

Youth Parole Petition Toolkit

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PART ONE

This toolkit is based on information gathered from the Youth Parole Statute and the Prison Review Board (PRB) is intended to provide assistance in filing a Youth Parole Petition, in order to be appointed counsel and go before the PRB for parole consideration. To be considered for parole, an applicant must submit a preliminary petition and a copy of the Order of Commitment, also referred to as the Mittimus. Everyone should have received a copy of this document upon entering the Illinois Department of Corrections (IDOC) custody. A copy is kept at the correctional facility of residence and can be requested from the counselor. A copy can also be requested from the Clerk of Court for sentencing.

Please note that a detailed account of the offense should not be provided without the assistance of counsel.

Petition for Parole Filed Pursuant to 730 ILCS 5/5-4.5-115

Name:

IDOC No.:

Facility:

Case No. for Offense for which Applying for Relief:

Offense of Conviction (for example: burglary, first degree murder, etc.):

Date of Original Sentencing:

Sentence term (for example: 50 years for first degree murder):

Date of most recent sentencing (i.e. resentencing):

Sentence term: (for example: 35 years for first degree murder):

Age at the time of the offense:

Date of offense:

Date arrest:

Number of years served:

Date of Petition Filing:

REQUESTS APPOINTED COUNSEL (Circle One): YES/NO

SAMPLE Petition for Parole Filed Pursuant to 730 ILCS 5/5-4.5-115

Name: John Doe

IDOC No.: A12345

Facility: X Correctional Center

Case No. for Offense for which Applying for Relief: 98CR12345678

Offense of Conviction (for example: burglary, first degree murder, etc.): First Degree Murder and Armed Robbery

Date of Original Sentencing: January 2, 2010

Sentence term (for example: 50 years for first degree murder): 45 years and 10 years concurrent

Date of most recent sentencing (i.e. resentencing): January 2, 2022

Sentence term: (for example: 35 years for first degree murder): 35 years and 10 years concurrent

Age at the time of the offense: 20

Date of offense: January 2, 2007

Date arrest: January 2, 2007

Time served at time of filing: 17 years

Date of Petition Filing: January 2, 2024

REQUESTS APPOINTED COUNSEL (Circle One): YES/NO

(730 ILCS 5/5-4.5-115)

Sec. 5-4.5-115. Parole review of persons under the age of 21 at the time of the commission of an offense.

(a) For purposes of this Section, "victim" means a victim of a violent crime as defined in subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act including a witness as defined in subsection (b) of Section 3 of the Rights of Crime Victims and Witnesses Act; any person legally related to the victim by blood, marriage, adoption, or guardianship; any friend of the victim; or any concerned citizen.

(b) A person under 21 years of age at the time of the commission of an offense or offenses, other than first degree murder, and who is not serving a sentence for first degree murder and who is sentenced on or after June 1, 2019 (the effective date of Public Act 100-1182) shall be eligible for parole review by the Prisoner Review Board after serving 10 years or more of his or her sentence or sentences, except for those serving a sentence or sentences for: (1) aggravated criminal sexual assault who shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence or sentences or (2) predatory criminal sexual assault of a child who shall not be eligible for parole review by the Prisoner Review Board under this Section. A person under 21 years of age at the time of the commission of first degree murder who is sentenced on or after June 1, 2019 (the effective date of Public Act 100-1182) shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence or sentences, except for those subject to a term of natural life imprisonment under Section 5-8-1 of this Code or any person subject to sentencing under subsection (c) of Section 5-4.5-105 of this Code, who shall be eligible for parole review by the Prisoner Review Board after serving 40 years or more of his or her sentence or sentences.

