



John Howard Association of Illinois

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Punishment That Doesn't Fit the Crime: Stories of People Living on the Margins



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TABLE OF CONTENTS

Introduction.....	3
Recruitment of Participants and Methodology.....	8
I. Interactions with Police and Law Enforcement.....	10
Responses from Interviewees.....	12
(a) Perceptions of Police Legitimacy.....	12
(b) Experiences with Police Harassment, Abuse and Racism.....	16
II. Backgrounds of individuals in Frequent, Repeated Contact with Law Enforcement and the Criminal Justice System.....	23
Responses from Interviewees.....	26
(a) Experiences with Poverty, Violence and Gang Involvement In Youth.....	26
(b) Drug and Alcohol abuse and Mental Illness.....	30
(c) Unemployment, Underemployment and Inability to Find Work Because of Criminal Record.....	34
(d) Homelessness and Lack of Stable, Affordable Housing.....	37
III. Interactions with Courts and Criminal Justice System and Perceptions Of Legitimacy.....	42
Responses of Interviewees.....	43
(a) Lack of Fairness, Due Process and Equitable Treatment Equitable Treatment in the Courts.....	43
(b) How Criminal Background Records Overdetermine Arrest, Charging, Bond and Sentencing Decisions in Low-level Cases.....	46

IV.	Police Lockup, Jail and Prison Experiences and Perceptions of Legitimacy.....	51
	Responses of Interviewees.....	54
	(a) Detention, Imprisonment and Sanctions for quality of Life Crimes and Low-level Offenses.....	54
	(b) Prison and Jail Conditions, Programming and Reentry.....	58
	(i) Conditions.....	58
	(ii) Programming.....	59
	(iii) Reentry.....	60
V.	Experiences and Perceptions of Fairness in Administrative Proceedings.....	62
	Responses of Interviewees.....	65
	(a) Common Questions of Respondents in Administrative Proceedings.....	65
	(b) Impressions of Respondents Regarding Administrative Process.....	66
VI.	Recommendations to Improve the Criminal Justice System and Reentry.....	68
	Responses of Interviewees.....	70
VII.	Reflections on the Current and Future State of Criminal Justice.....	74
	Responses of Interviewees.....	74
	Acknowledgements.....	77

INTRODUCTION

A Note on this Report: Following is John Howard Association’s complete report, Parts One and Two, documenting the experiences, stories and opinions of people in conflict with the criminal justice system as related to JHA staff in personal interviews. Part One of this Report (consisting of: (I) Interactions with Police and Law Enforcement; (II) Backgrounds of Individuals in Repeated Contact With Law Enforcement and the Criminal Justice System; and (III) Interactions with the Courts and Criminal Justice System and Perceptions of Legitimacy) initially was published in August of 2018. Part Two (consisting of: (IV) Police Lockup, Jail, and Prison Experiences and Perceptions of Legitimacy; (V) Experiences and Perceptions of Fairness in Administrative Hearings for Municipal Violations; (VI) Recommendations to Improve the Criminal Justice System and Reentry; and (VII) Reflections on the Current and Future State of Criminal Justice) is newly published material that was added to the Report in December of 2018.

That the criminal justice system in this country is expensive and broken is not news. That this system has become the catchall for those who have been disenfranchised, displaced and failed by other social networks is also not ground-breaking information. **What is often overlooked in our conversations on criminal justice, however, are the stories, opinions, and daily lived experiences of marginalized people who are deeply and often unavoidably justice system-involved.** Often these voices and stories are discounted as illegitimate sources of knowledge because of their subjectivity. This is a dangerous oversight. Abstract data, divorced from human experience, lacks emotional, ethical and moral meaning. Our criminal justice system, and the people that it impacts, are not abstract ideological concepts, but part of an enigmatic, messy, contradictory human world.

As society struggles to find simple solutions to complex criminal justice issues, listening to the stories and lived experiences of marginalized people impacted by inequities in our criminal justice system is essential for us to think critically about the impact of criminal justice practices situated in human experience. Because inequalities in the justice system are invisible, cumulative, intergenerational, and extremely concentrated in a small fraction of the population, the experiences of this population remain largely beyond the scope of public policy debate and dialogue.¹

Inequalities in the justice system are **invisible, cumulative, intergenerational, and extremely concentrated** in a small fraction of the population.

¹ Bruce Western and Becky Pettit, “Incarceration & social inequality,” *Dædalus*, Journal of the American Academy of Arts & Sciences (Summer 2010), <https://www.amacad.org/content/publications/pubcontent.aspx?d=808>

As JHA spoke with people whose lives are deeply and inextricably linked to the local justice system, the static and ineffective roles of many system actors became clear. As society has dismantled social welfare agencies, economic safety nets and social services, state, county and municipal structures are left to fill in the gaping service holes, which are under-resourced in every way. In attempting to manage behavior that is an outgrowth of public health crises, we increasingly rely on one approach: police force and criminal sanctions. In so doing, **we have reduced every social problem into a criminal justice issue, even though many of the problems that we police and penalize have little to do with public safety or dangerous behavior.**

Our jails and prisons have become the sole response to a myriad of system failures, including miscarriages in mental health treatment, racial and economic inequality, education, child and family welfare support, community infrastructure, housing and employment opportunities. A complex web of interrelated social failures and ills cannot be effectively cured by simply increasing the reach of police, sanctions, criminal courts, jails, and prisons over the lives of American citizens. We cannot ask our police and criminal justice system to do what they are not set up, prepared and funded to do. They cannot solve all our problems. For example, on the one hand, training the police and providing them with tools to better deal with people in mental health or substance use crisis is a good idea. On the other hand, it begs the question, how did the police come to be our de facto go-to for dealing with mental health and substance abuse issues? Similarly, providing people in prisons and jails with educational programming and job training is a laudable undertaking. At the same time, jails and prisons are not set up to be, nor are they a substitute for, well-funded public schools and education.

The social paradigm shift of the last several decades, away from social services and public welfare institutions towards punishment has exacerbated already deeply entrenched and concentrated lines of poverty and racism in our country, which have become the life blood of mass incarceration. In our collective reckoning with mass incarceration, however, another phenomenon has largely gone overlooked; the overuse of our municipal and county law enforcement, jails and the imposition of fines and fees to deal with low level

Intertwined with racial inequalities, stark economic disparities exist at all levels in our criminal justice system.

offenses and “quality of life” crimes like possessing a small amount of drugs for personal use, retail theft, trespassing or the catch-all offense of disorderly conduct. “Jail churn,” as it has come to be called, touches the lives of far more citizens each year than prison, yet this issue receives little attention.² Despite some marginal improvement in recent times, people of color, particularly black men, remain grossly overrepresented in our nation’s jails and police lockups. Intertwined with racial inequalities, stark economic disparities exist at all levels in our criminal

justice system. **Poor people of color have a much greater likelihood of being arrested,**

²Prison Policy Initiative, “Mass Incarceration: The Whole Pie 2017,” <https://www.prisonpolicy.org/reports/pie2017.html>

stopped by the police, subject to police field interviews and pat down searches, cited and fined for municipal ordinance violations, and having their property seized and subject to forfeiture— perpetuating an intergenerational cycle of poverty, incarceration, and structural racism for both the people directly impacted and the next generation through collateral consequences to children and families.

None of this is news to people who work in law enforcement and criminal justice systems or who are disproportionately directly affected by these systems, including people of color, homeless people, people living in poverty or people living on the economic and social margins of society because of mental illness, disability, substance abuse, lack of educational and employment opportunities or the lasting stigma of prior felony convictions. Nor is it news to any law or policy maker who has read a newspaper or magazine in the last few years. **Innumerable data analyses and cost-benefit studies have been published that document racial, economic and social inequities in our criminal justice system and the ineffectiveness of current practices.** Such quantitative research is vital to identify and measure defects in current criminal justice practices, and as a basis for motivating and conceiving of new methods of reform. However, data and statistics are but one form of knowledge and provide only a narrow, dehumanized view of criminal justice.

With these ideas in mind, beginning in spring of 2017 through winter of 2018, JHA embarked on a project to **investigate and record the stories of marginalized individuals describing their lived experiences** in relation to criminal justice systems and actors over the course of their lives—in being stopped, searched, arrested, fined, jailed or incarcerated for low level offenses— and the cumulative impact that criminal justice involvement coupled with economic and racial inequalities have had on their life trajectories, happiness, and the quality of life of their families and communities.

Data and statistics are but one form of knowledge and provide only a **narrow, dehumanized** view of criminal justice.

The narratives that follow in this report are a product of this inquiry. In undertaking this project and interviewing people, JHA was cognizant of the dangers of exploitation, sensationalism, oversimplification and perpetuation of stereotypes that are present when those who occupy a privileged position of power narrate the stories of marginalized people. In attempting to explore and present the perspectives of marginalized people, **we recognize too the importance of not reducing people to “victims” or romanticizing and abstracting people’s differences from the historical institutions that produced those differences.** Such approaches are inordinately reductive because they ignore how we ourselves relate to marginalized “others” through historically specific, often hierarchical, social relations, and discount the moral and emotional claims that “different” people make on us as members of our shared world. ³

³ Shari Stone-Mediatore, “Reading Across Borders, Storytelling and Knowledges of Resistance,” New York Palgrave Macmillan (2003)

In an effort to minimize these pitfalls, the stories related to JHA in personal interviews are presented in this report with a minimum of editorializing. JHA also has worked to present stories in people's own words as they were recounted to us. **We hope this allows readers the space to engage in the histories of people who are traditionally left out of public discourse on criminal justice, even though they are targeted as the objects of a tremendous amount of law enforcement and criminal justice resources.** Ideally, such storytelling allows us to confront different individual viewpoints and ways of experiencing and interpreting the world that are incongruent with and challenge dominant narratives, and, in so doing, foster more democratic communities in which our common histories and public policy are considered in light of each other's stories.⁴ The personal stories recounted by JHA in the instant report are presented in that spirit.

Part One:

- (I) Interactions with Police and Law Enforcement:
 - (a) Perceptions of Police Legitimacy.
 - (b) Experiences with Police Abuse, Harassment and Racism

- (II) Backgrounds of Individuals In Frequent, Repeated Contact with Law Enforcement and the Criminal Justice System:
 - (a) Experiences with Poverty, Violence and Gang Involvement in Youth
 - (b) Drug and Alcohol Abuse and Mental Illness
 - (c) Unemployment, Underemployment and Inability to Find Work because of Criminal Record
 - (d) Homelessness and Lack of Stable, Affordable Housing

- (III) Interactions with the Courts and Criminal Justice System and Perceptions of Legitimacy:
 - (a) Lack of Due Process, Fairness and Equitable Treatment in the Courts
 - (b) How Criminal Background Records Overdetermine Arrest, Charging, Bond and Sentencing Decisions in Low-level Cases

⁴ Ibid.

Part Two:

- (IV) Police Lockup, Jail, and Prison Experiences and Perceptions of Legitimacy:
 - (a) Detention and Imprisonment for Quality of Life Crimes and Low-level Offenses.
 - (b) Prison and Jail Conditions, Programming and Reentry
 - (i) Conditions
 - (ii) Programming
 - (iii) Reentry

- (V) Experiences and Perceptions of Fairness in Administrative Proceedings for Municipal Violations
 - (a) Common Questions of Respondents in Administrative Proceedings
 - (b) Impressions of Respondents Regarding Administrative Process

- (VI) Recommendations to Improve the Criminal Justice System and Reentry

- (VII) Reflections on the Current and Future State of Criminal Justice

RECRUITMENT OF PARTICIPANTS AND METHODOLOGY

In Spring 2017 through Winter 2018, JHA conducted three focus groups of approximately 15 persons per group to learn about the experiences, challenges and needs of people with histories of social and economic disenfranchisement and repeated involvement with the police, criminal justice system and municipal administrative review system in relation to low level offenses and municipal ordinance violations. Of the participants in the three focus groups, 15 agreed to participate in in-depth, in-person interviews with JHA staff, with each interview lasting approximately one to two hours.

Spring 2017 – Winter 2018

-3 focus groups
(~ 15 people per group)

- 15 in-depth individual
interviews
(~1-2 hours)

Prospective participants in the project were identified with the help of Grady R., who was hired by JHA to act as our community liaison and consultant in helping to design the project, recruit participants, and conduct focus group interviews. As a 50 year old formerly-incarcerated, formerly homeless African American man and lifelong resident of Chicago, Grady R. disseminated information about the project and invited people to participate by word of mouth by reaching out to justice-involved people and homeless communities in Chicago that he was familiar with through his background. Grady R. and JHA staff also used “snowball sampling” to recruit participants, by asking existing participants to tell other individuals about the JHA project and refer them if they might be willing to talk with us.

All participants were compensated for their time and effort by receiving a \$35 Visa gift card at the beginning of each session before any questioning occurred. JHA used an informed-consent protocol, and advised participants, inter alia, that their identities would remain anonymous, that any notes or recordings of interviews would be destroyed upon publication of JHA’s report, and that they could discontinue participation, refuse to answer any question or portion of a question, and leave at any time without forfeiting the \$35 compensation provided to them.

Interviews with participants were loosely guided by a scripted set of interview questions which included questions pertaining to the following: **age, birthplace, family members, area where s/he grew up; experiences with respect to access to economic, employment, medical, mental health, education, substance abuse and treatment and social supports; experiences with respect to law enforcement, arrest, jail, police stops, prison, the criminal courts and the criminal justice system overall; describe challenges, major concerns and stressors in her/his life and what resources or changes would reduce stress and increase her/his sense of health, safety, happiness, and fairness and opportunity with respect to the criminal justice system; economic conditions and the distribution of wealth, and American society in general.** In

practice, however, the interviews were conversational and evolved organically, outside of a rigid question-and-answer format. This allowed for greater freedom and rapport in the interview process, and for interviewees to elaborate on those issues that were most important to them.

In 2018, over the course of four days JHA staff also attended and watched 16 hours of municipal administrative hearings in relation to municipal ordinance violation tickets issued by the Chicago Police Department and for impoundment of vehicles related to civil forfeiture in criminal proceedings. Following proceedings, JHA stopped respondents outside the hearing rooms and asked them if they would like to anonymously give their opinions about the fairness of the administrative hearing proceeding they had just experienced and of the interactions with law enforcement that led to citations for city ordinance violations or loss of their vehicles through impoundment. Interviews with willing respondents were brief, lasting about three to ten minutes. In the course of JHA's four days of watching administrative proceedings, JHA spoke with roughly 20 respondents, along with their accompanying friends and family members at the proceedings.

2018
Interviews with approximately 20 respondents following municipal administrative hearings.
(each brief interview lasted ~3-5 minutes)

I. INTERACTIONS WITH POLICE AND LAW ENFORCEMENT

As documented in numerous reports, including the recent United States Department of Justice’s “Investigation of the Chicago Police Department Report,” the Chicago Police Department (CPD) has a long, substantiated history of abuse, racism and corruption.⁵ While many CPD officers serve with integrity, heroism and decency to protect communities, the CPD’s legacy of systemic corruption and abuse has severely undermined police effectiveness and their legitimacy among communities of color and the poor. This has profound consequences. When police legitimacy and trust with the community are broken, people are less likely to follow the law or to cooperate with the police because the police are viewed as violators, rather than protectors, of citizens’ rights and public safety.⁶

The overarching impression that JHA took away from conversations with interviewees was a total lack of trust in and deep-seated fear of police based on numerous, ongoing targeted encounters, many of which began in their youth and spanned interviewees’ lifetimes through middle age. These encounters left lifelong scars on their lives, families, and communities. While several interviewees made the point that not all police officers are bad, police, on the whole, were viewed as brutal, oppressive, racist, dangerous, reckless and to be avoided at all costs. As noted in section I(a) below, interviewees repeatedly likened the CPD to a criminal gang that operates above the law without consequences or accountability. The erosion of trust between these individuals and the police seemed to create an unbridgeable chasm. A number of interviewees recounted being unfairly targeted by the police due to inaccurate and outdated information indicating that they were gang members and violent.⁷ Many interviewees also felt unfairly targeted by the police based on poverty and homelessness, and described being repeatedly arrested, fined, held at the police station or jailed for petty “crimes of survival” or “quality of life crimes” such as

⁵ United States Department of Justice Civil Rights Division and United States Attorney’s Office Northern District of Illinois, “Investigation of the Chicago Police Department” (January 13, 2017), <https://www.justice.gov/opa/file/925846/download>. See also, Police Accountability Task Force, “Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve” (April 2016), https://chicagopatf.org/wp-content/uploads/2016/04/PATF_Final_Report_Executive_Summary_4_13_16-1.pdf; John Hagedorn, et al., “Crime, Corruption and Cover-ups in the Chicago Police Department” (January 17, 2013), https://pols.uic.edu/docs/default-source/chicago_politics/anti-corruption_reports/policecorruption.pdf?sfvrsn=2; Juleyka Lantigua-Williams, “A Digital Archive Documents Two Decades of Torture by Chicago Police,” *The Atlantic Monthly* (October 26, 2016), <https://www.theatlantic.com/politics/archive/2016/10/10000-files-on-chicago-police-torture-decades-now-online/504233/>; and ACLU of Illinois, “Stop and Frisk in Chicago,” (March 2015), https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/03/ACLU_StopandFrisk_6.pdf.

⁶ “Final Report of the President’s Task Force on 21st Century Policing,” (May 2015), <http://elearning-courses.net/iacp/html/webinarResources/170926/FinalReport21stCenturyPolicing.pdf>.

⁷ ACLU Illinois, “Letter to the Chicago Inspector General Re: CPD gang database” (May 29, 2018), https://www.aclu-il.org/sites/default/files/2018-05-29_letter_from_sheley_to_ferguson_w_exhibits.pdf

sleeping in the park or panhandling, or even for their mere unwelcome presence and existence in a “tourist friendly” downtown Chicago.⁸

Significantly, every person that JHA spoke with described personal experiences of being beaten, physically abused, unlawfully stopped and detained, falsely arrested, charged and imprisoned or verbally derided and subjected to racial epithets by the police. Some of these personal experiences are recounted below in section I(b). The retelling of these stories illuminate why the police are feared and shunned by many in marginalized communities. However, words on paper do not begin to capture the emotional impact of police abuse and the humiliation, anger and dejection that interviewees expressed in retelling their stories of being subjected to police abuse and harassment.

“When you have been abused by the police,
what do you tell your children?
You tell them not to trust the police and to be afraid of them.”

