill is in its progress, the General Assembly website and printed daily materials show whether a bill is on first reading, second reading, or third reading), then it can be called for a vote. On the House floor, a bill needs 60 of 118 possible votes to pass.

Lots of things can happen to prevent a vote on the House (or Senate) floor. The sponsor can decide not to call the bill for a vote because they do not think they have enough votes to pass, and calling a bill you know will fail is considered bad form. There can be a procedural challenge to the bill, and it can be referred back to a "rules" committee for further review. The leader of the chamber (the Speaker in the House, the Majority Leader in the Senate), can decide not to have the bill called for a variety of reasons. Of course, it can also get called and fail.

But, if none of those things happen, and it gets called to the House floor and gets 60 or more votes, the bill is sent to the Senate where—as before—the bill is discussed (and maybe amended) before moving to the Senate floor. On the Senate floor, the bill needs 30 of 60 votes to pass.

Any changes made in one chamber requires that bill to go back to the original chamber for "reconciliation," which basically means they have to agree on the change before it goes to the Governor for his signature.

Once a bill has received the required votes to pass both the House and Senate, it is sent to the desk of the Governor. The Governor then chooses to sign or veto the bill. If he signs the bill, it is officially law and goes into effect at some future date: typically the beginning of the next year. If the Governor vetoes the bill, the House and Senate may hold an additional vote to override his veto. Overriding a veto requires two-thirds votes in both chambers.

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Our current priority bill, HB 531, has passed the Senate and awaits a House vote. If passed with no changes, the bill will then reach Governor Rauner's desk.

Where do advocates fit in?

Advocates and advocacy organizations try to influence legislators by giving them great information, researching and writing draft bills, and by introducing them to stakeholders who are most impacted by legislation. That said, it is never "our" bill, it is always theirs, as we are not allowed to file a bill directly. To quote *The West Wing*, we serve at the pleasure of our bill sponsors.

Advocates can make or break a legislative effort. We develop fact sheets, prepare advocates for testimony, and in our case, our 501 c 4 organization hires and pays a lobbyist to make sure the legislation is moving and to support the bill sponsor's strategy.

If there is opposition to any given bill (as there is on almost all criminal justice reform bills), all along the way, opponents are lobbying against it. Advocates have to then both counter opponent's arguments, and, if asked to do so by bill sponsors, advocates must negotiate with opponents to try to come to agreement.

Training new advocates for criminal justice reform

Based on what you just read above, you can imagine how hard it is to work on multiple bills and to attempt to influence others. That is why we have started investing significant time into training family members of incarcerated people and formerly incarcerated people to become more knowledgeable and more effective in our shared advocacy. We also seek out progressive people (or retired people) in law enforcement who believe in our agenda, as well as open-minded victim family members who believe in restorative justice.

When advocates such as these speak with both bill sponsors and undecided legislators, they appeal to the best in the legislators: their sense of mercy, fairness, and justice. There are too many myths about people who were incarcerated. While some legislators cannot be swayed from their opposition to reform, others can become supportive, or at least open to conversation. For these legislators, well-trained advocates can be powerful agents of legislative change.

In 2017, Restore Justice trained over 60 new advocates for criminal justice reform, and on multiple occasions brought these advocates to Springfield to speak with legislators about HB 531. Restore Justice provided these trainings free to many individuals—including formerly incarcerated individuals—as well as to organizations like Communities and Relatives of Illinois' Incarcerated Children (CRIIC) and Precious Blood Ministry of Reconciliation. We've already done one training in 2018 at BUILD Chicago, a violence prevention organization. Training new advocates expands our network of potential criminal justice reformers, and Restore Justice will continue to provide these trainings throughout 2018.

Our strategy to include retroactivity in criminal justice reforms

For years, Restore Justice and other advocacy groups have sought to pass criminal justice reforms that apply retroactively. This means that if a new law would reduce the severity of certain criminal penalties, anyone currently serving that punishment would have their penalties reduced if possible.

Any attempts to pass retroactive laws—especially in the context of sentence length—run against opposition from victim's rights groups and state's attorneys. State's attorneys in particular argue that retroactively changing sentence lengths in any way is illegal. While our legal experts believe this argument is flawed, the strength of opposition and the politically charged nature of sentence reductions means most legislators are simply unwilling to support retroactive reform.

Opponents of retroactivity aren't going away, and a new approach is needed. That's why last October, Restore Justice convened a meeting of over 40 advocates, lawyers, and community members to work together on the problem of retroactivity. The group—which included representatives from the American Civil Liberties Union, the Juvenile Justice Initiative, and Communities United, among others—focused on

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building new strategies to ensure reforms benefit both future and current individuals who encounter the criminal justice system in Illinois.

From this meeting, we have several working groups that we will coordinate into 2018. These groups will share ideas on draft legislation and help develop strategies to overcome this “retroactivity obstacle.”

FREQUENTLY ASKED QUESTIONS

1. What role has the Governor’s Commission played in recent bills?

Unfortunately, the Illinois State Commission on Criminal Justice and Sentencing Reform has yet to have the impact we would have hoped. The recommendations made in both parts of the report were modest, focusing on necessary—but by no means comprehensive—reforms that would affect low-level and non-violent offenders. For instance, the Safe Neighborhoods Reform Act (discussed in our Legislative Updates section above) limited its truth-in-sentencing changes to the lowest, 75% tier. Sadly, of the twenty-seven recommendations made by the Commission, none would have impacted people serving extreme sentences in the system today. We deeply regret that our advocacy was not enough to convince the body to include this type of provision.

