

My son is on the registry. He is 25. I wish that I could be here today, but I am pleased that my story can be shared. As recently as a year ago, I could not speak at all. I was trying to be invisible.

My son is cognitively impaired. His verbal skills are low. His memory is poor. His functional skills are low. His mental age is that of a ten year old child.

He was arrested at the age of 21, accused of something 7 years earlier. This means he was chronologically 14. At 21, He was found unfit to stand trial by two doctors. Still he was charged as an adult.

In our desperation to keep him out of prison, we accepted a plea deal. It was clear that he could not defend himself.

He was given 3 days to move. Our home of 10 years was 11 feet too close to an in home daycare. He moved in with a relative for 10 months while we sold our home and found another. We could not rent. My son cannot live independently. He depends on us for everything. Like a child.

I want to make my house a home, instead Every Time I plant a flower, paint a room, I wonder when someone will show up and tell us my son has to move. We will have to move, possibly endless times. I am 63, my husband is 65 and his health is bad. Please consider residence restrictions and how they affect families.

I recently tried to join a neighborhood website and was denied access.

I went to a job fair for people who have barriers to employment, because my son cannot attend, it was held at a community college.

This was his first summer off of probation. He was proud of this. I spent a great deal of time researching where we could go. There are very few events that are not held at a park, school, or forest preserve. Most museums are not allowed. He shared with me that he is anxious to go fishing like he used too - when his 10 year registration is up. I couldn't bring myself to tell him this would never be allowed. Even after the ten years, nothing would change. Even though you have done everything right. I have to find a way to tell him. It breaks my heart into a million pieces. I don't know how.

We have not attended our annual family reunion in 5 years, and never will.

Any resources for residency, employment, education, socialization are now denied. A registered person does not receive help.

My son will not walk around the block with me. He runs into his room when the doorbell rings. I am afraid as well. I fear for my grandchildren who live in the area and have our same last name.

We will never go on a vacation again, he is afraid and I will never leave him alone.

Someday he will be left alone, and then what will happen to him? Who will want to help him?

He is frightened to go to the doctor. We cannot adopt a dog. Every aspect of our lives has changed.

It took me 3 years to find my voice. 3 years of meds and therapy and working so hard. I no longer feel ashamed, but I am tired of being shamed. I am tired of living in fear and constant worry.

I am actually very proud of my son. He spent his life overcoming barriers, and means to overcome this. I'm afraid he just doesn't understand how hard this will be. It feels impossible. Hopeless.

I have met many registrants and their families in the past year or so. I am a better person for it. These are people in different circumstances who are working hard to make a life and the barriers seem insurmountable, yet they keep trying, finding hope. We are punished forever, and placed in grave danger. I want safe communities as much as anyone. Including for myself and my son.

I don't know who I am quoting, "Success is achieved in any instance by having a home, a job and being united with a family" The registry makes this next to impossible.

Hello. My name is Angel.

As parents, it is our job and responsibility to ensure that our children experience life to its fullest, and as a society, we want to build stronger families. Unfortunately, being on a public registry makes my job as a parent next to impossible.

The registry has a crippling effect on my life and the life of my family.

It's hard to quantify the damage done to me and my daughter caused by the registry. It's a denial and rejection of all the things that families need.

My daughter was born while I was in the registry. I have been on the registry for 15 years now. She is a good swimmer and it is the activity most important to her. But, because of the registry I have not been able to see her swim or participate in her swimming lessons. She does not know why.

Many times my daughter and I would be driving past a park. A park that had a playground. She would see this playground and would beg me to take her there. She would be jumping on her seat, repeatedly and enthusiastically asking me to take her to that playground she had just seen. I with a great deal of sadness would have to give her the usual answer "we can't. We don't have the time". This scenario has repeated itself many times.

My personal experience on finding housing has been that most landlords do not and will not rent a home to a registrant. I have been in a desperate situation trying to find housing and most places rejected us as soon as they looked up my name on the registry. Most of the time after filling out the lease application and having a good credit they would call me to inform me that they have rejected my application. Some would tell me that my credit was good but, my name was on the registry. The fact that I was looking for housing for my daughter and I made no difference.

Raising my daughter under the weight of the registry is particularly difficult. The restrictions on living locations and distance restrictions from Schools, Day Cares, parks, play grounds and even fast food places with playgrounds make it difficult to raise an emotionally healthy child. It is hard to explain how much it hurts having other parents refuse to allow their children play or be friends with my daughter.

My family and I have also had to deal with hostile neighbors, damage to our property and vigilantism. It has manifested itself in damage to our property. Property that we had worked hard for, under incredibly difficult circumstances. We had suffered damage to our cars and house. Eggs been thrown at our cars, scratching the paint, tampering with

the fuel tank, broken tail lights, braking our house windows with a pellet gun, denting the aluminum siding. We have woken up to our windows being broken.

All this has made for a hellish, fearful and depressing life for my family and me.

One of the neighbor's son unleashed their dog against my daughter when she was just four years old. Knocking my daughter to the ground and causing her to hit her head. She was motionless on their concrete driveway when a neighbor picked her up and brought her to me. I rushed her to the emergency room.

This event made me realize how over time people can look at me and my family as less than human and therefore terrible things can be done to us without much social reproach.

I urge you to eliminate the registry and restore the Civil rights of families in the registry.

Thank you for taking the time to listen and read the many stories regarding sex offenders issues. My name is Angela Oakes (phone 217-799-5102 if you have any questions) and I have been on the registry for 6 years. I was convicted of several charges of indecency with a minor, and aggravated sexual assault of a minor. The victim was my daughter. It breaks my heart to know the pain I have caused her and the many people impacted by my actions. I know it is not something I can ever take away; however, I go forward each day doing all I can do...to live the best life I can and to help and encourage others do the same.

### **Employment issues**

I was unable to find work for over three years, even though I was fully, and at times, over qualified for a position. I did not apply to any places that had to do with healthcare, children or environment that was contrary to probation and the registry. Thank God for family who assisted me during this time. Once, I was offered good jobs with benefits until I disclosed my offense.

I was given a chance an hour away from my home and out of my county. I was registered with the county. A local police officer found my information on the registry. He harassed me at work and then went to my coworkers and other locations run by the owner to inform them they were working with "someone like me." It was after this that the police officer finally went to the owner and made sure he knew I was an offender. At that point the damage had been done and I was let go as the other employees would not work with me, even though there was never any issue of my work performance.

It took people I knew from church to give me a chance. I did do private home health care for a few individuals as I had a CNA certification many years ago. I was hired by the families who knew my background and knew me.

I recently began working for a non-profit agency for drugs and alcohol addiction outpatient treatment. I enjoy my job and the people I work with. Many do know of my background as a sex offender. My probation officer and her supervisor were aware of my position. The head of the county probation department did not like my position because of my background. He sent an email to the CEO threatening to pull their clients from our facility if I was to continue in a professional capacity at this agency. The email was not professional in nature and language. The CEO did get him to agree to allow me to continue working for the agency, just in a non-professional capacity.

This currently impacts my position as I am now deemed a "risk" to continue my employment as the CEO and board know at any time my employment may cause a great decline in clients who are referred by probation.

I believe that the registry impacts employment since it is a lifetime registry for me. No matter how much time has elapsed and how much my life, thoughts, actions are changed, there will never be a second chance to move forward in a career and society's eyes unless the laws stop being made that really do not have a statistical outcome. I don't want to be a burden on society or be on public aid. I want the ability for myself and others to be productive and assisting in keeping recidivism low.

### **Housing issues**

I own a home that has been in my family for 50 years. I have put quite a bit of work and money into the home to make it livable as it had been very run down. It is located across the street from a church. The church has a playground (private property). If the laws change regarding this issue, I have to move.

My home is across the street from a large building that was once used as a school decades ago. The building just sold. I am concerned that what they choose to do with the building could cause me to move. Anyone who chooses to get a day care license even without running one, would cause me to move.

I do not have the finances to move. My very stability of a home is in jeopardy and it is not anything I can protect myself against. It is at the actions of others. Please consider that I am trying to move forward and better my life and community.

### **Treatment issues**

I was fortunate to have EXCELLENT treatment. Ricky Williams Sr. was my counselor. He knew the justice system as he worked at a correctional facility previously and continues to teach in the criminal

justice field. With his clinical license, he was very well informed. The difference with him was he truly cared and believed that we could improve our life if we chose to do the work.

When he retired, I began contacting other counselors in the area. I did not find one closer than early 2 hours away from my home that was serious about treatment. The ones I contacted did not have a set program, did not have one that was evidence based. The scariest part is that they did not do treatment plans, did not have written guidelines for their program, did not follow the laws governing sex offender treatment providers, did not have an auditing of their program. In addition, my probation officer at the time did offer the information that these other agencies were not good with communication with probation. Worse yet, one was an officer of Illinois ATSA.

If treatment providers do not follow the laws governing them, if there is no real monitoring of services, how safe would society feel that offenders are being properly managed in society? It is important for parole/probation officers to participate and sit in on treatment groups. However, they should not be allowed to interfere with the treatment process and overrun the counselor's position and authority. This sets an example of bad behaviors and undermines the therapist's credibility. It is suppose to be (and works well) as a team approach.

### **Other ssues**

I cannot go to the YMCA, even during school hours for water aerobics for my health. There is no where else to go for this service. I am generally the youngest one there during that time of the day...and I am not a "spring chicken" so to speak. Please clarify restrictions.

With guidelines and permission, I believe it would be encouraged for people in sex offender treatment to be allowed to have contact outside of groups. There is no one that can understand what I am going through better than someone in my group and vice versa. We recognize the triggers, red flags and coping skills better than people who have not been through the intense treatment. (I even think most people would be better off in life if they went through the treatment group with counselors dedicated to the success of offenders.)

I have seen first hand from group the damage one parole officer can have on the life of other human beings. One person should never have that much control over someone else's life, even a parole officer. I am grateful for the county probation officers and immediate supervisor that I have had. Their philosophy of monitoring and dealing with offenders has helped me grow and get through this time to be a better person and contributing and productive member of society.

I hope that you were able to reach out to those who are on the registry who do not have access to the internet or other means to get the request from the task force for input. They are truly suffering as well, with even greater complications with the registry and laws. The individuals on parole really have information to seriously consider.

I do have so much more to say and want to do to help. I thank you for your time and hard work with such a large, and difficult, task.

