

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

|                                |   |               |
|--------------------------------|---|---------------|
| MARCUS BARNES, <i>et al.</i> , | ) |               |
|                                | ) | No. 20 C 2137 |
| Plaintiffs,                    | ) |               |
|                                | ) |               |
| v.                             | ) | Judge Kendall |
|                                | ) |               |
| ROB JEFFREYS,                  | ) |               |
|                                | ) |               |
| Defendant.                     | ) |               |

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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Plaintiffs, through counsel, pursuant to Fed. R. Civ. P. 56, respectfully move this Court for entry of summary judgment in favor of the Plaintiffs and the class they represent and against Defendant Rob Jeffreys, Director of the Illinois Department of Corrections, on Plaintiffs' claim that 730 ILCS 5/3-3-7(a)(7.6) violates the Eighth and Fourteenth Amendments on its face and as applied to them.

## INTRODUCTION

There are currently at least 1,200 people imprisoned in the Illinois Department of Corrections ("IDOC") who have completed their court-ordered sentences of incarceration and are entitled to release to a community setting on mandatory supervised release ("MSR"). These individuals remain in prison because they are unable to secure an approved "host site" at which to live while on MSR.<sup>1</sup>

One of the principal barriers to these individuals' finding host sites is 730 ILCS 5/3-3-7(a)(7.6), a section of the Illinois Uniform Code of Corrections which prohibits an individual on MSR for a sex offense from living "at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know

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<sup>1</sup> The precise number of individuals currently imprisoned in IDOC due to a lack of housing is not currently known. A report published by the Illinois Criminal Justice Information Authority estimates the number to be between 1,200 and 1,400 people. *See* Illinois Criminal Justice Information Authority, *Sex Offenses & Sex Offender Registration Task Force Final Report* (Jan. 2017) at 6 ("On average, the Illinois Department of Corrections houses 1,200 to 1,400 offenders who may not be released from custody because they are unable to secure permanent, stable housing meeting Illinois statute requirements or agency policy.") (*citing* the Illinois Department of Corrections' Research and Planning Unit).

is a convicted sex offender or has been placed on supervision for a sex offense.”  
(hereinafter the “One-Per-Address Statute” or “the Statute”).

But for the One-Per-Address Statute, members of the class who remain in prison beyond the completion of their sentences could be released to safe, affordable housing that would foster their reintegration into the community and support their success on MSR. The Statute puts off limits every halfway house and shelter in the State, including the only provider (Wayside Cross Ministries) that is willing to house indigent persons on MSR for sex offenses at no cost to the releasee or the IDOC. Moreover, because of the One-Per-Address Statute, members of the class who have been released from IDOC to approved host sites in the community are at constant risk of being revoked and re-imprisoned if another individual with a sex offense conviction moves into the same building or apartment complex.

Meanwhile, there is not a shred of evidence in the record that the One-Per-Address Statute serves any legitimate government interest. Indeed, when this Court granted an injunction prohibiting enforcement of the One-Per-Address Statute as to Plaintiff Marcus Barnes, this Court noted the lack of evidentiary support for the Statute, writing as follows:

In response to the question about what penological or rehabilitative support the Defendants have for the “One Person One Address” provision, Defendants were unable to give any. The public’s interest in only hav[ing] one sex offender live at one residence is not supported by any testimony, expert opinion, or evidence. Therefore, the Court finds that the statute is unconstitutional as it applies to Plaintiff and Defendants are enjoined from prohibiting his release to the address presented by Plaintiff.

ECF No. 11.

For the reasons set forth below, Plaintiffs are entitled to summary judgment on their claims that the One-Per-Address Statute violates their rights under the Eighth and Fourteenth Amendments.

## **MATERIAL FACTS**

### **I. The *Murphy* Litigation**

The plaintiffs in *Murphy v. Raoul*, 16-cv-11471, challenged the constitutionality of the “host site” requirement as it was being applied to individuals who have been sentenced to an indeterminate term of “three years to life” on MSR. Such individuals face the possibility of being imprisoned for life if they are unable to find and/or pay for housing that meets the requirements imposed by Illinois law and IDOC policy because their MSR time never begins to run until they are released from prison to an approved host site. *See* 730 ILCS 5/3-14-2.5(e).

The *Murphy* plaintiffs identified several layers of restrictions that limit where people who have been convicted of sex offenses can live while on MSR, which together make it impossible for the members of the class to find host sites. Among the restrictions are the following:

- Sections of the Illinois Criminal Code which make it a crime for any individual classified as a “child sex offender” to live within 500 feet of a school, playground, or daycare (720 ILCS 5/11-9.3 (b-5), (b-10));
- Sections of the Illinois Unified Code of Corrections which prohibit persons required to register as sex offenders from living “near” “parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections” (730 ILCS 5/3-3-7(b-1)(12));
- The One-Per-Address Statute, which requires individuals on MSR for sex offenses to “refrain from residing at the same address or in the same

condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender” unless residing at a “licensed transitional housing facility for sex offenders,” a facility “operated or licensed by the Department of Children and Family Services or by the Department of Human Services,” or a “licensed medical facility” (730 ILCS 5/3-3-7(a)(7.6));

- Housing restrictions imposed as a matter of IDOC policy, including prohibiting living in a host site where children visit or reside (including the parolee’s own children), where there are computers or Wi-Fi access, and/or where there is no land-line telephone;
- The unavailability of licensed half-way houses, transitional housing, homeless shelters or other free or low-cost housing for indigent parolees; and
- The IDOC’s interpretation of the One-Per-Address Statute as prohibiting a sex offender parolee from living in a building adjacent to a building where another registrant lives and/or from living in the same trailer park as another registrant.<sup>2</sup>

On April 5, 2018, *Murphy* was certified as a class action on behalf of “all individuals sentenced to serve three-years-to-life on MSR currently detained in the IDOC who have been approved for release on MSR by the PRB but have been denied release from IDOC custody because of their inability to obtain an approved host site.” *Murphy v. Raoul*, 16-cv-11471, ECF No. 63.

On March 31, 2019, this Court granted the *Murphy* plaintiffs’ motion for summary judgement on their claim that the State’s statutory and regulatory scheme violates the Equal Protection Clause and the Eighth Amendment. *Murphy v. Raoul*, 16-cv-11471, ECF No. 132; *Murphy v. Raoul*, 380 F. Supp. 3d 731 (N.D. Ill. 2019). The Court’s summary judgment decision did not single out a particular

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<sup>2</sup> These restrictions were discussed at length in this Court’s summary judgment decision in *Murphy v. Raoul*, 380 F. Supp. 3d 731, 738–743 (N.D. Ill. 2019). Because this Court has already thoroughly analyzed the facts relevant to *Murphy*, Plaintiffs have not included these facts in their L.R. 56.1 Statement of Facts in support of this motion.

Illinois law or IDOC policy that violated the constitution. Rather, the Court held that the State's "statutory and regulatory scheme" as a whole (*i.e.*, the overlapping restrictions imposed by Illinois law, the IDOC's interpretation of the law, and the IDOC's policies) violates the *Murphy* class's constitutional rights.

On January 15, 2020, the Court entered a permanent injunction requiring the IDOC to put forth a plan "setting forth the specific steps [the Defendants] will take to ensure that by no later than January 2, 2021, no member of the class will remain imprisoned due to an inability to comply with the host site requirement." *Murphy v. Raoul*, 16-cv-11471, ECF No. 156. The IDOC filed its compliance plan on February 27, 2020. 16-cv-11471, ECF No. 161. The permanent injunction also calls for the IDOC to provide the Court with periodic status reports concerning its implementation of the compliance plan and its progress towards meeting the January 2, 2021 compliance deadline. 16-cv-11471, ECF No. 156.

The IDOC has taken several steps to ease the difficulty *Murphy* class members have with finding housing, including changes to IDOC interpretation of statutory restrictions (*e.g.*, not applying the One-Per-Address Statute to trailer parks and adjacent buildings); changes to restrictive IDOC policies (*e.g.*, allowing individuals to reside at addresses with Wi-Fi, relaxation of the land-line requirement); and contracting with private vendors to provide transitional housing. *Murphy v. Raoul*, 16-cv-11471, ECF No. 161.

Notwithstanding these efforts, the IDOC's first compliance report (filed on June 15, 2020), states that the *Murphy* class currently comprises 327 individuals who



remain in prison beyond the completion of their court-ordered sentence of imprisonment due to an inability to meet the host site requirement, up from 290 at the time the permanent injunction was entered. *Murphy v. Raoul*, 16-cv-11471, ECF Nos. 156, 172.

## II. The Challenged Statute

The One-Per-Address Statute is set forth in the Illinois Uniform Code of Corrections at 730 ILCS 5/3-3-7(a)(7.6). The sole mechanism through which the One-Per-Address Statute is enforced is through the IDOC's approval or rejection of parolees' proposed host sites. That is, it is not a criminal offense for an individual on MSR for a sex offense to live at the same address as another registrant, and local police departments and state attorneys play no role in enforcement of the statute.<sup>3</sup>

The One-Per-Address Statute is a major cause, if not the single largest cause, of the continued imprisonment of members of the *Murphy* class and other individuals who have been convicted of sex offenses. This is so because other statutes (*e.g.*, the 500-foot rules) already strictly circumscribe the areas where individuals convicted of sex offenses may live, and the One-Per-Address Statute makes it so only one parolee can live at each compliant property, even if it is a large apartment complex with many units.

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<sup>3</sup> In contrast, the statutes prohibiting individuals classified as "child sex offenders" from living within 500 feet of schools, daycares and playgrounds (720 ILCS 5/11-9.3 (b-5) and (b-10)) are part of the criminal code. It is a Class 4 felony for a "child sex offender" to "knowingly" live at a prohibited location. 720 ILCS 5/11-9.3(f).

### **III. There Is No Evidence in the Record that The One-Per-Address Statute Serves Government Interests**

In the *Murphy* litigation, the IDOC did not come forth with any safety or rehabilitative justification for the One-Per-Address Statute. In his deposition in *Murphy*, the IDOC's Deputy Chief of Parole, Dion Dixon, was asked what the reason was for the Department's application of the One-Per-Address Statute to trailer parks. SOF at ¶1.<sup>4</sup> He did not reference any safety or rehabilitative purpose. Rather, he simply stated that the state police had interpreted the Statute to apply to trailer parks and IDOC followed suit. *Id.* In acknowledgement of the restriction's excessiveness, IDOC has already reinterpreted the restriction so as not to apply to trailer parks or adjacent apartment buildings. *Murphy v. Raoul*, 16-cv-11471, ECF No. 161.

Not only is there no evidence in the record supporting the One-Per-Address Statute, there is no logical reason to conclude that allowing people who have been convicted of sex offenses to live near one another contributes to criminality. At least one analysis found that it has the opposite effect: it reduces the incidence of re-offense and improves supervision. SOF at ¶2. A Minnesota Department of Corrections report concluded as follows:

This examination of level three re-offenders does not reveal a negative effect related to a level three offender living with another sex offender. In fact, supervision agents ... have noted benefits from having more than one level three offender living in one location. Closer supervision is possible because travel time between offenders is reduced. Also, level three offenders who

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<sup>4</sup> References to factual statements in this brief are to the numbered paragraphs of Plaintiffs' L.R. 56.1 Statement of Facts ("SOF"). The paragraphs of the Statement of Facts are supported by reference to declarations, deposition testimony and other evidence in the record.

live with other level three offenders experience more visits from a supervising agent because agents for both offenders visit the same property. Finally, offenders tend to inform on each other when supervision restrictions are violated or crimes are committed.

*Id.*

Similarly, Bob McKelvey, the founder and manager of NewDay Apartments, which specializes in providing housing to registrants, testified that in his experience “housing registrants at the same address allows for more effective (and cost-effective) law enforcement oversight” and “also allows registrants to police one another and share resources to better support themselves, which ultimately helps them focus on the future and reduces recidivism.” SOF at ¶7.

