

Restorative Justice & Safer Communities

Aspiration: Towards restorative justice

Illinois has the opportunity to become a national leader in the restorative justice movement. The Centre for Justice and Reconciliation “views crime as more than breaking the law – it also recognizes the harm caused to the people, relationships, and the community. So, a just response must address those harms as well as the wrongdoing.”¹ This approach to justice reform, equity, and opportunity creation can help avoid the entry of individuals into the criminal justice system, utilize alternatives to incarceration, effectively re-integrate formerly incarcerated persons into society, rebuild trust, and repair damage to affected communities.

With the new administration utilizing a restorative justice approach, we have the opportunity for transformational reform. This administration, with the establishment of an office focused on restorative justice, can better align services and programming and transform coordination of justice related programs across the state.

Illinois today: Need for transformational reform

Justice reform and public safety have become a growing concern at the local, state, and federal levels due to high levels of incarcerated individuals, high rates of recidivism, and the significant economic burden the current system imposes. In Illinois, the picture is a complicated one. Between 2014 and 2017, the state’s violent crime rate per capita increased by 18 percent, translating to an average of 154 violent crimes a day in 2016, 15 percent higher than the national average². In addition, Illinois courts hear over 2.6 million cases³, incarcerating thousands of individuals every year. Today, there are approximately 50,000 adults⁴ incarcerated in Illinois jails and prisons in addition to the almost 600 juveniles⁵ in detention – a disproportionate number of whom are black and Latino individuals⁶.

Illinois has made strides in recent years, reducing its prison population by 15 percent in just the last three years. In the latest five-year period, recidivism in prisons dropped by over ten percentage points (FY10 exits to FY15 exits)⁷. Potentially contributing to that reduction are recent bail reforms — for example, Cook County significantly reduced pre-trial detention by over

¹ <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-1-what-is-restorative-justice/#sthash.bchrkrN.dpbs>

² Illinois Crime Rates 1960–2016, Disaster Center; “Crime in the US”, FBI, 2017

³ http://www.illinoiscourts.gov/SupremeCourt/AnnualReport/2016/2016_Statistical_Summary.pdf

⁴ Illinois Department of Corrections, Annual Report FY2017

⁵ Illinois Juvenile Justice Commission, Illinois Juvenile Detention Data Report, 2016

⁶ Illinois Department of Corrections, Annual Report FY2017; Approximately 70% of inmates are Black or Hispanic, as of June 30, 2017

⁷ From 51.7% to 39.9%

https://www2.illinois.gov/idoc/reportsandstatistics/Documents/Recidivism%20FY10_FY15_Trends.pdf

twenty percent in 2017⁸ — and a shift to evidence-based programming targeting people with the highest needs.

Even with these improvements, there is still more work to be done to tackle the underlying challenges. Approximately 90 percent of those detained in jail statewide have not been convicted of a crime and are presumed innocent, translating to more than 250,000 pre-trial jail detainees every year.⁹ Nationally, it is estimated that of 100 individuals who have bail bond hearings, 34 are detained pre-trial due to an inability to pay cash bail.¹⁰ Additionally, while 96 percent of incarcerated individuals will return to their communities,¹¹ almost 40 percent of them are expected to be reincarcerated in the following three years. Such high levels of incarceration create a burden on the state's resources. On average, incarceration costs taxpayers \$30,000 to \$50,000 per person each year.¹² When considering the opportunity cost of Illinois' prison population of 40,000 individuals and parolee population of approximately 25,000 individuals, the costs to the state's GDP can be even more significant. Beyond the monetary impact, when considering the impact on the individuals, especially incarcerated youth, there is a need for significant shifts toward restorative justice.