(c) Three years prior to becoming eligible for parole review, the eligible person may file his or her petition for parole review with the Prisoner Review Board. The petition shall include a copy of the order of commitment and sentence to the Department of Corrections for the offense or offenses for which review is sought. Within 30 days of receipt of this petition, the Prisoner Review Board shall determine whether the petition is appropriately filed, and if so, shall set a date for parole review 3 years from receipt of the petition and notify the Department of Corrections within 10 business days. If the Prisoner Review Board determines that the petition is not appropriately filed, it shall notify the petitioner in writing, including a basis for its determination.

(d) Within 6 months of the Prisoner Review Board's determination that the petition was appropriately filed, a representative from the Department of Corrections shall meet with the eligible person and provide the inmate information about the parole hearing process and personalized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Following this meeting, the eligible person has 7 calendar days to file a written request to the representative from the Department of Corrections who met with the eligible person of any additional programs and services which the

eligible person believes should be made available to prepare the eligible person for return to the community.

(e) One year prior to the person being eligible for parole, counsel shall be appointed by the Prisoner Review Board upon a finding of indigency. The eligible person may waive appointed counsel or retain his or her own counsel at his or her own expense.

(f) Nine months prior to the hearing, the Prisoner Review Board shall provide the eligible person, and his or her counsel, any written documents or materials it will be considering in making its decision unless the written documents or materials are specifically found to: (1) include information which, if disclosed, would damage the therapeutic relationship between the inmate and a mental health professional; (2) subject any person to the actual risk of physical harm; (3) threaten the safety or security of the Department or an institution. In accordance with Section 4.5(d)(4) of the Rights of Crime Victims and Witnesses Act and Section 10 of the Open Parole Hearings Act, victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public. Victim statements shall not be considered public documents under the provisions of the Freedom of Information Act. The inmate or his or her attorney shall not be given a copy of the statement, but shall be informed of the existence of a victim statement and the position taken by the victim on the inmate's request for parole. This shall not be construed to permit disclosure to an inmate of any information which might result in the risk of threats or physical harm to a victim. The Prisoner Review Board shall have an ongoing duty to provide the eligible person, and his or her counsel, with any further documents or materials that come into its possession prior to the hearing subject to the limitations contained in this subsection.

(g) Not less than 12 months prior to the hearing, the Prisoner Review Board shall provide notification to the State's Attorney of the county from which the person was committed and written notification to the victim or family of the victim of the scheduled hearing place, date, and approximate time. The written notification shall contain: (1) information about their right to be present, appear in person at the parole hearing, and their right to make an oral statement and submit information in writing, by videotape, tape recording, or other electronic means; (2) a toll-free number to call for further information about the parole review process; and (3) information regarding available resources, including trauma-informed therapy, they may access. If the Board does not have knowledge of the current address of the victim or family of the victim, it shall notify the State's Attorney of the county of commitment and request assistance in locating the victim or family of the victim. Those victims or family of the victims who advise the Board in writing that they no longer wish to be notified shall not receive future notices. A victim shall have the right to submit information by videotape, tape recording, or other electronic means. The victim may submit this material prior to or at the parole hearing. The victim also has the right to be heard at the parole hearing.

(h) The hearing conducted by the Prisoner Review Board shall be governed by Sections 15 and 20, subsection (f) of Section 5, subsections (a), (a-5), (b), (b-5), and (c) of Section 10, and

subsection (d) of Section 25 of the Open Parole Hearings Act and Part 1610 of Title 20 of the Illinois Administrative Code. The eligible person has a right to be present at the Prisoner Review Board hearing, unless the Prisoner Review Board determines the eligible person's presence is unduly burdensome when conducting a hearing under paragraph (6.6) of subsection (a) of Section 3-3-2 of this Code. If a psychological evaluation is submitted for the Prisoner Review Board's consideration, it shall be prepared by a person who has expertise in adolescent brain development and behavior, and shall take into consideration the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and increased maturity of the person. At the hearing, the eligible person shall have the right to make a statement on his or her own behalf.

