

No. 117155

IN THE SUPREME COURT OF ILLINOIS

JOHNNY CORDREY,)	
)	
)	
Petitioner)	
)	
v.)	Petition for Mandamus
)	or Habeas Corpus Relief
)	
Illinois Prisoner Review Board, et al.)	
)	
)	
Respondents.)	

BRIEF OF *AMICI CURIAE* IN SUPPORT OF
PETITIONER JOHNNY CORDREY

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STATEMENT OF INTEREST OF *AMICI CURIAE*

The Petition for *Mandamus* or *Habeas Corpus* Relief is brought on behalf of Johnny Cordrey, a parolee who is being held beyond his mandatory supervised release date as a result of the Defendants' "turnaround policy," in violation of the laws of the State of Illinois and the federal constitution. Amici are organizations that represent, serve, and work on behalf of individuals who either have suffered, or are likely to suffer, this same fate. Amici write separately because Mr. Cordrey's case raises the much broader question of whether the State of Illinois, acting through Defendants Illinois Department of Corrections (IDOC) and Illinois Prisoner Review Board (IPRB), can lawfully imprison thousands of Illinoisans simply because they are poor. In accordance with the laws of this State and this nation, as well as public policy more generally, the answer to this question must, of course, be no. Amici believe that the turnaround policy adopted and perpetuated by the Defendants clearly constitutes a penalty on poverty. 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. As such, the Defendants' policy unconstitutionally circumscribes the individual rights of parolees, without any benefit to public safety or welfare.

Amici submit that the turnaround policy serves no valid purpose, and instead causes immeasurable harm to those who are unlawfully being held in prison. Amici ask that this Court find that the turnaround policy violates the due process and equal protection clauses of the Fourteenth Amendment to the United States

Constitution. Amici also ask that the Court issue a Writ of Mandamus ordering defendants to cease incarcerating parolees who are otherwise entitled to supervised release, solely because these parolees do not have a residence that the IDOC deems to be “suitable” by virtue of the parolees’ indigency.

Amici have varied professional backgrounds and interests. They are attorneys, community activists, social science researchers, law professors and instructors, clinicians, public defenders, and legal advocates, whom either work on behalf of parolees—including sex offender parolees—in the State of Illinois or share a professional concern for the issues presented by Mr. Cordrey’s case. It is a well-known adage that a society is judged by how it treats its most vulnerable members. Each signatory to this brief has an interest in ensuring that the constitutional rights of sex offender parolees, a group that is often defiled and labeled as “the worst of the worst,” are vindicated and not relegated to obscurity. We stand strongly for the proposition that, in the modern day, the state of being poor, indigent or homeless is never a valid cause for imprisonment.

Amici:

ACLU of Illinois

The American Civil Liberties Union of Illinois (“ACLU”) is a statewide, nonprofit, nonpartisan organization with more than 25,000 members and supporters dedicated to the principles of liberty and equality embodied in the Constitution. It is the state affiliate of the American Civil Liberties Union, a nationwide organization with more than 500,000 members. The ACLU is committed to protecting the freedoms guaranteed by the Bill of Rights and has appeared before state and federal appellate courts, including this Court and the Supreme Court of the United States, in a wide range of cases involving the rights of people in the criminal justice system. *See, e.g., City of Chicago v. Morales*, 527 U.S. 41 (1999) (challenge to Chicago anti-gang loitering ordinance); *People v. Russell*, 158 Ill. 2d 23 (1994) (challenge to

statute criminalizing sexual transmission of HIV by a knowing HIV carrier); *Lippert v. Godinez*, No. 10-cv-4603 (N.D. Ill.) (putative class action challenging healthcare provided to inmates in Illinois prisons). The questions presented by this case are of significant concern to the ACLU because they involve the constitutional rights of Illinois citizens deprived of their liberty as a result of poverty.

Bluhm Legal Clinic, Northwestern University School of Law

Founded in 1969, the Bluhm Legal Clinic at Northwestern University School of Law represents clients in a variety of juvenile and criminal proceedings. Attorneys and law students at the Legal Clinic work to provide quality representation to individuals unable to pay for private counsel; we also strive to effect positive change in the criminal justice system. During the course of our representation, we often work with individuals incarcerated for lengthy periods in prisons in Illinois and other states. Any decision rendered by the Supreme Court in this case will necessarily affect our clients for years to come.

Cabrini Green Legal Aid

Cabrini Green Legal Aid (“CGLA”) provides high-impact, free legal services to men and women negatively impacted by the criminal justice system through three legal program areas—criminal defense, criminal records and civil law. Forty years ago, CGLA was opened as a general purpose legal clinic for residents of Cabrini Green, one of Chicago’s largest and most impoverished housing projects, representing clients in a broad range of issues. In 1996, when the Chicago Housing Authority began to tear down Cabrini Green buildings and relocate residents to the south and west sides of Chicago, CGLA responded by expanding its geographic requirements to the whole city of Chicago.

Again in response to the rising number of encounters CGLA clients had with the criminal justice system, CGLA strategically decided to realign all its legal services to this population. Today, all legal services are geared to mitigate or remove the collateral consequences imposed by the criminal justice system through representation during proceedings through the criminal defense program or after through the criminal records and civil programs. CGLA’s extensive expertise in representing low-income men and women who suffer these numerous collateral consequences gives CGLA a unique perspective on how civil and criminal law interact in areas such as employment, education and housing.

Center on Wrongful Convictions of Youth (CWCY), Northwestern University School of Law

Housed at Northwestern University School of Law's Bluhm Legal Clinic, the CWCY litigates post-conviction claims of actual innocence for individuals who were accused of crimes when they were teenagers or children. Attorneys with the CWCY were counsel for Terrill Swift in a case that came to be known as the "Englewood Four." In that case, four teenagers were convicted of a 1995 sexual assault and murder only to be exonerated by DNA and awarded Certificates of Innocence in 2012. Mr. Swift was due to be released on Mandatory Supervised Release in March 2010—prior to his exoneration—but was denied release because of his inability to find housing. When Mr. Swift was released two months later to the one housing facility in the surrounding Chicago area that counsel could locate (at a high monthly cost), he was re-incarcerated when he "violated his parole" for refusing to admit his involvement in the sex offense, a finding later determined to be without probable cause. Vincent Thames, Mr. Swift's co-defendant who was also certified innocent in 2012 and was due to be paroled in 2010, remained in prison for the entirety of his mandatory supervised release term because he could neither find nor afford housing.

Chicago Appleseed Fund for Justice

Chicago Appleseed Fund for Justice is a research and advocacy organization that identifies community injustices, conducts research to develop practical solutions, and works for their implementation. Among our focus areas is criminal justice reform. In particular, we work on bond court reform and on reducing the jail population through assisting the Circuit Court of Cook County in establishing innovative treatment diversion programs.

Children and Family Justice Center, Northwestern University School of Law

The Children and Family Justice Center (CFJC), a comprehensive children's law center, has represented young people in conflict with the law for over 20 years. In addition to its direct representation of youth and families in matters relating to delinquency and crime, school discipline, immigration/asylum, and fair sentencing practices, the CFJC also collaborates with community members and other advocacy organizations to develop fair and effective strategies for systems reform. The CFJC has expertise and great interest in a variety of criminal and juvenile justice topics including criminal prosecution of children, treatment of children accused of sex offenses and the Illinois parole system.

Chicago Legal Advocacy for Incarcerated Mothers (CLAIM)

Chicago Legal Advocacy for Incarcerated Mothers (CLAIM) is an independent not-for-profit agency founded in 1985 to help women prisoners and their children maintain their bonds. CLAIM provides free legal aid on family law

cases to mothers and to children's guardians, and teaches classes on child custody to parents in jail and prison. CLAIM administers two volunteer programs with about 90 lawyers providing *pro bono* legal aid. CLAIM served about 1,200 clients in 2013. CLAIM staff regularly serves clients in Logan and Decatur Correctional Centers, and has assisted clients affected by the "turnaround" or "gate violator" policy. The policy had a devastating impact on mothers trying to reunite with their own children, especially after so-called "Romeo and Juliet" misdemeanor offenses in their teen years. They were unable to obtain or maintain approved housing. They spent additional time in prison, which impeded their ability to regain custody of their children. In some cases they spent their entire mandatory supervised release in prison. This harmed children by depriving them of their mothers' care, left mothers vulnerable to parental rights termination due to the extra time they spent in prison, and in some cases, left children in unsafe households. CLAIM has an interest in achieving justice for mothers, children and families affected by the policy.

Criminal & Juvenile Justice Project, University of Chicago Law School

The Criminal & Juvenile Justice Project of the University of Chicago Law School provides law and social work students with the supervised opportunity to defend children and young adults accused of crime. The Project also collaborates in related policy reform and community education efforts.

Daniel Coyne, Clinical Professor Law, IIT Chicago-Kent College of Law

I am a Clinical Professor of Law at Chicago-Kent College of Law. I supervise one of two criminal defense clinics at Chicago-Kent. Our clinic currently represents 53 convicted sex offenders who have been detained as respondents pursuant to the Illinois Sexually Violent Persons (SVP) Commitment Act. These respondents completed lengthy prison sentences prior to being detained. Our representation spans all phases of the SVP process, from pre-probable cause through and including Illinois Supreme Court arguments. A number of our clients have been "violated at the gate" and left without any meaningful recourse.

The John Howard Association

The John Howard Association is Illinois' only non-partisan prison monitor and advocate for criminal justice reform. We believe that policy makers can strike an appropriate balance between enhancing community safety and respecting the constitutional rights of persons convicted of crimes. If Illinois were to employ evidence-based practices to address recidivism among criminal offenders, including sex offenders, the perceived threat to public safety that has led to the unfair practice of retaining offenders in custody beyond the date for their Mandatory Supervised Release ("MSR") back into

the community, could be safely and effectively addressed. If implemented in a timely and effective manner, the Risk Assets Needs Assessment (RANA) tool that IDOC is currently working to put into practice would allow the agency to accurately measure offenders' risk for recidivism and efficiently allocate resources to ensure that they receive the level of supervision and support needed to protect the public and promote their successful reintegration into the community.