The path forward

A more compassionate and empathetic approach to addressing the challenges facing the state's criminal justice system can significantly improve outcomes. We've identified several crucial components:

- Illinois can focus its justice reform on **public safety, courts, and rehabilitation**:
 - Coping with and preventing violence by treating gun violence as a public health concern, building skills in stakeholders (e.g., law enforcement, correctional officers, violence interrupters) who interact with youth and other high-need individuals, and rebuilding trust in law enforcement within the communities.
 - Modernize courts and sentencing to divert people away from incarceration toward treatment, particularly youth, and focusing on repairing harm to victims.
 - *Focusing on evidence-based rehabilitation* efforts at prisons, jails and in communities to rehabilitate individuals and eventually reduce recidivism
- As the state considers moving towards **cannabis legalization**, we have an obligation to restore rights for individuals with legacy cannabis convictions while repairing harm to communities who have been disproportionately impacted by the unfair application of drug laws. Facilitating equitable access to business opportunities and economic prosperity arising from legalizing cannabis for underserved populations will be absolutely critical.
- As discussed by the incoming administration, **establishing an office to advocate for restorative justice and economic opportunity** (which could be called the Office of Justice, Equity and Opportunity). This office can set the long-term direction for state agencies in

⁸ <https://www.chicagotribune.com/news/local/breaking/ct-met-cook-county-jail-under-6000-inmates-20171221-story.html>

⁹ [An Examination of Illinois and National Pretrial Practices, Detention, and Reform Efforts](#), ICJIA

¹⁰ Rabury, B., & Kopf, D. (2016). Detaining the poor: How money bail perpetuates an endless cycle of poverty and jail time. Northampton, MA: Prison Policy Initiative.

¹¹ *Illinois results first*, Illinois Sentencing Policy Advisory Council.

¹² *The Price of Prisons: What Incarceration Costs Taxpayers*, Vera Institute for Justice, February 2012, vera.org.

restorative justice, promote inter-agency collaboration, and help remove barriers to economic participation for individuals returning from incarceration.

This report outlines the committee's recommendations in each of the areas of focus below.

Public safety, courts, and rehabilitation

There are multiple components to the criminal justice system – from law enforcement, courts, jails, correctional facilities, to re-entry in the community – that must all work cohesively together to achieve these goals. There are several potential areas of focus.

Coping with and preventing violence

The state can help reduce violence in communities by strengthening existing safeguards towards gun violence prevention efforts, pursuing new safeguards, and investing in community resources to prevent crime. For example, increased regulations on gun dealers, stricter reporting requirements for lost firearms, and establishing stronger Firearm Owners Identification card (FOID) requirements (accounting for hate crimes, animal abuse, and domestic violence and expanding requirements to cover 3D-printed and “ghost” guns) could keep guns out of the hands of people likely to use them illegally. The state could also convene a multi-state task force to reduce the illegal flow of weapons across state borders. In addition, measures such as better allocation of police resources to every zip code and expedited forensics tasks such as DNA-evidence processing, rape kit administration, and ballistics testing could significantly improve violence prevention and resolution.

The state could promote grassroots efforts to reduce crime and prevent gun violence, such as expanding prevention programs and resources in the neighborhoods at highest risk for gun violence (e.g., funding grassroots non-profit violence prevention programs). Resources could be allocated to transformative “Community Justice Centers” to provide civilian responses to violent incidents, including giving civilians access to resources and referrals, and offering holistic support. Trust can also be strengthened between law enforcement and the communities they serve if Illinois State Police take a larger role in investigating “use of force” incidents.

Community-based organizations should also be supported by the state in their work to provide mentoring, tutoring, and job-search support. The state could empower local organizations to support people returning from incarceration, helping them meet their needs for housing, mental health counseling, job placement, and other social services.

Modernizing courts and sentencing reform

Through thoughtful court and sentence reform, the state could move towards a system that reserves incarceration primarily for those who commit very serious offenses. The reform could focus on treatment and rehabilitation, while diverting individuals to alternative treatment centers (e.g., over 40 percent of admissions to Cook County jails were for drug offenses, many of whom could have been diverted to community drug treatment resources) and ensuring fairness and equity before and after trial.

