


Pen: Freedom Sun

APWA
198 College Hill Road
Clinton, NY 13323-1218

How long is it necessary for a person to be incarcerated before they are considered rehabilitated? 5 years? 10 years? 15? 20? Does it depend on the nature of the offense?

This is the essence of my essay. The structure of sentencing and incarceration is one which nee to be gutted, re-analyzed, then reapplied effectively. If the purpose of incarceration is applied "...with the objective of restoring the offender to useful citizenship." (Constitution of Illinois art. I, sec. 11) truly, then the foundation and statutes with how individuals are incarcerated needs to be implemented with that goal in mind...Beginning with mandatory minimums.

Before my incarceration, I had never been in trouble with the law. I was engaged to be married and had a 3 month old daughter when I was incarcerated. I'd moved my new family to where I felt was a better environment, downstate to get us a fresh start. Not making any excuses for my actions, I suffered from an alcohol and marijuana addiction. Under the influence, I agreed to be a lookout for an armed robbery one night with some acquaintances whom I'd met when I first moved there 3 weeks earlier. In the process of that robbery, a man was tragically murdered. Like the shooter, I was charged with 3 counts of murder, armed robbery, and aggravated battery with a firearm, although I never wielded a gun nor took a penny from anyone. Under the law, my role in the crime would have no mitigating effect on how I would be charged and convicted. A lookout, a getaway driver, and the actual shooter, under the statute of accountability, will all be charged with the same offense. So even though one gun was used by one shooter, all 3 co-defendants are still charged with aggravated battery with a firearm. The statute of felony murder dictates that if any party is involved with the initial crime (armed robbery), they are also liable for any subsequent crimes (murder). therefore, if the

most severe charge is murder, all parties involved will be charged with murder.

With that fact known, the minimum time could be sentenced to if convicted is 26 years, regardless of any mitigating factors - 20 years for the murder and 6 years for the armed robbery (now more with the new gun enhancements). I actually wound up with 26 years after "persuasion" from my court appointed attorney to take the plea. My ignorance of statutes, law, the appeal process, and court procedures after conviction, however, would wind up revealing itself in its totality to me after I was in custody of the Illinois Department of Corrections (IDOC).

What I did not know, and what did not sink in until years after I was in prison, was exactly what I was sentenced under and what that entailed. On top of being ignorant to the legal system like most citizens, as well as the language spoken in that world, I later realized that I signed a contract that would hurt me more than I knew. Honestly, during that entire final plea hearing process, everything was a blur. Those who have ever gone through a traumatic experience such as that will understand what I'm about to say. Realizing that I just signed my life over, I was in a state of shock standing in front of that judge. I remember as the judge rolled off the procedural "Do you understand", at one point my public "pretender" had to look over at me because I was frozen for a second, just so I could snap back to the present and answer the judge.

I realized, once in prison, things that were not known or discussed to me before I took the plea. First, there was no chance at any time of my incarceration of me being granted any reduction of sentence or leniency through the courts because I took a guilty plea; There was no going to the parole board after a time so they could determine if I had rehabilitated myself, possibly to gain some leniency of sentence - Illinois does not have that type of parole system any longer; There would be no percentage of the 26 years that I was to serve, I'd have to do 100% of my sentence. With most cases in this state, and most states outside of Illinois, I learned that convicted individuals served 50% to 85% of the time they were sentenced to. In Illinois, since 1998, this is also the case with every crime, except murder. I also have found no other state who does not offer parole board possibilities that requires a person to serve 100% of their time sentenced to, with a mandatory minimum of 20 years; And, there was no form of meritorious or good conduct

sentence credit that I would ever be eligible for. It didn't matter if I earned a Master's degree, completed every therapeutic program available in IDOC, and had a blemish free prison disciplinary record, I still wouldn't be eligible for one minute of time off of my sentence for it. A logical person would think that murderers specifically would be given every incentive possible to behave while incarcerated, as well as reforming the behavior which led to their incarceration. Reality, most people convicted of violent crimes will return back to society at some point. So why not make sure they are given every opportunity to steer clear from crime?

So, I can be a model inmate who has shown that I've corrected the behavior which led to my conviction, along with spending 15 years in prison. Couple that with the fact that this is my first offense, and the crime in question, although committed in commission of a felony, was a tragic mistake. All of these things taken into account would definitely lend to the conclusion that I am probably rehabilitated, and that the likelihood of me reoffending is next to zero. Regardless, as it stands, I will still have to serve the remainder of these 11 years.