This approach is preferable to policies and statutes that inaccurately predict offenders' risk levels based solely upon criminal history. As it stands, the cumbersome and severe MSR restrictions imposed on convicted sex offenders, coupled with the absence of statutorily-approved home sites to which this population can be released creates a dangerous situation where many offenders end up released into the community without any supervision or support. A properly institutionalized RANA tool would avoid these pitfalls by facilitating targeted programming, supervision, treatment, and release strategies that improve community safety and outcomes for offenders.

Illinois Public Defender Association

The Illinois Public Defender Association is a professional organization representing the interests of the public defenders of Illinois and their clients. Its membership consists of every Chief Defender and Assistant Public Defender in the State of Illinois as well as the entirety of the Illinois Office of the State Appellate Defender (over one-thousand attorneys). The IPDA is committed to all issues surrounding the defense of the indigent criminal accused in Illinois. Accordingly, the IPDA joins as amicus because we believe that the IDOC "turnaround" policy unfairly discriminates directly against our clients, the indigent inmates of the Illinois prison system. As set forth in the brief, our clients are frequently compelled to serve longer prison terms than contemplated by the sentencing judge. This improper extension is impermissibly imposed upon those inmates (predominantly our clients) without financial means to purchase their release via approved housing.

Law Office of the Cook County Public Defender

The Office of the Cook County Public Defender is the public agency with responsibility for the representation of all indigent criminally accused persons within Cook County, Illinois. The Office represents thousands of such persons each year and many of its clients are affected by the "turnaround" policy that is the subject of this appeal. Members of the Office have firsthand knowledge of the unfairness and injustice of the policy.

League of Women Voters of Illinois

The League of Women Voters of Illinois (LWVIL) encourages the informed and active participation of citizens in government and works to influence

public policy through education and advocacy. The League is nonpartisan and neither supports nor opposes candidates for elected office but does act on issues after member study and consensus. LWVIL has signed onto this amicus brief based on the League's national position that opposes major threats to basic constitutional rights and its state position supporting mandatory supervised release (MSR) while noting that technical violations of MSR need to be carefully defined and uniformly reported. The LWVIL supports this brief, which demonstrates that Mr. Cordrey's MSR was denied without any culpable action on his part and, further, that there is no official process to appeal this ruling

Office of the State Appellate Defender

The Office of the State Appellate Defender is a state agency created by the State Appellate Defender Act (725 ILCS 5/105-1 *et seq.*). The principal function of the Office of the State Appellate Defender is to represent indigent persons on appeal in criminal cases when appointed by the Illinois Supreme Court, the Appellate Court, or the Circuit Court. The Office of the State Appellate Defender currently represents, and has previously represented, numerous persons affected by the "turnaround" policy that is the subject of this litigation

Project I-11

Project I-11 is a concerned citizens coalition committed to reforming the Illinois criminal justice system. We take our name from the section of the Illinois Constitution stating that sentencing should be determined with the objective of returning the offender to useful citizenship. Currently we are supporting an elderly bill, HB 3668, in the Illinois Legislature. This bill would provide parole opportunities for prisoners age 50 and above who have served 25 years in prison.

Roosevelt University, Department of Human and Community Renewal

Roosevelt University's Department of Human and Community Renewal has operated its Life Skills Reentry Program in Chicago for 25 years. We honor our state's constitutional mandate to restore returning citizens to useful citizenship by helping them to reduce barriers to successful reentry. The "turnaround" or "gate violator" policy undermines this mandate. Our considerable experience suggests that the prospects for a successful reentry are enhanced when returning citizens are treated with fundamental fairness, dignity, and respect.

The Sargent Shriver National Center on Poverty Law

The Sargent Shriver National Center on Poverty Law (Shriver Center) is a proponent of anti-poverty measures and focuses on policy and legal matters in housing, health care, employment, public benefits, criminal justice,

women's issues, and education. Eliminating public policies that punish individuals because they are poor and supporting efforts of individuals leaving prison to rejoin civil society successfully are critical to the Shriver Center's multi-pronged approach to decrease poverty and its impact on communities and families. The Shriver Center supports Petitioner's arguments and has a compelling interest in the outcome of this case.

Tamms Year Ten

Tamms Year Ten (TY10) is a coalition of former prisoners, family members, people of conscience, faith groups, mental health advocates, and prison reentry organizations that joined forces to address the crisis at Tamms Correctional Center, where one-third of the population had been in isolation for a decade. In 2008, on the tenth anniversary of the opening of Tamms supermax, TY10 launched a campaign to hold Illinois legislators accountable for conditions at the prison by holding hearings, introducing legislation, engaging the media, and negotiating with the Department of Corrections. Since Tamms was reformed in 2009 and closed in 2013, the group has focused on conditions at Pontiac and Menard. TY10 supports the eradication of the IDOC's turnaround policy, which unjustly incarcerates Illinoisans who are entitled to release in their communities.

ARGUMENT

I. Mr. Cordrey And Thousands Of Parolees In The State Of Illinois Are Being Unlawfully Imprisoned Under The Defendants' Turnaround Policy.

For almost a decade, thousands of parolees have been held in the State of Illinois' correctional system even after serving the entirety of their court-ordered prison sentence. Though entitled to release on parole, these individuals remained incarcerated solely as a result of the IDOC's "turnaround" policy. Petitioner Johnny Cordrey is one of the many victims of this policy. On April 12, 2013, after completing his court-ordered sentence on a sex offense, Mr. Cordrey was scheduled to be released from Menard Correctional Center and begin a period of mandatory supervised release in the community. However, Mr. Cordrey is indigent and lacks funds to pay for housing that satisfies the IDOC's criteria for sex offender parolees.

As a result, he was informed—contrary both to his long-held expectations and the law of this State—that he would not be released, and that he would instead remain in a maximum-security prison where he served his sentence.

Mr. Cordrey’s continued unlawful imprisonment is a result of a policy implemented in July 2005 by then-IDOC Director Roger E. Walker. This policy was and continues to be known in several iterations as the “turnaround” policy, “gate violator” policy, or “violation-at-the-door” policy. *See, e.g., Murdoch v. Walker*, No. 08 CV 1142, 2010 WL 3168341 at *1 (N.D. Ill. Aug. 6, 2010); *Amato v. Grounds*, 944 F. Supp. 2d 627, 631 (C.D. Ill. 2013). Each of these monikers describes the same process by which the IDOC refuses to discharge an individual who has completed the terms of his sentence and who is otherwise entitled to be released into the community on mandatory supervised release, also known as MSR, or more colloquially, parole.¹

¹ Technically, “parole” refers only to those individuals sentenced under the indeterminate sentencing scheme that was in effect prior to the 1978 amendment. *See* Pub. Act 80-1099 (eff. Feb. 1, 1978) (codified at 730 ILCS 5/1-1-1 *et seq.*). The new sentencing scheme dictated that (except for those sentenced to natural life imprisonment) “every person sentenced to imprisonment under this amendatory Act of 1977 or given a release date under Section 3-3-2.1 of this Act shall serve the full term of a determinate sentence less time credit for good behavior and shall then be released under the mandatory supervised release provisions of paragraph (d) of Section 5-8-1 of this Code.” 730 ILCS 5/3-3-3(c). Upon the implementation of determinate sentencing, Illinois abolished its parole board and replaced it with the current Prisoner Review Board. *See* 730 ILCS 5/3-3-2. As a consequence, individuals were entitled to mandatory, rather than discretionary, release upon the completion of their court-ordered sentence. That is, inmates become “parolees” automatically at the time of their projected out-date. These individuals are referred to as serving a period of “mandatory supervised release,” also known as MSR. However, in common usage, and for the purposes of this brief, the terms MSR and parole are used interchangeably.

The turnaround policy is applied in a systematic manner across all IDOC facilities. Prior to being released on MSR, a parolee develops a proposed “host site”—a residence where he intends to live in the community during the pendency of his parole term. The parolee relays the proposed residence either to his prison counselor or to a representative of IDOC’s Field Services Division. The counselor or Field Services representative then transmits the proposed host site to a parole agent, an employee of IDOC’s Parole Division, who is responsible for investigating the host site and determining its suitability in light of the parolees’ conditions of mandatory supervised release. As described in more detail below, the parole agent has unfettered discretion in determining whether a host site is suitable. Moreover, the parole agent may fail to approve a host site even if he did not physically visit the residence, for instance, if he was unable to conduct his investigation prior to the parolee being placed on MSR. In either event, if the parole agent fails to approve the parolee’s proposed residence, the IDOC issues a parole warrant and the parolee is served with a notice of violation.²

This notice is in the form of a “Parole Violation Report,” which most frequently lists the parolee as being in violation either for “failure to attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release” or failure to comply with “additional conditions of

² See Deposition of Alyssa Williams-Schafer, *Murdock v. Walker et al.*, Case No. 1:08-cv-01142 (N.D. Ill), Doc. No. 228-6 (attached as Exhibit A in Amici App.) at A004–A014 (describing the procedures under IDOC’s turnaround policy).

release.”³ In a Kafkaesque procedure, the parolee is detained on the basis of a housing violation without setting foot beyond the prison gates. He remains incarcerated in the corrections facility—and often in the same cell—in which he was housed prior to being “released” on MSR.⁴ As long as the Department fails to approve a host site, the parolee stays in prison for the remainder of his or her MSR term. This whole process occurs independent of any action taken by the parolee. That is, the parolee is found guilty of violating the terms of his parole not because he committed any act of wrongdoing, but merely because he lacks a place to live.