To start, the state can increase felony thresholds for drug (e.g., Class 3 and 4 drug offenses diverted to drug treatment) and retail-theft offenses (e.g., raise retail theft threshold from \$300 to a higher level), which can mitigate the punitive nature of current sentencing guidelines and decrease the number of incarcerated individuals. For those already incarcerated, the state can

re-evaluate early-release eligibility to focus on rehabilitation. Potential initiatives could include bypassing parole and auto-expunging criminal cases for eligible cases (e.g., certain Class 4 felonies), using clemency power to commute certain sentences (e.g., incarcerated people in need of hospice care), and expanding eligibility for discretionary and reduced parole.

Prison population reduction strategies may be more effective when partnered with treatment through supportive transition programs that include housing and job placements. The state could mandate restorative justice as a holistic rehabilitative substitute for incarceration (e.g., pre-trial referrals to community centers for certain offense types). State agencies can support transformational alternatives to incarcerations by engaging community-based resources such as mental health and substance abuse treatment centers. As part of this transformation, key actors (e.g., judges, community residents, law enforcement, social workers) could be convened in working groups to recommend actions to protect and heal communities.

To ensure fairness and equity before and during trials, the state should facilitate equitable access to and adequate funding for resources such as public defenders. In addition, Illinois should reexamine current juvenile detention practices through trauma-informed ways (e.g., end detention for children under the age of 15) and end trial tax incentivizing pleas. The state could also examine current monetary bond practices and reduce or eliminate the use of fines and fees for offenses such as driving infractions. Finally, the state could eliminate automatic driver's license suspensions for court debt and make probation and parole less punitive and more rehabilitative by eliminating reincarceration for technical parole violations. These changes would significantly reduce the burden on affected individuals.

Focusing on evidence-based rehabilitation

The state can improve recidivism outcomes by focusing on rehabilitation of incarcerated individuals and empowering relevant stakeholders to improve their interactions with high-need populations.

Rehabilitation based treatment across jails and prisons offers better outcomes for affected individuals. First, there could be focus on better access to rehabilitative programs for affected individuals in the system, particularly for incarcerated youth. Creating access to Medicaid and privately-funded substance abuse treatment and providing such access pre-release could ensure continuity of care. In addition, overall capabilities could be improved to diagnose and treat mental health and substance abuse issues. Programs could focus on behavior modification, workforce skill development and life skills support to promote effective re-integration post-release. For example, offering vocational skills training and employment placement opportunities while in prison could set up individuals returning to their families and communities for success. The state should also provide stable housing options, employment placement opportunities, and state IDs or driver's licenses, for all affected individuals upon release to enable better re-entry to community.

Rehabilitation efforts should be trauma informed and exist before, during, and after incarceration. Stakeholders (e.g., school officials, correctional officers, counselors) who work with populations with the highest need of rehabilitative interventions can benefit from efforts such as de-escalation training to improve interactions with individuals who have mental health and substance-use challenges. First, capabilities could be improved across the system in how we deal with populations with highest need of rehabilitative interventions, including building on existing gender affirming training in women's correctional facilities and education for law enforcement on firearm restraining order laws. Second, state employees can rebuild trust with

communities by taking courses such as social emotional learning (SEL) or racial culture awareness and applying them to their work in communities. Finally, IDOC can consider initiatives like creating a workforce development board that focuses on creating economic opportunities in local communities for previously incarcerated individuals.

Cannabis legalization

With medical cannabis already legal, Illinois is considering moving towards cannabis legalization. The state can work to repair the harm to individuals and communities affected by a history of over-policing and unequal sentencing for drug offenses. There are several key initiatives that the state should consider.

Restoring the rights of affected individuals

For individuals with cannabis convictions, the state could explore automatically expunging records to ensure everyone affected is reached. The state should also undertake the task of identifying the downstream effects of cannabis convictions and undoing their impact. The state could leverage the new Office of Justice, Equity and Opportunity (detailed further in this report) to identify and work to reverse eligible cases (e.g., more severe convictions that took into account a prior legacy drug charge), as well as prioritizing these individuals for treatment.