Now let's look at another case. A guy is convicted for distribution of drugs. This is his third conviction. The first time, he was sentenced to county time, and the second time, boot camp. While incarcerated, he doesn't go to school, participate in any drug programs or therapeutic programs to help him at the very least, earn good time which he is eligible for. For what? He knows he will be out in a couple of years, so what's the incentive for him to get these "pieces of paper"? When he is released, it's no surprise that he violates the conditions of his parole within the first two months, and returns to prison. The reality is that lawmakers give every opportunity of leniency to non-violent/drug offenders and low level crimes. This is not because they deserve it more than anyone else, rather it's because those cases are politically safe crimes to show some sense of compassion with. Violent crimes, especially murder, will never get true reform because no politician wants to be seen as being "soft" on rapists and murderers, it's political suicide. However, the drug dealers today, may likely become the murderers tomorrow. Let's take a look.

The recidivism rate for those who spend less than 10 years in prison is close to 70%. The recidivism rate for those who serve over 10 years drastically is reduced to 5%. Those who spend over 20 years incarcerated, the number is less than 1%. However, that's a general statistic. The underlying variable is the individual. There is no true standard in evaluating who's truly rehabilitated that can be applied other than case by case. So again, how long is it necessary for a person to be incarcerated before they are considered rehabilitated?

Solution? I will use my case for example. A murder would carry at least a mandatory 10 year sentence, for punishment purposes only. After those 10 years, the person would be eligible to go before a prisoner review board for evaluation. Various programs would be offered to each inmate to give every offender an opportunity to take advantage of. So when his/her evaluation arrives, their prison disciplinary record is reviewed, and their post-incarceration plans are reviewed. As well, their participation in therapeutic service programs and their academic record is also reviewed. The prisoner review board would then make a determination if the offender is fit to reenter society based on their individual file. Like the current prisoner review board who review "C" number inmates, those incarcerated before 1978 when there was a parole board, if they felt the offender wasn't ready, they could give him a one or three year set. That means that the offender could not go back up for review for either one year or three years later. This board would not operate from a political standard, but a just one that gives an offender a real opportunity to return safely to useful citizenship.

There are an abundance of outside organizations who volunteer their time and services to assist inmates while incarcerated and post-incarceration. At Dixon C.C., summits are held twice a year to give information to those who are on their way home. These organizations come offering assistance with everything from housing, employment finding, to schooling. So these programs can definitely be extended to all of the prison facilities. The real question is, why aren't they already? Why have they said that some facilities won't allow them inside their prisons? Is rehabilitation the true motive? Or is the true motive job security? I'd hate to think that those involved in crime

prevention were really in the business of crime maintenance, but that's a topic for another essay.

I am in no way attempting to minimize the crime I committed, nor of self responsibility and accountability. What I did was stupid and criminal. It cost a man his life, so I had to be punished for my actions. The victim's family lost more than anyone can imagine, so I will never try to compare my loss to theirs. However, I cannot ignore my loss either; 15 years of my life and daughter's life voided, as well as the missed opportunity to be a contributing factor in my family's life. This is not to mention the fact that those years incarcerated was in an environment that would tame a great white shark. I'm no angel, but I'm definitely not a devil either. I've achieved a college degree while incarcerated, certifications in commercial cooking, safety and sanitation, commercial custodian, and in peer aid education. Certified by the Illinois Department of Public Health, a Peer Aid Educator talks and educate others about HIV/AIDS and othe sexually transmitted infections. I've also completed numerous therapeutic programs. All of this was done with the knowledge that I would not be eligible for any sentence credit for doing it. How is that not the true essence of rehabilitation?

So if I am rehabilitated, like I believe I am. And, if I have demonstrated that I am fit to be restored back to "useful citizenship" (as the Illinois Constitution proclama is IDOC's mission), then why must I still have to serve 11 more years?

Also read a riveting poetry book
by this essay's author and writing group
dealing with prison, the choices we make,
the consequences, the effects on others,
our redemption, etc.

"Throwing Rocks at the Pen" by the Promethean Media Group
at Amazon.com. Barnes and Noble. com, and Google Play