

# STATEVILLE SPEAKS

VOICES FROM THE INSIDE • FALL/WINTER 2019

## SEASON'S GREETINGS FROM JHA



This holiday season, we at the John Howard Association (JHA) are thinking about people in Illinois prisons and hoping that the coming year brings peace, hope and humanity to our system.

JHA believes that the system is in need of dramatic transformation. We will continue our prison reform work, understanding that system change is long, slow, and difficult.

2019 brought some noteworthy reform that we believe will improve people's lives and provide a platform for more change. Here are some highlights from this past year:

**No More Medical Co-pay:** Starting January 1, 2020, people incarcerated in Illinois will no longer be charged \$5 when you see a doctor. For years JHA called out this practice as unfair and pointed out the dire impact the co-pay had on individuals in prison and their families and loved ones who are often already struggling financially. This program incentivized people to not seek or delay care, leading to worsening illnesses and injuries and increased contagion. No one should have to choose between basics like hygiene items or stationery to write to loved ones and medical care. Part of the work JHA did on getting the \$5 co-pay abolished was to show that the program, by all available measures, cost more to run than the revenue brought in by the State from taking this money! JHA made this issue a priority and we worked with legislators to introduce and pass legislation to ABOLISH the co-pay – this year it not only passed the Legislature, it was signed into law by the Governor!

**Expanded Sentence Credits for Past Program Participation:** HB 94 also passed the

Illinois Legislature and was signed into law by the Governor this year! JHA is in the process of creating a checklist for people to use to see if the change in law applies to them and if so, what steps they need to take to get the credits. Please write to us if you would like to receive this document. JHA is monitoring the implementation of this new law along with others that should have been applied starting in 2018 and have not yet been. JHA understands how important it is for people to get both programmatic and earned discretionary sentence credits and we will continue to weigh in on how these laws should be interpreted and implemented and monitor Illinois Department of Corrections's (IDOC) compliance with these statutes.

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**“We will continue to call out problems and recommend changes that will make facilities more safe, humane and fair for everyone.”**

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**JHA Surveys:** As many of you know, a few years ago JHA began sending surveys to people in Illinois prisons in advance of our visits as a way to collect more perspectives than we are able to on the day of a prison visit. We appreciate the feedback you have provided; it has allowed us to make the case for change. One example of how JHA has used the survey data is during our fight to abolish the medical co-pay. During a hearing on the bill, a legislator asked JHA how we knew that the co-pay acted as a deterrent to people in prison seeking medical care - because of your completed surveys, we were able to respond that we knew because we asked the people in our prisons that question and they answered it. We were able to provide data, specifically the percentage of people who responded to our surveys that indicated that the co-pay was a problem. When this particular lawmaker heard that roughly over 70% of people in prison told us that the \$5 co-pay stopped them from seeking needed medical care, he listened!

We understand that answering the same survey questions without seeing much change is frustrating. We want you to know that we use this information. It doesn't necessarily lead to immediate change but it helps to build a case that at least some policymakers find persuasive. Going forward in 2020, JHA is going to approach our surveys a little differently; first, we are going to work on ways to better share how we use survey information, and second, we are going to do new, different, more issue specific surveys, which we think will be helpful in advocating for particular policy changes.

Please write to us and share your ideas for surveys! Not every idea will result in a survey but we want to hear your ideas and consider all of them.

**A Look Ahead to 2020:** this year marks JHA's 119th year of independent prison monitoring in Illinois. We will continue to come into the prisons to observe, listen and report, and to respond to your letters. We will continue to call out problems and recommend changes that will make facilities more safe, humane and fair for everyone. Just a few of the issues we will be working on this coming year include:

- \*Mandate increased public reporting of information around deaths that occur in IDOC custody – very little is known or made available about how people in prison die. This is unacceptable. JHA is going to be working on legislation to mandate that information on deaths that happen in prisons be made publicly available.

- \* Taking a closer look at reentry needs, from the perspective of people who are getting ready to be released. While there are many community-based services (although availability is inconsistent across the state) more and stronger bridges must be built from outside of prison gates to the supports and opportunities in the communities people are returning to that they need and may benefit from.