(i) Only upon motion for good cause shall the date for the Prisoner Review Board hearing, as set by subsection (b) of this Section, be changed. No less than 15 days prior to the hearing, the Prisoner Review Board shall notify the victim or victim representative, the attorney, and the eligible person of the exact date and time of the hearing. All hearings shall be open to the public.

(j) The Prisoner Review Board shall not parole the eligible person if it determines that:

(1) there is a substantial risk that the eligible person will not conform to reasonable conditions of parole or aftercare release; or

(2) the eligible person's release at that time would deprecate the seriousness of his or her offense or promote disrespect for the law; or

(3) the eligible person's release would have a substantially adverse effect on institutional discipline.

In considering the factors affecting the release determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner Review Board panel shall consider the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and maturity of the youthful offender during incarceration.

(k) Unless denied parole under subsection (j) of this Section and subject to the provisions of Section 3-3-9 of this Code: (1) the eligible person serving a sentence for any non-first degree murder offense or offenses, shall be released on parole which shall operate to discharge any remaining term of years sentence imposed upon him or her, notwithstanding any required mandatory supervised release period the eligible person is required to serve; and (2) the eligible person serving a sentence for any first degree murder offense, shall be released on mandatory supervised release for a period of 10 years subject to Section 3-3-8, which shall operate to discharge any remaining term of years sentence imposed upon him or her, however in no event shall the eligible person serve a period of mandatory supervised release greater than the aggregate of the discharged underlying sentence and the mandatory supervised release period as sent forth in Section 5-4.5-20.

(l) If the Prisoner Review Board denies parole after conducting the hearing under subsection (j) of this Section, it shall issue a written decision which states the rationale for denial, including

the primary factors considered. This decision shall be provided to the eligible person and his or her counsel within 30 days.

(m) A person denied parole under subsection (j) of this Section, who is not serving a sentence for either first degree murder or aggravated criminal sexual assault, shall be eligible for a second parole review by the Prisoner Review Board 5 years after the written decision under subsection (l) of this Section; a person denied parole under subsection (j) of this Section, who is serving a sentence or sentences for first degree murder or aggravated criminal sexual assault shall be eligible for a second and final parole review by the Prisoner Review Board 10 years after the written decision under subsection (k) of this Section. The procedures for a second parole review shall be governed by subsections (c) through (k) of this Section.

(n) A person denied parole under subsection (m) of this Section, who is not serving a sentence for either first degree murder or aggravated criminal sexual assault, shall be eligible for a third and final parole review by the Prisoner Review Board 5 years after the written decision under subsection (l) of this Section. The procedures for the third and final parole review shall be governed by subsections (c) through (k) of this Section.

(o) Notwithstanding anything else to the contrary in this Section, nothing in this Section shall be construed to delay parole or mandatory supervised release consideration for petitioners who are or will be eligible for release earlier than this Section provides. Nothing in this Section shall be construed as a limit, substitution, or bar on a person's right to sentencing relief, or any other manner of relief, obtained by order of a court in proceedings other than as provided in this Section.

(Source: P.A. 101-288, eff. 1-1-20; 102-1128, eff. 1-1-24.)

730 ILCS 5/5-4.5-115 Amendment:

Amends the Unified Code of Corrections. In the provision concerning parole review of persons under the age of 21 at the time of the commission of an offense, provides that any date after serving the minimum term of years to become eligible for parole review or up to 3 years prior to becoming eligible for parole review, the eligible person may file his or her petition for parole review with the Prisoner Review Board. Provides that within 30 days of receipt of this petition, the Prisoner Review Board shall determine whether the petition is appropriately filed, and if so, shall set a date for parole review 3 years from receipt of the petition or the date the person is eligible for parole review, whichever date is sooner, and notify the Department of Corrections within 10 business days. Provides that in no such circumstance shall the hearing be scheduled sooner than one year from the date of the determination that the petition is appropriately filed.