JHA recognizes and is heartened by the fact that reform efforts are underway to address abuse, corruption and racism in the CPD, to revise police policies and practices, to increase independent oversight, and to repair relationships with impacted communities. While some interviewees quoted herein recounted historical experiences with abusive CPD practices that may decline as reforms begin to take hold, it is important to acknowledge that these individuals’ lived experiences have created ongoing trauma and are part of personal and criminalized histories that cannot be erased. People’s prior entanglements with law enforcement commonly feed ongoing criminal justice involvement and escalating ill or discriminatory treatment. Today, the CPD’s gang database computer system is under public scrutiny for being unreliable and arbitrary, its racially motivated stop and frisk program is under investigation and being audited and reported upon, and hearings are underway to create a new police Citizen Oversight Board.⁹ Alongside the U.S. Department of Justice’s report on and recommendations for reform of the CPD, the Mayor’s Police

⁸ National Law Center on Homelessness and Poverty, “Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities” (2011), https://www.nlchp.org/Criminalizing_Crisis; “United Nations Report of the Special Rapporteur on Extreme Poverty and Human Rights on his Mission to the United States of America” (July 6, 2018), <http://undocs.org/A/HRC/38/33/ADD.1>.

⁹ ACLU Illinois, “Letter to the Chicago Inspector General Re: CPD gang database” (May 29, 2018), https://www.aclu-il.org/sites/default/files/2018-05-29_letter_from_sheley_to_ferguson_w_exhibits.pdf; ACLU of Illinois, “CPD Investigatory Stop and Pat Down Settlement Agreement,” <https://www.aclu-il.org/sites/default/files/wp-content/uploads/2015/08/2015-08-06-Investigatory-Stop-and-Protective-Pat-Down-Settlement-Agreeme....pdf>; ACLU of Illinois, “The Consultant’s Second Semi-Annual Report Investigatory Stop & Protective Pat Down Agreement,” (March 5, 2018), https://www.aclu-il.org/sites/default/files/field_documents/the_consultants_second_semi-annual_report.pdf; Fran Spielman, “Mayoral ally schedules five public hearings on civilian police review,” Chicago Sun Times (May 10, 2018), <https://chicago.suntimes.com/news/mayoral-ally-schedules-five-public-hearings-on-civilian-police-review/>

Accountability Task Force issued its first report in 2016 recommending major changes to increase public accountability, curtail abuse and racial profiling and repair community relationships.¹⁰ Further, pursuant to a lawsuit brought by the Illinois Attorney General to impose reforms and oversight over the CPD, a draft consent decree order recently was entered that calls for far-reaching reform of police policies, practices, training, and accountability mechanisms.¹¹ Based on feedback we received in interviews, however, groups that historically have been the focus of police abuse and misconduct—people in poverty, the homeless, and people of color—remain deeply skeptical that reform efforts will demonstrably impact how they are treated by the police.

JHA believes that increased oversight of police and procedural reforms are a good starting place to address police abuse and overreaching. However, we also believe that these reforms do not get to the root of the problem. In a time of rising racial and wealth inequality, we have not invested in economic and social institutions and safety nets (government assistance, education, healthcare, mental health services, affordable housing, jobs creation, drug treatment), but instead increasingly rely on the police, surveillance and criminal sanctions as the principal means for managing social problems.¹²

Responses of Interviewees:

(a) Perceptions of Police Legitimacy

*

I don't feel rage or anger at society for this situation with police abuse. I just feel like I don't trust the government. Before I'd call 911, I'd call a friend because the police are the enemy. **When crimes happen in the black community, people do not want to call the police, not even old people. They do not trust the police. They are scared to call police.**

"When crimes happen in the black community, people do not want to call the police, not even old people. They do not trust the police. They are scared to call police."

¹⁰ Police Accountability Task Force, "Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve" (April 2016), https://chicagopatf.org/wp-content/uploads/2016/04/PATF_Final_Report_Executive_Summary_4_13_16-1.pdf.

¹¹ Chicago Police Consent Decree, <http://chicagopoliceconsentdecree.org/>

¹² Alex S. Vitale, "Obama's Police Reforms Ignore the Most Important Cause of Police Misconduct" The Nation, (March 6, 2015), <https://www.thenation.com/article/obamas-police-reforms-ignore-most-important-cause-police-misconduct/>.

*

The cops look at people as us versus them, especially with homeless people downtown. If you are not a snitch for the police or a stool pigeon then they look at you as us versus them. They harass you for information. Who is selling drugs, who broke in this car? If you don't snitch, they lock you up. Who robbed someone? I say I don't know, but it doesn't matter. And poor people are jailed because they don't have money. They go after poor people too.

*

There are a lot of officers out there who are not bad. But there are a lot of officers who are bad. So I think some of the good police are afraid of the bad police. A person who does something wrong, even a cop, is supposed to be responsible for what they do. It's not that the whole police force is bad. But the police are scared to report on each other. It's the same thing as saying that everyone who listens to rap music or everyone who wears baggy clothes are criminals and they are all the same. That is not true either. But it feels like living in an occupied country when the police can stop you anytime. The job of police and courts is to treat everyone individually. And the police job is to be able to read people and their personalities. Not to have a mentality of, 'I'm going to fuck you up.' But that is their attitude. The Chicago police are the biggest gang on the street.

*

I fear for my life all the time from the police and I try to stay out of their way. When you are a kid and you see police treat black people like this, your sense of rage grows. They treat you like you like nothing. For young black men it is one or the other. You are going to jail or to the grave. There's no way around it.

*

As far as the police, it will always be bad because I am a black man in America. It is never going to change. It's all blacks arrested on the drug cases and it always will be. That will never change. It makes me have an attitude with the police sometimes and feel like, fuck the police. From the time I got arrested at 15, it has been the one consistent thing in life. I get stopped 2 to 3 times a month by police, no matter what. My experiences have made me distrust the law. And the whole, "innocent until proving guilty?" That's hogwash. Now people are trying to advocate for the black community and want us to be friends with the police. But this has been going on for so long, there will never be a friendship, forgiveness or bonding with the police. It went on too long. **When you have been abused by the police, what do you tell your children? You tell them not to trust the police and to be afraid of them.** You tell your grandchildren the same thing and tell them about what the police do. If you have a son, you have to give them the talk about the police and understanding what the police do to people.

*

There is nothing you can do. You walk out the door and you are a target. If a cop needs a bust, he will put drugs on you and arrest you and now you have to prove you are innocent. The cops know me and don't like me, so they will stop me. There are no repercussions for

the police to harass and set people up. This shit goes on. Chicago does not have enough money to pay off all the claims of police misconduct.

*

The police treat you poorly with no respect, police who are younger than me. The police need to respect people and speak to them with respect. That's how come there is trouble. You can't just say anything you want to people and think they will take it.

*

In the projects and the black neighborhoods the police stop you all the time with no probable cause. That is the norm; cops stopping people for no reason. Then the police will run a background check on you and then when something pops up showing you have a prior criminal background, they will start searching your car and ripping up everything, throwing things everywhere, destroying your car in a search just because they can.

*

The FBI was supposed to come in and try to clean up the Chicago Police Department years ago. We have been telling the good Chicago police officers that there are crooked cops in their department; that they are setting us up, they are robbing us, they are taking our money. This is an everyday thing. But no one believed us. They said, "We are looking at it, we are checking into it." But what are black people supposed to do in the meantime? So now we have these angry guys out here who will shoot anything. The anger of these young guys has built up to this point because they have seen all this, their moms harassed by the police, their dads locked up. That is why these young kids are so foul with the things they are doing now. I don't condone it. But I understand it. You people in the Chicago Police Department, you grew this situation. You have made these kids do what they do because they are always in a no win situation. So the kids figure, "Well, if I'm going to lose out anyway, I might as well take someone out with me." It is crazy but these kids think, "Why not go out with a bang." They have no future. And you ask, "How do we help them? How do we help them?" Well, you can't now because these kids are looking at the older guys and thinking like, "Man, you let the cops do this to you and abuse you? We've got no respect for you. So what advice do you have for me, old man? Are you going to tell me to lay down and die?"

*

"I try not to get stopped.
If I see the police, I have to turn around and walk in the other direction.
There is nothing that black men who are stopped can do about this."

I try not to get stopped. If I see the police, I have to turn around and walk in the other direction. There is nothing that black men who are stopped can do about this. We can't go to the police internal affairs or a prosecutor. You need to have the officer's badge number and stuff and the cops won't give that to you. You can't go to the OPS [Office of Professional Standards]. They won't listen to you.

*

The police should not be able to stop you and harass you and pick you up for no reason. You should have to have a reason for stopping someone before you stop them. When you get picked up by the police for 30 days on a bogus charge, anything can happen. You can lose your job, lose your apartment. This is the usual thing. It happens all the time."

*

The police are a gang to you if you are black. It is a big joke. It's a business. You are a piece of crap to them. And ok, fine, I got caught doing what I was doing and I respect that if I break the law. But how is it that you think it is ok to set people up? The police put drugs on people, they put guns on people. They will stop people and go, "Ok, I'll let you go if you bring me a gun." So the person, okay, and they find a hidden gun and give it to the police. Then the police use that gun against people like me that they are trying to put behind bars. They will plant guns on people. Why the hell do the police do stuff like that? It is crazy and its stuff black people have deal with on a daily basis.

*

Not all of them are bad, but I have had some tough run-ins with the police when they were not fair. They have smacked me around and sometimes they have locked me up on sight because they know me. If they just see me shoe shining, sometimes they will lock me up, take me to the police station for a day or a few hours and then let me go. It happens all the time. Its crazy. The police treat shining people's shoes like it's a real case, but they are messing with you. They'll detain you up at the police station for 8 to 19 hours then let you go but not take you to jail. It hurts to keep getting arrested.

*

Even if when you get out of prison you're doing everything right, you get a job, you still get harassed by the police. You can be doing everything right and they still harass you. Its unfair. And in black neighborhoods you can't have a good time without being harassed. I can be sitting in my car in my neighborhood talking to a friend, and the cops will pull over and say, "What are you doing? Get out of the car." Then they will search your car. You should have a right to sit in your car and talk to your friend. But you don't' have that right anymore. Not if you are black. If you are young, black and in the hood, you can't sit and talk to a friend outside without the police bothering you. It is fucked up. And if you are on parole, the police will put something on you like a drug possession charge when you have no drugs. In the ghettos, everyone knows what the police are up to and everyone hates them.

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Not all police are bad. Some of them are good and fair. But there are the bad ones who will lock you up for nothing. Like there is one police officer I know who will stop you for “disorderly conduct” and then tell you he will let you go if you go buy some drugs from some guy with marked money and use you in a drug sting. Then the police can say, look, we busted some guy. I refuse to do that. But it is what it is.

*

Black and Hispanic people get harassed by the police more than white people. If you see a bunch of white people outside enjoying themselves drinking beers, the cops won’t stop them. But if we’re black, they will lock us up. There is nothing you can do but accept this situation because who wants to take this on? What is going to happen to change it? Nothing. If you get mad and assert your rights or curse out a cop, they will just lock you up. Some of the cops write out paper work with a bullshit charge on it before they ever lock you up and stop you so it’s already written out. All they have to do is just put your name on it.

*

If I could change things with the police, I would try to get rid of all the crooked ones and clean up the police department. The police are not all bad. But a lot of them are. The problem is that you have rookies who join the police and they put them with these old crooked guys and it corrupts them and makes them turn crooked. The old officers turn rookies into bad cops. Everyone will get upset and outraged against President Trump and they will go protest out here. But they won’t do nothing about the Chicago Police Department.

(b) Experiences with Police Harassment, Abuse and Racism

*

I was constantly stopped by the police when I was a kid and a teenager. One time when I was going to the store with three of my homies, the police grabbed us. I had just come out of the house and the police grabbed me and three of my friends. I was 19 at the time and the police had us handcuffed. They put a paper bag over my head and started beating on me. They did it to my homies too. The reason the police put a paper bag over your head is so you can’t see and recognize who did it to you. So you can’t say, “He hit me,” and identify the officer. That happened a lot.

*

The first time I was arrested I was 15. I remember it was an Easter Sunday and we were coming downtown to see a movie. Me and four of my friends found a gallon of vodka on the way to the movie show that someone had stashed by a garbage can in the alley of a parking garage. We had a couple of joints in our pockets too. So we bought our tickets and then jaywalked across the street to go back to get the alley to get the vodka so we could sneak it

into the movies. A cop car saw us jaywalk and the police picked us all up. They drove us far away from downtown to a police station by 51st Street and started interviewing us. One of the kids was 13 at the time and he was afraid. So his cousin tried to stand up for him and told the police that he was only 13. The officer flew into a rage. He jumped up and said, "I'm talking to him, I'm not talking to you," and he smacked my friend viciously. I was shocked and kept staring at the officer. So he says, "Motherfucker, what are you looking at?" and he dragged me into a locker room, smacked me around, then took me back to the interview room. That was my first experience and first run in with the Chicago police. I've thought about it a lot since then. It was my first experience with police violence.

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"We were abused by police a lot growing up in the housing projects. It was almost like a rite of passage."

I've had a lot of bad experiences with police. **We were abused by police a lot growing up in the housing projects. It was almost like a rite of passage.** The police catch you in the hallways in the CHA projects, they rough you up, search you. Sometimes they do that and don't arrest you, just rough you up. They'd say, "Come here. Hands against the wall," and search you for no reason. They are cocky. But what is making a difference now is that people have cell phones and cameras. Before it was just your word against the cop and no one would believe you. Now they are catching this on cameras and cell phones. And you can see it right there, in black and white, the police abusing people. That has changed things a lot and it is bringing it to the forefront. **When police stop you now they don't know if someone across the street might be filming, so that is changing things.**

"When police stop you now they don't know if someone across the street might be filming, so that is changing things."

*

One night this rooky cop stopped me when I was going to the store with some guys because we were having a big barbecue. Two of the guys that came with me to store were on parole. We were going to the liquor store to get stuff to drink for the barbecue. The police pull us over and they ask my name and stuff and they ask the other guys' names. So I told the police my name, and that is when this "Proceed With Caution. Dangerous Felon. Known Gang Member" comes up under my name on their police computer. When they the police run your record on a stop, it will bring up stuff from when you were a lot younger. So, yeah, when I was much younger I was running with gangs and what not, but that was many years

ago. But on your background when they run your record, it will still pop up and still say, "Dangerous Person, Proceed With Caution. Known Gang Member." That is what it says under your name even though it was from a juvenile case or cases when you were young from years ago.

So when the rookie cop stops me and sees this old background, he thinks, "Yeah, let's get another gang banger off the street." It doesn't matter how long ago that was or what you are saying to them now. They just see you as gang banger. So immediately the police pull out their guns and start screaming at us, "You, get on the car!" And I'm like, "Seriously? What is the problem?" But their police computer has this bullshit on it about me being a "Known Gang Affiliation." So the two guys that are with me on parole ended up getting locked back up just for being in the car with me when I was driving to get beer for a barbecue. It was a "violation of parole" for them to be with me because according to their police computer I'm a "Known Gang Member." That law is one of the craziest things I have ever heard.¹³ We know the system is full of crap. We get that part. But if you the police are going to stop me, don't bump me up on a bogus charge or say I'm a "Known Gang Member." It doesn't make sense to me.

*

In my lifetime, I've probably been locked up about a 1,000 times on bad cases. If I go over to where Cabrini Green used to be just to visit my Grandma in the row houses over there, and the police see me, they will lock me up. I once had a police officer stop me as I was walking down the street with a closed beer in a bag. He said, "Give that to me or you are going to jail." And I said, "Why? Its mine and it's not opened." It doesn't matter. He said, "Give me that beer or go to jail." So I gave him the beer. Another time, I was returning from out of State and got on the green line L [train]. A detective that knew me was on the train. He took one look at me and locked me up. All I was doing was riding the L, and he locks me up at the station for 5 or 6 hours for nothing, just for being on the L. Once you have certain kinds of cases in your background, you are done. You will be harassed by cops the rest of your life. You are done.

*

The police will harass you if you are homeless. One time they did a drag net on homeless people and picked up all of us. There were 50 people in the station cell already. They picked people up, left, and went to get more people. Everyone was written up for disorderly conduct or public drinking and we were all homeless.

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¹³ In 2018, Illinois' Governor and lawmakers wisely amended the Criminal Code by enacting Public Act 100-0279, (eff. 1/1/2018) which provides that persons on parole, probation or out on bond on condition that they not make contact with gang members do not violate this term of release by mere association, but only if they "knowingly commit[] any act in furtherance of street gang related activity."

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0279>

“When the President comes into town, the police swoop in and lock every homeless person up until the President leaves. They lock them all up from downtown so it looks nice, no panhandlers. I have seen it happen. People get depressed with this situation. People do drugs because they are depressed and they have nobody to help them. And nobody is ever going to believe a homeless person against the police. Where can this person go to get help? There is nowhere for them to go. They can’t go to get help, so they just deal with it. So when you see the police, you run. But if you run from the police and they catch you, they lock you up just for running away.”

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“I was panhandling on Michigan Avenue a couple of years ago and there is this group of young black guys coming down the street, about 4 or 5 of them in a group. And there were 4 or 5 young black girls coming the other way. The guys wanted to talk to the young ladies so they came towards them. The cops pull up and told the girls to get their “black whore asses off of Michigan Avenue.” This one young girl was so startled and so upset. She said to the white officer, “Who are you and why are you talking to me like this?” And he said, “Black bitch, get off Michigan Avenue.” I saw and heard it all. I was so angry that I didn’t have a cell phone to document that happening. It’s racism. They don’t want us down in downtown Michigan Avenue. They want us to stay in the ghetto. There are 2 Chicagos. There is a Chicago for rich white people with all the attractions, and then there is a Chicago if you are black and poor and from the neighborhoods where it’s a no man’s land. It is real. If I was wired right now I could walk up to the police and record it and show you how they talk to me. Cops call you a nigger or a monkey all the time. It’s the routine.”

*

“When I was younger, if the police thought you were in a gang they would pick you up and drop you off in rival gang territory. So if you are a Gangster Disciple or a Vice lord, they would drop you off in rival gang territory. It actually got to the point and it was so bad that the gangs had a truce and an understanding that if the police drop you off in rival territory, the rival gang would not mess with you. They had a kind of peace treaty. The way that came about was from the police dropping off guys in rival territory. So the gangs united against the police to form a peace treaty that if the police dropped you off in rival gang territory, the rival gangs gave each other a pass. Because they knew that it was the police just messing with people, and not rival gangs trying to start something. There was a police sergeant once who picked up me and my homies on State Street. The police dropped us off at 18th and Halsted and whistled for the gang over there, the 18th Street boys and said, “Here he is, come and get him” It was night time, so we started walking home. Later on we told two black police officers who were good police about what had happened and they knew which officers had done it.”