The human impact of the policy cannot be overstated. Since 2005, thousands of Illinoisans have met the same fate—years spent in prison beyond the end of their court-ordered sentences—because they are too poor to pay for housing that the IDOC deems suitable. Indeed, under the policy, over the past five years, in excess of one thousand parolees in IDOC facilities have remained incarcerated each year after being “released” on parole.⁵ These individuals are held in prison without judicial imprimatur or oversight. Almost all of the parolees affected by this policy are sex offenders, which is a diverse population. Under Illinois law, the “sex offense” label is applied to a wide range of crimes, from indecent solicitation of an adult, to criminal sexual assault, to public indecency. *See* 20 ILCS 4026/10(c). It

³ *See* Parole Violation Reports (attached as Exhibit B in Amici App.) at A021–A022.

⁴ When the policy was first implemented, parolees who were “violated” were actually moved to one of the IDOC’s reception centers and processed as if they were newly admitted to the system. Approximately one year after implementing the turnaround policy, IDOC stopped this charade. Currently, most parolees remain in the facility in which they were housed prior to being violated. *See* Williams-Schafer Dep. at A014–A015.

⁵ *Id.* at A016.

compromises individuals who commit misdemeanors as well as those who commit various felony offenses, including any considered to be “sexually motivated.” 20 ILCS 4026/10(c)(20). It also comprises individuals who are later exonerated of their crimes. *See* Statement of the Center on Wrongful Convictions of Youth in Statement of Interest of Amici Curiae, *supra*. But despite the wide range of offenses covered by the statute, both of type and severity, all sex offender parolees are uniformly subject to a policy that forces many to spend the entirety of their parole term in prison because they are poor.

II. The IDOC Turnaround Policy Overwhelmingly Targets Poor And Indigent Parolees.

The IDOC’s turnaround policy, as described, unjustly targets indigent and homeless parolees, merely because they lack the funds to purchase or otherwise pay for housing that passes IDOC standards. Individuals released from Illinois’ state correctional facilities are far poorer than the general population, a fact underscored by a variety of different statistical measures. A 1997 study conducted by the Bureau of Justice Statistics (BJS) found that 32% of state and federal prisoners reported being unemployed in the month prior to arrest—a rate eight times higher than the 1997 national average unemployment rate of 5%. This same study determined that nearly 9% of prisoners were homeless in the month prior to arrest (compared with 1% of the general U.S. population), and that 43% of prisoners in 1997 reported making \$9,600 annually, a number slightly higher than the poverty rate of a single person in that year. *See* Wendy Erisman and Jeanne Bayer Contardo, *Learning to Reduce Recidivism: A 50-State Analysis of Postsecondary Correctional Educational*

Policy 2-3 (Nov. 2005), available at <http://www.ihep.org/assets/files/publications/g-LearningReduceRecidivism.pdf> (discussing the BJS Survey of Inmates in State and Federal Correctional Facilities). Education levels among Illinois prisoners, an indicator of income,⁶ bear out these trends. In 2011, almost half of Illinois' prisoners had less than a high school degree or General Equivalency Diploma (GED). *See* IDOC, 2011 Annual Report 22 (2012), available at <https://www2.illinois.gov/idoc/reportsandstatistics/Documents/FY2011%20Annual%20Report.pdf> (last visited February 15, 2014). In contrast, the high school graduation rate among Illinois' general populace was 84% in school year 2010-2011. *See* U.S. Dep't of Educ., Provisional Data File: SY2010-11 Four-Year Regulatory Adjusted Cohort Graduation Rates, available at <https://www2.ed.gov/documents/press-releases/state-2010-11-graduation-rate-data.pdf> (last visited February 15, 2014).

In a study of re-entry among Illinois parolees, researchers at the Urban Institute found that the majority of releases were concentrated in Chicago and, in particular, in seven Chicago communities—Austin, Humboldt Park, North Lawndale, South Lawndale, Englewood, West Englewood and East Garfield Park—

⁶ For instance, according to a study by the Georgetown University Center on Education and the Workforce, over a 40-year career, those without a high school diploma or G.E.D. will earn less than \$1 million over the course of their lifetime, the equivalent of slightly more than \$24,000 a year, or \$11.70 per hour. Obtaining a high school diploma adds 33 percent more to lifetime earnings, so that the average annual earnings of high school graduates are \$32,600, or \$15.67 per hour. *See* Anthony P. Carnevale et al., Georgetown Univ. Ctr. on Educ. & the Workforce, *The College Payoff: Education, Occupations, Lifetime Earnings* 3 (2011), available at <http://www9.georgetown.edu/grad/gppi/hpi/cew/pdfs/collegepayoff-complete.pdf>.

representing the most socially and economically disadvantaged of Chicago's neighborhoods. *See* Nancy G. La Vigne et al., The Urban Institute, A Portrait of Prisoner Reentry in Illinois 51 (April 2003), available at <http://www.urban.org/uploadedpdf/ACFABE7.pdf>. Furthermore, of those who are released on parole in this State, very few are able to afford their own housing. The Urban Institute's study on re-entry showed that upon release, a majority of parolees (84%) received some gate money (typically about \$10) from the IDOC and almost half of that sample reported having no other funds at their disposal. *See* Nancy La Vigne et al., The Urban Institute, Chicago Prisoners' Experiences Returning Home 7 (Dec. 2004), available at http://www.urban.org/UploadedPDF/311115_ChicagoPrisoners.pdf. This same study determined that while 43% of state inmates lived on their own prior to incarceration, only 12% were able to do so two months after release from prison. Further, only 20% of releasees secured their own housing one and a half years out of prison. The remainder depended on family and friends for housing assistance and support. *See* Jennifer Yahner and Christy Visher, The Urban Institute, Illinois Prisoners' Re-entry Success Three Years After Release 3 (Aug. 2008), available at www.urban.org/UploadedPDF/411748_reentry_success.pdf.

These demographics highlight some of the difficulties faced by parolees more generally in re-integrating into society. However, for those incarcerated on sex offenses, who make up approximately 16% percent of Illinois' prison population, *see* IDOC Annual Report 2011, *supra*, at 23, and who are subject to additional stringent

statutory and administrative restrictions, re-entry is rendered much more difficult. IDOC's turnaround policy enhances the burden of being a sex offender on parole, so that as a result of their poverty, a significant number of parolees are denied the opportunity to be released.

Under Illinois law, sex offenders are prevented from living within 500 feet of their victim, as well as within 500 feet of a school, park, daycare, or any other institution where children are generally present. *See* 720 ILCS 5/11-9.3. They are also prevented from residing with other sex offenders on parole. *See* 730 ILCS 5/3-3-7(a)(7.6). In addition to these restrictions, parole agents and the IDOC more generally have the capacity to impose additional restraints, *see* 730 ILCS 5/3-3-7(a)(15) and (b-1)(15), and they frequently do. By statute, the 500-foot residency requirements apply only to sex offenders whose victims were minors. However, parole agents may apply these conditions to any and all sex offenders under their supervision, regardless of the age of the victim.⁷ Whether a host site is considered "suitable" is entirely up to the discretion of the parole agent.⁸ Amici have observed cases in which a parolee's proposed host site was denied because it was located in a so-called "bad neighborhood" or in the "wrong" county. As a result, sex offender parolees are often unable to live with family and friends whose residences do not meet the variety of requirements imposed both by Illinois legislation and the IDOC, which severely curtails the ability of parolees to locate adequate housing. IDOC

⁷ *See* Deposition of Jesse Montgomery, *Murdock v. Walker et al.*, Case No. 08-cv-1142 (N.D. Ill.), Doc. No. 228-4 (attached as Exhibit C in Amici App.) at A030.

⁸ *See, e.g.*, Deposition of Deon Dixon, *Murdock v. Walker et al.*, Case No. 08-cv-1142 (N.D. Ill.), Doc. No. 228-3 (attached as Exhibit D in Amici App.) at A034-A035.

policy also mandates that sex offenders on parole must have a verifiable address, meaning they cannot be released to be homeless.⁹ Consequently, any parolee without an address is automatically imprisoned for the remainder of his or her MSR term.

While parolees might be able to rent or buy a home that complies with the statutory and administrative restrictions, the majority of parolees lack the funds to procure their own residence, particularly during the first months after release, when they are dependent upon family and friends for housing. *See* Yahner and Visher, *supra*, at 3. IDOC offers very little in the way of paid-for transitional housing to sex offenders on mandatory supervised release. There is only one transitional housing facility in the entire State of Illinois that is licensed to house sex offenders. It is located in East St. Louis, and has the capacity to house 20 parolees.¹⁰ *See* Illinois State Police, Illinois Sex Offender Information, available at <http://www.isp.state.il.us/sor/transition.cfm> (last visited February 24, 2014). In addition, IDOC has contracted with “scattered-site” housing locations in Springfield, which house another six parolees at one time.¹¹ Despite the fact that the majority of parolees are ultimately released to Chicago, *see* La Vigne et al., Portrait of Prisoner Reentry, *supra*, at 51, there are no transitional housing sites for sex offender parolees in Cook County.¹² The 26 transitional housing units represent

⁹ *See* Williams-Schafer Dep. at A019.

¹⁰ *See id.* at A018–A020.

¹¹ *See id.*

¹² *See id.*

the only “no-cost” residences available for the hundreds of sex offender parolees released from IDOC facilities each year. *Id.*

IDOC’s residency restrictions for sex offenders, which serve to enhance the requirements imposed by statute, ensure that hundreds of parolees who would otherwise be entitled to release on an annual basis remain in prison. Because the majority of Illinois parolees are low-income and unable to afford their own housing, because the residences of parolees’ friends and family—who traditionally serve the role of providing housing during re-entry—are often not approved by IDOC, and because IDOC fails to offer a paid-for alternative in the form of transitional housing, parolees are systematically being imprisoned beyond their term of sentence. As such, the IDOC policy unconstitutionally targets the poor, incarcerating those who cannot afford to pay their way out from behind bars.

III. The Turnaround Policy Operates Within The Larger Context of the Defendants’ Parole Revocation System, Within Which Parolees Are Denied Adequate Process To Challenge the Fact of Their Incarceration.

