

TESTIMONY BY CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND CHICAGO VOTES BEFORE THE ILLINOIS SENATE CRIMINAL LAW COMMITTEE IN SUPPORT OF HOUSE BILL 2541 MAY 7, 2019

Submitted By:

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I. INTRODUCTION

Thank you for the opportunity to submit testimony today in support of Illinois House Bill 2541 ("HB 2541"). Chicago Lawyers' Committee for Civil Rights (Chicago Lawyers' Committee) has operated as Chicago's preeminent nonprofit, nonpartisan civil rights legal organization since 1969, and we work to secure racial equity and economic opportunity for all. We provide legal representation through partnerships with nearly 50 member law firms. Chicago Votes is a nonpartisan, non-profit organization building a more inclusive democracy by putting power in the hands of young Chicagoans and engaging and developing a new generation of leaders by opening the doors of government and politics to young people from all corners of the city. Our organizations jointly present this testimony in support of House Bill 2541. Both our organizations serve as steering committee members of Just Democracy Illinois, a non-partisan coalition that also supports this bill.

The Voting Rights Project of Chicago Lawyers' Committee was established to eliminate, reduce, and prevent barriers to voting for communities of color and low-income residents in Illinois. We advocate for expanded voter access for all communities, regardless of race, ethnicity, socioeconomic, or disability status. A major component of our work is Election Protection, the nation's largest non-partisan voter protection program, which operates the 866-OUR-VOTE hotline and supports companion lines at 888-VE-Y-VOTA, 888-API-VOTE, and 844-YALLA-US. Election Protection hotline and pollwatcher volunteers have answered thousands of voter questions and resolved numerous problems at the polls. We help voters in nursing homes and pretrial detention in collaboration with local election authorities. Our work puts us in a unique position to understand voter-access barriers, investigate and remedy problematic practices, provide information on voting rights, and advocate for necessary reforms. Especially relevant to this bill, we have assisted numerous voters who have a past criminal record and are now eligible to vote in Illinois.

In Illinois today, there are approximately 4 million individuals with past criminal records due to felony convictions. This number continues to grow, as Illinois correctional facilities release an additional 30,000 people annually. Unfortunately, millions of these formerly incarcerated Illinois



citizens are trapped in a vicious cycle of re-incarceration and exclusion from civil society. ¹ This cycle harms not only those marginalized individuals, but the state of Illinois as a whole. As Governor Pritzker has noted, Illinois now faces the "need to build strong social connections and create economic opportunity" for prisoners through the establishment of "rehabilitative services, job training, and re-entry services that begin in prison."²

HB 2541 seeks to address the problem of recidivism. If passed into law, HB 2541 will provide in-person, peer led civics education to incarcerated Illinois citizens preparing to re-enter society. This education will inform re-entering citizens of their civic responsibilities and of voting processes – about which too many formerly incarcerated community members are simply unaware. As one community member put it,

Many convicted felons have a low morale because of the stigma that they are faced with on a daily basis. As a convicted felon myself, I've learned that being civicly [sic] engaged is empowering because it gives one a sense of being connected to their community as well as to society as a whole. I believe that the passage of this bill will restore confidence to countless convicted felons in Illinois, many of whom are not aware that their voices still matter in the process of democracy. The passage of this bill will convey that lawmakers, our elected officials, want citizens who are being released from prison to be civic-minded, to be moving in that direction so that when they are coming out they are interested in being productive members of society.³

In this way, HB 2541 offers Illinois a proactive approach to reducing recidivism rates, enhancing civic participation, and strengthening communities across the state.

II. OVERVIEW OF HB 2541

A. Purpose

HB 2541 was written with input from community members with criminal records, who highlighted the lack of basic information available to them about their continued rights as citizens. Many individuals report mistakenly thinking that a conviction meant that they permanently lost the right to vote because of lack of knowledge, misinformation from government personnel, or because of being incarcerated before reaching the age of 18 and never having voted before. Many people

Carol Marin & Don Moseley, Tracking Illinois' Released Prison Population, NBC Chicago (May 7, 2014), available at https://www.nbcchicago.com/investigations/Released-Inmates-Face-Roadblocks-Adjusting-to-Society-258402151.html.

² See Illinois Justice Project: J.B. Pritzker Questionnaire Answers, https://www.iljp.org/reentry (2018).

