Broken:

The Illinois Criminal Justice System and How to Rebuild It
Illinois prisons are severely overcrowded, with more than 40,000 prisoners in a system built for only 32,000. While Illinois spends more than $1.4 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.
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 We need to change our outdated laws from being tough on crime to being smart on crime.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 resentencings (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.
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.
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