Overall, I ask that you:

- Utilize laws that are based on evidence and not hype or fear or for political gain.
- Please keep in mind risk levels.
- **\*\*Please keep statistical data on all aspects of the sex offender life, especially suicides.\*\***  
Detailed data can provide for better analysis of the system itself.
- Please keep in mind the information in the Illinois Department of Health Division of Mental Health Recovery and Empowerment Handbook applies to sex offenders as well.
- Please help sex offenders have a real chance at become healthy, recovering people. Then we can help others do the same and seek to end sexual abuse.

Nothing I can do will repair the damage I have caused. I pray for the ability to help women not fall into the same trap I did. I pray for the victims and I pray for the task ahead of you.

Good morning and thank you for the opportunity to be here today. I'd like to tell you about my son. He is 34 years old and he offended when he was 18. He now is married and has a 4 year old and 8 month old child. He has taken full responsibility for his actions and successfully completed counseling. He has always stayed current with his registration.

In 2002, when he went to court, he was offered a plea bargain and was told that if he went immediately into custody that he would be given a lesser charge of attempted sexual assault of a minor and he would have to register for 10 years. By this time he was 19 years old and was determined to follow the rules and be the best person he could be going forward and after 10 years he would get a fresh start. Well that was not to be, as we have found out through the years, the rules change and now he has to register for life.

The story I want to tell begins when his daughter was born. Up until this time the biggest hardship was finding employment and housing, but he did the best he could and was getting by. He and his wife, along with their newborn daughter, moved into his in-laws house to try and save some money until they could afford their own place to live. He had never had a problem in the past and didn't go to the police station beforehand, but when he went to register he was told he couldn't live there because there was an in-home daycare within 500ft. The officer then followed him to the house and looked at his and his in-laws computers and walked through the house. My son was given 3 days to move.

Since they had nowhere else to go with a newborn, his wife and daughter stayed with her parents and he moved into my house 15 miles away. He would go to work in the morning, then visit his family in the evening, but he had to come back to my house at night. His wife took care of their infant daughter mostly on her own while also working 40 hours a week. This went on for most of the next year and a half. There was a short two-month time where the police department contacted him and said he could live there, but then after about two months he was told that another daycare started up within 500ft. They never did know where these daycares were located.

Luckily he was able to get a different job and he was able to live with his family again. He rented an old farmhouse where they lived for the next two years. When they were expecting their next baby then had to find somewhere else to live because the farmhouse has mold and lacked proper heating. The upstairs never got above 60 degrees in the winter.

With our help they were able to buy a house in a rural area where they only have about 15 houses within the 500 ft area. We are hopeful that they will never get that letter saying that an in-home daycare has opened because they are now 45 miles from me and it would probably end his marriage if he had to move in with me again.

It breaks my heart and his when his 4 year old daughter asks if they can go to the park and he has to tell her no. She says things like, "But I've been good". Or when there is a TV advertisement for a waterpark or vacation spot and we know they will never get to go there as a family. I fear that this is just the start of the very rough life his kids have to face for at least the next 14 to 17 years. No friends, name calling, bullying and just being rejected from society the same as he is. There will be no daddy/daughter dances, no sleepovers at their house, no daddy in the stands at



sporting events or graduation. Will they be able to adjust to that feeling of rejection? They are also innocent victims and who is going to protect them? We never knew 15 years ago that the punishment given on that November day in court would keep changing and that no matter what he tried to do to atone for his 18 year old lack of judgement, there really is no hope for him and his family to be accepted into society. If I had known I would have strongly recommended that he never got married and had a family. I myself avoid parks and schools because they are no longer happy places for me. They just make me sad.

We are asking this task force to think of the innocent lives on both sides of this issue. Don't we want to protect them all? I know that there were good intentions behind the creation of the registry but no one can say that it isn't punishment for life. Don't these people deserve a chance to try to earn back the respect of their communities and of themselves and not be labeled as the lowest of the low? A sex offence is something he did and regrets every single day. But being on the registry defines him as a constant threat to society; this is something he did not who he is today. If people knew they could be off the registry after a set number of years, it would give so much hope. I also ask you to consider that if they are legal guardians of children they be allowed to at least go on school/daycare property to pick up and drop off their children. The restrictions for housing need to be restructured or eliminated so that you don't have to live in daily fear of being homeless.

Thank you for your time today.

Bev

My name is Carol Nesteikis. I am one of the cofounders of Legal Reform for People with Intellectual and Developmental Disabilities. We are a national organization. I urge you to go to our website at [lrid.org](http://lrid.org). to view who we are and our mission. I Spoke with you in May and told you my story, it is on the website, so I will briefly just say that my son is a 30 year old who functions as a ten year old. He was being sexually molested by our neighbor who coerced him to expose himself to an underage female in the home. My son received the same conviction and punishment as his own molester. This neighbor was not someone on the registry. He was someone who suffered horrific childhood sexual abuse by family members and never received help. I forgive him. My own abuser was not on the registry. He was the friendly old man who lived next door to me when I was a child.

Our Family suffers the consequences of this conviction and punishment of the registry every day. My son and husband can no longer live in our family home with me. My son can no longer participate in special olympics and special recreation. My son can no longer work. A couple weeks ago we had our yearly visit. The visit was brief but then the detectives had to knock on doors and show a picture of my son with the words sex offender and his conviction on it to people in our complex. This act got people upset, gossiping and fearful. It is now causing problems for us. My son and my husband have lived there quietly for four years. Why was this necessary? My son is a victim not a criminal. The rules of the registry make no sense. They cause fear.

Recent studies show that these rules and regulations of the registry are completely absurd and do not protect anyone. They fuel fear and do not prevent sexual abuse. Why is it okay to live 505 feet from a school, day care or park but you can't live 495 feet. Why cause people to be homeless and jobless. It causes more problems. Why tear apart families?

Protect us from the real pedophiles, the people who create the child porn and dangerous abusers by having a private registry with the police as was originally set up. There are now children, young people, and adults on the registry for absolutely absurd things. Did you ever play doctor as a child, go skinny dipping, urinate outside? I did. In todays laws I would be a sex offender and be put on the registry. The registry is out of control. MY son is a prime example of that.

Thank you.

My name is Christopher Wujek. When I was 19, I had a consensual relationship with a girl who told me she was 18. Only later did I discover that she was actually 15. I took a plea agreement because I had no family support, no money for a lawyer, and the public defender that represented me scared me into the agreement and never informed me that I would have to register on a public registry. I spent 2 and a half years in prison - little did I know that things would get even worse.

After my release, I could not get a place of my own because of the registry. Fortunately I met a lady who heard my story and allowed me to register at her address and stay with her and her family. She believed in me and helped me find employment by referring me to friends.

Today, I cannot go to a park to play basketball because of the restrictions of the registry. I live in fear every day that at any given moment someone will find out I'm on the registry and will hurt my family or our home or cars parked in the driveway. Three years ago a neighbor in our townhouse community sent out 200 letters to our neighbors telling everyone a sex offender was living in the neighborhood causing fear and panic in our community. This caused me and my friend and her family great deal of anxiety and fear.

Two years ago we moved into a new neighborhood. A few of the people who live around us told us that they got an alert on their phones that a sex offender was moving into the neighborhood with our address on it. Many of our new neighbors refuse to speak to us causing us isolation and sadness. I have no idea what will happen to me if my friend decides she doesn't want to be associated with me any longer because I am on a public registry.

I have read many stories of hate crimes against people on the registry where sex offenders have actually been killed.

When I was young, I committed my offense. But I will pay for it the rest of my life even though I served my time. I work hard to be a productive member of society, but the registry makes it next to impossible.

Dear Sex Offender and Sex Registration Task Force,

I was disappointed to miss your meeting last week September 20, 2017 to give my testimony in person. However, I am very grateful to have the opportunity to submit a written testimony.

June 2, 2016 I met a guy, we hit it off right away. After of month of dating he told me he was a registered sex offender. I was shocked, I thought I found the perfect guy. He is college educated, smart, chivalrous, and courageous.

When the public thinks of sex offender we think of someone who is a monster. Someone who attacks an individual and performs a vile sexual act. My boyfriend told the entire story of what happened. He was eighteen and slept with his high school girlfriend. Four years later she accused him of rape. He proved he didn't rape her. He got a plea deal with no jail time and 10 years on the sex offender registry.

When we met he only had a year left on his sentence. I felt that I could handle this. He made a big mistake and he was honest with me. I even went to the courthouse, pulled the case file and read everything.

June 2017 came and the state decided that he's sentence was incorrect. They wanted to re-sentence him to a life time sex offender registry. Two months later after talking with the states attorneys he received a letter saying he had to registry for life. He was told he missed a court date. He never received the notice and after consulting with his attorney the lawyer came to the conclusions that the state could do what they did and he could nothing about it without reopening the case. Which could potentially get him jail time. We couldn't risk jail time, so we gave into what they wanted and now he has to register for life.

We talked about marriage, children, and a future home. And everything came shattering down with his new sentence. How can the justice system be so harsh? I could understand if someone was a repeat offender, but someone who served there sentence and then they get re-sentenced. The justice system doesn't forgive and they've painted an awful picture of sex offenders.

During this ordeal he lost his job. Even though he has a college degree and is smart. He can't get a job that pays decent, keep a job or a get job where you can work up the corporate ladder for a promotions. When he does get a job it isn't long before everyone in the office finds out and he's alienated and shortly after he loses his job, along with his health insurance.

He suffers from social anxiety. When we go out he constantly has his guard up. Everytime he meets someone new he's worried to give them his last name because they'll eventually google him and then make an opinion of him based on a public website that someone placed him on. Everyone judges him for a mistake he made in his past instead of listening to his story and making their opinion of him based off of what he has become.

The current laws aren't working. They are distorting not only the sex offenders lives, but also there friends and family. Not only is a sex offender a black sheep in today's population, but the people that stand by and support them are also becoming black sheep in today's communities as well.

Can you imagine having to watch over your shoulder for the rest of life over a mistake you made when you were eighteen?

Thank you for taking the time to read my testimony

Sincerely, Christine Dorth

Obviously after living for 62 years there is a lot that I could include here but that are irrelevant to the purpose here. The following is background information about myself.

When I was 2 my father died. I remember going to the funeral and getting very upset when I touched his hand in the casket and found that he was cold. I include this because it is the earliest memory that I am able to recall.

When I was about 5 my oldest brother gave me an electronics kit to build. Over time he gave me several others including a 50 in 1 project kit and other transistorized electronics kits. When I was about 7 my mother and I moved to Austin Texas.

