

Broken:

The Illinois Criminal Justice
System and How to Rebuild It

ACLU

Illinois

Our criminal justice system in Illinois is **broken.**

Overcrowding in Illinois prisons is up, with more than 43,000 prisoners in a system built for only 32,000. While Illinois spends more than \$1.3 billion on prisons each and every year, nearly half of formerly incarcerated people return to prison within three years. The reasons why are clear: overreliance on punitive sentencing, underinvestment in education and employment opportunities in communities, and cutting or underfunding programs proven to reduce recidivism.

OVERCROWDING IS UP



43,000
PRISONERS

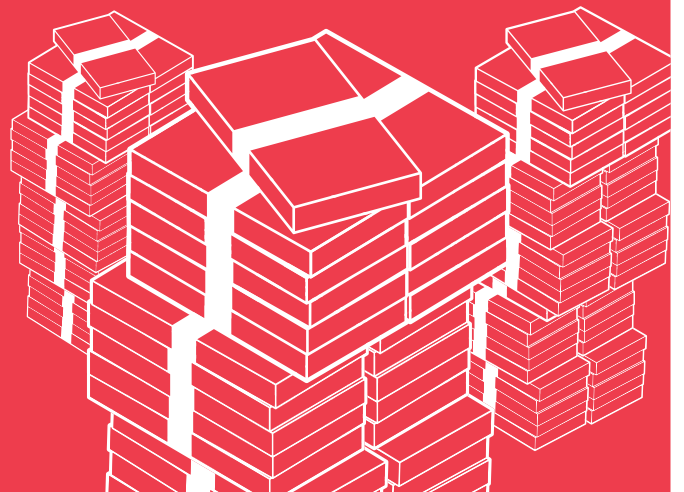
in a system for only

32,000



\$1.3
BILLION

spent on prisons in Illinois each year



Steps to rebuild the broken system:

Whole communities are being robbed of their economic and social contributions due to our out-of-control criminal justice system. Instead of warehousing large populations in overcrowded prisons and jails, we need to focus on giving people the tools they need to avoid lifelong entanglement in the justice system: tools like education, job skills training, and cognitive behavioral therapy.

Our laws go far beyond what is necessary for public safety and end up targeting the poor and vulnerable in our state. We need to change our outdated laws from being tough on crime to being smart on crime. We need to treat drugs like the public health problem they are, instead of simply stuffing thousands more into prisons. And we need to ensure Illinoisans with convictions have a fair chance to work and move on with their lives, rather than create a maze that leads them straight back to prison.

While ending our overreliance on prison is necessary to reform Illinois' criminal justice system, it won't be sufficient. Breaking the cycle will require an immediate and sustained commitment to shifting the State's spending priorities to invest in communities plagued by poverty, lack of economic opportunity, and chronic violence.

On the following pages, we outlined our six key priorities to immediately and safely improve Illinois' criminal justice system:



Reduce the number of people in prisons



Treat substance abuse and mental illness as a public health issue



Focus on real rehabilitation



Eliminate racial bias



Remove barriers to employment & education



Rollback excessive fines and fees



Reduce the number of people in prisons

Reduce sentences for drug offenses

- **Legalize** and **regulate** marijuana.
- Make simple possession of small amounts of drugs a **misdemeanor**.
- **Decrease sentences for all drug offenses** by one or more felony class, and repeal mandatory minimum sentences.

Modernize sentences for petty and property crimes

- Right now, \$300 is the threshold to be charged for a felony for property crime (like shoplifting)—we need to **raise the threshold to \$2,500**.
- **Remove penalty enhancements** that automatically elevate misdemeanors to felonies if the person has a prior conviction.

Determine length of prison stay based on public safety risk

- **Roll back “truth in sentencing” laws** to allow inmates to earn additional time off their sentences through good behavior and participation in programs.
- **Allow supervised early release** of elderly or infirm prisoners.