- \*Raising awareness of state pay and the high cost of basic items only available through commissary, and advocating for an increase in monthly state pay amount and/or a change in

**SEE JHA, PAGE 6**

*Hope...Redemption...Change*

# HAPPY HOLIDAYS FROM F.I.S.T. INC.

Former Inmates Striving Together Inc. (F.I.S.T. Inc.) is a Christian faith-based organization dedicated to helping formerly incarcerated individuals assimilate successfully into mainstream society after their incarceration.

Established in 2009, we are an organization of formerly incarcerated individuals who use our experience and knowledge to assist those who have been released from the prison system to navigate through the challenges of successful re-entry to their community.

One way F.I.S.T. helps enhance healthy family relationships is by encouraging and supporting its member's journey to reconciling with their families. Many families sever communication with their loved one after years of hurtful actions and heartbreak brought on by the inappropriate actions of the returning citizen in the past.

- We provide spiritual support and connection to local churches
- We provide a variety of "group" meetings for support and rehabilitation
- We can provide housing for up to 17 individuals in Waukegan
- We guide the residents through obtaining identification
- Help ex-offenders apply for medical insurance and food stamps
- We assist ex-offenders with resumes and job searches
- We supply ex-offenders with clothing vouchers for a local thrift store
- We counsel ex-offenders on time and money management

## Success Story

Over the years F.I.S.T. Inc. has had many success stories. One recent one occurred over the past 3 years. We received an application from "Bill" (not his real name), who had been incarcerated for 12 years for harming a family member. After talking with Bill's counselors at the Illinois Department of Corrections (IDOC) and Bill on the phone, he was accepted into the program. He had accepted responsibility for his actions and exhibited great and heartfelt remorse for them.

Upon his arrival at F.I.S.T., staff helped Bill acquire a State I.D., and a Social Security card; those social services would help him start his life over. Bill soon had a job, volunteered frequently with community service projects performed by the F.I.S.T. organization and soon assumed a role of leadership among the F.I.S.T. residents. He attended weekly self-help meetings, life skills classes, Bible study and church.

With F.I.S.T. staff encouragement, Bill began to write letters to his estranged family. Soon the attempt met with encouraging results. After some time, Bill started calling those family members. Months passed, before Bill requested permission to travel to his hometown to meet with some of his family. He was granted that permission and was accompanied by a F.I.S.T. member to his hometown. The visit was a success with Bill meeting many of his family, including his victim. He also met 3 grandchildren who had never met their grandpa.

Upon returning to Waukegan, Bill was determined that he was going to return to his hometown to become a resident and to be near his family. Bill met with the F.I.S.T. financial staff member who helped put together a budget that would help Bill to achieve his goal. In the following 6 months Bill bought a vehicle that he could drive the 2 hours to his hometown.

When the time came, Bill, again accompanied by the F.I.S.T. Founder/President, made the two-hour journey, this time for a week. During that week, Bill was able to secure an apartment, which he shared with one of his family members. He also secured temporary employ-

ment. His relationship with his family and especially his grandchildren grew by leaps and bounds.

Nearly a year later, Bill still has his apartment, his vehicle, and has been hired on as a permanent employee. He also sees his grandchildren on a regular basis and is known to them as "PawPaw".

Bill, like so many F.I.S.T. alumni, has become a tax-paying, socially-conscious, productive member of society. Our organization serves the community through public service, and transforming formerly incarcerated individuals from being a drain on the

public coffers to citizens contributing to the tax base through employment. They also, reduce expenses by easing the burden on local law enforcement, the criminal court system, the Illinois Department of Corrections, and social services. In addition, it allows former inmates and their families a second chance.

F.I.S.T. derives its operating expenses from program fees, paid by the residents; and projects such as the Friday Fish Fry and Pancake Breakfasts at the Gurnee American Legion, church support and the generosity of the community at large. It allows us to help more people.

For more information please write F.I.S.T. Inc., 680 S. Genesee St., Waukegan, IL 60085. ■



*This fall's F.I.S.T. pancake breakfast. Founder and President Joe Schmit (center), flanked by F.I.S.T. alums Claude "Buddy" Essinger (right) and Don Austin (left). Photo by Dawn Larsen.*



# FROM THE EDITOR

Welcome to another edition of Stateville Speaks. With the holidays and New Year upon us we want to take a moment to send all of you a wish for good health and hope for this coming year. It may seem glib, as we know there is no abundance of joy or much celebration during the holiday season, to you still on the inside. However, we did want to pause and reflect on a few of the organizations and their work that is transforming lives-both systemically and one important person at a time.