This is an excerpt of a statement from an incarcerated community member in Stateville Correctional Center in Illinois. This statement and additional statements are included in an Appendix attached to this testimony. These individuals were students in a class taught by Dr. Christina Rivers, Associate Professor of Political Science at DePaul University.



describe the psychological toll that results from being pushed out of civic spaces, and how this feeling of isolation and being an outcast poses a major barrier to successful reintegration.

Conversely, many community members identified the increased feelings of agency that can result from a civics education and the potential positive effects on rehabilitation. One community member stated "Being from a marginalized community, I felt some things are out of our control. This is a big misconception in our society. Some things are in our control. For instance, our opinion [sic] are within our control and our choices and the visions for our communities and society are within our control. The way we can empower our ideas, civil rights, and opinions is by voting in who we want in office, that share our political ideas and not the ideas of the establishment. I believe by educating [citizens] on their civic rights is a step in the right direction." Another stated, "I never realized the importance of my 'voice' until it was taken away from me. The fact that voting is a voice one shouldn't take for granted, this legislation has the potential to give a marginalized demographic its voice back." Others have expressed that people who have completed their sentence need to know that they are still part of the community, that they have a say in the world, and that their votes will be counted.

Community members with criminal records pointed to the need for a *peer-led* civics workshop in correctional institutions, which would both reduce costs and increase the relevance of the curriculum. As one community member with a criminal record stated, "The civic peer education program is not only cost efficient but as a form of collaborative learning, it is a powerful tool in the prison setting. Peer-led education creates a particular kind of social context for conversation: a community of peers who would be more inclined to interact and engage one another on such important issues." This also comports with the "lived civics" model recommended by civic education experts locally and nationally, utilizing asset-based civic learning, meeting students at the intersection of their lived experiences.

B. Procedures

HB 2541 will provide a civics education program to incarcerated individuals detained within the Department of Corrections and the Department of Juvenile Justice. The program will be administered to "re-entering citizens," defined as incarcerated citizens who are at least 17 years of age and are scheduled to re-enter society within 12 months. Importantly, the program will be

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See generally C. COHEN ET AL., LET'S GO THERE: RACE, ETHNICITY, AND A LIVED CIVICS APPROACH TO CIVIC EDUCATION (GenForward at University of Chicago 2018).



peer-led by other incarcerated citizens. These "peer educators" will be specifically trained by non-partisan civic organizations on topics such as governmental institutions and current affairs.

The program itself will consist of three, ninety-minute workshops; completion of all workshops will be a mandatory component of the standard release process. In each session, re-entering citizens will be exposed to a rigorous civics curriculum, which will cover a variety of civics subjects, including voting rights, governmental institutions, current affairs, and simulations of voter registration, elections, and democratic processes. Nonpartisan civics organization shall provide periodic updates to this curriculum based on major developments in Illinois civics. The organizations submitting this testimony are willing to assist with developing the curriculum. Educational institutions have also expressed interest in assisting with developing the curriculum. Peer educators will disseminate this program content either verbally, in print, or over department-approved broadcasts.

C. Similar Programs

HB 2541 builds on past legislation, combining the strengths of successful civics education programs with models of programming that have been shown to be effective in the prison setting.

i. Illinois Civics Education Requirements

The Illinois Civics Mandate, codified in 105 ILCS 5/27-22, serves as an important model for statutorily-mandated public civics education. That statute, which outlines course requirements for Illinois high school curricula, was amended in 2015 to include a one-semester civics requirement for all Illinois public high school students. In relevant part, the amended text of the act provides that:

"[A]t least one semester must be civics, which shall help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives. Civics course content shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. School districts may utilize private funding available for the purposes of offering civics education."

In clarifying the prospective impact of this statutory requirement, the Illinois State Board of Education emphasized that one principal goal of the act is "to engage students in practices of citizenship." Indeed, this state civics course requirement has already generated measurable increases in student civic engagement.⁷ The success of, and bipartisan support for, this statewide civics mandate demonstrates the importance and viability of similar civics coursework in other settings, such as in the Illinois prison system.

⁷ See Shawn Healy, Civics in the Middle, (McCormick Foundation Newsletter 2019), available at https://mailchi.mp/mccormickfoundation.org/civicsinthemiddle-campaign-update-2019?e=ecfedc7ce6.