Increase commutations and reduce excessive sentence lengths

- Use the **Governor’s clemency authority** broadly and widely to commute sentences and reduce excessive sentence lengths.
- Return to **periodic parole hearings** for those serving long sentences.
- Create avenues for **retroactive resentencing** (consistent with sentencing reforms for drug and property crimes).

Restrict the use of pretrial incarceration

- **Ensure that pretrial detention** is used only when a court finds that a person is a **flight risk** or that their release would pose a threat to **public safety** by using validated risk-assessment tools.
- **Properly fund pretrial services** agencies that supervise people released on bond.
- **Use less restrictive alternatives** to monitor defendants instead of jail.



Focus on real rehabilitation

End the use of prolonged solitary confinement

- Experts and studies have proven it is **inhumane** and **degrades mental health**.

Assess individual prisoners' risks and needs using validated tools

- **Reduce recidivism** by addressing the underlying causes of criminal behavior.

Provide adequate health care to prisoners

- Employ **gender-responsive** and **trauma-informed** practices.

Establish more programming inside institutions including:

- Evidence-based **substance abuse and mental health treatment**.
- Educational opportunities including **higher education** and **job skills training**.



Remove barriers to employment & education

Expand eligibility

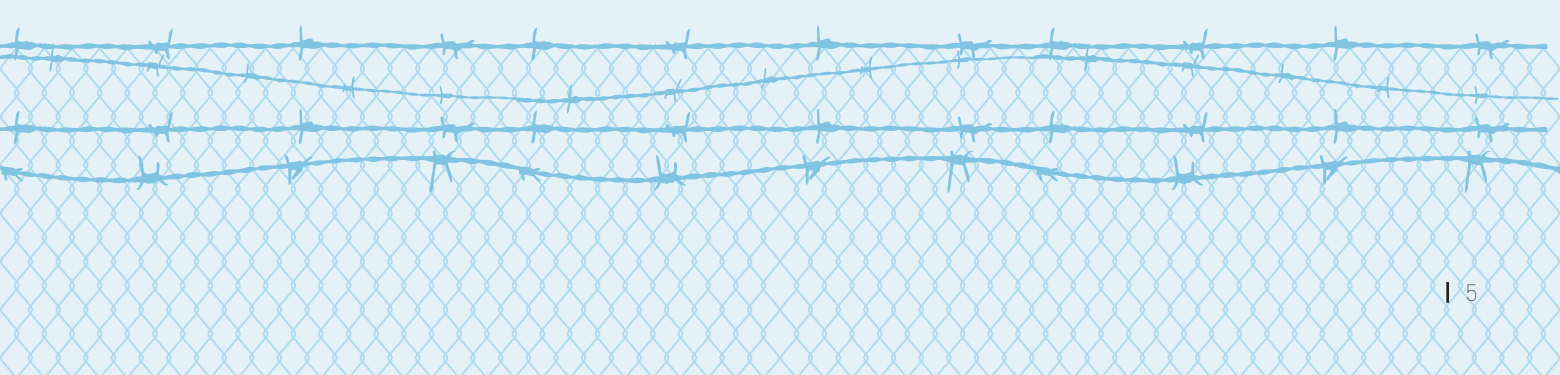
- To **expunge** or **seal** criminal records.

Enforce fair hiring practices

- (Known as "**ban the box**") so that employers consider a job candidate's qualifications without the stigma of a criminal record, as well as **extend to higher education and housing**.

Remove bans

- On people with certain convictions obtaining **employment** or **professional licenses**.





Treat substance abuse and mental illness as a public health issue

Support community-based programs

- To provide mental health and substance abuse **treatment on demand** everywhere in Illinois.

Expand availability

- Of insurance coverage of **medication-assisted treatment**.

Increase mental health crisis training

- For police, jail and prison employees.

Utilize harm reduction programs

- In our state, including **clean needle** and **safe injection sites**.



Eliminate racial bias

Collect data

- To quantify racial bias and disparities in order to **guide policy and training** of justice system actors.