#### **IV. The One-Per-Address Statute Results in the Imprisonment of Class Members Who Could Otherwise Reside in Safe, Rehabilitative Housing While on MSR**

##### **A. New Day Apartments Has Valid Host Sites Available for Class Members**

NewDay Apartments, located in Lake County, Illinois, has partnered with the IDOC to provide housing to individuals with sex offense convictions being released from prison onto MSR. SOF at ¶3. NewDay specializes in providing compliant housing to registrants. *Id.* It currently owns eight properties, all of which comply with the prohibition on residence within 500 feet of schools, playgrounds and daycares. *Id.* at ¶4. NewDay currently leases four of these properties to IDOC for the purpose of housing indigent members of the *Murphy* class who cannot otherwise secure housing. *Id.*

Placement at the units IDOC leases from NewDay is intended to give individuals who do not have the means to secure a host site an opportunity to get out of prison and begin their MSR time in the community. *Murphy* class members released to NewDay are given three to four months rent-free to give them an opportunity to find work, obtain government benefits to which they are entitled, and to secure housing of their own. *See Murphy v. Raoul*, 16-cv-11471, ECF No. 161 at 2.

Under the One-Per-Address Statute, NewDay is limited to housing four registrant-parolees in these four units. Pursuant to the Court's May 13, 2020, Order granting preliminary injunctive relief (ECF No. 22), three additional registrants were permitted to move into these units.<sup>5</sup> SOF at ¶5.

In addition to the units NewDay Apartments leases to IDOC, NewDay also owns several other multi-unit properties that it privately rents to registrants. SOF at ¶6. Because of the One-Per-Address Statute, these properties are currently only available to registrants who are off MSR. *Id.* But for the One-Per-Address Statute, NewDay would be willing to lease to individuals on MSR the apartments it currently makes available only to individuals who are off MSR. *Id.*

Plaintiff Alvin Goldberg is a prisoner at Taylorville Correctional Center. With "good time" credits, Goldberg completed his prison term on November 11, 2018, and has been entitled to release from prison on MSR since that date, but he remains imprisoned because he has been unable to secure compliant housing. SOF at ¶8.

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<sup>5</sup> The seven class members currently residing at NewDay are Stan Meyer, J.D. Lindenmeier, Jerry Davis, Clay Trench, DeJuan Wright, John Margarella, and Jerrand Miller.

Because of his inability to find housing, Goldberg, who is 81 years old, has spent more than 18 months of “dead time” in prison. *Id.* at ¶9. Plaintiff Goldberg and his family are able to privately pay for an apartment through NewDay Apartments. Goldberg is on the waiting list to rent a unit from NewDay, subject to his being able to obtain “a court order allowing NewDay to house Alvin with other registrants who live in other units at the same address.” *Id.* at ¶10. Pursuant to this Court’s May 13, 2020, Order (ECF No. 22), Plaintiff Goldberg has been approved for release to NewDay when a unit becomes available and can reside at NewDay pending further order of the Court.

NewDay is expanding despite the current pandemic. SOF ¶11. It plans to double the number of registrant units available year-over-year for at least the next three years. *Id.* The long term goal of NewDay is to become the No. 1 provider of safe, affordable registrant housing in the United States. *Id.* According to Bob McKelvey, the founder of NewDay, permitting multiple registrant-parolees at the same address would easily double the number of units NewDay can offer compared to what is possible under current law, and would make the housing NewDay provides more affordable for registrant-tenants. *Id.* at ¶12. While NewDay’s housing obviously helps registrants, McKelvey describes its primary purpose as keeping “communities safe by housing registrants responsibly.” To-date, NewDay has a 0 percent recidivism rate among its registrant tenants. *Id.*

**B. Wayside Cross Ministries Has Valid Host Sites Available for Class Members**

Wayside Cross Ministries is a Bible-based residential program that has operated in Aurora, Illinois, for more than 90 years. SOF at ¶13. The Master's Touch Ministry is a life-transformation program for men with various destructive behaviors not limited to drug and alcohol addiction. *Id.* The program offers room and board at no cost, and empowers its participants to change their lives through the Gospel of Christ, prayer, Bible study, daily chapel services, mentoring with local church and business leaders, and work rehabilitation programs. *Id.* at ¶14. It takes a minimum of seven months for a resident to complete the Master's Touch Ministry program. *Id.* at ¶15. The end goal of the program is to give the men the tools they need to live healthy, law abiding lives through their faith. *Id.*

The Master's Touch Ministry is a highly structured program with a strict code of conduct, which includes adherence to a curfew, attendance at scheduled Bible study and church services, no use of drugs or alcohol, refraining from the use of profane or abusive language, listening only to music that glorifies God, and only using technology in a manner that conforms to God's high standards. *Id.* at ¶16. Successful completion of the program hinges on successful random drug and alcohol tests, active participation in programming, as well as adherence to all the rules of Master's Touch. *Id.*

The participants in the Master's Touch Ministry all reside together in a dormitory setting at Wayside Cross, located at 215 E. New York Street in Aurora. *Id.* at ¶17. Due to the One-Per-Address Statute, Wayside Cross Ministries was

prohibited from accepting individuals who were on MSR. However, pursuant to the May 13, 2020, and June 3, 2020, Orders entered by the Court on Plaintiffs' motions for preliminary injunctive relief (ECF Nos. 22 and 29), Wayside Cross currently has 13 residents in the Master's Touch Ministry who are on parole from the Illinois Department of Corrections.<sup>6</sup> *Id.* at ¶18. Wayside Cross provides room and board to these individuals at no cost to them or to the IDOC. Each of these individuals has successfully registered with the Aurora Police Department. *Id.*

The Master's Touch Ministry is currently near its capacity for program participants. *Id.* at ¶19. But in the future, when space in the building and in the program permits, Wayside Cross is willing to accept other individuals on mandatory supervised release from the Illinois Department of Corrections who meet the program criteria.<sup>7</sup> *Id.*

### **C. Pastor James Cockrell Has Valid Host Sites Available for Class Members**

James Cockrell is a pastor with Abundant Faith Ministries in Springfield, Illinois. SOF at ¶20. He regularly ministers to individuals imprisoned in the Illinois Department of Corrections, and in particular individuals who have been convicted of sex offenses. *Id.* Mr. Cockrell has assisted individuals with community re-entry

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<sup>6</sup> These residents are Dana Monson, Corey Crowe, Fredrick Chamblis, Ashief Shaffer, Kenneth Green, David Easton, Joshua Atkins, Kenneth Schroeder, Christopher Shelton, Reginald Harris, Adam Escamilla and John Berry. Plaintiff Mark Faller was released to Wayside Cross Ministries, but was not permitted to continue in the program after a verbal altercation with staff.

<sup>7</sup> Because of its proximity to McCarty Park, Wayside Cross cannot accept into its program individuals who are classified as "child sex offenders," but it can accept individuals whose offenses involved an adult victim. SOF at ¶17.

after imprisonment through Freedom House, a transitional housing facility operated by Abundant Faith Ministries.

Mr. Cockrell owns and oversees a house located at 1611 E. Matheny Avenue, Springfield, Illinois 62702, at which he plans to provide housing and supportive services to individuals being released from the Illinois Department of Corrections, including individuals who have been convicted of sex offenses. *Id.* at ¶21. Mr. Cockrell's program at 1611 E. Matheny offers individuals one month rent-free, during which time he assists the individual with finding employment. *Id.* at ¶22. Through his work with Freedom House, he has a relationship with an employer near Springfield that is willing to hire individuals with sex offense convictions and will provide residents a shuttle to and from this job. *Id.* at ¶23. Once someone is working, Mr. Cockrell will charge \$300/month for continued residence at 1611 E. Matheny, or in the alternative, will assist the resident with finding his own housing. *Id.* at ¶24.

Mr. Cockrell currently has three openings and is prepared to accept three individuals who are on mandatory supervised release if the Department of Corrections will approve them for release. *Id.* at ¶25. Mr. Cockrell has a personal relationship with class member Henry Smith (IDOC No. R12201), who is imprisoned in Jacksonville Correctional Center. He is prepared to accept Mr. Smith to reside at 1611 E. Matheny Avenue immediately. *Id.* at ¶26.



**D. New Beginnings Has Valid Host Sites Available for Class Members**

New Beginnings Recovery Homes Inc. is a Chicago-based not-for-profit corporation that has been in operation since 1993. SOF at ¶27. New Beginnings provides affordable shared transitional housing and case management services to people transitioning from prison to the community, especially individuals who are experiencing housing insecurity, lacking gainful employment and food as well as individuals who are in recovery from drug or alcohol abuse. *Id.* at ¶28.

New Beginnings leases five buildings on the south side of Chicago at which it provides dormitory style or semi-private shared living accommodations. *Id.* at ¶29. Residents at New Beginnings' buildings receive meals and have access to services including peer support groups, counseling with licensed providers and case management. *Id.* New Beginnings' properties are compliant with the housing restrictions that prohibit people who have been convicted of sex offenses from living within 500 feet of schools, daycares or playgrounds. *Id.* at ¶30. Each building has 24-hour a day security and structured supervision for residents. *Id.* at ¶31. New Beginnings' goal is to help residents become positive, productive citizens. *Id.* New Beginnings has significant experience with housing sex offenders who are being released from prison and assisting with their successful transition back into the community. *Id.* Program participants must abide by the rules of New Beginnings' program, including adherence to a curfew, no use of drugs or alcohol, and no minors or women on the premises. *Id.* at ¶32.

Pursuant to this Court’s June 3, 2020, order on Plaintiffs’ motion for preliminary injunctive relief (ECF No. 29), New Beginnings is currently housing 12 class members.<sup>8</sup> These parolees are adjusting well to being on MSR in the community, and New Beginnings is assisting them with obtaining identification, searching for jobs, and compliance with the terms of their supervision. *Id.* at ¶33. If the restriction on housing more than one sex offender at the same address is eliminated, New Beginnings is willing and able to house additional parolees, space permitting. *Id.* at ¶34.

#### **E. Jordan’s Dream Has Valid Host Sites Available for Class Members**

Plaintiff Marcus Barnes was convicted in 2008 of criminal sexual assault and sentenced to serve 12 years in IDOC plus an indeterminate term of “three years to life” on MSR. With good time credits, Barnes completed his prison sentence on December 17, 2018, and was approved for release on MSR.

Barnes’ family identified 11 different potential host sites, all of which IDOC rejected for various reasons, including proximity to daycares and schools. SOF at ¶35. Because of his inability to secure compliant housing, Barnes spent more than 18 months of “dead time” in prison. *Id.* In February 2020, Barnes’ family found him a place to stay on the 5700 block of South Sangamon in Chicago. *Id.* at ¶36. The building is owned and operated by an organization called Jordan’s Dream, which provides transitional housing and supportive services (such as help with locating

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<sup>8</sup> The class members currently residing at New Beginnings are Kevin Manson, Joshua Huddleston, Columbo Galindo, Lavonne Givens, Justin Fluckert, Dontae Boykin, Ronald Garrison, Johnny Harris, Arnold Lloyd, Melvin Kelley, Andre Dunn, and Michael Johnstone. See SOF at ¶¶70-79.

employment, religious services, and connections to mental health providers) to individuals who have been convicted of sex offenses. *Id.*

IDOC investigated the address and confirmed that it complies with the statutory restrictions on proximity within 500 feet of schools, playgrounds, daycares and other places where children congregate. *Id.* at ¶37. However, IDOC rejected the host site pursuant to the One-Per-Address Statute because another registrant resided there. *Id.* Pursuant to this Court's April 8, 2020, Order (ECF No. 11), Plaintiff Barnes was released to Jordan's Dream on April 14, 2020, and can reside there pending further order of the court.

**F. Placements with Families Are Put Off Limits by the One-Per-Address Statute**

Plaintiff Thomas Smith is an individual who is currently imprisoned in IDOC and is seeking a host site at which to reside while on "three-to-life" MSR. SOF at ¶38. Plaintiff Smith's mother Tammy and step-father Jerry would like to have Thomas live with them at their home in Pocahontas, Illinois, while he is on MSR. SOF at ¶39. Plaintiff Smith's parents have a three-bedroom home and can give Thomas his own bedroom and bathroom. The home is in a rural area, and it is not within 500 feet of any schools, playgrounds, or daycares. *Id.*

Plaintiff Smith submitted his parents' home as a proposed host site. SOF at ¶40. IDOC rejected the host site because his stepfather was convicted of a sex offense 34 years ago (in 1986), and the One-Per-Address Statute prohibits Thomas from residing at the same address as another person who has been convicted of a sex

offense—no matter how long ago. *Id.* The only barrier to Plaintiff Smith’s being allowed to serve his MSR time at his parents’ home is the One-Per-Address Statute.