Needed changes, such as the abolition of the \$5 medical co-pay and HB94 which extends credits for past program participation have the potential to reach many. As does the creation and staffing of an organization to help draft a comprehensive plan to restore parole in Illinois.

A very impactful bill, HB2039 would allow individuals to request a hearing and possible re-sentencing if a new law passes to replace a criminal penalty. HB1615 addresses the felony murder rule, which convicted everyone equally, whether you were even aware or participated in the violent act or not.

Another hopeful campaign is helping elderly incarcerated veterans, who have served 20 years or more, a chance to go home. Who is more deserving of another chance than those who sacrificed to serve and protect us? Thus far, two veterans are back home with their families with the hope that more will follow.

Once out, (we can't stress how important pre-release planning is) finding an appropriate place to live is critical to remaining out. If you are a registering sex offender it can be paramount to even getting out. We are thankful to those working hard to fill this gaping void.

While the organizations highlighted in this edition are so instrumental in instituting positive change, they are not alone. We hope to continue to introduce and update many more in our upcoming newsletters. In the meantime, we once again want to wish good health and hope to all this coming year. And we thank you for supporting still another edition of Stateville Speaks. ■



*Illustration by Arkee.*

## THE BUTTERFLY EFFECT: TRANSFORMING LIVES DAILY

By Mr. Kareem J. Cobbins

When I think of an effective transformation process, one that will be fitting in describing the incarcerated people within the Illinois Department of Corrections who are exhibiting positive strides towards re-entering society to be productive citizen, I envision a soaring butterfly.

Just as the caterpillar goes through a stage of metamorphosis and becomes a butterfly, its in comparison to the restorative residents throughout the IDOC who go through a process of character development through purpose, circumstances and morality, ethics in general.

Many conservatives may view that some individuals or most as not rehabilitative or even deserving of a second chance. In other words, the showing and production of positive prosperity may go unnoticed. As a result, many of the doubters should be aware that some institutions in particular are providing meaningful outlets to make those inside



*Photo by Tom Shockey via Flickr.*

the IDOC. correct their negative ways and in the process will have transformed many into better, successful, bright and vivid species of men and women upon their re-entry to society. (But we must take advantage of the opportunities.)

Similar to the colorful butterflies soaring through the air with divine dexterity from one destination to the next in relation are also the many colorful collages of races, nationalities and talents that flourish

throughout the IDOC. Waiting on our next call of duty inside and outside of these prison walls is what keeps us at a lofty state.

As we float around sometimes in our agony and at times what seems to be (despaired moods), it becomes the catalyst that eventually motivates us. In due time we rise to the occasion with more strength than before with a jovial, sincere attitude and unfailing mindset, conquering whatever tasks before us, illuminating, forever flying high. ■



# ILLINOIS PRISON PROJECT

## HAPPY HOLIDAYS FROM THE ILLINOIS PRISON PROJECT!

We've had a busy couple of months here, working to find attorneys to represent approximately 120 elderly veterans who have served at least 20 years of incarceration. Earlier this month, we were able to bring home one such client: Sherman Morissette, a Vietnam veteran who was sentenced to natural life in prison for armed robbery, was granted parole by unanimous vote of the Prisoner Review Board, and is now home with his family. Mr. Morissette's sentence was commuted from natural life to "life with the possibility of parole" by Governor Rauner, creating a possible roadmap for many other people who face excessive sentences. We were also thrilled to represent Lee Mosely, who was also granted parole this month after spending 19 years in prison. Mr. Mosely will return to his family in Chicago.

These recent successes come on the heels of our representation of Larry Hayes. Mr. Hayes was sentenced to 55 years in prison on a drug case. We met Mr. Hayes when he was 82 years old, and suffering from a host of medical problems. We convinced the Lake County States Attorney that Mr. Hayes should not be in prison, and he was resentenced to time-served in September. Mr. Hayes is now reunited with his family, including his many grandchildren.

We hope to continue to bring you good news, and hope that you find peace, hope, and love this holiday season.

Warmly,

Jennifer Soble, Executive Director

Illinois Prison Project

53 W. Jackson Blvd.

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Chicago, IL 60604 ■



Christmas tree painting by Paul Taylor.