When I was 8 I had a male teacher at school. He sodomized me and other students in the bathroom. One day the girl that sat in the desk in front of mine (her name was Ester) came back from the bathroom with tears running down her face and I talked to her about it and decided that I needed to do something about it. I reported it to my mother and she took me to the police and the hospital where it seemed like they tortured me 10 times what the teacher had done to me. After a few days of no school we had a substitute teacher for the rest of the year and it never happened again. I forgot all about it.

This school recognized my talents with electronics to figure things out and put me in charge of all of the school's new electronic equipment and had me teach the teachers how to use the equipment. During summer I went to some electronics class summer camps where I and about 5 other boys tore apart and built radios and TV's and received more advanced training in electronics theory.

A few years later my mother was diagnosed with a terminal illness and decided to move back to Illinois. First she moved to Elgin and I attended the rest of 7th and 8th grade there.

Before 9th grade started we moved to Normal. I attended NCHS and took every electronics class they offered and took advanced math and science classes. I met my best friend in high school electronics class. I was the school expert with everything electronic and spent study hall time in the library and was active in AV club.

When I was 12 I started going to church but didn't really get the message till I was about 16. Then a kid at school started talking to me about God and Jesus. At first I thought he was just weird but he was persistent and gradually got my interest. He invited me to some church youth activities and soon I accepted Jesus and was saved and baptized.

I graduated from high school, married, and had 3 children. The most rewarding part of my life was teaching and raising my children. We thought we would have at least 6 children. My oldest and middle sons were both very bright and when my middle child was 7 the school insisted on him being tested because he was not paying attention in school. He was tested with genius IQ and tested "post high school" in reading, math, and science. He could work complex math

problems and they were trying to teach him that one marble plus one marble equaled two marbles. I taught my children everything that I knew about computers and programming and they soon knew more about them than I did.

I attended church and so did my kids. Just before my 3rd son was born my wife's father died of a brain tumor and shortly after my 3rd son was born my wife left me and divorced me after 13 years of marriage. After the divorce I had the kids most of the time but there was a lot of back and forth every week. I tried to be a good father and my kids always told me that they thought that they had the best dad. After my youngest sons were in high school, I was working a lot of overtime to try to make ends meet and my sons did have a lot of time at home where they were unattended. This was the case both at my house and at their mother's house. I had 9600 baud dial up Internet and so did their mother at her house.

They started getting into stuff on the Internet that they should not have (cp) and they were doing it both at their mothers and at my home. When we (their mother and I) discovered it and thought that we put an end to it, what had really happened was the kids just became more covert about what they were doing and covered their tracks well enough that we thought the problem was resolved.

Several years later my mother had to stay in a nursing home.

I then had to go through a lot of her things and found some documents that she had kept. One of the things was some stuff about what had happened when I was 8. I had not remembered any of that until I read the documents that she had kept and then I started remembering all of it.

One day when I arrived at home I found an Internet news reader program running unattended and connected to the dial-up Internet. It had been downloading adult pornography and advertisements for prostitutes. Apparently My middle child and or youngest had started it and then left the house. I had never before looked at pornography of any kind but as I looked to see what they were downloading I was curious about it and about the prostitution. I sent an email to one of the ads and soon discovered that the man that I was communicating with was running a child prostitution operation.

I became so upset and angry and remembering what I had been through as a child I wanted revenge and I wanted to get this man (in my subconscious mind feeling that he had done that to me when I was a child). I continued emailing him for almost a year trying to get his confidence to the point where I could prove what he was doing and make sure that he couldn't get away with it any longer. During the time I was communicating with the man I never ask for sex in any way, I was just always asking questions about what was he doing, where was he, where did he get the children, about the children's parents, and saying that I would like to meet him and the children but I never said I wanted any kind of sex.

I hated the man that had abused me when I was young and I hated this man for what I thought he was doing to dozens of children that he said he had. As he explained that he had been doing this for a very long time I also became upset thinking that the law enforcement people were letting him get by with this for so long. He explained to me that he had a lot of customers that were police officers and judges and so he had control of them.

I was so angry and hateful toward him that I wasn't thinking clearly. I thought that I could make a big difference and that I could do what I thought law enforcement had been failing to do since I was a child until now.

Eventually I was arrested because the man was actually an undercover police officer.

The police took all of my extensive computer equipment and spent more than 2 years searching it. During their search of the computers they made a mistake and connected my computer disk drive up as the destination and their police computer as the source and started copying files from the police computer to my computer (according to their testimony in court). After a couple of minutes they discovered their error and they claimed in court that they fixed the error. Shortly after that they discovered some child pornography files on my computer disk drives and added more charges to me.

The files may have been downloaded by my kids or may have been copied from the police computer. At this point it would be hard to tell. The police convinced the judge that they must have been put on my computer by me. When my kids were confronted with the police reports they admitted that they had been collecting the picture files which included pornographic pictures of children their ages and that they had tried to hide them from their mother and I. They even admitted that they had cp saved on removable zip disks and thought they were not on the hard disk. The police didn't take the zip disks because the disks were in my son's lockers at school not at my house when the police arrived.

Those disks were given to my attorney along with letters where my kids told their story of the events that had happened. As far as I know the attorney had those disks destroyed. He said that none of that could be used in my defense because it would result in my kids being charged as adults with possession of child pornography. Something that had already happened to other youth in the central Illinois area. My x-wife even offered to testify that she knew that our middle son and youngest had been downloading the pornography that included children and that we had both taken steps to put an end to it but had been unsuccessful. The judge refused to accept her testimony into record.

I was charged with indecent solicitation of an adult to arrange an act with a child (under a law that was rescinded by lawmakers just one month after I was charged), Attempted predatory criminal sexual assault, possession of child pornography (under a version of the law that was later found invalid), and distribution of child pornography (which I was found not-guilty of). While there was no child and there was absolutely no mention on my part in any of the emails or in the



(word for word) transcripts of my conversations with the undercover police officer, of sex, the prosecutor alleged in court that I must have wanted to commit multiple acts of penetration with a child or I would not have been communicating with the undercover officer and had computer files that contained child pornography on a computer in my home. If I could have retained effective counsel I have no doubt that I could have had the convictions reversed. Even now I have been told by an attorney currently in private practice, that was the assistant prosecutor at the time I was on trial, that if I pay \$200,000.00 to her then she believes that she can get my convictions cleared. Much as I would like to do that, I can not afford to spend that amount of money.

I had a bench trial and was sentenced to prison. As part of the sentencing process the judge required I be examined by psychiatrists. The two that examined me and examined all of the court records, both concluded that the court was wrong in finding me guilty and that I was of low risk of ever offending again. They said that I would be the same risk as the average citizen. This was even with the factor that the court had convicted me of the charges. If it had not been for those convictions I would have been rated as very low risk, lower than the average citizen. The judge ruled that other than the prison time, community service time, and probation, there would be no other restrictions on me. He even said that I would not be required to register as a sex offender. At that time the judge thought it was up to him to decide such things on a case by case basis. While I was in prison the Illinois legislature decided to change the laws and by the time I was released (about 10 months later) they required anyone convicted of any law related to any sex crime in any way to register as a sex offender and that anyone convicted of any form of possession of child pornography would be required to be listed as a sexual predator. The requirement became 10 years of registration. Later it became lifetime registration.

I served my time in DOC and had the opportunity to witness to other inmates and provide some Christian guidance and support to them.

8 days after I was released from confinement by the Department of Corrections I was arrested again, for allegedly failing to register as a sex offender, and spent another 2 months in prison. Eventually the new conviction was reversed by the appellate court.

It was during that extra time in prison that God really reached me and told me that I must forgive all who had sinned against me.

Matthew 18:21-35 along with other verses speaks strongly on this.

This includes the prosecutors, the police, the judge, the school teacher that abused me, and all that had done me wrong.

All of them.

Holding nothing back.

Most recently I was a passenger in a car driven by a friend. While on the way to the secretary of state's building, we passed by a school that was just letting out from class, due to heavy traffic

the driver decided to turn around and find another way to get where we were going. As they turned around the car, a nearby resident recognised me in the passenger seat from seeing my picture on the Internet and called the police. The police then arrested me and charged me with loitering within a school zone. It took a year to get a trial and the Jury trial found me not-guilty. I only wish I had not been talked into giving up the right to a Jury trial for the previous case, I am now more confident than ever that the American Jury Trial is the only way for an innocent person to stand trial and get a fair trial.

All throughout my life I have felt blessed by God. He has taken care of me and blessed me with talents, great children, and many opportunities to serve Him. Life has presented me with many challenges but I have always turned to God for answers.

My work life is one example of God providing. I began working while in elementary school delivering newspapers early in the morning. I worked to help my mother pay rent. During high school I worked at A and W root beer and McDonalds. After high school I worked for 2 years at ITC doing final test and repair of electronic equipment. A job that I did not search for but rather they found me based on learning of me through one of my high school teachers. After I was in a car accident, where my car was totally destroyed but I was miraculously still alive, I lost that job because they had to replace me to keep production running. I soon was hired by NCR corp. I was the only non college grad they had ever hired. They were so impressed with me they gave me a 20% raise after 30 days, and then another 15% after 6 months. I worked there 13 years and then was let go with 33% of the work force. I worked for a few months for a locksmith then a few months for ABC TV.

I was then hired by Bradley University for half the money I was making at NCR. A blessing in disguise. I got to take free college classes and learned so much there including the birth of the Internet and the world wide web. After 5 years I was contacted out of the blue by a company that offered to double my pay, I accepted and worked as a contractor for CAT in East Peoria. They provided me with one week of training for every 3 weeks that I worked there. Each week of training cost them about \$10,000.00

After 2 years at CAT they decided to eliminate contractors and I was immediately hired for twice the pay by a company in Bloomington to work on contract for State Farm. It was about a year later that I was arrested for what I already described above. I was terminated at work even though my sister posted bond and I was released from jail and wouldn't have missed any work. The day after I was terminated I was contacted by Illinois Power Company to work for them on contract for twice what I was making at State Farm. I took that job and worked there two years while trying to fight the criminal charges against me. After 2 years Illinois power was bought by a new company "Dynagy" out of Texas and I was terminated. Just one day later I was contacted by Edward Jones to come work for them at about twice what I was making at Illinois Power. I took the offer and started working there 2 days later. They were so impressed with my ability to solve network issues and to design new and better networking technology that they came to me after 13 months and told me that they wanted to increase my pay. I said that was

not necessary. They said that they wanted to make sure that I would not leave and go to work for anyone else so they wanted to double my pay to \$600,000.00 per year. During this time I was convicted of the charges by the judge (no jury) and sentenced. A few days later I was terminated just a couple of days before the sentencing hearing because court services contacted Edward Jones to verify that I worked there and to verify the 2 pay stubs that I had given to them that each showed \$15,000.00 pay per week. After I was release from prison no one would hire me because of me being on the registry. Still I had savings and was able to live for several years without doing any paid work. I did a lot of volunteer work for no pay until even that work started requiring background checks.