Many among the small number of parolees who are able to overcome the significant socioeconomic, legal and administrative barriers to locating a residence that meets IDOC requirements remain unjustly detained in IDOC facilities during the remainder of the MSR term. This is because both the IDOC and the IPRB fail to provide any due process protections to the parolees subject to the IDOC’s turnaround policy. In this manner, the IPRB is complicit in promoting IDOC’s unconstitutional practices.

All parolees are entitled to statutorily-mandated due process procedures prior to being subject to parole revocation. These procedures stem from the Supreme Court's recognition in the seminal case of *Morrissey v. Brewer* that "the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a 'grievous loss' on the parolee and often on others." 408 U.S. 471, 482 (1972).¹³ In accordance with this precedent, Illinois enacted legislation requiring certain protections for parolees facing revocation. *See Faheem-El v. Klincar*, 814 F.2d 461, 464 (1987) (overruled on other grounds) ("The Illinois procedures for parole revocation track in form the prescriptions of *Morrissey*"). The laws prescribe that parolees facing revocation be granted, first, "a preliminary hearing before a hearing officer designated by the [Prisoner Review] Board to determine if there is cause to hold the person for a revocation hearing." 730 ILCS 5/3-3-9(c). Following a finding of probable cause by the hearing officer, a hearing on revocation is conducted "before at least one member of the Prisoner Review Board[]" to determine the merits of the alleged violation. 730 ILCS 5/3-3-9(e).

¹³ In so holding, *Morrissey* underscored the fact that the liberty interest of parolees differs significantly from the interest of persons who remain confined on a court-ordered sentence: "The liberty of a parolee enables him to do a wide range of things open to persons who have never been convicted of any crime. The parolee has been released from prison based on an evaluation that he shows reasonable promise of being able to return to society and function as a responsible, self-reliant person. Subject to the conditions of his parole, he can be gainfully employed and is free to be with family and friends and to form the other enduring attachments of normal life. Though the State properly subjects him to many restrictions not applicable to other citizens, his condition is very different from that of confinement in a prison." 408 U.S. at 482.

Parolees have a variety of due process rights at both the preliminary and final revocation hearings, including the right to written notice of the claimed violation(s), to appear on their own behalf, to present evidence, including witnesses, in their favor, to cross-examine adverse witnesses, and to receive the written findings of the hearing officer or IPRB member. *See* 20 Ill. Adm. Code 1610.140 and 1610.150; *see also Morrissey*, 408 U.S. at 486-89 (outlining the “minimum requirements of due process” for preliminary and final parole revocation hearings); *Faheem-El*, 814 F.2d at 463-64 (describing the implementation of *Morrissey* under Illinois law).

Yet these procedures, designed to protect parolees from unlawful detention, are being regularly and systematically flouted by the Defendants’ turnaround policy. Once charged with violating the conditions of their parole for failure to procure an adequate residence, most parolees convicted of sex offenses are subjected to a preliminary hearing merely as a formality. While the parolee is awaiting a decision from IDOC on the suitability of his proposed residence, his preliminary parole revocation hearing is either continued indefinitely or the hearing officer finds that there is probable cause to believe the parolee committed the alleged violation. The hearing officer makes this decision without considering any evidence as to whether the parolee’s proposed host site actually complies with state law or other applicable conditions of parole.¹⁴ If the case is continued, then the parolee continues to be held in prison until the next round of preliminary parole revocation hearings,

¹⁴ *See* Report of Finding (attached as Exhibit E in Amici App.) at A039.

which generally occur on a weekly basis. If the hearing officer enters a finding of probable cause, then the parolee is scheduled for a final revocation hearing before the Prisoner Review Board—at which point the Board checks a box stating that the parolee’s release is “effective upon the approval of a viable host site as determined by IDOC.”¹⁵ In effect, the IPRB acknowledges that the parolee is entitled to release while at the same time allowing the IDOC to continue his detention.

Statutorily, the IPRB is the sole arbiter of a parolee’s conditions of release, as well as whether he has committed a violation of those conditions. *See* 730 ILCS 5/3-3-1(a)(5). But in the context of the turnaround policy, the IPRB has abdicated its responsibility for making these determinations for parolees. In contravention of both Illinois and federal law, the IPRB considers no evidence nor makes any factual findings as to whether the parolee’s proposed host site is suitable such that he is not in violation of his parole; rather, the only question considered by the IPRB is whether the IDOC has approved the parolee’s host site.¹⁶

The parolee has no means by which to remedy his on-going incarceration for the alleged failure to obtain an adequate residence. IDOC does not provide the parolee with a record explaining why his proposed host site was not approved.¹⁷ Moreover, a legal representative of the IDOC has acknowledged that there is, in

¹⁵ Illinois Prisoner Review Board (PRB) Order (attached as Exhibit F in Amici App.) at A040.

¹⁶ *See id.*

¹⁷ *See* Report of Finding at A039.

fact, no official process by which a parolee can challenge or appeal the IDOC's determination that the parolee's proposed host site was inappropriate.¹⁸

As a result of the IDOC's policy and the IPRB's inaction, a significant percentage of parolees remain detained in prisons throughout the State for the remainder of their MSR term, without recourse and through no fault of their own. These parolees are, for all intents and purposes, serving an extended prison sentence, without remedy or review.

IV. The Turnaround Policy Does Not Promote The Public Welfare.

Finally, there is no indication that the IDOC's turnaround policy—which incarcerates over one thousand parolees who are statutorily entitled to release each year—promotes public safety or the public welfare. Indeed, on the eve of the policy's 10-year anniversary, it is apparent that there has been little benefit incurred from unjustly incarcerating thousands of Illinoisans.

First and perhaps foremost, the IDOC does not rely on the policy as a means to restrict the release of high-risk parolees. The most dangerous sex offenders in Illinois are not the targets of the policy. Under the Sexually Violent Persons Commitment Act, 725 ILCS 207/40, the State may civilly commit any offender shown to be “a sexually violent person,” judged by, among other things, their likelihood to reoffend. *See In re Detention of Walker*, 314 Ill. App. 3d 282 (4th Dist. 2000). The parolees affected by the turnaround policy are therefore those whom the State has not sought to commit, and for whom there has been no determination that

¹⁸ *See Williams-Schafer Dep. at A011–A012.*

they represent a threat to public safety. Indeed, the IPRB repeatedly holds that the parolees impacted by the turnaround policy are entitled to release, contingent only on the IDOC's approval of a housing site.¹⁹

In addition, as described in Section I, parolees who are the target of the policy are a diverse group of individuals, with varied criminal histories, prison sentences and recidivism risk factors. In finding a parolee's host site inadequate, the IDOC does not engage in any kind of individualized public safety or risk assessment.²⁰ The turnaround policy is applied without exception—sex offender parolees who are deemed to lack suitable housing, frequently as a result of poverty, are automatically incarcerated.²¹ This is so even though the recidivism rate among sex offenders is much lower than popular belief allows; in fact, most new sex offenses are committed by those who have previously never committed a sex offense (87% according to one longitudinal federal study). *See* Patrick A. Langan et al, Bureau of Justice Statistics, *Recidivism of Sex Offenders Released from Prison in 1994* 24 (Nov. 2003); *see also* R. Tewsbury et al., *Final Report on Sex Offenders: Recidivism and Collateral Consequences* 13 (Sept. 2011), available at

¹⁹ *See* PRB Order at A040.

²⁰ *See* Williams-Schafer Dep. at A013–A014; Montgomery Dep. at A026–A028.

²¹ *See* Montgomery Dep. at A029 (“Q. So just to keep using the same example, if the sex offender parolee was released to a suitable housing site, lived there for a year or more, the housing site burned down through no fault of his own, and he couldn't find suitable housing within the shift of his parole agent, he would be returned to custody, right? A. Correct. Q. And that would be true even though he would be wearing an electronic monitoring device on that day? A. Correct. Q. And that would be true even though ... there was suitable housing within the area but he simply couldn't afford to pay it? A. Correct.”); *see also* Dixon Dep. at A036–A038.

<https://www.ncjrs.gov/pdffiles1/nij/grants/238060.pdf> (concluding that sex offenders have relatively low rates of recidivism).

Beyond the human cost, the monetary price tag of IDOC's turnaround policy to the taxpaying public is significant. The *Morrissey* Court acknowledged that a key component of parole was "to alleviate the costs to society of keeping an individual in prison." 408 U.S. at 477. The numbers in Illinois clearly reflect the fiscal advantage of releasing qualified individuals into the community. In 2010, the average annual cost of incarcerating an inmate in Illinois was \$21,451. *See* IDOC Annual Report 2011, *supra*, at 4. In contrast, the average cost to the State of supervising a parolee on release was a little more than \$2,000 per year.²² Thus, the State pays over ten times more each year to imprison individuals who have not been shown to present a public safety risk. This number is particularly significant given that one way of ensuring "suitable" housing for sex offender parolees would be for the IDOC to spend the money it saved on not incarcerating these individuals by contracting with additional transitional housing facilities throughout the State to provide post-release housing for parolees.

In sum, it is to the benefit of society as a whole to ensure that otherwise qualified parolees serve their MSR term in the community and not within the State's correctional system. The Defendants' current policy, which 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. As such, it serves no

²² *See* Williams-Schafer Dep. at A016.

valid purpose. Amici ask that this Court grant Mr. Cordrey's petition, and declare the IDOC's turnaround policy to be unconstitutional as applied to parolees in the State of Illinois who are unable pay for their freedom. Amici also hope that such juridical action will prompt the Defendants to remedy the manner in which they treat this group of parolees more generally, so that these individuals are given a genuine opportunity to re-integrate into society.

CONCLUSION

For the foregoing reasons, this Court should declare the Defendants' "turnaround" policy unconstitutional and issue a Writ of Mandamus ordering the Defendants to comply with the law and cease incarcerating parolees who are otherwise entitled to supervised release, solely because they have not obtained a residence approved by the IDOC by virtue of their indigency.

