

## Why parole?

Because there is currently no parole system in Illinois.

Is there really no parole in Illinois? The answer is misleading. Technically, yes, there is, but only for a very limited few. Less than 140 prisoners out of almost 49,000 incarcerated people in Illinois are grandfathered into a pre-1978 parole system. These 140 are known as C-Numbers because all of their prison identification numbers begin with the letter C. Parole, which relates to indeterminate sentencing, was abolished in Illinois in 1978 in favor of determinate sentencing, a move which eliminated any hope for early release and with it, any incentive for good behavior and rehabilitation.

Nonetheless, many people, including many legislators, believe that there is an active parole system in the state which serves as a gate keeper for all incarcerated people. This myth became evident when on March 21, 2018 the Stateville Correctional Center's debate team, made up of incarcerated men, debated the topic of parole at the prison before a large audience of invited guests. The few dozen members of the Illinois General Assembly in attendance were surprised to find out that there was not a comprehensive parole system in the state.

The myth of a broad and inclusive parole system is largely perpetuated by three factors: First, by the fact that, technically, there is a very limited parole system and a 15 member paroling authority independent of the Illinois Department of Corrections known as the Prisoner Review Board (PRB). Board members reportedly make an \$85,000 salary which may tend to bolster the myth of a broad parole system.

The second factor is semantics. Although conditional release from prison is commonly referred to as parole, it is a misleading term. Traditional parole in Illinois was based on an indeterminate sentencing range consisting of a minimum and maximum. Once people served the minimum portion of their sentencing range, they became eligible for parole and were allowed to appear before the PRB to plead their case for early release. Demonstrated good behavior and rehabilitation increased the likelihood of early release on conditional parole. Otherwise, a person could be denied parole until the completion of their entire sentence; at which point, they would be automatically released.

In contrast, we now have a determinate sentencing scheme based on set terms (e.g. 10 years). People must serve their entire sentence before being released on mandatory supervised release (MSR). To be clear, MSR is not a suitable alternative for parole. Whereas parole relates to early release, MSR is equivalent to an additional term of correctional control.

Notwithstanding our current system of determinate sentencing and MSR, release from prison is loosely associated with parole. In fact, people released on MSR are supervised by 'parole officers.' The Unified Code of Corrections broadly defines parole as, "... the conditional and revocable release of a person committed to the Department of Corrections under the supervision of a parole officer." (730 ILCS 5/3-1-2.(K)). Once words have been popularly associated with certain ideas, especially over long periods of time and are reinforced by authoritative language, even important differences become less discernable.

Third, the passage of time is to blame as much as any other factor. All of our current legislators were sworn into office well after traditional parole was abolished.

Recently, a C-Number prisoner who has been incarcerated over 40 years showed me a letter dated March 31, 1977 from then-State Representative Peggy Smith-Martin, 26<sup>th</sup> District, who wrote in support of the effort to abolish parole and implement a system of determinate sentencing. The letter was openly addressed to incarcerated people and was meant to inform them of the new “day-for-day” system that would replace traditional parole. The way day-for-day worked is that each day served with good behavior, a person would be credited an additional day. Thus, a determinate sentence of 10 years could be served in 5 years. People could also earn good conduct, meritorious and educational credits and reduce their sentence by an additional 6 to 9 months.

However, Representative Smith-Martin’s letter did caution that the new day-for-day system would increase the average amount of time actually served for each class of felony. So then, why abandon the old system in favor of a new one that increased the overall length of incarceration for everyone? Some posit that the same racial disparities that exist today in our criminal justice system were also present in the PRB’s discretionary determination of who they granted early release to. It’s not clear what level of racial discrimination permeated the old system. What we do know, however, is that 40 years ago there was a national trend away from rehabilitation in favor of a more retributivist approach. Whether the clamor against a system rife with inequalities was just a hawkish assault on rehabilitation or a legitimate concern, we may never entirely know.

Moving forward, however, we can avail ourselves of two things: First, 40 years worth of data reveals that lengthy prison sentences yield nominal returns in deterrent value at an exorbitant fiscal cost. Second, scientific risk assessment tools can now be harnessed to identify needs and develop case plans for people remanded into the custody of the Department of Corrections. They then can be applied to accurately predict the risk of recidivism. This would eliminate or substantially reduce and human bias.

Our criminal justice system has been delegitimized by a tough on crime impulse. Now, a truly innovative and technological alternative offers a smart on crime and human criminal justice approach with equitable results. Justice for all demands the reinstatement of a comprehensive parole system in Illinois.

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