

**Out of the Cell: Exploring the Framing of Prisoner Reentry in  
Illinois Corrections Policy**

By

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S.B., Comparative Media Studies  
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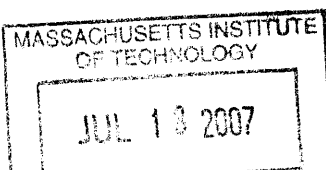
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## **ABSTRACT**

The significant rise in the prison population in the United States has resulted in a severe shock to the correctional system. Specifically, from 1980 to 2004, the population of offenders incarcerated in state and federal prisons has increased almost five-fold from 315,974 to 1,494,216. As a result, 650,000 prisoners are released back into society each year, placing additional stress on already distressed communities. The ability of released prisoners, or ex-offenders, to successfully reintegrate into society depends to a large degree on the programming made available to them prior to and after their release. However, the cadre of programming offered by prison systems is constrained by the frames that policymakers use to talk about the issue of prisoner reentry.

Understanding the frames that people construct are the key to grasping the philosophical foundations underlying current legislation as well as to proffering new policy solutions that are relevant to all stakeholders. This thesis documents both the historical and current frames surrounding the issue of prisoner reentry in Illinois corrections policy, particularly as it relates to the city of Chicago, which takes in 20,000 ex-offenders each year from the Illinois prison system. The dominant policy discourse in Illinois is moving away from the crime control frame, which emphasizes punishment and incapacitation of offenders, to what I call the public safety frame, which paints rehabilitation as a mechanism for reducing crime.

This reframing has allowed advocates of ex-offenders to gain support for reentry initiatives from Illinois legislators and criminal justice professionals. Yet, with the value of reentry initiatives being tied to crime reduction, advocates of rehabilitation will be under pressure to produce results in the performance-driven environment of the Illinois criminal justice system. The political tenability of rehabilitation as a policy response may very well depend on its ability to align with other frames present in the Illinois discourse.

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## Chapter I. Introduction: Why is Prisoner Reentry Important?

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The significant rise in the prison population in the United States has resulted in a severe shock to the correctional system. Specifically, from 1980 to 2004, the population of offenders incarcerated in state and federal prisons has increased almost five-fold from 315,974 to 1,494,216.<sup>1</sup> Changes in several policies during that period, most notably the crackdown on drug offenders, has led to the monumental increase in the number of incarcerated individuals. In 2003, more than 650,000 state and federal prisoners were released back into society, often to already distressed communities.<sup>2</sup> Two-thirds of them will have been arrested by December 2006; about half of them will have returned to prison for new crimes committed or parole violations by the same time.<sup>3</sup>

In addition to the 1.5 million prisoners in state and federal prison, there are another 5 million individuals on probation and parole, and another 750,000 in jails across the country, summing up to more than 7 million people, as of 2005.<sup>4</sup> The volume of people under the supervision of the criminal justice system has called for a level of resources never before seen in criminal justice history. With about half of newly released prisoners returning to prison within three years, state legislatures are beginning to realize that if current policy is left unchecked, prison populations will continue to grow at an incredibly rapid pace.

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<sup>1</sup> Anthony Braga. "Sentencing Policy and Incarceration." (lecture, Harvard University, Cambridge, MA, 13 Nov 2006)

<sup>2</sup> Demelza Baer et al., "Understanding the Challenges of Prisoner Reentry: Research Findings from the Urban Institute's Prisoner Reentry Portfolio." Urban Institute (2006): 2.

<sup>3</sup> Ibid.

<sup>4</sup> Bureau of Justice Statistics. "Corrections Statistics." Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/correct.htm>.

As discussed below, current policy often prevents ex-offenders from taking advantage of many opportunities that would allow them to get back on their feet. Furthermore, the stigma attached to being labeled as an ex-offender closes a number of other doors. One must understand the barriers to reentry to fully grasp why successful reentry is so difficult. The most significant barriers are employment, housing, and often substance abuse. We'll discuss each one of these in turn.

### *Employment*

The barriers to employment for ex-offenders fall along six categories:

- Stigma
- Low educational attainment
- Lack of work experience
- Barred occupations
- Lack of job skills
- Erosion of social networks
- Legal considerations for employers

*Stigma.* Though it is technically illegal for an employer to subscribe to a blanket, no-hiring ban for ex-offenders, in practice, many employers outright deny applicants if they are an ex-offender. A survey of 3,000 employers from four major metropolitan areas revealed that two-thirds of them would not knowingly hire an ex-offender, irrespective of qualifications.<sup>5</sup> The widespread use of CORI (Criminal Offender Record Information) checks and questions about ex-offender status on job applications make discrimination against ex-offenders immediate and non-discretionary.

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<sup>5</sup> Vera Kachnowski, "Returning Home Illinois Policy Brief: Employment and Prisoner Reentry," (prepared for the Illinois Criminal Justice Information Authority on behalf of the Urban Institute, August 2005).

*Low Educational Attainment.* About 40 percent of those in federal and state prison have not completed high school or attained a GED.<sup>6</sup> Federal and state resources have been unable to keep pace with these high rates, availing education programming to only half of prisoners.<sup>7</sup> Many read below a sixth grade reading level.

*Lack of Work Experience.* Prisoners are foregoing the opportunity to gain valuable work experience. Ex-offenders must not only convince potential employers that they can do the work despite low education levels, they must also persuade employers to overlook resumes with large gaps in work experience. Ex-offenders are often unsuccessful.

*Barred Occupations.* Ex-offenders are barred by federal or state law from holding certain occupations. These vocations include real estate agent or broker, barber, and police officer, just to name a few. Considering that many of these occupations are available to individuals with only a high school diploma or below, being banned from practicing these vocations adds additional pressure to ex-offenders, a population that often exhibits low educational attainment.

*Lack of Job Skills.* According to the Bureau of Justice Statistics, between 21 and 38 percent of prisoners were unemployed just prior to being incarcerated, suggesting a lack of employable job skills.<sup>8</sup> For those who did possess employable skills, many lost them during their prison stay, after years of not using them. In addition, prisoners are often forgoing the opportunity to learn new skills by being in prison, even if they do receive a work assignment while incarcerated. Only 53 percent of state and federal

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<sup>6</sup> Amy L. Solomon, et al. "From Prison to Work: The Employment Dimensions of Prisoner Reentry," Urban Institute. (October 2004), 8.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid., 9.

prisoners nationwide receive a work assignment in prison and with the overwhelming majority of those jobs being general maintenance work. It is questionable if they learn any marketable skills.<sup>9</sup>

*Erosion of Social Networks.* While individuals are incarcerated, it is difficult for them to maintain their social networks. Relationships with family and friends become strained or fade away due to the lack of contact. People move away and may not leave contact information. Imprisonment can eradicate exposure to casual acquaintances. Holes form in one's network and come to stand for missed opportunities for a job referral, which is still an important resource despite the advent of the digital age.

*Legal Considerations for Employers.* Unfortunately, employers have a few incentives to bar ex-offenders from employment. Employers may face increased liability if they hire ex-offenders. For example, in negligent hiring lawsuits, which are civil cases that are brought to court, if an employee causes an injury to a third party, the employer can be held liable because the employee showed a history of misuse of given authority. As a result of these kinds of suits, insurance premiums may go up for an employer, or they may not be able to obtain insurance at all.

There are many forces at work against the ex-offender's effort to get a job, each of which he has little control over. Not having a secure income stream exposes the ex-offender to financial and emotional stress, as he struggles to make ends meet. For this reason, many service providers that serve ex-offenders focus on employment.

### *Housing*

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<sup>9</sup> Ibid, 17.

Without steady income, housing is difficult to secure. Landlords generally will not rent to someone who does not have a regular job. Even if one does have a job, the rents that ex-offenders can sustain with their incomes are usually much less than market-rate rents. According to Community Resources for Justice, a social service provider for ex-offenders in Boston, this removes 97 percent of the nation's housing stock almost completely from contention, presumably because 97 percent of the nation's housing stock is sold at market rate.<sup>10</sup>

As far as subsidized housing is concerned, federal guidelines require that subsidized housing be denied to three categories of ex-offenders: (1) those who have been evicted from subsidized housing because of drug-related activity are ineligible for a three-year period; (2) any person who is subject to a lifetime registration requirement under a state sex offender registration program is permanently banned from subsidized housing; and (3) any individual convicted of producing methamphetamine on the premises of federally assisted housing.<sup>11</sup> All other categories are technically eligible to receive federal housing, though the public housing agency (PHA) does have the discretion to prohibit admission of all other criminally involved individuals. However, in practice, ex-offenders are automatically rejected for subsidized housing on the basis of their criminal record, despite being against federal guidelines. In the event that the application of an ex-offender is accepted, he is then placed on a waiting list for available units, which in some cities can be drawn out for years.

Limited housing options usually force ex-offenders to live with family or friends. For those ex-offenders who have family or friends with criminal records, they are usually

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<sup>10</sup> Katharine Bradley et al., "No Place Like Home: Housing and the Ex-Prisoner," Community Resources for Justice (November 2001), 4.

<sup>11</sup> Ibid., 5.

prohibited from staying with those individuals as a condition of their parole, which forbids them from associating with other ex-offenders. This takes another potential living situation off of the table.

Also, a lack of housing does impact efforts to procure employment. Many employers will not hire someone unless the applicant has a verifiable address. The result is an ongoing cycle where a person can not find a job because he does not have a place to live nor can he find a place to live because he has no income stream.

### *Substance Abuse*

Patterns of substance use represent a significant challenge to reentry for a number of ex-offenders. Studies have shown that while 83 percent of state prisoners nationwide have a history of drug use, only about 15 percent receive treatment while in-prison.<sup>12</sup> For those who do receive treatment while incarcerated, few continue to receive treatment when they are released back into the community. The fact that many ex-offenders have unaddressed drug problems has strong implications for the ability of ex-offenders to cope with the challenges that will no doubt meet them on the other side and ultimately, their ability to reenter society successfully.

Substance abuse creates unstable and risky lifestyles, adds strain on interpersonal relationships and distorts reality. In a study conducted by the Urban Institute, researchers interviewed ex-offenders in several, different states on their transition back to society. Nearly two-thirds of drug users (among respondents) in one state reported arrests associated with their drug use.<sup>13</sup> In another state, 60 percent of respondents said

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<sup>12</sup> Baer et al, "Understanding the Challenges of Prisoner Reentry," 10.

<sup>13</sup> Ibid.

substance use was the cause of one or more family, relationship, employment, legal or financial problems.<sup>14</sup> With the destruction of valuable interpersonal relationships as well as the diminished ability to secure a job, it is no wonder that those who engage in substance use after release are among the most likely to recidivate, giving strong incentives to people working in the prisoner reentry space to tackle this problem.

Unfortunately, ex-offenders often have very little democratic recourse to bring down the aforementioned barriers. In just about every state, imprisoned individuals cannot vote. In many states, parolees, ex-offenders who have been released under the supervision of a parole officer for a specified period of time, and ex-offenders are not able to vote (13 states have this law).<sup>15</sup> Though there are no official counts of how many ex-offenders are disfranchised, current estimates put the number somewhere between four and five million.<sup>16</sup> Even in states where ex-offenders are able to vote, they are so embroiled in the difficulties of living as an ex-offender, rarely do they dedicate the time to being civically active. To a large extent, the political fate of ex-offenders is in the hands of others.

Nationwide, policymakers are beginning to realize that the state's interest does not end once an individual is released from prison. Though the issue of reentry is being afforded more and more attention nationally, it is really on the state and local level where policy relevant to ex-offenders is discussed and implemented. Thus, it only makes sense to examine the reentry issue on the state and local level.

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<sup>14</sup> Ibid.

<sup>15</sup> Christopher Uggen. "Barriers to Democratic Participation." (paper presented at the symposium Prisoner Reentry and the Institutions of Civil Society: Bridges and Barriers to Successful Reintegration as part of the Reentry Roundtable series held by the Urban Institute, March 20-21, 2002).

<sup>16</sup> Ibid., 3.

## **Why Illinois and Why Chicago?**

Illinois has the eighth highest prison population in the country with 44,919 persons incarcerated in its confinement facilities by year-end 2005.<sup>17</sup> The Illinois Department of Corrections (IDOC), the governmental entity in charge of running the state prison system, currently operates 27 correctional centers, 7 work camps, 2 boot camps, 8 Adult Transition Centers, 8 juvenile institutions and 23 parole offices across the state, costing Illinois taxpayers about \$1.2 billion a year. Currently, IDOC releases just under 40,000 prisoners a year back into society, nearly all of whom stay in Illinois after release. Slightly more than half of these ex-offenders return to the city of Chicago, the most populous city in the state.

This fact probably more than any other has put the issue of prisoner reentry on to the Illinois agenda. In fact, because about 20,000 ex-offenders return to Chicago communities each year, often to the same disadvantaged, at-risk communities they originated from, Mayor Richard M. Daley of Chicago has dedicated an increasing amount of resources to understanding the issues and communicating those issues to other levels of government.<sup>18</sup> The need has become so pressing that Mayor Daley convened the Mayoral Policy Caucus on Prisoner Reentry, which brought together about 80 people from the state, city and county governments as well as community organizations to identify the top issues of interest to the ex-offender population and ways to address those issues. Governor Rod Blagojevich of Illinois has followed suit, convening a blue ribbon commission whose report is expected to come out between May and July 2007. Though the report has yet to be released, its focus is on what state prison administration can

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<sup>17</sup> Paige M. Harrison and Allen J. Beck, "Prisoners in 2005," *Bureau of Justice Statistics Bulletin*, (Nov 2006), 1.

<sup>18</sup> Angela Rudolph, interview by author, via telephone, 30 Nov 2006.

change structurally in order to better reflect the priority of successful prisoner reentry, from the level of prison warden down to the corrections officer.

Illinois seems to be at a turning point. Government actors may want to tell a story of successful reintegration into the community as opposed to a story of new offenses and new incarcerations. Based on the interviews conducted as part of this thesis, all stakeholders seem to agree that a unique moment in time has presented itself, where members of the criminal justice system are more willing to entertain thoughts of rehabilitation. IDOC represents a \$1.2 billion draw on state resources and given recent fiscal hardships, legislators are now much more willing to talk about how to keep ex-offenders out instead of how to keep prisoners inside.

Studying the discourse in Illinois during this time of heightened sensitivity to prisoner reentry should be instructive for several reasons. One, history has shown that corrections policy on a national scale has tended to be more or less conformist.<sup>19</sup> Often one state will set the precedent, then a number of other states will follow suit. By all indications, Illinois political figures are acting as vanguards of what may be a new era in national corrections policy. This may be a unique moment to document the offering of a new understanding of corrections during this time of potential change.

Two, presumably, community-based organizations (CBOs) who operate within the prisoner reentry space could benefit from a thorough examination of the policy landscape. Advocates for ex-offenders, in particular, would reap the rewards from knowing when there are windows, legislative moments of clarity, to exploit. Also,

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<sup>19</sup> Alfred Blumstein, "Prisons: A Policy Challenge." in *Crime: Public Policies for Crime Control*, eds. James Q. Wilson and Joan Petersilia (ICS Press, 2002), 468.

knowing who the agents of change are within corrections administration can help CBOs allocate precious time and apply energy at the right levers.

Thirdly, if prisoner reentry is to be viewed favorably, the public must be educated so that they can understand why it is important to ensure that ex-offenders are granted the opportunity to live a quality of life, particularly if it is a topic that is not prevalent among the collective consciousness, such as prisoner re-entry.<sup>20</sup> It is for this reason that the city of Chicago is planning to introduce a marketing campaign explaining the importance of providing employment opportunities to ex-offenders. Having a body politic that is literate on reentry issues is key to creating political will for policies that benefit prisoners and ex-offenders.

### **Research Question and Methodology**

This thesis explores the fundamental question of how the barriers to reentry can be brought down for ex-offenders. In doing so, I will examine the discourse in Illinois. Actors in Illinois employ the use of various frames; rather, they define the policy problem and its solution in different ways. Understanding the frames that people construct are the key to grasping the philosophical foundations underlying current legislation as well as to proffering new policy solutions that are relevant to all stakeholders. The goal of this thesis is to document those frames historically and currently, understand the opportunities to reframe the policy discussion to generate successful prisoner reentry outcomes and offer recommendations as to how competing frames can be aligned.

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<sup>20</sup> John Immerwahr and Jean Johnson. "The Revolving Door: Exploring Public Attitudes Toward Prisoner Reentry," Urban Institute. March 2002. 5.

In simple terms, policy frames describe the way in which stakeholders view a policy problem and its solution. These frames have a strong bearing on what policy options are considered and which ones are rejected. Chapter 2 will further define what frames are and how the process of reframing a policy issue can happen.

In order to study the various policy frames within the Illinois model of prisoner reentry, interviews with key informants in the Illinois policy arena were conducted. All interviews were designed to understand the policy agenda of the respondent as well as the agenda's emphasis. It was also important to learn the strategies for how a stakeholder might get his/her agenda validated by decision makers and to grasp what policy options were considered as a result. Respondents included representatives from Illinois state government, the city of Chicago, social service providers and advocacy groups. I was also able to interview ex-offenders, who highlighted the need for policies sensitive to prisoner reentry. Having gone through the criminal justice system, ex-offenders' thoughts on what policy responses would most improve their quality of life proved invaluable.

In addition to key interviews, this thesis is also based on a review of pertinent literature regarding social constructions of offenders and what are the best ways to deal with them, of which the policies implied by being sensitive to reentry represent a subset. This research was particularly helpful for tracing the evolution of corrections policy frames in Illinois, discussed in detail in Chapter 3. Government documents and newspaper articles shed significant light as to the nature of criminal justice policy in Illinois.