Revamp training

- Of police, prosecutors, judges, correctional officers, probation and parole officers to **address implicit and explicit bias**.

Evaluate risk assessment tools

- Used by courts, the Illinois Department of Corrections (IDOC), and Department of Juvenile Justice (DJJ) to **ensure that the tools themselves are free of racial bias**.



Rollback excessive fines and fees

Abolish:

- **Money bail** and **reduce mandatory fines**, court fees and surcharges.

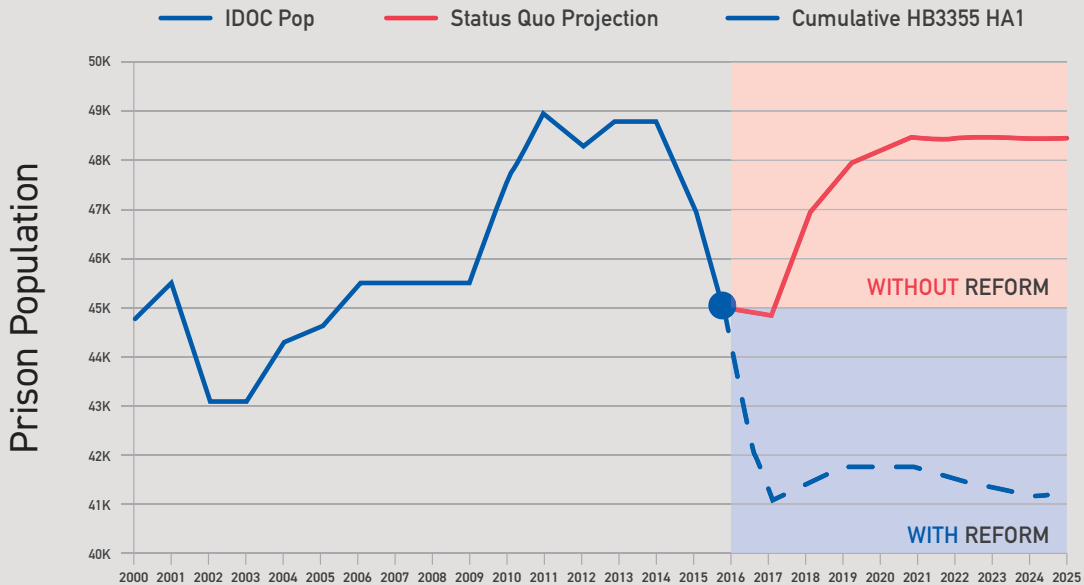
Reform:

- **Civil asset forfeiture** and **vehicle impoundment laws**.

Maintain:

- **The ban on private prisons** and keep for-profit companies out of community corrections.

SPAC Prison Population Projection



According to the Illinois Sentencing Policy Advisory Council (SPAC), the graph above shows the effect on the Illinois prison population if we keep the status quo versus enacting criminal justice reforms outlined on the left and contained in House Bill 3355, Amendment 1 (theft and retail theft reform; drug sentencing reform; truth-in-sentencing credit policy changes; prohibit short-stay admissions; eliminate some three-strike sentence enhancements; and expand probation eligibility). After five years, the Illinois prison population would decrease over 7,000 inmates each year as a result of the cumulative effect of these provisions.

“While it was never designed, funded, or adequately staffed for these purposes, Illinois’ prison system has become the de facto remedial education, health, and substance abuse treatment system of last resort for some of the State’s most disadvantaged citizens.”

Illinois State Commission on Criminal Justice and Sentencing Reform



SAFETY+JUSTICE CHALLENGE

Supported by the John D. and Catherine T. MacArthur Foundation

Khadine Bennett
Advocacy and Intergovernmental Affairs Director
kbennett@aclu-il.org
312.201.9740 ext. 332

Ben Ruddell
Director of Criminal Justice Policy
bruddell@aclu-il.org
312.201.9740 ext. 328