Respectfully submitted,

**ORGANIZATIONS IN SUPPORT OF
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APPENDIX
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I N D E X

WITNESS: PAGE

ALYSSA WILLIAMS-SCHAFFER

Direct by Mr. Peters 4

NO EXHIBITS WERE MARKED.

1 still be giving us host sites to investigate on the
2 day of their release date, so it's very, it's very
3 case-specific as to what resources they may or may
4 not have.

5 Q. I understand that, but would you say that
6 usually the intimate is providing that information
7 more than a week before the release date? Not that
8 there aren't exceptions, but that usually you get
9 the information more than a week before the release
10 date?

11 A. With many offenders, we do receive that
12 information prior to a week before mandatory
13 supervised release or parole.

14 Q. Okay. What you're saying, I take it, is
15 there's no way for you to put a specific percentage
16 on that because that's not something that's ever
17 been specifically studied.

18 A. You are correct. I am unable to put a
19 specific percentage as to that question.

20 Q. Okay. So once the intimate begins the
21 process of providing potential host sites, the
22 department will begin an investigation, and I think
23 you said not more than six months before the out
24 date, is that right?

1 A. You are correct.

2 Q. Okay. Now, when the intimate is giving
3 these potential host sites, who besides the intimate
4 and the Department of Corrections is aware of the
5 sites, if anyone? For example --

6 A. The offender will provide those sites to
7 be input into our offender tracking system, which is
8 our computer system for individuals. Again, that
9 would either be a counselor or a field-services
10 representative. That then is assigned to a parole
11 supervisor. The parole supervisor will then, in
12 turn, assign it to an agent for investigation
13 purposes.

14 Q. And when does --

15 A. Those would be the main people that would
16 be knowledgeable of that particular host site
17 investigation.

18 Q. Okay. When does the Prisoner Review Board
19 get this information, if ever?

20 A. They do not receive that information.

21 Q. The Prisoner Review Board has no idea
22 where the person is going to be paroled to?

23 A. You are correct.

24 Q. Okay. So once the information has been

1 supplied to IDOC, an investigation begins, correct?

2 A. Correct.

3 Q. And you said it's assigned to a parole
4 agent or supervisor in the district that they're
5 likely to be paroled to?

6 A. Yes.

7 Q. And what is sort of the scope of that
8 investigation? Can you describe it?

9 A. It depends on the offender's offense.
10 Let's start with a sex offender who has a victim
11 under the age of 18, because many things apply to
12 them that do not necessarily apply, statutorily, to
13 an offender who has an adult victim.

14 For those individuals which residency
15 restrictions would apply to, specifically the
16 500-foot law, the parole agent will first do a check
17 to make sure that that residence is not located
18 within 500 feet of a playground, a daycare, a school
19 or any facility that provides services exclusively
20 to children, because by law, that offender will not
21 be able to reside there. That would be one of the
22 initial things the offender would do.

23 Another thing that -- I'm sorry -- that
24 the agent will do.

1 Another thing that the agent will also do
2 that we have to, by law, complete, we have to ensure
3 that no other sex offender resides in the same
4 address, apartment building, apartment complex,
5 condo building or condo complex as this offender
6 that's proposing this particular address.

7 Q. That's with that specific group of sex
8 offenders, correct?

9 A. That is with every sex offender. I'm
10 sorry.

11 Q. All right.

12 A. For every sex offender, by law, they
13 cannot reside -- for every sex offender under
14 supervision, I apologize -- cannot reside with
15 another sex offender in any of those other
16 locations, so what the parole agent will do is they
17 will access the Illinois State Police's sex-offender
18 registry and check the address to that registry to
19 ensure that no other sex offenders reside there.

20 If both of those clear and seem to be
21 fine, they will do a host-site investigation, so
22 they will not schedule -- they will go to the
23 particular host site to meet with whoever the
24 individual will be that that particular offender

1 will live with, whether that be the mom, girlfriend,
2 whoever, and they will do a sit-down with that
3 person to explain the rules of parole to them.

4 Q. Okay. Anything else?

5 A. Then the person can agree or not agree to
6 those particular conditions.

7 Q. And would there be any other sort of
8 routinely-applied investigation?

9 A. Yes, they will ensure with the host that
10 there are no children that reside in the host site,
11 there are no weapons that are stored in the host
12 site. They will look to make sure there's no drugs
13 and drug paraphernalia that will be present in the
14 host site.

15 They will go through all of those rules
16 with that particular site individual to see if that
17 person will agree to abide by those rules, if that
18 particular individual can reside with them.

19 We also ensure that the victim does not
20 reside at that host site as well, and for a
21 child-victim offender, that the victim does not
22 reside within 500 feet of that host site.

23 Another thing that we also have to take a
24 look at, the vast majority of sex offenders are

1 either on electronic monitoring or they're on a
2 global-positioning monitoring system, GPS.

3 For those units to work most effectively,
4 there has to be electricity and a landline phone in
5 order to be able to send the data back and forth
6 from that unit, so we will make sure with those
7 individuals that they do have electricity -- I know
8 that sounds strange, but some individuals do not --
9 as well as a landline phone.

10 Q. Okay. Now, at the conclusion of the
11 investigation, let's say that the agent gives it a
12 clean bill of health; this works out. Then what
13 does the agent do?

14 A. The agent would then go into our offender
15 tracking system and indicate an approval, which will
16 then be submitted electronically through the
17 computer through that field-services representative
18 or the counselor, who will then indicate to the
19 offender that that particular host site has been
20 approved, and then we -- the parole agent will also
21 contact that host site to indicate that they've been
22 approved. Either the parole agent or the facility
23 staff, one of the two, will make that contact, so
24 they're aware.

1 Q. Okay. Now, suppose that at the end of the
2 investigation there's a problem. What does the
3 agent do then?

4 A. If there's a problem, the agent should
5 indicate that to the particular host site to see if
6 that problem can potentially be remedied, which in
7 some instances, people are willing to remove their
8 weapons; some instances people will say no, you
9 know, we won't have any children residing in there,
10 so if it can be remedied, then we will move in that
11 direction.

12 If it can't because let's say the host
13 site is within 500 feet of a school and this is a
14 child-victim offender, then that host site will be
15 denied and we will request alternate host sites.

16 Q. Okay. And in the event that it's denied,
17 for whatever reason, from time to time, does the
18 parolee or the host-site family object, say, "You
19 know, we don't think you should have denied this"?

20 A. At times people do make objections, and
21 like I said, if it can be an issue of their
22 objecting that can be remedied, by all means, we'll
23 take a look at that.

24 They can't object to state statute,

1 because we're not allowed to override the 500-foot
2 rule for sex offenders, unfortunately. It depends
3 on the circumstances.

4 Q. Right.

5 A. But yes, they're allowed to object. That
6 will usually go to the parole supervisor initially.

7 Q. And then what happens?

8 A. The parole supervisor will usually make
9 the decision if they need to consult with someone.
10 At times, they will consult with me. They may
11 consult with other parole supervisors or consult
12 with the chief of parole.

13 Q. And when you say "consult," I take it you
14 mean you have like a meeting; you go over the
15 information that's being provided to you by the
16 agent.

17 A. Yes, usually via phone.

18 Q. By phone, okay. And at this consultation,
19 I assume that the parolee is not present by phone or
20 otherwise, right?

21 A. They're usually incarcerated, so you're
22 correct.

23 Q. And the parolee host-site person is
24 probably also not present.

1 A. Usually not, no. They will usually -- if
2 it's coming through me -- and often a family member
3 may call Springfield and I will take the phone
4 call -- I will call that individual back.

5 Q. And so would it also be fair to say then
6 that there's not, for example, a court-reported
7 record of this consultation?

8 A. You are correct.

9 Q. And at the conclusion of this
10 consultation, does someone issue like an official
11 opinion, something in writing saying this is why we
12 did what we did?

13 A. An official opinion, no. Usually it would
14 just be a phone call. Like I said, I will often
15 make the phone call or the parole supervisor would
16 make the phone call to the host to indicate the
17 decision to them.

18 Q. Okay. And that process that you've just
19 described is the way it's been handled for like the
20 last five to 10 years when there's a denial?

21 A. Not for all denials, just denials that
22 families may have questions about.

23 Q. Right. Well, yeah, where the family has
24 an objection.

1 A. Correct.

2 Q. Whether it's well-founded or frivolous,
3 that's how the process would be handled?

4 A. They would often contact the parole agent,
5 and if the parole agent can't remedy it, it would go
6 up the chain, correct.

7 Q. And it would be handled in precisely the
8 way you just described?

9 A. In the situations that I've worked with,
10 that's how it's been handled.

11 Q. Okay. So now the person has been denied
12 and there's been this consultation review. I take
13 it they could submit additional information or
14 something, is that right?

15 A. That is correct.

16 Q. And the same process would begin again?

17 A. You're correct, yes.

18 Q. Okay. So have you heard the phrase
19 "turnaround policy"?

20 A. Yes.

21 Q. What does that mean to you?

22 A. If an offender does not have a host site
23 that can facilitate electronic monitoring or
24 global-positioning monitoring at the time of parole,

1 a parole warrant is issued for failure to abide by
2 the parole conditions as given by the Prisoner
3 Review Board and that person is turned around, or
4 what we call also is violated at the door.

5 Q. So when the person is violated at the
6 door, am I correct that it generally goes something
7 like this: The inmate is walked to the front gate
8 as if they were going to be released and then
9 they're told "You're not going to be released
10 because of this such and such violation" and then
11 they're returned to prison, is that correct?

12 A. I believe that's how it used to be handled
13 years ago. Now the individuals are kept at the
14 facility where they were residing and there's no
15 walking to the gate and turning them around.

16 The counselor or field-services
17 representative will indicate to them that they are
18 not being paroled, and the offender will usually
19 have knowledge of that ahead of time.

20 Q. In the past, were they literally walking
21 people to the gate, at least occasionally?

22 A. I think that occasionally it did happen,
23 many years ago, maybe 2005, 2006, as an estimate.

24 Q. Okay. Was the person returned to his or

1 her cell or were they returned to a different cell?