Equitable access to the legal cannabis industry

The opportunity for black and brown communities to benefit from the legal cannabis industry is central to the next phase of cannabis legalization. The state can provide equitable access to the industry by fostering business and entrepreneurial equity with a licensing system that encourages diversity. Interested community members could develop their skills through business incubators that provide training, certifications, and other business resources for setting up and running a cannabis business.

Because black and brown communities can lack access to capital — especially for cannabis-related businesses — the state could offer financing and technical training to help under-represented communities participate more fully in the legal cannabis industry, potentially through community-based incubators. This administration should lead the development of these incubators and ensure the technical support and capital participation of existing medical growers and dispensaries as a condition for expanded recreational licensing.

Repairing damage to communities

The state can repair some of the harm to communities that have experienced systemic disinvestment and rebuild trust by creating a local community task force that reinvests funds in the community (e.g., grants for black and brown business owners). Leveraging state and local committees that represent the perspectives and interests of marginalized communities could provide valuable input on how funds should be used. To encourage responsible cannabis use, the state can develop community-based programs to discourage underage use and implement cannabis abuse rehabilitation programs. Training and education for law enforcement officers on ways to address the legal use of cannabis could improve the way they respond to frontline incidents.

The Office of Justice, Equity and Opportunity

The state could define and support adoption of a set of unified principles on how Illinois will address restorative justice holistically. A newly established Office of Justice, Equity and Opportunity could work across agencies and use data to support this vision, improve inter-agency collaboration, and remove barriers to full economic participation for affected stakeholders. There are several key initiatives that the state should consider.

Setting the tone with key principles

The office could define a set of principles for itself and the entire state. Some of these principles could include:

- Treating violence as a public health issue that affects economic opportunities for individuals and communities
- Supporting collaboration, transparency, and equity statewide
- Committing to collaborating with communities of the highest need and ensuring their voice informs the actions taken
- Making evidence-based decisions and evaluations

Convening entities across the State to foster collaboration

The office's first task could be to convene a group of local and state agencies that work in restorative justice including IDOC, DJJ, DHS, DPH, and county police departments. Convening power by itself may not be enough and this administration could consider providing additional funding authority through this office to drive accountability. The office should consider initiatives like creating a seamless case management system between local, state, and community-based organizations for better handoff, championing standardizing processes and systems across different agencies, coordinating research of evidence-based practices to support new policies and laws, and creating a central team that maximizes federal and grant based funding available to Illinois.

Build better capabilities across all criminal justice agencies

Since this office is focused on outcomes, it could help ensure decisions across all criminal justice agencies are evidence based, data-driven, and leverage lessons learned from the past. To enable this reform, the office can help create a central data repository that promotes cross-agency collaboration through more frequent contact, information sharing, and visibility of opportunities for improvement. Over time, this data can be used for better decision-making through advanced analytics and to measure effectiveness of programs being delivered. In addition, the office can work with community-based organizations and provide technical assistance and mission support.

Toward restorative justice, equity, and opportunity

There is a path forward to move criminal justice in Illinois from one of retribution to one of economic and community restoration. These efforts can enhance resource allocation, lower recidivism, and improve outcomes for incarcerated individuals. The state could consider launching a few initiatives in the near-term which could serve as important first steps:

- Increased regulation on gun dealers and establishing a multi-state task force to reduce illegal weapons
- Medicaid access to ensure continuity of care and targeted employment and housing support provided to all individuals pre-release from IDOC
- Creating a workforce development and vocational training programs to support rehabilitation at IDOC
- Mandating training courses (e.g., social emotional learning) for stakeholders (e.g., law enforcement, correctional staff) dealing with high risk population
- Increasing certain felony thresholds (e.g., for drug offenses, retail theft)
- Evaluate and recommend changes to monetary bond policies
- Create a data repository to be used across all state and local agencies

The work ahead will be challenging, but could help shift Illinois away from mass incarceration, allowing people to contribute to their communities, and repairing harm caused in marginalized neighborhoods.