PART TWO

Upon accepting a petition for Youth Parole, the PRB should set an institutional hearing date. Additionally, the PRB **SHOULD** appoint counsel one year in advance of that hearing date. The applicant can instead hire a non-appointed attorney if they wish to do so. Once counsel is appointed or retained, the petitioner, via counsel, should submit a supplement to the preliminary petition. Board members prefer to receive the supplemental petition before the institutional hearing but materials can be submitted up to 15 days after the institutional hearing. The supplemental petition should address the items to be considered for parole, including prior convictions, personal history, and a release plan.

See the attached set of guidelines from the PRB for details around timing and information to be included in the petition.

Supplement to the Petition for Parole Filed Pursuant to 730 ILCS 5/5-4.5-115 (2022)
NAME, IDOC NO.

Personal Information

Name:
Facility:
Registration Number:
Address:
Telephone:
Date of Birth:
Place of Birth:
Social Security Number:
Aliases:
Prior Military Service:
Marital Status:

Executive Summary

Optional section summarizing the case and the arguments presented.

Conviction for Which Parole is Sought

Offense:
Case Number:
Date of Arrest:
County of Conviction:
Conviction Type:
Sentencing Judge:
Date Sentenced:
Sentence:
Total Time Served:

Appellate and Post-Conviction History

Summarize all appellate and post-conviction filings and decisions.

Other Convictions

Offense:
Case Number:
Arrest Date:

County of Conviction:

Conviction Type:

Sentencing Judge:

Date Sentenced:

Sentence:

Explanation:

Reasons for Granting Parole

Outline the reasons for granting parole, including the statutory factors listed below.

In exercising its discretion in granting or denying parole, the Prisoner Review Board shall consider all relevant information, including a petitioner's 1) prior history; 2) the committing offense; 3) institutional adjustment; and 4) release plans.

Statutory Factors

The only circumstances that restrict the Board's discretion are 1) if there is a substantial risk the person will not conform to the conditions of parole; or 2) if his release would deprecate the seriousness of his offense or promote disrespect for the law; or 3) if his release would have a substantially adverse effect on institutional discipline.

Young Brains and Development

Optional section that educates the Board about the hallmark features of youth and diminished culpability.

According to the Statute, "In considering the factors affecting the release determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner Review Board panel shall consider the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and maturity of the youthful offender during incarceration."

Below are some helpful selections from relevant case law:

- In *Roper v. Simmons*, 543 U.S. 551 (2005), the Supreme Court identified differences between teens and full adults, making adolescence a *per se* mitigating

factor in sentencing. “If the child's brain is still growing until either twenty or twenty-five..., subjecting a child to adult punishment...is irrational. We do not know who that child will be in five years or ten years. Just as teenagers' bodies change as they mature, so do their brains.” Furthermore, the Court states, “The qualities that distinguish juveniles from adults do not disappear when an individual turns 18.”

- “[J]uveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure. . . . This is explained in part by the prevailing circumstance that juveniles have less control, or less experience with control, over their own environment.” Roper, 543 U.S. at 569 (internal citations omitted); see Graham, 560 U.S. at 68; see Miller, 132 S.Ct. at 2475; see Montgomery, 136 S.Ct. at 732.
- “[J]uveniles lack the freedom that adults have to extricate themselves from a criminogenic setting.” Roper, 543 U.S. at 569 (internal brackets omitted); see Miller 132 S.Ct. at 2464. “It is difficult even for expert psychologists to differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.” Roper, 543 U.S., at 573; see Graham, 560 U.S. at 68; see Miller, 132 S.Ct. at 2469; see Montgomery, 136 S.Ct. at 734.
- In *Miller v. Alabama*, the Supreme Court recognized that youth was not only a factor in death penalty cases, but that “distinctive attributes of youth” rendered mandatory life without parole sentences unconstitutional. *Miller*, 567 U.S. at 472, 489. The Supreme Court held that, “the ability to consider the full consequences of a course of action and to adjust one's conduct appropriately is precisely what we know juveniles lack the capacity to do effectively.” Crucially, the *Miller* Court recognized that young people often outgrow criminality.