My medical records dating back to 1998 show that I had an irregularity in my heart. Over the years this had gradually gotten worse. In 2006 I was in 2:1 av block with a heart rate of 20 beats per minute. A dual chamber pacemaker was implanted in me and I was told that I should not work around electrical equipment or anything with a magnetic field or that generates electromagnetic energy because I was 100% dependant on the pacemaker and if anything interfered with it that I would die. In 2007 while I was sleeping my heart went into v-fib.

According to the medtronic telemetry I was clinically dead for 6 hours and it is impossible for me to have survived. Yet I did survive and seemingly without noticeable brain damage.

In 2007 I attempted to apply for Social Security Disability at the local SS office. Somehow the SS records indicate that I only asked about applying and they did not actually take my application that day. Later when I tried to follow up on the SS benefits I discovered that they not only didn't have my application on file but that after December of 2007 that it had been too long since I had worked to be eligible for Social Security Disability based on my earnings but since I was considered medically disabled that I would receive benefits under SSI. I was told that I would still receive full benefits starting at age 62 under Social Security based on my previous earnings.

I began living on money from my NCR retirement fund plus SSI plus money I borrow from banks, friends, and relatives. But then after a few years I was told by someone at the SS office in Bloomington that due to a popup they got about me they had stopped my SSI and they had put false information in my file to make sure that I could never get SSI again and they told me that there was nothing that I could do about it. When I reach age 62 my Social Security retirement will begin and I expect to start repaying those loans. I don't have significant assets outside of my house and home furnishings but my house and contents should amount to about \$280,000 less about \$150,000 in liens against my property.

I can never sell my house or move because in my current home that I bought in 1998 I am grandfathered and can always stay here even if a school, park, or daycare opens up next door. But if I ever move then I could be forced to move again by any neighbor just starting up a child care in their home or a park or school being built nearby. This has happened to many people that I know, being forced to move over and over again due to a new daycare opening up near

their home.

Right after release from prison I talked to the pastors at Eastview Christian church about my past and they welcomed me to attend and serve there. I became very active in the ministry there and helped with technical things at the church. Then one day a woman who lived across the street from me saw me at the church working in the electronic equipment room and made an issue that I should not be there because of the information they found on the Internet. The church then decided to no longer have me serve there and restricted me to only attending the Sunday morning service and needing escorts at all times. They said that unsaved people might not come to church and hear the gospel if they knew that a sex offender was working there.

Other than my sons and 3 best friends, all of my other life long friends and relatives that know about my past have died. My brothers and sisters that knew have died and my aunts and uncles that knew have all died. There are a few other people that know such as a couple of acquaintances. One who I had never met before one of my close friends died, is a person that has known of me and I have know of her for many years but we never met or talked. I understood that she did not want to have any contact with me because she believed I was some kind of monster based on the charges and information on the Internet. When we met at the church after the friends death we didn't know who each other were. I believe she has come to realize that I was wrongly convicted of the criminal charges. She recognizes me for who I am now rather than who I might have been 18 years ago based only on the equivalent of gossip in the sex offender registry.

I am a Christian. A sinner redeemed by God's grace through Jesus Christ. I am not and have never been a sexual predator, or a person that has ever or would ever think of doing harm to another person. I have never and would never think of having sex with a child under any circumstances. I have never and would never think of having sex with any adult without their consent. I do not have any interest in child pornography.

It is the Holy Spirit that I credit for the good in me. Without the Holy Spirit I would be nothing. I never thought that something like this would be a part of my life but it is. I am trying to move forward now. It is very unpleasant for me to have to revisit the past events but I write all of this here to broaden your understanding of me and to be open with regards to my past that you will know that my intentions are good.

I also would like to share about my job search the last 16 years. Because I have credentials showing that I have the industry's highest level certification, and I have lots of good recommendations from former employers and co-workers. And I am regarded as one of the best in the world at what I do. I have been contacted almost every business day by a company interested in hiring me at 6 figure incomes. In over 300 attempts I have been hired and then fired before the first day at work once they learn that I am on the registry. Even places that have said that my felony convictions are not a problem they can not get past what they read on the registry. The Illinois public registry that says I had a 13 year old victim, in the case that the

judge confirmed on record that there was no victim in my case. While I earned over \$300,000.00 a year before the public registry, and paid about 33% of my income to the federal and state governments, I have not earned anything or paid any income taxes since being listed on the public registry. If I had continued to work and received no raises I would have earned 300,000 dollars times 16 years = 4.8 million dollars of lost income. I would have paid 1.8 million dollars in income taxes in that time. Due to the PUBLIC registry I earned zero and paid zero.

Who is the victim in my case? Please end the PUBLIC registry. Please end the inhuman restrictions that violate the U.N. UNIVERSAL DECLARATION OF HUMAN RIGHTS.

<https://fightawa.org/declaration-of-human-rights-by-eleanor-roosevelt>

While I have not given names here I know that it would be very easy to determine my identity because of the amount of personal information given here. I ask that you please do not put my real name with this document or share all these details with the media.

— Should jails and prisons punish people? Should they serve as a deterrent to crime? Or should they try to rehabilitate people — and help them get back on their feet? New York Times, 2015

To the members of the Task Force:

As a former television news editor in Chicago, I understand the hot button issues of sex crimes and predators. These are the kinds of stories that evoke a huge emotional response from the community. But as I review the law regarding mandatory supervised release (MSR) and residence restrictions, I find them to be prejudicial and uncompromising.

Your own research indicates that “residence restrictions do not decrease sexual reoffending rates”, and that the consequences include homelessness and loss of support. Yet the rules governing residential placement are almost impossible to adhere to. There are no halfway shelters for this kind of criminal. And not allowing an offender to return to his family because of those restrictions places an undue burden on all of the people in that offender’s life who stand ready to help and uphold a just parole status—which this is not.

I will speak specifically now about my cousin, Max Estes. In no way will I attempt to offer mitigating circumstances. He was convicted of a crime (possession and downloading of illegal pornography) and he has paid dearly with a loss of his freedom and his future. His parents and his family stand ready and willing to help him adjust to life on the outside. They will make certain he continues to receive the help he needs both as a victim of a sexual attack and with his addiction to images of a criminal sexual nature. They will provide a loving and stable environment —something that should decrease the likelihood of recidivism. It has been suggested that “tailoring restrictions should be appropriate to the offender.” I believe this to be true.

While some offenders should require more supervision, the lifetime MSR restriction is cruel, especially to someone previously given a three year probation as part of his sentence. If the goal of prison is punishment AND rehabilitation, this is indeed unfair. It’s like trying the prisoner twice for the same crime. I understand the need to keep a community safe and that the public can be justifiably vocal, but for someone to get one sentence and then in the middle of his incarceration, find that is insufficient, is unfair, especially to a model prisoner who is repentant and committed to his own rehabilitation.

I pray you will reconsider cases such as Max’s on a more individual basis when reviewing residence restrictions and lifetime MSR. Removing the label “sexual predator” and revising the laws governing a former prisoner’s reintroduction into the community would be a humane and welcomed approach. We, his family, stand ready to do our part.

Thank you for your consideration.

Deborah M. Segal

Hello. My name is David, and I am listed on the registry.

I first had to register in Joliet and it was a horrible experience. The detective in charge told me I had to pay \$100 which I did not have since I had just been released from prison and had no job yet. I talked with my probation officer who told me what to say, so I went back to the police station, said what my probation officer had said, and was still given a very hard time about the money. I thought I was going back to prison over \$100.

Another time I went and did my registration I was told that they lost it and I had to go back and do it all over again.

I was able to find employment at a grocery store. Before I was hired I told them I was on the sex offender registry and the manager said he did not have a problem with that as long as I was doing my job. One day after arriving to work I was told by one of my supervisors I was being fired because it was too high a risk for them to keep me. One of my bosses stood up for me but it was not enough. So after employment of only 30 days I was let go just because I had to register. I then had to move out of my apartment because I could not afford the rent and utilities.

I ended up at a catholic shelter In Joliet and changed my address on my registration. The next week the police came to the shelter and told me that the city was setting up a park nearby so I was now within 500 feet of a park and had to move. Through the help of this shelter I have been able to find a place at Wayside Cross Ministries in Aurora and they are helping me.

Like everyone else, I need to work and I need a place to live. I am willing and able to work hard, but finding someone who will hire me is very difficult because I am listed on the registry. I ask that the task force consider the harm that registries do, and to please consider a better system that treats everyone more fairly.

Thank you.

September 21, 2017

Task Force Public Comments

To Whom It May Concern:

I am a clinical psychologist. I am writing this letter to support my client, Mr. Max Estes. Max is finishing up his 3-year sentence at the Lincoln Correctional Facility for a case that was based on frequent visits to and downloading from internet child pornography sites. He is due to be released from prison next week.

Max brought his crime to my attention on July 13, 2013, after being arrested. I have stayed current with Max before he entered prison, and for the 3+ years he has been incarcerated. I even visited Max two times at the prison, and wrote and received frequent letters with Max on a monthly basis. In my understanding, Max has been a model prisoner and taken every opportunity to better himself so as to never commit such a crime again. He continues to believe in himself and seeks to be a good person and good citizen. In my clinical judgment, Max has redeemed himself and has felt very remorseful for whatever happened. In addition, he lost his life, his profession, and so much more as a result of past decisions regarding his crime. I would like you to rethink the excessively harsh and unrealistic further punishment that the regulations present for Max and his struggle to restore his life. They will further limit any chance that Max has to return to a life outside of prison.