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ii. Public Health Programs

Another helpful model in Illinois is the Illinois Department of Corrections and Illinois Department of Public Health HIV/STD prison peer education program, which was initiated in 1993 under the IDOC programs services division. This program demonstrates the importance and feasibility of peer education programs within the prison system. Specifically, the program features a curriculum "designed to train individuals in the incarcerated population to become peer health educators." After incarcerated individuals successfully complete this fixed curriculum, they are certified as peer instructors. This peer-to-peer education model further corroborates the viability of a peer-to-peer civics education program within the Illinois prison system.

iii. Prisoner Entrepreneur Education Program

Finally, an additional helpful legislative precedent within Illinois comes through the Prisoner Entrepreneur Education Program ("PEEP"). PEEP, established by statute on August 24, 2017, created a five-year educational pilot program to be administered by IDOC. The program's purpose is to "provide inmates with useful business skills for use after release from prison in an effort to reduce recidivism rates for self-motivated individuals." Importantly, PEEP outlines processes for peer educators and includes a distinct section outlining curriculum parameters for the program. HB 2541 does the same and pursues similar goals of promoting the successful integration of reentering citizens and reducing recidivism rates.

III. ADVANCING CRIMINAL JUSTICE REFORM IN ILLINOIS

HB 2541 fits well within the larger bipartisan criminal-justice reform efforts happening in Illinois. On February 11, 2019, Governor Pritzker established by executive order the Justice, Equity, and Opportunity Initiative (the "JEO"). In this executive order, Governor Pritzker highlighted the unfortunate effects the criminal justice system has had on many Illinois citizens. In particular, the order noted that "45% of people released from prison recidivate, a clear indication that the Illinois prison system must do more to successfully rehabilitate people and prepare them to return to their communities after release." Lieutenant Governor Stratton, who now leads the initiative, further explained that the JEO "will move [Illinois] from a strictly punitive system to one that examines the root causes of the issues we face while creating solutions that put community at the center." To that end, Governor Pritzker has called for new "programs that will test groundbreaking efforts to reform the criminal justice system." HB 2541 answers this call.

A. HB 2541 and Civic Participation

⁸ HIV CORRECTIONS INITIATIVE, http://www.dph.illinois.gov/topics-services/diseases-and-conditions/hiv-aids/hiv-corrections-initiative (last visited Nov. 27, 2018).

⁹ 730 ILCS 5/3-12.5-5.

¹⁰ Illinois Executive Order 2019-09.

¹¹ *Id*.

¹² Id



HB 2541 will facilitate civic participation among Illinois prisoners preparing to re-enter society. As set forth in the bill itself, HB 2541 endeavors "to promote the successful integration of re-entering citizens, promote democracy, and reduce rates of recidivism within this State." An important piece of HB 2541's effort to further these goals is education on voting processes. Unfortunately, contact with the criminal justice system, particularly through incarceration, has been negatively associated with voter registration and voter participation.¹³ It has been found, however, that enfranchisement – inclusion in the voting process – offers a meaningful way for formerly incarcerated persons to successfully reintegrate themselves into society. ¹⁴ This is precisely why Illinois took the significant step of re-enfranchising incarcerated citizens automatically upon their release. However, many formerly incarcerated Illinois citizens are simply unaware of the automatic restoration of their voting rights upon release and of the process to reclaim those rights. The Illinois Advisory Committee to the United States Commission on Civil Rights found in a 2018 report that individuals who have been released from prison in Illinois after serving a sentence for a felony conviction can be discouraged from voting because they are unaware of their renewed enfranchisement. 15 HB 2541 will take the important and necessary step of educating re-entering citizens about their voting rights. The civics education programs established by the bill will also discuss voter registration procedures and the mechanics of the voting process, although voter registration itself will not be occurring in the program.