**G. Class Members Are Prohibited from Sharing Living Expenses Because of the One-Per-Address Statute**

Class members of limited means who have been released from IDOC custody would like to reside together and share living expenses, but they are currently prohibited from doing so pursuant to the One-Per-Address Statute. In particular, Plaintiffs J.D. Lindenmeier and Stan Meyer are currently residing in units IDOC leases from NewDay apartments. SOF at ¶41. Mr. Meyer and Mr. Lindenmeier are currently seeking work. SOF at ¶42. Once they both have jobs and the means to support themselves, they would like to rent an apartment together to share living expenses such as rent and utilities. *Id.* Many one bedroom apartments in North Chicago and Waukegan rent for approximately \$750 to \$850 per month, which is difficult for an individual earning minimum wage to afford on his own. *Id.* at ¶43. However, two-bedroom apartments in the area often rent for approximately \$900 to \$1,100 per month, which is more affordable when split between two people. *Id.* at ¶44.

**H. Class Members Are At Risk of Revocation and Reimprisonment Because of the One-Per-Address Statute**

Plaintiff Luis Aponte was released from IDOC onto MSR in January 2020 to his father’s home in Waukegan, Illinois. SOF at ¶45. The host site is in a four-story apartment building that contains approximately 12 separate units. *Id.* When Aponte was released, no other registrant lived in the building. SOF at ¶46. IDOC

determined that the address complies with the prohibition on residing within 500 feet of a school, playground or daycare, and approved Aponte to live there while on MSR. *Id.* Aponte is doing well on MSR. He has full-time employment in a warehouse and has been attending required sex offender therapy regularly. *Id.* at ¶47.

In March 2020, another registrant (not on MSR) moved into a different unit in the same building where Aponte resides with his father. *Id.* at ¶48. Aponte received notice from his parole agent that he had to find somewhere else to live or he would be sent back to prison because the One-Per-Address Statute prohibits him from living in the same apartment building as another registrant. *Id.* Aponte was not able to find another host site that met IDOC approval that he could afford and wanted to keep residing with his father. *Id.* at ¶49.

Pursuant to preliminary injunctive relief granted by the Court on June 3, 2020, (ECF No. 29), Aponte has been able to remain in his father's home pending further order of the Court. If the One-Per-Address Statute is enforced against Aponte, he will have his MSR revoked and be sent back to prison, resulting in loss of his job, halting the progress he has made on MSR so far, and forcing him to serve dead time until he can secure a new place to live. *Id.*

Plaintiff Kevin Manson was released from IDOC onto MSR on May 6, 2020, to a host site in Chicago Heights, Illinois, with his aunt. *Id.* at ¶50. IDOC approved Manson for release to his aunt's home, but the approval was given in error. When Manson tried to register with Chicago Heights police after his release, he was

informed that his aunt's house is too close to a school. *Id.* at ¶51. Chicago Heights police told him that he must move. *Id.* Manson did not have funds to pay for housing of his own. The Cook County Justice Advisory Council ("CCJAC"), a governmental entity that provides reentry assistance to citizens returning to Cook County after imprisonment, was willing to pay for Manson's housing and secured a place for him at New Beginnings. *Id.* at ¶52.

Pursuant to preliminary injunctive relief granted by the Court (ECF No. 29), Manson has been permitted to reside at New Beginnings pending further order of the Court. If the One-Per-Address Statute is enforced against Manson, he will have his MSR revoked and be sent back to prison because he cannot secure housing that complies with the rule.

## **ARGUMENT**

### **I. Summary Judgment Standard**

Summary judgment is proper when "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a); *Reed v. Columbia St. Mary's Hosp.*, 915 F.3d 473, 485 (7th Cir. 2019).

### **II. The One-Per-Address Statute Violates the Substantive Due Process Clause of the Fourteenth Amendment**

For a government policy that infringes on "fundamental rights and liberties" to survive scrutiny under the substantive due process clause, the government must show that the infringement is narrowly tailored to serve a compelling state interest. *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997) ("the Fourteenth

Amendment ‘forbids the government to infringe . . . fundamental liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.’”) (*quoting Reno v. Flores*, 507 U. S. 292, 302 (1993)).

Plaintiffs are entitled to judgment on their substantive due process claim because, as set forth below, the One-Per-Address Statute interferes with the fundamental liberty interest in freedom from bodily restraint and is not narrowly tailored to serve state interests in public safety or rehabilitation.

#### **A. There is a Fundamental Right to Freedom from Bodily Restraint**

The Supreme Court has repeatedly recognized that “freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the due process clause] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.”); *Demore v. Kim*, 538 U.S. 510 (2003) (the constitution “permits detention only where ‘heightened, substantive due process scrutiny’ finds a ‘sufficiently compelling’ governmental need.”) (*quoting United States v. Salerno*, 481 U.S. 739, 748 (1987)); *Reno*, 507 U.S. at 316 (O’Connor, J., concurring) (“The institutionalization of an adult by the government triggers heightened, substantive due process scrutiny.”)

The fact that Plaintiffs have a term of MSR after their sentence of imprisonment does not negate their liberty interest in release into the community. In *Murphy*, this

Court recognized that individuals in IDOC custody have a protectable “liberty interest” in release from prison onto MSR once the Prisoner Review Board has approved them for release. *Murphy v. Raoul*, 380 F. Supp. 3d 731, 760 (N.D. Ill. 2019) (concluding that “the language and structure of the supervised release system in Illinois creates an expectancy of release, which would entitle releasees to conditional liberty” once the PRB “granted the plaintiffs their release.”); *see also Murdock v. Walker*, No. 08 C 1142, 2014 WL 916992, at \*6 (N.D. Ill. Mar. 10, 2014) (After the PRB approved prisoners for release “that approval [becomes] a form of statutory liberty...”). Similarly, Courts have recognized that “a person serving a sentence of probation or parole in the community has a limited liberty interest in his freedom that cannot be curtailed without the procedural protections of notice and hearing.” *Werner v. Wall*, 836 F.3d 751, 760 (7th Cir. 2016) (*citing Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)).

#### **B. The One-Per-Address Statute Is Not Narrowly Tailored to Meet a Compelling Government Interest**

Narrow tailoring requires the government entity that seeks to restrict a person’s liberty to make a showing that its justification for the detention is compelling and that the government interest served by the detention cannot be met without detention. *Demore v. Kim*, 538 U.S. 510, 557 (2003) (Kennedy, J., concurring) (“In sum, due process requires a special justification for physical detention that outweighs the individual’s constitutionally protected interest in avoiding physical restraint as well as adequate procedural protections. There must be a sufficiently compelling governmental interest to justify such an action, usually a punitive



interest in imprisoning the convicted criminal or a regulatory interest in forestalling danger to the community.”) (*citing Zadvydas*, 533 U.S. at 690–691; *Flores*, 507 U.S. at 316 (O’Connor, J., concurring); *Salerno*, 481 U.S. at 748) (internal quotation marks omitted).

On the record before this Court, Defendant cannot meet his burden to show that enforcement of the One-Per-Address Statute is an appropriately tailored means of achieving any government objective. This is so for at least seven reasons.

1. The Department has not put forth any evidence (or even argument) that there’s a public safety or rehabilitative justification for the One-Per-Address Statute. Over the course of the *Murphy* litigation, which has been ongoing for four years and generated hundreds of pages of summary judgment briefing, the IDOC never put forth a public safety or rehabilitative justification for the One-Per-Address Statute. Similarly, in litigation of the three motions for preliminary injunctive relief in this case, the only justification the Department has offered for the One-Per-Address Statute is that IDOC has an obligation to enforce the statutes that the legislature has written;
2. In his deposition in *Murphy*, when Deputy Chief Dixon was asked what the reason was for the Department’s application of the One-Per-Address Statute to individuals who seek to reside in trailer parks, he did not reference any safety or rehabilitative purpose. Rather, he simply stated that the state police had interpreted the Statute to apply to trailer parks and IDOC followed suit. SOF at ¶1;
3. There is evidence that allowing releasees to reside together reduces the incidence of re-offense and improves supervision. A Minnesota Department of Corrections report concluded that when releasees reside together, “closer supervision is possible because travel time between offenders is reduced,” and releasees “experience more visits from a supervising agent because agents for both offenders visit the same property.” The report also noted that offenders who reside together “tend to inform on each other when supervision restrictions are violated or crimes are committed.” SOF at ¶2;

Similarly, Bob McKelvey, the founder and manager of NewDay Apartments, testified that in his experience “housing registrants at the same address allows for more effective (and cost-effective) law enforcement oversight” and “also allows registrants to police one another and share resources to better

support themselves, which ultimately helps them focus on the future and reduces recidivism.” SOF at ¶7.

4. The host sites at which Plaintiffs and members of the class seek to live comply with all of the other restrictions imposed by Illinois law and IDOC policy, including the restrictions set forth in 720 ILCS 5/11-9.3 (b-5) and (b-10) (prohibiting any individual classified as a “child sex offender” from living within 500 feet of a school, playground, or daycare) and the prohibition on residing at a host site where minor children reside;
5. If the One-Per-Address Statute is eliminated, the IDOC will retain discretion to deny a host site if the reviewing parole agent determines the host site would be unsafe or would not foster the parolee’s rehabilitation. *See* 730 ILCS 5/3-3-7(b-1)(1), (15);
6. Releasees who reside at Wayside Cross, Jordan’s Dream, New Beginnings and New Day Apartments are required to abide by house rules and participate in structured, supervised programming that is designed to insure their compliance with parole conditions, foster their reintegration, and prevent re-offense. *See* SOF at ¶¶12, 14-16, 31-32, 36;
7. Plaintiffs released to host sites that do not comply with the One-Per-Address Statute will remain subject to all of the other constraints of MSR, including GPS monitoring; employment restrictions; drug testing; polygraph examinations; sex offender therapy; regular reporting to their parole agents; curfews; and any other conditions that the Department deems necessary to ensure safety and limit risk. *See* 730 ILCS 5/3-3-7 (a) and (b-1)(1)-(18).

In its detention cases, the Supreme Court has stressed the importance of confining restrictions on liberty to “a sphere of real need,” and has required the Government to prove “by clear and convincing evidence” that a detention is justified based on “an identified and articulable threat to an individual or the community.” *Demore*, 538 U.S. at 550 (*quoting Salerno*, 481 U.S., at 748). Defendant has not shown and cannot show that there is a “real need” to detain in prison those individuals who wish to reside at otherwise compliant host sites at which other individuals who have been convicted of sex offenses also reside. Accordingly, the

One-Per-Address Statute does not survive strict scrutiny and should be found unconstitutional under the substantive due process clause of the Fourteenth Amendment.

### **III. The One-Per-Address Statute Violates the Eighth Amendment and the Fourteenth Amendment's Equal Protection Clause**

In *Murphy v. Raoul*, 380 F. Supp. 3d 731 (N.D. Ill. 2019), this Court concluded that it violates the Equal Protection Clause and the Eighth Amendment to subject individuals to indefinite incarceration solely because they cannot meet the host site requirement, holding as follows:

At the very heart of the liberty secured by the separation of powers is freedom from indefinite imprisonment by executive decree. The Attorney General and Director's current application of the host site requirement results in the continued deprivation of the plaintiffs' fundamental rights and therefore contravenes the Eighth and Fourteenth Amendments to the Constitution of the United States.

*Id.* at 738. In particular, this Court concluded that the continued imprisonment of individuals who do not have the money or outside support to comply with the host site requirement runs afoul of the Eighth Amendment and the Equal Protection Clause because their detention is solely "the consequence of [their] indigency, homelessness, and the attendant powerlessness to procure housing that will satisfy the IDOC." *Id.* at 756.

For the members of the *Barnes* class who are impoverished and lack outside financial support, the One-Per-Address Statute is an insurmountable roadblock cutting them off from access to free or low cost housing that would enable them to secure their release. Thus, as shown below, the continued enforcement of the

statute violates their rights under the Eighth Amendment and the Equal Protection Clause.

#### **A. The One-Per-Address Statute Violates the Eighth Amendment**

The Eighth Amendment “imposes substantive limits on what can be made criminal and punished as such.” *Ingraham v. Wright*, 430 U.S. 651, 667-668 (1977) (internal citations omitted). In particular, the Eighth Amendment forbids the government from imposing criminal penalties that punish “status.” See *Robinson v. California*, 370 U.S. 660 (1962); *Powell v. Texas*, 392 U.S. 514 (1968). In *Robinson*, the Supreme Court struck down a California statute making it illegal to “be addicted to the use of narcotics,” *Robinson*, 370 U.S. at 660, as constituting cruel and unusual punishment because the statute punished the defendant solely for the status of being an addict and not for any particular conduct. In *Powell*, a plurality of the Court upheld a Texas statute making it illegal to “be in a state of intoxication in any public place,” *Powell*, 392 U.S. at 516, despite evidence indicating that the defendant was a chronic alcoholic, on the ground that the statute punished the defendant’s conduct of being intoxicated in public and not his status as an alcoholic. As this Court observed in its summary judgment decision in *Murphy*, “the relevant distinction lies in applying criminal laws to punish conduct, which is constitutionally proper, and applying criminal laws to punish status, which is constitutionally improper.” 380 F.Supp.3d at 763.