Here are my impressions of Max Estes, and I will describe his character, further explaining why I believe he fell into this immoral and illegal behavior. Max is a really good person, who fell into a bad pattern of internet behavior. I fully believe that Max has never and would never scare, harm, or even address another human being in a threatening way. He is not in the category of a predator, and is a meek and shy individual. I do not believe he could ever be a danger to others. I agree that seeking internet child porn is a horrible crime, and that it indirectly supports a predatory and deplorable industry. I really believe Max did not fully comprehend the gravity of his past behavior in this regard for various reasons. He has come a long way in his life. As a teenager, he suffered from years of being bullied, and severe hazing from fellow sports team members many who involved themselves in raping Max. He was traumatized from this, and has suffered from anxiety and depression over the years. Max also has attention deficit disorder, and he had to work very hard to achieve a successful college degree. In his work life he had helped a lot of people in his profession. Max always held jobs, and was very responsible. He has always been someone I hold in high regard. He has a strong work ethic, and comes from a good family. He always presented himself a kind, gentle and compassionate person. He respects rules and follows authority. He never engaged in alcohol or drug usage, and he is morally knowledgeable and fit. Again, I want to emphasize that I fully believe that Mr. Estes would never hurt or seek to disturb another person. I believe that he would never seek to be a predator or harm a child, let alone an adult. I cannot imagine that Max would ever visit a child pornography site again. He is fully aware of what is expected of him and ready to fully comply with the law and rules of parole.

I ask that you present Mr. Estes's case as a special one, due to his challenges as I presented above, but also his true sincerity in wanting to re-establish his life, work hard, and to try to better himself. I really feel he should reside with his parents. He would be in really good company and I can work with him weekly to help him get his life back to good order. We have tried for months and cannot find a residential place that is suitable given his crime and the all the restrictions. I can be available at any time to talk, and to assist in Max's successful release next week from prison. Please feel free to contact me any time at (847) 205-9605.

Thank you for your time and consideration.

Sincerely,

Ben Allen, Psy.D.  
Licensed Clinical Psychologist  
IL License # 071-005914



To the Members of the Sex Offender Registration Task Force:

My husband pled guilty to a crime when he was barely 19, with the victim being 20. He had an awful childhood and was addicted to drugs, but he has gotten clean, accepted his mistakes, and tried to become a better person. He served his time in prison and successfully completed therapy and parole, with numerous letters of recommendation. He is now 33 years old and has joint custody of his 15 year-old daughter.

As for myself, my greatest crime ever committed was a speeding ticket, and I am a Licensed Clinical Social Worker who regularly does charity work and tries to help others.

The sex offender registry, as it is currently being implemented in Illinois, is not helping anyone at all in my husband's case and instead is actually making things more difficult for him, his daughter, and me. I met my husband in a public place and never once thought to check the sex offender registry before dating him. The only reason I even found out that he was a registered sex offender was because he told me so himself. Had my husband actually been dangerous, the existence of the registry would not have protected me.

Since he is NOT dangerous, the only things the registry does in his case are to make it so that: he cannot attend his daughter's dance recitals (which are on park district property); we cannot engage in healthy family activities such as trips to local forest preserves; we regularly feel anxiety that a new neighbor might stumble upon his name on the registry and decide to harass us as a result; and if he and I have children, not only will he not be able to do regular parent-type things with them, such as take them to a park, but our children will be at increased risk of being teased, bullied, and isolated by people who see their father's information on the registry. (I also think it is worth noting that the father of a former classmate of mine is a registered sex offender for a crime involving a child, and ever since discovering that information, I have wondered if my classmate himself was also abused by his father. It seems incredibly unfair to the children of the registered sex offenders, who have not committed any crimes, to be left open to such speculation.) To add insult to injury, my husband is required to pay \$100 every year to register, despite having very few job options and therefore working in a low-paying job.

To make matters worse, not even the local police officers know what the exact laws are regarding the various types of sex offenders, so my husband and I have been faced with dilemmas such as: Does he go to his daughter's school activity on a Saturday, despite knowing that if a local police officer mistakenly (since he is not a "child sex offender") thinks that he is not allowed to be there, he will have to sit in jail until Monday when the local police department can get hold of the State police to clarify the law? At a couple of the towns in which he has lived, the officers have also initially told him that he could not live in his chosen location, because it was near a daycare. Each time, he had to undergo the time and stress of facilitating the accurate exchange of information between the State police and the local police before he could complete his registration. (That being said, the State police and one of the officers in particular have been very kind and helpful, which we greatly appreciate, since some police officers treat my husband poorly as soon as they learn of his background.)

Lifetime registration did not exist when my husband accepted his plea bargain. When he accepted it, it was because he wanted to get out of Cook County Jail (which was incredibly

dangerous and corrupt at the time) and begin serving his sentence, so that he could get on with his life. I doubt he would have accepted the plea had he known that the laws would change in such a way that he would continue to be punished for the rest of his life.

The registry has also had quite a large negative impact on my life, both for the reasons outlined above and simply because of the constant added stress and fear of negative public or police reaction which it places on our family. It has had such an impact, in fact, that I have been reading about your Sex Offender Registration Task Force fairly regularly, with hope and cautious optimism. Some of your notes mention that the public perceives that the registry is beneficial, even though research seems to indicate otherwise. I can understand, therefore, why your minutes suggest that you might recommend shorter registry durations, rather than getting rid of the registry altogether. That is all right with me. Although the registry seems to be ineffective and wasteful, my main concern is that the registrants and their families need to be allowed to have a feeling of hope that after “x” number of years they will no longer be required to register. Lifetime registration takes away all hope, and, with it, likely the motivation for many registrants to continue on the straight and narrow in the anticipation of a better future.

I would also like to suggest/request that you recommend that the law prohibiting “sexual predators” from being in forest preserves or on park district property be removed. My husband’s crime happened at a night club with a woman with whom he was acquainted. Preventing him from going to forest preserves with his family is in no way related to his crime and instead makes it so that one of the easiest healthy forms of exercise and stress-relief is not available to him. (It also greatly frustrates my mom, since it rules out most of her favorite locations when she is trying to plan a family outing.)

I can understand lawmakers forcing some individuals to sacrifice for “the greater good,” but restrictions such as these do not actually help anyone. Anyone who would attack a woman in a park will not be deterred by registry restrictions, since the crime being committed is far worse than that of violating the registry. In the meantime, the restrictions do great harm to families such as mine.

Thank you very much for your time and consideration, as well as for your work on the Task Force. Finding out about the establishment of the Task Force gave me hope I have not felt since before we found out that the sex offender laws had been made harsher and longer-lasting, and I appreciate all the effort you are putting into making reasonable recommendations.

I would prefer that my name and contact information not be made public, but members of the Task Force may contact me at any time.

Sincerely,

Erin Scott, LCSW

I served a five year sentence in IDOC for my crime. After 5 years, the Field Services could not find me a place to parole to so I spent an additional year in prison for parole time.

I was then released to Wayside Cross Ministries in Aurora, IL. I had been given the impression that I needed to register once a year for life. After I got to the Aurora police station to register for the first time, they (APD) told me I need to pay the \$100 registration fee to register annually or register every 90 days. I had no money so I must do it every 90 days.

I did that twice and then misread the date and showed up 5 days late (Due to the small print I thought the date was the 18 when it was actually the 13th.) I was arrested and spent a night in jail. I was released on a personal recognizance bond but the case is currently ongoing.

I live and am part of the program at Wayside, which provides room and board, shelter, and all meals, and slowly helps people reintegrate into society after learning about Christ through the Bible. I am part of the work program here. I do not get paid nor do I have any income at this time. It is very difficult to get to court and also to get to the police station to register. I want to do what is right but everything is so difficult to get done.

I ask that you please consider the difficulties face by those of us coming out of prison who also are on the registry.

I first want to thank you all for the effort you have made in this last year.

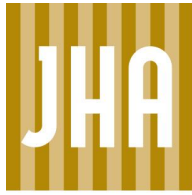
I have been to these sessions throughout the year, I have listened and I have taken notes. I do this because I have a family member who is in the system. One who is not able to come home to her own child, or ever expect to live a normal life again. The processes in place, from sentencing, to parole, through release and registry give no chance for Good people who make bad decisions to ever make amends for that mistake. We as a family are dealing with the prejudices put on this particular group of individuals. As we have heard the last year through all the experts and all the studies done, there are significant differences between the actual people, and the labels that are put on them.. Labels allow ignorant people a chance to categorize beyond actual realism. If you interact with an inmate listed as a Sex Offender, you will know they are only viewed by the label. They are limited in programs and freedoms, viewed with more scrutiny than any other class of offenders.

I am here for a chance, prior to your final documents, to speak about dealing with the injustices facing sex offenders in sentencing, and parole. We have not gotten to registry yet, but we are fully aware of what is coming. Our family member incarcerated is a female. She has been in a state facility for 20 months. She has been a model inmate. No infractions, working, (one of the few a sex offender is eligible for) and kept for a couple of extensions, recently eligible for an Honors housing, and petitioned by a supervisor for a new internet based work study program to prepare inmates for sustainable work outside prison when they are released. All this and yet, when eligible for parole in the next couple of months we have the reality that she will not be released. She will have to max out her sentence. Her parole hearing is coming up, so an agent visited our house. He had no more than walked in the door for less than 30 seconds and announced: I have bad news for you. This house will not be approved, and proceeded to rattle off numerous reasons- Sex offenders cannot live in a residence with dogs, no contact with children (not even her own child), no computers, no children's items, like clothes, books, movies. Along with all the other standard limits. We asked why no dogs? and also stated a pre-trial DCFS evaluation was done which found an adequate household with no concern for the accused own child. so why not the inmates own child, or children's items? The answer was. We make our decision based on DOC policies which apply to all "sexual" convictions.

We checked with legal counsel, and we received the response. DOC is in charge of parole via the parole board and a parole agent is an extension of the DOC as a whole. If an agent comes to your residence and deems it unacceptable. It does not matter, how model an inmate, how upstanding a citizen prior to conviction, how regarded you are by prison officials, what any other agency findings were, or how regretful and understanding you are deemed by counselors. If parole agents and thus DOC come out and say the place you wish to live is unacceptable for any reason. The parole board is going to follow their recommendation. Looking further into this and asking why does DOC wield that much power. We were told, DOC has the ultimate decision. It does not matter how you interpret the law,, it does not matter what a lawyer says, it does not matter what a Judge says. DOC has the ultimate say. 730 ILCS 5/3-3-7 7.13 para. 15 states; must follow the instructions of parole agent and conditions can be changed at any time. 7.6 b-1 Par 1 states: where you live must be a department approved location. DOC continually states." That is our policy".. "That is the policy we follow", "that is what we interpret into our policies".. With what we learn as a typical American citizen, who believes in our constitutional rights, you ask. So what?? Policy is policy, the law is the law. But with simple statements written into the law, DOC and the parole board have the power to make any determination they wish.. they can act as the dictator, judge as a god, and get away with whatever they feel is policy with no real accountability.

