

The Power of Victims: Standing Up for Our Rights in Illinois
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Prison reform advocates in several states have begun to use the high cost of incarceration to argue to politicians that sentencing guidelines need to be changed, perhaps even retroactively, reducing sentences for current inmates. While the national debate remains lively about whether the purpose of prison is to punish or to rehabilitate, strained state budgets provide a new rationale for pushing for changes in sentencing of criminals. But instead of focusing on the non-violent drug offenders that account for the majority of the nation's prison population, some are actually proposing that the nation's most violent offenders should be released early. These advocates make their case based on the nation's rising prison population due to decades of tougher sentences for crimes, and rising health care costs for the incarcerated. These advocates have taken up measures proposing early release in several states, such as House Joint Resolution 80 in Illinois that "studied" possibly bringing back parole to the state that has had truth in sentencing laws in place since the late 70's.

Supporters of the HJR 80 effort are connected with "Long Term Prisoner Policy Project", staffed by a Soros Foundation funded fellow, working with the John Howard Association, a Canadian based prison watchdog group with offices in Chicago, local defense attorneys and other prisoner advocates have joined forces to advance this effort to end "determinate sentences" passed under the "Truth in Sentencing" reforms that swept the nation in the 70's and 80's. Determinate sentencing became law in Illinois and many other states after it became painfully aware that too much discretion for judges across the nation's court systems had resulted in wildly inconsistent and random sentences for very serious crimes.

Amazingly, these activists managed to pass HJR 80 unanimously through both houses of the Illinois General Assembly in the spring of 2006 to "study" the issue. They set out to accomplish this, however, by employing an "under the radar" strategy that did not fully inform legislators, the public, and most of all, the victims of the original crimes of what they were including in their legislative study. The wording of the resolution repeatedly denounced one sentence in particular – life without parole (LWOP). Legislators, who often do not thoroughly read what they vote on, were told it was a prison cost study, and therefore the measure received no opposition.

(The full text of HJR 80, and all other issues discussed in this article can be read in full at our website www.illinoisvictims.org)

The HJR 80 study was clearly a mechanism to get a recommendation sent by the legislative study committee back to the legislature itself that would call for the re-introduction of parole for all Illinois prisoners, even those sentenced to natural life. One example of materials submitted to the legislative study committee group was a report written by prisoners' wives and girlfriends. It alleges, among other things, that dramatic

cost savings that would be realized by the state if all inmates who have served 25 years or more were paroled.

One of those who could potentially be freed was the young man who brutally murdered my sister, her husband and their unborn child. He now serves three life without parole sentences in the Illinois Department of Corrections. The fact that we have not had to face regular battles before a parole board these last 17 years to keep him incarcerated has freed me to do much good work on behalf of violence prevention. Under the HJR 80 advocates' proposal, this killer would have a chance to be free someday, and lots of victims like us could face a lifetime of embattled parole hearings under the threat of the killer walking free.

There are no other words to describe my personal reaction upon hearing the news of this study in the state legislature. I was severely re-traumatized. I could not sleep, I cried all the time, and I could focus on little else. These feelings of dread were only made worse by the realization that with the scope of the HJR 80 study covering between 4000 and 5000 inmates, literally tens of thousands of victims' families were facing the same horror, though they did not yet know it.

When my surviving sister and I discovered what they were doing, we had no choice but to get busy and organize. Luckily, I am married to Bill Jenkins, fellow murder victims family member and author of the renowned book for crime victims *What To Do When The Police Leave: A Guide To The First Days Of Traumatic Loss* (WBJ Press). His experience in victim advocacy has been an invaluable resource for our efforts.

We met with the prison reform advocates, prisoner families, and all the elected officials that we could. Our message was simple: all victims had the right to be notified of this study as long as retroactive sentence reduction was on the table. We knew that Illinois law mandates only that victims be notified *after* an inmate is released, too late to have any input in the process.

We also asked for victim representation on the study committee. Cook County States Attorney Richard Devine was incredibly supportive. House Minority Leader Tom Cross thankfully appointed Bill Jenkins to the panel. After we met with Attorney General Lisa Madigan, she appointed a victim advocate to the Long Term Prisoner Study Committee. Even Governor Rod Blagojevich met with us personally and agreed to help by talking to key legislators and appointing another prosecutor to the study.