In *State v. Adams*, the Alabama Court of Criminal Appeals applied *Robinson* and *Powell* in circumstances similar to those the Plaintiffs face here. The defendant

in *Adams* challenged the constitutionality of a statute that required people convicted of sex offenses to provide the Alabama Department of Corrections “the actual address at which he or she will reside or live upon release” and provided that any individual who did not comply with the requirement to identify a residential address would be “remanded to the custody of the sheriff of the county in which the violation occurred.” *Adams*, 91 So.3d at 734. Adams was indigent and homeless and, as a result, was unable to comply with the statute, leading to his re-incarceration after the completion of his prison sentence. The *Adams* court determined that the statute violated the Eighth Amendment prohibition against cruel and unusual punishment because it “punishes the defendant solely for his status of being homeless.” *Id.* at 739. Relying on *Jones v. City of Los Angeles*, 444 F.3d 1118 (9th Cir. 2006), the *Adams* court found that “[r]ead together, [*Powell* and *Robinson*] stand for the proposition that the Cruel and Unusual Punishments Clause of the Eighth Amendment forbids punishing criminally not only a person’s pure status, but also a person’s involuntary conduct that is inseparable from that person’s status.” *Id.* at 754. The court concluded that imprisoning Adams solely because of his inability to afford housing essentially punished him for his status, writing as follows:

The undisputed evidence ... established that Adams was indigent, that he had no family or friends with whom he could live, and that, despite his efforts, he had not been accepted to any homeless shelter or halfway house ... For Adams, then, the failure to provide an ‘actual address at which [he would] reside or live’ ... was not voluntary conduct merely related to, or derivative from, the status of homelessness, but was entirely involuntary conduct that was inseparable from his status of homelessness.

*Id.*

Applying these precedents in *Murphy*, this Court observed that because “it is virtually impossible” for a homeless individual to comply with the host site requirement, the IDOC’s application of the host site requirement to homeless individuals “constitutes cruel and unusual punishment” in violation of the Eighth Amendment. *Murphy*, 380 F.Supp.3d at 764.

The same result is appropriate here. The One-Per-Address Statute inevitably results in the continued imprisonment of homeless and indigent offenders beyond the completion of their sentences of incarceration because it prohibits them from seeking release to all free and low-cost placements such as shelters, religious missions, and halfway houses. But for the One-Per-Address Statute, indigent and homeless individuals would be able to secure their release from prison to otherwise compliant locations such as Wayside Cross Ministries or the units IDOC rents from NewDay Apartments.

For example, Dana Monson is indigent and does not have family outside of prison who can offer him financial support or a place to live. SOF at ¶53. Monson completed his sentence of incarceration and was entitled to release from IDOC on March 25, 2012. *Id.* at ¶54. Because he lacked funds to secure approved housing, Monson remained incarcerated for more than eight additional years until May, 2020. *Id.* Because of the One-Per-Address Statute, Monson was not eligible for release to any free placement (such as a halfway house, shelter, or religious ministry) because other individuals with sex offense convictions may also reside at

such locations. *Id.* at ¶55. Thus, Monson remained incarcerated until this Court granted a preliminary injunction (ECF No. 22), which allowed him to be released to Wayside Cross Ministries, where he now resides along with other individuals who are on MSR for sex offenses. *Id.* at ¶56.<sup>9</sup>

Similarly, Plaintiff John Margarella is indigent. *Id.* at ¶57. His family was unable to take him in, and no one in his family had the funds to rent or buy a separate place for him. *Id.* He completed his sentence of incarceration and was entitled to release on MSR in December 2013. *Id.* at ¶58. Because he lacked funds to secure approved housing, Margarella remained incarcerated for more than six additional years, until June 23, 2020. *Id.* Because of the One-Per-Address Statute, Margarella was not eligible for release to any free placement (such as a halfway house, shelter, or religious ministry) because other individuals with sex offense convictions may also reside at such locations. *Id.* at ¶59. Thus, Margarella remained incarcerated until this Court granted a preliminary injunction (ECF No. 22), which allowed him to be released to one of the units IDOC leases from NewDay Apartments where he now resides with Jerry Davis, another individual who is on MSR for a sex offense.<sup>10</sup> *Id.* at ¶60.

For indigent individuals, their failure to find housing that complies with the One-Per-Address Statute is not a voluntary act, but involuntary conduct

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<sup>9</sup> Plaintiffs Corey Crowe, Fredrick Chamblis, and others who have now been released to Wayside Cross Ministries are in the same situation. *See* SOF at ¶¶ 61-66.

<sup>10</sup> Other Plaintiffs currently at NewDay Apartments, including J.D. Lindenmeier, Jerry Davis, and Stanley Meyer are in similar situations. *See* SOF at ¶¶ 67-69.

inseparable from their status as being homeless and indigent. Thus, continued enforcement of the One-Per-Address Statute violates the Eighth Amendment.

**B. The One-Per-Address Statute Violates the Equal Protection Clause**

The Equal Protection Clause “is essentially a direction that all persons similarly situated should be treated alike.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). There are two primary ways an equal protection violation occurs. One is when the disparate treatment among similarly situated groups results in the denial of a fundamental right. The other is when disparate treatment among similarly situated groups is based on a person’s membership in a “suspect” class. *Srail v. Village of Lisle, Ill.*, 588 F.3d 940, 943 (7th Cir. 2009). Plaintiffs’ equal protection claim rests on the first theory, namely, that the One-Per-Address Statute denies Plaintiffs the fundamental right to be free from confinement based solely on their indigence. Where a challenged restriction impinges on a fundamental right, it is subject to strict scrutiny and can only survive if it is “suitably tailored to serve a compelling state interest.” *Cleburne* at 440; *see also Vision Church v. Vill. of Long Grove*, 468 F.3d 975, 1000 (7th Cir. 2006) (“Government action [that] interferes with a person’s fundamental rights” is subject to strict scrutiny.)

In *Murphy*, this Court found that continued imprisonment of indigent individuals who cannot afford housing violated the Equal Protection Clause because it “creates an illegal classification based on wealth, which indefinitely deprives the class members of their liberty as a result of their incapacity to pay.” 380 F.Supp.3d at 759.



The same result should occur here. The One-Per-Address Statute fails strict scrutiny because it draws a wealth-based classification that deprives indigent individuals of a fundamental right (*i.e.*, the right to be released from prison on MSR after the completion of one's sentence) and is not suitably tailored to serve any compelling interest.

### **1. The Statute Discriminates Based on Wealth**

The record shows that the One-Per-Address Statute discriminates against the poor by making it impossible for indigent individuals to obtain housing and secure their release from prison.<sup>11</sup> *See* SOF at ¶¶53-69 (Plaintiffs Monson, Margarella, Crowe, and Chamblis remained imprisoned well past their release dates until the court ordered relief from the One-Per-Address Statute that allowed them to be released to free placements at Wayside Cross Ministries and NewDay Apartments).

The Supreme Court has repeatedly struck down practices that deprive a person of liberty because of indigency. In *Griffin v. Illinois*, 351 U.S. 12 (1956), the Court found that an Illinois rule permitting a criminal appeal only if a defendant could pay for a trial transcript violated due process and equal protection. Likewise, in *Williams v. Illinois*, 399 U.S. 235 (1970), the Court overturned an Illinois law that permitted extended prison sentences, beyond the statutory maximum, for those prisoners who could not pay a fine, writing that “[o]nce the State has defined the outer limits of incarceration necessary to satisfy its penological interests and

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<sup>11</sup> The fact that the One-Per-Address Statute applies to all individuals who have been convicted of sex offenses is of no consequence. A law that is “nondiscriminatory on its face may be grossly discriminatory in its operation.” *Griffin v. Illinois*, 351 U.S. 12, 17, n. 11 (1956).

policies, it may not then subject a certain class of convicted defendants to a period of imprisonment beyond the statutory maximum solely by reason of their indigency.”

*Id.* at 241-42.

## **2. The Wealth-Based Distinction Does Not Serve a Compelling Government Interest**

As this Court has already held in *Murphy*, keeping “homeless sex offenders locked up (while non-indigent sex offenders roam free) has no reasonable relation to public protection. Quite the contrary, ‘the condition at issue here—indigency—is itself no threat to the safety or welfare of society.’” 380 F. Supp. 3d at 756-57 (*quoting Bearden v. Georgia*, 461 U.S. 660, 669 n. 9 (1983)); *See also, Adams*, 91 So.3d at 741-42 (finding a state statute requiring sex offenders to provide a home address prior to release violated the Equal Protection Clause because it “create[d] a classification based on wealth, depriving a certain class of citizens indefinitely of their liberty as a result of their inability to pay.”)

The One-Per-Address Statute produces the same type of discrimination condemned by the Supreme Court in *Griffin* and by this Court in *Murphy*—wealth-based discrimination that deprives individuals of their fundamental rights solely because of their indigency. Thus, Plaintiffs are entitled to summary judgment on their claim that the One-Per-Address Statute violates the Equal Protection Clause.

## **CONCLUSION**

For the reasons set forth above, Plaintiffs respectfully request that this Honorable Court grant summary judgment to Plaintiffs on their claim that the One-Per-Address Statute violates the Eighth and Fourteenth Amendments.

Respectfully submitted,

/s/ Adele D. Nicholas  
/s/ Mark G. Weinberg  
*Counsel for Plaintiffs*

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

|                                |   |               |
|--------------------------------|---|---------------|
| MARCUS BARNES, <i>et al.</i> , | ) |               |
|                                | ) | No. 20 C 2137 |
| Plaintiffs,                    | ) |               |
|                                | ) |               |
| v.                             | ) | Judge Kendall |
|                                | ) |               |
| ROB JEFFREYS,                  | ) |               |
|                                | ) |               |
| Defendant.                     | ) |               |

**APPENDIX OF EXHIBITS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

|                  |                                                           |
|------------------|-----------------------------------------------------------|
| Exhibit 1 .....  | Declaration of Otis Williams                              |
| Exhibit 2 .....  | Declaration of Jonathon Beall                             |
| Exhibit 3 .....  | Declaration of Bob McKelvey                               |
| Exhibit 4 .....  | Declaration of James Cockrell                             |
| Exhibit 5 .....  | Declaration of Stephen Goldberg                           |
| Exhibit 6 .....  | Excerpts of Deposition of Dion Dixon                      |
| Exhibit 7 .....  | Mn. Dept. of Corrections'<br>Residential Placement Report |
| Exhibit 8 .....  | Declaration of Delshay McDaniel                           |
| Exhibit 9 .....  | Declaration of Jerry Calvin                               |
| Exhibit 10 ..... | Declaration of Stanley Meyer                              |
| Exhibit 11 ..... | Declaration of Luis Aponte                                |
| Exhibit 12 ..... | Declaration of Kevin Manson                               |
| Exhibit 13 ..... | Declaration of Dana Monson                                |
| Exhibit 14 ..... | Declaration of John Margarella                            |
| Exhibit 15 ..... | Declaration of Fredrick Chamblis                          |
| Exhibit 16 ..... | Declaration of Corey Crowe                                |
| Exhibit 17 ..... | Declaration of Jerry Davis                                |

Exhibit 18.....Declaration of Joshua Huddleston  
Exhibit 19.....Declaration of Ronald Garrison

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### **Declaration of Otis Williams**

1. My name is Otis Williams. I am the founder and CEO of New Beginnings Recovery Homes Inc. (NBRHI). NBRHI is a Chicago private minority-based not-for-profit corporation that has been in operation since 1993. NBRHI provides affordable shared transitional housing, social, supportive and case management services to people transitioning from prison to the community especially, individuals who are experiencing housing insecurity, lacking gainful employment and food as well as individuals who are in recovery from drug or alcohol abuse.