So I ask this task force for your recommendations, to start in some way by making DOC, and the parole system accountable for their decisions. Make them answer to why they deny housing. Make them understand that not all sex offenders are the same and should not be lumped into a single bucket. There seems to be a disconnect between the law, the state (DOC), the justice system, and the ultimate decision, which is left to one likely over worked, understaffed unit of DOC. This is hurting some decent people and really encroaching on basic constitutional rights. Parole is suppose to be the time given to re-hab and get re-acquainted with society. Start the registry process, Give you a chance to prove you can be trusted. If you cannot get released on Parole, just because of the label, it is just that much longer you linger in the system.

I have brought with me , and can give anyone who wishes a current case that is in procedures right now. You can view this as an example that will support everything I stated here. We personally are not at the point of this case yet. But we, and others following us are contemplating these same procedures. It seems like this is the only way to get the State of Illinois' attention to these issues. I hope you as the task force can help support us as you present your action items to the legislature.



# John Howard Association of Illinois

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## **JHA Public Testimony for the Sex Offenses and Sex Offender Registration Task Force**

September 20, 2017

The John Howard Association of Illinois (JHA) provides citizen oversight of the state's correctional policies and practices, and works for criminal justice reforms to create a fair, effective, and humane system.

JHA has long urged Illinois to revisit the effectiveness of our sex offender management laws and address barriers to reentry. These issues were stressed in JHA's 2013 report on the Illinois Department of Corrections (IDOC) facility Big Muddy River Correctional Center, where more than 50% of the population, nearly 1,000 men, are identified as sex offenders, including the civilly committed Sexually Dangerous Persons (SDP) population.<sup>1</sup>

As JHA continually visits facilities and receives letters from incarcerated individuals, we are witness to problematic reentry situations that are becoming even more dire as the effects of unreasonably restrictive laws pertaining to sex offenses come to fruition and retroactive registry requirements triggered by non-sex offense convictions broaden the net and ensnare more individuals in the difficulty of finding places to live. We stress the need for meaningful change. Changes to registration requirements alone will not fix issues relating to other legislated requirements that dictate conditions and related lack of reentry housing for people identified as sex offenders.

While JHA fully supports the Task Force's draft recommendations,<sup>2</sup> there will continue to be individuals accumulating needlessly within our prisons without posing further recommendations for changes to laws to address terms of three years to life Mandatory Supervised Release (MSR), or parole, and MSR conditions mandated by statute, including residency restrictions, particularly addressing the restriction of only one individual identified as a sex offender being housed per site

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<sup>1</sup> See <http://thejha.org/sites/default/files/Big%20Muddy%20Correctional%20Center%20Report%202013.pdf>. The minimum-security facility Taylorville also has a population where more than 50% of the incarcerated individuals are identified as sex offenders, but currently lacks any sex offender treatment programming. People convicted or found delinquent of a sex offense or attempt (including any felony found to be "sexually motivated"), or found to be a Sexually Dangerous or Sexually Violent Persons (SVP), or who are convicted of any equivalent offense outside of Illinois, will meet the "sex offender" definition. However, as noted by the Task Force, IDOC identifies people as sex offenders based on the registry and this is over-inclusive as it also includes individuals with non-sexually motivated murder convictions. This confusion should be addressed to better be able to assess data. The vast majority of incarcerated individuals identified as sex offenders within IDOC are male (7,472 of 7,571). About 176 individuals are civilly committed as SDPs, one of whom is female and housed at Logan. See IDOC FY16 Annual Report, p. 74, <https://www.illinois.gov/idoc/reportsandstatistics/Documents/FY2016%20Annual%20Report.pdf>.

<sup>2</sup> As set out in the Illinois Sex Offenses & Offender Registration Task Force meeting and June 9, 2016 memorandum, Policies for Discussion, [https://soortf.icjia.cloud/static/documents/SOTaskForceJuneMeeting\\_PolicyDiscussion\\_20170614.pdf](https://soortf.icjia.cloud/static/documents/SOTaskForceJuneMeeting_PolicyDiscussion_20170614.pdf).

and the lack of transitional housing. Without these changes, there will continue to be nowhere to release individuals who have served their custodial time and who meet all other parole requirements, no matter how low their risk level or how minimal the length or level of registration required.

### I. Background: Door Violations

During fiscal year 2016 (FY16), IDOC identified 1,309 individuals who were identified as sex offenders and at some point were "door violated," meaning that they were denied parole on the basis of not having approved housing.<sup>3</sup> This number is more than enough to fill a prison. Host sites are required to meet myriad requirements and residency restrictions, such as being 500 feet or more<sup>4</sup> away from places where children congregate and having the capacity to accommodate electronic monitoring.<sup>5</sup> While some individuals who are door violated are released more quickly than others based on ability to obtain housing, approvable housing often depends on resources and many factors beyond an incarcerated person's control. Additionally, many of the reasons for denying proposed parole housing for incarcerated people are legislated and beyond IDOC's control.<sup>6</sup> Particularly onerous residency restrictions that are imposed by legislation and compound this problem are discussed below.

Door violations are included in IDOC recidivism data, creating a false impression that individuals convicted of sex offenses are committing parole violations, when in fact individuals with door violations have not actually done anything wrong to result in their parole revocation. This Task Force has heard evidence that individuals with sex offenses actually have relatively lower general recidivism. We also know that incarcerating people is far more expensive than supervising them on parole.

Keeping people in prison for door violations serves no rehabilitative purpose and does nothing to ease eventual transition to the community. Importantly, during incarceration almost no one who is identified as a sex offender has the opportunity to participate in any effective sex offender treatment. JHA also has advised increasing use of risk assessment, treatment staffing, and more data tracking and reporting for the few sex offender treatment programs that do exist within IDOC due to concerns regarding the ability of some individuals to participate in meaningful treatment where there may be lack of appropriate resourcing and individualization of treatment, or insufficient accommodations for those with disabilities.

Currently, less than 4% of 7,500+ individuals in IDOC identified as sex offenders,<sup>7</sup> about 273 men and ten women, receive sex offender specific treatment within IDOC. The vast majority of

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<sup>3</sup> Data pertaining to door violators was provided from IDOC to JHA on request.

<sup>4</sup> Municipalities also impose residency restrictions beyond what is required by state law and are considered in IDOC parole placement.

<sup>5</sup> Until recently access to the internet by other residents in a household was used to prohibit housing persons convicted of sex offenses in some cases. Thankfully, we have been informed that particular unworkable rule has been recently reconsidered.

<sup>6</sup> However, JHA continues to recommend adequate notice, greater transparency, and means for review or appeal for host site denials, as we commonly hear of discretionary denials that do not appear required by law.

<sup>7</sup> Again, as IDOC identifies individuals based on registration status, this number is over-inclusive and include some individuals without a history of sex offenses. Individuals identified as sex offenders make up about a sixth, 16.9%,

these 283 people who are receiving some treatment are the civilly committed SDPs, who are supposedly civilly committed for the express purpose of receiving treatment. The only sex offender treatment that is available in Illinois is located at the two prisons that house SDPs, Big Muddy River and Logan. The rest of those in treatment are voluntary participants with no assessed basis of treatment need, which we know is not the best way to provide treatment.<sup>8</sup> Further, even if risk assessment and treatment resources were drastically increased within IDOC, as is needed, the majority of treatment and ongoing risk assessment should be provided in the community,<sup>9</sup> where most individuals will return, in keeping with our State's constitutional mandate to restore individuals convicted of crimes to useful citizenship.

The lack of housing meeting release conditions, resulting door violations, and number of individuals who remain untreated within IDOC custody, are issues that understandably frustrate incarcerated individuals and staff. The perceived lack of procedural justice creates difficulties for all involved and remains unresolved by courts to date. As stated in 2014 by the Illinois Supreme Court, "[i]t may turn out that the factors inherent in the statutory scheme that give rise to violations at the door are a matter for the legislature to address, rather than this court."<sup>10</sup> We urge this Task Force to attempt to bring these issues proper legislative attention.

## II. Illinois must reconsider three years to life parole terms

Concerningly, of the 1,309 door violators reported in FY16, about one in 10, or 126, of these individuals have terms of three year to life MSR, meaning that they will not be released until they have approved housing, which may, under existing circumstances, never occur. The number of individuals with three years to life MSR is only expected to grow since the law was enacted in 2005 and these individuals continue to come up for parole.<sup>11</sup> During FY16, 475 individuals were reported to have entered or returned to IDOC custody with such parole terms.<sup>12</sup>

As discussed by this Task Force, there is no scientifically justifiable basis for lifetime registration, and the same reasoning holds true for lifetime parole supervision. We know the evidence about individuals aging out of criminal behavior and other important desistence

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of the IDOC population. The current holding offenses included 4,802 individuals, 10.7%, with Sexual Assault/Rape convictions, and 1,084, 2.4%, with Sex Related Offense convictions, and there were 176 individuals civilly committed as SDPs (this number has increased from 144 in 2003). The parole population consists of 1,013 identified as sex offenders, or 3.6% of the parole population (with 601, 2.2% with committing offenses for Sexual Assault/Rape, 125, 0.5%, Sex Related Offense, and 15 SDPs). About 450 of these individuals are on electronic monitoring for a minimum of one year and supervised by special Sex Offender Unit parole officers. *See* IDOC FY16 Annual Report, p. 74 and 77,

<https://www.illinois.gov/idoc/reportsandstatistics/Documents/FY2016%20Annual%20Report.pdf>.

<sup>8</sup> This Task Force has heard evidence for the need to individualize our response to sexual offending. Different recidivism reduction strategies are needed for different types of sexual offenses. Limited treatment should not be directed at low-risk subjects. Treatment and supervision resources are best directed at high-risk individuals.

<sup>9</sup> While individuals must comply with registry requirements, the majority of registrants are no longer under probation or parole supervision.

<sup>10</sup> *See, Codrey v. Prisoner Review Board*, 2014 IL 117155, Opinion, November 20, 2014, <http://www.illinoiscourts.gov/opinions/supremecourt/2014/117155.pdf>.