In Chapter 4, I synthesize the interviews and extract the dominant frames in policy discourse in Illinois. Using techniques of frame analysis, as described in Chapter 2, I examine these frames for synergy in Chapter 5. Finally, I make recommendations for increasing synergy in order to construct policy that generates successful reentry outcomes for ex-offenders.

## Chapter II: Framing and its Role in Criminal Justice Policy

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The language that each stakeholder uses extends from the way he/she defines the policy problem and its solution, or the policy frame. According to Donald Schon and Martin Rein, a policy frame is understood to be “a normative-prescriptive story that sets out a problematic policy problem and a course of action to be taken to address the problematic situation.”<sup>21</sup> In other words, a policy frame is a narrative that establishes the nature of a policy problem and details its solution.

Within those definitions, the emphasis should be on the words, *story* and *narrative*. Those two words transform what would otherwise be a mundane, policy recommendation into a living, breathing being of beliefs that dominates perception. Stories resonate with people, legislators and citizens alike. Public policies rely on these stories to ward off encroaching attackers.

It is important to understand what frames are in play, particularly the dominant one(s), as frames “provide conceptual coherence, a direction for action, a basis for persuasion...order, action, rhetoric.”<sup>22</sup> Dominant frames dictate what problems are allowed to be on agenda and as such, what solutions are allowed to be enacted. Most importantly, particularly for those who are attempting to move their own policy agenda, the frame gives a language in which to engrain their story and thus, a way to resonate with listeners. Knowing the difference between those actors who gave life to the current frame onto the policy landscape and those who merely subscribe to it informs one’s own strategy for consensus building and position leveraging.

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<sup>21</sup> Frank Fischer, *Reframing Public Policy* (Oxford, UK: Oxford University Press, 2003), 144.

<sup>22</sup> Ibid.

Frames set around a policy issue show the lens the actor uses to look at the policy issue. Each frame is likely to include and exclude different features of the “problem.” Consequently, one cannot simply compare different perspectives for dealing with a problem without recognizing that frames people choose change the problem.<sup>23</sup> Each frame constitutes a different vision of what the problem is and its solution.

For example, let’s suppose that a suburban, middle-class neighborhood has suddenly been afflicted with an outbreak of graffiti, a sign of gang activity. One way to look at the problem is that the teenagers in the neighborhood have no outlets for constructive activity and thus get involved in mischief. The solution could be to build a recreation center to engage the neighborhood youth. This would constitute one frame.

Yet another way to construct the problem is that there is no visible presence of authority so teenagers feel they can do whatever they want. A solution could be to increase police patrols or to create a neighborhood watch. So though actors are observing the same phenomenon, they sketch a wide range of diagnoses, each leading to a different policy prescription.

In order to navigate the policy landscape, actors must understand the relationships among the various frames. Typically, this relationship is spoken of in terms of conflict. Frame conflicts are conflicts between different views of social reality.<sup>24</sup> These views are powerful because they can be backed by a zealous moral and philosophical code that dictates what actions to take. Frames communicate one’s “policy values” and thus, are frequent sources of disagreement.

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<sup>23</sup> Ibid.

<sup>24</sup> Richard Cho. “Putting the Pieces Back Together: Overcoming Fragmentation to Prevent Post-Incarceration Homelessness,” (paper presented at the symposium Housing & Criminal Justice Policy in New York City, March 22, 2004), 13.

Such disagreements often lead to policy stalemates, what Schon and Rein call “intractable policy controversies.” These are conflicts that begin as charged policy disagreements that soon become “immune to resolution by appeal to the facts.”<sup>25</sup> Criminal justice policy has frequently been a venue for these types of debates. One of the most fundamental debates in criminal justice policy, whether criminals can be rehabilitated, often boils down to a matter of opinion, not fact.

Conceived in order to safeguard the public from those who have harmed others, the **criminal justice system** has to constantly ask itself what to do with lawbreakers so that it can preserve order. Depending on the political atmosphere and the nature of the criminal element within a jurisdiction, criminal justice systems often embody either punishment or rehabilitation. This is reflected in their adherence to either one of two models: the **crime control model** and the **due process model**. Table 1 depicts the characteristics of both models.

**Table 1: Crime Control Model vs. Due Process Model<sup>26</sup>**

<b>Crime Control Model</b>	<b>Due Process Model</b>
Primary concern is immediate protection of society	Primary concern is protection of the individual
Deterrence serves as philosophical basis	Due Process serves as philosophical basis
Punishment and Incapacitation emphasized	Rehabilitation and Diversion promoted
Law enforcement has broad discretion to obtain evidence and preserve order	Law enforcement must adhere to strict guidelines and are monitored by the courts
Some innocent persons will be punished	Some guilty persons will go unpunished

<sup>25</sup> Donald Schon and Martin Rein. *Frame Reflection: Towards the Resolution of Intractable Policy Controversies*, (New York, NY: Harper Collins, 1995), 4.

<sup>26</sup> Braga, “The Changing Nature”

The crime control model is about doing whatever is necessary to protect society. Law enforcement should have broad discretionary powers to obtain evidence, whether that means unrestricted search and seizure or less prohibitive interrogation protocols. The sentencing schedule should serve to deter future criminals and keep current criminals isolated from society as long as possible. The result is that some innocent persons will be unjustly punished and some guilty persons will be punished more severely than they should (e.g. Three Strikes laws).<sup>27</sup>

The due process model, on the other hand, makes a presumption of innocence on behalf of the accused. Thus, protecting the rights of the individual takes precedence. Law enforcement must conduct investigations so as to not violate anyone's civil liberties. The corrections system prioritizes treatment and rehabilitation of offenders, believing that the only way to keep offenders from returning is to give them the tools to succeed to lead a healthy life outside of prison.

These two models about how the criminal justice system should function are fundamentally at odds with each other and rarely are reconciled by appeal to the facts. One strategy for overcoming such "controversies" is the process of frame reflection. Frame reflection occurs when individuals from different arenas with diverse sets of expertise recognize the existence of frame conflicts while engaged in policy discourse.<sup>28</sup> Rarely do policy actors have agreed-upon frames when they encounter disagreements of the magnitude necessary to impede forward movement. At these junctions, actors have one of three choices. Actors may either acknowledge that their thinking was flawed and

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<sup>27</sup> Ibid.

<sup>28</sup> Richard Cho. "Putting the Pieces Back Together," 14.

reject their own frame, reject the conflicting frame(s), or map their frame on to a conflicting frame, generating a new view of reality.

The path that actors ultimately choose depends on a few key factors. The relative distance from the objects under consideration is one such factor. The willingness of actors to look at things from other perspectives is another key factor. Their penchant for cognitive risk taking coupled with the openness to the uncertainty associated with frame conflict also plays a role.<sup>29</sup>

Reframing takes place when actors choose to adopt another frame or align their frame with another frame. Reframing can occur through two mechanisms. One, reframing can take place over intense debate of the values inherent in the frame. Two, reframing can emerge from practice – from exposure to other people, places and circumstances and reflecting over their way of doing things. In these cases, reframing comes out of “concrete situated interactions” between the actors involved.”<sup>30</sup>

In the next chapter, I will look at the dominant frames that have emerged in Illinois corrections policy over the last 30 years. Examining these frames and what gave rise to them will paint a clearer picture of Illinois’s criminal justice legacy. Chapter 3 answers how Illinois and Chicago arrived at where they are today.

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<sup>29</sup> Fischer. *Reframing Public Policy*, 146.

<sup>30</sup> David Laws and Martin Rein, “Reframing Practice,” in *Deliberative Policy Analysis: Understanding Governance in the Network Society*, eds. Maarten A. Hajer and Hendrik Wagenaar, (Cambridge, UK: Cambridge University Press, 2003), 205.

### Chapter III: How Did We Get Here: Historical Framings of Corrections Policy

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Prior to the 1970s, corrections in Illinois and nationwide was governed by what I will call the “classic” frame. The classic frame was treatment-oriented. Criminal behavior was viewed almost as a disorder that had to be treated. Thus, state prison officials attempted to provide individualized treatment for the prisoners under their charge.<sup>31</sup> Only by demonstrating sufficient progress could a prisoner be deemed worthy of release.

Another characteristic of corrections pre-1970s was indeterminate sentencing. Under indeterminate sentencing, judges would sentence convicted individuals within a range, with the offender being eligible for parole after a certain amount of time. When a prisoner was up for parole, the parole board convened to determine whether the prisoner was ready to reenter society based on the rehabilitative progress he made during his prison stay. Parole boards also assessed the prisoner’s preparation for release, including whether they had a place to live, a potential job, and family support.<sup>32</sup> Victims were also able to attend parole hearings and lobby either for the prisoner to not be released or for special conditions to be imposed upon his release.

The classic frame views crime as a social, and even psychological, disorder. Its solution to crime was to take an individualized approach, paying close attention to each inmate, at least in terms of parole. However, indeterminate sentencing and discretionary parole boards came under assault in the early 1970s as a slew of research came out showing that the model did not work. Parole boards were characterized as haphazard in

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<sup>31</sup> Joan Petersilia. *When Prisoners Come Home*. (New York: Oxford University Press, 2003), 13.

<sup>32</sup> *Ibid*.

their selection of who should be released, as they did not adhere to a uniform set of rules.<sup>33</sup> Criminals who entered prison did not seem to come out any better because of prison rehabilitative measures. The public was fed up.

It was in the wake of this nationwide abandonment of the classic frame that Illinois began to put significant policies in place. Four policy shifts, in particular, account for the majority of the increase in the Illinois prison population from 1970 to the present. These policies transformed Illinois policymaking from an agenda that subscribed to the reformation school of thought to the idea that we should lock criminals up and fortify the doors so they could not get out. The four pivotal policies were the 1978 crime bill, which established determinate sentencing and Class X offenses, truth in sentencing, emphasis on surveillance for parole officers, and the increased enforcement of drug offenses.

It is easy to understand why increased enforcement of drug offenses landed on the agenda, given the crack epidemic of the 1980s, but how did the other three items become solutions to Illinois's criminal justice problems? Criminal justice policy is often riddled with heavy rhetoric, making it difficult for the average person to comprehend the effects of different policies. This chapter explores the debates that actually took place among stakeholders in the Illinois criminal justice system -- elected officials, prison administrators, judges, the public, victims of crime, the media etc. -- around each of the policies that contributed to the population increase in Illinois prisons. I take note of how each side frames the issue to their advantage, or disadvantage, and analyze why one frame won out over the other(s).

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<sup>33</sup> Blumstein, *Public Policies*, 464.

## **The Policies**

First, the final version of each piece of legislation will be briefly outlined. The next section will then delve into the debates that occurred around the time of the enactment of each policy.

### *1978 Crime Bill*

Prior to the passing of the crime bill in 1978, Illinois adhered to indeterminate sentencing. Indeterminate sentencing meant that when a convicted person was offered for sentencing, the judge would proscribe a range of time to be served. It was then up to the Illinois Parole Board to determine the exact time the offender would serve.

Determinate sentencing changed all that. It forced the judge to sentence the offender to a precise number of years. The parole board was abolished, and a good conduct system was placed in its stead. The good conduct system allowed prisoners to shave one day off their sentence for every day of good behavior. In addition, prison staff could award 90-day credits to prisoners at their discretion.

Also included in the bill was the creation of the Class X felony category. This category was earmarked for the most violent offenses other than murder. At the time the bill was passed, the list of offenses consisted of aggravated kidnapping, rape, deviate sexual assault, aggravated arson, armed robbery, armed violence, treason, hard narcotics transaction, and criminal drug conspiracy. The bill also established mandatory minimums for murder (20 years) and Class X offenses (6 years). Committing three Class X offenses would result in life imprisonment.<sup>34</sup>

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<sup>34</sup> La Vigne et al., "Portrait of Reentry," 16.

### *Truth in Sentencing*

Truth in sentencing legislation was enacted in Illinois in 1995. It generally refers to the mandate that all offenders, particularly violent offenders, serve at least 85 percent of their sentence. In Illinois, the truth in sentencing legislation was a little more targeted. Persons convicted of select other violent offenses had to serve at least 85 percent of their sentence.<sup>35</sup> Persons convicted of murder had to serve 100 percent of their sentence.

### *Reorganization of the Parole System*

The parole system was significantly rearranged twice since the abolition of the parole board in 1978. In 1991, the number of parole officers were dramatically reduced and a new preparatory program for prisoners, PreStart, began. The remaining parole officers took on a case manager role as opposed to a monitoring role. While on the inside, prisoners near release were taught life skills such as balancing a checkbook, obtaining identification and accessing needed services in order to prepare them for life on the outside. Once on the outside, parole officers made efforts to connect them to necessary services and facilitate a smooth transition back into society.

In 2000, the parole system was reorganized again. The state hired a huge number of parole officers and switched their primary function back to that of surveillance.<sup>36</sup>

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<sup>35</sup> Ibid., 18.

<sup>36</sup> Ibid., 14.

## The Debates

### *Determinate Sentencing*

The public was preoccupied with violent crime during the 1970s. The FBI Uniform Crime Reports (UCR) confirmed their fears. Violent crime increased 15 percent from 1972 to 1973.<sup>37</sup> Homicides increased 28 percent to 856 homicides.<sup>38</sup> Given that UCR reports generally understate crime as its figures are based only on reported crimes, most considered the crime picture even bleaker. Many criticized the criminal justice system for not putting criminals away. The Chicago Crime Commission (hereby referred to as the Commission), a nonprofit organization dedicated to the reduction of crime in the Chicago metropolitan area, published a report on the crime-punishment ratio in 1973. Of 247,431 valid offenses included in the UCR, the Chicago Police Department cleared 88,781 cases.<sup>39</sup> Those clearances resulted in 4,436 indictments, which amounted to 1,702 convictions. Though the conviction rates were in keeping with national norms, the Chicago Crime Commission decried the seeming inefficiencies of the criminal justice system.<sup>40</sup>

Of course, these numbers do not tell the whole story and were presented by the Commission in order to depict a wholly ineffective criminal justice system in Chicago. The report used the statistics to bolster their claim that effective crime prevention was eluding criminal justice personnel. "Whatever deterrents the system and the public believed have been present have had no apparent effect upon the crime rate."<sup>41</sup>

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<sup>37</sup> "Crime rises here in 1973," *Chicago Tribune*, December 30, 1973, p. 1.

<sup>38</sup> *Ibid.*

<sup>39</sup> Chicago Crime Commission. *1973 Survey: Crime-Punishment Ratio*, 1974, 1.

<sup>40</sup> The conviction to reported crime ratio was .006 then. Nationally, imprisonments amounted to 1 percent of reported index crimes at this time. Source: Brian Forst, "Prosecution," In *Crime: Public Policies for Crime Control*, eds. James Q. Wilson and Joan Petersilia (Oakland, CA: ICS Press, 2002), 510.

<sup>41</sup> Crime Commission. *Crime-Punishment Ratio*, 4.

Furthermore, the parts of the criminal justice system had failed to treat citizens appropriately as far as the Commission was concerned, adding to the public's disillusionment with the system. The administrator of the Law Enforcement Assistance Administration (LEAA), a federal agency engineered to funnel federal funds to local law enforcement agencies, agreed with the Commission's assessment. "The odds are better than even that any citizen who comes into contact with the system will come out of that experience with a sour taste in his mouth, with his or her confidence eroded," commented Donald Santarelli, Administrator of the LEAA.<sup>42</sup>

Indeed, public mistrust seemed to be rampant. The system had not proven that they were able to apprehend offenders nor that they were able to properly rehabilitate/punish offenders in the event of their capture. Comparable offenders received widely varying sentences and the time those offenders actually served seemed to be due to chance and the ability of the offender to deceive the parole board as opposed to the seriousness of the offense.<sup>43</sup> The court system was seen as slow and the prison system as an institution that did little more than brutalize offenders and send them back out into the community to run amok.<sup>44</sup> These feelings led the Commission and other advocacy groups to plead for a system that was more responsive to the public.

Illinois politicians began to take heed to advocacy groups and started to pay increasing attention to crime, heavily politicizing the criminal justice issue in the process. Avoiding this politicization was virtually impossible given the election of James Thompson to the seat of governor in 1976. Thompson, a former Cook County state's attorney and federal prosecutor, rode to power because of his campaign promise to be

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<sup>42</sup> Ibid, 5.

<sup>43</sup> "Do determinate sentences work?", *Chicago Tribune*, December 21, 1979, p. D2.

<sup>44</sup> Robert King, "Stop crime," *Chicago Defender*, January 11, 1975, p. 6.

tough on crime. Thompson declared during the early part of his tenure, "Sooner or later, we have to tell criminals that we are not going to foot around with them any longer."<sup>45</sup>

After a good deal of political jousting between House Democrats in the Illinois legislature and Gov. Thompson, a Republican, Thompson's crime bill proposal was finally able to get on the agenda in late 1977. The proposal followed through on promises of getting tough on crime. The most marked change was the establishment of a new felony category, memorably referred to as Class X. Class X included the most heinous offenses, excluding murder. These offenses were aggravated kidnapping, rape, deviate sexual assault, aggravated arson, armed robbery, armed violence, treason, hard narcotics transaction, and criminal drug conspiracy. The minimum sentence for Class X offenses would be six years and a life sentence would be mandated for three-time Class X offenders.<sup>46</sup>

Other major elements of the proposal included:

- the abolition of parole for all offenders in favor of determinate sentencing
- the creation of a sentencing commission
- the establishment of a mandatory minimum sentence of 20 years for murder, a ban on probation unless the offender is unlikely to commit another crime
- the requirement of presentencing investigations for all felony cases to determine appropriate sentences for convicts except in the event where the judge and prosecutor agree on the sentence.<sup>47</sup>

Looking at the various elements of this proposal, it is apparent that Thompson had fully subscribed to the crime control model for corrections, which prioritizes punishment and incapacitation rather than rehabilitation. Under Thompson's proposal, all criminals

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<sup>45</sup> Marcia Stepanek. "Thompson proposes tough anti-crime laws," *Chicago Tribune*, April 6, 1977, p. 1.