2 A. In the beginning of this process, after
3 the legislation passed that closed our transitional
4 houses and other facilities that could house sex
5 offenders, leaving sex offenders homeless, they
6 would be taken to a reception and classification
7 center.

8 Now we do things differently. They are
9 kept in the facility where they were currently
10 housed, and I believe usually to the same cell,
11 there is no movement made, but in the past, you are
12 correct, they were taken to the reception and
13 classification center to be reprocessed through the
14 system.

15 Q. Okay. And from your perspective, is
16 electronic monitoring an important aspect of release
17 of any sex offender?

18 A. In my opinion, yes.

19 Q. Or as an alternative, the GPS system.

20 A. The GPS is predominantly used for those
21 that are statutorily mandated for GPS monitoring.
22 Any sexual predator convicted on or after 1/1 of '07
23 is mandated for GPS monitoring. GPS is also
24 utilized for other offenders as they diverge into

1 A. Correct.

2 Q. With respect to question No. 6 on the
3 first rider, do you have an idea of how many
4 sex-offender parolees are, say, currently in custody
5 because of the lack of suitable housing?

6 A. Yes, there would be over a thousand.

7 Q. And is that pretty constant at that
8 number?

9 A. It has been for the last few years. I
10 would say maybe since 2008, that's been a fairly
11 constant number.

12 Q. Okay. Would you look at No. 7, which
13 basically is asking if you know what the cost is of
14 supervising an inmate.

15 A. It's \$2,076 per year per parolee.

16 Q. That's 2,076?

17 A. Correct.

18 Q. And what does that number include? Can
19 you tell me?

20 A. That number was formulated for me by our
21 chief financial officer. I am unaware of how he
22 decided how that number is, what it was.

23 Q. But in response to this notice, that's the
24 number that they gave you?

1 A. I requested that number in the past as
2 well, correct. That was the number that was
3 provided to me in past requests.

4 Q. Okay. Did you have to update it or did
5 you just go based upon the fact it's always been
6 around that amount?

7 A. This was -- my last request was most
8 likely a couple months ago, so that should be a
9 valid number for you.

10 Q. Okay. Am I correct, though, when a person
11 is released on parole, the Department of Corrections
12 is not paying for their housing, right?

13 A. The Department of Corrections will pay for
14 housing, and we have one transitional living
15 facility in the entire state at this point in time.
16 We contract with a provider and pay a per diem to
17 house sex offenders.

18 We've attempted many other locations for
19 those particular housing, but because of community
20 resistance, local ordinances being passed,
21 aldermen's resistance, they have all been shut down,
22 but we do pay for housing if we can pay vendors to
23 contact to pay for housing for intimates.

24 Q. So you have one facility is what you're

1 saying?

2 A. We have one licensed transitional housing
3 facility in Illinois, which is located in
4 East St. Louis.

5 Q. And how many intimates or sex-offender
6 intimates can be there?

7 A. By administrative rule, only 20.

8 Q. And I'm not quite sure if I understood
9 what it is you were saying there. Are you saying
10 that you also like do it on a case-by-case basis?

11 A. I don't believe I understand your
12 question.

13 Q. Well, besides that transitional living
14 facility, does IDOC provide any other paid-for
15 housing for sex offenders?

16 A. We have another vendor that provides what
17 we term -- this is not a formal term -- we term it
18 as scattered-site housing. They can house one sex
19 offender per address. That particular vendor houses
20 six offenders for us at any given time.

21 Q. Okay. And where is that located?

22 A. Springfield.

23 Q. There are none in Cook County?

24 A. None. In 2005, when House Bill 350, which

1 eventually became Public Act 940161, was passed,
2 that shut down all of our transitional living homes
3 in Chicago, and we've never been able to acquire new
4 ones, because Chicago will not issue a special-use
5 permit.

6 Q. How many housing special-use permits did
7 you have prior to that?

8 A. Prior to that, they weren't requiring
9 special-use permits.

10 Q. Oh, okay.

11 A. We were able to house approximately -- and
12 this is an estimate, because this was before my
13 time -- an estimated 200 sex offenders in the
14 Chicago area prior to the passage of that
15 legislation. We did not have a problem with sex
16 offenders being homeless at that time.

17 Q. Okay. A sex offender is not allowed to be
18 released to be homeless, is that right?

19 A. You are correct.

20 Q. So let me see if I understand this
21 correctly. So right now the options are for a
22 sex-offender parolee, you can get the site that's
23 approved by IDOC, correct?

24 A. Correct.

1 Q. You might be lucky and get into the
2 transitional housing facility downstate.

3 A. Yes.

4 Q. And you might be able to get into one of
5 those six individual units.

6 A. Correct.

7 Q. Other than that, you know, you're
8 essentially on your own.

9 A. Yes. All of our other homes that we
10 attempted to develop have been closed throughout the
11 state.

12 Q. Okay. And when you say homes with
13 special-use permits or whatever, I didn't quite --

14 A. I can give you an example to provide
15 clarity for you.

16 Q. Yes, please.

17 A. We investigated a particular location in
18 the Chicago Heights area that a vendor proposed to
19 house sex offenders. She herself is a sex-offender
20 treatment provider.

21 It was a very nice location for them,
22 close to public transportation, as well as
23 employment. So we went in, investigated the
24 facility, ended up issuing a license to her to run a

11/20



J210

ILLINOIS DEPARTMENT OF CORRECTIONS
Parole Violation Report

Offender's Name

ID#

Section B: Notice of Charges of Alleged Parole or Mandatory Supervised Release Violations

You are hereby notified that, as detailed on this form, you are charged with having committed the following violations of your conditions of Parole or Mandatory Supervised Release Agreement:

- 1. Violation of any criminal statute.
- 2. Possession of a firearm or other dangerous weapon.
- 3. Failure to report to your agent.
- 4. Failure to permit the agent to visit at home, employment, or elsewhere as determined necessary.
- 5. Failure to attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release.
- 6. Failure to secure permission before visiting or writing a committed person in a Department facility.
- 7. Failure to report all arrests to an agent as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody.
- 8. Failure to obtain permission of your agent before leaving the State of Illinois.
- 9. Failure to obtain permission of your agent before changing your residence or employment.
- 10. Failure to consent to search of your person, property, or residence under your control.
- 11. Use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances, or failure to submit to a urinalysis test as instructed.
- 12. Frequenting places where controlled substances are illegally sold, used, distributed, or administered.
- 13. Knowingly associating with other persons on parole or mandatory supervised release without prior written permission of your agent or knowingly associating with persons who are members of an organized street gang.
- 14. Failure to provide true and accurate information, relating to your adjustment in the community while on parole or mandatory supervised release or to your conduct while incarcerated, in response to inquiries by your agent.
- 15. Failure to follow any specific instructions provided by your agent, specifically: _____
- 16. Failure to comply with the following additional conditions of release: _____

You are entitled to a Preliminary Parole/Mandatory Supervised Release Violation Hearing before a neutral Hearing Officer to determine whether or not probable cause exists that you did commit one or more of the violations checked above. You may appear and speak on your own behalf at this hearing and you may retain an attorney to represent you at the hearing. You may present evidence to rebut the charges and you may make a written request in advance of the hearing to present witnesses who can provide relevant information or to question adverse witnesses. If probable cause on any new criminal charge is determined by the court prior to the hearing date, you are not entitled to a preliminary hearing.

Your preliminary hearing is now scheduled to be held on: Dec 6 2012 at 9 a.m. p.m.
at: NRC

Note: If probable cause is found at the preliminary parole revocation hearing, you may request the hearing officer recommend to the Prisoner Review Board that the parole violation warrant be withdrawn pending a final parole revocation hearing.

As an alternative to the scheduled hearing, you may exercise one of the following options by initialing the appropriate box:

- A. Postpone: I request that my preliminary hearing be postponed for up to 30 days from today's date to permit me to obtain an attorney, witnesses, or documents. I understand that it is my responsibility to present these individuals or materials at my hearing on: _____, 20____ at _____ a.m. p.m.
- B. Waive (Illinois Offenders Only): I elect to waive my preliminary hearing with the understanding that I will be afforded a full revocation hearing before the Prisoner Review Board or Parole Board. This waiver does not indicate any admission of guilt to the above violations.
- C. Waive (Adult Interstate Compact Only): I admit guilt and waive my preliminary hearing.

Offender's Signature

on _____ Date

A copy of this notice was delivered to the alleged violator by:

[Redacted Name]

C/O

[Redacted Signature]

Title

Signature

on 11/23/12 Date

11/17

F210

ILLINOIS DEPARTMENT OF CORRECTIONS
Parole Violation Report

Offender's Name

ID#

Section B: Notice of Charges of Alleged Parole or Mandatory Supervised Release Violations

You are hereby notified that, as detailed on this form, you are charged with having committed the following violations of your conditions of Parole or Mandatory Supervised Release Agreement:

- 1. Violation of any criminal statute.
- 2. Possession of a firearm or other dangerous weapon.
- 3. Failure to report to your agent.
- 4. Failure to permit the agent to visit at home, employment, or elsewhere as determined necessary.
- 5. Failure to attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release.
- 6. Failure to secure permission before visiting or writing a committed person in a Department facility.
- 7. Failure to report all arrests to an agent as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody.
- 8. Failure to obtain permission of your agent before leaving the State of Illinois.
- 9. Failure to obtain permission of your agent before changing your residence or employment.
- 10. Failure to consent to search of your person, property, or residence under your control.
- 11. Use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances, or failure to submit to a urinalysis test as instructed.
- 12. Frequenting places where controlled substances are illegally sold, used, distributed, or administered.
- 13. Knowingly associating with other persons on parole or mandatory supervised release without prior written permission of your agent or knowingly associating with persons who are members of an organized street gang.
- 14. Failure to provide true and accurate information, relating to your adjustment in the community while on parole or mandatory supervised release or to your conduct while incarcerated, in response to inquiries by your agent.
- 15. Failure to follow any specific instructions provided by your agent, specifically: _____
- 16. Failure to comply with the following additional conditions of release: Electronic Monitoring

You are entitled to a Preliminary Parole/Mandatory Supervised Release Violation Hearing before a neutral Hearing Officer to determine whether or not probable cause exists that you did commit one or more of the violations checked above. You may appear and speak on your own behalf at this hearing and you may retain an attorney to represent you at the hearing. You may present evidence to rebut the charges and you may make a written request in advance of the hearing to present witnesses who can provide relevant information or to question adverse witnesses. If probable cause on any new criminal charge is determined by the court prior to the hearing date, you are not entitled to a preliminary hearing.