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About 6 months ago I got stopped by police here on Michigan Avenue. It was a black officer and a white female officer. The black officer said something to me and asked for my ID. I told him, “No, I don’t have ID, but I have an [ordinance violation] ticket from the police from before.” So I showed him that ticket that I had. Then the officer grabs me hard and pushes

me up against the car and it hits my face. I don't think he did it intentionally, but when he pushes me against car it hits my face. And that's why I have a black eye still. That was like 6 months ago and it still hasn't healed. My eye socket got broken and I had to go to get surgery.

So he locked me up for criminal trespass on Michigan Avenue. And I said, 'How do you lock up someone who is homeless for criminal trespass being out here on street?' I don't think he knew the injury to my eye was that bad. But when I got into the police station in lockup, I blew my nose and that was when blood just exploded from my face. It all came out at once. That was when police sergeant took me to the hospital. And I heard the doctor say to the Sergeant, "If you knew he was like this when arrested him. Why didn't he get medical attention?" The officer who arrested me to cover his ass wrote in his report that I was already like that when he picked me up and that he didn't cause the injury. But the people in the hospital said, "No way. This just happened." I had broken fragments of bone in my eye.

I'm thinking of bringing a case against the police department. When I see that cop or his buddy on street, they say, "What can we do to make this problem go away?" And I told him, "Well, what can you do to fix my face and make this go away? My eye is permanently black." But I'm scared to go to court against them because if you go at the police, go after them for abuse, they make it worse for you. And if they want a court case to go away and they don't want any direct involvement, they will go get one of their cop friends to mess with you so they are not directly tied to harassing you on street. **That's why court cases against the police don't get brought. It's just like gangbanging. The police are doing the same thing. Just like gangs, they keep people from being witnesses against them by scaring them.**"

"That's why court cases against the police don't get brought. It's just like gangbanging. The police are doing the same thing. Just like gangs, they keep people from being witnesses against them by scaring them."

*

"When you are talking to the police, they don't want to talk to you or be reasonable. One night I was stopped driving on a revoked license and arrested. There were two young women in the car with me and they had their babies with them. They handcuffed me and ripped up the car and pulled up the carpeting. They are treating me like I had killed someone because I'm driving on a revoked license. It was two white cops, a male and a female, and one black male cop. I'm like, "What are you looking for??!!" But the cops said, "Shut up." The whole time the white male cop is calling the young girls "Bitches" and telling them they have to walk home. I said to him, "Why are you calling them bitches and

harassing these young ladies with babies? What did they do to deserve that? Are you really going to make them walk home with babies?"

We were on 43rd Street and its 11 p.m. at night. So the white cop says, "Well, they don't live far away. They live on 39th Street. So they better get the fuck walking." It was uncalled for. It was ridiculous. I could tell the black cop felt ashamed to be a part of this. I said to him, "Dude, how do you go to sleep at night letting them do what they are doing to black people, treating people like this?" He had a stupid look on his face and said, "Don't talk to me, talk to him" and pointed at the white cop. And I said, "Yeah, you don't want to talk but you will sit here and let this happen." So I said to the female cop, "Are you serious? You don't have to do this to these young girls. You are a woman and you are sitting here letting them talk to these girls this way? They did nothing wrong." But no one was listening to reason. I got mad and just about lost my mind.

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If I just stop someone to ask for directions downtown, the cops will come, pick me up and lock me up and say I was panhandling. It is especially bad on Tuesdays and Thursday because those are the Chicago Police "Vice Nights." They have quotas to fill so they have to arrest somebody. On Tuesdays and Thursdays they will pick you up for anything to fill their quotas.

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I got out of prison and I've been on parole since February. But because I have an aggravated battery of a police officer in my background from when I was young, they automatically arrest me when they stop me. That old case was from when the police beat me up and I fought back. But when they pull up my name, they still see that and say, "Oh, you like to fight police?" Then its click, click, handcuffs, and you are going to jail. It makes me mad, but I can't do anything about it. They will put a case on you whether you like it or not.

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I've been to IDOC [Illinois Department of Corrections] about 6 times, mostly for selling drugs and burglary. But half of the burglaries they charged me with I did not do. The police just wanted to clean up their books so would arrest me and pin extra burglaries on me because of my [criminal] background just so they could close a case. One time the police beat me up. And I've had my money taken by police. A lot of bad things have happened.

*

The police go after you if you are black. Like last St Patrick's day downtown, they were letting Irish people and white people out there on the street celebrate and do whatever they wanted to do. They were fighting and drinking all over, and they were protected and taken care of by the police. The attitude of the cops was, "Hey, enjoy your selves." But let a black person go out and do that on any day and the cops will come down on them. So on St. Patrick's Day, I got dressed up and put on all the green beads, and a hat and a green afro.

And I was having fun. Then a cop rolls up and says, "What are you doing out here?" And I said, "What is the problem, Officer? Haven't you ever seen a black leprechaun before?" And everyone around me busted up laughing. So the cop locks my ass up because everyone laughed at my joke?! Locked me the fuck up that night!

I guess he took everyone laughing personally and me not being white Irish, so his solution was to lock me up. Maybe he felt disrespected by me not being Irish and White and celebrating St. Patrick's Day? I don't know. Maybe when everyone laughed at him, it reminded him of when he was a kid and he was laughed at by his peers, so he acted like a child and lashed out and arrested me? So he's using his position as a police officer to get back at people. I think that's why a lot of police take those jobs, because they want power. Maybe they got treated bad as kids and they take those police jobs because they want to take it out on someone else? Or they hate a black person who hurt them in the past? Its crazy thinking that makes people want power. The police are not all like that. They are not all bad. But there is a code that they go by that they are supposed to look out for each other. That's human nature.

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With a criminal record, I'm stopped by Chicago police constantly, basically every day, especially downtown. I will just be walking along and the police will say, "Come here. Identify yourself. What are you doing?" They will stop you for no reason at all. This makes you mad when every time you turn around they stop you for no reason. I think the cops are racist and have nothing to do. They get off on abusing their power.

*

One time the police arrested and brought me brought me in on old case that they knew was over and done with. They had me beaten and locked up. They knew it was a mistake because it was an old warrant that was already over with because the case had already been dismissed. They stuck me in Cook County Jail for a week until we went to court. Then the judge said, "Man, this case is already done with." I said, "I know, judge. I told them that." It took a week to get it in front of the judge and get it cleared up and that was really rough on my kids.

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One time I was picked up because I was walking along and had an empty bag in my pocket that had an old piece of soap in it. I had forgotten to throw it away. They took me and processed me in jail like I had drugs when there was nothing in the bag. The police said the street test was positive for drugs. But it wasn't. I had to wait for it to come back from the lab showing that it didn't test positive for a month. I had to be in Cook County Jail for a month until the lab cleared me. Then they let me go.

II. BACKGROUNDS OF INDIVIDUALS IN FREQUENT, REPEATED CONTACT WITH LAW ENFORCEMENT AND THE CRIMINAL JUSTICE SYSTEM

The majority of people that JHA interviewed, black men in their mid 40's to early 50's, described trajectories of growing up in deep poverty and being exposed to violence, leaving school and becoming gang and criminally justice involved at a young age for social and economic reasons, and, upon reaching adulthood with a criminal record, being unable to find jobs, housing or stable employment. A homeless, middle-aged white male Iraq War veteran with a degree in engineering, but a history of Post Traumatic Stress Disorder, similarly described being unable to find stable work or housing after being convicted of bank robbery during an episode of psychosis when he returned from the war.

“Where I come from you can’t really plan for tomorrow.
Because you don’t even know what is going to happen today.
You have to live day by day.”

Burdened with a criminal background, interviewees indicated that finding permanent, stable employment was essentially an impossibility, and something that they no longer even considered a viable option because employers, on discovering their criminal backgrounds, would choose another candidate. Under these circumstances, the major source of employment for interviewees was temporary factory jobs through temporary agencies. For older interviewees, maintaining an income stream through temporary factory and manual labor jobs was difficult because their age and lack physical stamina prevented them from doing strenuous physical labor for prolonged periods. Some interviewees obtained income by offering services, such as shoe-shining or doing odd jobs. Other interviewees subsisted on panhandling, which proved problematic because this often led to their arrest and detention by the police. Several interviewees asked JHA if our office had any job openings or if we knew of anyone who would hire them. The only fungible, direct financial assistance that any of the interviewees received from the government was in the form of food stamps.

“Once you have a criminal record, it is impossible to get a job. They hire you, but as soon as the background check comes back, they can you.”

Predictably, absent reliable income and employment, housing was a major issue for interviewees. For interviewees working in temporary jobs, their incomes were not enough to allow them to pay for an apartment on their own. Further, subsidized housing is not readily available, especially for people with criminal backgrounds. While some efforts are underway to increase access to government subsidized housing for people with criminal records, the demand for such housing still far outpaces supply.¹⁴ This lack of accessible housing was cited multiple times by interviewees as a major barrier to healthy family engagement and hindering successful reentry. Several homeless interviewees were on waitlists for subsidized housing. One interviewee, who was actively employed and consistently worked in temporary factory jobs, obtained a subsidized apartment after applying and being waitlisted for two months. He indicated that two months was a short amount of time to be waitlisted but he happened to get lucky. While waiting for subsidized housing to be approved, he continued to work in his temporary factory job while homeless.

Significantly, having a prior criminal record was identified by interviewees as the single, greatest barrier to obtaining stable employment and housing and staying out of the criminal justice system.

Drug and alcohol abuse was also a recurrent theme in many interviewees' backgrounds. Two interviewees indicated that they were actively participating in a methadone program. However, they also indicated that their ability to stay clean and concentrate on recovery was compromised by the fact that they were homeless and still on waitlists to get into addiction recovery housing or subsidized housing. Other interviewees had a more fatalistic attitude towards addiction and their prospects for future recovery. For example, a homeless interviewee in his mid 50s indicated that he had accepted he was an alcoholic and that, while he had been offered help from a church organization to treat alcoholism, he could not in good conscience take up someone else's spot in the program since he did not desire to quit drinking at his stage in his life.

¹⁴ Madeleine Rose Hamlin, “Chicago 's Carceral Geographies: Public Housing and Prisoner Reentry in the City,” Syracuse University Theses, Social and Behavioral Sciences Commons (2017), <https://surface.syr.edu/cgi/viewcontent.cgi?article=1130&context=thesis>

Some interviewees also spoke openly about struggles with mental illness. For instance, a black male homeless interviewee in his early 40s described being on multiple medications for bi-polar disorder and to control episodes of psychosis, suicidality and hallucinations. He also described being jailed multiple times for petty offenses like loitering and disorderly conduct during episodes when his mental illness was not well controlled. This interviewee had a mental health case manager, but indicated that he had been unable to speak with her recently because his cell phone had been turned off for lack of payment. JHA was able to get the interviewee's cell phone turned back on so that he was able to contact his case manager and make an appointment with her at the conclusion of the interview. This episode, however, epitomized the struggle that people with mental illness, criminal records and no economic resources face on a daily basis. Other interviewees spoke of difficulties with getting funds for transportation or issues related to lack of proper identification.

“When you have no money and you are hopeless it makes sense to do drugs or alcohol because you are trying to stay in another world away from the world that is really going on.”

Each interviewee's background history was unique. However, themes emerged in interviewees' backgrounds that were predictable, disturbing, and consistent with what has been known for years about the interconnectedness of race, social, and economic inequality, mental and physical health, and criminal justice system involvement. People who grow up in disadvantaged settings where poverty, exposure to violence, and racial, educational and social inequality are endemic face barriers from the start of life that compound over time and are exacerbated by unequal treatment in the juvenile and criminal justice systems.¹⁵

Crime, drug use and gang involvement are reasonable coping and survival strategies for youth who grow up in such settings, where opportunities for social and economic advancement are essentially nonexistent, and the likelihood of an early death is treated as normal and expected.¹⁶ As young people's brains mature and they reach their mid 20s and 30s, their tendency to engage risky, impulsive behaviors such as crime and drug abuse

¹⁵ “President's Report on the Economic Costs of Youth Disadvantage and High-Return Opportunities for Change” (July 2015), https://obamawhitehouse.archives.gov/sites/default/files/docs/mbk_report_final_update1.pdf; and Bernadette Rabuy and Daniel Kopf, Prison Policy Initiative, “Prisons of Poverty: Uncovering the Pre-incarceration Incomes of the Imprisoned”(July 9, 2015), <https://www.prisonpolicy.org/reports/income.html>.

¹⁶ Michael Tonry, “Malign Neglect: Race, Crime, and Punishment in America” (Oxford University Press 1995); and Timothy Brezina, et al., “Might Not Be a Tomorrow: A Multi-Methods Approach to Anticipated Early Death and Youth Crime” (November 2008), <http://ftp.iza.org/dp3831.pdf>.

naturally tends to decrease.¹⁷ However, once entering the criminal justice system and being branded a criminal and a felon, opportunities for stable housing, employment, benefits, healthcare, mental health services and social and economic advancement narrow even further.

These barriers disproportionately impact people of color, who are grossly overrepresented in the criminal justice system and have the highest rates of deep poverty.¹⁸ Poverty, toxic stress and trauma from exposure to violence (be it in high-crime neighborhoods, jails, prisons, or war, in the case of veterans) engenders fatalism, depression, anger, feelings of powerlessness and the erosion of self-efficacy and a sense of future. In a vicious cycle, having a criminal record cuts off pathways for people to escape poverty, unemployment, and homelessness, and to obtain critical medical, mental health and substance abuse services, thereby all but guaranteeing criminal justice involvement in the future.¹⁹

Responses of Interviewees:

(a) Experiences with Poverty, Violence and Gang Involvement in Youth

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¹⁷ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, “Psychosocial Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders (March 2015), http://www.courts.ca.gov/documents/BTB_23_THURSDAY_LUNCH_PLENARY_6.pdf; Anastasia S. Vogt Yuan, “Black-White Differences in Aging out of Substance Use and Abuse” *Sociological Spectrum*, Volume 31, Issue 1 (December 6, 2010), <https://www.tandfonline.com/doi/abs/10.1080/02732173.2011.525694>; and Charles Winick, United Nations Office on Drugs and Crime, “Maturing out of Narcotic Addiction” (1962), https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1962-01-01_1_page002.html.

¹⁸ Penn Wharton Public Policy Initiative, “Criminal Record and Unemployment: The Impact On The Economy” (August 20, 2017), <https://publicpolicy.wharton.upenn.edu/live/news/2071-criminal-records-and-unemployment-the-impact-on>; National Health Care for the Homeless Council “Criminal Justice, Homelessness and Health” (2012), <https://www.nhchc.org/wp-content/uploads/2011/09/Criminal-Justice-2012.pdf>; Rebecca Vallas and Sharon Dietrich, Center for American Progress, “One Strike and You’re Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records,” (December 2014), <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>; McSilver Institute for Poverty Policy and Research, “Mental Health and Poverty Fact Sheet,” http://mcsilver.nyu.edu/sites/default/files/reports/Mental_Health_and_Poverty_one-sheet.pdf; Susan E. Collins,, “Associations Between Socioeconomic Factors and Alcohol Outcomes,” *Alcohol Research Current Reviews*, Vol. 38, Issue 1 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4872618/>; Adeshina Emmanuel, “Black Chicagoans Most Likely to Live in Deep Poverty” *The Chicago Reporter* (October 6, 2015), <https://www.chicagoreporter.com/black-chicagoans-most-likely-to-live-in-deep-poverty/>; and Prosperity Now, “The Racial Wealth Divide in Chicago” (January 2017), https://prosperitynow.org/files/resources/Racial_Wealth_Divide_in_Chicago_OptimizedforScreenReaders.pdf.

¹⁹ *Ibid.*

I grew up with my mom and two sisters. I'm the youngest. I started out on the Southside. That was a bad neighborhood, and then we moved to Cabrini Green [housing projects]. It was a tough place and it was violent. Money was really tight. When your mother can't do for you, then sometimes you have to go out on the streets and do for yourself; like getting involved with gangs. Gangs become like your family. You start out doing some errands for them for money, like wash their car, go to the store for them. But then you want more now so you move up to selling drugs. Once you see that type of lifestyle you are like, well, my mother can't help me so I'll go to the next people who can help me. Then you are able to go to school with new shoes then ordinarily you wouldn't be able to buy. But then the gang buys them for you and you think, yeah, that's the way of life. You want more.

*

I grew up in the CHA housing projects. **Where I come from you can't really plan for tomorrow. Because you don't even know what is going to happen today. You have to live day by day. You don't even know what you are going to eat tomorrow.** So you can

"It is a learning experience being in prison as a kid, but it is not a good place for kids to be. You learn that if you are not strong and tough you are not going to survive."

cook Sunday dinner, but now it's Monday. What are you going to eat now? That is the way you come up into your adulthood when you are poor. You live one second at a time. You have never been able to plan. You can't ever save money because you owe money. You are constantly trying to get by. People are borrowing and loaning from each other. Money is not coming in from the government to help my mom feed us because we are not the most important to them. Everyone is barely getting by.

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I was raised by my Mom with lots of brothers and sisters. We lived in Cabrini Green in one big apartment. My Dad was not around. It was tough growing up because there wasn't enough money or food. To fill our stomachs we sometimes had to eat bread and jelly or bread and butter, or beans or oatmeal for every meal. We had a saying in our house that, "oatmeal is no meal."

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"When you are around violence and gangs, it makes you hurry up and grow up and pick a side to be on."

I saw people killed growing up. **When you are around violence and gangs, it makes you hurry up and grow up and pick a side to be on.** And you want to be a little tougher than

the other guys. Back then and even now, everyone needs a gun to protect themselves. The way things are going, you have to have a gun.

*

“When there is a murder or shooting in a black neighborhood, you never hear about crisis counselors coming out there to talk to the children to help them through this.”

When there is a murder or shooting in a black neighborhood, you never hear about crisis counselors coming out there to talk to the children to help them through this.

That never happens. But if it happens in white neighborhood, they have all kinds of crisis teams come out and help the kids with counselors. You have crisis teams talking to the kids whenever something bad happens in a white neighborhood. It is a total double standard how they treat black kids and white kids with violence.

*

I grew up in basically all the public housing projects in Chicago and I was bounced from foster home to foster home. I went into the foster system when I was 13. My mom fought for me to get back, but my mom and dad had been locked up before. I did not go far with school. I went to my first year of high school, but I saw my friend shot, so I stopped going to school my freshman year.