<sup>46</sup> Daniel Egler, "Assembly gets crime package compromise," *Chicago Tribune*, October 26, 1977, sec. Metro, p. B2.

<sup>47</sup> Ibid.

who were determined to be likely to recidivate would have been incarcerated, never mind that criminal justice experts did not have a dependable way to determine who would recidivate. For those offenders who were deemed unworthy of probation, it is unclear what would factor into the presentencing investigation to result in appropriate sentences.

Beyond the promotion of the crime control model, it was clear that Illinois politicians believed they were working toward a more fair system. The switch from a system where a parole board decided when prisoners were released to the system of determinate sentencing was especially seen as making the Illinois criminal justice system more equitable.<sup>48</sup> Politicians painted the old system as unfair to judges and prosecutors, who could only make sentencing recommendations within a range. Judges might desire a sentence at the upper end of the range, but the parole board may release them as soon as they are eligible. Such large discrepancies between sentencing outcomes negated judicial discretion and gave credence to the notion that criminal justice experts did not necessarily know what they were doing. In addition to judges and prosecutors, the parole system was unfair to prisoners, who deserved to know their actual date of release.<sup>49</sup>

Illinois legislators had a lot of support behind their proposal of determinate sentencing. The chairman of the parole board himself cried for the dissolution of the parole board.<sup>50</sup> One Illinois legislator was confident that 70-80 percent of Illinois residents would prefer determinate sentencing.<sup>51</sup>

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<sup>48</sup> La Vigne in "A Portrait of Prisoner Reentry in Illinois" suggests that indeterminate sentencing was done away with, at least in part, because of judges discriminating and handing down heavier sentences to minorities. I found no mention of this in my survey of primary sources (see note 1 for full bibliographical information).

<sup>49</sup> William Griffin, "Scrap my agency, state parole chairman urges," *Chicago Tribune*, November 3, 1977, sec. Metro, p. B7.

<sup>50</sup> Ibid.

<sup>51</sup> Stepanek, "Thompson," p. 1.

Despite the widespread support, Thompson's proposal did not make it through the legislative process wholly intact. The ban on probation and the presentencing investigation provisions did not survive the chopping block, undoubtedly because they would have added too much strain to an already overworked system. Creation of a sentencing commission was included in the final bill, but its role was significantly reduced from what it was intended. Generally, sentencing commissions are charged with creating a coherent schedule of sentences that take into account the seriousness of the offense and the offender's criminal record.<sup>52</sup> In Illinois, the sentencing commission only prepared prison impact statements, playing a nominal advisory role to the state legislature. Giving the commission more power would have isolated sentencing decisions from political pressure as well as ensured attentiveness to fiscal expenditures and prison capacity. Within the next few years, Illinois prisons would become so overcrowded, largely due to provisions put in place by Thompson's crime bill, that they were in jeopardy of being placed in receivership by federal courts. A sentencing commission would have been helpful in pre-empting the crisis but it seems as though Illinois legislators did not want to relinquish power over prison decisions.

Overall, though, both Republicans and Democrats heralded the crime bill. Despite the strong, bipartisan support, the bill still had its critics within the criminal justice system, most notably judges. Judges lamented over the revocation of judicial discretion, which took away their ability to give lesser sentences to less hardened criminals. As a result, the criminal justice system would wind up creating more repeat offenders as opposed to incapacitating them. As one Illinois judge put it, "Most judges

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<sup>52</sup> Alfred Blumstein, "Prisons: A Policy Challenge" In *Crime: Public Policies for Crime Control*, eds. James Q. Wilson and Joan Petersilia (Oakland, CA: ICS Press, 2002), 465.

see prison as little more than school for prisoners, which usually turns out a hardened, embittered person ripe for a return to crime."<sup>53</sup>

The same judge points out that Illinois had not proscribed determinate sentencing at an earlier point because policymakers had wanted experts to have input on parole decisions.<sup>54</sup> Clearly, those days were over. At the center of the debate over determinate sentencing and mandatory minimums was whether to emphasize a due process model in prosecution of offenders or a crime control model. Many Illinois judges advocated for the due process model. The due process model is characterized by treatment, rehabilitation, and diversion as opposed to the crime control model's emphasis on punishment.<sup>55</sup> The effort by many judges to keep offenders out of prison, whether to save offenders from becoming hardened criminals or to lighten the load on the prison system, demonstrated their penchant for diversion. Mandatory minimums, the abolition of parole and the attempted ban on probation, on the other hand, shows that Illinois policymakers' idea of "fair" constituted non-debatable, severe punishment -- hallmarks of the crime control model.

What is interesting is that neither the proponents of determinate sentencing nor its opponents ostensibly tied the pending legislation to public safety outcomes in their respective framing of the issue, despite a rise in violent crime being a significant impetus for the law. No claims were made regarding its ability to reduce crime. In fact,

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<sup>53</sup> Jack Mabley, "Punishment should fit criminal: Judge," *Chicago Tribune*, April 26, 1977, p. 4.

<sup>54</sup> Ibid.

<sup>55</sup> Anthony Braga, "The Changing Nature of the American Criminal Justice System " (lecture, Harvard University, Cambridge, MA, 25 Sept 2006)

Thompson went so far as to say that the bill "will not prevent all crimes; it may not even prevent very much crime."<sup>56</sup>

The battle seemed to be a philosophical one, where each side was more concerned with having the most "rational, decent, humane sentencing procedure" than responding to public concerns.<sup>57</sup> Yet, the public accepted the bill as the answer to their crime problems, as evidenced by 70-80 percent of Illinois residents supporting determinate sentencing. It seems as though there may have been some credence to the Chicago Crime Commission's recommendation to make the criminal justice system more responsive to the public.

### *Truth-in-Sentencing*

Truth-in-sentencing legislation evolved directly from public concerns that incarcerated, violent offenders were being released from prison way too quickly. Not only were prisoners being freed too soon, but they were returning to a life of crime and terrorizing innocent Illinois residents. Though there was some data supporting this "revolving door" frame, other data showed that there should have been nowhere near the panic over parolees committing new crimes.

Politicians in favor of truth-in-sentencing legislation, of course, only concentrated on the data that supported their cause. Truth-in-sentencing proposals emerged on the state legislature's agenda in 1994, strongly urged by Cook County state's attorney, Jack O'Malley, and Illinois Attorney General, Jim Ryan. Proponents pointed to the fact that Illinois prisoners serve 45 percent of their term on average, and routinely serve as little as

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<sup>56</sup> Mitchell Locin, "Critics call crime bill not so tough," *Chicago Tribune*, Jan. 1, 1978, p. 30.

<sup>57</sup> Governor James Thompson as quoted in *Ibid*.

one third of their sentence.<sup>58</sup> This was in spite of a system that theoretically should have allowed inmates to serve 50 percent of their sentence at the least. However, in addition to the use of good-conduct credits that reduced a prisoner's sentence by one day for every day of good behavior, IDOC administration also had the ability to grant 90-day reductions in sentences to prisoners for good behavior. According to James Durkin, a representative in the state legislature, in an op-ed written for the Chicago Tribune, these credits were used to reward good behavior *and* free up space in the prison system.<sup>59</sup> Corrections administrators abused the good-conduct system and indiscriminately handed out one-day and 90-day credits to almost everybody, which explains why prisoners are being released so early.<sup>60</sup>

Durkin does not delve further in his op-ed to explain why good-conduct credits were given out to almost all prisoners. Based on the reasoning he provided for good-conduct credits, there are two possibilities. Either Illinois has a lot of well-behaved prisoners or corrections officials deemed that the granting of credits was necessary to free up space. The former is actually a desirable characteristic and the latter is indicative of a problem that will only be exacerbated by truth-in-sentencing legislation.

Yet, statistics such as prisoners serving only 45 percent of their term were enough to cause the public to throw their arms in disbelief. Coupled with the numbers campaigns of other politicians such as Jack O'Malley, the public had hard facts to buttress their anger. In an op-ed, O'Malley revealed that the average time served for murder was ten

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<sup>58</sup> Tim Novak and Timothy S. Rooney, "Truth in Sentencing Advances," *Chicago Sun-Times*, March 17, 1995, p.7; James B. Durkin, "Democrats Derailed Prison Funding," *Chicago Tribune*, Sept. 24, 1995, p. 20.

<sup>59</sup> Durkin, "Democrats Derailed Prison Funding," p. 20.

<sup>60</sup> Ibid.

years out of an average sentence of 33 years and the average time served for rape was four years out of a 12-year sentence.<sup>61</sup>

O'Malley goes on to say that the state of Illinois ranked 27<sup>th</sup> in **incarceration rate**, but ranked 11<sup>th</sup> in **recidivism rate**.<sup>62</sup> The first thing to notice is that O'Malley talks in terms of rankings and not actual rates. Being ranked 11<sup>th</sup> makes it seem as though Illinois has a moderately high recidivism rate, when all it could really mean is that Illinois is on the tail end of a right-skewed distribution. The second thing to notice is that O'Malley implies that the incarceration rate has an effect on the recidivism rate. The incarceration rate just describes the number of persons in prison per state population (usually per 100,000). Recidivism rate refers to the percentage of a cohort of released prisoners that return to prison within a certain amount of time, usually three years. Though the recidivism rate will have an effect on the incarceration rate, the incarceration rate has no direct impact on the recidivism rate. Yet, O'Malley says truth in sentencing will help narrow the gap, suggesting that the two numbers should be closer together for some reason.<sup>63</sup> The only way truth in sentencing would "help" close the gap would be by raising the incarceration rate because of longer prison stays, which would not necessarily impact recidivism rate, and thus raise Illinois's incarceration ranking.

However, truth in sentencing would address the other points O'Malley and Durkin raised. The original truth in sentencing proposal would have forced all offenders to serve at least 85 percent of their sentences. Undoubtedly, incapacitation is the goal. Prisoners cannot commit new crimes while in prison and are less likely to commit crimes as they

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<sup>61</sup> Jack O'Malley, "Serious Punishment for Serious Crime," *Chicago Tribune*, July, 26, 1994, p.16.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

age, particularly past the 18-24 age cohort.<sup>64</sup> O'Malley concedes that this is the only benefit of truth in sentencing legislation as he notes that longer terms do not necessarily deter people from engaging in criminal activity.<sup>65</sup>

However, the incapacitation effects of imprisonment are overstated as it is difficult to isolate causes for crime changes because so many exogenous factors exist. Drug market activity, economic conditions, and police efforts are just a few of the many possible drivers of crime.<sup>66</sup> Also, the fact that many offenders become further criminalized as a result of interacting with hardened criminals also dampens any effects incapacitation has on crime reduction.

The validity of even pursuing truth in sentencing legislation is still based on the premise that released prisoners go out and commit new crimes. In framing the issue, no proponent of the truth in sentencing legislation proved that this was the case. Although during the early 1990s, the percentage of **parole violator admissions** that were **new crime violators** was rising, the number of total parole violator admissions remained stable over that period while the number of felony court convictions climbed.<sup>67</sup> This means that though the number of new crime violators was rising, the proportion of total felony admissions that were new crime violators was declining.<sup>68</sup>

In addition, the reason for the increase in the proportion of parole violator admissions that were new crime violators was not so much because of an increase in new crime offenses but because of a decrease in registered technical violations. A new parole

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<sup>64</sup> Anthony Braga, "Crime in the United States" (lecture, Harvard University, Cambridge, MA, 18 Sept 2006)

<sup>65</sup> O'Malley, "Serious Punishment for Serious Crime," p. 16.

<sup>66</sup> Blumstein, "Prisons," 459.

<sup>67</sup> La Vigne et al., "Portrait of Reentry," 13.

<sup>68</sup> New crime violators are parolees who return to prison because they are convicted of a new crime. This is in contrast to technical crime violations, which are initiated by the parole officer and returns parolees to prison for violating a condition of their parole.

program, called PreStart, initiated in 1991 substantially cut back the number of parole officers.<sup>69</sup> Thus, there were fewer parole officers to catch offenders on technical violations.

So, if there was not a significant rise in the *actual* rate of ex-offenders committing new crimes, why were the public and government officials so intent on enacting stiffer penalties? The answer is two fold. The first reason was the passing of the Violent Offender Incarceration and Truth in Sentencing Incentive Grants Program in 1994, which awarded funds to states that kept violent offenders in prison for at least 85 percent of their sentence.<sup>70</sup> This was when truth in sentencing legislation first made it on the agenda in Illinois.

The second reason was because of the gruesome murder of 10 year-old Christopher Meyer in August 1995. Christopher Meyer was abducted near his home in Aroma Park, IL. The story gained national attention as authorities scoured the county looking for the child, fearing the worst. His dead body was found a little over a week later in the woods. He had been stripped naked and he had been stabbed and slashed over 40 times.

The main suspect in the murder was Timothy Buss, an ex-offender who had been released just a few years earlier for the brutal murder of a five-year old girl. Though Buss was only 13 in that case, he was tried as an adult because of the heinousness of the crime. He was sentenced to 25 years in prison. He served 12 years of that sentence and was released.

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<sup>69</sup> Ibid., 14.

<sup>70</sup> Blumstein, "Prisons," 461.

Once the public found out that Buss was suspected of killing Christopher, there was outrage. The question many asked immediately was why Buss was allowed to serve only 12 years of a 25-year sentence?<sup>71</sup> Such public uproar led Governor Jim Edgar to sign into law truth in sentencing legislation less than a week after Meyer's body was found.<sup>72</sup>

Some were skeptical about the benefits of truth in sentencing legislation. After all, judges would probably compensate for time served requirements when they sentenced violent offenders, knowing that those convicted of murder had to serve their full sentence and all other violent offenders had to serve 85 percent of their sentence.<sup>73</sup> Also, the law was expected to add 3,774 inmates to Illinois's chronically overcrowded prison system from 1995-2005 at an estimated cost of \$320 million over that period.<sup>74</sup> New prisons would have to be built and more corrections staff would have to be hired.

Democrats in the state legislature initially refused to provide the needed votes to authorize bond financing for new prison construction. Without the new prisons, truth in sentencing legislation would have created more problems than it purported to address. After the appearance of op-eds by state representatives on both sides of the aisle in local newspapers and being vilified by the media, Democrats eventually bowed to the pressure, not wanting to be responsible for the "early release of dangerous prisoners."<sup>75</sup>

The passing of the truth in sentencing legislation is an excellent example of how the timing of public policy decisions are often set by politics and the media. A problem

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<sup>71</sup> "Christopher's Life, Taken at 10," *Chicago Tribune*, Aug. 18, 1995, sec. Editorial, p. 18.

<sup>72</sup> Buss was later convicted of Meyer's murder. The jury deliberated for only four hours and took only three to sentence him to death.

<sup>73</sup> *Ibid.*

<sup>74</sup> Gary Marx, "Edgar Signs a Stricter Truth in Sentencing Law," *Chicago Tribune*, Aug. 21, 1995, sec. Chicagoland, p.1.

<sup>75</sup> Durkin, "Democrats Derailed Prison Funding," p. 20; Rod Blagojevich, "Put Truth Into Sentencing Law," Oct. 26, 1995, sec. Commentary, p.28.

existed, inmates were being released early and potentially harming innocent citizens, and a solution to that problem was already on the table, truth in sentencing legislation. Policymakers did not move on the issue until they were forced to by public outcry. Politics, with the media's help, legitimized the issue enough for policymakers, particularly Gov. Edgar, to pay attention to it.<sup>76</sup>

### *Reorganization of Parole System*

The parole system had been treated much like the neglected stepchild of the criminal justice system in Illinois. The job of parole officer offers little pay, long hours, overwhelming caseloads, and only rare expressions of gratitude. Yet, when a parolee commits a crime, often the first question people ask is, "Where was the parole officer?" Aside from the treatments of individual officers, the parole system as an institution has frequently been rearranged, cutback, revamped and forced to adjust.

The first of these sweeping changes occurred in 1987, where Gov. Thompson was forced to reduce the number of parole agents from 162 to 67 due to budget constraints.<sup>77</sup> This change increased the workload of each parole agent from monitoring 125 - 150 parolees to looking over 350 - 375 parolees.<sup>78</sup> The public was alarmed and members of the media were outraged. As predicted by criminal justice personnel, the number of parole violators returned to prison for technical violations<sup>79</sup> started to decline.

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<sup>76</sup> Stephen Meyer and David Laws. "The Policy Making Process" (lecture, Massachusetts Institute of Technology, Cambridge, MA, Sept. 27, 2004)

<sup>77</sup> Vernon Jarrett, "Parole officer layoffs a boon to criminals," *Chicago Sun-Times*, Aug. 2, 1987, sec. Editorial, p. 13.

<sup>78</sup> Ibid.

<sup>79</sup> Technical violations are violations of the condition of one's parole. For example, if an ex-offender fails a parole officer-administered drug test, he can be sent back to prison. Other such conditions include consorting with known ex-offenders or leaving the state without telling one's parole officer.

The fiscal situation only got more desperate as Governor Edgar was forced to cut even more parole staff in 1991. After the scaleback, only 42 parole officers were left in the whole state, of which 27 were for adult releasees.<sup>80</sup> In addition to the reduction, Gov. Edgar launched PreStart. Under PreStart, parole officers were no longer expected to dedicate their energies to close surveillance of parolees within their charge. IDOC spokesman Nic Howell explained that parole would be more "like a counseling activity."<sup>81</sup> Parole officers would behave more as case managers, who helped connect parolees to needs and services. The idea was to give more attention to preparing prisoners for reentry, while giving them support once on the outside.

