



John Howard Association of Illinois

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Governor Rod Blagojevich
100 W. Randolph Street
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Dear Governor Blagojevich:

On February 1st, the Prisoner Review Board (PRB) paroled three C# prisoners, all of whom were convicted of murder 30 or more years ago. The Cook and Lake County State's Attorneys held a press conference opposing the release of two of the parolees¹ and complained about the actions of the PRB. The PRB is an important public agency that we believe has been unjustly criticized.

The state's attorneys attacked the PRB for granting paroles. In fact, the PRB is required to grant parole to those who it finds to be acceptable risks. Your Office and the PRB have tried to maintain a strict adherence to the law under which C# prisoners were sentenced, which mandated that prisoners spend a certain number of years in prison to satisfy society's requirement for punishment. It promised that they could earn their way out of prison by demonstrating that they were not a threat to public safety, had rehabilitated themselves, and had satisfactory parole plans. The judges, defendants and prosecutors expected defendants sentenced under this law would be eligible for parole after no more than 12 years.

Mr. Devine's office opposes parole for every candidate from Cook County who comes before the PRB, implying that parole should never be granted. This would render the PRB's function in terms of parole, meaningless. In fact, for the PRB to deny parole as a matter of course is a legally indefensible position which would require the PRB to act outside of the law.

The PRB rarely grants parole. In 2006, the PRB granted parole in approximately 3½% of eligible cases – 11 cases out of over 300 – and in fact frequently denies parole based solely on the "seriousness of the offense." This belies Mr. Devine's assertion that the PRB has adopted a philosophy of granting parole to more prisoners, allegedly without regard to the underlying crime.

C# prisoners released after the PRB reviews their cases have a recidivism rate of 10%, unless they have a college education, in which case their recidivism rate is 4%. As they age, their recidivism rate is even lower. Compared to the 56% recidivism rate of the general prison population, these prisoners pose little threat to public safety, contradicting Mr. Waller's assertion that he has seen elderly parolees recidivate "time and time again."

The PRB only paroles people it deems an acceptable risk. We support its decisions in such cases. Its reluctance to grant parole illustrates that it is strict, not lenient, and indeed sometimes does not grant parole in cases where we believe the prisoner is an acceptable risk. Further, the state's attorney from whatever county the case originates routinely submits letters opposing parole. They actively participate in a process – usually successfully – which they now condemn as too lenient.

¹ The PRB granted parole to Johnny Outlaw, Frederick Thomas and Michael Nolan. All three were from Cook County and all three were convicted of murder. The press incorrectly reported that Frederick Thomas had been convicted of murder and rape; he was in fact acquitted of the rape charge. In addition, the two prisoners the State's Attorneys focused on – Outlaw and Thomas – are African-American, while Nolan, whom they did not mention, is white.

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Notably, your Administration has invited former C# prisoners to participate in meetings and conversations with members of your staff on crime and public safety issues. James "Yaki" Sayles, and Sage Smith are former C# prisoners whom the PRB found to be acceptable risks, and whose parole the state's attorneys opposed. But for the PRB's action in their cases, your Administration would not have had the benefit of their insight.

We understand that the remaining C# prisoners were involved in very serious crimes that stir up individual and public emotions. The PRB hears difficult cases and must balance serious criminal behavior against the passage of time, the fact that some people change remarkably, and the possibility that some prisoners may have been very young or marginally involved in the crime. Our primary concern is with the state's attorneys attempt to interfere with the PRB's independence and ability to fully and fairly fulfill its responsibilities. We emphasize our support for the PRB as an institution, and the work it is charged with carrying out.

As interested citizens and advocates of sentencing and corrections reform, we urge you to consider the issues we raise in this letter, and ask that you continue to support a careful and deliberate Prisoner Review Board free of unwarranted pressures and interference in the performance of its duties.

Very truly yours,

Malcolm Young, Executive Director
John Howard Association

Arthur Don, President John Howard Association
Partner, Seyfarth Shaw

Shaena Fazal, Director
Long-Term Prisoner Policy Project

James "Yaki" Sayles, Director
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Cook County State's Attorney Richard Devine
DuPage County State's Attorney Joseph Birkett

Lake County State's Attorney Michael Waller