Lawsuit targets Illinois’ “Kafkaesque” policy of keeping thousands in prison after sentences completed

Poverty, not risk to public safety, lengthens prison time at high cost to taxpayers

CHICAGO – More than a dozen public policy and justice reform advocates have asked the Illinois Supreme Court to order an end to a “Kafkaesque” state policy that has resulted in the needless incarceration of thousands of Illinoisans eligible for parole but unable to afford housing approved by the Illinois Department of Corrections (IDOC).

For nearly 10 years, the IDOC and the Illinois Prisoner Review Board have used a “turnaround” policy to keep thousands of individuals, most of them originally imprisoned for a sex offense, in prison solely because they cannot afford to live in housing IDOC finds adequate with little to no explanation to the incarcerated and no way to appeal that decision.

“This policy subjects citizens of this State who are no longer serving a prison sentence to months and even years of detention, without redress or remedy,” according to the brief submitted by attorneys for the Roderick and Solange MacArthur Justice Center and Uptown People’s Law Center.

Signers of the friend of the court brief include the League of Women Voters of Illinois, the John Howard Association, the ACLU of Illinois, the Sargent Shriver National Center on Poverty Law and several others.

The brief and list of signers can be found here: [http://bit.ly/1qqslwl](http://bit.ly/1qqslwl)
The brief supports the case of Johnny Cordrey, who completed his court-ordered sentence on a sex offense and was scheduled to be released from Menard Correctional Center and begin a period of mandatory supervised release, or parole, on April 12, 2013. Instead of being released, IDOC served him with a “parole violation report” before he left the prison because he lacked an IDOC-approved place to live.

Cordrey argues the practice violates the due process and equal protection clauses of the 14th Amendment to the U.S. Constitution.

“In a Kafkaesque procedure, the parolee is detained on the basis of a housing violation without setting foot beyond the prison gates,” according to the brief. Since the IDOC adopted this “turnaround” policy in 2005, more than 1,200 parolees each year have remained in prison at a cost to taxpayers of $25,000 for each parolee kept in prison. The state provides no-cost transitional housing for only 26 sex offenders on mandatory supervised release, and none of those units are in the Chicago area.

The turnaround policy is not restricted to high-risk offenders but is applied to sex offenders across-the-board without any individualized assessment of recidivism risk. The brief argues the policy “unjustly targets the poor and indigent, is not only morally and ethically objectionable but it also fails to promote public safety and undermines fiscal responsibility.”

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About the Roderick and Solange MacArthur Justice Center
The Roderick and Solange MacArthur Justice Center advocates for human rights and social justice through litigation. As one of the nation's premier civil rights organizations, the MacArthur Justice Center has played a prominent role in bringing Chicago police misconduct and torture to the public's attention and has helped wrongfully convicted men and women win multi-million dollar verdicts and settlements as compensation for the time they spent in prison. Among its other cases, the Center has helped lead the fight against capital punishment in Illinois, has fought for the rights of the indigent in the criminal justice system, challenged the detention of terrorism suspects without trial or access to the courts, and has launched legal battles on behalf of juvenile parolees deprived of their rights to a fair hearing and legal representation.

For additional information, visit http://www.law.northwestern.edu/legalclinic/macarthur/