*

I grew up in Cabrini Green. They're all gone now, ripped down. They were talking about tearing them down even in the 1970's because its such valuable property, but I never thought it would actually happen. I was raised by my Grandma with my brothers and sister. We all lived in an apartment at Cabrini Green. It was tough for us. Grandma worked as a maid and also had to take care of us all, all my brothers and sisters. My mom was not around because she was out hustling and making money for buying drugs. But we always looked at Grandma as our mom. We would think about our mom sometimes, but we didn't really miss her because we had our Grandma. Growing up it was not strange to you that people were murdered and shot. **When I was about 8 years old, I had two friends, and I**

“When I was about 8 years old, I had two friends, and I saw one of them murder the other. The one friend was playing around and pointing the gun at us and it went off. Street life was a way of life.”

saw one of them murder the other. The one friend was playing around and pointing the gun at us and it went off. Street life was a way of life. Gangs are kind of attractive to you as a youngster. I didn't want to be a square because I felt that peer pressure from my peers. I thought if I'm a square then everyone is going to make fun of me or they will jump me because I'm a square. So you adapt and you want to be seen as one of the guys. But that was opposed to how my Grandma was trying to raise us. She was older and she didn't understand what was happening with us as young people. Even though some of the things I did when I was young were wrong, I didn't see that it was wrong at the time.

*

I grew up in Chicago with my little brother. We were raised by our great grandma. Our mom and dad were not around. But I had everything that I needed, it was a decent neighborhood, and I was raised good. But I was attracted to street life and went bad because I wanted more money. The lifestyle of the streets is attractive to you as a kid. So I sold drugs and started gangbanging and drinking. I just thought it would be cool and fun. When you are young and you are with your homies, you do what you want to do. You don't think about things. When I was with the guys from the neighborhood, it was “us” versus “them.” I did not think about life when I was young the way I do now.

When I was 14, I got picked up for the first time by the police and was sent to the Audy Home [Cook County Juvenile Detention Center]. They charged me with attempt murder and I lost the case. They did not charge me as an adult but sentenced me to “juvenile life,” so I got out when I was 18. **It is a learning experience being in prison as a kid, but it is not a good place for kids to be. You learn that if you are not strong and tough you are not going to survive.** When I came back home [from juvenile prison], things were different, but they were still the same. My best memory was that my mom and dad were there when I came home and took me shopping. I always had family supporting me when I was young.

That helped alot. But I knew a lot of people and a lot of kids who didn't have family to help them.

*

I grew up in Englewood as a teenager and graduated from high school in Englewood. It was rough growing up there. Every time you came outside there was a shooting. It happened every other day and it was normal. I thank god that I'm still here. As a kid when you walk out the door and there is shooting all the time, you are scared to go to school and outside. When we went to school in the morning, we would see the police by the school and then again at 2:30 p.m. when the kids were going home. But the police were always trying to get guys hurt. I was in a gang when I was young because those are the people I was around. Whoever you are around, whoever are your friends, that is who you are going to be with. And even if I'm not in a gang but I'm with my friends in gangs and just hanging with them, the other rival gang is going to think I'm in the gang with them. So if you are friends with gang members, it doesn't matter if you're in the gang or not, you will be identified as being with them.

*

A lot of us joined gangs when we were young. People join gangs so they can feel that they are loved or cared for by someone. A lot of people have nobody. The gangs show the kids love and look out for them and give them money. When a person gives you money and buys you stuff, you will think of them as caring about you.

(b) Drug and Alcohol Abuse and Mental Illness

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When you have no money and you are hopeless it makes sense to do drugs or alcohol because you are trying to stay in another world away from the world that is really going on. You are trying to keep yourself in a peaceful state of mind so that you won't be aggravated, so that you won't be irritated. But what I've learned from that is, at the end of the day, you still have to deal with the problems. And then you may end up with another problem because of the addiction. So every time you think you are getting some relief and getting away from a problem all you are doing is postponing that problem. And it's worse because you can do something stupid under the influence.

*

I know I could get a job if I could kick my addiction to heroin. I've had jobs off and on, mostly construction and maintenance work because I completed community college and I have training in engineering work. I went into the Army when I was young and I was over in Iraq. When I came back I was messed up mentally and did some years in prison for a bank robbery in Ohio. I have never been in drug treatment before, but I'm thinking about trying to get into a program. But before I can work on my addiction, I need a place to live. If

you have a home, then everything else will fall into place. You can't do treatment and get a job when you have no house. You can't do it on the streets when you are homeless because you are surrounded by drug use. **The major source of stress in the day-to-day life of being homeless and an addict is to try to keep from getting sick. When you are an addict, you constantly need heroin to try to keep from feeling sick. Trying to stay healthy and well is hard.** If I get sick, I'll try to go to a free clinic because it is a lighter

"The major source of stress in the day-to-day life of being homeless and an addict is to try to keep from getting sick. When you are an addict, you constantly need heroin to try to keep from feeling sick. Trying to stay healthy and well is hard."

payment than going to the Emergency Room. What would make me the most happy would be to not be addicted anymore. And to have a house, that would make me really happy. But the only person that can change is me. I think what would help me the most with getting off heroin would be a job, treatment, and some mental health services. Life hands you a bunch of stuff and you just have to take it one day at a time. If you don't, its going to wrap you up and its going to spit you right back out.

*

I started smoking weed when I was young and then I started smoking coke. It makes me feel good and calm. When I was in 9th grade I dropped out of school because I wasn't into it. I knew that I could do school and I was good in math, but I wanted to make a name for myself on the street when I was 14. So I started hustling at a young age. I was selling drugs and making \$200 a day, which was way more than my mom made working at a regular job. Sometimes me and my cousin would take money from selling drugs and rent a hotel room to chill out, watch basketball, do drugs and party. I didn't want my mom to know what I was doing or that tension so I had to go somewhere else. But eventually my mom found out I was hustling drugs. She came to the spot where I was selling and brought a police officer with her and turned me in! I was like, Mom, are you joking?! So I was arrested at 14 for the first time when my mom turned me in. It took being picked up by the police three or four more times and arrested for selling drugs after that before the juvenile justice system caught up with me and I was looking at serious time. Some people have lost their minds on drugs, but not me. Drugs help me and I think I could quit any time.

*

Any problems that have gone on in my life are due to my addiction. The whole reason, the only reason, I have ever been incarcerated is due to my addiction to heroin. I've been picked up by the police multiple times for PCS [possession of a controlled substance], prostitution and retail theft. The longest time I ever spent in jail was 18 months. I have been to Cook County Jail many times and it is a horrible, horrible place. The last time I was there and bonded out was on a drug charge. It cost me \$1500 bond to walk, which a friend

paid to get me out. I've also spent time in IDOC [the Illinois Department of Corrections]. I've done a tour of all the female prisons, Lincoln, Logan, Dwight, Decatur, because of drugs.

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"I alienated my family with drinking and smoking weed and gangbanging when I was young. The stupider I got, the less I got to go home."

I alienated my family with drinking and smoking weed and gangbanging when I was young. The stupider I got, the less I got to go home. My mom kicked me out of the house at 21. She got fed up. When I did crazy stuff, my mom got scared, so she won't let me in anymore. She got tired of me doing the same stuff. Alcohol and weed are a problem for me. My sister let's me sleep at her place some nights, but I can't live there. I ignored my mom's advice when I was young. The court ordered that I get counseling and drug treatment when I was 18, but I didn't go so they sent me to county jail. And they sent me to drug treatment after I got out of Vandalia [Correctional Center] in 2000. I've been considering trying to go to a treatment program, but it is hard for me to take instructions from someone younger than me. And I'm not sure that I want to quit.

*

My daily routine is to get up, get drunk, eat, get drunk some more, and go get back in bed. Right now I'm enjoying my routine. I'm not hurting anyone. The only person I'm hurting is me. I don't trouble with people or fight. I want to be left alone. I'm homeless. I sleep and live on lower Wacker Drive. There is a church on 37th Street where a lady has been trying to get me to come for alcohol and drug treatment for 2 years. But I told her that I did not want the help and I didn't want to take up someone else's spot in the program. I don't want to be told when to get up or when to go outside to smoke. I don't like people telling me what to do. I would rather be on the street. I would like to have money for transportation, but I don't want more help. I'm cool doing what I am doing. I'm just hurting myself and not bothering anyone. I have only been arrested 2 times this year, which is less than usual. I think its because the police know me now and know that that I am not a bad guy. I'm drunk, but I'm not messing with no one. I'm not stealing. So the police leave me alone. That is a change. I think that is because the police know me now and that I'm not a danger or stealing or bothering people. Things are going pretty good. I'll just sit and take it a day at a time.

*

A lot of people out here are homeless and in jail because the drink and do drugs because they are mentally ill and self medicating. But people on the street have a code to look out and protect each other. There are people you have known 15 to 20 years on the streets who

look out for each other. But now on the streets you have got a whole other breed of people. There are a lot of addicts from rich suburbs coming here now because they got into trouble in the suburbs. They are starting a lot of trouble. They are not even from Chicago, but you get people out here on the street who ran off with someone's drugs from the Southside so they have people looking for them and they are hiding out. There are a lot of creeps down here now on Wacker Street. Its not a family anymore.

*

One time I got arrested and sent to jail because I went to my Mom's house to ask for help and she would not let me in because of my drug use and she called the police on me. She said I could not stay there and had to go make a life for myself. I busted out the window of the police car with my leg because I was angry and my leg got broken. They charged me with criminal damage to city property and I was in Cook County Jail for five months. It wasn't too bad for me because I stuck to myself and inside my own head, but it can be really hard on some guys.

*

People can't judge a book by its cover. My upbringing before heroin addiction was that I went to \$40,000 a year college preparatory high school. I went to a private catholic college and studied medical sciences. I've worked lots of different jobs, waitressing, retail, receptionist, and I did an internship at a hospital when I was in college. I probably have more education than most of the people who talk crap to me on the street. I find it to be very insulting sometimes. People act like I'm doing something wrong when I panhandle. But I am always polite and respectful and I don't cuss at people. **I treat people the way I want to be treated. There are some days though that I feel like I'm going to blow up. When you have so many people talk to you like you are a piece of scum, it makes you lash out at people.**

"I treat people the way I want to be treated. There are some days though that I feel like I'm going to blow up. When you have so many people talk to you like you are a piece of scum, it makes you lash out at people."

*

The majority of people out here on the streets are mentally ill because they closed down all the mental health clinics. They closed them all down. So if you're homeless, you either get mental health treatment or you go to jail. If have no mental health treatment, you are going to jail. Why would you lock up a person who is mentally ill because he is unmedicated? He doesn't have what he needs to survive and that is why he is doing what he is doing.

*

“The majority of people out here on the streets are mentally ill because they closed down all the mental health clinics.

They closed them all down. So if you’re homeless, you either get mental health treatment or you go to jail.”

I take medications for bipolar disorder and psychosis and because sometimes I hallucinate. I was 17 when I was first arrested and went to jail. They sent me to Cook County Jail. I’ve probably been in Cook County Jail 1000 times. So many times I can’t even count. The longest time I was in Cook County Jail was for 3 and ½ years for a murder charge. I didn’t do it and they dismissed the case. Sometimes when I get sick [with bipolar disorder], I have to stay longer in jail, like for several months. In the last 2 to 3 years, I have been arrested 44 times, mostly for drugs or trespassing. When I get out of jail, I’m back to the streets. They don’t give you transportation or money.

Right now I don’t have a home. I live on the street and I don’t have any work now. I don’t get government assistance or family support. But I get food stamps. I don’t have money. I have nothing. I have worked long enough in my life to get social security. I had social security before but they said I have been to jail too many times and cut me off. What would help me most would be if they would give me my social security money so I can have a life again. I have had a lot of jobs, working at grocery stores – Walmart, Sam’s Club, Jewel grocery store – mostly doing warehouse stuff. I have a public transit card to get around, but I don’t remember where I got the card from. I guess from the government, maybe City Hall? My social security is in limbo because it takes a year for an appeal. I don’t know why they took my social security away? Social security was enough for me to get by. The AIDS Foundation is helping me to get my social security back. And having housing is the thing that would most help me to get my life on track. It’s a major stress and sometimes I feel suicidal. I’m okay right now because I have a [mental health] case manager and I have my medications.

(c) Unemployment, Underemployment and Inability to Find Work Because of Criminal Record

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I’ve been doing some temp jobs and working through temp agencies here and there for money. If you are lucky maybe you will get 2 months on a job here or there. But then the temp job contract will run out and you are back out of work. So that is what I have been dealing with. It is really hard to get a permanent job once you have felony on your record. They will go back 7 years in the criminal background check. The last case I caught was from 5 years ago. I have been on the straight and narrow for 5 years. But employers stick

with the 7 year [criminal history] on job applications. So it is kind of tough finding employment, but I try and manage the best that I can. With the age I am now, I can't get a low income supplement. I can't get section 8 housing. Job employers are scared to death of me. They don't think you can change and after all these years. **Your history and criminal background from years ago still follows you. I can't get a job because of bad decisions I made when I was young.**

**"Your history and criminal background from years ago still follows you.
I can't get a job because of bad decisions I made when I was young."**

*

I have two kids, a boy and a girl, 3 and 5. I went to school through the eleventh grade. I did maintenance work in the past. But its hard to get a job with a [criminal] record. I'm not working right now, but I try to do odd jobs when I can. My wife works and we have a car and rent a house. I have a medical card, and my wife and the kids have insurance. We get food stamps, but that's it. We are living check-to-check and we can't save money. It is stressful and rough not knowing what is going to happen next.

*

Once you have a criminal record, it is impossible to get a job. They hire you, but as soon as the background check comes back, they can you. They hire you for a week or two, but as soon as background check comes back, they fire you, especially if it's a business and you have a theft in your background. They don't want you working with them if you have a theft [conviction]. But I'd rather that someone who is working with me had a prior theft than a prior murder or sex offense. Jobs are very important because they give you a sense of value. If you get up every morning and wait until 7 a.m. for a liquor store to open, then you should be able to get up every morning and go to a job. And if you can sell dope where you have got to worry about the police, the stick up man, the addicts, the snitches; that is a much harder job than going to work for UPS.

*

I am so tired of going into these stores and stealing to stay alive every day. I know its not right but I have to to survive. And actually I know it is wrong but this is how I have to live. Nobody out here is saying, "Hey, what about these guys who have got [criminal] backgrounds? Let's put these guys to work." If you are tripping out about black guys owing child support, then give these guys a job. And take part of his earnings for child support, but give him enough to live on. Then he's working, he's happy, he's paying off his child support, so the family is happy. Everyone is happy that way.

*

The best place to find jobs when you get out of prison is through the temp agencies. If you can save up money to get some steel toe boots, then you can find labor jobs through them

and get a weekly paycheck even with a [criminal] record. I got a job working in a baking factory for awhile. But when you are over 50, hard physical labor jobs are tough. I was working in the oven area on an assembly line and it was 130 degrees in there. You had to wear a smock and heavy gloves and a thing over your mouth and grab and stack hot trays out of the oven. You can't stop to take a breath or the trays stack up and fall off. As a 52 year old man, I couldn't do it. Now I got a job working in a paper cup factory. But I've still got a drug case against me in court. If I can get out from under this drug case, I think I would like to get out of Chicago and go to Iowa or Minnesota because I hear they have jobs down there.

*

The last time I had a full time job was about 5 years ago at Soldier Field. But that was seasonal work, not permanent work. I apply for temp jobs, landscaping and things like that, but that is not stable employment. If I was not arrested so much, I could get a real job. My arrest and criminal record keeps me from that. I am sure that I have been rejected for jobs because of my record. They [employers] won't say it, but I know it is the reason. I don't have any violent convictions. I'm scared off from applying for jobs because of my [criminal] record. Some cases you could get expunged, but there is no easy way to do that.

*

The thing that I feel is most unfair is that there are no jobs here. If you have been to jail more than once, you can't get a job. I am not a violent, bad person. I don't rob people. I couldn't do that. A lot of times I get picked up for are panhandling. The police will give me a ticket or send me to jail. Just asking people for money, I get in trouble. People shouldn't be too quick to judge.

*

I grew up in Englewood and still live there now with my wife of 16 years. We have three grown kids and two grandkids. I graduated from high school and worked in clothing stores for a long time. I worked at one men's clothing store 13 years before I was laid off. I've also had other jobs like restaurant work and cashier. But once you have a criminal record, it will cost you a lot of jobs. And if you have a domestic [assault] in your background, it will cost you even more jobs. I had an altercation and fight with my brother some years back, and now that the domestic charge is on me, it has cost me jobs. So my wife is the breadwinner. She is a factory worker. She does jobs for a candy company, a cup company, a couple of different factory jobs, and I work independently doing shoe shining. We get food stamps but not any other assistance.

*

Having a [criminal] record makes it harder to find a job. And age plays a part in whether you can get a job. They don't want to hire older guys like me. Because of your age, they want younger people working. It is harder for me to get the type of job I want because of my age. Even if you have the qualifications and the paperwork that you are qualified, they don't want you because you are older. Or they might even say that you are overqualified. But that is really just another way of saying you are too old. When you are so much older

than the other people, it is hard to get these jobs. I was told that its harder to train older people, and that is not true. But if my boss is 15 or 20 years younger than me, sometimes they are uncomfortable with that.

(d) Homelessness and Lack of Stable, Affordable Housing

There are a lot of tired homeless people out here who have no other outlet. So they are stuck doing what they are doing. They keep doing petty crimes. That is the basic thought process. **Not having a house is exhausting. You are tired all the time. You will be up 3 or 4 days because you don't want to go to sleep. So now you are delirious and making really bad decisions.**

“Not having a house is exhausting. You are tired all the time. You will be up 3 or 4 days because you don't want to go to sleep. So now you are delirious and making really bad decisions.”

*

A lot of people are losing their cribs and their Section 8 housing. There are so many restrictions on Section 8 housing and housing assistance. Everything is a restriction. You can't do this, you can't do that. **If your son has been in jail, he can't come home to you and his family because he's not allowed to be there. So then that is another homeless guy; you just made another homeless guy.**

“If your son has been in jail, he can't come home to you and his family because he's not allowed to be there. So then that is another homeless guy; you just made another homeless guy.”

*

What would make me the most happy is I just want an apartment. I need an apartment. **You wake up not knowing where your next meal is going to come from. It is stressful and it is a struggle every day. Sometimes you feel like you just want to go to sleep and not wake up.**

“You wake up not knowing where your next meal is going to come from. It is stressful and it is a struggle every day. Sometimes you feel like you just want to go to sleep and not wake up. “

*

Right now, I have housing because I am staying with friends, but its not my house. If I could get up, go to a job and come home to my own house that would make a difference. But a lot of people in my age range are stopped from getting work because they are older and employers can always go back and look at your [criminal] background. They will reopen all your old history. The greatest stress in my life right now is my grandkids because I worry because they won't see me as a good grandfather. I want them to know me, what I've done with my life and see them regularly. I want them to be able to come to my home and stay with me.