The goal of HB 2541, however, is broader than simply encouraging voter participation. Importantly, HB 2541 has the more universal goal of fostering a meaningful sense of citizenship for a marginalized community of individuals. HB 2541 will do just that through the establishment of in-prison programming that encourages interaction and discourse regarding a variety of topics in civics. Indeed, it has been well documented that organizations focusing on civil society "teach people to develop opinions and perceive their interests." These groups also "cultivate personal commitments to public issues" and "help individuals develop political efficacy, education, and civic skills." In fact, a 2018 study of formerly-incarcerated Illinois citizens revealed a strong association between "personal connections to civil society organizations" and political participation. As one community member stated, "I didn't know the difference between the elephant and the donkey, the electoral college from the community college or what a GOP was;" it was only after his "quest to better [him]self" while incarcerated when he signed up for a law and politics class, which provided him with a "civic education [that] carries with me wherever I go

MICHAEL L. OWENS & HANNAH L. WALKER, THE CIVIC VOLUNTARISM OF "CUSTODIAL CITIZENS": INVOLUNTARY CRIMINAL JUSTICE CONTACT, ASSOCIATIONAL LIFE, AND POLITICAL PARTICIPATION, 4 Perspectives on Politics 990, 998–9 (2018).

See Erika Wood, Restoring the Right to Vote, BRENNAN CENTER FOR JUSTICE, available at https://www.brennancenter.org/sites/default/files/legacy/Democracy/Restoring%20the%20Right%20to%20Vote.pdf at 11-12.

¹⁵ Civil Rights & Voting Rights in Illinois, *available at* https://www.usccr.gov/pubs/2018/IL-Voting-Rights.pdf.

OWENS & WALKER, *supra* note 13, at 993.

¹⁷ *Id*.

¹⁸ Id at 100



[and] a genuine interest in voting and voting rights."¹⁹ By establishing a meaningful sense of community and dialogue through peer-led civics education, HB 2541 will increase the chances of successful reintegration for all re-entering citizens in Illinois.

B. The Cost of Recidivism

The civic participation that HB 2541 will foster also comes with the promise of a measurable impact on recidivism. The recidivism rate in Illinois – nearly one in two released detainees – is untenably high. Such a high rate harms the state of Illinois by ensuring the exclusion of many from productive civil society and by increasing the significant expenses associated with housing individuals in the state's correctional system. By addressing the fundamental driver of recidivism – disassociation from civil society – HB 2541 offers a systemic solution to this intractable problem.

Social science studies have "identified . . . lower rates of recidivism among inmates receiving correctional education than among inmates who did not receive correctional education." A recent RAND study, for example, concluded that "correctional education would reduce re-incarceration rates by 12.9 percentage points on average." Relatedly, correctional education programs have been associated with "higher rates of employment among inmates" after release. HB 2541, which expressly identifies the reduction of recidivism rates as one of its principal goals, offers precisely these benefits to the Illinois prison population by providing rigorous civics education to re-entering citizens.

Importantly, HB 2541's potential impact on recidivism rates highlights the tangible, budgetary benefit the bill presents to the state of Illinois as a whole. Indeed, the significant per capita costs of recidivism have been frequently charted. A 2015 report from the Illinois Sentencing Policy Advisory Council, for example, concluded that a single recidivate will cost Illinois residents nearly \$120,000 in criminal justice and social costs. ²³ In fact, "total expenses related to re-incarceration in Illinois over the 5 year period through 2020 are expected to top \$16.7 billion." Accordingly, the implementation of educational programming, which reduces the number of recidivates, ²⁵ stands to save the state money through reduced correctional expenditures. As recent research has

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LOIS M. DAVIS ET AL., *EVALUATING THE EFFECTIVENESS OF CORRECTIONAL EDUCATION*, RAND, *available at* https://www.bja.gov/Publications/RAND Correctional-Education-Meta-Analysis.pdf at 39.

²¹ Id.

²² *Id.* at 47.

²³ ILLINOIS: THE HIGH COST OF RECIDIVISM, http://www.icjia.state.il.us/spac/pdf/Illinois Results First 1015.pd (last visited Nov. 27, 2018).

Lee Gaines, *Illinois prison system spent less than \$300 on books last year*, CU-CITIZENACCESS (Apr. 16, 2018), https://www.cu-citizenaccess.org/2018/04/16/illinois-prison-system-spent-less-than-300-on-books-last-year/. *See* DAVIS, *supra* note 20, at 39.



indicated, "for every dollar spent on correctional education, five dollars are saved on three-year re-incarceration costs." ²⁶

IV. CONCLUSION

Voting rights are fundamental, not only as an inherently vital part of our democratic system, but also as a means for self-empowerment and self-determination for all our communities. Through civics education in prison, "incarcerated persons will learn that to vote mean[s] that you care about your community and its future. Furthermore, it's a mechanism that confirms citizenship...It will teach them a responsibility of inclusion and debunk the irresponsibility of exclusion." This statement and additional statements from incarcerated community members in Stateville Correctional Center in Illinois are included in an Appendix attached to this testimony. These individuals are students of Dr. Christina Rivers, Associate Professor of Political Science at DePaul University.