2. NBHRI leases five buildings on the south side of Chicago at which it provides dormitory style or semi-private shared living accommodations. Residents at NBHRI buildings receive meals and have access to services including peer support groups, counseling with licensed providers and case management. Our properties are sex offender compliant with the housing restrictions that prohibit people who have been convicted of sex offenses from living within 500 feet of schools, daycares or playgrounds. Each building has 24-hour a day security and structured supervision for residents. Our goal is to help our residents become positive, productive citizens. We have significant experience with housing sex offenders who are being released from prison and assisting with their successful transition back into the community.

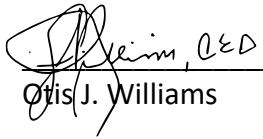
3. Program participants agree to abide by the rules of our program, including adherence to a curfew, no use of drugs or alcohol and no minors or women on the premises of our residential buildings.

4. We currently are currently housing 12 individuals on mandatory supervised release who have been convicted of sex offenses at our buildings located at 6655 S Perry Chicago, IL 60621 and 11934 S. Lowe Chicago Illinois, 60628. These parolees are adjusting well to being on

MSR in the community and we are assisting them with obtaining identification, searching for jobs, and compliance with the terms of their supervision.

5. We are aware that individuals on parole for a sex offense and are currently legally prohibited from living at the same address as another person with a sex offense conviction. If the restriction on housing more than one sex offender at the same address is eliminated, we are willing and able to house additional parolees at these and other properties in the future, space permitting.

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the foregoing statements are true and correct.

  
Otis J. Williams

July 1, 2020

### **Declaration of Jonathan Beall**

1. My name is Jonathan Beall. I am the program director of the Master's Touch Ministry, a division of Wayside Cross Ministries.
2. Wayside Cross Ministries is a Christ-centered Bible-based residential program that has operated in Aurora, Illinois, for more than 90 years.
3. The Master's Touch Ministry is a life-transformation program for men with various destructive behaviors not limited to drug and alcohol addiction. The program offers room and board at no cost, and empowers its participants to change their lives through the Gospel of Christ, prayer, Bible study, daily chapel services, mentoring with local church and business leaders, and work rehabilitation programs.
4. It takes a minimum of seven months for a resident to complete the Master's Touch Ministry program. The end goal of the program is to give the men the tools they need to live healthy, law abiding lives through trust in Jesus Christ for their faith and conduct.
5. Wayside Cross currently has fourteen residents in the Master's Touch Ministry who are on parole from the Illinois Department of Corrections. Wayside Cross provides room and board to these individuals at no cost to them or to the IDOC. Each of these individuals has successfully registered with the Aurora Police Department.
6. The Master's Touch Ministry is a highly structured program with a strict code of conduct, which includes adherence to a curfew, attendance at scheduled Bible study and church services, no use of drugs or alcohol, refraining from the use of profane or abusive language, listening only to music that glorifies God, and only using technology in a manner that conforms to God's high standards. Acceptance into the program is at the sole discretion of the



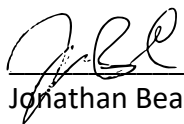
Director of Master's Touch. Successful completion of the program hinges on successful random drug and alcohol tests, active participation in programming, as well as adherence to all the rules of Master's Touch.

7. Because of its proximity to McCarty Park, Wayside Cross cannot accept into its program individuals who are classified as "child sex offenders," but it can accept individuals whose offenses involved an adult victim.

8. The participants in the Master's Touch Ministry all reside together in a dormitory setting at Wayside Cross, located at 215 E. New York Street in Aurora.

9. The Master's Touch Ministry is currently near its capacity for program participants. But in the future, when space in the building and in the program permits, we are willing to accept other individuals on mandatory supervised release from the Illinois Department of Corrections who meet our program criteria, pending the parolee's successful completion of a phone screening interview.

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the foregoing statements are true and correct.

  
Jonathan Beall

7-1-20  
Date

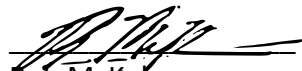
**Declaration of Bob McKelvey**

1. My name is Bob McKelvey. I am the founder and Manager of NewDay Apartments LLC.
2. NewDay Apartments has partnered with the Illinois Department of Corrections to provide housing to individuals with sex offense convictions being released from prison onto supervised release.
3. NewDay Apartments currently owns eight properties which are more than 500 feet away from any schools, playgrounds and/or daycare centers. NewDay Apartments currently leases four properties to the Illinois Department of Corrections. Two properties are reserved for private-pay registrants. One unit currently houses a non-registrant but will be available to house registrants when the current tenant moves out. One property houses seven registrants who are neither on parole nor probation.
4. There are currently seven parolees living in the four properties IDOC leases from NewDay. Under current law, we are limited to housing four registrant-parolees in these units because we are permitted to have a maximum of one registrant-parolee per address (unless a court approves otherwise).
5. The permission of the court to house additional registrants at the same address has allowed NewDay to quickly house and provide services for additional parolees in these units. That number will increase once current, non-registrant tenants move out over time.
6. NewDay is expanding despite the current pandemic. We plan to double the number of registrant units available year-over-year for at least the next three years. The long term goal of NewDay is to become the #1 provider of safe, affordable registrant housing in the

United States. Permitting multiple registrant-parolees at the same address would easily double the number of available units compared to the current one-per-address rule, and would make the housing we provide more affordable for our registrant-tenants.

7. While our housing obviously helps registrants, NewDay's primary purpose is to keep communities safe by housing registrants responsibly. To-date, we have a 0% recidivism rate among our registrant tenants. It is our experience that housing registrants at the same address allows for more effective (and cost-effective) law enforcement oversight. It also allows registrants to police one another and share resources to better support themselves, which ultimately helps them focus on the future and reduce recidivism.

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the foregoing statements are true and correct to the best of my ability.

  
Bob McKelvey

Manager, NewDay Apartments LLC

7-1-20  
Date

### **Declaration of James Cockrell**

1. My name is James Cockrell. I am a pastor with Abundant Faith Ministries in Springfield, Illinois. I regularly minister to individuals imprisoned in the Illinois Department of Corrections, and in particular individuals who have been convicted of sex offenses.

2. James Cockrell owns/oversees a house located at 1611 E. Matheny Avenue, Springfield, Illinois 62702, at which we will provide housing and supportive services to individuals being released from the Illinois Department of Corrections, including individuals who have been convicted of sex offenses.

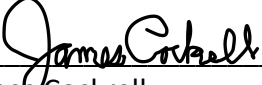
3. Our program offers individuals one month rent-free, during which time we assist the individual with finding employment. We have a relationship with an employer near Springfield that is willing to hire individuals with sex offense convictions. We provide our residents a shuttle to and from this job.

4. Once someone is working, we charge \$300/month for their continued residence in our housing, or in the alternative, we assist them with finding their own housing.

5. We currently have three openings in our building and are prepared to accept three individuals who are on mandatory supervised release if the Department of Corrections will approve them for release to our address.

6. I have a personal relationship with Henry Smith (IDOC Number R12201), who is imprisoned in Jacksonville Correctional Center. We are prepared to accept him to reside at 1611 E. Matheny Avenue immediately.

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the foregoing statements are true and correct.

  
\_\_\_\_\_  
James Cockrell

7/1/2020  
Date

**Declaration of Stephen Goldberg**

1. My name is Stephen N. Goldberg. I was formerly a member of the State Bar of Illinois and a member of the bar of this Court. I am also a now-retired inactive member of the State Bar of California and a member of the bar of various California federal district courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court. I am familiar with the facts stated herein and could testify about them if called as a witness.

2. I am the brother of Alvin Lee Goldberg, who pleaded guilty in November of 2012 to two offenses: PRED CRIM SEX ASLT/VICTIM <13; and AGG CRIM SEX ABUSE/FAMILY. My brother will be 81 on May 14 of this year.

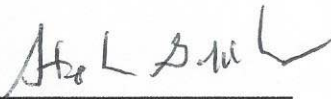
3. My brother currently is an inmate at the Taylorville Correctional Center, 1144 Illinois Rte 29, Taylorville IL 62568. His IDOC number is M36526. He was scheduled for release in November of 2018, subject to required mandatory supervised release ("MSR") with a discharge date of three years to life. He is actively looking for an apartment to move to that is acceptable to the IDOC while he is on MSR.

4. I have applied on behalf of my brother to NewDay Apartments, an organization that rents apartments to convicted sex offenders. I have spoken with their representatives. The latter have told me (1) that NewDay will put my brother, if he passes a background and credit check, on a waiting list for apartments it owns that currently are allowed by the IDOC only to house registered sex offenders who are no longer on parole or probation (i.e. MSR) and (2) that they are precluded from renting to him in such facilities by the Illinois statute precluding more than one registrant from residing at a residence housing more than one registrant. 730 ILCS 5/5-6-3(a)(8.6).

5. I today received a notification from Newday that my brother Alvin's application has been accepted subject to his obtaining a court order allowing NewDay to house him in one of these buildings. A true copy of the letter I received today is attached to this declaration as Exhibit A.

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the foregoing statements are true and correct.

Executed in Los Angeles, California on April 30, 2020

  
\_\_\_\_\_  
Stephen Goldberg



NewDay Apartments LLC  
25 Telser Road, #56  
Lake Zurich, IL 60047



Alvin Goldberg  
co/Stephen Goldberg  
444 N. La Jolla Avenue  
Los Angeles, CA 90048

April 30<sup>th</sup>, 2020

Dear Mr. Goldberg:

NewDay Apartments LLC has accepted your brother Alvin's rental housing application based on his credit & criminal background check. However, Illinois law [730 ILCS 5/5-6-3(a)(8.6)] currently states that a registrant on parole, probation or supervised release cannot live at an address housing other registrants. Because NewDay specializes in registrant housing, our typical buildings contain more than one registrant per address. In order for NewDay to allow Alvin to live in one of these buildings, you will need a court order allowing NewDay to house Alvin with other registrants who live in other units at the same address.

For now, we have added Alvin's name to our wait-list. Once you provide us with the proper documentation, NewDay will be able to provide housing for him as soon as a unit becomes available.

Please feel free to call us with any questions or concerns: 847-628-7999.

Best regards,

Bob McKelvey  
Manager, NewDay Apartments LLC

Exhibit A



DION DIXON, 12/12/2017

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

PAUL MURPHY, et al.,                     )  
                                                           )  
                                                           ) Plaintiffs,                     )  
                                                           )  
                                                           ) vs.                     ) No. 16 C 11471  
                                                           )  
LISA MADIGAN, et al.,                     )  
                                                           )  
                                                           ) Defendants.                     )

The video-recorded deposition of DION  
DIXON, taken pursuant to the Federal Rules of  
Civil Procedure, before Leanna Z. Michas, Certified  
Shorthand Reporter No. 084-004748, at 20 North Clark  
Street, Suite 1260, Chicago, Illinois, on Tuesday,  
December 12, 2017, commencing at 10:05 a.m.,  
pursuant to notice.

APPEARANCES:

LAW OFFICE OF ADELE D. NICHOLAS, by  
MS. ADELE D. NICHOLAS  
(5707 West Goodman Street  
Chicago, Illinois 60630  
847.361.3869  
adele@civilrightschicago.com)

-and-

MR. MARK G. WEINBERG  
(3612 North Tripp Avenue  
Chicago, Illinois 60641  
773.283.3913  
mweinberg@sbcglobal.net)  
appeared on behalf of the plaintiffs;

1 examines the map to see whether it's too near to  
2 something, they're also going to run the address  
3 through the registry?

4 A. Yes.

5 Q. And the purpose of that is to find out  
6 whether a person required to register as a sex  
7 offender is already living at that address?

8 A. Yes.

9 Q. Okay. If you can look at page 1 of  
10 Exhibit 1, subsection (7.6) on that first page.

11 Are you there?

12 A. Yes.

13 Q. Okay. So this is subsection (a)(7.6).  
14 And it says: If convicted of a sex offense as  
15 defined in the Sex Offender Management Board Act,  
16 refrain from residing at the same address or in the  
17 same condominium unit or apartment unit or in the  
18 same condominium complex or apartment complex with  
19 another person he or she knows or reasonably should  
20 know is a convicted sex offender or has been placed  
21 on supervision for a sex offense.

22 You see that?

23 A. Yes.

24 Q. Is this statute the reason that the

1 agent is going to look on the registry to see if  
2 there is a registrant at that address?

3 A. Yes.

4 Q. Let's talk a little bit about this  
5 restriction.

6 So the restriction itself says you  
7 can't reside in the same residence or in the same  
8 condominium complex or apartment complex, right?