The number of prison admissions due to technical violations drastically declined during the years of PreStart's full implementation, 1991-1995, which involved parole officers granting time to prerelease programming and post-release service delivery at community service centers.<sup>82</sup> Technical violations declined because parole officers did not have the ability to closely monitor parolees. Also, parole officers were instructed not to send a parolee back to prison except for serious offenses, thus raising the threshold for parolees to commit a technical violation.<sup>83</sup> After 1995, the post-release service delivery was abandoned. Along with nominal additions to the parole officer workforce, parole officers were able to resume some of their monitoring duties.

During those years, Gov. Edgar was criticized by those who believed in the traditional role of parole officers. According to these critics, parolees were running around town, wreaking havoc. With little supervision, they felt that there was little doubt

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<sup>80</sup> "Parole officers to swich focus," *Bloomington Pantagraph*, Mar. 8, 1991, sec. News, p. A5.

<sup>81</sup> *Ibid.*

<sup>82</sup> La Vigne et al., "Portrait of Reentry," 41.

<sup>83</sup> Emily Wilkerson, "Expansion possible for parole system," *State Journal Register*, Mar. 3, 1996, sec. News, p. 4.

that parolees would indulge their criminal appetites.<sup>84</sup> Aside from noting the wrongdoing that parolees were perpetrating, parole officers were instrumental in leaning on parolees to assist police in investigations. Former IDOC Director Michael Lane, who was also a former parole agent, conjectured that police were losing information from as many as 1,000 informants.<sup>85</sup>

With the election of Secretary of State George Ryan to the governor's seat in 1999, the number of parole officers was quickly revamped to 200.<sup>86</sup> At that point, the public and media were thoroughly distraught at having gone without parole officers for so long and were willing to pay any price to secure their protection. In response to one \$16 million proposal for more parole officers, a newspaper editor responded, "That seems reasonable to us, considering the possible threat to innocent citizens posed by unsupervised paroled convicts."<sup>87</sup>

Gov. Edgar left the door open for this type of view, despite having planted the seed for what could have been a large-scale successful program for parolees. The recidivism rate for PreStart participants was 11.7 percent as opposed to 32.3 percent for inmates released in 1990. Recidivism rates were as low as five percent among inmates who had been placed under special supervision after release. Also, inmates who did not go through PreStart returned to prison more quickly than those who did.<sup>88</sup>

Yet, the huge layoff of parole officers made people overlook the potential benefits of PreStart and focus instead on the unsupervised criminals in the streets. Even the

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<sup>84</sup> Don Thompson, "Caseloads to rise if parole officers cut, agent claims," *Bloomington Pantagraph*, May 11, 1991, sec. News, p. A3.

<sup>85</sup> Art Petacque, "Slash in parole agents starting to hurt state," *Chicago Sun-Times*, Jun. 2, 1988, sec. News, p. 16.

<sup>86</sup> "Parole violations," *Chicago Sun-Times*, Aug. 18, 1995, sec. Editorial, p.23.

<sup>87</sup> Ibid.

<sup>88</sup> La Vigne et al., "Portrait of Reentry," 41.

parole officers admitted that it would have been more effective for the traditional role to be combined with one that was more focused on reintegrating parolees into the community.<sup>89</sup> The public was not ready for such an abrupt transition.

The pendulum swung back to the other end of the spectrum as a result. What finally solidified the transition back to the traditional role of surveillance were the deaths of 12 year-old, Tsarina Powell, and Miguel de la Rosa, both victims of a wave of gang violence in 2000.<sup>90</sup> Gov. Ryan teamed up with Mayor Richard M. Daley of Chicago to announce the launch of Operation Windy City. The initiative deployed over 100 parole officers into gang-ridden neighborhoods to apprehend parolees associating with gang members. As a result of Operation Windy City and similar operations conducted throughout the state, IDOC officials sent 14,781 parolees back to prison in just one year, a significant increase over the 8,150 parolees sent back the previous year.<sup>91</sup> That statistic alone silenced any arguments that parole officers should serve a more rehabilitative role.

## Summary

In Illinois corrections policy from the 1970s until recently, the crime control model has been the solution. The threat to public safety and an unfair, criminal justice system were presented to the public as problems that the crime control model could solve. In other instances, politicians manipulated statistics skillfully, though misleadingly, to instill a sense of panic among the citizenry.

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<sup>89</sup> Wilkerson, "Expansion possible," 4.

<sup>90</sup> "Gov. Ryan, Mayor Dale announce new plan to fight gangs," *Chicago Defender*, July 24, 2000, p. 8.

<sup>91</sup> "Governor's Parole Initiative Cracks Down on Crime," *prepared for the Office of the Governor of Illinois* (press release, Nov. 7, 2001).

Proponents of the crime control model benefited from public fear, which enabled the crime control model to dominate the agenda. Groups that advocated on behalf of prisoners, ex-offenders and populations disproportionately affected by the changes in policy were not even able to get a seat at the table. Those who supported the due process model were noticeably absent from this section, not because of bias on my part, but because of their inability to get substantive political attention or press coverage during this period.

Interestingly, the only time when policy catered to the rehabilitative model, when Gov. Edgar introduced PreStart, was when fiscal pressures forced him to look towards new solutions after he determined the budget would not be able to sustain the large officer payroll. Many active in the corrections policy space today credit the newly garnered attention on prisoner reentry to fiscal pressures caused by a post-9/11 atmosphere. Yet, Edgar did a poor job of delineating what problem PreStart was solving so it was, in effect, a solution without a problem. At the same time, Edgar was exacerbating what the public thought was a well-documented problem of lax public safety by laying off a significant portion of the parole staff.

In the next chapter, I will present Illinois's approach to prisoner reentry. As is suggested by the dominance of the crime control frame, which features the crime control model, in-prison programming has become less of a priority in favor of security. The effects of the crime control frame's assertion will be seen in the next chapter.

## Chapter IV: How are Prisoners in Illinois Prepared for Reentry?

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Nationwide, prisoners have suffered from a lack of access to rehabilitative programming. In 1997, only about 13 percent of soon-to-be released prisoners nationwide reported participating in such programs while in prison.<sup>92</sup> The perilously low number is due to both the dramatic increase in prison population as well as a shift in priorities from rehabilitation to security.

Corrections in Illinois has reflected this nationwide trend. Most officials and advocacy groups would agree that there has been a noticeable decrease in services offered in Illinois prisons since the 1970s. “There used to be a lot of teachers [in prison], but now, not so many. We’re bearing the fruits of it now,” comments Margaret Stapleton, Senior Attorney for the Sargent Shriver National Center on Poverty Law, a law center that works on ex-offender issues.<sup>93</sup>

Thinking on the subject of rehabilitation seems to have come full circle since the 1970s, as priorities are being rearranged to include programming that is valuable to prisoners. The Illinois Department of Corrections (IDOC), the government entity responsible for administering the state prison system, is currently in the midst of expanding their current programming, but their current cadre of programming still offers a wealth of opportunity for those who are able to take advantage of it. Unfortunately, not many are able to take advantage of most opportunities. The programming listed below shows the state of affairs in the early 2000s and thus mostly represents the aftermath from allegiance to the crime control frame.

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<sup>92</sup> Nancy La Vigne et al. “A Portrait of Prisoner Reentry in Illinois,” Urban Institute (April 2003), 34.

<sup>93</sup> Margaret Stapleton, interview by author, via telephone, 12 April 2007.

## **Facility-Based Programming**

IDOC offers a variety of programs and services within its 27 traditional confinement facilities for the benefit of its prisoners. Those programs and services include education, vocational training, counseling, mental and medical health care, leisure time activities, religious observances, library services and various volunteers programs. The stated intent of these programs is to assist prisoners as they attempt to reintegrate into communities and families upon their release from prison.<sup>94</sup>

### *Education*

The majority of released prisoners in Illinois have not completed high school, meaning that a large percentage of ex-offenders struggle to find employment.. As such, education forms an important cornerstone of IDOC programming. All IDOC educational programming was established by the state legislature, the Illinois General Assembly (IGA), in 1972. They operate as part of Corrections School District 428, which administers primary, secondary, vocational, special and advanced education programs, serving approximately 11,000 students on a monthly basis.<sup>95</sup>

Primary and secondary education programs are encompassed by the Adult Basic Education and General Education Development programs respectively. Both are intended to help students prepare to take the test for the Graduate Equivalency Diploma (GED). Special education services are also provided for prisoners with disabilities between the ages of 17 and 21.

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<sup>94</sup> Nancy La Vigne et al, "A Portrait of Prisoner Reentry in Illinois," Urban Institute (April 2003), 35.

<sup>95</sup> Ibid.

IDOC's Adult Education Division delivers advanced educational programming, contracting with local community colleges to grant college credit for successful class completion. Prisoners are also able to participate in 50 different vocational programs, ranging from Business Information Systems to Emergency Medical Technology. Though about 10,000 participate in advanced education or vocation programs annually, only a small percentage come away with degrees. In fiscal year 1998, 2,221 prisoners earned GEDs (~6%), 354 earned School District Vocational Certificates (~0.9%), 1,314 successfully completed the College Vocational Program (~3%), 242 earned associates degrees (~0.6%), and 14 earned bachelor's degrees (~0.04%).<sup>96</sup>

### *Employment Readiness Programs*

Illinois Correctional Industries (ICI) represents the most substantive work program in IDOC. Its primary mission is to provide productive work-related endeavors as assignments for adult inmates. ICI workers learn to produce items such as baked goods, occupational apparel, office furniture, and cleaning products, mostly for use by IDOC. However, only 3 percent of the state's prison population is employed by the ICI.<sup>97</sup> Furthermore, it is unclear whether the skills obtained by participating in ICI are attractive to employers once released. Prison officials are currently looking to refashion ICI according to the skills that are actually being demanded by employers.<sup>98</sup>

### *Substance Abuse*

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<sup>96</sup> Ibid.

<sup>97</sup> Ibid., 36.

<sup>98</sup> Deanne Benos, interview by author, via telephone, 18 January 2007.

Some form of substance abuse programming is provided at every IDOC facility. Each facility provides substance abuse education and a select few institutions offer treatment within a program called a Therapeutic Community. A Therapeutic Community guides inmates through a transformative process that encourages prisoners to adopt pro-social values, conduct, and coping mechanisms. Unfortunately, IDOC is nowhere near reaching the amount of prisoners that need treatment. IDOC has 3,100 treatment beds available while approximately 27,100 adult and juvenile offenders are in need of treatment.<sup>99</sup>

### *Physical and Mental Health*

IDOC offers medical care and mental health treatment at every facility. Services include physical examinations, emergency medical treatment, psychological testing, individual and group counseling, and specialized treatment programs for individual offenders. Inmates with severe mental illnesses are transferred to psychiatric units at Dixon or Dwight Correctional Center, depending on gender. IDOC also offers specialized programs for sex offenders and victims of physical/sexual abuse.

### *PreStart*

Every prisoner that is to be released under parole or mandatory supervised release (MSR) must participate in PreStart. As discussed in Chapter 3, PreStart was to combine prerelease education and planning with post-release community-based services when originally conceived back in 1991. Though cohorts that went through PreStart were shown to have lower recidivism rates than those who did not, the post-release phase of

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<sup>99</sup> Nancy La Vigne et al, "A Portrait of Prisoner Reentry in Illinois," Urban Institute (April 2003), 37.

the program was done away with due to budget constraints and changes in the role of parole officers, who managed the post-release phase.

As of now, inmates who are scheduled to be released within the following twelve months are mandated to participate in PreStart, a two-week, 30-hour course that is designed to prepare releasees for life on the outside. While the initial idea was to have participants prepare Individual Development Plans (IDPs) with detailed personal goals and casework service needs, current evidence reveals that this rarely goes on. PreStart is mainly structured as lecture-type classes and provides no opportunity for individualized discharge planning.<sup>100</sup> Social service providers are not included in PreStart nor does PreStart grant referrals for specific services. In a survey of PreStart participants, less than ten percent reported receiving referrals for health care, housing or counseling.<sup>101</sup> PreStart's value to prisoners is highly questionable.

### **Alternative/Community-Based Programming**

The use of community-based programming and alternatives to incarceration have expanded due to efforts to manage crowding in the Illinois prison system. By keeping low-risk offenders out of prison for as long as possible, prison officials hope to minimize exposure to a more seasoned, criminal element as well as the time away from society. Prison officials also hope that by connecting in-prison programming to post-release social service provision will increase the chance of an effective transition from state supervision to the community.

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<sup>100</sup> *Restoring Hope: Breaking the Cycle of Incarceration and Building Better Futures in Chicago*, (final report of the Mayoral Policy Caucus on Prisoner Reentry, Jan 2006), 24.

<sup>101</sup> *Ibid.*

### *Impact Incarceration Program (Boot Camp)*

IDOC currently operates two adult boot camps under the auspices of the Impact Incarceration Program (IIP). The purpose of the Impact Incarceration Program is to build character, promote maturity, responsibility, and a positive self-image and motivate the offender to be a law-abiding citizen. Inmates are eligible to participate if they are being incarcerated for the first or second time, are no older than 35 years of age, and were sentenced to no longer than eight years.<sup>102</sup> IDOC officials focus on offenders at risk of continued criminal activity because of substance abuse, poor social skills, and other similar problems.

From the program's inception in 1990 to 2003, 22,467 participants were admitted to the program. Of those who successfully completed the program, 23.3 percent had returned to prison for a new felony offense compared to 32.9 percent for comparable inmates.<sup>103</sup> However, program participants were much more likely to be readmitted to prison for technical violations of their parole than the control group, 19 percent as opposed to 9 percent, creating overall recidivism rates of 42.3 percent and 42.0 percent respectively.<sup>104</sup> Thus, it is arguable if IIP actually reduces recidivism.

### *Electronic Detention*

IDOC has used electronic detention as a mechanism for reentry since 1989. Electronic detention allows inmates to live at approved sites in the community while

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<sup>102</sup> Robert Jones et al, "Impact Incarceration Program: 2003 Annual Report to the Governor and the General Assembly," Illinois Department of Corrections, 6.

<sup>103</sup> Ibid., 20.

<sup>104</sup> Ibid.

being monitored by an electronic device affixed to the inmates' ankles. The device notifies authorities if the inmate steps out of the approved zone of movement.

While participating in the electronic detention program, residents are expected to work, participate in education programming, receive substance abuse treatment and submit to random drug testing. Electronic detention allows for a more gradual readjustment period, ensures significant public protection, and costs less than one fourth of the amount it costs to incarcerate. The estimated number of paroles on electronic monitoring in fiscal year 2002 was 2,124.<sup>105</sup>

#### *Community Correctional Centers/ Adult Transition Centers*

IDOC currently operates 11 Community Corrections Centers (CCCs) and 12 Adult Transition Centers (ATCs). Both are designed to facilitate the process of transition from prison to society for those prisoners close to release, but have slightly different emphases in their programs. While ATCs emphasize work and education, CCCs stress developing oneself in order to reconnect with their home community.

In ATCs, inmates must either work or go to school and return to the ATC when not engaged in an approved community activity. In CCCs, residents are expected to participate in constructive activity for at least 35 hours per week. This can include any combination of employment, vocational training, education, life skills, public service work in their home community and daily in-house assignments.<sup>106</sup> Alcohol and drug counseling is also available.

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<sup>105</sup> Nancy La Vigne et al, "A Portrait of Prisoner Reentry in Illinois," Urban Institute (April 2003), 42.

<sup>106</sup> Ibid., 43.

Both programs are very selective and only about 3 percent of the state prison population matriculates through each program.

### *Day Reporting Center*

Established to address the high amounts of recidivism on the south side of Chicago, IDOC established a Day Reporting Center in 1998. The Day Reporting Center is a nonresidential program where released prisoners participate in educational, employment, treatment and life skills programming. Eligible participants fall into three categories: (1) ex-offenders with two or more prior incarcerations, (2) ex-offenders with a sentence of 10 years or more, and (3) offenders who are 25 years old or younger and serving crimes against another person.

The goals of the program are to provide model behaviors to replace crime-related behaviors and improve the ex-offender's ability to obtain employment, among others. Participants must report to the Day Reporting Center at 8:45am to 8pm from Monday to Friday. Day Reporting Centers contract with service providers to offer the following services and programs:<sup>107</sup>

- adult basic education
- literacy classes
- anger management
- obtaining services from community agencies
- cognitive restructuring
- domestic violence programming
- mental health therapy
- job search skills
- employment readiness
- life skills
- parenting
- substance abuse

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<sup>107</sup> Ibid., 44.

- sex offender programming
- victim empathy

### *The Going Home Initiative*

The Going Home Initiative, funded under the federal Serious and Violent Offender Reentry Initiative in 2002, addresses prisoner reentry in North Lawndale. North Lawndale, a neighborhood on the west side of Chicago, serves as home to 2,700 adult parolees, one of the highest concentrations of ex-offenders in Illinois. The Going Home program establishes contact with prisoners before they are released and, along with community partners, avails a litany of services to select prisoners returning to North Lawndale. The first cohort will engage 200 prisoners. These services include assessment, case management, cognitive restructuring, drug treatment, transitional housing, employment training and placement assistance. The program also provides less intensive services to neighboring neighborhoods and connects them to faith-based organizations and community agencies.<sup>108</sup>

The Illinois Department of Corrections offers a wide breadth of programming for ex-offenders, some of which make extensive connections to social service providers. Though the breadth is expansive, IDOC has been unable to achieve full penetration, leaving many prisoners to carry out their sentence without any intervention. In addition, the baton is rarely passed on smoothly or intentionally from IDOC to social service providers, except in a small sample of community-based programs. Most programs also fail to engender linkages with the community – with family, friends, churches, support

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<sup>108</sup> Daniel Dighton. "The Challenge of Reentry: Keeping Ex-Offenders Free," *The ICJIA Compiler* (Summer 2002), 4.

groups, and community groups. These groups can be an enormous source of emotional and financial support as ex-offenders navigate their post-prison journey. It is to the benefit of ex-offenders that IDOC, community-based organizations and members of the ex-offenders' social networks take steps to work together on a more consistent basis.<sup>109</sup>

Has a more nuanced view of corrections captured the imagination of Illinois policymakers today? Or has the legacy of the crime control frame maintained a fast grip on Illinois discourse? I will explore the answer to these questions in Chapter 5, where I look at the discussions happening around prisoner reentry today.