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Envelope artwork by Tammy Englerth.



# HAPPY HOLIDAYS FROM RESTORE JUSTICE

2019 has been a challenging and rewarding year for Restore Justice, and we are grateful to the men and women incarcerated in Illinois prisons who take time to send us letters of support. We are also grateful for the ideas and critical thinking that many people who are incarcerated have shared, all of which keep us both informed and engaged in helping solve some of the hardest problems in our system. This year, we are most proud of the impact our previous legislative efforts have had on litigation. For example, we are excited to see many people petitioning to get back into court with claims based on the Buffer case, which used the 40 year definition of "life" we proposed and saw set into law in 2015. And, many individuals who get a new sentence under Miller, Buffer, or other claims, if under 21 at the time of the original crime, will now have access to parole hearings over the course of their incarceration.

We are thrilled to have been able to hire Wendell Robinson, who, along with Marshan Allen, had been serving a life without parole sentence in Illinois before the Miller ruling in 2012. Our team now includes two formerly incarcerated men, along with Julie Anderson, whose son is serving a 30 year sentence (reduced from life following a Miller resentencing hearing). We will be pursuing new or revised legislation this year relating to felony-murder reform, discretionary juvenile life without parole, retroactive application of the departure for



gun enhancements for juveniles in adult court, visiting room vending prices, phone access, visitation rights and access, and data transparency, our largest legislative agenda yet!

We try to send legislative updates throughout the year; please let us know if you would like to be on our mailing list: Restore Justice, PO Box 101099, Chicago, 60610. ■

*Fall fundraiser for Restore Justice  
Front: (l-r) Xavier McElrath-Bey, Orlando Mayorga. Back (l-r): John Horton, Joey Rodriguez, Eric Blackmon, Charles Johnson, Yaacov Delaney, Fred Weatherspoon, Wendell Robinson, Marshan Allen, Deon Patrick.  
Photo by Tone Stockenstrom.*

## PAROLE ILLINOIS

### HAPPY HOLIDAYS FROM PAROLE ILLINOIS

Parole Illinois has had an amazing first year as an official organization! We held a rally in Springfield and mobilized family members of the incarcerated and allies alike. We produced educational pieces and published a news article that explained the history and intricacies of parole in Illinois, and the need for a new and fair system of early release.

We hosted our first big fundraiser, graciously sponsored by attorney Len Goodman and we held an art auction and sale of work by incarcerated artists, which garnered both interest and the raising of much needed funds. We applied and were awarded several grants, including one to hire an organizer for southern Illinois, and one to help with operating expenses. Additionally, a grant was awarded to tell the stories of some of the people serving life sentences.

We held public organizing meetings and a family gathering for loved ones of the incarcerated. We sent a newsletter and updates to over 500 inside members. We continue to meet with allies and are exploring possibilities for the next legislative season. We are thankful to everyone who contributed art, funds, and labor. We couldn't have done this without your support, and we look forward to working with you in 2020! For more information please write us at: Parole Illinois, 601 S. California Ave, Chicago, IL 60612. ■



*Illustration by Paula Sims.*

## TRANSCEND

By Preston Gresham

I sit wide awake,  
Stifled by my actions,  
My mind is alert, ready, willing

My thoughts  
Turn corners,  
Scale fences,  
Soar rapidly

As I leave  
This land of  
Gloom and doom

Time and space  
Folds, bends and  
Envelopes

The spirit of freedom

I am whole and healed  
As I transcend – yes

Again, I transcend.... ■



*Illustration by Andrew Matthews, Jr.*

## HB 2039: MAKING AMENDS

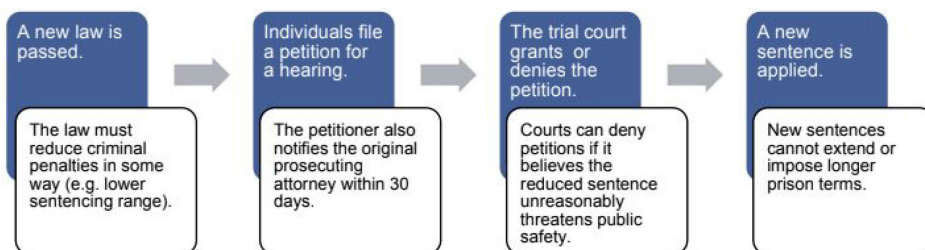
**Retroactivity ensures criminal justice policies are applied fairly and evenly**

In Illinois, criminal justice reforms only look forward and provide no relief to those already impacted by outdated laws. That means thousands of men, women, and children continue to bear the burden of ineffective policies even as societal values evolve and change. Illinois must make retroactivity an essential element of all efforts to reform our criminal justice systems.



