

Chicago Daily Law Bulletin®

Volume 157, No. 198

Monday, October 10, 2011

National push for criminal law reform gains Republicans' support

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SPRINGFIELD — Illinois lawmakers and criminal law experts say the state leads the charge in criminal law reforms, as the poor economy drives similar efforts across the country.

One nationwide reform effort featuring prominent Republican figures hopes to change decades-old attitudes toward criminal laws.

The current system of punitive justice isn't working, said Texas attorney Vikrant Reddy, a policy analyst for the conservative criminal law reform group Right on Crime. He said conservatives nationwide seek fiscal responsibility through criminal law reform.

"Virtually every state finds itself in a budget shortfall," Reddy said. "They're having to ask really serious questions about where they can cut spending. You have to look at everything, so we're having to second guess this previous attitude of 'Lock them up and throw away the key.'"

Several prominent Republicans on the national political scene signed a statement of support for Right on Crime, including former Florida Gov. John Ellis "Jeb" Bush, former U.S. House Speaker Newt Gingrich and former U.S. Attorney General Edwin Meese III.

The group favors alternatives to incarceration for low-level drug offenders, evidence-based reforms to juvenile justice programs and better rehabilitation programs for inmates, among other reforms.

Reddy said the federal criminal system and the systems of most states previously hinged on public perception that crime was rising rapidly. As a result, Reddy said, many conservative lawmakers took a "tough on crime" stance.

"Issues like this are easy to demagogue,"

Reddy said. "But we're not ready to abandon 'tough on crime.' I actually think Right on Crime continues to be tough on crime, and in a certain sense is even tougher than before. When I hear stories about inmates who sit in prison all day watching cable TV without being put through job training programs or being forced into treatment for drug habits, I really bristle. That actually sounds like easy street."

State Sen. Kirk W. Dillard, a Republican from Hinsdale, said Illinois Republicans already actively seek reforms.

He pointed to his sponsorship of a law that split the state's juvenile justice system from the state Department of Corrections into its own department to keep youth offenders away from more hardened adult criminals.

Dillard said his fellow Republican legislators also helped push for the creation of Redeploy Illinois, a state program linking youth offenders with community-based rehabilitation services.

Dillard said the national reform movement could mean even more support among state-level Republicans.

"If there's a push by Congressional Republicans for these reforms, it would clearly help the delegation in state government," he said.

However, Dillard said criminal law reform still raises re-election concerns among Illinois lawmakers.

"The sticking points on criminal justice reform are always that legislators don't want to wake up in a campaign and have a 'Willie Horton moment,' where they're accused of being soft on crime by their opponent," Dillard said.

Ronald C. Smith, a law professor at The John Marshall Law School and former chairman of the American Bar Association's

Criminal Justice Section, said Republicans previously became tough on crime because of frustration with recidivism among criminals.

"Around the time Ronald Reagan became president, there was a real sense in conservative circles that rehabilitation wasn't working," Smith said. "Penalties got harder and harder, and the system ran out of patience with recidivists. ... Nobody ever lost an election by being tough on crime."

Smith said the rehabilitative mentality toward criminal justice is "back on the table" in Illinois because lawmakers — both Republican and Democrat — now see the heavy costs of the current punitive system.

"People's righteousness and morals loosen up when it's going to cost them a lot of money," Smith said. "The reality is that we can't afford the kind of prison system we have."

The budget for the Illinois Department of Corrections spent \$1.13 billion in fiscal year 2011, according to data from Gov. Patrick J. Quinn's office, and the cost of incarceration continues to rise, Quinn said in his budget request to lawmakers for fiscal year 2012.

Retired Cook County Circuit Judge Gino L. DiVito, a member of the Illinois Sentencing Policy Advisory Council (SPAC), said both major political parties in Illinois earnestly seek reforms.

SPAC works to recommend possible criminal justice reforms to the governor and legislature.

"Illinois is ready for reform, perhaps now more than ever," DiVito said. "Everything I hear from the leaders of the General Assembly and the governor's office is consistent with that. These are difficult issues, but we've got bipartisan representation on SPAC. ... I don't want to be involved in something that's just going through the motions."