9 A. Yes.

10 Q. How does the department interpret that  
11 restriction?

12 A. By the letter of the law.

13 And if we pull up an address and put  
14 it on the sex offender website, and we see that  
15 there's a -- a sex offender already in -- in the  
16 building or in the complex that the inmate wants to  
17 move to or parole to, he's not able to.

18 Q. Does this -- or does the department  
19 apply that restriction to a sex offender living  
20 within the same trailer park as another person  
21 who's required to register?

22 A. Yes and no.

23 Can I explain?

24 MS. NEWMAN: (Nodding.)

1           THE WITNESS: I've had conversations with the  
2 state police, and -- regarding the very same thing,  
3 and it was detailed to me -- and, also, not just  
4 with state police, but local law enforcement  
5 registering entities, that if -- now, trailer parks  
6 are different, are a little tricky. Because some  
7 trailer parks you have the ability to own the actual  
8 pad, but rent the trailer; or vice versa, you can  
9 own the trailer, but you have to rent on the ground.

10                   And the information that I got back  
11 from the state police was, if the pad or the land  
12 is owned by one entity, regardless of whether you  
13 own that trailer or you are renting the trailer,  
14 it's considered a -- an apartment complex. It's  
15 considered a complex area because the actual land  
16 is owned by one person.

17                   So, therefore, if, you know, trailer  
18 No. 17, you have a sex offender here, and there  
19 could be, you know, an insanely large trailer park,  
20 17 and No. 240, which is, you know, 300 feet away  
21 or whatever, as long as that property, that land is  
22 owned by one entity, then that's considered a -- a  
23 complex.

24

1 BY MS. NICHOLAS:

2 Q. Who decided to interpret the term  
3 apartment complex or condominium complex that way?

4 A. I've had conversations with state  
5 police, as well as Chicago Police Department, too.

6 Q. Why is it being interpreted that way?

7 A. I -- I have no -- I don't know.

8 Q. So am I correct in understanding that,  
9 if a trailer park, regardless of its size, is  
10 organized such that there's one entity that owns  
11 the park, but each individual trailer is rented by  
12 a separate person --

13 A. Um-hmm.

14 Q. -- that's going to be classified  
15 under --

16 A. Yes.

17 Q. -- subsection (7.6) as an apartment  
18 complex or condominium complex?

19 A. Yes.

20 Q. If, on the other hand, a person can buy  
21 a piece of the land within a trailer park, that  
22 would be considered separate?

23 A. Yes.

24 Q. So it has nothing to do with the actual

1 physical distance between the parolee and the  
2 existing sex offender who's living there?

3 A. Correct.

4 Q. Did you push back at all against that  
5 interpretation of this statute?

6 A. No.

7 Q. Would you agree that that restricts the  
8 potential locations where a person can serve their  
9 parole?

10 A. To be honest, I don't have an opinion  
11 about it one way or another. It's to -- to operate  
12 within the law. And I looked at it as, if -- if  
13 the -- if they were not going to allow the offender  
14 to register, or there were going to be some --  
15 other registration was rejected, it -- it would be  
16 counterproductive to approve that placement and  
17 have him to come out. Because he would only have  
18 to be returned back to the institution.

19 Q. Okay. Well, we'll come back to that,  
20 and I'll ask you some more specific questions about  
21 that.

22 A. Okay.

23 Q. But let's go back to the investigation  
24 and approval process.

**LEVEL THREE SEX OFFENDERS  
RESIDENTIAL PLACEMENT ISSUES**

***2003 Report to the Legislature***

Minnesota Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, Minnesota 55108-5219  
(651) 642-0200  
TTY (651) 643-3589  
[www.doc.state.mn.us](http://www.doc.state.mn.us)  
January 2003 (*revised 2/04*)

This information will be made available  
in an alternative format upon request.

The cost of salaries, printing,  
and supplies incurred in the development and  
preparation of this report was \$5,948  
(reported as required by M.S. 3.197).

**Level Three Sex Offenders  
Residential Placement Issues**  
*2003 Report to the Legislature*

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## Introduction

The Minnesota Legislature requested a report from the commissioner of corrections to address issues regarding residential locations of level three sex offenders (see Appendix A: Minnesota Session Laws 2002, Chapter 385, Sec. 10).

## Offender Characteristics

As of December 31, 2002, there are 329 designated level three offenders in Minnesota. Of those, 97 are in residential settings in a Minnesota community. All are male. Fifty of those live in Hennepin County, 14 in Ramsey County, six in Olmsted County, and four in St. Louis County. Twenty-three live elsewhere, with no county having more than two.

## Issues

Legislation mandating this report directed the commissioner of corrections to report on eight issues concerning level three sex offenders. This section of the report responds to that directive.

**1. *How level three offenders re-enter the community, including how housing and jobs are found and the role that corrections agents play in helping an offender find housing and jobs.***

The specific resource for offenders is the institutional caseworker at each Minnesota correctional facility (MCF). While level three offenders may be released from any correctional facility, the majority of releases are done from the MCF-Lino Lakes. The MCF-Moose Lake, MCF-Rush City, and MCF-Stillwater are the release institutions for the greatest number of remaining releasees.

In anticipation of release, the caseworker will work with the offender on transition plans. This may include a three-day workshop on effective transition from incarceration. Topics covered include residential and job issues. In addition, the transitions program will cover related areas of identification, money management, education, health and life skills, family/friend reunification and relationships, and living under supervision. For those leaving to a supervised release status, the caseworker will coordinate with the prospective supervising agent on a re-entry plan. That re-entry plan must include an acceptable residence. At that time, special conditions may be applied to the supervision plan. Special conditions may include restrictions on proximity to victims, minors, or vulnerable adults. Special conditions are applied on an individual basis to each offender. Common conditions subject to agent approval may be:

- a) No residence in a building where children are present;
- b) No direct or indirect contact with minors;
- c) No direct or indirect contact with vulnerable adults;
- d) No direct or indirect contact with victims;
- e) No membership in groups or organizations;

- f) Must not be in any location where children or minors tend to congregate; or
- g) Other variations as determined by the supervising agent.

Residential placement is dependent on the offender's personal and financial resources in the community. The caseworker and agent may be able to help the offender find placement, but limited opportunities exist if an acceptable supervision location is not provided by the offender.

Halfway house placement is one of the most common first steps in the transition, but there are a limited number of beds available at those placements. St. Paul, Minneapolis, Golden Valley, and Duluth each provide a halfway house facility but fall far short in meeting the housing needs of all sex offenders in need of transitional housing. These halfway houses provide not only for level three offenders but also level two and one offenders as well as non-sex offenders in need of such transition (primarily person offenders convicted of such crimes as Assault, Aggravated Robbery, Murder, etc.). Approximately 60 percent of level three predatory offenders are first released to a halfway house placement.

Transition services for offenders leaving prison at expiration of sentence are even more limited. These offenders leave an MCF without supervision. They are required to register an address with the Bureau of Criminal Apprehension (BCA) but receive no assistance other than that provided by a caseworker prior to release. Keeping track of these offenders is difficult due to their often transient housing options. Anecdotally, it appears that a small number (at least 12) of level three offenders have left Minnesota once their sentences expired, and several other level three offenders have come out of compliance with registration after the expiration of their sentences (although it appears they have stayed in Minnesota).

Generally, the housing options available to offenders are limited and well known to supervising agents. Specific properties and landlords are amenable to providing housing for level three offenders. In Minneapolis, certain landlords appear to have developed a specialty in renting to level three offenders. This has resulted in a concentration of level three offenders in some areas of the city. According to corrections agents, when a landlord rents one unit of a duplex to a level three offender, occupants of the other unit feel uncomfortable and seek other housing. The resulting vacancy is likely to be filled by another level three (or lower level) sex offender. Subsequent vacancies are also filled by sex offenders. The landlords then post information about vacancies at halfway houses, and level three offenders learn about potential openings through word of mouth. Such housing is a limited and finite resource in Minneapolis but can be even scarcer in other counties where the placement of level two offenders causes as much of a problem.

Job search is another topic covered in the transition program but, again, the offender bears most of the responsibility for finding employment. Halfway house placement provides the best transition period for job search. Without connections to a previous employer or family assistance, most employment tends to be in low-pay, non-public service jobs. Knowledge of the offender's level three status is an impediment to seeking employment. Fear of liability if re-offense occurs is a common roadblock to employer willingness to hire offenders. A common release condition is that offenders must maintain 40 hours per week of work or other productive activity. Corrections agents become aware of employers who are willing to hire ex-inmates, including sex offenders. If an offender has difficulty obtaining employment on his or her own, the agent will refer the offender to one of these employers.

In meetings and discussions with community corrections agents working throughout Minnesota, the common issue expressed was the ever-increasing difficulty in procuring residences and employment by level three offenders. The close connection between residence and job means that limiting residential options concurrently limits job options. For example, if offenders are required because of residential restrictions to live in largely unpopulated areas, it is likely that they will have difficulty securing employment as many do not own automobiles (and even have release conditions prohibiting ownership).

Expansion of halfway house beds and expansion of emergency housing funds were most commonly cited as needs when planning for level three releases and moves. Landlords willing to rent to a level three offender are non-existent in many communities, according to corrections agents.

***Recent release plans for selected level three offenders:***

**a) Offender A**

Released in early 2002 (expiration of sentence). Release address was his parent's home in St. Paul. Maintained that address until mid 2002. This initial placement with a family member is often the ideal placement for transition. Upon leaving that residence, he has been in a transient stage to this date. Registered address was in an outer-ring suburb for one day, the Minneapolis Salvation Army for 18 days, a Bloomington apartment for 19 days, another metro address for 11 days, South Minneapolis for 16 days, an inner ring suburban motel for seven days, and at a downtown St. Paul boarding house for the last 30 days. He has spoken with local law enforcement about living under a bridge. He has made numerous complaints about inability to find acceptable housing of any kind. He has done a fairly good job of maintaining his registration, but constant moving makes tracking difficult.

**b) Offender B**

Released in mid 2002 (intensive supervised release). His release was to a halfway house from which he absconded in late 2002. He was apprehended and returned to the MCF-Lino Lakes in the same month. He was then released in one month later (expiration of sentence). He was unable to provide a release address prior to release and has no support network. His responsibility for registration was explained to him. He did provide notice of a shelter address in Minneapolis for the first night. He moved to a second shelter the second night and is now officially registered with the BCA as "homeless."

**c) Offender C**

Released in late 2002 (intensive supervised release). Initial release plan was to a friend's house in rural Minnesota. Due to neighborhood pressure, the invitation was rescinded. His release address then became a transitional motel in a southeastern Minnesota city. His plan is to move into a house he owns in southeastern Minnesota as soon as the current tenant vacates the property. His ownership of property has solved this housing issue.

**d) Offender D**

Released in mid 2000 (intensive supervised release). His release was to a halfway house. He then moved to South Minneapolis in early 2001. He moved to a trailer park in an outer-ring suburb two months later. He then purchased rural property in an outstate

*(revised 2/04)*

county. He was returned to prison for violating a release condition and was released again in late 2002, to his rural property. With financial resources available, he has been able to provide his own housing.

**e) Offender E**

Released in mid 2000 (intensive supervised release) to a halfway house. Two months later, he moved into the community in North Minneapolis. This is one of the limited number of rental properties available to level three offenders. In early 2001 he registered his address as his father's home but was infrequently there. His release was revoked two months later, due to use of chemicals. He was again released in mid 2001, to his father's home in Minneapolis. He left his father's home two months later. He registered in St. Paul for two weeks before returning to a North Minneapolis residence and then eventually registered at his father's house once again in early 2002. That same month, his sentence expired and he was no longer on supervision. Since that time, while he has been registered at his father's address, most contacts with police have pointed to a status as homeless.

**2. *Statewide locations and concentrations of the level three offenders.***

As of December 31, 2002, there were 97 level three offenders in residential locations in Minnesota. Of these, 50 were in Hennepin County, 14 were in Ramsey County, and 33 others were scattered in other counties. Olmsted County had six level three offenders and St. Louis County had four; they were the only counties other than Hennepin and Ramsey with more than two level three offenders (see maps for locations, Appendices B-1 to B-4).

**3. *Effects of having the offenders live in close proximity to one another.***

There have been 13 level three offenders released in 1997, 1998, or 1999 who are known to have been re-arrested for a new sex offense by March 2002. Each case has been reviewed to determine the offender's circumstances at the time of the new sex offense. This includes examining whether the re-offense was related to the offender's proximity to a school or park, and whether the offender was living with another sex offender at the time that he re-offended. Each case is summarized below.

