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Court Asked to Order Illinois to Assess the Risk of Releasing Longest Serving Prisoners

***More than two years after deadline, Illinois officials continue
to ignore statutory mandate to utilize standardized
risk assessment instrument***

CHICAGO – More than two years after missing a statutory deadline to implement a comprehensive risk assessment of state prisoners, a lawsuit has been filed seeking a court order directing Illinois prison officials to assess and consider paroling the longest serving prisoners.

The lawsuit, which was filed Wednesday in Cook County Circuit Court, seeks to force the Illinois Prisoner Review Board (IPRB) and the Illinois Department of Corrections (IDOC) to abide by the Illinois Crime Reduction Act, which took effect in 2010 and gave those state agencies three years to prepare for and begin using a standardized risk assessment tool no later than January 2013.

The class action suit was filed on behalf of all still-incarcerated prisoners sentenced for crimes committed before 1978 when Illinois switched from a system of indeterminate sentences to sentences with a fixed length of time. More than 170 men are serving indeterminate sentences and appear periodically before the IPRB to request parole.

The prisoners are represented by the Center on Wrongful Convictions of Youth and the Roderick and Solange MacArthur Justice Center at Northwestern University School of Law and by the Uptown People's Law Center.

"Known as 'C-Number' inmates in IDOC jargon, nearly all of these men have served more than three decades behind bars," said Joshua Tepfer, Clinical Assistant Professor of Law and Project Co-Director of the Center on Wrongful Convictions of Youth. "Because IDOC has ignored a state law for two years and because IPRB has conducted business-as-usual hearings in clear violation of the statute, parole decisions have been made without the benefit of a scientific risk assessment of prisoners. A court must step in and tell IDOC and IPRB to follow the law."

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Ad 1

Jan. 28, 2015

Although a state task force developed plans and IDOC purchased the Service Planning Instrument (SPIn) intended to assess risk for offending and to identify rehabilitation needs of prisoners, IDOC has not implemented SPIn or begun evaluations of any inmates, and IPRB has conducted parole hearings and decided prisoners' fates without access to SPIn evaluations.

"Illinois and many other states moved away from indeterminate sentencing in part because the practice led to arbitrary and discriminatory release decisions, but those same uninformed decisions are being made today by the Illinois Prisoner Review Board," said David M. Shapiro, Clinical Assistant Professor of Law and attorney for the MacArthur Justice Center. "The more than 170 prisoners sentenced before the state abandoned that indeterminate system remain stuck in it. Many of these inmates are elderly and cost taxpayers significant dollars to continue to incarcerate, while presenting almost no recidivism risk."

Harrison Chancy, the lead plaintiff in the case, is serving an indeterminate sentence for a 1977 murder, armed robbery, armed violence and burglary in Lemont. Chancy, who maintains he is innocent, was 19 at the time of the crimes. He has been incarcerated for 37 years.

Chancy has used his time in prison productively, taking courses to prepare for success after release, and he has a positive behavior record and gone several years without receiving a single disciplinary ticket. Chancy's IDOC work supervisor, who is a former Navy SEAL and a prison shift commander, wrote a letter of support to IPRB – the first time in his 25-year IDOC career that he had written in support of an inmate's parole.

Without benefit of a risk assessment, the IPRB voted to deny Chancy's parole applications for parole in 2013 and 2014. At the latest hearing, without pointing to any specific rationale and in a departure from the previous year's hearing, the IPRB ordered that Chancy not be considered again for parole until 2017.

"Risk assessment instruments are supposed to help prison officials craft rehabilitation plans that will allow the safe release of prisoners back to our communities," said Alan Mills, Executive Director of the Uptown People's Law Center. "While state officials have been dragging their feet and not using the assessment instrument available to them, scores of men serve prison sentences without any definite end date. IPRB members are making decisions about freedom based on subjective predictions without the benefit of the evidence-based assessments required by the legislature. Men behind bars as well as the public deserve decisions that are based on the best possible evidence."

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Ad 2

Jan. 28, 2015

About the Center on Wrongful Convictions of Youth

The Center on Wrongful Convictions of Youth uses outreach, advocacy, education, and litigation to implement best practices in criminal and juvenile justice. More information is available at <http://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/>.

About the Roderick and Solange MacArthur Justice Center

The Roderick and Solange MacArthur Justice Center advocates for human rights and social justice through litigation. As one of the nation's premier civil rights organizations, the MacArthur Justice Center has played a prominent role in bringing Chicago police misconduct and torture to the public's attention and has helped wrongfully convicted men and women win multi-million dollar verdicts and settlements as compensation for the time they spent in prison. Visit our website at <http://www.law.northwestern.edu/legalclinic/macarthur/>

About the Uptown People's Law Center

Founded in 1975, Uptown People's Law Center is a nonprofit legal services organization specializing in prisoners' rights, Social Security disability, and tenants' rights and eviction defense. More information is available at uplcchicago.org.