Your preliminary hearing is now scheduled to be held on: Dec 17, 2012 at 9:00 a.m. p.m.
at: NRE

Note: If probable cause is found at the preliminary parole revocation hearing, you may request the hearing officer recommend to the Prisoner Review Board that the parole violation warrant be withdrawn pending a final parole revocation hearing.

As an alternative to the scheduled hearing, you may exercise one of the following options by initialing the appropriate box:

Initials

A. **Postpone:** I request that my preliminary hearing be postponed for up to 30 days from today's date to permit me to obtain an attorney, witnesses, or documents. I understand that it is my responsibility to present these individuals or materials at my hearing on:

_____, 20____ at _____ a.m. p.m.

Initials

B. **Waive (Illinois Offenders Only):** I elect to waive my preliminary hearing with the understanding that I will be afforded a full revocation hearing before the Prisoner Review Board or Parole Board. This waiver does not indicate any admission of guilt to the above violations.

Initials

C. **Waive (Adult Interstate Compact Only):** I admit guilt and waive my preliminary hearing.

I have received a copy of this Notice of Charges:

[Redacted]

on 12-13-12
Date

A copy of this notice was delivered to the alleged violator by:

[Redacted]

Print Name

C/O

Title

Signature

on

12, 13, 12
Date

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EXHIBIT

C

JAMES V. MURDOCK, JR.,)

Plaintiff,)

vs.)

ROGER E. WALKER, et al.,)

Defendants.)

No. 08 CV 1142

The deposition of JESSE MONTGOMERY, called by the Defendants for examination, taken pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Monica Kim, Certified Shorthand Reporter, Registered Professional Reporter, and Notary Public, at 53 West Jackson Boulevard, Suite 1615, Chicago, Illinois, commencing at 1:34 p.m. on March 23, 2011.

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Chicago, Illinois 60606
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APPEARANCES:

LAW OFFICES OF KEVIN PETERS
MR. THOMAS PETERS
MR. JONATHAN M. BRAYMAN
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Suite 1615
Chicago, Illinois 60604
Phone: (312) 697-0022
E-mail: jbrayman@gmail.com

On behalf of the Plaintiff;

OFFICE OF THE ATTORNEY GENERAL, STATE OF ILLINOIS
MR. CHRISTOPHER E. WALTER
MR. JAMES P. DORAN
100 West Randolph Street
Chicago, Illinois 60601
Phone: (312) 814-4416
E-mail: cwalter@atg.state.il.us
jdoran@atg.state.il.us

On behalf of the Defendants.

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I N D E X

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JESSE MONTGOMERY	
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E X H I B I T S

(NO EXHIBITS MARKED)

1 facilitates that.

2 Q. Okay. Well, who would know that then?

3 A. I don't know.

4 Q. Is there somebody that's in charge of
5 facilities for the District 1 or District 2?

6 A. The facility warden.

7 Q. Pardon?

8 A. The facility warden.

9 Q. Like at Stateville, the warden would know?

10 A. I'm not sure what they would know, but I would
11 assume.

12 Q. Okay.

13 MR. WALTER: Don't assume.

14 BY THE WITNESS:

15 A. I don't know. I really -- I don't know.

16 Q. Okay. Have you ever heard of occasions where
17 inmates who had been convicted of sex offenses were
18 ordered released on parole by the prisoner review board,
19 walked to the institution gate as if they were about to
20 be released, and then ordered to be returned to their
21 cell?

22 A. Yes.

23 Q. When did you first start hearing that that was
24 occurring?

1 A. I don't remember.

2 Q. Was it several years ago?

3 A. I don't remember.

4 Q. Was it more than a year ago?

5 A. Yes.

6 Q. More than two -- Before you became deputy --
7 Before you became chief?

8 A. I really don't remember.

9 Q. Okay. When you've heard about that kind of
10 incident, from whom did you hear it?

11 A. I don't remember.

12 Q. Was that a meeting standing over the water
13 cooler?

14 A. I don't recall.

15 Q. Do you know how often that occurs?

16 A. No.

17 Q. Do you know why it occurs?

18 A. Yes.

19 Q. Why does it occur?

20 A. If there's not a suitable hold site for them
21 to go to.

22 Q. Okay. So if a sex offender inmate was about
23 to be released pursuant to an order from the prisoner
24 review board and someone within the IDOC determines that

1 that inmate doesn't have suitable housing, that -- the
2 inmate will not be released; is that right?

3 A. Yes.

4 Q. And that's been going on for a year or more?

5 A. (No verbal response.)

6 Q. You don't know how long?

7 A. I don't know how long.

8 Q. Do you know who decides what is or is not a
9 suitable housing site in those cases?

10 A. Parole agent.

11 Q. The parole agent.

12 So when is the parole agent notified that a
13 sex offender is about to be released, on the day of the
14 release or in advance of the release?

15 A. In advance of the release.

16 Q. Let's say for Cook County, how many parole
17 agents are there now?

18 A. I don't know offhand.

19 Q. Can you give me a rough estimate?

20 A. Probably about 200.

21 Q. And can you give me a rough estimate of how
22 many parolees they're assigned to?

23 A. No.

24 Q. Would the number of parolees in Cook County be

1 A. Yes?

2 Q. Do all of them have to wear electronic
3 monitoring devices for some period of time?

4 A. Yes.

5 Q. Do you know how long they have to wear an
6 electronic monitoring device?

7 A. To my knowledge, duration of parole.

8 Q. Duration of parole. Okay.

9 So just to keep using the same example, if the
10 sex offender parolee was released to a suitable housing
11 site, lived there for a year or more, the housing site
12 burned down through no fault of his own, and he couldn't
13 find suitable housing within the shift of his parole
14 agent, he would be returned to custody, right?

15 A. Correct.

16 Q. And that would be true even though he would be
17 wearing an electronic monitoring device on that day?

18 A. Correct.

19 Q. And that would be true even though he was
20 wearing an electronic monitoring device on that day and
21 there was suitable housing within the area but he simply
22 couldn't afford to pay for it?

23 A. Correct.

24 Q. With respect -- I think you told us earlier

1 Q. Do you know whether anybody monitors that to
2 see if they're actually going to the house?

3 A. No.

4 Q. Do you know what happens if a parolee --
5 parole agent goes to a house and let's say they see a
6 child under age 12 in the house and the adult who
7 answers the door says, "My son can live here when
8 released on parole," if the 12-year-old was a resident
9 of that house, that site would be denied; is that
10 correct?

11 A. That's up to the agent.

12 Q. What if it was a six-year-old?

13 A. That's up to the agent.

14 Q. So the agent could approve a site with
15 children on the site?

16 A. That's up to the agent.

17 Q. But the agent could not approve a site that's
18 close to a school, a church, or a park; is that right?

19 A. To my knowledge, it's still up to the agent.

20 Q. Do you know whether there's a custom or policy
21 that's followed by these agents to deny parole if the
22 person lives within 500 feet of a school, church, or
23 park?

24 A. To my knowledge, that's based on the crime and

Murdock vs. Walker
Dion Dixon - 04/12/2011



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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES V. MURDOCK, JR., TONYA HOEFKE,)
DONALD FULK, DEBRA RILEY, TRAVARES)
HUMPRHIES, SHANE TAYLOR, GABRIEL)
ENGLAND, and HOWARD HODGES,)
individually and on behalf of all)
others similarly situated,)

Plaintiffs,)

vs.)

No. 08 CV 1142

ROGER E. WALKER, Director of)
Illinois Department of Corrections,)
JESSE MONTGOMERY, Deputy Director of)
Parole Operations, and JORGE MONTES,)
Chairman Illinois Prisoner Review)
Board, JAMES REINHART, Chief of)
Staff Illinois Department of)
Corrections, in their individual and)
official capacities,)

Defendants.)

The deposition of DION DIXON, called by the
Plaintiffs for examination, taken pursuant to notice and
pursuant to the Federal Rules of Civil Procedure for the
United States District Courts pertaining to the taking
of depositions, taken before Liana Rivera, Certified
Shorthand Reporter and Notary Public, at 53 West Jackson
Boulevard, Suite 1615, Chicago, Illinois, commencing at
1:00 p.m. on April 12, 2011.

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APPEARANCES:

LAW OFFICES OF KEVIN PETERS
MR. THOMAS PETERS
MR. JONATHAN M. BRAYMAN
53 West Jackson Boulevard
Suite 1615
Chicago, Illinois 60604
Phone: (312) 697-0022
E-mail: john.brayman@gmail.com

On behalf of the Plaintiffs;

STATE OF ILLINOIS ATTORNEY GENERAL OFFICE
MR. JAMES P. DORAN
MR. CHRISTOPHER E. WALTER
100 West Randolph Street
Chicago, Illinois 60601
Phone: (312) 814-7202
E-mail: jdoran@atg.state.il.us
cwalter@atg.state.il.us

On behalf of the Defendants.

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I N D E X

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E X H I B I T S

(NO EXHIBITS MARKED)

1 correct?

2 A. That's correct.

3 Q. And when it's a sex offender parolee, that
4 agent is aware that it's a sex offender parolee?

5 A. Yes.

6 Q. And that agent is supposed to take in account
7 the living restrictions that we went over before?

8 A. Yes.

9 Q. So if it's a child sex offender, there can't
10 be children in the house; if it's any kind of sex
11 offender, can't live within a certain distance of a park
12 or a church or a school?