*

People don't realize that when you arrest and charge a guy, his wife or girlfriend can lose their family's Section 8 housing. They can't even afford to pay Section 8 housing rent, what makes you think these families can pay market rent?

*

I'm homeless but I just did my last interview with the CHA [Chicago Housing Authority] to live in a house for homeless women and I'm waiting for my background check to go through, which should take about 30 days. I'm in a methadone clinic program, and the clinic gives me bus cards so that I can get back and forth from clinic appointments. My three kids, who are 5, 12 and 14, live with my mom and she takes care of them. What would help me most is housing, first and foremost. Until I have a permanent place to live I can't begin to think about how to get a job and I can't focus on dealing with my addiction. And if I had a home and a permanent place to stay, I would be able to see my kids more.

*

I'm homeless and stuck. I can't get an apartment or job. You need to offer some type of help to get people started on a brand new life. Now all the housing projects are gone. There's no more projects and you have stuck people out in the boondocks somewhere and they have no transportation. You need to get people CHA [Chicago Housing Authority] apartments in the city because no one can afford rent in Chicago when they don't have jobs or they only have a minimum wage job. If you stick people out in boondocks with no transportation, they can't do anything. If you don't have anything to help you get started on something new, then you are going to stick with what you know. You are going to try to start selling drugs in the boondocks. Which is not right, but people don't feel they have choices.

*

I've been homeless on and off, but I'm staying with my sister now, and trying to get my social security started so that I can get my own place. My sister has bipolar disorder so that is tough. She gets angry a lot and I don't like to argue. I try to help her out as much as I can and I help out with her kids. But when she gets into her moods, she is impossible to live with. I give her my food stamps so she can put money towards the household. I don't want to freeload off of her. But when she starts to act funny, I have to get out of the house. When that happens, I come live down here on Wacker Drive. This is not where I want to be at, on the street, but I've been here for so long. Sometimes when my sister is going crazy, this is the only place where I can get some peace of mind.

*

I live on the Southside and I got an apartment through the CRS [Chicago Referral System]. But I was homeless before. It took me about 60 days to get housing once I applied through them. That was fast. It usually takes people longer than that to get housing, but I happened to apply at the right time.

*

People don't want to go to the homeless shelters down here because the shelters want you in by 5 in the evening and you have to leave at 7 a.m. the next day. So if I come in and I have been up for 2 days and you wake me up at 7 a.m. to kick me out, what makes you think I'll come back? I'd rather sleep on the L train. So some people go to the shelters to take a shower and then leave but they don't stay there because they don't want to get

“And if you are homeless, some people think you are the scum of the earth and can talk to you any way they want and tell you what to do. I would rather stay under the bridge then have people yelling at me and kicking me out at 7 a.m.”

kicked out at 7 a.m. **And if you are homeless, some people think you are the scum of the earth and can talk to you any way they want and tell you what to do. I would rather stay under the bridge then have people yelling at me and kicking me out at 7 a.m.** Some people will get locked up just to go somewhere warm to sleep. I figure that by the time my I-bond comes through in 8 hours I'll have had a chance to get some sleep.²⁰

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When it is super hot out or a blizzard, they don't have the streets and sanitation people coming by anymore saying, “Hey, come with us. We'll bring you to a homeless shelter.”

²⁰ An “I-bond,” also known as a “personal recognizance bond” means that you pay nothing to be released, but you promise to show up in court for your court date. The Sheriff can collect full bail from you if they arrest you for not showing up for your court date.

They don't do that shit anymore. The police will come and give you a garbage bag and tell you to clean you trash up. Like the people who were sleeping under the Trump Building before. Nowadays, if you get caught sleeping there, you are going to jail. And these are people have been living down there for years. But as soon as Trump became president, if you get your ass caught down there, you are getting locked up.

*

I'm homeless and live on Wacker Drive. I've applied for housing through the VA [Veteran's Association] and now I'm at number 17 on their waitlist for housing homeless veterans. I don't get any financial assistance from the government except food stamps. **My big problem right now is that I'm trying to get a new ID. Someone stole my bag that had my wallet in it two days ago. Without an ID, I can't get food stamps.** I have a court date coming up in a couple of months on a theft charge, so I don't know what will happen.

"My big problem right now is that I'm trying to get a new ID. Someone stole my bag that had my wallet in it two days ago. Without an ID, I can't get food stamps."

*

Right now I am homeless, but I have worked lots of different jobs in my life. I worked in a metal fabrication factory, as a house painter, for the park district as a pool attendant and doing general chores, as a coat checker, cashier and at concession stands at Soldier Field and McCormick Place. I have been homeless now for 6 months. The longest time I had been homeless before was for 6 years. That happened because I could not afford to pay property taxes. It was my Grandparents' place that has been in our family for 34 years. **When my Grandpa died in 2009, I didn't have a job and I wasn't able to pay property taxes anymore so we lost the house. What would help me change things around would be to have a place to live and a job.**

"When my Grandpa died in 2009, I didn't have a job and I wasn't able to pay property taxes anymore so we lost the house. What would help me change things around would be to have a place to live and a job."

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I don't have a place to live. I would like to have a place to rest properly, change my clothes and take care of my hygiene. Then I could get my things in order and be able to get a job to pay bills. And I could get my GED. I'm smart but I need a fresher-up course. If you don't have college, you still need something. I need to get a State ID because I lost mine on the L train. One of the Catholic Churches on Madison Street will give you a voucher for a State ID if you are homeless. But I know I'm going to get the run around trying to get my social security card and birth certificate. But I still have my methadone card. I have been doing methadone since the beginning of the year and it has been going ok. This is my second time trying methadone. The first time I did methadone for 9 months. Then I was off it for a year and half and now I'm back on it. I'm 52 and I've been doing drugs since I was 21, but I'm going to try methadone again.

"I don't have a place to live. I would like to have a place to rest properly, change my clothes and take care of my hygiene. Then I could get my things in order and be able to get a job to pay bills."

III. INTERACTIONS WITH COURTS AND CRIMINAL JUSTICE SYSTEM AND PERCEPTIONS OF LEGITIMACY

The overarching impression that JHA came away with from interviewees is that the criminal courts and the justice system as a whole are viewed as biased, racist and illegitimate. Interviewees frequently likened criminal court proceedings to a “game” where the outcome either was fixed and predetermined from the outset or else totally arbitrary. In the most egregious example of the latter, one interviewee described an instance where a judge decided a defendant’s sentence by tossing coins up in the air. On the whole, interviewees described each stage in the criminal court process (charging, bond, prosecution, representation by counsel, and disposition by the court) as lacking in procedural and substantive due process and divorced from the functions of truth seeking and fairness. Many interviewees described pleading guilty to crimes they did not commit out of fear of a receiving an inordinately severe sentence if they asserted their innocence. When given the option of pleading guilty and leaving jail immediately with a sentence of time served, interviewees saw no point in remaining in jail and attempting to fight the charges against them because they saw no possibility of receiving a fair hearing or a zealous defense by their public defenders. Interviewees also believed that prosecutors, public defenders and judges acted in concert to secure convictions in order to lessen their workloads and/or because the State profited from convicting people and locking them up.

Interviewees described a cycle that begins with system stakeholders pre-judging them. They overwhelmingly felt that arrest and criminal history records were irrationally and unjustly given far too much weight by police, bond judges, prosecutors, defense attorneys and trial judges in their decision-making. Interviewees described the process as a vicious cycle. As a young black male, you are targeted by police for stops, questioning and arrest. Once you have an arrest or conviction in your criminal background from your youth, from then on you are far more likely to be subject to police scrutiny, and arrested, charged and prosecuted again in the future. Each subsequent arrest on your criminal record increases the suspicion with which police view you, which increases the likelihood of being stopped, questioned, rearrested and charged, even for minor offenses. As your arrest and criminal history grows, bail amounts likewise grow and you are unlikely to be released pretrial because you lack the funds to bond out. In the interim, your work, education and housing opportunities have plummeted because of your criminal record. Now, with a substantial history of arrests and convictions on your criminal record, your risk of being overcharged and receiving a lengthy sentence if you refuse to plead guilty is great. Rather than risk losing years of life in prison on a case that your attorney says you have little chance of winning, given your criminal history, which could be introduced at trial against you if you testify, you plead guilty to a lesser offense, adding another criminal conviction to your criminal history, and the cycle begins anew.

Research bears out that imposing lengthy sentencing enhancements for repeat offenders does not reduce recidivism.²¹ Research further shows that overreliance on criminal history exacerbates past racial bias in investigation, arrest, prosecution, and sentencing.²² Much stock has been placed in recent times on using risk assessment instruments for purposes of decision-making at bond hearings and sentencing. However, because risk assessments rely heavily on prior criminal history, they can have a “ratchet effect” whereby they reproduce and intensify past racial bias that exists at every stage in the criminal justice process from arrest through sentencing.²³ Most importantly perhaps, reliance on criminal history to enhance sentences often results in dramatically higher sentences that are grossly disproportionate to the underlying offense. With regard to deteriorating perceptions of legitimacy of our criminal justice system, this is deeply problematic because it offends basic principles of fairness and due process that the severity of punishment should be proportional to the crime and harm actually committed.

Responses of Interviewees:

(a) Lack of Due Process, Fairness and Equitable Treatment in the Courts

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It is all a game in the courts. They let one go, and they keep one guy in jail. It’s a numbers game. If they see your criminal background has something bad on there from even a long time ago, the Public Defender will say, “Well, he’s going to cop a plea.” They don’t want you to fight the case and ask for trial. Like right now, they have got me on a drug case. I am

²¹ Anthony Nagorski, “Arguments against the Use of Recidivist Statutes That Contain Mandatory Minimum Sentences,” 5 U. St. Thomas J.L. & Pub. Pol’y 214 (2010), <https://ir.stthomas.edu/cgi/viewcontent.cgi?article=1059&context=ustjlpp>; Nancy J. King, “Sentencing and Prior Convictions: The Past, the Future and the End of the Prior-Conviction Exception to Apprendi,” 97 Marquette Law Review No. 3 (Spring 2014), <https://discoverarchive.vanderbilt.edu/bitstream/handle/1803/6906/Sentencing%20and%20Prior%20Conviction.pdf?sequence=1>

²² The Sentencing Project, “Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers,” <https://www.sentencingproject.org/wp-content/uploads/2016/01/Reducing-Racial-Disparity-in-the-Criminal-Justice-System-A-Manual-for-Practitioners-and-Policymakers.pdf>; Nancy J. King, “Once a Criminal . . . ? Regulating the Use of Prior Convictions in Sentencing,” Marquette Lawyer (Summer 2014), <https://law.marquette.edu/assets/marquette-lawyers/pdf/marquette-lawyer/2014-summer/2014-summer-p26.pdf>

²³ Bernard E. Harcourt, “Against Prediction: Sentencing, Policing and Punishing in and Actuarial Age,” (University of Chicago Public Law & Legal Theory Working Paper No. 94, 2005), https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1021&context=public_law_and_legal_theory

innocent. They want me to take 2 years sentence on a plea bargain. But I didn't do it and I'm tired of rolling over.

*

“And once you keep pleading guilty just to get out of jail for time served, even if were innocent on those cases, now your credibility is shot. Because you pled guilty on all those cases just to get out of jail. And that is where they have you, because now your background comes into play.”

A lot of time you just plead guilty if they say they will let you go with time served. Or other times the case may be dismissed because there was not probable cause. But even if a case is dismissed, you have already done your time because you have been in custody that whole time. Those are still lost days of my life when I'm locked up and the case was dismissed. Its not fair. You still lose a day in lock up on a bogus case even if its dismissed by a judge. The harm is already done. **And once you keep pleading guilty just to get out of jail for time served, even if were innocent on those cases, now your credibility is shot. Because you pled guilty on all those cases just to get out of jail. And that is where they have you, because now your background comes into play.** You go to court on a small charge, but once they read through your background of guilty pleas on a bunch of small charges, **it all starts to stack up against you.** I've never gone back to try to get stuff sealed or expunged because it costs time and money. And it's your background, so it's going no damn where. There is no point in doing it. It's just reopening old wounds.

“It all starts to stack up against you”

*

I never felt like I was treated fairly in lockup and court. I mean, you are never getting equal treatment when you are locked up. It's not “you're innocent until you are proven guilty.” Its, “you're guilty until you are proven innocent. It is automatic. It doesn't matter what you say. No one will listen to you when you are innocent. The judge, the system just says you're guilty. They will treat you like you are guilty and you will get nothing. It's all like, “We tell you what you are going to get. Shut the fuck up and watch your head getting into the cop car.” It doesn't matter what you have to say. You are in. It's a game.

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The more people that the State locks up, the more money they get. They get paid more depending on the number of people in the [criminal justice] system. Our community is not the most important thing to them. The government may have millions of dollars, but our

community is not the most important thing to them. Instead, the idea is “write them up or lock them up” and let the State take care of them.

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What is crazy in court is that you can't ever talk to the judge at all to straighten things out and tell your side of things. You can tell your lawyer to the inform judge of something, but the lawyer still won't tell judge what you said. In my driving on a revoked license case, I was just driving down the street doing nothing wrong when I was stopped. And I told the officer that the only reason I am driving this car is that the owner of the car with me is intoxicated. She had a license and the car had insurance. But he said, “You are going to jail.” When I went to court I told my lawyer there was no probable cause to stop me. My attorney says, “Look, it doesn't matter if there was probable cause.” And I said, “Yes it does. That is why we are here right now. Probable cause. The police have got to have a reason to have stopped me. There was no ticket.” For me to even have to go to trial on a case like that was crazy.

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The system puts you in these crazy situation and some of the judges are crazy and psycho. I once saw one judge take like 100 pennies out and say to this guy a defendant in court, “However many of these pennies you can catch is how much time I'll take off your sentence.” The guy caught like 4 or 5 pennies and the judge gave him 95 or 96 years. It was crazy unfair. People get treated bad for so long that it messes with them mentally. This is a person's life, and the judge is deciding it by throwing pennies at the guy? It's a joke.

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A lot of people in the housing projects don't know that they get more jail time than other people. Like in Cabrini Green, you got more time than anybody if you were arrested and charged. The cops and the judges zeroed in on them. And I never understood that. You could have the same case as another guy and because you are black and from Cabrini Green, you get a higher bond and longer sentence than some other guy who had a gun but was not from Cabrini Green. It makes no sense. But those rich white guys that steal, they are not going to be arrested so they never have a criminal background.

*

People get picked up and put in jail for stupid stuff all the time. Like I once got 3 years sentence for having 0.1 grams of heroin and it was a \$50,000 bond. When I went to court out in Skokie, I was put in the bull pen and they said, “Its going be 3 years in prison.” The lawyer never even talked to me. He just said, “They are offering 3 years. Take it.” **The lawyer slipped the plea agreement under the door in the bull pen and says, “Sign this plea agreement. It is for 3 years.” That was the first and only time I talked to the lawyer in that case.** The attorney just said, “Man, you are going to lose because of your [criminal] background.”

“The lawyer slipped the plea agreement under the door in the bull pen and says, ‘Sign this plea agreement. It is for 3 years.’ That was the first and only time I talked to the lawyer in that case.”

*

The worst part of the whole system is the police and the wrongful convictions. But some of the higher ups know what is going on. Some of the judges know what is going on. It is just by the grace of god that some of the judges see the police bullshit. Judges know the game and dismiss a lot of cases. But I’m surprised the judges let it go on as much as they do instead of dismiss more cases. Why do they let this crap go to trial? It is almost like they want you to cop out to some shit that you never did. They will take you through the wringer. If you are innocent and cop a guilty plea to get out of jail, they get a conviction.

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The public defenders are not good. I told the public defender on my last case that I did not do it. But he is telling me to just plead guilty and that the court will not want to hear the truth. I was working 3 jobs at time they say I was selling drugs. I wanted to tell the judge, “I have 3 jobs. How am I going to have time to sell drugs?” But my public defender says, “The judge does not want to hear you say that.” There is a saying that “PD” stands for “penitentiary deliverers” The public defenders, the prosecutors and judges are all in the same court room all day and they are all buddies and just trying to clear their caseloads. So it’s a set up. All these guys on the news that are getting money for wrongful convictions? It is all true.

(b) How Criminal Background Records Overdetermine Arrest, Charging, Bond and Sentencing Decisions in Low-level Cases.

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I’ve been to prison a number of times, Stateville, Jacksonville, Graham, Sheridan prisons. I was mostly sent for theft and drugs. I’ve got nothing violent in my background. No sex crimes or guns or anything. The majority of the ways that you end up in prison for little offenses is because of your rap sheet and having priors in your [criminal] background. Then they the courts just look at that your background and send you away. Even if you just got arrested and locked up for stealing a candy bar once, they look at that as a reason to lock you up in prison the next time. The courts use your background to make little crimes

into higher felonies. And then when that happens you are looking at a \$100,000 bond to get out for that little offense because of your background.

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The big problem is that you can never escape your past. When they send you to prison, they are sending you there for stuff you already did. It is always based on your history. If you ask for a jury trial and try to tell them you are innocent, the prosecutors will make the jury think you are a lying asshole because you got locked up before. And they will even bring out things you did when you were young. There is no point in fighting it if you are innocent but have a background. **People change over time. But you never get to escape your past.**

“People change over time. But you never get to escape your past.”

*

I once got a 4 years sentence for a retail theft. Because of my priors, the sentence was upped to 3 to 7 years. They use a person’s background to up the case and to increase the sentence. So they use your priors two times against you, which I think is not legal. And you may be innocent of the priors. Like I once spent three years in county jail fighting a burglary case I didn’t do. At the end of the case, they offered me a 6-year sentence plea deal with day-for-day time. So if I take the deal, I get out of jail that day. When it is like that, there is no reason for you to go to trial. It doesn’t matter if you didn’t do it. And the prosecutors knew what they were doing. Because I couldn’t afford to put up bond, the longer I sat there, the more likely I would plead. Every person would cop out to it after three years of sitting in jail regardless of whether you’re innocent. You won’t fight your case. If the prosecutor tells you that you can walk out today, you will cop a plea.

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The problem with the system is that they use your prior [criminal] background to lock you up. So if you get picked up on a little drug case, you are going to need a nice piece of change to walk on bond. I’ve been caught with a little bit of drugs before and they set the bond at \$100,000. To walk out of jail for a “simple possession of narcotics” case I needed \$10,000 because of my record. Nobody can afford to pay \$10,000. One time 17 years ago when my bond was \$1000, my dad was able to bond me out. But that is the only time I have ever been able to afford bond. And I ended up beating that case where I bonded out because there was no probable cause.