Personal History

This section provides insight into the Petitioner's background and circumstances leading up to the offense.

Account of the Offense

This section addresses the circumstances of the offense and should also address the State's presentation of the facts.

Remorse

In this section, the petitioner should express remorse if appropriate to do so.

Institutional Adjustment

This section should address programming and classes, education, disciplinary history and anything that demonstrates the petitioner's conduct in prison.

Re-entry Plan

This section should address housing, employment, and community support.

Conclusion

Summarize the arguments made and restate the request for parole. Include the statement below.

I declare under penalty of perjury that all of the assertions made in this petition are complete, truthful and accurate.

Respectfully submitted,

Exhibits

Exhibit A: Order of Commitment

Exhibit B: Letters of Support

Exhibit C: Certificates

Exhibit D: Disciplinary History

How to Write a Letter of Support for a Youth Parole Petition

Letters of Support help show that the person who is incarcerated has family and friends who love and care about them and who are ready to help them reenter society successfully, such as by providing housing or help finding a job.

Who can write a letter of support?

Family members and friends who know the incarcerated person are the best people to write letters. Important friends of the family, such as your pastor or other religious leaders, can also write letters. Children in the family, especially the person's own children, can write letters. Even if they cannot write very much, they can just say how much they miss their parent.

How long should the letter be?

Some letters are just a couple of sentences and other letters are several pages long. You should just say whatever you want to say, and talk about whatever is most important to you. Don't worry about it being too long or too short. Even a very short letter is a good letter!

What are the most important things to say in a letter of support?

1. Who are you?

You can say your name and, if you want to, you can say what your profession is, if you are retired, served in the military, or if you are a parent or caretaker.

2. How do you know this person?

Are they related to you? Did you raise them? Did you grow up together? How often do you stay in touch with them during their incarceration? Do you write or call them in prison?

3. What kind of person are they and how have they grown?

If you knew them before they were incarcerated – what were they like before they were incarcerated? What kinds of things did they enjoy doing?

What kind of person are they now? For example, do they help other people who are in prison? Do they stay in touch with you and their children by phone?

4. Did this person have a hard life? Did they experience hard times? Were they the victim/survivor of abuse?

If you knew this person when they were younger, and they had a hard life, please say so. If they were poor when they were growing up, or a difficult home life, you can talk about that. If they were abused by someone in their life, please talk about that.

5. How will you help if this person is released?

This may be the most important section! Talk about how you would help them if they are released. For example, will they live with you? Will you help make sure they get to medical appointments? Will you help make sure they stay sober and attend AA? Will you help them find a job?

Is there anything I should not say in the letter?

Most importantly, everything you say should be true and from the heart. Also, filing a youth parole petition is NOT like being in court. It is not helpful to say that the person is innocent or to discuss the facts of the case. Instead, the Board wants to know that people are sorry for what they have done and have been rehabilitated, and also that they have friends and family who care about them and who will be able to support the person if they are released.

Can my letter be handwritten?

Yes! But please write legibly.

Must I include my address?

You ideally should include your address as part of verifying your identity.

SAMPLE LETTER OF SUPPORT:

[DATE]

Illinois Prison Review Board
319 E Madison Street, Suite A
Springfield, IL 62701

Dear Board Members,

My name is Esther Good. Amanda Good is my niece. I have known her since she was born. Ever since she was little, she wanted to help others. I remember as a little girl she always tried to help me in the kitchen, even when she was too small to be much help. But I did love the company. We didn't have a lot of money when Amanda was a child, but we made do.

When Amanda was a teenager, she was raped by some older boys. After that, she started having a hard time in school. She would come home from school and I knew she was high. I think she was trying to deal with what happened to her and she didn't know how to do it. She struggled a lot and she lost her way.