As the above testimony demonstrates, HB 2541 is a thoughtful proposal to address a pressing problem. We also refer committee members to the oral testimony provided in support of this bill on March 27, 2019 before the Illinois House Public Safety Appropriations Committee by Dr. Rivers. It is imperative that our government seeks to ensure the full and fair right to vote for all eligible voters. Accordingly, Chicago Lawyers' Committee and Chicago Votes urge this Committee to vote in favor of HB 2541. Thank you for your consideration.

While growing up in school I learned the fundamental's about Voting. I mostly just know it was a right we had for being born a citizen of the United States. During Black history month I learn that Black people were not given the right to vote because of the color of their Skin. After some civil unrest Martin Luther King je Changed all that and Black people were given the right to vote

So when I got of age to vote,
I voted with my closely community
which seem to be for the bemocratic
party. Then I had an awakening
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politics. I then started volunteering
for the Republican's. Helping the
Republican's Helping the
Republican's made he feel like a
trader to my people. But, I
always danced to the beat of
my own drum.

Being from a marginalized Community I felt some things are out of our control. This is a big his-conception in our Society. Some things are in our Control, For instance, our opinion are within our control, and our choices and the vision's for our Conmunities, and Society are within our control.

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ideas, civil rights, and opinions
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so whem it may concern;

Hello. My name is writing this letter in support of H.B 2541, The Re-entering Citizens Civica Education Actmany convicted felous home a low morale because of the sligma that they are faced with on a daily basis As a convicted below myself, ine learned that being critically engaged in empowering because it gives one a sense of being connected to their community as well as to society as a whole I believe that the passage of this bill will ristore confidence to Countless convicted felous in flineir, many of whom are not aware that their voices still matter in the process of democracy. The passage of this bill will convey that lawnakers, our elected officials, want citozens who are being released from prison to be civic mended, to be moving in that direction so that when they are coming out they are interested The civil peer education program is not only coal effecient but as a form of collaborative learning, it is a powerful tast in the prison sitting. Peer led education creates a particular Kind of social confort for conversation : A community of peers who would be more inclined to interact and engage one another on such an important issue

Condensed Version:

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I can only attempt to convey why I believe the need For this legislation to education toon-to-be released grisoners that they can still vote upon release in Illinois and how to go about registering to vote by teaching them about it prior to release. This legislation is attempting to inform and prepare people of an wherent right afforded by the state on how to operate more effectively in their citizenship. What so many people take for granted, the right to vote, is apposed to be an "equalizer" allowing people to perhapste in the democratic process by letting people know that their voice still matters. This is why I support the passing of HB Hers. This is why I support

The need for this legislation to educate soon-to-be released prisoners that they can still vote upon release in Illinois and how to go about registering to vote by teaching them about their rights before they're released. This legislation is an attempt at informing and preparing people of an inherent right afforded by the state on how to operate more effectivelytin their citizenship. What so many people take for granted, the right to vote, is supposed to be an "equalizer" allowing ALL people to participate in a democratic process by voting without barriers in place to minimize their citizenship and its impact.

The obvious need for this legislation notwithstanding, I wish to briefly speak from an experiential stand-point. Prior to my incarceration at 16 yrs, old, nearly 26 years ago, I thought voting was merely an abstract duty (or idea) that "old people" performed (or had) every so often. But now (glady) I teeter on the precipice of release due to a juvenile lifer sentence. I received on an accountability theory for murder. Although I'm Fortunate enough to have the interactions of Chicago Votes to help me navigate through the mire of exercising my voting rights as a potential releasee from prison, many others, apart from this legislation, will not know what to (or how to) exercise their voting rights.

There is a saying about people being able to do better if they knew better, so I would posit the passing or HB 4469 would be demonstrative of those to be effected by its passing to "do better." I never realized the importance of my "voice" until it was taken away from me. The fact that voting is a voice are shouldn't take for granted, this legislation has the potential to give a marginalized demographic its voice back. I only hope HB "Will be passed in order to effectivate that dream of mine.

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