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The police will start out arresting you for stealing candy bar. But once they pull up your [criminal] background, you’ll end up with bigger charges. Now they will charge you as a felon because of your past. And by the time it gets to the States Attorney, they don’t care what it was you were arrested for. Their mindset is, “If I lock you up with a 30 thousand dollar bond for stealing a peppermint from 7-11, and you can’t make your bond anyway, I have won. So, therefore, we will put you here in jail for 6 or 7 months and probably throw

the case out or whatever. But we are going to get our time out of you while you wait in jail and can't make bond." That is how you keep getting locked up.

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I have been to Cook County Jail countless times for retail theft, misdemeanors, nothing violent. It's always the same. "Well, you have this number of prior arrests so we are going to use that to up the charges." When go into bond court, the prosecutor says, "Well, the guy has x number of felony convictions." But they don't tell the judge the back story on those. **They don't tell the judge that you copped out to a burglary you didn't commit because they would let you go on time served if you did.** They just throw your criminal history in front of the judge so that the judge sees you as a menace to society. But the truth gets lost in the details. Then they give you a high bond because the judge doesn't look at that story underneath.

"They don't tell the judge that you copped out to a burglary you didn't commit because they would let you go on time served if you did."

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If you have more than 2 to 3 cases in your back ground, forget it. Your bond will be outrageous. It doesn't matter what the new charge is. It doesn't matter if the charge is that you scratched your booty on the L. You are getting a crazy bond if have any [criminal history] background. Judges do not consider the individual cases. They just see list of prior arrests. So you can have 30 bogus "blowing your nose in public" arrests, and the State's Attorney will argue, "He has 30 prior arrests," and judge will think you are a menace. They never look at the underlying facts or what the arrests were for. They just see 30 cases. So they give you a \$30,000 bond. It's so arrogant and random. **I heard at one bond hearing a judge say, "How old is he?" The State's Attorney says, "43." The judge says, "Ok, give him a \$43,000 bond."** It is totally corrupt and arrogant. They don't even let the bond fit the nature of the crime.

"I heard at one bond hearing a judge say, "How old is he?" The State's Attorney says, "43." The judge says, "Ok, give him a \$43,000 bond."

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If you got in a fight with your wife 20 years ago and got picked up on a domestic case, they will never give you house arrest. Once you have certain kinds of cases in your background, you can just hang it up. They won't let you out on bond.

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I had not been in jail for a long time, but then I caught a traffic case. At the time, I hadn't been to jail in like 12 years. I was driving on a revoked license and my bond was set at like \$150,000 and they put me in the Super Maximum Security part of the Cook County Jail. I was like, "What the hell?" And the jail said, "Because of your background, you are getting put in super max part of jail." Even though I had not been in jail for long time and was just picked up for driving on a revoked license." Everything is all based on your background-your bond, your sentence. You can never escape it. It doesn't matter what you are doing now and if you are all grown up and following the law and have a job. None of that matters at all. Your background sticks with you. And it kills you because you are not eligible for anything. No one has \$150,000 for a bond on a revoked license. So you are stuck. And the revoked license case was bogus because the officer made a mistake because he never gave me a ticket.

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A lot of times I have pled out on cases even though I was innocent because I wanted to avoid getting more time because of my criminal background. I remember one case for .01 grams of drugs. The first time the attorney ever met me, he said, "You are going to plead guilty for 18 months." He had never seen or talked to me before! So, I did it because I knew he was not going to fight for me. A friend of mine who has priors just got picked up with one bag of weed and his bond was \$50,000 dollars, so \$5000 to walk. Fifty-thousand dollars for a bag of weed? They put him on house arrest, he was late to court once, and now he's locked up and they won't let him out. There are a lot of situations like that.

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There is a building where I stay at sometimes. Once when I was coming out, walking down the stairs, I heard gunshots. Bam, Bam, Bam! I guess the shots were coming from the building right across from me. The squad cars come and everyone is standing outside trying to find out what is going on. So I go over and I see a friend of mine and ask him what is going on. He says, "Someone just got shot and killed up on the 6th floor of that building." So I said, "What? Shot and killed? I am out of here." So I start walking away in the middle of the street when suddenly this white lady says, "That's the one! Oh my god, that's the one who killed my brother!" I don't even know this lady! I look around and she is actually pointing at me!

The police bum rushed me and threw me on the pavement and throw cuffs on me and arrest me. They took me to the station and then they were questioning me "Where were you at?! Where did you just come from?!" I said, "I don't know what this lady is saying! I just came out to see what was going on!" They had me up for 4 or 5 hours that night. I was terrified. I was hysterical. I could not believe it. All I could think was, "Oh my god. They are going to send me away for murder. And even if I beat this bogus case, I'm going to be sitting in the County Jail for 5 years waiting for the case to go to trial to clear my name?" Finally, the police come back to the cell and turned me loose because they said the lady was hysterical and was pointing out all types of different people as the shooter. But they told me "Don't leave town because we might want to question you about this case" because I have a [criminal] record. So the only thing that saved me for going down for a murder I had

nothing to do with was that that lady started pointing out a bunch of different other people. That is all that saved me. I was terrified.

IV. POLICE LOCKUP, JAIL AND PRISON EXPERIENCES AND PERCEPTIONS OF LEGITIMACY

The United States is one of the world's wealthiest nations but has the highest rate of income inequality among Western countries, with more than 40 million people living in poverty.²⁴ Profound inequalities in housing, education, employment, health and economic resources define American society.²⁵ Chicago exemplifies these contradictions, being at once the locus of tremendous wealth and prosperity for some, and one of the most economically and racially segregated cities in the country, with poverty, homelessness and lack of access to housing, jobs, healthcare, education and economic resources concentrated among people of color.²⁶

The pervasive response to increasing wealth and income inequality locally, nationally, and in urban centers in particular, has been ever increasing police surveillance alongside measures that effectively criminalize poverty and impose monetary and criminal sanctions and detention against the homeless and the poor, including penalizing “quality of life” crimes such as panhandling, criminal trespass to property (*e.g.*, sleeping under a bridge or in an abandoned building or using the bathroom at a private business) and the catchall offense of “disorderly conduct” (*e.g.* urinating in an alley, drinking a beer in a park).²⁷ While overall arrests for low-level offenses, including arrests for possession of small amounts of marijuana and drugs intended for personal use, have dropped in Chicago recently, the people who are subjected to arrest, detention, criminal and monetary sanctions for low

²⁴ United Nation Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to the United States of America (May 4, 2018), <http://undocs.org/A/HRC/38/33/ADD.1>

²⁵ Stanford Center on Poverty and Inequality, Pathways, “State of the Union 2018,” https://inequality.stanford.edu/sites/default/files/Pathways_SOTU_2018.pdf

²⁶Urban Institute, “The Cost of Segregation National Trends and the Case of Chicago, 1990–2010,” (March, 2017), <https://www.urban.org/research/publication/cost-segregation/view/full-report>; Alana Semuels, “Chicago’s Awful Divide,” The Atlantic Magazine (March 28, 2018), <https://www.theatlantic.com/business/archive/2018/03/chicago-segregation-poverty/556649/>; Heartland Alliance, “Cycle Of Risk: The Intersection of Poverty, Violence and Trauma: Report on Illinois Poverty,” (March 2017), https://www.heartlandalliance.org/povertyreport/wp-content/uploads/sites/26/2017/03/FINAL_PR17_3_14.pdf

²⁷ Barton Gellman and Sam Adler-Bell, The Century Foundation, “The Disparate Impact of Surveillance,” (December 21, 2017), <https://tcf.org/content/report/disparate-impact-surveillance/>; Torin Monahan, “Regulating Belonging: Surveillance, Inequality, and the Cultural Production of Abjection,” *Journal of Cultural Economy*, Vol. 10, No. 2 p. 191–206 (2017), <http://publicsurveillance.com/papers/Abjection.pdf>; <http://dx.doi.org/10.1080/17530350.2016.1273843>; United Nation Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to the United States of America (May 4, 2018), <http://undocs.org/A/HRC/38/33/ADD.1>

level offenses and municipal violations disproportionately continue to be people of color and the poor, both locally and nationally.²⁸

The men and women that JHA interviewed all lived in situations of poverty or deep poverty as defined by the U.S. Census Bureau (including interviewees who were able to find work in low-paying warehouse and manual labor jobs). Most interviewees were homeless or lacked stable housing, relying on periodic times of temporarily sleeping at friends' or family members homes in a revolving cycle.²⁹ **They recounted lengthy histories of being arrested, subject to police harassment, arrest, detention, and sanctioned with criminal charges or fines for conduct directly related to poverty and lack of housing**—urinating or sleeping outside, entering a restaurant to use the bathroom, criminal trespass for seeking shelter in an abandoned building, disorderly conduct for panhandling or possessing alcohol in a public area. These experiences generated feelings of deep humiliation, hopelessness and anger

towards the police and the justice system as a whole. **Interviewees also viewed the practice of arresting, setting high bond amounts, and sanctioning people for low level offenses to be disconnected from legitimate public safety goals, and instead motivated by racial animus and the goal of controlling and segregating poor people of color and the homeless from wealthy people and neighborhoods.**

²⁸ Mick Dumke and Frank Main, “Chicago on pace to have fewest drug arrests since Nixon era,” Chicago Sun Times (May 9, 2016), <https://chicago.suntimes.com/news/chicago-on-pace-to-have-fewest-drug-arrests-since-nixon-era/>; Frank Main, “Marijuana arrests in Chicago plummet, but blacks are ‘vast majority’ of cases,” Chicago Sun Times (July 13, 2018), <https://chicago.suntimes.com/cannabis/marijuana-arrests-enforcement-chicago-police-declines-possession-blacks-african-americans-most-often-charged-ticketed-cannabis-weed-watchdogs/>; ACLU, “Study Documents Extreme Racial Disparity In Arrests For Low-Level Offenses,” <https://www.aclu.org/news/study-documents-extreme-racial-disparity-arrests-low-level-offenses>; Jonah Newman and Nikki Baim, “Prostitution-loitering law likely to target women of color for arrest,” The Chicago Reporter (July 24, 2018), <https://www.chicagoreporter.com/prostitution-loitering-ordinance-likely-to-target-women-of-color-for-arrest/>; C.J. Ciaramella, “Chicago Is Trying to Pay Down Its Debt by Impounding Innocent People’s Cars,” Reason Magazine (April 25, 2018), <https://reason.com/archives/2018/04/25/chicago-debt-impound-cars-innocent>; Brentin Mock, “Municipal Courts’ War on Poor People, Explained,” Citylab (September 29, 2017), <https://www.citylab.com/equity/2017/09/municipal-courts-war-on-poor-people-explained/541395/>

²⁹ “Poverty” and “deep poverty” are defined by varying thresholds by the U.S. Census Bureau depending upon variable factors including age, number of persons in a household and inflation. For 2017, the poverty threshold for one person in a single household below age 65 was total cash income of \$12,752 per year, and \$11,766 per year for those 65 and over. “Deep poverty” is defined as living in a household with a total cash income below 50 percent of the poverty threshold U.S. Census Bureau, 2017 Poverty Threshold, <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>; University of California, Davis, Poverty Research Center, “What is Deep Poverty?” <https://poverty.ucdavis.edu/faq/what-deep-poverty>

Physical conditions and quality of life in both jails and prisons were described by interviewees as unsanitary, dangerous and degrading (particularly for those who lack family with the financial resources to send money to assist in buying basic necessities); environments which generated tension and stress, precipitating violence. Lack of access to social services, financial assistance, healthcare, rehabilitative interventions, education and programming, including access to substance abuse treatment, in jails and prisons and upon reentry were also specified as major deficiencies by interviewees.³⁰ One notable exception was an interview participant who previously was incarcerated at Sheridan Correctional Center, an IDOC facility entirely devoted to substance abuse treatment. He reported that Sheridan had “good” programs to help people address issues with drug addiction. He also reported that, unlike any other IDOC facility, Sheridan connected him to services and financial support when he was released, including housing, a weekly CTA card for transportation, startup money to purchase basic necessities, on-site educational and job programming at his halfway house, and transpiration to and from vocational training programs to assist in his reentry. By contrast, interview participants who had been incarcerated at other prisons reported that reentry assistance upon release was generally limited to being given \$10 cash and sent on their way.

Interviewees also viewed the practice of arresting, setting high bond amounts, and sanctioning people for low level offenses to be disconnected from legitimate public safety goals, and instead motivated by racial animus and the goal of controlling and segregating poor people of color and the homeless from wealthy people and neighborhoods.

JHA recognizes that reform efforts are underway with laudable goals that include; increasing housing and services and decreasing disproportionate police harassment, criminal justice contact, high money bonds, prosecutions, detention and the imposition of criminal and monetary sanctions against the homeless, the poor and people of color for “quality of life crimes” and low level offenses.³¹ However, our takeaway from interviews with participants was that to achieve meaningful criminal justice reform and to address

³⁰ See, e.g., Chicago Community Bond Fund, “Punishment Is Not a ‘Service’: The Injustice of Pretrial Conditions in Cook County (October 24, 2017), <https://chicagobond.org/docs/pretrialreport.pdf>;

³¹ See, e.g., Chicago Police Department Consent Decree (2018), proposing increased oversight and new police practices and policies to promote constitutional policing, <http://chicagopoliceconsentdecree.org/faq/>; Associated Press, “Groups challenging Illinois panhandling ordinances” Chicago Sun Times (August 28, 2018), <https://chicago.suntimes.com/news/panhandling-laws-aclu-chicago-coalition-homeless/>; Madeline Hamlin, “In Chicago, Another Public Housing Experiment: Prisoner Reentry,” CityLab (August 10, 2017), <https://chicagobond.org/docs/pretrialreport.pdf>; Coalition to End Money Bond, “Shifting Sands: An Investigation into the First Year of Bond Reform In Cook County,” (September 18, 2018), <https://www.chicagobond.org/reports/ShiftingSands.pdf>; Sarah Schulte, “Cook County Sheriff launches program to address opioid crisis,” ABC News (June 13, 2018), <https://abc7chicago.com/health/cook-co-sheriff-launches-program-to-address-opioid-crisis/3599249/>; Reclaim Chicago, et al, “A Step in the Right Direction: An Analysis of Felony Prosecution Data in Cook County,” (May 2018), https://www.thepeopleslobbyusa.org/wp-content/uploads/2018/06/05-2018-Report-Kim-Fox-FINAL_Print.pdf

inequities in the criminal justice system, underlying gross inequities in the distribution of wealth and resources that that have led to the perpetuation of a racialized, permanently criminalized underclass that are the focus of intense state surveillance and control must be reckoned with.

Responses of Interviewees:

(a) Detention, Imprisonment, and Sanctions for Quality of Life Crimes and Low-level Offenses

In the last two years I have picked up or jailed or put at the police station about 15 times on bullshit little things. And that is maybe low balling it. I get picked up for criminal trespass on lower Wacker, disorderly conduct, panhandling, stuff like that. Criminal trespass is a big reason that people get picked up and locked up just because you have nowhere to live. **But if you live in the streets and the police know you live out there, how are you trespassing? I mean, it's a difference if you are out there harassing people. But if you are just doing what you have to do and sleeping under a blanket, how is that criminal trespass? Then what is the problem? I guess they don't like it because it scares some of the rich people.**

“But if you live in the streets and the police know you live out there, how are you trespassing? I mean, it's a difference if you are out there harassing people. But if you are just doing what you have to do and sleeping under a blanket, how is that criminal trespass? Then what is the problem? I guess they don't like it because it scares some of the rich people. “

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The jails are crowded with people arrested for dumb, small stuff, for nothing, like panhandling. How is that even a charge? There's a lot of people in there for criminal trespass to CHA [Chicago Housing Authority] property too. If you get arrested on a Friday for trespass, then you are going to be in lockup for a couple of days. I once spent two years in county jail on a drug charge after the police raided my house. And I have been to prison IDOC [Illinois Department of Corrections] two times on probation violations. I've been in jail overnight at least 70 times; probably more than that because I could never make bond. They may end up throwing the case out, but it takes two weeks to get to court to throw it out. Even if its not a high bond, like \$1000, I can't afford it so I just sit it out. If they pick me up on a Friday for trespass, then I'll be there in jail until Tuesday when we go to court and

they dismiss the case. My wife gets scared and upset when I get picked up because she has never been arrested.

*

I once got locked up for peeing in an alley. Sometimes if you have to go, you have to go. I was walking down the street and had to use the restroom and so I went to the side of a building in an alley out of view. As I'm peeing, the police drive up and say, "What are you doing." And I'm like, "What does it look like I'm doing? I'm taking a leak" So the police say, "You are not supposed to be doing that on public property" or "Its Indecent Exposure" or maybe they called it "Defacing Public Property," something like that. And I'm like, are you serious man? I mean how many times is this going to happen? So I got arrested for taking a leak. When the police had asked me my name and I gave it to them, and there it goes again. I came up as a "Dangerous Person, Proceed With Caution" on their police computer. So they cuffed me and put me in the car. And I'm like, "Wait a second? You're arresting me for peeing? Are you serious? I'm going to jail for taking a leak?!!" So the police say, "Well, you probably have a warrant. We are going to take you to the police station and fingerprint you anyway." And I said, "I don't have any warrants, Man. Here is my ID!" They ended up charging me with trespassing for taking a leak in an alley. I was given an I-bond and released and the police told me that if I caught another case then I would go to jail.

*

I am blessed to have never gone to prison because a lot of people that I grew up with did. But I have been arrested and in jail too many times to count. The longest time I ever spent in jail was for 4 or 5 months. That was on a drug case. They have locked me up for drugs so many times before, but I beat most those cases because the arrests were not legal. **People trip out and give black people so much jail time over having drugs, but who is at fault for bringing all this cocaine and heroin in? Where is it coming from? We are not growing cocoa beans in the ghetto.** There is all this money, so who is bringing all these drugs into the city? Its because its big money. How are we getting all these drugs for sale in the city? We don't have planes in the ghetto to fly them in. So where is it coming from?

"People trip out and give black people so much jail time over having drugs, but who is at fault for bringing all this cocaine and heroin in? Where is it coming from? We are not growing cocoa beans in the ghetto."

*

One time I had to use the bathroom really bad. I don't know about other people or how they do things, but I was not raised to take a crap in the street outside or in an alley. I will wait to go to the bathroom at somewhere like McDonalds or Dunkin Donuts. Even if I have to walk really far and hold it as far as I can go, I'll wait. So I went to the Metra train station to use the bathroom so I wouldn't go [to the bathroom] on myself. The Metra police locked me up for criminal trespass because I came in to use the bathroom. I went to the police station

and was locked up and I wasn't given an I-bond. I had to go through the whole 24-hour court process, and then the judge ends up letting me go. After that I had to go back to the Cook County Jail and wait another 9 hours to be processed for release. **So its 3 days of my life that are gone and I'm dragged all over the place and to the courts just for using the bathroom, just for not shitting on myself.**

“So its 3 days of my life that are gone and I'm dragged all over the place and to the courts just for using the bathroom, just for not shitting on myself.”

