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Reform Organizations Issue Sharp Rebuttal to Collar County State's Attorneys' Position on Parole in Illinois

Flawed argument uses fear over fact to maintain Illinois' status as an outlier for youth serving extreme sentences

CHICAGO, May 23 — Today, Restore Justice [responded](#) to a [recent letter](#) outlining the position of seven State's Attorneys sent to Speaker Michael Madigan and the General Assembly, in which the seven attorneys demand opposition to bills sponsored by Senator Don Harmon and Leader Barbara Flynn Currie that would give young people serving long prison terms the chance to earn parole after serving ten or more years.

Restore Justice joins a broad coalition of professional, civic, and advocacy organizations in condemning the group's flawed arguments. "They appeal to fear over fact," said Jobi Cates, Executive Director of Restore Justice. "Illinois is in the minority of states that bar people from earning parole, despite the fact well-run parole systems have been proven to reduce prison costs and improve public safety."

The proposed youth parole system is supported by the Office of Cook County State's Attorney Kim Foxx.

Restore Justice asks Governor Rauner and members of the General Assembly to reject the thinking in the letter signed by seven collar county State's Attorneys, and to support HB 531 HA1 and SB 3228.

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About Restore Justice

Restore Justice is the only statewide policy advocacy organization dedicated to rolling back the most extreme of Illinois' "tough on crime" policies. We develop and promote policies to offer relief for people serving life or de-facto life sentences, their families, and their communities—particularly those who began those sentences as youth. We were founded in 2015 by a team of advocates including the late former Congressman, Federal Judge and Presidential Advisor Abner Mikva, lawyers with long careers in criminal defense, formerly incarcerated people and their families, and a family member of a victim of violent crime.



Response

Re: Letter from Seven State's Attorneys on Youthful Offender Parole Bill

Recently, seven of the state's 102 State's Attorneys delivered to Speaker Michael Madigan (and shared with the entire General Assembly) a letter asking that lawmakers oppose the Youthful Offender Parole Bill, filed in the House as Senate Amendment 1 to HB 531 (Currie/Parkhurst) and in the Senate as SB 3228 (Harmon).

The signatories claim that re-establishing parole in Illinois will “cost society dearly” and that a parole system—even one limited to youth—is “frightening and insulting.”

The Youthful Offender Parole Bill would permit most individuals convicted for crimes committed before age 21 to request the Prisoner Review Board (PRB) for a parole hearing after serving at least ten or twenty years, depending on their offense.

Should a request be accepted, the PRB will assess the petitioner using a Risk Assessment Instrument that considers factors including risk of reoffending, maturation since the time of the crime, and efforts made toward rehabilitation. Prosecutors, victims, and victim family members would be notified of hearings and invited to present written or oral testimony.

The signatories claim that the cost to society grows “when murderers, armed robbers and rapists are released before serving their full court-ordered sentences.” But this alarming claim—and the implication that parolees inevitably commit new crimes—does not withstand scrutiny.

The vast majority of people convicted of violent offenses who are then released to discretionary parole do not reoffend. In a study by the California Department of Corrections and Rehabilitation, **less than 1%** of all long-term inmates (those with sentences longer than 10 years) who were granted discretionary parole were rearrested for a violent crime within three years of release.

Individuals convicted of homicide are also the **least likely** of all paroled persons to commit new crimes. Perhaps this is why of the 34 U.S. states that currently offer parole systems, **the majority do not exclude individuals convicted of homicide or other violent crimes from being considered for parole.**

Research also confirms that **arrest rates drop precipitously after age 24 for all types of crime.** This “aging out” effect includes violent crime and indicates that individuals who commit a violent incident before age 25 are capable of rehabilitation.

In their letter, the signatories further challenge the idea that individuals up to age 20 be eligible for parole, an age cutoff based on current understandings of brain development. They write that using neuroscience to “single out and excuse the



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commission of violent crimes is disingenuous” when Illinois allows individuals under 21 to marry, pay taxes, enter contracts, and serve in the military.

Yet Illinois bars those under 21 from gambling, the purchase of alcohol, and the adoption of children. In some parts of the state, there are also restrictions on the sale of tobacco and possession of a firearm to individuals under 21. These laws show it is not unreasonable to establish a system that offers second chances to those who make terrible mistakes after turning 18.

The signatories also write about the importance of demonstrating justice for victims and victim family members. We agree that victims and survivors of crime deserve justice, and the current form of the bill is the result of deep involvement of victims’ rights groups in the drafting and shaping of the legislation. These groups are now neutral on the bill. **Not every victim defines healing the same way**, and while some find solace in longer sentences, not all need nor demand harsher punishment.

The signatories make the claim that clemency powers eliminate the need for parole. But clemency is an extraordinary and uncommon remedy, subject to political headwinds and the fact that careful review of clemency applications often falls short of a governor’s most pressing priorities. Beyond that, the proposed bills excuse no one of their crime or punishment. **Illinois deploys some of the country’s strictest sentencing policies**, and those eligible for parole would have served between 10 and 20 years before receiving their first hearing.

The signatories also do not speak unilaterally for all of Illinois. The Youthful Offender Parole Bill is supported by **Cook County State’s Attorney Kim Foxx, who represents 5.2 million people** and oversees two-thirds of the roughly 3,000 individuals currently serving sentences that would make them eligible for parole consideration (if retroactive, which this legislation is not). The signatories represent a total of roughly 4.9 million people in the state. And the remaining 94 state’s attorneys, represented by an association that is neutral on this bill, represent 3.5 million Illinoisans.

In the conclusion of their letter, the signatories contend that the single most important obligation of government may be to protect the public. This is a reasonable opinion. But many also believe **a desire for protection must be balanced with a desire for liberty**. For more context, we hope you will read the [May 7th editorial on youth parole](#) in the [Chicago Sun-Times](#), and the [February OpEd](#) in the [Chicago Tribune](#), which advocate for the passage of the currently debated legislation.

This year, Illinois decides whether to restore a parole system that grants second chances to our state’s young people. We reject the flawed arguments against HB 531 SA1 and SB 3228 and hope that Members of the General Assembly vote on the bills based on the truth and promise of their merits.

Restore Justice delivers this statement in solidarity with a coalition of partners, listed below.

Signatories



Restore Justice Illinois

Illinois Justice Project

American Civil Liberties Union of Illinois

James B. Moran Center for Youth Advocacy

Amnesty International USA

John Howard Association

Cabrini Green Legal Aid

Juvenile Justice Initiative

Chicago Alliance Against Racist and Political Repression

Lawndale Christian Legal Center

Chicago Appleseed

League of Women Voters of Illinois

Chicago Council of Lawyers

Precious Blood Ministry of Reconciliation

Chicago Urban League

Project I-11

Community Renewal Society

Safer Foundation

Cook County Bar Association

Sargent Shriver National Center on Poverty Law

Growing Home Inc.

The Unitarian Universalist Prison Ministry of Illinois