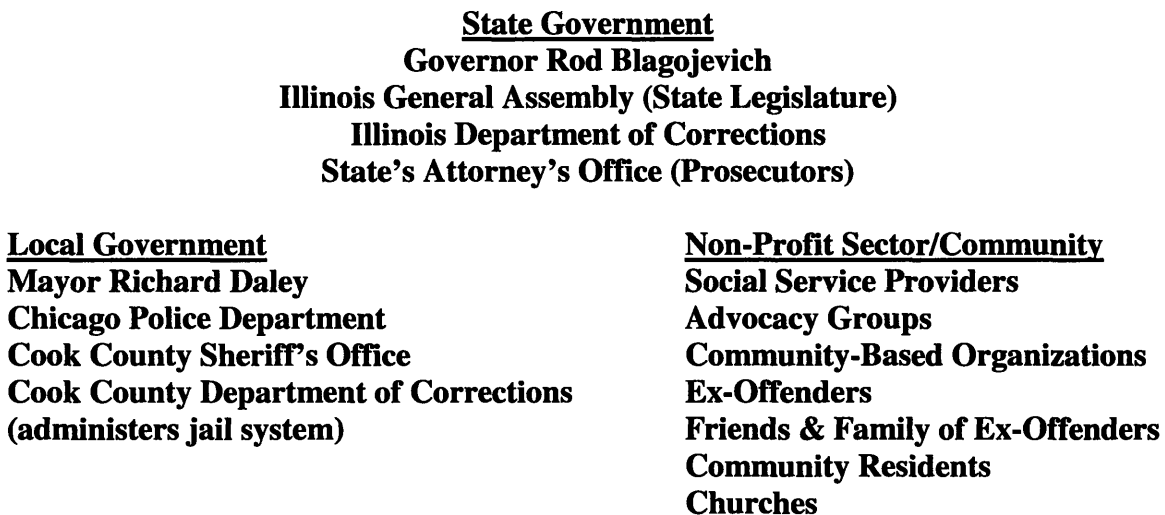
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<sup>109</sup> Ryan Allen. "A Model of Ex-Offender Reentry in Suffolk County, Massachusetts." (MCP thesis, Massachusetts Institute of Technology, 2002), 8

## Chapter V: Frames Underlying Prisoner Reentry Discourse

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Several stakeholders are engaged in the discussions happening around prisoner reentry in Chicago and corrections policy in Illinois. These stakeholders come from state government, city government, county government, the non-profit sector, the communities to which ex-offenders return and of course, ex-offenders themselves. Figure 1 depicts these stakeholders.



*Figure 1: Stakeholders in Prisoner Reentry Discourse*

I interviewed several of these stakeholders about how they viewed prisoner reentry. I attempted to understand what values and priorities each held important and what strategies they employed to communicate those values to other stakeholders. For those stakeholders I was unable to speak with directly, I was usually able to get at how they talked about prisoner reentry through my interviews.<sup>110</sup> Usually, there was broad consensus about what these stakeholders held important and the language they used to talk about reentry. For a list of respondents, please see Appendix A.

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<sup>110</sup> County government entities were the only exception.

The discourse around the value of prisoner reentry ramifies into several key frames.<sup>111</sup> These frames, or ways to define a policy problem, are important to understand. They describe the philosophical underpinnings of an issue, but the definition of the problem implies what solutions are suitable to be discussed. This chapter delineates the five most prevalent frames within the prisoner reentry discourse in Illinois. These frames came out of the interviews I conducted. I refer to these frames as the following:

- Public Safety
- Ex-Offender as an Underclass
- Disparate Racial Treatment
- Supporting Community
- Lack of Accountability

Within each frame, I discuss the actions and interactions of several actors from Figure 1 (on the previous page).

### **Public Safety**

Catering to public safety is, by far, the dominant framing among those taking part in the debates around prisoner reentry. This should come as no surprise based on the prevalence of public safety rhetoric in prison policy historically. Public safety, in the criminal justice context, means the protection of the general population from danger or harm suffered at the hands of criminals. The debate often centers around public safety because it provides fluid, political capital for legislators and government officials. For

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<sup>111</sup> Please revisit Chapter 2 for a discussion of frames.

those government stakeholders who are either not concerned or not familiar with the issues surrounding prisoner reentry, the language of public safety is easy to grasp.

Community groups speak in the language of public safety in order to redefine prisoner reentry initiatives as measures to reduce crime. The thrust of their message is that the criminal justice system, social service providers and concerned citizens must help ex-offenders reintegrate into society in order to protect society from ex-offenders. Thus, I refer to this frame as the *public safety* frame (for sake of brevity, I will refer to this frame as the protection frame). Spending resources to prepare prisoners for civilian living is viewed only as a means of keeping society safe from criminals who would otherwise re-offend. Government officials have responded favorably to the public safety frame, subsuming prisoner reentry into their notion of public safety and answering advocacy groups in the language of public safety.

Deanne Benos, Assistant Director of the Illinois Department of Corrections (IDOC), declares that corrections is now tied to public safety outcomes in a way that it was not before.<sup>112</sup> Though Benos describes IDOC's top priority as providing for the safety and security of its facilities, which seems to fit into the old crime control frame, she believes ensuring that IDOC's facilities are safe translates into the safety of the general public.<sup>113</sup> By reinvesting in programs for prisoners such as education and job skills training, IDOC is giving inmates hope for a better life on the outside, which makes for inmates who are much less willing to risk their well-being while in prison, thus making for a safer prison. To capture the effect of the resurgence of programming on prisoners, Benos talks of a prison guard who complains of the relative calm that has come

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<sup>112</sup> Deanne Benos, phone interview by author, 18 January 2007.

<sup>113</sup> *Ibid.*

over the prison since the introduction of new in-prison programming.<sup>114</sup> It is Benos's hope that those same education and job skills training will also better prepare prisoners for life on the outside and keep them from engaging in criminal activity, thus generating positive public safety outcomes.

The current philosophy of IDOC stands in stark contrast to how it operated prior to the arrival of Governor Blagojevich. Then, IDOC almost operated in a vacuum, apart from the rest of the criminal justice system. The prison system was just the place where all the proverbial chips hit the fan. Sentencing policy, police priorities, prosecutorial power, judicial discretion, and the criminal's offending behavior all played a role in how long and how often individuals were incarcerated. After many criminal justice officials nationwide came to believe that rehabilitation of prisoners was not possible, the actual administration of prisons and prison programming was no longer seen as having a bearing on public safety outcomes. The prison system was just a warehouse for the people other criminal justice institutions determined were societal dangers.

With the advent of Governor Blagojevich, Benos says that not only is corrections tied to public safety, corrections is tied to recidivism and thus, directly to what ex-offenders do when they are back in the community.<sup>115</sup> Though she accepts the newfound responsibility of corrections to the community, she is quick to point out that the prison system is only part of the pathway to successful reentry:

“The biggest flaw in thinking is making it [reentry] totally about the prison system. It begins and ends in the community. These guys are coming from the worse schools and have few employment opportunities. They go back to these places when they get out.”<sup>116</sup>

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<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

Here, Benos is acknowledging the value of social service providers and the community, noting that the effect of any in-prison programming is constrained by the amount of support prisoners receive when they are released back into the community. In the vein of working with the community, the IDOC has increased the number of contracts with community organizations to provide services for ex-offenders in IDOC facilities. Programs such as those administered by community organizations are examined and assessed under the lens of public safety by IDOC. Benos says that, for example, the IDOC will look at drug offender treatment and judge how much it will abate risk once the offender is released back into society.<sup>117</sup> If the cost of treating one drug offender's addiction is not equal or lesser than the expected payout, then IDOC may not do it.<sup>118</sup>

IDOC represents but one, albeit important, stakeholder in the reentry model. The Illinois General Assembly (IGA) represents another stakeholder. As the state legislature, the IGA serves as the check and balance for the various arms of the criminal justice system and responds to civil society's priorities for legislative action. On the issue of prisoner reentry, there has often been a definite disconnect between state representatives who have significant numbers of ex-offenders in their districts and those who do not.<sup>119</sup> While those legislators who do have significant ex-offenders in their districts understand the issue thoroughly and through a variety of frames (some of which will be discussed later in this section), those who are generally unfamiliar with the issues surrounding ex-offenders or less personally invested in reentry generally defer to the state's attorney's

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<sup>117</sup> Ibid.

<sup>118</sup> Expected payout equals the probability of the event not occurring times the loss or gain associated with that event plus the probability of the event occurring times the loss or gain associated with it.

<sup>119</sup> Maaria Mozaffar, interview by author, via telephone, 11 April 2007.

office, which means they are relegated to discussing prisoner reentry in the context of public safety.<sup>120</sup>

The state's attorney's office, the office that prosecutes individuals on behalf of the state, represents a powerful player in criminal justice policy and thus, the framing of prisoner reentry. Its influence is a large reason why the frame of public safety is so dominant. The commitment to public safety is evident in the mission of their offices. On its web site, the Cook County State's Attorney's Office states that its mission is to secure justice, promote the public health and safety, and serve as the legal representatives of the nation's second largest county. Working in the court's largest unified court system, the Cook County State's Attorney's Office has over 900 prosecutors working under its auspices. No doubt the vastness of its office speaks to why it has such sway in Illinois criminal justice policy.

In addition to the fact that the state's attorney's office represents a large fixture in the criminal justice system, state prosecutors also have a lot of clout among policymakers because many of the state legislators were former state's attorneys.<sup>121</sup> Thus, many of the legislators are already acclimated to speaking in the language of public safety and have clear ideas of how to appropriately respond to criminal behavior. Many of these ideas are rooted in the crime control frame.

The dominance of the public safety frame in policy discourse has represented both an opportunity and a challenge for advocacy groups, a pivotal stakeholder in representing the interests of ex-offenders. Many community organizations and advocacy groups have made conscious efforts to frame social service provision and legislative changes in terms

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<sup>120</sup> Ibid.

<sup>121</sup> Anthony Lowery, interview by author, Chicago, Illinois, 27 March 2007.

of its effects on public safety when lobbying state legislators, particularly those legislators who do not have a significant number of ex-offenders in their district. “We have to frame prisoner reentry as a public safety issue to get other folks in the state [other than Chicago].” says Anthony Lowery, Director of Policy and Advocacy at the Safer Foundation, one of the nation’s largest social service providers for ex-offenders.<sup>122</sup> The frame is used to bring other stakeholders in to the discussion, who might not otherwise take an interest in prisoner reentry such as the state’s attorney.<sup>123</sup> In order to get real traction on prisoner reentry initiatives, advocacy groups must satisfy the concerns of prosecutors, the community, the state police, the Association of Chiefs of Police, etc. that such initiatives will not jeopardize public safety.<sup>124</sup>

When asked what was the most frequently heard message from opponents, Marianna Boyd from the Developing Justice Coalition (DJC) replied, “[Alternatives to incarceration mean] we’re being soft on crime has been the most frequently heard message from opponents.”<sup>125</sup> Boyd says she and other coalition members use moments such as these to educate, not lambaste. She cites an example where the DJC was lobbying for a piece of legislation called the SMART Act that was intended to divert nonviolent, drug offenders from incarceration to drug school. The Cook County State’s Attorney’s Office was against the legislation and subsequently, so were a number of state legislators. Boyd recalls:

“So we had to sit down and explain it to [the State’s Attorney’s office]. It takes a lot of education – a series of meetings, continuously going down to Springfield... We [had] to show them that the old model [of crime control] does

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<sup>122</sup> Ibid.

<sup>123</sup> Marianna Boyd, interview by author, Chicago, Illinois, 29 March 2007.

<sup>124</sup> Margaret Stapleton, interview by author, via telephone, 12 April 2007.

<sup>125</sup> Ibid.

not work. The new model actually prevents crime...now, his office is helping to draft the legislation.”<sup>126</sup>

Boyd’s example highlights how the system of stakeholders operates with the frame of public safety in mind. Administrators of the various branches of the criminal justice system signal to community and advocacy groups that the only language they are allowed to negotiate in is that of the public safety frame. Because of the clout the criminal justice system holds with legislators, legislators subscribe to the rules of engagement. Community groups, in turn, adopt this language and frame prisoner reentry as paramount to reducing crime and recidivism, i.e. a public safety issue. Depending on how compelling the community groups are, legislators and other government officials integrate the concept of prisoner reentry into their paradigm of public safety.

One can see how the current public safety frame actually constitutes a mapping of the due process model on to the crime control model, a product of frame reflection process being carried out by the Illinois criminal justice system. The end result takes elements from each model, but still has an overall leaning towards the crime control model. The public safety frame represents not a complete shift away from the crime control model to the due process model but rather a grafting of some of the due process model’s values over to the crime control model. The language of the frame still declares that the primary concern is the immediate protection of society. Whereas punishment and incapacitation were emphasized in the late 1970s until now, rehabilitation and diversion are just now getting back into the vocabulary of criminal justice professionals in Illinois. However, and this is key, rehabilitation is only important because it is seen as a way for keeping the public safe. Yet, punishment is still swift and severe with mandatory

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<sup>126</sup> Marianna Boyd, interview by author, Chicago, Illinois, 29 March 2007.

minimums, truth in sentencing legislation, and no discretionary parole board – features of the crime control model and remnants of the crime control frame.

### **Civil Rights: Ex-Offenders as an Underclass**

While the public safety frame is the dominant frame for discourse, it is by no means the only one. Many groups are working to reframe the discussion to exhume the structural factors behind recidivism. These attempts to fundamentally rework how stakeholders conceive the issue are extremely difficult, considering that policy debates center around differences in philosophy as opposed to differences in how resources should be distributed. Nevertheless, some groups have chosen to emphasize the second-class status of ex-offenders in Illinois and then, use it as a starting point for policy action.

Proponents of the civil rights frame seem to agree that ex-offenders are inducted into the underclass while they are in prison. Many prisoners come out with no intervention as prison officials abandoned a great deal of programming for prisoners. According to Chris Moore of the Exodus Renewal Society, a service provider and advocacy group for ex-offenders, a majority of them are reading at a 4<sup>th</sup> or 5<sup>th</sup> grade reading level and about 70% are without their GED.<sup>127</sup>

Prison time is not the only thing that creates the underclass dynamic. Felony convictions of any kind add to one's record. In fact, Anthony Lowery of the SAFER Foundation says that many young guys do not realize that probation counts as a felony conviction, and therefore limits their opportunities, as if they served time in prison.<sup>128</sup> Many police officers and prosecutors take advantage of this gap in understanding and

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<sup>127</sup> Chris Moore, interview by author, Chicago, Illinois, 16 Jan 2007.

<sup>128</sup> Anthony Lowery, interview with author, Chicago, Illinois, 27 March 2007.

offer the suspect they have in custody “an opportunity to go home” instead of going to jail.<sup>129</sup> What they do not realize is that “going home” means being convicted of a crime, being sentenced to probation and becoming an ex-offender. Once convicted, their freedoms are gone.

The largest instances of differential treatment between ex-offenders and the general populace fall under the category of employment. As discussed in Chapter 1, Ex-offenders are effectively barred from obtaining many types of occupational licenses. Out of 99 statues and provisions determining eligibility for different occupational licenses in Illinois, 57 of them called for restrictions that excluded ex-offenders.<sup>130</sup> These occupations ranged from as violent as boxer to as docile as nail technician.<sup>131</sup>

Employers blatantly discriminate against ex-offenders as well and are offered strong incentives to do so. Employers can be held liable for damage incurred as a result of exposing other employees and public to any ex-offenders who were hired. They also claim they can not obtain insurance if they hire ex-offenders.

The changing nature of low-level service provision is also adversely affecting ex-offenders.<sup>132</sup> Margaret Stapleton is the senior attorney at Sargent Shriver National Center on Poverty Law, a law center that advocates for the poor including ex-offenders. She alludes to an example of how the changes in low-level service provision are adversely affecting ex-offenders. An office building may decide to contract out for cleaning services instead of hiring their own janitors. The cleaning service they hire may provide cleaning services to a dozen buildings, ten of which could have potentially hired ex-

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<sup>129</sup> Ibid.

<sup>130</sup> Illinois Department of Employment Security. “Occupational Bans,” Illinois Department of Employment Security. <http://www.ides.state.il.us/ExOffenders/bans.shtml>. (21 Apr 2007).

<sup>131</sup> See Appendix D for a list of occupations ex-offenders are now eligible to apply for

<sup>132</sup> Margaret Stapleton, interview by author, via telephone, 12 April 2007.

offenders had they elected to hire janitors directly. The two other buildings have tenants that specify in their leases that they can not have ex-offenders in their space. Since the cleaning service needs a work force that is accessible to work for all of their clients, they will not hire any ex-offenders, keeping ex-offenders from yet one more of the few well-paying jobs for unskilled workers.