We spread the word to several Illinois victim advocates, Bill set up our website, and we presented this information to the National Organization of Victim Assistance (NOVA) board at the August 2006 conference in Florida. The rapid response we got from NOVA was truly helpful. A national resolution, jointly sponsored by NOVA and Parents of Murdered Children (POMC), was generated and sent to the entire HJR 80 committee calling for victims' rights to be respected in this process.

One of the problems we faced was how to notify victims that this study was taking place, since we felt sure that victims needed to be informed in advance so that they could decide whether or not they would want to be heard in this deliberative process. The Illinois General Assembly, other than making public postings of all their deliberations, never notifies affected constituencies of work that they do on their issues. The severely overburdened prosecutors and victim advocates' staff did not have the necessary records and could not do that kind of notification in any thorough manner without significant new resources, though many of them wished they could. And the Illinois Department of Corrections, which we determined to be the only body that actually had most of the victim contact information, refused to notify affected victims of the study. They reiterated that their only obligation for notice was after changes to the sentence were made or after the inmate was released. So, despite massive disruption to our personal lives, it fell to us to try to get the word out.

Once again we bear witness to the sad fact that if victims' rights are going to be respected, it is up to victims to make it so.

We found through personal contacts and word of mouth a few other victims who also were very concerned about this effort to retroactively change sentences without fully informing victims and the public. Our friends from Georgia, Gordon and Elaine Rondeau, of the National Coalition of Victims in Action (NCVIA), whose daughter's killers are serving their sentences in Illinois, helped us to connect to other victims and survivors around the country to make them aware that something like this could happen in their states. The NCVIA's Media Director, Polly Franks of Virginia, contacted national press about the critical situation.

Our website petition and mailing list grew. One amazing new victim friend, Gerri Flynn of Rockford, whose son was tragic murder victim just a few years ago, circulated a petition, along with friends and family, and her Winnebago County victims advocate Barb Stone, that collected thousands of signatures in just one week demanding that the committee either notify all victims families or take retroactivity off the table.

To let the HJR 80 committee members know that we were not going to go away until the victims concerns were addressed, we showed up at their meeting wearing buttons saying "What About the Victims?", bringing along a local news camera crew. We finally were beginning to get noticed by the decision-makers in the state legislature.

Those actions prompted many HJR 80 committee members to reassure us that they had no intention of just opening the prison doors, and that many other issues such as health care, education and recreation programs, etc, were the most important goal. But we continued to press for more iron-glad guarantees. Finally, and reluctantly, the committee chair agreed in a letter personally addressed to me to take retroactivity "off the table".

We had succeeded on behalf of thousands of victims who never even knew about the danger this effort posed.

Only a few peaceful weeks at the holidays were to pass before we found out that the undaunted prison reformers have now launched a new legislative effort called Citizens for Earned Release (www.ilcer.org). They are re-packaging their push, now directly to the legislature, as a selective and earned release that they claim is very different than parole. But when pressed for an answer to the question, could my sister's killer still possibly get out, even though he is sentenced to natural life, three times over, under your proposal, the answer was "yes".

So, we continue to advocate to them for victim involvement at every step of their process, so far to little avail. We remain vigilant as they also are maneuvering to remove "law and order" voices on the Illinois Prisoner Review Board, already with some success. Just this week a murderer sentenced to 150 to 300 years under the pre-1978 indeterminate system was paroled without even reaching 30 years or 8% of his sentence. Every year the victims' family had been notified of the parole hearing and every year they had placed significant emotional energy into begging that parole be denied to a man whose execution of their father was so violent that it is too horrific to describe. And yet mysteriously, this year they received no such notice, and the killer was released. They were told the day after he was freed. We feel that it is important for victims to be notified of every step of the cases in which they are involved and empowered to have always have a voice in that process if they so choose.

We know of similar efforts to retroactively reduce sentences that have already happened in Pennsylvania, and a new group is organizing in New York. Though we do not oppose some reforms in our prison system, victim advocates must be watchful for this very real trend nationally, and be prepared to advocate for victims' rights and public safety to be respected in the discussion. We hope each state will be watchful for similar efforts in their own areas and enter into the discussion early enough in the process to make a difference for victims.

Ultimately, this nation is faced with a decision about whether or not the sentences that the worst among us are serving in our prisons are going to be carried out or cut short. As we debate the high costs of this important question to all concerned, let us never forget that victims have paid the highest price of all.