Amanda has a family who loves her very much. We are a very close family and we take care of our own. It broke my heart when Amanda was arrested. Since then, I write her letters and call her on the phone about once a week. I put money on her books whenever I can. I cannot believe it has been this many years. I wish we could have kept her out of trouble. She is sorry and we all are. But since she's been in prison, I have seen the change in Amanda. She's gotten sober and that helped a lot. She's thinking clearly now and she wants to help other people in their sobriety.

If Amanda is released, she will be staying with my sister, Eden Good, who is Amanda's mother. I used to be over at my sister's house just about every day because Eden and I work together helping people with their taxes. Now with Coronavirus, I call on the phone every day. If she is released, I will be helping Amanda get back on her feet. After Coronavirus, I will help to take her around and look for jobs. I know that she wants to do something in the helping professions. I believe that humility goes a long way. I know that Amanda is in a place where she has found her humility and is ready to give back to society.

Amanda is a person who has made mistakes, but she is a good person. She is kind and loving. She cares about other people, especially her family. I know she wants to help her mother and me as we get older. Please find it in your heart to grant her parole.

Sincerely,

Ms. Esther Good
1234 Sample Street
Chicago, IL 60603
(312) 555-5555

PART THREE

Upon acceptance of the petition by the PRB, they will set a date for parole review three years from receipt of the petition or the date the person is eligible for parole review, whichever date is sooner. One year from the date of the determination that the petition is appropriately filed, is the soonest that a hearing will be scheduled. The matter will be assigned to a particular Board member and placed on the docket for an upcoming institutional hearing date.

At present, institutional hearings take place on an online platform called WebEx rather than in-person. Counsel should attend the institutional hearing. The assigned Board member will likely ask questions directly of the petitioner and their counsel. After the institutional hearing, the matter will be placed on the docket for the en banc hearing, which will take place in Springfield before the entire Board. Counsel and witnesses must attend in-person. At present, petitioners attend via WebEx rather than in-person.

See the attached PRB hearing process guidelines.

PART FOUR
Factors for Consideration of Parole Public Act 104-0011/ SB0019

(c-1) In deciding whether to grant or deny parole, the Board shall consider the following factors:

- 1) participation in rehabilitative programming available to the petitioner, including, but not limited to, educational courses, vocational courses, life skills courses, individual or group counseling courses, civics education courses, peer education courses, independent studies courses, substance abuse counseling courses, and behavior modification courses;
- 2) participation in professional licensing courses or on-the-job training courses;
- 3) letters from correctional staff, educational faculty, community members, friends, and other incarcerated persons;
- 4) the petitioner's potential for rehabilitation or the evidence of rehabilitation in the petitioner;
- 5) the applicant's age at the time of the offense;
- 6) the circumstances of the offense and the petitioner's role and degree of participation in the offense;
- 7) the presence of a cognitive or developmental disability in the petitioner at the time of the offense;
- 8) the petitioner's family, home environment, and educational and social background at the time of the offense;
- 9) evidence that the petitioner has suffered from gender-based violence as defined by Section 5 of the Gender Violence Act, postpartum psychosis or postpartum depression as defined by Section 2-1401 of the Code of Civil Procedure, post-traumatic stress disorder, adverse childhood experiences, or other traumas that could have been a contributing factor to a person's criminal behavior and participation in the offense;
- 10) the presence or expression by the petitioner of remorse, compassion, or insight of harm and collateral effects experienced by the victims;
- 11) the commission of a serious disciplinary infraction within the previous 5 years;
- 12) a pattern of fewer serious institutional disciplinary infractions within the previous 2 years;
- 13) evidence that the petitioner has any serious medical conditions;
- 14) evidence that the Department is unable to meet the petitioner's medical needs; and the petitioner's reentry plan, including, but not limited to, residence plans, employment plans, continued education plans, rehabilitation plans, and counseling plans.

No one factor listed in this subsection (c-1) shall be dispositive.