2. How does RJ feel about parole as an effective way to get people out of the system?

While we support and are working hard to see HB 531 passed, Restore Justice was very hesitant about promoting parole as a complete solution to Illinois’ over-incarceration problem. The Prisoner Review Board (PRB), which currently oversees existing Illinois parole cases, has historically granted release to very, very few individuals and the parole system as it stands does not offer opportunities for appeal. That said, given the US Supreme Court’s ruling in *Montgomery* and on political realities we have faced attempting other strategies since 2012, we have come to believe that expanding parole is currently the most viable path to gaining early release opportunities at this time.

RESTORE JUSTICE STAFF AND ACTIVITIES



Left: Restore Justice staff and board members join members of Communities and Relatives of Illinois Incarcerated Children (CRIIC) to discuss visitation rights with Representative Justin Slaughter (center).

Center: Restore Justice Executive Director Jobi Cates with new board members Joseph Rodriguez (left) and Marshan Allen (right) at our 2017 fundraiser.

Right: RJ staffers Julian Zhu (center rear) and Jobi Cates (center front) with advocacy training participants at BUILD Chicago.

The past year at Restore Justice has been one characterized by constant change and activity. To bolster our policy and legislative efforts, we launched an advocacy training initiative, which has trained more than 75 new advocates since the program began. We’ve also expanded our research efforts, analyzing IDOC data to determine how widespread the use of extreme sentencing is across Illinois. Lastly, we partnered with Northwestern University, Precious Blood Ministry of Reconciliation, and other local organizations to begin a Reentry Support Network focused on the needs of those reentering communities after serving extreme sentences.

To support these project, Restore Justice has recently expanded our staff:

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- **Julian Zhu** joined Restore Justice in August 2017 as our Policy Analyst and Writer. In this role, Julian conducts research and develops content that RJ uses to deliver our message to different audiences. Before joining Restore Justice, Julian worked at the Science and Technology Policy Institute (STPI) in Washington DC, where his work helped guide policy-making at the White House, National Institutes of Health, and the Department of Energy.
- **Julie Anderson** joined Restore Justice in January 2018 as our Outreach Manager. Julie is the founder and coordinator of Children and Relatives of Illinois Incarcerated Children, a support and advocacy group for family and friends of individuals serving juvenile life without parole. Julie will be leading RJs efforts to expand our advocacy base and support inmates and their families throughout incarceration and reentry.

We have also expanded our board of directors to include a variety of new perspectives. New board members include civic leaders (Sheridan Prior), legal experts (Tracy Hannan), formerly incarcerated individuals (Joseph Rodriguez and Marshan Allen) and family members of incarcerated individuals (Cindy Morfin and Cathy Aguilar.)

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CONTEST ANNOUNCEMENT: Design a T-Shirt for RESTORE JUSTICE's Advocacy Efforts

Since we started our work in 2015, Restore Justice has been training and bringing advocates to Springfield to educate legislators about bills that could bring second chances and better conditions to people serving extreme sentences in Illinois. Few state legislators have ever met a formerly incarcerated person, much less visited a prison, and one of the reasons we invest time and energy in our Springfield advocacy days is to remind our state representatives and senators that there are many good people behind bars and good people in every community with loved ones in prison.

Advocacy groups often use the clothes they wear to spark conversation with legislators. That's why this year, Restore Justice is holding its first ever **T-shirt art contest!** We would like to proudly wear t-shirts featuring a design by a currently incarcerated individual. The design will be printed on Restore Justice T-shirts and worn by advocates during our upcoming legislative advocacy days.

CONTEST GUIDELINES

Any currently incarcerated person from the state of Illinois may submit a design. Designs should fit the contest theme of **Second Chances**, which contestants are invited to interpret widely.

The design should fit within a 7" x 7" square (see the space provided) and include no more than two colors in addition to black and white (we won't be able to afford to print more than two colors - it gets really expensive). Designs should be drawn in pencil and will be reproduced for t-shirt printing.

The winning design, selected by a panel of advocacy allies (see below) will be chosen on the following criteria:

- Demonstrate originality and creativity
- Convey the theme of Second Chances
- Make a clear statement that can be easily understood by the general public

One entry per person. All entries must be original creations of the contestant and should not contain any identifying personal information other than a signature. The design should not contain any logos, decals, brands, or slogans that may be identified with specific companies or organizations (e.g. the Nike "swoosh"). Designs including profanity or sexual content will be disqualified. Contestants may include text in their designs.

DEADLINE: Contestants can send their designs to the Restore Justice address provided below:

Restore Justice
PO Box 101099
Chicago, IL 60610

We understand that postal services and mailing through the Department of Corrections can sometimes be delayed. Therefore, we ask that contestants have their submission postmarked by **March 31st, 2018**.

EVALUATION: Submissions will be evaluated by a panel of allies, including members of the Restore Justice staff and board, as well as creative professionals and representatives from Chicago community arts programs.

PRIZES: In addition to seeing their design featured on our advocacy T-shirts (we will send you photos), the contestant with the winning design will receive an in-person visit and congratulations from the Restore Justice team. Additionally, two second place contestants will be recognized, and all submissions that meet criteria will be featured in a gallery on our Restore Justice website.

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The space below is provided as a guideline for submission size.

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the user to provide their submission within this space.

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