13 A. You've got it twisted. Any kind of sex
14 offender, no kids in the house. Child sex offender, the
15 500-foot rule applies.

16 Q. Okay. Sorry. But the agent who is assigned
17 is aware of the type of crime for which the potential
18 parolee was convicted, right?

19 A. Yes.

20 Q. Then how does that agent conduct his
21 investigation? What happens?

22 A. The agent will be assigned the investigation.
23 The agent will review all of the offender's history, all
24 convictions. He will take that information and go -- in

1 many cases go to the address, try to make contact with
2 the potential host, the person that is going to allow
3 that parolee -- that sex offender to live with them,
4 make contact, go into the house, look for any hazards.

5 Q. Can I stop you there?

6 A. Yes.

7 Q. Because you mentioned hazards once before.

8 What do you mean by hazards?

9 A. Many places that parolees want to parole to,
10 they are not suitable. They have no heat, no running
11 water, no bathroom facilities, no kitchens. It has to
12 be suitable. And the house can't be falling down,
13 falling apart. It has -- You know, it can't be overrun
14 with rodents, dogs, roaches, all sorts of things. I
15 mean, it has to be safe for the parolee; and it has got
16 to be safe for the parole agent.

17 Q. Then I interrupted you. You were going to say
18 that the agent goes to the house, looks to see if it's
19 free of hazards?

20 A. Uh-huh.

21 Q. What else does the agent do while there?

22 A. The agent also inspects where the parolee is
23 going to live, whether there are any children, whether
24 there is computer access in the home.

1 A. I've never seen one.

2 Q. Okay. Let's suppose now that a person has
3 been released -- be more specific, a sex offender has
4 been released to a specific location --

5 A. Uh-huh.

6 Q. -- that was found suitable by the agent and
7 the parolee was living there for some period of time
8 after release. Take those as given. Okay?

9 A. Okay.

10 Q. Now, something happens that makes that
11 residence unsuitable, for example, a fire, what does the
12 parole agent do?

13 A. The parole agent will get the parolee
14 physically and work with the parolee to try to find an
15 alternate placement.

16 Q. For how long will he work with the parolee?

17 MR. WALTER: Object to the form.

18 You can answer it if you understand it.

19 BY THE WITNESS:

20 A. I don't want to assume I understand your
21 question.

22 Q. Let's suppose that a parolee was released to a
23 specific address six months ago today. It was a
24 suitable place to live. It remained a suitable place to

1 live up until today. Today there's a fire. The whole
2 building burns down. The parolee no longer has a
3 suitable place to live, right?

4 A. Okay.

5 Q. Parolee now notifies the agent, My residence
6 burned down. What does the parole agent do?

7 A. Again, he will make contact with the parolee
8 physically, ask the parolee if there's any other place
9 he could go. If the parolee gives him an address or
10 addresses, the agent will investigate that address or
11 addresses. If the parolee has nothing to offer, the
12 agent -- the parolee will be returned to an institution.

13 Q. That day?

14 A. That day.

15 Q. And if the parolee offers an alternate place
16 to live, you said the agent should investigate, right?

17 A. Yes.

18 Q. Suppose the agent doesn't have time to get to
19 it that day, then what happens?

20 A. We will work with the parolee to investigate
21 any and all placements for a reasonable amount of time.
22 Before you ask, a reasonable amount of time will be
23 usually at the end of the day.

24 Q. The same day?

1 A. The same day.

2 Q. So if by the -- If the fire occurred at, let's
3 say, 3:00 or 4:00 in the afternoon, the parolee notifies
4 the parole agent by, let's say, 5:00 or 6:00, he's able
5 to make contact and say, you know, My house just burned
6 down, if the parole agent can't find a suitable place
7 between 6:00 and midnight, the parolee is taken into
8 custody?

9 A. That's correct.

10 Q. And that has absolutely nothing to do with the
11 parolee having done anything wrong?

12 A. That's correct.

13 Q. Within your region, does the Department of
14 Corrections have halfway houses, residences or
15 apartments where they can place parolees?

16 A. Yes.

17 Q. Within your region, are there any halfway
18 houses?

19 A. Yes.

20 Q. And how many are there?

21 A. I don't know the number.

22 Q. More than 5?

23 A. Yes.

24 Q. More than 10?

PRELIMINARY PAROLE OR RELEASE VIOLATION HEARING — REPORT OF FINDING

Written Notice of Charge

[Redacted]

IDOC No. [Redacted]

by [Redacted] at [Redacted] on 11/15/12

the Releasee is accused of violating the following Conditions of Release in the following regard as specifically set forth in the Notice of Charges:

- 1. He
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

EXHIBIT E

The undersigned, [Redacted] having been duly appointed a Hearing Officer to conduct preliminary parole violation hearings, did hear the above matter at [Redacted] on 12/11/12 and this Hearing Officer was not involved in the initial report of violations or recommended revocations.

The following is a list of witnesses and documents presented:

field services

After hearing and as indicated in the summary below the undersigned finds:

- that there is PROBABLE CAUSE that Conditions of Release have been violated and the Prisoner Review Board shall conduct a parole violation hearing on such alleged violations.
- that there is NO PROBABLE CAUSE that Conditions of Release have been violated and the Prisoner Review Board shall not conduct a parole violation on such alleged violations.
- hearing is continued to _____

The following is a summary of evidence presented and the basis for finding:

offender doesn't have an approved home site. He

[Redacted] 12/11/12
Hearing Officer Date

DISTRIBUTION:
White — Board
Canary — Parole Agent
Pink — Releasee
Goldenrod — Hearing Officer

State of Illinois
PRISONER REVIEW BOARD ORDER

Date: 1/3/2013

Name [REDACTED]	Number [REDACTED]	Facility NRC	Docket No. PV
--------------------	----------------------	------------------------	-------------------------

To the Warden -

The following order is your authority to release this individual on parole to the custody and supervision of the Office of Community Supervision, or continue to hold as indicated. If parole is ordered, said order is subject to being vacated prior to release to parole. Any release is contingent upon execution of Parole or Mandatory Supervised Release Agreement.

<input type="checkbox"/> PAROLE/MANDATORY SUPERVISED RELEASE REVOCATION		<input type="checkbox"/> PAROLE CONSIDERATION
<input type="checkbox"/> Found not to be a violator <input type="checkbox"/> Declared a violator as of _____ on <input type="checkbox"/> Statutory Parole <input checked="" type="checkbox"/> Mandatory Supervised Release <input type="checkbox"/> Parole <input type="checkbox"/> Parole or release revoked <input type="checkbox"/> Continued to _____ <input type="checkbox"/> Parole or release continued <input type="checkbox"/> Effective _____ <input type="checkbox"/> Effective when plans are approved <input checked="" type="checkbox"/> Subject to Condition(s) listed below <input checked="" type="checkbox"/> Release effective upon the approval of a viable host site as determined by IDOC. <input type="checkbox"/> Hearing continued to _____ <input type="checkbox"/> For further information <input type="checkbox"/> For Court Disposition <input type="checkbox"/> At inmate's request <input type="checkbox"/> For Violation Report	Violator Rationale The inmate named has violated parole or Mandatory Supervised Release because the inmate: <input type="checkbox"/> Committed the criminal offense of _____ <input type="checkbox"/> Violated condition(s) _____ of the Parole or Release Agreement. <input type="checkbox"/> Violated condition(s) _____ of your Special Order. <input type="checkbox"/> Absconded. <input type="checkbox"/> Failed to report or falsified report(s). Evidence Relied Upon <input type="checkbox"/> Counselor's Report <input type="checkbox"/> Police Report <input type="checkbox"/> Witnesses testimony <input type="checkbox"/> Own Admission	<input checked="" type="checkbox"/> Parole granted effective when _____ <input type="checkbox"/> Parole plans are approved <input type="checkbox"/> Minimum is served <input type="checkbox"/> Eligible <input type="checkbox"/> Subject to regular conditions and <input type="checkbox"/> Subject to condition(s) listed below <input type="checkbox"/> Parole denied, continued to _____ <input type="checkbox"/> Hearing continued to _____ <input type="checkbox"/> Psychiatric Report requested <input type="checkbox"/> For verification of parole plans <input type="checkbox"/> At inmate's request <input type="checkbox"/> Release date offer attached to and made a part of this order. <input type="checkbox"/> See Rationale attached to and made a part of this Order <hr/> Order of _____ <input type="checkbox"/> Amended <input type="checkbox"/> Stayed <input type="checkbox"/> Vacated

The Board finds that this evidence is sufficient because:

SPECIAL ORDER:

YOU ARE OBLIGATED TO THE GENERAL RULES GOVERNING PAROLEES OR MANDATORY SUPERVISED RELEASEES AND THE FOLLOWING SPECIAL ORDER(S):

<input type="checkbox"/> Substance Abuse Counseling (CD)	<input type="checkbox"/> Anger Management Counseling (CG)
<input type="checkbox"/> Outpatient Mental Health Counseling (CP)	<input type="checkbox"/> Sex Offender Counseling (CX)
<input type="checkbox"/> Electronic Monitoring (CE) for a period of _____	
<input type="checkbox"/> No Victim Contact (CT) _____	
<input type="checkbox"/> No Computer/Internet Access - You are not to have Internet access of any type through a computer, WebTV, cell phone, personal digital assistant (PDA), or any other device without prior approval by your parole agent. Approval for Internet access may only be made for employment and school related activities. You are prohibited from establishing a profile or utilizing someone else's profile on a social-networking website and from contacting or communicating with minors on these sites. (CC)	
<input type="checkbox"/> Other: (CO) _____	

PRISONER REVIEW BOARD:

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 25 pages.



Alexa Van Brunt

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies that she served three (3) paper copies of the foregoing *Brief of Amici Curiae in Support of Petitioner* to the counsel of record listed below by depositing said copies in United States Postal Service first class mail, postage paid, on this 10th of March, 2014.



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