Most discrimination, however, takes place solely because of the stigma attached to having committed a crime. Despite the rhetoric of America being the land of opportunity and second chances, many employers are unwilling to give ex-offenders an opportunity to prove themselves trustworthy. A survey of 3,000 employers from four major metropolitan areas revealed that two-thirds would not knowingly hire an ex-offender.<sup>133</sup>

The stigma decrying ex-offenders is so powerful that Chris Moore, executive director and co-founder of Exodus Renewal Society, Inc., believes that the concept of ex-offender needs to be rethought and constructed in a way that is indicative of the value that the ex-offender can bring to society, having repented for past wrongs. The term “New Citizen” was forged out of that belief. The website for Exodus Renewal Society defines New Citizen as:

A person or persons, returning or entering into the normal social, economic and political structure of a society. As a condition of this citizenship he/she has met all legal obligations (i.e. formal documentation and behavior) which places them in good civic standing. Thereby, all human and civil rights shall be afforded, restored and protected as a basis of Constitutional Law.

Inherent in the definition of New Citizen is the expectation that ex-offenders are indistinguishable from citizens who have never been incarcerated. After they have

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<sup>133</sup> Vera Kachnowski, “Returning Home Illinois Policy Brief: Employment and Prisoner Reentry,” (prepared for the Illinois Criminal Justice Information Authority on behalf of the Urban Institute, August 2005).

served their time, ex-offenders should have equal opportunity because the Constitution demands it.

Unfortunately, because of the prevalence of background checks, ex-offenders are isolated from the general citizenry rather easily and have limited opportunity as a result. Background checks, along with the aforementioned policies that prevent ex-offenders from garnering employment, work to create a “suspicious class that doesn’t have legal standing.”<sup>134</sup>

In order to attack this deprivation of civil rights specifically, Exodus Renewal Society, along with other partners, introduced House Bill 4188 into the Illinois General Assembly. The bill would have amended the Illinois Human Rights Act to include the status of ex-offender as a protected status, making discrimination against ex-offenders illegal.<sup>135</sup> Had the bill passed, the status of ex-offender would have been put in the same category as race or disability.

The bill did not pass, however, mostly because of an incapability of some legislators to stop seeing ex-offenders as criminals and to start seeing them as people trying to put their lives back together. Opponents of the bill declared that people who committed a crime should not be elevated to protected status.<sup>136</sup> Opposing legislators were also worried about people with clean criminal records losing out to ex-offenders when applying for positions. Employers may also face increased liability in negligent hiring lawsuits, which gave some legislators pause. All concerns, particularly the first two, indicate an us versus them mentality.

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<sup>134</sup> Chris Moore, interview by author, Chicago, Illinois, 16 Jan 2007.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

## Civil Rights: Disparate Racial Treatment

The issue of race underlies almost every conversation within the realm of criminal justice, and for good reason. Sixty percent of the Illinois inmate population is African-American.<sup>137</sup> Yet, African-Americans make up only 15% of the Illinois population.<sup>138</sup> As the numbers of people imprisoned have skyrocketed over the last few decades, “the number of people who are incarcerated, particularly blacks, is causing people to think about what we are doing here,” says Marianna Boyd of the Developing Justice Coalition.<sup>139</sup> While always present, some groups have chosen to more explicitly knowledge the racial disparities evident in the reentry model, particularly employment and incarceration.

There is increasing evidence that the criminal record is indeed a proxy for racial discrimination in employment. Devah Pager, a researcher from Princeton University, has maintained that the use of the criminal record is a step away from racism.<sup>140</sup> Pager compared employment outcomes for white and black job applicants, with and without criminal histories. Among her findings, Pager found out that whites with criminal records actually had higher callback rates than blacks without criminal records (17% and 14% respectively).<sup>141</sup> She concluded that race continues to play a dominant role in shaping employment opportunities, equal to or greater than the impact of the criminal record.<sup>142</sup>

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<sup>137</sup> Illinois Department of Corrections. Statistical Presentation 2005. (2006).

<sup>138</sup> Census 2000.

<sup>139</sup> Marianna Boyd, interview by author, Chicago, Illinois, 29 March 2007.

<sup>140</sup> Anthony Lowery, interview by author, Chicago, Illinois, 27 March 2007.

<sup>141</sup> Devah Pager. “The Mark of a Criminal Record,” *American Judicature Society* 108 (2003): 22.

<sup>142</sup> Ibid.

Pager's findings were in keeping with determinations by the Equal Employment Opportunity Commission (EEOC), who arrived at the stance that policies that exclude ex-offenders on the basis of their criminal record may violate Title VII because such policies disproportionately exclude minorities from consideration.<sup>143</sup> Minorities are convicted at rates significantly in excess of their representation in the population. Exodus Renewal Society has been working with the EEOC to move forward against blanket no-hiring bans in Illinois based on Title VII grounds.<sup>144</sup>

Other groups have focused on the disparity in conviction and sentencing between blacks and whites. According to the Developing Justice Coalition, a coalition of about 20 community organizations and advocacy groups working on issues for drug offenders, black drug offenders are 57 times more likely to be incarcerated for a drug offense than white drug offenders.<sup>145</sup> As of 2002, Illinois ranked second in the country for black-to-white disparity in incarcerating individuals for all drug offenses and more blacks were incarcerated for possession charges than any other state aside from California.<sup>146</sup> This means that black drug offenders are 57 times more likely to be shuffled into the underclass.

Despite the stark racial inequalities in the criminal justice system, it appears that CBOs rarely talk about them directly, only referring to them implicitly.<sup>147</sup> Given that many of the state legislators come from southern Illinois, where the population is relatively homogeneous racially, perhaps talking about race is not the best channel for

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<sup>143</sup> Safer Foundation, "Employment Standards of People with Criminal Records: Executive Summary," Safer Foundation; Title VII outlaws discrimination in employment on the basis of race, among other categories

<sup>144</sup> Chris Moore, interview by author, Chicago, Illinois, 16 Jan 2007.

<sup>145</sup> Maaria Mozaffar, interview by author, via telephone, 11 April 2007.

<sup>146</sup> Kathleen Kane-Willis et al. "Intersecting Voices: Impacts of Illinois' Drug Policies," (prepared for the Illinois Consortium on Drug Policy).

<sup>147</sup> Maaria Mozaffar, interview by author, via telephone 11 April 2007.

change. Margaret Stapleton, senior attorney at Sargent Shriver National Center on Poverty Law and member of the DJC, says her biggest challenge is getting people to grasp the racist impact of many criminal justice policies. “Many don’t want to be confronted with the fact that the impact is racist.”<sup>148</sup>

### **Supporting Community**

After being released from prison, ex-offenders often return to the communities from which they originated. Many of these communities struggle from a severe lack of resources, poor education infrastructure, weak capacity for service delivery, few employment opportunities and incapacitation by a criminal element. Ex-offenders often add a great deal of stress to these already distressed communities.

Chicago is a case in point. In 2001, 15,488 out of 30,068 prisoners were released to the city of Chicago, which constitutes just about 52% of all released prisoners.<sup>149</sup> If that was not concentrated enough, 34% of all ex-offenders who returned to Chicago went back to only six of 77 communities, meaning that approximately 5,265 ex-offenders were dispersed over only six neighborhoods.<sup>150</sup> These neighborhoods are Austin, East Garfield Park, Englewood, Humboldt Park, North Lawndale, and West Englewood.

These neighborhoods are among the most socially and economically disadvantaged areas in the city. Each area boasts a significant proportion of families living below the poverty level, moderate to high levels of renter-occupied housing, high unemployment, a large number of female headed households and above average crime

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<sup>148</sup> Margaret Stapleton, interview by author, via telephone, 12 April 2007.

<sup>149</sup> Nancy La Vigne et al. “A Portrait of Prisoner Reentry in Illinois,” Urban Institute (April 2003), 3.

<sup>150</sup> *Ibid.*, 51.

rates.<sup>151</sup> On top of the challenges that community members already face, ex-offenders bring a whole new set of problems stemming from substance abuse, physical/mental health, lack of housing etc. Many communities do not have the capacity to accommodate the needs of an influx of ex-offenders. Only 24 percent of the organizations that provide services to ex-offenders within the city are located in the six communities with the highest ex-offender population.<sup>152</sup>

Ostensibly framing prisoner reentry as a way to support low-income communities comes from the dedication of CBOs to their areas of interest. Target Area Development Corporation, the convening member of the DJC, started off as a grassroots campaign to attack drug and gang violence in the Auburn Gresham neighborhood. Their power stems from being able to mobilize people.<sup>153</sup> Being able to bring down busloads of community residents from Chicago to Springfield demonstrates the strong sense of trust between Target Area and the community.

Once they get down to Springfield and stand in front of legislators, the story revolves around how to best support communities dealing with ex-offenders. Here, the personal testimonies of community residents take center stage, allowing state lawmakers to see firsthand the impact on children and families. Community residents tell their stories. It is much more difficult for legislators to disregard the pleas of family members who have done nothing wrong as opposed to hearing from a smooth talking, policy advocate.

The value of family support during the time of transition from prison to society can not be understated. Families are important to a successful transition. They are a

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<sup>151</sup> Ibid.

<sup>152</sup> Ibid., 60.

<sup>153</sup> Marianna Boyd, interview by author, Chicago, Illinois, 29 March 2007

tremendous source of support, emotional and financial.<sup>154</sup> However, they are not always equipped to cope with the member's transition.<sup>155</sup> The community wants to help but often cannot decide the types of support it should offer. Meanwhile, community service providers are overburdened, attempting to connect ex-offenders to traditional services, many of which the ex-offender are not eligible for.<sup>156</sup>

Advocacy groups respond by actually bringing community members to speak in front of the state legislature. Residents talk about the return of ex-offenders and how they stand idle as they struggle to procure employment. It is only a matter of time for many ex-offenders as they meander back into their old way of life, bringing the neighborhood down with them. The message resonates with legislators, who prize direct contact with the community. Boyd of the DJC reflects, "We bring community members and talk about Johnny on the street...Sometimes I don't even speak because they want to hear the direct testimony."<sup>157</sup>

Lowery of the Safer Foundation agrees, "You have to show the impact on children and family. Legislators can't write them off as easily."<sup>158</sup> Appealing to legislators through personal stories brings problems to life for many state legislators, who have little experience with this population in their neighborhoods and districts. Actual faces and stories are a valuable tool communities can use to move legislators toward an understanding of the value of prisoner reentry.

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<sup>154</sup> William Moore, interview by author, Chicago, Illinois, 28 March 2007.

<sup>155</sup> Christy Visher and Jill Farrell. "Chicago Communities and Prisoner Reentry," (prepared for the Urban Institute, Sep 2005), 11.

<sup>156</sup> Margaret Stapleton, interview by author, via telephone, 12 April 2007.

<sup>157</sup> Marianna Boyd, interview by author, Chicago, Illinois, 29 March 2007.

<sup>158</sup> Anthony Lowery, interview by author, Chicago, Illinois, 27 March 2007.

## **Lack of Accountability**

Whose ultimate responsibility is it to provide for the successful reintegration of released prisoners back into society? Who catches the heat if the recidivism rate jumps up by a few percentage points? Who takes the credit if recidivism decreases?

The short answer is that no one stakeholder or institution is completely culpable, which is another way of saying that every stakeholder bears responsibility.

Unfortunately, shared responsibility makes it difficult to hold each stakeholder accountable, particularly if the stakeholder does not acknowledge his role in the prisoner reentry model. This lack of accountability underlies the high recidivism rates in Illinois, making prisoner reentry a political issue that many government stakeholders do not want to touch.

Some government institutions appear to be struggling between accountability and displacement. The political ramifications of appearing soft on crime make taking full ownership of recidivism outcomes problematic for many government figures. The Illinois Department of Corrections, for example, declares it their mission to “protect the public from criminal offenders through a system of incarceration and supervision which securely segregates offenders from society... and maintains programs to enhance the success of offenders' reentry into society.” Such a mission statement would seem to reflect that prisoner reentry is an explicit goal of IDOC. Yet when asked what IDOC’s priorities are, Assistant Director Benos only mentioned the safety and security of its facilities, noticeably omitting prisoner reentry as a goal.<sup>159</sup> Benos makes IDOC’s position even clearer by noting that, though they are working to increase in-prison

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<sup>159</sup> Deanne Benos, phone interview by author, 18 January 2007.

programming for prisoners, the answer to decreasing recidivism “begins and ends in the community.”<sup>160</sup>

There is an undercurrent that no matter how committed IDOC is to preparing prisoners to reenter society, ultimate responsibility lies in the community, perhaps more specifically with the city of Chicago. “We want to do more but it’s about cost. When the city takes over ownership, it’s a great help.”<sup>161</sup>

Differing constructions of accountability can render progress on the policy front impossible. Community groups have had to be diligent and savvy in order to convince various government institutions to accept formal ownership for working towards positive reentry outcomes. The DJC’s work with the state’s attorney’s office reveals these intricacies well. As mentioned earlier, the DJC had been working on a piece of legislation called the SMART Act, which would divert low-level drug offenders from incarceration to drug school. The drug school that the DJC proposed was actually an expansion of a model administered by the Cook County State’s Attorney’s Office, in which participants attend an 8-hour course that takes place on 4 consecutive Saturdays. The recidivism rate was lower than 15% for the program.<sup>162</sup>

After learning of the drug school, members of the DJC approached the state’s attorney’s office to learn more about the program and to discuss expansion. The state’s attorney’s office had full discretion as to what offenders were diverted and would not let

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<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Developing Justice Coalition. “The SMART Act: An Act for County Drug Schools,” Developing Justice Coalition.

DJC members see the criteria they used to select participants. In addition, they claimed that they did not have enough resources to staff the program.<sup>163</sup>

It became clear that the program was not being used that much and was not high on the state's attorney's office's agenda. It did not want to be held accountable for any type of program outcomes, particularly to groups whose job was not on the line in Springfield.<sup>164</sup> As a result, the DJC felt they had to pursue legislation as opposed to striking an agreement with the state's attorney's office. "They [the attorney's office], or any government entity for that matter, would never follow an agreement for which they are accountable to somebody they don't have to," commented Maaria Mozaffar, Legislative Consultant to the DJC.<sup>165</sup>

Mozaffar declares that the key was to formalize interdependence between the different stakeholders. "Without a formal relationship, each stakeholder can pass the buck."<sup>166</sup> In order to get to that point, DJC still needed to convince the Cook County State's Attorney's Office to take ownership of the drug school as a means to reduce drug recidivism. They did so by praising the drug school in the media and other public forums, giving the state's attorney a lot of the credit for its success. The result was that Dick Devine, the Cook County State's Attorney, was indebted to the DJC for the positive press and was much more willing to work with them. Furthermore, the positive press demonstrated to Devine's office the benefits of accepting ownership of the drug school. Once the DJC got Devine's office to the table, they began to work on the legislative language to codify their relationship legally.

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<sup>163</sup> Maaria Mozaffar, interview by author, via telephone, 11 April 2007.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

## **Summary**

These frames document the political narratives being told around the issue of prisoner reentry. Though there may be some overlap between frames, each one represents a unique definition of the problem and implies different solutions. Right now, the public safety frame is prevailing over the other four frames, which restricts the available policy solutions to those that have clear, tangible effects on recidivism. The solutions suggested by the public safety frame often leave out community stakeholders, an important part of reentry. Is there a way to align these frames or create synergy among all actors in the reentry space? I discuss this in Chapter 6.

## Chapter VI: Analysis and Recommendations

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In this chapter, I analyze the frames presented in Chapter 5 to determine if they are able to be aligned within the Illinois policy arena. Here, alignment means that each frame has the potential to thoughtfully inform policy choices among decisionmakers. No frame is automatically discarded just because of its incongruity with another frame. If no frame is automatically abandoned, then theoretically there is an opportunity to create synergy among all the different frames and produce much richer policy responses as a result.

Right now, the public safety frame is dominating policy discourse in Illinois. In order to determine if there is possibility for these frames to be aligned, I explore the nature of the public safety frame's conflict with each of the four other frames. The ability of the competing frames to be aligned with the dominant frame will determine their viability among policymakers. These alignments happen as a result of practice as well as a result of debate. The recommendations that follow come represent strategies for resolving these frame conflicts.<sup>167</sup>

### Frame Conflicts

#### *Ex-Offender as an Underclass vs. Public Safety*

These two frames fundamentally differ on a number of key points.<sup>168</sup> The most salient of these differences is that the “underclass” frame talks about helping ex-offenders reintegrate into society for their own sake while the public safety frame describes

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<sup>167</sup> See Chapter 2 for a discussion of frame conflicts.

<sup>168</sup> For a refresher on what each frame entails in the Illinois debate, refer to Chapter 5.

prisoner reentry as a way for helping society. The fundamental difference in beneficiaries sets the two frames at odds, and because the distinction is so cardinal, makes them difficult to reconcile.

Subscribers to the underclass frame desire the inclusion of ex-offenders in society. These actors work to eliminate the barriers that keep ex-offenders from having their full citizenship rights restored. In this frame, ex-offenders are just a subset of the citizenry with special needs, who are being kept even further behind as a result of discrimination. Therefore, according to this frame, if the barriers to reentry are removed, they are likely to succeed.

The public safety frame, on the other hand, looks at ex-offenders as outsiders, individuals who isolated *themselves* from society and should never fully get back in because of the threat they represent. The criminal justice system literally keeps an ever watchful eye on them via parole officers, which implicitly says “once a criminal, always a criminal.” While the underclass frame decries the scarlet letter that ex-offenders have to wear as unfair because they have paid their debt to society, the public safety frame reminds actors that America does not forgive or forget when it comes to crime. Ex-offenders have to work much harder to regain the trust of society.

### *Supporting Community vs. Public Safety*

Though the public safety frame represents a combination of the crime control model and the due process model, the mapping is not complete. Advocates of prisoner reentry do not have everybody’s attention in Springfield quite yet. “Community organizations still aren’t a fixture in the political system,” comments Mozaffar of the

DJC.<sup>169</sup> Thus, a disconnect still exists between the community and government entities as to how to best support the community in its efforts to grapple with ex-offenders.