### HB2039 offers a path forward

The bill would allow individuals to request a hearing—and possible re-sentencing—if new laws pass that reduce former criminal penalties in some way. Here's how that would play out:



When denying petitions, courts must consider criminal history, disciplinary record, and other evidence related to the risk that petitioners commit new violent felonies.

Petitioners may request changes to or sealing of their criminal record should their crimes become recategorized from felony to misdemeanor, or even decriminalized entirely.

By allowing individuals to retroactively clear their record of activities society no longer believes should be illegal, these bills can help eliminate the barriers released persons face to securing housing, jobs, credit, and education.

Without retroactivity, we will continue spending money to enforce prison terms that society no longer believes justified.

### Arguments against retroactivity don't hold water

Some have argued that retroactivity is unconstitutional, based on their interpretation of court decisions, a legal concept known as "revestment," and elements of the Illinois state constitution.

These arguments do not hold water. They do not represent the consensus of the legal community. And both at the federal level and in other states, retroactive resentencing—in response to new sentencing policy—is established practice. We urge you to consider supporting HB2039 (Cassidy) to make sure all laws in Illinois are applied fairly. ■

## JHA

CONTINUED FROM PAGE 1

commissary costs.

\*Pushing for more transparency by monitoring IDOC compliance with statutes that mandate certain data is collected and made publicly available, which has not yet been done by the Agency.

JHA will continue to fight for change; by visiting prisons to hear from you about issues and observe conditions, pushing for increased

system transparency and accountability, and recommending reforms that make our prisons more humane, fair, safe and rehabilitative. Letters to JHA can be marked "Privileged mail" and sent to:

John Howard Association  
PO Box 10042  
Chicago, IL 60610-0042. ■

## SUBMISSIONS WANTED

Stateville Speaks wants to publish your article, essay, letter, poem or artwork in an upcoming issue. Please try to limit articles to around 500 words. Articles may be edited for length. Artwork will now be published in color. Submissions may also be published on our website. Due to the volume of submissions we receive, work will not be returned. If you have a topic you would like us to address in an upcoming edition, drop us a line and let us know. See page 7 for address.



# HB 1615: PUNISHED FOR ANOTHER'S CRIME: THE FELONY-MURDER RULE

## What is the Problem?

We can't reduce the prison population, control costs, or limit legal battles related to overcrowding in prisons if we do not address "violent offenders." One simple place to start is by looking at so-called violent offenders who have not actually done violence. Currently 47 percent of the Illinois prison population is classified as violent, but under state law, not all of these individuals have actually done the violence for which they are incarcerated.

In Illinois, a person can be charged and convicted of first-degree murder—a conviction that carries a minimum sentence of twenty years and, under certain circumstances, a maximum sentence of natural life—even if they did not actually kill the victim or intend to commit the murder.

Youthful offenders are disproportionately impacted by the felony-murder rule, as they are more likely to act in groups (or "co-offend") and are more susceptible to peer pressure. According to research in California, women can also be disproportionately impacted.

## What Is the Solution?

HB 1615 would bring Illinois into alignment with the majority of states that have a felony murder statute. The bill:

- Ensures that only defendants that the felony-murder rule was designed to hold accountable are actually charged with and found guilty of murder;
- Ensures individuals who do not personally inflict an injury during the course of an underlying felony would not be charged with or found guilty of first-degree murder; and,
- Ensures someone is truly culpable for murder if they are to be given our state's harshest possible punishment.

## How Many People Does This Impact?

At this time, we have no way to know. Our criminal justice data systems do not differentiate between who was convicted of first-degree murder for actually committing a murder and who was a co-defendant convicted under the felony-murder rule.

## What Do Other States Do?

Illinois has one of the broadest felony-murder statutes in the country. Only 19 use a law similar to Illinois. ■



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Please limit essays to around 500 words.

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# POLITICAL 'TOON

BY ARKEE



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