***Level three offenders released from January 1, 1997, through December 31, 1999, who have been rearrested for a new sex offense:***

**a) Offender F**

Released in early 1997 (he was previously released in mid 1994, prior to notification, but was re-incarcerated for a serious release violation and served an additional two years). He had been referred for civil commitment, but Hennepin County chose not to pursue the case. He was re-released twice and re-incarcerated both times before he was released at the expiration of his sentence in late 1997. He re-offended in early 1998, against his live-in girlfriend. He was intoxicated and demanded that she have sex with him. When she refused, he slapped her in the face and raped her. He was registered as living at an address in Minneapolis, and the offense occurred at that location. He was not living with

*(revised 2/04)*

another sex offender at the time of the offense. He was sentenced to 90 months in prison and was identified as a Minnesota Sex Offender Program-DOC (MSOP-DOC) referral. He has been in treatment at the MSOP-DOC site since late 2001.

**b) Offender G**

Released in early 1997 to the custody of a southwestern Minnesota county and placed in the county jail. He had been referred for civil commitment, and the county attorney was deliberating on whether to pursue commitment. This offender sexually assaulted a fellow inmate at the jail the following month. He pled guilty to 4<sup>th</sup> Degree Criminal Sexual Conduct (CSC) and received a sentence of 60 months. He has since stipulated to being a Sexually Dangerous Person and has been released to the custody of the Department of Human Services (DHS). He was incarcerated at the time of the offense, but it is unclear if any of his fellow inmates at the time were sex offenders.

**c) Offender H**

Released in early 1997, at the expiration of his sentence. He sought to have his risk level reduced by administrative review but was denied. He had been referred for civil commitment, but Hennepin County determined it was unlikely they could prove that he met commitment criteria. He was rearrested and charged with 5<sup>th</sup> Degree CSC for an offense that occurred in the following month. At the time, this offender had two addresses registered with the BCA: in South Minneapolis and a rural route address in a small town in the southeastern region of the state. It appears that he was not living with another sex offender. His re-offense was committed in downtown Minneapolis. He was in a bookstore where he harassed two separate victims – a juvenile female and an adult female. He was intoxicated. In both cases he grabbed the breast of the victim, but the victims were able to escape. The offender was arrested at the scene, ironically by the lieutenant in charge of Minneapolis' community notification at the time. He received a sentence to the county workhouse. He was re-incarcerated for Possession of Controlled Substance, 5<sup>th</sup> Degree, in mid 2000 and was again referred to Hennepin County for civil commitment. Again, Hennepin County determined it was unlikely they could prove that he met commitment criteria. He is reportedly now living in Chicago.

**d) Offender I**

Released in mid 1997 to a halfway house. He had been referred for civil commitment, but Hennepin County determined it was unlikely they could prove that he met commitment criteria. While at the halfway house during the following month, this offender fondled the genitals of a fellow resident. There were other level three offender residents at the halfway house at the time of his re-offense. He was convicted of 4<sup>th</sup> Degree CSC and received a sentence of 36 months. At the same time there were allegations that he had fondled the genitals of a 13-year-old family member, but he was not convicted of this. He has since been re-released to the community in mid 1999 and has apparently not been arrested for a new sex offense since that time.

**e) Offender J**

Released in mid 1997, but detained until early 1998 at the Minnesota Security Hospital while he was undergoing a civil commitment trial. He was found not to meet the criteria for commitment and was released to a South Minneapolis address (his sentence had expired in late 1997). He left Minneapolis in early 1998 and lived in New Mexico for six

*(revised 2/04)*

months. He then relocated to Nebraska where he was arrested for molesting children (reports are that it was in a Greyhound Bus Station). He was not known to be living with another sex offender at the time of this offense. He was convicted of Sexual Assault on a Child and received a sentence of one year, eight months to five years. He was imprisoned in Nebraska from late 1998 until his mandatory release date in late 2000. He is currently registered as living in Nebraska.

**f) Offender K**

Released in early 1998. Absconded from supervision in early 1999 and reincarcerated within 30 days. Not referred for civil commitment either time. Released again in late 2000. In early 2001, found to be in possession of child pornography involving children as young as three to five years old. Supervising agent made unannounced visit to his residence and found a videotape containing child pornography. Offender had subscribed to a Web TV service (without permission of agent) and recorded the videotape. He was living with a level two sex offender at the time. This roommate provided information to his therapist, who passed it along to his supervising agent, which led to discovery of the sexually-explicit material. He absconded again but was apprehended within two weeks. He pled guilty to three counts of Possession of Pornographic Work Involving Minors and received a sentence of 36 months. He is currently incarcerated with an expected release date of early 2004. He is currently involved in treatment at the MSOP-DOC site.

**g) Offender L**

Released in early 1998 (expiration of sentence). Referred for civil commitment, but Ramsey County determined it was unlikely they could prove he met commitment criteria. Rearrested in late 1998 and convicted of False Imprisonment in early 1999. Registered as living in southwestern Minnesota at the time of the offense. He was not living with another sex offender. The offense occurred in his house. The victim (an adult female acquaintance) voluntarily entered his apartment after they had been out drinking. She lay down on the bed where the offender coerced her to take off her clothes, after which she fell asleep. She awoke to find he had tied her hands and legs to the bed. He threatened to rape her but didn't. He did slap the victim across the face and struck her breast. He was sentenced to 19 months but was civilly committed upon his release from prison.

**h) Offender M**

Released in late 1998; sentence expired two months later. Referred for civil commitment to Hennepin County, but they determined it was unlikely they could prove he met commitment criteria. Rearrested in late 1999, after exposing himself to four female children (ages four to eight). He called the children over to his truck and identified himself as a policeman, saying he was looking for a suspect. He opened the door and exposed himself to the children. He had reportedly been driving around the neighborhood during the summer and fall months watching children. Offenses were committed in Northeast Minneapolis; he was living in South Minneapolis at the time. Unknown if he was living with another sex offender at time of the offense. Convicted of felony-level 5<sup>th</sup> Degree CSC and sentenced to 43 months in prison. Reincarcerated in early 2000, and released 26 months later in early 2002, when his release date was reached. Currently on intensive supervised release and living in North Minneapolis. Again referred for civil commitment to Hennepin County, but they determined it was unlikely they could prove he met commitment criteria.

*(revised 2/04)*



**i) Offender N**

Released in late 1999 and returned to prison twice on technical violations. He was not referred for civil commitment and sought by administrative review to have his risk level lowered, but his request was denied. He was most recently released in late 2000 to intensive supervised release. Three months later, in early 2001, he abducted a 17-year-old female stranger and sexually assaulted her. He was registered as living in South Minneapolis. He was not living with another sex offender. The offense occurred in a neighborhood a couple of miles south of the offender's residence. He has been convicted of 1<sup>st</sup> Degree CSC and recently received the statutory maximum sentence of 30 years.

**j) Offender O**

Released in late 1998 but immediately placed at the MSOP after being civilly committed. He was arrested for 3<sup>rd</sup> Degree CSC in mid 2001 for sexually assaulting a fellow resident of the MSOP. It appears that he was never convicted of this offense but instead was returned to MSOP where he remains today. He was incarcerated with other sex offenders at the time of his offense.

**k) Offender P**

Released in late 1998 at expiration of sentence. He was not referred for civil commitment. In mid 2000 he requested that his risk level be lowered but withdrew this request after finding out that the End of Confinement Review Committee (ECRC) had received a recommendation from a sex offender treatment professional that his risk level not be lowered. He was rearrested in early 2001 and convicted of 1<sup>st</sup> Degree CSC in 2001. He was registered as living in outstate Minnesota at the time of the offense. He was not living with another sex offender. The offense occurred in his house. He was allowed access to the victims by the victims' parent/family. He was sentenced to 144 months in prison and is currently at the MSOP-DOC site.

**l) Offender Q**

Released in late 1999. He had been referred for civil commitment, but Hennepin County determined it was unlikely they could prove that he met commitment criteria. He was reincarcerated on three occasions after violating the conditions of his release. His most recent release was in early 2002, and his sentence expired the following month. Later that same month he was arrested after having accosted a female stranger and attempted to kidnap and possibly sexually assault her. The offense occurred near downtown Minneapolis; he was registered as living in North Minneapolis at the time of the offense. He has been convicted of 4<sup>th</sup> Degree CSC but has not yet been sentenced. The Hennepin County Attorney is preparing to ask the judge to sentence this offender to more than the 10-year statutory maximum sentence for 4<sup>th</sup> Degree CSC by recommending that he be sentenced under the Patterned Sex Offender statute.

**m) Offender R**

Released as a level two offender in late 1999, but due to his extensive history (more than 20 sex offense convictions, all for indecent exposure, mostly misdemeanors and gross misdemeanors), he was warned by the ECRC that any violation, especially for a new sex-related offense, would likely result in an increase in his risk level. He was not referred for civil commitment, as courts have on more than one occasion rejected commitment of offenders whose history is exclusively "hands-off" sex offending. His sentence expired

*(revised 2/04)*

in late December, but he had already been arrested five months earlier for another Indecent Exposure offense against children. At the time he was registered as residing in Northeast Minneapolis. He was not living with another sex offender at the time of the offense. The offense occurred in Fridley, approximately four miles from his residence. He was sentenced to 16 months in prison for Attempted 5<sup>th</sup> Degree CSC and was assigned risk level three in early 2001. He was released in mid 2001. He was going to appeal his risk level but was again arrested for a gross misdemeanor exposure and was confined in the Hennepin County Workhouse until late 2002. Since that time he has returned to his Northeast Minneapolis address.

This examination of level three re-offenders does not reveal a negative effect related to a level three offender living with another sex offender. In fact, supervision agents in both Hennepin and Ramsey County have noted benefits from having more than one level three offender living in one location. Closer supervision is possible because travel time between offenders is reduced. Also, level three offenders who live with other level three offenders experience more visits from a supervising agent because agents for both offenders visit the same property. Finally, offenders tend to inform on each other when supervision restrictions are violated or crimes are committed. There is one case described above of an offender who re-offended by downloading child pornography from a Web TV service that was discovered only after the offender's roommate (a sex offender) told his therapist about the existence of the unapproved Web TV equipment in the house.

Voluntary relocations of neighborhood residents have not been evident, but real estate agents report that sale of properties are limited by any negative information about a neighborhood. This may involve the perception of a high concentration of level three offenders but can also include information that suggests a neighborhood is, in general, a high-crime area in which gang activities are prevalent and drug dealing takes place on street. Discussions with real estate agents indicated that the presence of level three sex offenders tends to have the greatest effect on prospective buyers with young children.

At a December 2002 community meeting, residents of the Phillips neighborhood in South Minneapolis expressed frustration with the concentration of sex offenders in their neighborhood. Many stated that their neighborhood is always first to get treatment centers and housing for social problems. The concentration of sex offenders is just one of many concentration issues for these residents. An additional problem expressed was that once a neighborhood develops a reputation for being a focus area for this type of housing and treatment, it is difficult to maintain housing and economic stability.

This meeting was attended by residents of both the Phillips and Jordan neighborhoods as well as members of the Minneapolis City Council and Minnesota Legislature. Representatives from the Department of Corrections (DOC), Hennepin County Community Corrections, and

*(revised 2/04)*



the Minneapolis Police Department were present to explain the roles of their organizations in fulfilling responsibilities under the community notification law and to listen to the concerns of residents. A map was produced detailing residency patterns of all offenders on probation and supervised release in Minneapolis that revealed a similarity to the residency patterns of level three offenders as displayed in Appendix B-3.

Based on the examination of level three re-offenders, there were no examples that residential proximity to a park or school was a contributing factor in any of the sexual re-offenses noted above. Enhanced safety due to proximity restrictions may be a comfort factor for the general public, but it does not have any basis in fact. The two level three offenders described above whose re-offenses took place near parks both drove from their residences to park areas that were several miles away. Because neither was under supervision, there were no supervision conditions that would prohibit them from driving near parks. Based on these cases, it appears that a sex offender attracted to such locations for purposes of committing a crime is more likely to travel to another neighborhood in order to act in secret rather than in a neighborhood where his or her picture is well known.