The public safety frame represents a realization that being more intentional about preparing ex-offenders to succeed post-release can have dramatic effects on crime. Yet because of the parole officer's directive to scrutinize the lifestyle of ex-offenders, there is still a heavy emphasis on apprehending ex-offenders at the first sign of wrongdoing.

Community residents, however, are much more understanding. In many Chicago communities that experience the return of high numbers of ex-offenders, residents do not blame ex-offenders with the incidence of crime in their neighborhoods.<sup>170</sup> Residents would much rather have ex-offenders as a part of their neighborhood.<sup>171</sup> The social disruption caused by a constant flux of offenders going to prison and coming back out negatively impacts communities. Community residents understand that ex-offenders need to reintegrate into the neighborhood for both the sake of the ex-offender and the neighborhood.

The public safety frame also suggests that the criminal justice system will be integrally involved in the reentry process whereas the supporting community frame suggests that the state government is enabling the community to address the issues occurring with their ex-offenders. Many community residents are leery of the criminal justice system, particularly in the way the criminal system handles former prisoners.<sup>172</sup> This mistrust could possibly lead to ex-offenders and community residents resisting

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<sup>169</sup> Maaria Mozaffar, interview by author, via telephone, 11 April 2007.

<sup>170</sup> Christy Visher and Jill Farrell. "Chicago Communities and Prisoner Reentry," (prepared for the Urban Institute, Sep 2005), 8.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid., 12.

programming or initiatives put on by criminal justice authorities though it is designed to help ex-offenders reintegrate. The following frame conflict speaks more to this dynamic.

*Disparate Racial Impact versus Public Safety*

60 percent of the state prison population in Illinois is black while 28 percent is white.<sup>173</sup> The racial disparity among drug offenders is even greater. Drawing attention to this fact suggests sinister aims on the part of the criminal justice system, a suggestion to which many in the criminal justice system would take offense. Yet, the dramatic difference in numbers is clear and emulate nationwide trends. 30 percent of black males in their 20s are under the control of the criminal justice system and 8.3 percent of the entire black male population is imprisoned.<sup>174</sup>

What explains these disparities is not a blatant racial bias but rather a bias that is subtly interwoven into the way criminal justice policy is constructed. Janet Lauritsen and Robert Sampson use the crack cocaine – powder cocaine dynamic as an example of such a construction. On the federal and state level, possession of crack cocaine, which is mostly used by blacks, begets harsher penalties and longer sentence lengths than does powder cocaine, which is much more likely to be used by whites. Lauritsen and Sampson quote Tonry and Chambliss, “These differences [between penalties for crack and penalties for cocaine] cannot be attributed solely to objective levels of criminal

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<sup>173</sup> Illinois Department of Correctionsm *Departmental Data 2005*, (2005).

<sup>174</sup> Anthony Braga. “Race and the Criminal Justice System,” (lecture, Harvard University, Cambridge, MA, 11 Sept 2006)

danger, but rather to the way in which minority behaviors are symbolically constructed and subjected to official social control.”<sup>175</sup>

This construction of minority behavior as dangerous and threatening to the status quo underlies criminal justice policy and enforcement, leading to policies and enforcement agendas that disproportionately affect minorities negatively. As a result, minorities often view criminal justice authorities as oppressive institutions. Authorities often have a relatively inelastic and small amount of legitimacy in black neighborhoods. The lack of legitimacy obstructs the goal of achieving optimal public safety.<sup>176</sup> It does so in two ways. First, the police and prosecution will be much less able to rely on help from the community in apprehending and prosecuting offenders because the actions of the police and prosecution are not seen as legitimate, which allows the wrongdoer to roam free. Second, as in the previous frame conflict, ex-offenders may be less likely to take advantage of services offered by or through the criminal justice community that will allow them to successfully reintegrate into the community, simply because they do not trust the system. Thus, another crime-reducing mechanism becomes underutilized or ineffective.

#### *Lack of Accountability versus Public Safety*

The public safety frame is shaped to a large degree by the criminal justice system. The criminal justice system is driven by accountability in a very quantifiable way. Police officers are responsible for the number of arrests that lead to indictments. Prosecutors are held accountable by the number of convictions they procure yet a high number of plea

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<sup>175</sup> Janet Lauritsen and Robert Sampson. “Minorities, Crime, and Criminal Justice,” in *The Handbook of Crime and Punishment*, ed. Michael Tonry. (New York: Oxford University Press, 1998), 79.

<sup>176</sup> Randall Kennedy, *Race, Crime, and the Law*, (New York: Vintage Books, 1997), 4.

agreements can seem suspect to crime watchdogs. Judges in criminal cases are judged by the length of the sentences they mete out. Prison officials are assessed, in part, by how long they keep prisoners incarcerated.<sup>177</sup>

In a system where each component has such a wide breadth of discretion, having easy ways to compare and assess activity is important to proving to the public that the criminal justice system is preserving order. The public, which includes the media, community-based organizations, businesses, victims' rights groups, and private citizens, impose a great deal of political pressure on the criminal justice system. As of now, no unit of the criminal justice system has definitively taken the role of reentry on their shoulders. No longstanding prisoner reentry efforts involving the criminal justice system can take place without some unit taking ownership.

### **Recommendations for Frame Alignment**

Each of the following recommendations is designed to resolve the underlying frame conflict. Recall from Chapter 2 that this resolution can occur by two mechanisms: through intense value-driven policy debate and through response to policy in practice. By aligning the frames present in Illinois discourse, the goal is to produce much richer interactions between stakeholders in the reentry space and ultimately, better outcomes for ex-offenders.

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<sup>177</sup> Charles Wellford, "Changing Nature of Criminal Justice System Responses and Its Professions," in *The Challenge of Crime in a Free Society: Looking Back, Looking Forward*. (Washington, DC: U.S. Department of Justice, 1998), <http://www.ojp.usdoj.gov/reports/98Guides/lblf/panel3c.htm> (accessed Sept. 24, 2006)

***Recommendation #1: Create an inter-agency board among the various components of the criminal justice system and hold it accountable for prisoner reentry outcomes***

The Illinois criminal justice system should create an inter-agency board that is held accountable for prisoner reentry outcomes, i.e. recidivism. This recommendation follows directly from the lack of accountability frame and its conflict with the public safety frame. Without a body in the criminal justice system to accept responsibility for recidivism, prisoner reentry efforts are likely to lose traction and be removed from the agenda. By creating a unit that is fully dedicated to reentry issues, prisoner reentry can become more than a temporary focus of the governor and weave itself into a permanent place on the criminal justice landscape.

Representatives from various criminal justice agencies would comprise the board, including top officials at the Illinois Department of Corrections, the Cook County State's Attorney's Office, the Chicago Police Department, Cook County Department of Corrections, and a judge from the Illinois Circuit Court. There would also be representation from some of the relevant committees in the Illinois General Assembly, including the Public Safety Appropriations Committee, Prison Reform Committee, Criminal Law Committee, Housing and Community Affairs Committee, and the Juvenile Justice Reform Committee. Each member would act as a liaison to their professional constituency, soliciting buy-in from their colleagues to advance initiatives pertinent to prisoner reentry.

Board members would listen to each other describe the challenges each member is facing, and then work to design interdisciplinary strategies to address the issue. Strategies should bring the full weight of the system to bear on the respective challenge. This is in keeping with state government's own plans for the criminal justice system. In

the *Criminal Justice Plan for the State of Illinois*, one of the priority issues are improving the cohesion and communication among criminal justice agencies must be improved. The plan determines that all criminal justice entities need to act as part of a system, rethink the role that each entity plays, and develop strategies to best effect needed change and maximize limited resources.<sup>178</sup> By linking every criminal justice component that interacts with offenders/ex-offenders, individual departments can adhere to policies that benefit the whole reentry model as opposed to looking out for their own interests. By infusing the system of performance measures with more reentry-centered metrics, criminal justice professionals will begin to be held accountable for reentry outcomes.

For example, a parole officer has a parolee in his charge who has just failed a drug test, thus violating a condition of his parole. In the current environment, the parole officer might feel compelled to report the incident, thus landing the parolee back in prison. If the inter-agency group existed and each member exerted influence over their respective department, then perhaps the parole officer would be more likely to refer the ex-offender for drug treatment. Or the parole officer may still bring him to the state's attorney but the state's attorney might be more willing to divert him for drug treatment. Creating the inter-agency group focused on prisoner reentry would be a momentous step in fostering an atmosphere conducive to empowering ex-offenders.

***Recommendation #2: Integrate CAPS into the battle against recidivism.***

Both the supporting community – public safety frame conflict and the disparate racial impact – public safety frame conflict highlight the barriers that exist between the

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<sup>178</sup> Illinois Criminal Justice Information Authority, *Criminal Justice Plan for the State of Illinois* (1 Jun 2001), 70.

criminal justice system and the type of communities that many ex-offenders originate from. This complicates any attempt to form linkages between the criminal justice system and the community, to the detriment of ex-offenders. Yet, Chicago already has a very successful program in place that engenders connections between the criminal justice system and the community. CAPS (Chicago Alternative Policing Strategy) has already established a sound rapport with many Chicago communities, a relationship that can be taken advantage of to further support ex-offenders.

CAPS is the city of Chicago's nationally recognized community policing program, in place since 1993. The idea behind community policing is that the police department sees the community as partners. The police and the community then work together to identify, prioritize, and solve problems including fear, disorder and neighborhood decay.<sup>179</sup> Community policing arose out of a body of literature that said if police wanted to fight crime effectively, they would have to become more involved in the community and improve neighborhood environments. Rather than react to crime, police officers were expected to preempt crime by staying attune to community concerns.

In CAPS, the same police officer walks the same beat, i.e. patrols the same community, for at least a year as opposed to rotating every few weeks as is standard in mainstream police units. This allows him to form relationships with community residents and business owners and build trust with both groups. CAPS officers hold regular beat meetings, where both residents and police exchange pertinent information about the happenings of the community. This information need not be just about crime, but can encompass a whole variety of problems such as abandoned buildings that have yet to be secured, vacant lots that have become an eyesore, and intersections that have become

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<sup>179</sup> Anthony Braga, "Community Policing," (lecture, Harvard University, Cambridge, MA, 11 Oct 2006).

dangerous for children to cross at. CAPS officers are then empowered to easily trigger a broad range of city services in response to resident concerns and support problem-solving projects.<sup>180</sup>

What is particularly ambitious about CAPS is that in addition to police officers being trained in how to work with the community, community residents are trained in how to be of help to police officers in order to collectively solve problems. Between 1995 and 1997, about 12,000 civilians were taught to analyze how crime spots are formed and given new tools for solving problems.<sup>181</sup> Thus, the citizenry becomes more than just the eyes and ears for the police, but an extension of the police's reach as they take ownership of their community.

Now imagine there were 12,000 community members in Chicago neighborhoods, properly educated in ways to support ex-offenders in their efforts to reintegrate into society. They would be able to receive the 20,000 prisoners that are now returning to Chicago each year and provide much needed moral support. Being knowledgeable about the services available would allow residents to encourage ex-offenders to take advantage of needed services. CAPS officers should be given the ability to trigger the services pertinent to ex-offenders as well. With community members acting as liaison between CAPS officers and ex-offenders, CAPS officers could readily connect ex-offenders to needed services such as drug treatment, job training etc.

Another benefit that could come out of this initiative is encouraging community residents to look out for other members of their community. Members from disadvantaged communities in Chicago described their neighborhoods as "drug-ridden

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<sup>180</sup> Wesley Skogan. "Representing the Community in Community Policing." in *Community Policing: Can It Work?*, ed. Wesley Skogan (Belmont, CA: Wadsworth Publishing, 2004), 58.

<sup>181</sup> Ibid.

areas with little community spirit...that had not been supportive of felons.”<sup>182</sup>

Sensitizing residents to the challenges that ex-offenders face will also initiate the healing process, as individuals who may have been the victims of crime are now elected to be stewards of the very offenders that may have victimized them. This process must take place, if the community is to be a source of assistance for ex-offenders as opposed to a source of guilt. Hopefully, in time, community residents will come to view ex-offenders as an asset to the community rather than a burden.

***Recommendation #3: Place Neighborhood District Attorneys in communities with highest numbers of ex-offenders***

Establishing Neighborhood District Attorneys (NDAs) could forge another tie between the criminal justice system and the community. NDAs are examples of community prosecutors. These prosecutors are assigned to a specific neighborhood or area. The approach of community prosecutors is defined by several, key elements:

- Proactive approach to crime
- Emphasis on problem-solving, public safety and quality of life
- Partnerships with community, human services, police and other criminal justice agencies to address crime and disorder
- Use of varied enforcement methods
  - Civil law and code enforcement
  - Diverting low-risk offenders
  - Prosecuting high-rate offenders on varying charges<sup>183</sup>

As one can see from the list of elements, NDAs perform similar functions to

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<sup>182</sup> Christy Visher and Jill Farrell. “Chicago Communities and Prisoner Reentry,” (prepared for the Urban Institute, Sep 2005), 11.

<sup>183</sup> Anthony Braga, “The Evolving Role of the Prosecutor,” (lecture, Harvard University, Cambridge, MA, 30 Oct 2006).

CAPS officers. Both partner with the community in order to preempt crime and disorder with problem-solving strategies. The key difference is that NDAs have a whole assortment of legal tools at their disposal that CAPS officers do not have. Having prosecutors that are responsive to prisoner reentry issues helps to ensure that ex-offenders receive the proper intervention in the event they commit a new offense or violate a condition of their parole. Ideally, NDAs might preempt an ex-offender going back to prison.

For example, one way in which a NDA could aid ex-offenders is by guiding eligible ex-offenders through the process of expunging or sealing their criminal records, which would prevent anyone from knowing that they had a criminal record. Expungement calls for the arresting agency, the Cook County Sheriff's Office, the State's Attorney's Office and the courts to physically destroy the records so no one has knowledge of the ex-offender's criminal record. Sealing of records keeps the information from being accessed by the public, though it is still available to law enforcement agencies. The process for both methods is time consuming and complicated. Few people can navigate these processes without legal assistance, and even fewer can afford an attorney.<sup>184</sup> Through the intervention of a NDA, who serves as an accessible source of legal expertise, many more eligible ex-offenders would have their records expunged or sealed, dramatically increasing their chances of being hired. A key risk factor for recidivism would have been averted.

The most valuable contribution that neighborhood district attorneys can make is to provide ex-offenders and police with new legal tools they can use when conventional

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<sup>184</sup> *Restoring Hope*, 40.

ones fail.<sup>185</sup> It would be fair to say that 20,000 prisoners returning to Chicago each year with a little over half of that number returning to prison within three years represents a failure of conventional legal methods. NDAs could infuse new creative energy into the prisoner reentry model and hopefully generate more desirable outcomes.

***Recommendation #4: Advocacy groups should mobilize ex-offenders to tell their own stories***

Ultimately, if the underclass – public safety frame conflict is to be resolved and ex-offenders are to be seen as valid contributors to society instead of exiles, policymakers must literally *see* ex-offenders. The greater the distance legislators are from the subjects of the policy in question, the easier it is for legislators to reject competing frames. This explains, in part, why legislators from districts with little or no ex-offenders subscribe to the public safety frame so strongly and so readily reject other frames. However, if these legislators are brought into more frequent contact with ex-offenders, they may slowly begin to empathize with ex-offenders and recognize them as individuals as deserving of opportunity as anyone else.

Advocacy groups also recognize that putting ex-offenders at the forefront can have a resonant impact. Boyd of the Developing Justice Coalition says that personal testimonies are received well by legislators, including those of ex-offenders.<sup>186</sup> The passion that comes across from men and women, who have spent significant portions of their lives locked in a cell, cannot be duplicated by anyone. Thus, their potential to persuade policymakers is unmatched.

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<sup>185</sup> Barbara Boland, “What is Community Prosecution?” *National Institute of Justice Journal* 231 (1996): 38.

<sup>186</sup> Marianna Boyd, interview by author, Chicago, Illinois, 29 March 2007.

William Moore is an ex-offender, who was imprisoned for 20 years from the age of 16. He now works as a job training coach for the Safer Foundation in Chicago. When asked what would he tell policymakers if he had the chance, he replied:

I would tell them to spend one week behind bars. They have to remember that they're locking up human beings. They need to know how it feels going through the whole process and waking up every day looking to release. They need to have some type of compassion. Most of them talk about how they're Christian; they need to start backing it up.<sup>187</sup>

Ex-offenders like William Moore have the perspective of someone who has gone through the challenges of prison as well as life on the outside. Policy makers need to understand those challenges on a visceral level. Unfortunately, it is often difficult to get ex-offenders to fight for opportunity. Chris Moore of the Exodus Renewal Society describes it as one of his biggest challenges, "Ex-felons don't step up, but ultimately, if we're going to get anywhere ex-felons need to step up."<sup>188</sup>

Often, ex-offenders feel they can not afford to dedicate time to advocacy because of the obstacles they need to navigate. In addition, many ex-offenders want to live in relative anonymity and not draw attention to the fact that they spent time in prison.

"Many ex-offenders are scared of the stigma. But we need to take advantage of this window... The ones who are doing the things they're supposed to will sway fence-sitters. The 30% or 40% who ain't going back [to prison] must come forward and we must encourage them to come forward."<sup>189</sup>

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<sup>187</sup> William Moore, interview by author, Chicago, Illinois, 28 March 2007.

<sup>188</sup> Chris Moore, interview by author, Chicago, Illinois, 16 January 2007.

<sup>189</sup> William Moore, interview by author, Chicago, Illinois, 28 March 2007.