<sup>11</sup> *See* the July 10, 2005 press release from the office of Governor Blagojevich, "Governor signs law requiring lifetime supervision for most dangerous sex offenders," <http://www.idph.state.il.us/public/press05/7.10.05.htm>.

<sup>12</sup> We were not provided with information requested for the number of individuals on parole with this term of MSR, but recommend that this information, as well as the number in custody, be tracked and publicly reported.

patterns, and we have mechanisms to individualize and address the risk of reoffending without such costly and overreactive requirements. For example, in Illinois individuals can be civilly committed as SVPS. IDOC reviews every SVP-eligible individual prior to release, with the Attorney General's office giving some individuals who are not recommended for civil commitment as SVPS a secondary review.<sup>13</sup>

Data from IDOC from December 31, 2016 shows 2,017, more than a fourth of those identified as sex offenders, are over 50 years of age, which is considered elderly for prisoners, 106 of whom are SDPs.<sup>14</sup> Inmates labeled as sex offenders also account for more than a quarter, 25.5%, of the 7,916 elderly individuals in IDOC custody, who as a group represent a significantly more costly population with lower recidivism risk.<sup>15</sup>

### III. Illinois must roll back residency restrictions and permit housing of more than one individual with a sex offense per site and provide transitional housing

In contrast to those with three-years-to-life MSR, individuals with door violations or lack of approved host sites with definite MSR terms may serve a portion of their MSR term in custody and then be released without supervision. Many in law enforcement comment on the folly of having individuals serve their supervision time inside prisons because they cannot locate housing that complies with MSR conditions, only to have the individual released back into the community without support or any supervision.<sup>16</sup> Lack of appropriate community reentry housing due to residency restrictions creates such unintended consequences, leaving communities less secure. This Task Force has heard testimony that residency restrictions do not make us safer, and in fact may have the opposite effect in increasing homelessness, joblessness, non-compliance, and even may deter crime reporting in common situations where victims know their offender, as in families.

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<sup>13</sup> Reportedly IDOC reviewed about 1,800 in a year. As of January 2017, the Illinois Department of Human Services (DHS) Rushville mental health facility housed 574 people who are either civilly committed, or awaiting hearings to determine commitment, as Sexually Violent Persons (SVPs). This number is up from 210 in 2003. *See* Crepeau, Megan, "Hearing today on whether ex-priest who molested boys should be locked up indefinitely," Chicago Tribune, September 6, 2017, <http://www.chicagotribune.com/news/local/breaking/ct-ex-priest-daniel-mccormack-sexually-violent-hearing-met-20170902-story.html>.

<sup>14</sup> About 61% of the SDP population is currently considered elderly. *See* IDOC Inmates 50 Years of Age and Older as of December 31, 2016, <https://www.illinois.gov/idoc/reportsandstatistics/Documents/50+ Fact Sheet 12%2031%2016.pdf>.

<sup>15</sup> Although aging alone is a desistance factor, more individualized information, such as length of time since offense, is also needed for reliable assessment.

<sup>16</sup> For more background on this issue, *see* Twohey, Megan, "St. Leonard closes doors to sex offenders," Chicago Tribune, December 6, 2009, [http://articles.chicagotribune.com/2009-12-06/news/0912050317\\_1\\_offenders-halfway-nursing-homes](http://articles.chicagotribune.com/2009-12-06/news/0912050317_1_offenders-halfway-nursing-homes), ("There is no longer is a licensed halfway home for sex offenders in northern Illinois. Many halfway homes that once housed sex offenders closed because they could not meet the new licensing requirements, such as 24-hour security, or because of community opposition." This article also notes that as of publication only Another Chance Ministries in East St. Louis accepted individuals identified as sex offenders.). *See also*, Twohey, Megan, "Sex offender housing restrictions may lead to more crimes," Chicago Tribune, April 9, 2010, [http://articles.chicagotribune.com/2010-04-09/news/ct-met-sex-offender-housing-20100408\\_1\\_offenders-parole-housing-restrictions](http://articles.chicagotribune.com/2010-04-09/news/ct-met-sex-offender-housing-20100408_1_offenders-parole-housing-restrictions), which states that the number of transitional housing beds has dropped from more than 200 to 26 in East St. Louis between 2005 and 2010. The East St. Louis facility ceased housing individuals identified as sex offenders sometime in the last few years.



The Illinois Conditions of Parole or MSR statute contains numerous problematic provisions,<sup>17</sup> perhaps the worst of which is the condition that no more than one individual identified as a sex offender can reside at the same address or in the same complex.<sup>18</sup> This provision does not apply to MSR placements in healthcare facilities, or IDOC licensed transitional housing facilities, of which there are currently none. There are zero beds in zero licensed transitional housing facilities for individuals identified as sex offenders in Illinois. If individuals are properly risk assessed, treated, and supervised there is no need for this rule to exist. Other states do not have this defeating prohibition of housing multiple people with sex offense convictions at one site. In fact, such an arrangement would on its face make supervision easier. This Task Force must address this substantial and nonsensical barrier.

Legislative fixes are needed to repeal the residency restriction limited to one individual per site or permit necessary modifications for transitional housing licensure. If no one outside of the government will provide transitional housing, perhaps rules need to be reconsidered so that IDOC or another government agency can assist with this need. First and foremost, people need supportive housing for successful transition. We urge the Task Force to address these issues.

JHA also supports revisions to other residency and presence restrictions, which serve no public safety purpose and harm individuals and families attempting to lead productive, law-abiding lives.

Lastly, in considering how Illinois must improve community resourcing, supports, and reintegration for persons convicted of sex offenses, this Task Force has an opportunity to consider whether maintaining a public registry is justified on any rational public safety basis. Undoubtedly the stigma perpetuated by the mythology surrounding the public registry taints sound policy-making. People do not want sex offender housing in their backyard, even though it would increase public safety to have people appropriately housed, treated and supervised. While law enforcement may have some legitimate use for a sex offender specific registry, and there are some members of the public with limited need to know, this Task Force has heard evidence that the public facing registry harms individuals without demonstrable payoff in terms of reducing re-offense. Illinois must take advantage of this opportunity to revisit these important issues with this Task Force, as courts across the country are continuing to recognize disproportionate harms to individuals and communities of unending ostracization.

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<sup>17</sup> Including, e.g., that individuals identified as sex offenders may not have under their control any material that even alludes to sexual activity. *See* 730 ILCS 5/3-3-7.

<sup>18</sup> *See* 730 ILCS 5/3-3-7(a)(7.6). From what we can gather, the origin of this law was the sentiment that impoverished neighborhoods were bearing the brunt of housing numerous individuals with sex offenses to the exclusion of more affluent neighborhoods.

I would like to address this task force on behalf of Max Estes and his family, Randee, Larry and Henry. My message is on behalf of all offenders in this position but right now I am concerned about Max and his family.

As the President of a long standing community synagogue I am aware of the needs of community safety and appreciate concerns in this area.

As a first time offender, with just a few strikes against him, Max made a mistake. One that with the right therapy and support, he can and has made the choice to correct. Support groups, private therapy, doing what time was given him - with good behavior and staying in close touch with his family, Max has successfully served his term. His family is more than willing to make the concessions to have him in their home, out of love and support for the Max that they know.

A stable and loving family has proven over the years and in many arenas has proven to be the one thing that can bring a first time offender successfully back into the world that we all must survive in. I have always known Max to be kind and appropriate, to be good to his brother and parents and people around him who needed help.

What I know is this. Randee and Larry Estes have been major participants in their community since I met them 25 years ago. Randee as a researcher in a major Chicago Lab environment and Larry a caterer who spent a large amount of time and resources helping organizations like Special Olympics and his Synagogue and its Social Justice agenda. They love their son and will be able to help him over the hurdles he now faces, and that will not be easy. Max will face prejudice in places to live as well as jobs and recreation. Who better to help him with that than the family that loves him?

I urge you to begin to look at these individuals as just that, individuals who do not all fit into our system of laws and rules. Give them a chance to see if they can make it in the world, free the prisons of first time offenders who have served their time and can be successful with the support of family.

Helayne Levin  
President, Temple Judea Mizpah, Skokie

Sept 20, 2017

Hello, my name is Heather Sarabia and my husband is in prison for acting inappropriately with 3 of our daughter's friends. As you can imagine, when detectives came my door to tell me he'd been picked up for questioning and that he had actually admitted to the charges, I was at the same time in shock, devastated, heartbroken for our friends that had been affected and furious at him!

Some may say they would have left him right away, but honestly I found it too painful to think about leaving because I had loved him so deeply for the 12 years we'd been married, and knew we had a good marriage. At the same time it was also too painful to even think about staying in the marriage because of the huge LIFELONG consequences this would have. So instead, I decided to wait 3 years to see which direction he would head.

In that 3 years, I watched him accept full responsibility for what he did, show complete remorse for the harm done, and answer my every question honestly and openly. He also impressed me by working really hard to understand how he had gotten to that point so it would never happen again. He even volunteered for the treatment program at Big Muddy Correctional Facility, which believe me took a lot of courage because it's not easy having other inmates know the type of crime you are there for. But through the treatment program, as it existed then, he gained the tools he needed to identify his distortions in thinking and address his own unresolved trauma. I can't say how thankful I am that the program existed at that time as he was very primed and ready to get help!

So as I saw him over those years consistently make healthier choices and be more like the man I saw when I married him, I finally decided to stay and work to keep our marriage and family together. I have chosen not to give up on him or throw him away, because I truly believe he has changed and learned from his error.

And that is why I am so thankful for the work you are doing here and that you are looking at evidence-based practices - because I am going to have to live under the same restrictions and regulations as his wife.

As you make your recommendations, **I would ask you to make provision for those people who have changed or want help to change. I would also ask you to consider how things can be made more conducive for their support systems to remain in place.** The way things currently are, it takes an incredible amount of strength to even think about supporting a person on the registry - and not many do. I think we can all agree that society is safer when people have a solid, healthy support system in place and get the help they need.