*

The last time I was in jail was for trespass when I went into a coffee shop to use the restroom. The owners called the police on me because they said they asked me to leave, but they lied. They never asked me to leave. After 8 days in jail they let me out with time served. I feel singled out by police because I'm homeless. If I looked like a rich person who lived in Schaumburg, nobody would have come and messed with me for using the bathroom. **The stigma of being homeless is a big problem that hinders us.**

“The stigma of being homeless is a big problem that hinders us.”

*

In the last three years, I have only been to jail once on a theft charge. But I have been picked up by the police on other little things like panhandling and trespassing, but they released me from the station on I-bonds after 12 hours. When you are released and homeless, you have nowhere to go but back to the streets. So I just walk back downtown when the police release me. For the most part the police have treated me fair.

*

People are locked up all the time for dumb things like retail theft, drinking a beer outside. Like on Wacker Street. People live under Wacker Street in the tunnels and they have nowhere to go. So maybe you are sitting in front of your house or tent and drinking a beer, and not bothering nobody. The police come down there and lock them up. Like I was locked up a few weeks ago because there was an empty, old booze can next to me on the street. It was all dirty. But the police said it was mine. The can looked like it had been there since the Fourth of July. But they picked up the can, said it was mine, and they locked me up for it. They took me to the police station, locked me up, kept me there for 8 hours, then they let me out in the middle of the night, with no money and no way to get home. I told the cops, “You locked me up for empty beer can and now you are mocking me and laughing at me? Humiliate me in my face knowing it was nothing?” Yeah, that makes me mad.

*

If you get stopped for panhandling, the police will lock you up at station, give you an I-bond and let you go in 5 or 6 hours. When you show back up in court for the panhandling case, the judge will throw it out. But if you don't show up in court, they'll put out a warrant to arrest you. And if you are on parole and get picked up for panhandling, they won't let you out on an I-bond. You will be put in jail and have to go see the judge.

*

If you get caught peeing in an alley the police can give you a \$500 ticket and you have to go to [the administrative review court on] Superior Street. If you can't pay that, they will lock you up for 30 days in a cell. They are trying to get money out of people. Even if you are homeless, they will get something on you and make you do community service. And if you catch too many little bullshit cases, they will lock you up. Like if you catch 4 or 5 panhandling cases, they will lock you up for 30 days.

*

As far as putting drug addicts in jail and prison, it's not a solution. It doesn't fix anything. I really think it makes an addict even angrier. Being forced to stop drugs doesn't work because people just resume right where they left off when they get out.

*

I get arrested and locked up 10 to 50 times in a year at least. The police will charge you for trespassing or peeing in the alley or panhandling. They will pick you up for anything. If you run from police, they will wack your ass. So I just stay put. Then I get arrested, but I'm let out of the station in 12 hours. The police are pretty cool with me because I'm not disrespectful to them. They won't do too much to you as long as you listen to them. If you get out of line with them, they will throw charges at you. But if you are cool with them, they let you go in 12 hours.

*

I've been in prison and jail before, mostly for stealing and drugs. I just got out eight months ago. It was really rough on the kids. I didn't tell them where I was going. I just said, "Daddy is going. Daddy has something to do so can't be there for a bit." I think they kind of knew, but didn't really know what was going on.

*

I will be out there shining shoes and get paid by the customer and the police will lock me up for solicitation or panhandling. But the person whose shoe's you shined isn't going to court. He's not bringing a complaint. It's the police that do that. Three years ago, it was like every other day I was getting arrested and locked up. But it seems like this last year they cops have kind of backed down on arresting people for petty shit. I haven't been arrested and taken to the police station for almost two years now. With misdemeanors and panhandling and solicitation for shoe shining cases, a lot of times when you go to see the

judge, no one is in court. The police have to come out to testify for those cases to go through and no one wants to come to court to testify that they arrested you for solicitation.

(b) Prison and Jail Conditions, Programming and Reentry

(i) Conditions:

The hardest part of being in jail is that it makes you hard and sharp. You have to keep on your toes and be nervous all the time.

*

In Cook County Jail, they treat people like a dog pound. It's every man for himself. People are beating each other up.

*

Cook County Jail is miserable. There's no soap. They have filthy mattresses. If you don't have someone on the outside to send you money, then you are in trouble. And if get sick in there, you don't get care. I know a guy, Shawn D., who got sick in there and died.

*

Once you figure out that it is a vicious fixed system, you come to know what to expect. Like with me, I now know if I got to jail on something minor they will put me in the Super Max part of the jail because of things that happened many years ago when I was a kid.

“Once you figure out that it is a vicious fixed system, you come to know what to expect. Like with me, I now know if I got to jail on something minor they will put me in the Super Max part of the jail because of things that happened many years ago when I was a kid.”

*

Prisons are one of the biggest corporations in the world. And when you do get locked up, you have no family with money, so you can barely survive in there. It is so expensive in prison. Lots of people in prison are fighting and gangbanging and stealing from each other because it can be harder to live in prison and get what you need than to live on the outside on the streets.

*

I was at Logan prison when they switched it to a female prison. The disorganization was insane. I was a parole violator at the time and they celled me with someone who was doing a natural life sentence. Security was totally void when they were matching up cell mates. The conditions were so bad. I never saw anything like it. And I had been to other prisons. **What shocked me the most when I went to prison the first time was that there were male correctional officers working with the women prisoners. I felt violated. You would shower and they were looking at you.** And the male correctional officers liked to watch girls fight and if they didn't like you they would beat you up. That was a new experience. Cook County Jail may be bad in a lot of things, but they didn't have that going on. I never want to go back there.

“What shocked me the most when I went to prison the first time was that there were male correctional officers working with the women prisoners. I felt violated. You would shower and they were looking at you.”

(ii) Programming:

I have been to prison six times, mostly on drugs. The first time I went in was back in my early twenties. Locking people up in prison doesn't help anything. When you lock someone up they are going to go back to doing the same thing they were doing because there are no programs in there or when you let them out.

*

In Cook County Jail they have one drug unit for like 200 people in jail. But at least 2000 people in there have drug problems. So how are you going to help those people? There is no way to get help there.

*

I went to Sheridan [Correctional Center] last time. It's a drug program place and it was pretty good. The program is what you make of it. It is up to you if you want to do the program and make use of it. If you want to change your life then you have got to deal with the drugs. But if you don't, you don't.

*

I voluntarily did the drug treatment program when I was at Decatur [Correctional Center] because I wanted to change my life. They call it the “Department of Corrections” so obviously they are trying to correct something. But I honestly I don't feel that helped at all treating my drug addiction. The treatment at Decatur was for 3 to 4 hours a day and we lived on a treatment unit. But I felt the treatment was a joke. I challenged one of the treatment facilitators one time that I could probably teach the program better than her. I can be very loud and opinionated sometimes. As far as drug treatment programs, I think they need to hire someone who has actually had experience with addiction. People who are

former addicts should teach these programs. The teachers in the prison program were not former addicts. The instructor that I had in the prison program was kindhearted, but she did not know the life. She did not have the experience of jumping in and out of cars [to get drugs], stealing from stores, she did not live that life. For someone who has never lived that life to try to tell me about it through something they read out of a textbook, I can't believe them. Living with addiction is a totally different experience. But now I hear they are cutting the drug treatment programs in prisons, and I think that is even worse.

(iii) Reentry:

When you come home from prison, they don't give you any State ID. And it costs about 30 bucks to go around and get all your stuff together to try to get an ID. But you cannot walk the streets of Chicago as a black man without an ID. You'll end up arrested and charged for not having ID. **They send you home from prison with 10 dollars. You may be in Jacksonville [prison in Illinois] and they give you a ticket to get back to Chicago and 10 dollars. How is anyone who has just be in prison for a couple of years supposed to survive on 10 dollars? You've got nothing. It's almost like they want you to commit a crime when you get back home.** If you are hungry, you are going to steal. And I'm not saying that addiction and alcoholism a reason for anybody to commit crimes. But if I'm hungry and trying to survive, it's like, what else do I do? Do I go into male prostitution, or you have women our here selling their bodies just trying to find a place to stay? What are you supposed to do?

“They send you home from prison with 10 dollars. You may be in Jacksonville [prison in Illinois] and they give you a ticket to get back to Chicago and 10 dollars. How is anyone who has just be in prison for a couple of years supposed to survive on 10 dollars? You've got nothing. It's almost like they want you to commit a crime when you get back home.”

*

It used to be when you got out of prison they would give you \$100 and then at least you could get on your feet. But now they give you \$10 when you leave. And if you have any money on your books [prison trust fund account], they will make you pay for your bus or train ticket home.

*

When you get out of Sheridan [Correctional Center], they actually have a lot of resources and follow up to help when you get out. They will help you find jobs and organizations that will help you get a CTA card. At other prisons, when you get out all you get is \$10 dollars and your bus ticket. After Sheridan, I went to Cornerstone Halfway House and they gave me some money and basic things to get me started. They had people there who came through the halfway house to teach school and job skills. They will drive people to and from school

and you can take classes in culinary arts and maintenance and get certified for jobs. I took those classes and they were good. They also give you a 7 day CTA pass, and you can come back and get your card reloaded every 7 days.

*

When you get out of prison, they give you a temporary ID. But I took it to the social security office to try to get a social security card and they would not allow it. They would not take it. People need State IDs when they get out.

*

People are stuck when they get out of prison. They've got nowhere to go, nowhere to sleep, no idea where their next meal is coming from. So they put them in a half way house for a little while, but once that is done, where are you going to go?

V. EXPERIENCES AND PERCEPTIONS OF FAIRNESS IN ADMINISTRATIVE PROCEEDINGS FOR MUNICIPAL VIOLATIONS

JHA staff spent four days over the course of several months watching City of Chicago administrative proceedings on police citations for Municipal Code violations at 400 West Superior Street, particularly focusing on preliminary hearings. While administrative proceedings are less formal than court proceedings, they are supposed to conform to basic notions of substantive and procedural due process, giving respondents notice and an opportunity to be heard. Respondents in these proceedings have no right to an attorney, but may hire one to represent them if they can afford to do so.

In the absence of guidance by counsel, most respondents expressed serious confusion about what was occurring in the proceedings, what their charge was, what the City's plea bargain entailed, what their rights were, what defenses were at their disposal and the scope of potential penalties and fines.

We took away several impressions from watching these proceedings. First, during the course of our four days watching, we did not see a single person represented by an attorney. **In the absence of guidance by counsel, most respondents expressed serious confusion about what was occurring in the proceedings, what their charge was, what the City's plea bargain entailed, what their rights were, what defenses were at their disposal and the scope of potential penalties and fines.** Some Administrative Law Judges (ALJ) were solicitous and took time to try to explain administrative procedures and processes to respondents. Others were gruff, rude and dismissive of respondents' questions.

Regardless of individual ALJs' demeanor and level of professionalism, however, respondents' confusion and lack of knowledge and understanding of basic procedures and how to assert and protect their rights and interests defeated even a semblance of procedural or substantive fairness. In two egregious examples of the above, a Hispanic respondent who pled guilty and received fines for a vehicular citation pursuant to a plea deal with the City attorney indicated to JHA staff following the hearing that he spoke only Spanish and did not understand English. In another instance, an elderly black man who was suffering from pronounced symptoms of mental illness and confusion was scolded by the ALJ when he asked for help because he did not understand what was happening. In desperation and becoming increasingly agitated, the respondent turned to

Regardless of individual ALJs' demeanor and level of professionalism, however, respondents' confusion and lack of knowledge and understanding of basic procedures and how to assert and protect their rights and interests defeated even a semblance of procedural or substantive fairness.

the other respondents sitting in the gallery and asked if someone could help him and please tell him what to do because he did not understand.

Second, we observed gross racial and economic disparity in the composition of respondents who appeared for administrative hearings on police citations. Of the roughly 60 or so respondents that we watched appear in the administrative hearing rooms to answer police citations, the overwhelmingly majority were black or Hispanic. Only three respondents were white. Further, most of the respondents were poor and expressed that

Several respondents broke down in tears explaining to ALJs in preliminary hearings that their inability to pay fees to get their car out of impoundment would cause severe hardship, preventing them from caring for their children, providing essential medical assistance to elderly family members or would cause them to lose their jobs.

However, no procedural mechanism or hardship waiver was made available at administrative proceedings to assist these respondents.

they lacked the financial capacity to immediately pay fines and fees or to pay storage fees to get their cars out of impoundment. **Several respondents broke down in tears explaining to ALJs in preliminary hearings that their inability to pay fees to get their car out of impoundment would cause severe hardship, preventing them from caring for their children, providing essential medical assistance to elderly family members or would cause them to lose their jobs. However, no procedural mechanism or hardship waiver was made available at administrative proceedings to assist these respondents.** A number of respondents that JHA spoke with asserted their innocence and indicated that they had wanted to fight their citations and go to a full hearing, but could not do so and instead pled guilty out of fear of being financially crippled to an even greater degree by higher fines and fees if they lost at the conclusion of the hearing.

Much has been written in recent years about how criminal, civil, municipal and administrative fines and fees and motor vehicle forfeitures disproportionately target poor people and people of color, trapping them in cycles of poverty and debt from which they cannot escape.³² Accumulated debt from unpaid fines and fees for low-level offenses and municipal code citations follow people, which can lead to discrimination in jobs and housing due to credit checks. Further, under an incomprehensible system of vehicle impoundment and forfeiture laws that intersect across multiple jurisdictions and venues- the City of Chicago, the State of Illinois, criminal courts, civil courts and administrative hearings – poor car owners face loss of possession and forfeiture of their vehicles, and are subjected to exorbitant impound storage fees and fines. **Because the City of Chicago does not recognize an “innocent owner” defense, people who are guilty of no wrongdoing on their own can lose their vehicles if a passenger or driver of the vehicle, unbeknownst to the owner, violates the law by, for instance, possessing drugs on their person or driving the owner’s car on a suspended license.**

Because the City of Chicago does not recognize an “innocent owner” defense, people who are guilty of no wrongdoing on their own can lose their vehicles if a passenger or driver of the vehicle, unbeknownst to the owner, violates the law by, for instance, possessing drugs on their person or driving the owner’s car on a suspended license.

³²Alexandra Bastien, Policy Link, “Ending the Debt Trap: Strategies to Stop the Abuse of Court-Imposed Fines and Fees,” (March 2017), <https://www.policylink.org/sites/default/files/ending-the-debt-trap-03-28-17.pdf>; U.S. Commission on Civil Rights, “Targeted Fines and Fees Against Communities of Color: Civil Rights and Constitutional Implications” (September 2017), https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf; C.J. Ciaramella, “Chicago Is Trying to Pay Down Its Debt by Impounding Innocent People’s Cars,” Reason Magazine (April 25, 2018), <https://reason.com/archives/2018/04/25/chicago-debt-impound-cars-innocent>; Melissa Sanchez and Sandhya Kambhampati, “How Chicago Ticket Debt Sends Black Motorists Into Bankruptcy” ProPublica (February 27, 2018), <https://features.propublica.org/driven-into-debt/chicago-ticket-debt-bankruptcy/>; Karen Dolan with Jodi L. Carr, “The Poor Get Prison: The Alarming Spread of the Criminalization of Poverty,” Institute for Policy Studies (2015), <https://ips-dc.org/wp-content/uploads/2015/03/IPS-The-Poor-Get-Prison-Final.pdf>

None of this is especially problematic for wealthy people, who are readily able to pay fines and fees and impoundment storage costs to retrieve vehicles. But for a person who is poor and has no financial safety net, the results of administrative hearings can be devastating and life destroying.

None of this is especially problematic for wealthy people, who are readily able to pay fines and fees and impoundment storage costs to retrieve vehicles. But for a person who is poor and has no financial safety net, the results of administrative hearings can be devastating and life destroying. As independent observers, JHA's final takeaway from watching municipal administrative proceedings is that **the system through which fines and fees are levied in the name of "public order, health and safety" is cruel, arbitrary, mindlessly**

The system through which fines and fees are levied in the name of "public order, health and safety" is cruel, arbitrary, mindlessly bureaucratic, and targets people of color and the poor as a source of revenue.

bureaucratic, and targets people of color and the poor as a source of revenue. As evidenced in interviews with respondents set forth below, this impression of fundamental unfairness is shared by many respondents who are subject to fines and penalties in municipal administrative hearings.

Responses of Interviewees:

(a) Common Questions of Respondents in Administrative Proceedings

As an initial note, JHA heard the following common questions asked by Respondents to Administrative Law Judges, indicating a lack of basic understanding of the proceedings:

- What does "Agreement with the City" mean? I don't understand.
- They dropped the drug charges against me, so why can't I get my car out of the pound? There's no case. I don't understand.
- What's "vicarious liability"?
- What does "non-suited" mean?
- What's "probable cause"?

**(b) Impressions of Respondents
Regarding Administrative Process**

(1) Respondent ticketed and fined over \$1040 for selling “singles” cigarettes to a person outside the L train station: I gave a homeless guy two squares and the police stopped me. I told the police that and they wrote me a ticket, but they said that it would be thrown out. I’m unemployed and I can’t pay this. I’m lost. I don’t know what this fine is for. And while the police are giving me this ticket, there was probably a shooting going on two blocks away. So I don’t know what they are doing. And look around in here. **Its all black people in here. Even Stevie Wonder and Ray Charles can see this is racist. Its ignorance, abuse of authority. And they make it so that you have to pay extra [for a hearing] to fight your case. If you’re poor, you fold.**

“Its all black people in here. Even Stevie Wonder and Ray Charles can see this is racist. Its ignorance, abuse of authority. And they make it so that you have to pay extra [for a hearing] to fight your case. If you’re poor, you fold.”

*

(2) Respondent whose car was impounded when her son borrowed her car and drugs were found in the car when he was stopped by the police: I don’t know what to do. I need my car to transport my grandma who is 80. And I’ve got a daughter with mental illness that needs to get to appointments. I wasn’t there. I was out visiting my child’s father. I didn’t do anything wrong.

“I don’t know what to do. I need my car to transport my grandma who is 80. And I’ve got a daughter with mental illness that needs to get to appointments. I wasn’t there. I was out visiting my child’s father. I didn’t do anything wrong.”