***4. Efforts to mitigate the concentration of the offenders, especially with regard to proximity to schools.***

According to Minnesota Statute §244.052, subdivision 4a, “the agency responsible for the offender’s supervision shall take into consideration the proximity of the offender’s residence to that of other level three offenders and proximity to schools and, to the greatest extent feasible, shall mitigate the concentration of level three offenders and concentration of level three offenders near schools.” Because of limited placement options, rarely does a supervising agency have a choice between two separate placements for an offender that would allow mitigation of the concentration of level three offenders near schools or other level three offenders to be taken into consideration. Mitigation of concentration of and proximity to schools can be a factor if two essentially equal placement options are available. If on an individual basis supervision restrictions preclude location near schools, then that is taken into account as a high priority factor. So far, there has not been one example of a level three offender re-offending at a nearby school.

***5. Likely effects of a policy requiring that offenders live a certain distance from schools.***

Residential choices are already limited under current statutes that do not prohibit level three offenders from living near schools. Additional restrictions would severely affect already meager placement choices. Minneapolis and St. Paul have a well-disbursed system of neighborhood schools that would create a restriction on the majority of residential property in both cities. (See Appendices C-1 and C-2 for a map of Minneapolis that indicates areas in which residence of level three offenders would be prohibited if a 1,500-foot restriction were to become law.) Having such restrictions in the cities of Minneapolis and St. Paul would likely force level three offenders to move to more rural areas that would not contain nearby schools and parks but would pose other problems, such as a high concentration of offenders with no ties to the community; isolation; lack of work, education, and treatment options; and an increase in the distance traveled by agents who supervise offenders. Again, no evidence points to any effect on offense rates of school proximity residential restrictions.

**6. *Likely effects of a policy requiring that offenders not live within a certain distance of each other.***

In Minneapolis, St. Paul, and Rochester there are some concentrated areas where offenders live together or in the same building. Of the 50 level three offenders living in Hennepin County as of December 31, 2002, 30 lived in just three zip codes. A proximity restriction would mean that 15 to 20 of these offenders would have to relocate or face being sanctioned under the law. Given the current difficulty that a single offender has in finding placement, it is highly likely that many of these offenders would become transient, which would severely restrict an agent's ability to closely supervise their activities.

**7. *Restricted zones that would result if a 1,500-foot proximity restriction were adopted in relation to schools, parks, and other offenders.***

Adoption of a 1,500-foot restriction would exclude every residential area of Minneapolis and St. Paul with minor exceptions. (See map of Minneapolis school and park zones, Appendices C-1, C-2, and C-3). Again, the well-disbursed location of schools and parks in both cities would lead to overlapping restriction zones that essentially forbid any residential options in either city.

**8. *Policies adopted by other states relating to the mitigating concentration of sex offenders.***

Iowa and Alabama are two states with general proximity restrictions on the location of sex offenders (see Appendices E and F).

Alabama originally set a 2,000-foot proximity restriction from schools. This was amended in 2001 to a 1,000-foot restriction, as of July 1, 2002. It appears that this law has not yet been enforced.

Iowa adopted Senate File 2197 in May 2002 with an effective date of July 1, 2002. The law includes a 2,000-foot proximity restriction from schools and child care facilities for any offender who offended against a minor. This has severely restricted residential options, especially in urban areas. In October 2002, the first charge under this law was made. The offender was living within 2,000 feet of a school and several registered child care centers.

Additional information on Minneapolis child care centers is attached (Appendix D).

Other states have held to the position that, except for court-ordered restrictions, the state has no authority to impose residency or proximity restrictions.

## Findings

1. Proximity restrictions have been adopted in other states, but there has been little experience with actual implementation of these laws. Two states, Alabama and Iowa, recently enacted or revised proximity restrictions. In October 2002, Iowa had the first charge against an offender for violating their law. This is considered a test case for the restrictions.
2. Proximity restrictions would severely limit already scarce residential options for level three offenders.
3. There is no evidence in Minnesota that *residential* proximity to schools or parks affects re-offense. Thirteen level three offenders released between 1997 and 1999 have been rearrested for a new sex offense since their release from prison, and in none of the cases has residential proximity to schools or parks been a factor in the re-offense.
4. There is no evidence that concentration of level three sex offenders increases the likelihood of reoffense within the community. Four of the 13 level three reoffenders were living with other sex offenders at the time of their re-arrest. However, in three of these cases, the sex offenders were living together while in county jail, civilly committed, or in a halfway house. In the fourth instance, a level three offender re-offended while he was living with a level two sex offender. This offender provided information to his therapist, which eventually led to the re-arrest of the level three offender for a child pornography offense.
5. Information on sex offenders has a negative effect on the perception of safety in a neighborhood. Increased information on sex offenders has a negative effect on property values. Increased residential concentration of level three offenders – in addition to other negative neighborhood issues such as crime, housing deterioration, environmental hazards, and traffic problems – expands that negative effect.
6. Proximity restrictions will have the effect of restricting level three offenders to less populated areas, with fewer supervising agents and fewer services for offenders (i.e., employment, education, and treatment). The result of proximity restrictions would be to limit most level three offenders to rural, suburban, or industrial areas.

## Recommendations

1. **Since blanket proximity restrictions on *residential* locations of level three offenders do not enhance community safety, the current offender-by-offender restrictions should be retained.** Proximity restrictions, based on circumstances of an individual offender, serve as a valuable supervision tool. Continued use – through extension of conditional release and specific release conditions and restrictions – is appropriate. Most of these supervision proximity restrictions address the issue of the offender associating or interacting with children or minors, rather than where the offender resides.
2. **Public notification of residential locations of level three offenders serves a valuable service and should continue.** Community residents with this knowledge are able to determine what level of interaction they feel is acceptable for their family safety. The information raises awareness, dispels rumors, and allows greater knowledge of safety issues.

3. **A legislative hearing on the expansion of housing options should be held.** Appropriate housing is the key to dispersal and successful placement of the sex offender population. A legislative hearing to address all the issues related to housing of released level three sex offenders would prove valuable. The DOC is currently conducting an interagency work group on offender housing. Included in this group's study are the unique challenges of finding housing options for level three offenders. Options under exploration are public/private partnerships, charitable and nonprofit efforts, changes in policy, and other outreach programs
4. **Explore various housing options.** The interagency work group on offender housing sponsored by the DOC is approaching the need for offender housing through several methods. These methods include identifying ways to assist offenders in becoming more attractive tenants, as well as identifying ways to encourage and assist landlords in providing housing to offenders. Also, the work group is identifying various models of existing housing programs that may be adaptable to address the housing needs of offenders as they transition from prison to the community. Approaches such as master leases and "three-quarter way" houses seem appropriate for the offender population for several reasons – among them the flexibility to expect many offenders to reach and maintain housing self-sufficiency fairly soon after release.

The population that presents the most daunting housing issues is sex offenders who are identified as levels two and three through the community notification process. At present, no special solutions have been identified for this population.

Although the work group has not completed its task the time of this report, the following recommendations are offered:

- a) **Increase the number and capacity of halfway houses.** In some cases the needs of the offender and public safety are best served when the offender transitions to the community through the highly structured environment of a halfway house. Current halfway house resources are inadequate to meet the number of offenders who need services. Also, there are regions of the state that have no halfway house resources.
- b) **Provide funding to establish "three-quarter way" houses.** These houses provide another step in a continuum of housing options. Three-quarter way houses provide affordable housing for offenders and a positive supportive community within the house. There is no staff on the premises, but some degree of monitoring of the house is done by off-site staff. Such a facility also allows for an increased level of community supervision by agents, law enforcement, and the public. Most often these houses are expected to be nearly financially self-sufficient after an initial start-up period.
- c) **Provide funding for scattered site lease programs.** Housing for offenders can be economically provided by contracting with housing programs. Housing programs can lease properties from owners and sublease to offenders. Included in this plan is the expectation that the offender is assessed payment on a sliding fee schedule. It is also an expectation that the offender will assume responsibility for all housing expenses soon after release.

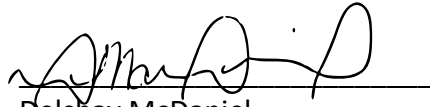
- d) **Increase funding of the emergency housing fund.** Some offenders are released to regions of the state in which there is no housing program available. Increased funds in this account will allow the DOC to provide assistance to an offender in meeting housing expenses during transition. Repayment would be assessed on a sliding fee schedule.
- e) **Evaluate the feasibility of building and operating regional correctional centers.** These centers would provide a comprehensive set of correctional services. The services may range from probationary supervision, an alternative to incarceration for short-term offenders, and supervision services for offenders on release from state correctional facilities. The services would include housing for some offenders.

### **Declaration of Delshay McDaniel**

1. My name is Delshay McDaniel. Marcus Barnes is my cousin. I speak with Marcus regularly and have made extensive efforts over the past year and a half to find housing for him.
2. Marcus was supposed to be released from prison in December 2018. But he remains in prison because we have not been able to find a host site for Marcus to live at that the IDOC will approve.
3. We have submitted 11 different potential host sites as places for Marcus to live, including my home, my father's home (Marcus's uncle), several transitional housing facilities, and several motels.
4. Every proposed host site has been rejected. According to paperwork Marcus received from IDOC in response to a request he submitted (see attached), my home was rejected because there is a daycare within 500 feet of my house. My father's home was rejected because there is a daycare within 500 feet of his home. Other sites were rejected because they are "motels" or "half-way houses."
5. Several months ago, I began working with Jordan's Dream, a Chicago-based organization that provides housing and supportive services to individuals who have been convicted of sex offenses, to try to find housing for Marcus.
6. The last address we submitted is 5726 S. Sangamon, which is a two flat owned and operated by Jordan's Dream. The address has been rejected for the sole reason that there is a "sex offender registered at this address." It is my understanding based on conversations with the landlord, Richard Boykins, that this address meets all of the other requirements for housing of individuals who have been convicted of sex offenses. It is not within 500 feet of a school, playground, daycare, or other facility that provides services to children.
7. Jordan's Dream still has room available for Marcus at 5726 S. Sangamon. I and Marcus' other family members are willing and able to pay for Marcus to live there. We have no other housing options for Marcus at this time.
8. On March 31, 2020, Marcus' father, my uncle, passed away. I unfortunately had to communicate the information that his dad had died to Marcus while he remains imprisoned at Graham Correctional Center.
9. Marcus has told me that he has heard that a prison guard employed at Graham Correctional Center has been diagnosed with COVID-19. As a result he feels that he and the other prisoners at Graham, who remain confined in units containing 20 prisoners,

are now at serious risk of contracting the disease. He does not feel safe remaining at Graham.

Pursuant to 28 U.S.C § 1746, I certify under penalty of perjury that the foregoing statements are true and correct.



Delshay McDaniel

April 3, 2020



ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Request

Offender Name: MARCUS BARNES

ID #: 201946 Living Unit: 24-B-8

Job Assignment: \_\_\_\_\_

Shift: \_\_\_\_\_

Please refer to the directory located in your orientation manual and address proper personnel.

To: RECORDS OFFICE

I request ☐ interview ☐ cell assignment ☐ visit ☐ Trust Fund ☐ purchase ☒ other (specify) I WOULD LIKE FOR YOU  
for the purpose of (explain): TO SEND ME COPIES OF MY HOSSIES IVE PUT IN SINCE SEP/11/AUG  
OF 2018 WITH THE REASON FOR EACH DENIAL FOR THE HOSSIES. THANK YOU.

[Signature]  
Offender's Signature

11/1/19  
Date

DO NOT WRITE BELOW THIS LINE

Remarks by staff (if necessary): Answered on back Remarks by supervisor (if necessary): \_\_\_\_\_

[Signature]  
Print Staff Name  
Staff Signature

Date

Print Supervisor Name

Supervisor Signature

Date

Distribution: Affected Unit

Printed on Recycled Paper

DOC 0286 (Rev. 4/2010)



Larry Rollins - Unsafe Living Conditions / Unfit - No landline phone -  
Daycare 366 ft of residence  
Delshay McDaniel - Unsafe Conditions / Unfit (DCFS Daycare within  
Gene Lampkin - Sex offender resides at that address  
Tim Mulberry - Unfit / Unsafe Conditions (Transitional Housing Facility)  
Cyndy Lynn - Unfit / Unsafe Conditions (Motel Address - Denied)  
Mr. Skylark - Unfit / Unsafe Conditions (Motel Address - Denied)  
Nure Ford - Daycare within 500'  
Ms. Elinor - After School Program located within 500'  
Sham Rock - Motel address  
Doors of Hope Halfway House - Wrong address. Location of railroad  
Richard Boykins - Sex offender registered at this address