## **Closing Comments**

This thesis explored the policy frames around the issue of prisoner reentry in Chicago and in Illinois. In my research, one frame emerged as the prevailing frame in Illinois policy discussion, the Reentry Means Public safety frame. This frame paints rehabilitation as the answer to crime reduction. In doing so, however, it relegates the value of rehabilitation solely to a crime reduction mechanism. This leaves ex-offenders and advocates of ex-offenders in a precarious position.

What happens if crime and recidivism rates do not fall fast enough for the results-driven criminal justice system? What if a substantial body of literature appeared as it did in the 1960s, discrediting the value of rehabilitative methods as a crime-reducing technique? What if the recent budget frugality gives way to fiscal opulence and legislators are able to respond to public clamor for harsher penalties with more severe punishment? The house of cards, built upon the foundation of tying rehabilitation solely to crime reduction, will have come tumbling down.

The reflection that has occurred among Illinois policymakers around the crime control frame has remained simply around the fact that the crime control model was too costly and did not significantly reduce crime. The reflection has yet to explore the deeper implications of how the crime control frame viewed prisoners and ex-offenders. Subscribers to the crime control frame viewed criminals more as monsters than as members of society who chose the wrong route. Illinois policymakers have yet to acknowledge why that construction persisted, though many observers would place race at the root of the construction.

If the public safety frame represents the product of frame reflection by Illinois policymakers, legislators must continue to engage in frame reflection and advocates should constantly encourage policymakers to undergo the process. The underclass frame, the disparate racial impact frame and the supporting community frame can help current subscribers to the public safety frame realize the intrinsic value in helping ex-offenders lead a fulfilling life. These frames are fundamentally about restoration – restoring the rights of a maltreated population, restoring faith in the establishment, restoring the connections that hold a community together.

Aligning these frames with the public safety frame will allow prisoner reentry initiatives to resist attacks on their merit as a crime reduction mechanism because those initiatives will be seen as more than ways to reduce recidivism. Without the reconciliation of these frames with the public safety frame, advocacy groups will be relegated to making only incremental policy gains despite having the attention of many decision makers. My own recommendations were able to align the public safety frame with the lack of accountability frame and the supporting community frame, but not as clear on how to align the underclass frame and the disparate racial impact frame with the public safety frame.

For fundamental change, advocacy groups and community based organizations should embrace the structurally based, policy frames instead of remaining content with the public safety frame. These frames, the underclass frame and the disparate racial impact frame, recognize the value of reentry initiatives as something larger than crime reduction, but as opportunities for life transformation. If frames do indeed “express themselves in powerful metaphors that help to shape the world-views of actors in policy

settings,” advocates for ex-offenders must make these metaphors much more compelling to capture the attention of policy makers.<sup>190</sup>

In his efforts to explain how powerful the stigma of being an ex-offender was, William Moore likened employment discrimination to a man and woman meeting and eventually getting married. Things are going well, but then one day the man finds out that the woman was exceptionally promiscuous before they had met. The husband views promiscuity as a very undesirable trait. The man is distraught but decides he is going to stay with his wife because of all the good years of knowing who she is now. Had he learned about her past earlier on in the relationship, he and she might not have wound up getting married and living happily ever after.<sup>191</sup>

Moore believes the same situation applies to ex-offenders. “If you give the chance for the guy to establish a record with the employer and the employer finds out that he was in prison later down the line, he’s not going to fire that guy.”<sup>192</sup>

Here, the respondent conjured a powerful metaphor with very clear imagery to strike a chord in the ears of his listener. Although this particular one may not be fit for policy discourse, advocacy groups would do well to find a metaphor that communicates the strength of the stigma and the rebirth of the ex-offender as a new, law-abiding individual. Telling the story of the ex-offender is often complicated and has many turns. Being able to tell it simply could open the door for structural change.

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<sup>190</sup> Richard Cho, *Putting the Pieces Back Together*, 13.

<sup>191</sup> William Moore, interview by author, Chicago, Illinois, 28 March 2007.

<sup>192</sup> Ibid.

## **Further Research**

Due to time, financial and travel constraints, I was unable to talk to as many actors as I would have liked. In order to fully flesh out the frames present in Illinois corrections policy, it would have been advantageous to talk to all the various government stakeholders. Being unable to talk to neither state legislators nor a representative from the State's Attorney's office represents a big missed opportunity to gain inroads into the policy discussions happening in Illinois, given the power they hold in the Illinois policy arena. The Cook County Sheriff's office would have been another valuable stakeholder.

The criminal justice system encompasses one group of stakeholders that this thesis focused on. One group of stakeholders that this thesis did not engage with was the business community. Ultimately, if reentry initiatives are to have longstanding success, the business community will need to play a pivotal role in providing opportunities for ex-offenders. Learning what frames are successful to bringing the business community on board with prisoner reentry initiatives would not only be a valuable contribution to the literature but helpful to hundreds of thousands of ex-offenders nationwide.



## Appendix A: List of Respondents

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Ryan P. Allen  
Doctoral Student, Massachusetts Institute of Technology

Deanne Benos  
Assistant Director, Illinois Department of Corrections

Marianna Boyd  
Policy and Justice Coordinator, Target Area Development Corporation  
Lead Organizer, Developing Justice Coalition

Anthony Lowery  
Director of Policy and Advocacy, Safer Foundation

Willie Jennings  
Outreach Worker, Operation Ceasefire

Chris Moore  
Executive Director, Exodus Renewal Society

William Moore  
Job Coach for the Sheridan Project, Safer Foundation

Angela Rudolph  
Assistant to the Mayor on Prisoner Reentry  
City of Chicago, Office of Mayor Richard M. Daley

Maaria Mozaffar  
Chair, Civil Liberties Coalition of Illinois  
Legislative Consultant, Developing Justice Coalition

Steven Perkins  
Outreach Worker, Community Support Advisory Council

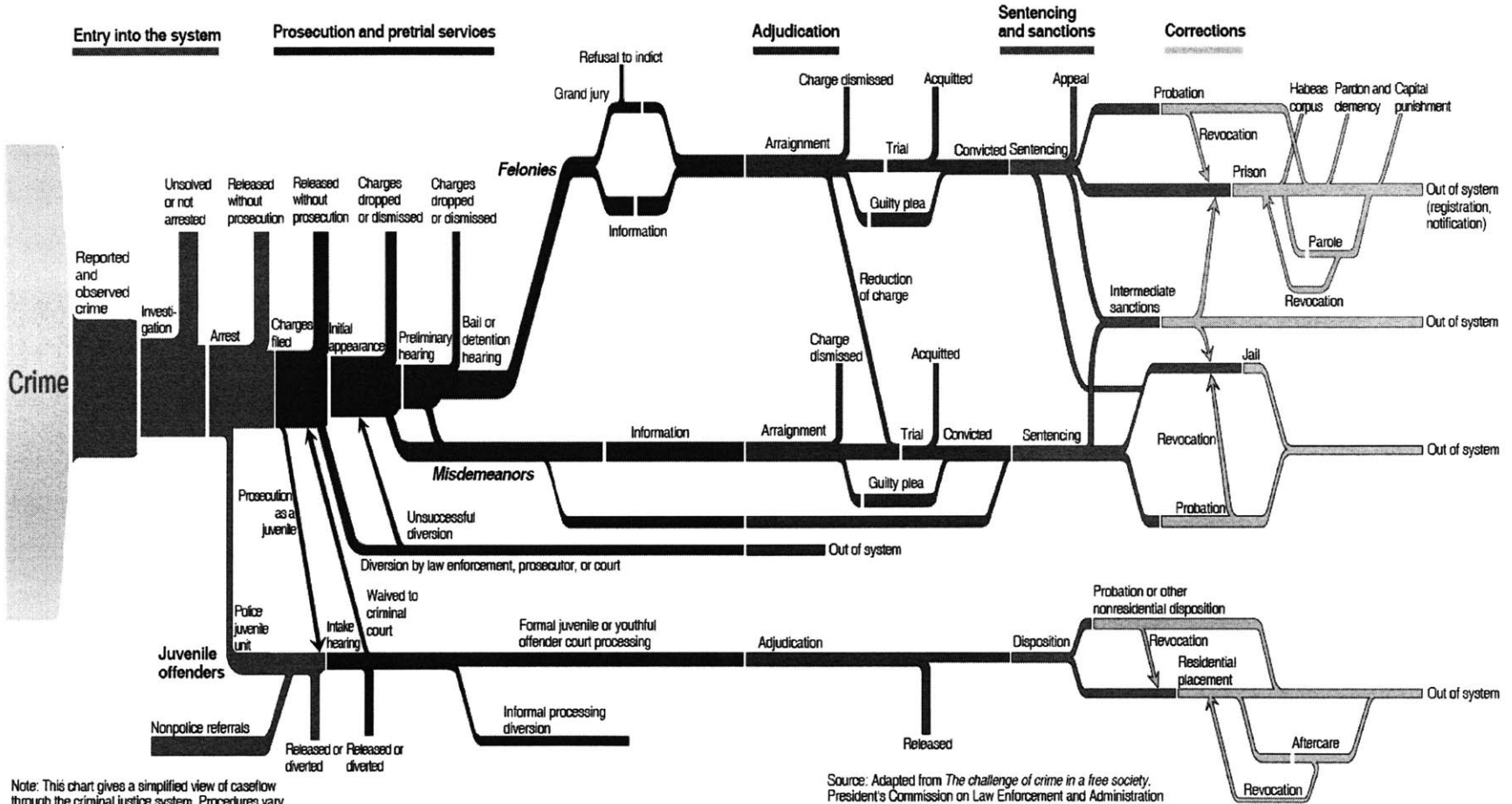
Margaret Stapleton  
Senior Attorney, Sargent Shriver National Center on Poverty Law

Russell Wolff  
Senior Research Associate, Institute for Research and Justice  
Northeastern University



# Appendix B: Criminal Justice Caseflow

What is the sequence of events in the criminal justice system?



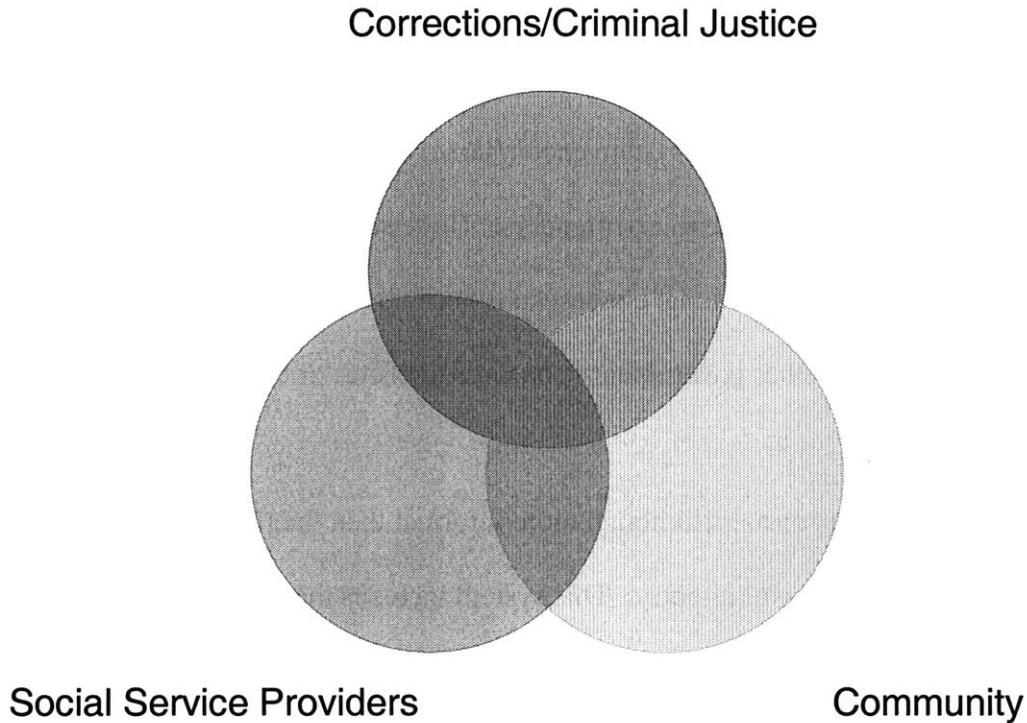
Note: This chart gives a simplified view of caseflow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseflows.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.



## Appendix C: Model of Reentry

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Ryan Allen, in his master’s thesis, posited the model for prisoner reentry as the interaction of three groups of stakeholders.<sup>193</sup> Each one must be sufficiently active in order for ex-offenders to lead fulfilling lives once outside of prison and reduce the risk of recidivating. Those three groups are the criminal justice system, the formal social service system, and the community system.

The criminal justice system refers specifically to the corrections system. Corrections interventions can be broken down into in-prison programming and post-prison programming. In-prison programming consists of vital services such as counseling, educational classes, health care, and post-release planning. Post-prison

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<sup>193</sup> Allen, *A Model of Reentry*, 7.

programming is comprised mostly of supervised release programs, i.e. parole and probation. Both parole and probation exist to monitor an ex-offender's transition back into society, connecting him to services where appropriate and to send him back to prison should he violate conditions of his supervised release.

The formal social service system encompasses the gamut of social service agencies that may be applicable to ex-offenders. These services include housing assistance, job training, educational classes, substance abuse counseling and health care. Providers can include either government-sponsored agencies or community-based organizations.

The community system, although more informal than the first two systems, play a paramount role in successful re-entry. This system includes the ex-offender's family and friends, social networks, churches etc. As mentioned earlier, support from a family member can go a long way into creating a positive foundation for an ex-offender's re-entry. Conversely, regularly interacting with friends who are still criminally affiliated can have grave consequences.

The linking of these three systems is important to giving the ex-offender a fighting chance against the challenges that he faces. Powerful barriers arise that prevent many ex-offenders from obtaining meaningful employment, desirable housing or sufficient resources to address health and/or substance abuse issues.

## **Appendix D: Licensed Occupations Open to Applications from Ex-Offenders**

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As of August 1, 2006, Certificates of Relief from Disability (CRDs) are eligible for 27 occupational fields. However, only persons who have convicted of no more than two non-violent felonies are eligible. CRDs do not guarantee a license, but allow ex-offenders, who would otherwise be barred, to apply. The fields that they are eligible to apply for are listed below:

- **Barber, Cosmetology, Esthetics, and Nail Technology**
- **Athletic Training**
- **Professional Boxing**
- **Shorthand Reporters**
- **Interior Design**
- **Land Surveyor**
- **Landscape Architecture**
- **Marriage and Family Therapy**
- **Professional Counselor and Clinical Professional Counselor**
- **Real Estate**
- **Roofing Industry**
- **Engineering**
- **Electrologist**
- **Boiler and Pressure Vessel Repair**
- **Water Well and Pump Installation**
- **Private Employment**
- **Animal Welfare**
- **Farm Labor Contracting**

Recently added to the list of occupational fields eligible for Certificates of Relief from Disabilities:

- **Auctioneer**
- **Architecture**
- **Dietetic and Nutrition Services**
- **Environmental Health**
- **Funeral Directing and Embalming**
- **Land Sales**
- **Professional Geology**
- **Accounting**
- **Structural Engineering**



## Appendix E: Document(s) of Informed Consent

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Out of the Cell: *Framing Prisoner Reentry in Illinois Corrections Policy*

You have been asked to participate in a research study conducted by Jonathan Harris from the Department of Urban Studies and Planning at the Massachusetts Institute of Technology (M.I.T.). The purpose of the study is to determine what options are being explored to better prepare prisoners in the Illinois state prison system for life on the outside and what are the framings around those various policy responses. The results of this study will be included in Jonathan Harris's Masters thesis. You were selected as a possible participant in this study because you are a stakeholder in the policy arena surrounding prisoner reentry. You should read the information below, and ask questions about anything you do not understand, before deciding whether or not to participate.

- This interview is voluntary. You have the right not to answer any question, and to stop the interview at any time. We expect that the interview will take about 30-45 minutes.
- You will not be compensated for this interview.
- Unless you give us permission to use your name, title, and / or quote you in any publications that may result from this research, the information you tell us will be confidential.

This project will be completed by May 11, 2007.

I understand the procedures described above. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

*(Please check all that apply)*

I give permission for this interview to be recorded on audio cassette.

I give permission for the following information to be included in publications resulting from this study:

my name    my title    direct quotes from this interview

Name of Subject \_\_\_\_\_

Signature of Subject \_\_\_\_\_ Date \_\_\_\_\_

Signature of Investigator \_\_\_\_\_ Date \_\_\_\_\_

Please contact (*your name and contact info*) with any questions or concerns.

If you feel you have been treated unfairly, or you have questions regarding your rights as a research subject, you may contact the Chairman of the Committee on the Use of Humans as Experimental Subjects, M.I.T., Room E25-143b, 77 Massachusetts Ave, Cambridge, MA 02139, phone 1-617-253-6787.

## **Script for Phone Interviews to Receive Informed Consent**

The following script will be read after introductions have been made, i.e. name, school, etc.

I am doing my masters thesis around the issue of prisoner reentry, focusing in Illinois. I am attempting to find out what options are being explored to better prepare prisoners in the Illinois state prison system for life on the outside. I also want to learn what are the talks happening around those different policy options. I thought you would be a good person to talk to regarding this issue, because as \_\_\_\_\_ (*role*), you have a unique perspective on reentry in Illinois. The interview should take from 30 - 45 minutes.

The interview is completely voluntary, meaning you can stop it at any time and can refuse to answer any question you choose. You will not be compensated for this interview.

Any information shared in this interview will be kept confidential unless you give me permission to use your name, title and/or quotes from this interview in any publications.

Do I have your permission to use your name and/or title in any resulting publications?

May I use direct quotes from this interview?

Thank you.

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