*

(3) Respondent ticketed for open container of alcohol: I was in a parked car and my buddy was drinking a beer. I want to fight the ticket because I didn’t do it. I wasn’t drinking. I should fight it. But I’m scared they’re going to raise it up if I don’t take that agreement, and if I fight it and lose it, then I can’t do community service and I’ll just have to pay more. I’m broke already. I can’t be stuck with a \$500 fine.

*

(4) Respondent ticketed for smoking a cigarette on the L train: This is insane. I took a sip of beer from my friend's can in a parked car and the police wrote me a ticket for smoking on the L. I wasn't on a train. I wasn't even near a train. I have got to get out of here and clear my head.

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(5) Respondent ticketed for riding a bike on the sidewalk in Englewood: I was riding my bike on the sidewalk because there was snow piled up on the side of the street and I didn't want to get hit by a car. The police followed me down to the 7-11, pulled a gun on me. Now I've got to pay a ticket for \$70 for trying not to get hit by a car? I don't know how I'm going to pay. I'll try to borrow the money. Maybe I can do community service and pay them \$20?

*

(6) Respondent whose car was impounded because a friend borrowed her car and was arrested for driving on a suspended license: I was at work when this happened. I was not aware of this. I didn't do anything wrong. I don't understand. I don't understand the "court date in a month." I need my car today. I need to pick up my children now. I don't have no \$3,000 to get out my car.

*

(7) Respondent whose deceased wife's car was impounded when the police found their missing son asleep in the car with drugs on his person: I'm grateful to the police officers who found my son because he's a drug addict. We couldn't find him and we filed a missing persons report. I'll pay the \$2000 to get the car out of the pound. I've got no defense. They found him with drugs. But I might come back here for a hearing just so I can thank the officers who found him.

*

(8) Respondent ticketed for municipal ordinance public nuisance violations: I have been getting [municipal ordinance violation] tickets since like about 1998 on petty stuff. And I never showed up in court for the tickets for fines because I have no money to pay them. I never had a problem with it before. But a couple of months ago they sent me something in the mail saying that I owe them \$30,000 dollars because all that money for the unpaid tickets just keeps going up.

"I have been getting [municipal ordinance violation] tickets since like about 1998 on petty stuff. And I never showed up in court for the tickets for fines because I have no money to pay them. I never had a problem with it before. But a couple of months ago they sent me something in the mail saying that I owe them \$30,000 dollars because all that money for the unpaid tickets just keeps going up."

VI. RECOMMENDATIONS TO IMPROVE THE CRIMINAL JUSTICE SYSTEM AND REENTRY

In the course of interviewing participants, JHA posed the question: **What would make the biggest difference in giving people hope for a future and helping them to escape a cycle of criminal justice involvement? Overwhelming, the answer we received from interviewees was: jobs and housing.**

What would make the biggest difference in giving people hope for a future and helping them to escape a cycle of criminal justice involvement? Overwhelming, the answer we received from interviewees was: jobs and housing.

Some interviewees mentioned the need for more education and job training opportunities for both people returning from prison and jail and for at-risk youth. **However, they also observed that providing people with treatment, training and education, without first providing them with the stability of a decent paying job and housing, was irrational because**

people need to have enough money to meet their immediate, basic daily human needs—food, shelter, transportation, hygiene, clothing, healthcare – before they can focus on treatment, rehabilitative programs, education or continuing job training.

people need to have enough money to meet their immediate, basic daily human needs—food, shelter, transportation, hygiene, clothing, healthcare – before they can focus on treatment, rehabilitative programs, education or continuing job training. To that end, one interviewee proposed that the policy which would have the most impact would be to recruit and hire prisoners for jobs before they leave prison so that every person leaving prison would have a job waiting and an employment start date immediately upon leaving prison.

As has been documented at length, people with criminal histories are discriminated against in housing and job markets, making successful reentry exceedingly difficult.³³ Research bears out, however, that even prior to incarceration, poverty, poor educational opportunities, racial discrimination, and unequal access to health, human services and economic resources serve to exclude these same

³³ Amy L. Solomon, et al, “From Prison to Work: The Employment Dimensions of Prisoner Reentry: A Report of the Reentry Roundtable,” Urban Institute (2004),

<https://www.urban.org/sites/default/files/publication/58126/411097-From-Prison-to-Work.PDF>; BPI, “No Place to Call Home: Navigating Reentry housing in Chicago,” <https://www.bpichicago.org/wp-content/uploads/2018/09/No-Place-To-Call-Home.pdf>;

people from the labor market.³⁴ It follows that to reduce both future incarceration rates and to augment reentry following incarceration, front-end investments in child welfare and education, policies directed at eliminating racial discrimination, addressing discriminatory policing and criminal justice practices, and providing economic relief to distressed neighborhoods and populations are essential.

A larger issue also looms over the prospect of successful reentry and improving economic and work opportunities and quality of life in general for the poor and disenfranchised communities of color. While unemployment in the United State is currently at a record low and corporate profits are at a record high, wages for workers in the United States have been stagnant for decades and have not kept up with the rate of inflation.³⁵ Most jobs available to people leaving prisons are low-paying, minimum wage jobs. A person in Illinois working a minimum wage job must work at least 99 hours per week to afford a modest two bedroom rental.³⁶ But even much minimum wage employment is cut off to many people returning from jail and prison due to their criminal histories. For instance, jobs in the fastest growing minimum-wage employment sectors— personal care assistants and home health care aids for the elderly (jobs which have some of the lowest wages and weakest benefits) — are not readily open to those with criminal records.³⁷ Compounding the problem, other low-wage, low-skill labor jobs such as assembly line workers, dishwashers, food preparation workers, drivers, and equipment operators — *i.e.*, the kinds of jobs most readily available to the formerly incarcerated populations – are at the highest risk for displacement due to increased automation.³⁸

³⁴ Adam Looney and Nicholas Turner, “Work and opportunity before and after incarceration,” The Brookings Institution (March 2018), https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf

³⁵ Jeffrey Bartash, “Unemployment rate falling near or at record lows for almost all groups of Americans,” Market Watch (October 5, 2018), <https://www.marketwatch.com/story/unemployment-rate-near-or-at-record-lows-for-almost-all-groups-of-americans-2018-10-05>; Trading Economics, “United States Corporate Profits, 2016-2018,” <https://tradingeconomics.com/united-states/corporate-profits>; Drew Desilver, “For most U.S. workers, real wages have barely budged in decades,” Pew Research Center (August 7, 2018), <http://www.pewresearch.org/fact-tank/2018/08/07/for-most-us-workers-real-wages-have-barely-budged-for-decades/>; Ben Zipperer, “The erosion of the federal minimum wage has increased poverty, especially for black and Hispanic families,” Economic Policy Institute (June 13, 2018), <https://www.epi.org/publication/the-erosion-of-the-federal-minimum-wage-has-increased-poverty-especially-for-black-and-hispanic-families/>; Aimee Picchi, “America's job problem: Low-wage work is growing fastest,” CBS Moneywatch (August 4, 2017), <https://www.cbsnews.com/news/americas-job-problem-low-wage-work-is-growing-fastest/>

³⁶ National Low Income Housing Coalition, “Out of Reach 2018,” <https://nlihc.org/oor/>; Housing Action Illinois, “Report: Nowhere in Illinois Can Low-Wage Workers Afford Rent; Candidates Need to Address This Crisis,” (June 13, 2018), <http://housingactionil.org/2018/06/13/report-nowhere-in-illinois-can-low-wage-workers-afford-rent-candidates-need-to-address-this-crisis/>

³⁷ Danielle Paquette, “The fastest-growing jobs in America pay about \$22,000 a year” Washington Post (November 13, 2017), <https://www.latimes.com/business/la-fi-healthcare-jobs-20171113-story.html>. Illinois Legal Aid On-Line, “Getting a job in healthcare after a conviction,” <https://www.illinoislegalaid.org/legal-information/getting-job-health-care-after-conviction>

³⁸ Ball State University, Center for Business and Economic Research, “How Vulnerable Are American Communities to Automation, Trade, & Urbanization?” (June 19, 2017), <https://projects.cberdata.org/reports/Vulnerability-Exec->

In short, addressing the housing and employment needs of people involved in the criminal justice system will take more than merely addressing barriers to discrimination based on criminal history; it also will require addressing the larger issues of unaffordable housing, low wages, and growing economic insecurity faced by the working poor as a whole.

Responses of Interviewees:

What would help people the most? Jobs, jobs and housing.

*

If people had jobs waiting for them as soon as they get out of prison, that would make the biggest difference. Like a homie of mine went to prison and then was sent to a work release center [Adult Transition Center]. He has never been back to jail or prison because he got a good job through them, and its been 4 or 5 years now. **You have got to give people some resources when they get out or they will go back to doing the same thing. A person isn't going to just starve. All people need money.**

“You have got to give people some resources when they get out or they will go back to doing the same thing. A person isn't going to just starve. All people need money.”

*

Even giving people a minimum wage job would help out. But give them some kind of job. Offer me something. But all you tell me is, “Okay, I want you to starve and go back to school and get your GED.” And I get that. That makes sense. But in the meantime, I need money now. I have got a family to support. I have kids, I have a mom. Offer me a decent job so that I can at least feed my family.

*

With big corporations, anytime you steal from their store they have loss prevention. So it's not like they are losing anything. It's just that the person stealing from them has nothing. Walgreens is not going to get any less money. If I am working a security guard working there, I'm not going to do anything about a poor person stealing a candy bar. I'm going to walk over to the next aisle and ignore it. Now if the person is being bogus and a jerk, ban him from the store. But don't wrestle him down and arrest him.

[20170619.pdf](#); McKinsey Global Institute, “Jobs Lost, Jobs Gained: Workforce Transitions in a Time of Automation” (December 2017), <https://assets.mckinsey.com/~media/BAB489A30B724BECB5DEDC41E9BB9FAC.ashx>

*

The best thing would be to send people leaving prison to a job in a different area away from their home neighborhood. Instead of sending people back to where they came from, give them a job and send them to a different area. Then people won't get mixed up with the same people they were with before. **If you send a person back home to the same circumstances then he will just catch another case. You have to change the places and things around people.**

"If you send a person back home to the same circumstances then he will just catch another case. You have to change the places and things around people."

*

They need more training programs to help youngsters to get started in a job. The young people are on the street selling drugs because that is the way they can earn the most money. And now you want them to stop selling drugs but you have nothing to offer these young people as an alternative? Bottom line is they need to offer them something as far as getting started in some kind of training program for jobs and help them. **You can see the logic here. If I'm in poverty and I can make \$1,500 dollars a day selling drugs, but suddenly you want me to stop selling drugs and you have nothing to offer me in its place?**

"You can see the logic here. If I'm in poverty and I can make \$1,500 dollars a day selling drugs, but suddenly you want me to stop selling drugs and you have nothing to offer me in its place?"

*

I get it with people not wanting to give money to other people just to use in drugs. Then give people houses, and support for their kids and stuff. Jobs are very important because they give you a sense of value.

“I get it with people not wanting to give money to other people just to use in drugs. Then give people houses, and support for their kids and stuff. Jobs are very important because they give you a sense of value.”

*

The most important thing is to give people a chance and give people housing and jobs. Getting jobs would be the best thing.

*

Just giving people money won't fix things if you don't teach people how to take care of themselves. There are people who have never had homes or cars or any of that stuff. They are living day to day. **I know a guy who is 60 years old and has never had an ID. He can't read, he can't write, he can't do nothing. And he is scared to tell people he can't read or write so he is ashamed and he drinks and does drugs to push people away from him. People are told all their lives that they are no good. That is where it gets scary.**

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*

The only option left without jobs is to walk into someone's store and steal something. And I don't want to live like that. But all of the rich folks are loading up their pockets, and nothing happens to them.

*

I don't need to buy 100 dollar gym shoes, but offer me a job so I can feed my family. And they are not doing that. That would help out a lot if you want people to change and start over.

*

You need to help the guy who has been to jail and has a record find a job. He's a human being. He has a family to feed. If we don't do something, he is going to turn into a criminal. Or turn into a worse criminal. You are just multiplying the problem. So now

you've got more criminals because ninety-nine percent of the time he's going to turn to selling drugs.

"You need to help the guy who has been to jail and has a record find a job. He's a human being. He has a family to feed."

*

To stop the violence with kids, you need to give them recreational activities and jobs and job training. Give them a chance to go to a decent school and have a decent paying job. That would stop kids from doing stuff.

*

As far education and job skills, my brother went back and got his GED and went to college and got his masters degree. He was saying to me, "Why don't you go back to school?" But I wasn't ready to go. And the teachers when I was in school didn't teach nothing. Or that was what was in my head at the time. I loved math and reading but I didn't see how they would help me. Now they have kids on computers at schools. We were not taught computers in my day. But I think teaching and school can have a big impact on the younger generation and can help them. Because the kids today are learning more technical things and they use technology to help teach them. There was none of that for us when we were growing up. But older guys need those technology skills too now.

VII. REFLECTIONS ON THE CURRENT AND FUTURE STATE OF CRIMINAL JUSTICE

At the conclusion of interviews, JHA asked participants if they had any parting words or thoughts about the current and future state of the criminal justice system that they would like to share. Following are answers we received to this query. While no singular theme emerged from people's answers, no one that we spoke with expressed much hope for the future or reforming the criminal justice system. Essentially every person that we interviewed believed that things would get worse before they got better, that racial discrimination would persist, and that youth today were more socially isolated, angry, despairing, and worse off than youth were in decades prior. Many interviewees noted the increase in violence, citing current cultural norms embedded in disenfranchisement that is related to race and poverty, video games and the breakdown of organized gangs as factors. **The greatest hope offered by one interviewee was that growing political and economic discontent among poor people— black, Hispanic and white—could potentially end up being a unifying, rather than divisive factor that could foment meaningful change.**

The greatest hope offered by one interviewee was that growing political and economic discontent among poor people— black, Hispanic and white—could potentially end up being a unifying, rather than divisive factor that could foment meaningful change.

Responses of Interviewees:

The government keeps doing things to blacks and Latinos every day. It is like a horrible meal and they feed you that meal every day, and you keep eating it. It is crazy. But eventually something is going to bust. Our politicians sit back and they are not listening to what the people are saying. They just want to get voted in again. The politicians say they are going to "help" people with rehabilitation, but all they do is help to get them locked up and put more people in jail. It is bullshit. It is crazy. And people are not listening. It is going to end up being the biggest crisis of all time. It is coming soon, very soon. Our government is playing games with money. How can that be okay? But what goes around comes around. And blacks or Latinos, we know what it is to have nothing. But some white people, when they lose everything, they are going to go berserk. But black people and Latinos know how to take a little bit of nothing and make something out of it, so these things will not hit us as hard.

*

There are lots of people out here living on the streets that are crazy mentally ill and there are a lot who are not. They just need one good chance. Give them a really good chance. With

me, now that I'm staying with my sister, I have a phone and I'm taking care of myself. I'm still not where I want to be yet. I want my own place to live. And the people I know down here on the streets are proud of me. Just for someone else to say that they are proud of you means something. **Give people a chance and it will be catch on. We all want to do better and have another chance. Give people one honest, real, good chance.** When you just keep locking people up, it makes them more bitter because you treat them bad and humiliate them.

"Give people a chance and it will be catch on. We all want to do better and have another chance. Give people one honest, real, good chance."

*

We have presidents, governors, mayors and you can tell they don't care about what is going on with people who are poor or black and they show you every day. It would be different if the young guys could look at us older guys and see that we got a second chance to turn our lives around from dumb stuff that we did when we were young. But we didn't get that chance. The kids look around and see that there are no chances for them, so they think, "I'm not going to roll over."

*

With the kids shooting each other today, I think you need to go after those video game companies. If you are a kid shooting on a Grand Theft Auto game all day, then by the time you shoot someone for real, you are used to it and numb to it. It's just like back in the military service when they would put soldiers on simulation machines to drop bombs and kill people to get them desensitized. The kids are numb. They are high off of shit, playing video games and totally numb and hopeless. They play on the internet and listen to bullshit music. Just because they are rappers doesn't mean they are not talking about evil shit. If you don't want nothing out of life, then don't stop somebody else who wants something. I don't let my grandkids listen to some stuff.

*

You need to decipher who actually wants help. There are a lot of people out here on the streets who will blow smoke up your ass just to hustle you and try to get what they want out of you. And that makes it bad for the people who say, "Man, I am really tired of this life and I want to change." When you have nothing, and you have no family, and you are locked up, you can get angry and feel, "People owe me." Well, the world owes you shit just because you've been down on your luck and locked up. Also, lots of people are locked up for stuff they did not do. So they are angry when they get out and have a chip on their shoulder. I don't know. Sometimes I feel like, to hell with people. Take them all out to the firing squad. It is never getting better. Its not fair, but that is how I feel sometimes.

*

Being a black man and knowing what is happening scares me. Everybody now is walking around with guns. Little kids are getting killed outside. I used to worry about being called a snitch. But now I will tell on you if you shoot someone, if you shoot a kid. You are jeopardizing my kids' lives when you do that. I have no love or respect for that. I don't care who you are, you are doing the stupidest stuff in the world and these kids are getting killed. So now I will tell on you to police in .2 seconds, "He did it." I used to be scared to say that, but not now. I'm fed up.

*

The gangs today are different than the gangs back in the 1980s and 1990s because there is no structure today. They are just going against each other now. Everyone is out for themselves. You have all these little gangs and they hook up into one clique, and call themselves a little crew. Like, the Hobos were a clique gang that hooked up to start robbing drug dealers. I think some of those guys were just indicted. So the rival gangs are hooking up to make clique gangs. And now you have these small factions of gangs that make up a gang instead of a really big gang that is organized and has structure. But when you talk about gangbanging, you forget that the gangs used to do all kinds of political campaigning and organizing. There used to be a political element to the gangs. But the next thing you know, now you turn on the TV and its gang this and gang that. When the police rounded up all the gang leaders like Jeff Fort, I think they made a mistake because things fell apart in the gangs. Today, everyone is out for themselves. The kids don't want to listen to nobody. And the police are worse and arrest anybody, even if you're just standing on the corner. The kids have no leaders.

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This report was written by JHA staff. Media inquiries should be directed to JHA's Executive Director, Jennifer Vollen-Katz, at (312) 291-9555 – x205, or jvollen@thejha.org

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Since 1901, JHA has provided public oversight of Illinois' juvenile and adult correctional facilities. Every year, JHA staff and trained volunteers inspect prisons, jails, and detention centers throughout the state. Based on these inspections, JHA regularly issues reports that are instrumental in improving prison conditions. JHA humbly thanks all the persons who agreed to be interviewed for this report and who graciously shared their experiences and insights with us.

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