Therefore, I would like to make the following 6 requests:

1. Continue to provide treatment programs in the prison. This was invaluable to my family and I propose that it is more cost effective than just warehousing people, especially if their crime has just been exposed and they need a place to deal with it.
2. When considering the criteria for risk assessments, please include whether there was maliciousness or intent to harm, remorse shown, and whether the person has a good support system. I believe those things have an impact on the level of risk they present.
3. Allow a way to assess for the possibility of families staying together during the MSR. One of my biggest concerns is whether I'm going to have to pay for 2 places or whether he'll be allowed to stay with us given that our daughter will be 16 when he's released.
4. Allow for the use of the internet with proper filters in place. I really want him to be able to get a job and these days you can't do much without applying online. Not to mention, it would probably mean I'd have to do without it also, which would be almost impossible.
5. Please train police to protect me too. I've heard some cities are respectful to registrants and their families, while others may allow me and our daughter to be harassed by neighbors and vigilantes.
6. Consider alternate treatments for those wanting to stop & are willing to turn themselves in. Our current system destroys the families that report it, while causing some just to hide it better because the cost of turning in a family member or friend is just too great. I am grateful our friend had the courage to report it, and want others to be free to do the same so that abuse can truly be stopped.

Once again, I commend you for the work you are doing and thank you for listening.

Heather Sarabia

Name: John Fisher President/C.E.O.  
Organization: Blissful Enterprise Outreaches  
Re: To Improving Sex Offender Laws

I would like to submit my written testimony at this time.

I was committed as a sex offender in 1990, I began therapy in prison as soon as I could and remained in the program the entire time I was there. I was in prison for 10 years and was conditionally released in the year 2000. As these new laws were Grandfathered into law, I lost my apartment, that was authorized by one agent, I lost out on a very nice job promotion. I had to find a new place to live or I would be sent back to prison, after being out of prison for almost (5) years with no issues at all. I was thankful I was able to move to one of my sisters to live until I was able to find my own place.

...My personal opinion, the laws that restrict SO's from living so many feet from one place or another is bogus. Anyone, including SO's will do what they want to no matter what. A) They will chose to stay away from all parks, schools and places where children congregate. B) Make their own choices on where they want to go--laws are not... If a SO is believed to be that high of a risk why put society in that dangerous situation in the first place.

...I really think one of the main changes that would help, is to have an unbiased "Risk Assessment" Team to asses each SO before leaving prison, with maybe a follow up ever (6) months to a year, for a time that would be determined by the Assessment Team, to see how they are doing and adjust restrictions accordingly.

...SO registration, every 90 days to once a year for 10 years to life is bogus as well. I have been victim free for 27 years, I have to register every 90 days for life. This could be determined by the Risk Assessment Team, this report sent to the SO's court to have a judge determine further registration requirements, if any.

....An SO would want to remain compliant if one sees chances within some of their restrictions, as they themselves truly change. It gives them an incentive to want to do what is right, without all the laws that really aren't serving a real purpose in the first place.

If all one does is punish someone, there will come a time when they may feel "What's the use to compliance, they want to put me back in prison anyway." With this mindset, which will soon lead them to make bad choices and soon hurting more people and going through the revolving door of our "Over Crowded", "Warehouse Prison System". Which is costing Billions of tax dollars a year.

... Let's change to a more "Holistic" approach and give them a reason to WANT to change. For them to want to chose to remain "Victim Free!!!"

My name is John Fisher and I approve this testimony to be used for this event.

May God Bless:

John Fisher

***"Tough Times Don't Last---Tough People Do!!!"***

***"May God Bless You and Yours!!!"***

To whom it may concern:

I understand and support the importance of maintaining safe communities. I feel strongly that offenders should be held accountable for their actions but also be given a fair chance to prove themselves through rehabilitation. Unfortunately it seems to me that the system that is in place has been more intended on severely punishing them than on rehabilitating them into a better life. If we want to make changes in our society towards greater justice for all, we must address the problems that the criminal justice system in this country creates and exacerbates.

I have great concern for the harms that the Sex Offender Registry does for our larger society. For one, it does not protect the victims from harm, but it does perpetuate a system of punishment more than it actually creates positive change. It also significantly worsens the life of the offender because with the stigma that the label of "sex offender" produces, registrants have little to no opportunities to learn more productive behavior, earn a living, find housing, and stay connected to family.

In addition, rules like the 500 foot rule and the lack of differentiation for first time no contact offenses creates a false bogeyman for many in the public. As different scholars have written, features like the Sex Offender Registry do not actually stop crime; instead, they create an unnecessarily punitive system for many, including the disabled and communities of color. I, for one, look forward to the day where at least nonviolent offenders who don't harm others are given the chance to show how they've changed and to lead more productive lives.

Please consider altering the restrictions on sex offenders and others to be less punitive, more productive, and conducive to liberty and justice for all.

Thank you,

Joshua Friedberg

First, let me start by saying -

I am writing this on behalf of a very dear friend who I have known for over 30 years who has a son named Max in this very unjust system.

While sitting in the public hearing on Wednesday, September 20, 2017 hosted by the Sex Offenses and Sex Offender Registration Task Force, I was struck by many things. The most egregious part that stood out to me was the lack of support and isolation many on the Registry are forced to live with for life.

Due to all of the restrictions, both financial and emotional ruin often follows affecting the whole family.

There were numerous examples of the "registrant" having to move out of the housing they had lived in quietly without incidence for years. They receive notice that someone secured a home daycare license within 500' of the property. Whether they rent or own they must move. The abrupt notice to move is just one part of this inequity. They are faced with extreme unrealistic obstacles in securing a new residence and everything that comes with it.

Why should the "registrant" always be the victim if they are living a productive life and functioning without a recurring offense? The most equitable and responsible rule would be to not allow the home daycare center to receive a license and be advised to secure another location. To force the "registrant" to always live with the possibility of moving at any time on a moment's notice does not allow for stability. This is beyond extreme and far too harsh.

Another issue that I heard over and over again, if the "registrant" had the option to live with loving and supportive family members they were restricted if they were within this 500' rule. Why can a "registrant" and their living arrangement not be considered on a case by case basis? The 500' rule has been studied and proven to be a false sense of security.

Along the same line of reasoning perhaps some consideration should be given to assigning different levels to the MSR as well as the Registry according to the severity of the crime and the number of offenses committed.

Throughout all the day's testimony, I did not hear any pathway forward to reclaim their reputation or the ability to relinquish or expunge this life long label. Including, and not limited to the offender serving their time, not reoffending, and proving they could become a productive citizen in society in spite of all the obstacles against them. The way the law is written today, there's no accounting for rehabilitation. Why should someone be left with this label for life leaving no hope for redemption? How can one live when they are completely prohibited from functioning?

Of course, there are strong arguments on both sides. I did hear true remorse and personal responsibility in the letters that were read aloud. Which led me to believe that the "registrants" deserve a chance to redeem themselves. Difficult, when only anguish, uncertainty, and despair is at their doorstep every day of every year.

I do not want to minimize in any way what it means to be a victim. Many can begin the healing process of personal enrichment and growth with therapy and the important role that family and friends bring to the healing process. The "registrant" is not afforded the same opportunity. Their rehabilitation process is a difficult journey – cutting them off from all support systems thus keeping them a "victim" of society for the rest of their life. Their isolation, instability, uncertainty, and stigma leads to hopelessness not to mention a laundry list of other issues. This could be avoided with a more thoughtful and careful consideration taking into account that a "registrant" is human and makes mistakes.

No matter who they are and what they have done they are forever branded. As the law exists today they have no rights. Including very few reasonable, attainable solutions, options or services for reentry into society.



In summary, Max has an extremely loving family and many friends that support them in this tragic set of circumstances that they have unwillingly been thrust into. It is my request, at the very least, that the law revises the 500' rule. Leniency and/or accommodation should be given to first offenders. This would allow Max and many others on the Registry to reside with their family under whatever strict guidelines set forth. Additionally, this would allow Max and others the best opportunity for success going forward.

After listening to the many letters of testimony I believe that ONE SIZE DOES NOT FIT ALL!!

In conclusion, modifications to the Registry should have some good behavior guidelines written into it rather than a permanent life sentence.

I would appreciate your strong consideration to the above referenced issues.

Sincerely,

Jill Goldberg

Hello, my name is James and I've been on the registry since 2000.

Since my conviction in 1998 against my daughter, I have worked hard to change the behavior that has harmed my family. I have made positive changes to my life, my community and my church. I have and continue to accept responsibility for what I did. I wish that I could erase the pain that I caused to so many, especially my family.

I have been given another chance to make a difference in my life and the lives of others. There have been so many people in my life that have forgiven me and helped me so that I may move on with my life. My daughter has forgiven me and is moving on, as are my friends and family.

The problem is that the registry does a great deal to remind me of my past. I understand that it was necessary that I serve time for the crime I committed. I completed six years imprisonment and three years of probation but the continued punishment tries to remind me that I am no further than the day I stepped into the prison doors.

In the employed positions I have been blessed with, I have the opportunity to travel to other states. In all the preparation that I have to make, one item is as constant as toothpaste and underwear and that is remembering to call my local representative at the county jail and report that I will be leaving on 'x' flight, arriving at a specified time, staying at 'x' hotel, visiting 'x' customer. In addition, I have to call the town, city, county or state officials office for sex offenders and let them know that I will be arriving and staying 'x' days to determine if I will have to register. If I do have to register, then I must report in person to register which also adds to my stress of visiting a customer for business. When I return, I have to repeat the process. When we have company gatherings, I have to be selective in my attendance so that I do not violate restrictions. Or, if these gatherings, which occurred on chartered boats, happens to originate in a forest preserve, then I cannot attend.

I understand that crimes must be paid for but I would hope that at some point, this registry, which I believe is necessary, should make sense. I would like to see more emphasis placed on helping people graduate from the registry. Common sense laws should be passed by sensible folks based on logic, reason, sound judgement and actual studies and not knee jerk reactions. The registry today seeks to create fear; fear in the registrant and continued fear in the victim, and fear in the community.

I ask you to find ways to end the fear!

Thank you.

The summer before my freshman year of high school, I became a victim of sexual assault. I endured such emotional pain that it led me to self-harm and a suicide attempt. It took me nearly 20 years to come to terms with what happened to me and to forgive my abuser. Although the effects of the assault stayed with me for some time, the assault does not define who I am and the person I choose to become. I tell you of my past assault to insure you understand that I identify with the victims of sexual violence. I once thought that if I ever encountered a perpetrator of sexual violence, I would wish only retribution on behalf of their victim or victims. However, a person I met about a year ago has broadened my perspective. This person was convicted of a felony against a minor. He is currently on community supervision and attending group and individual therapy. He has three children of his own who he has custody of every other weekend. He is extremely remorseful and ashamed of his behavior and is actively working to become a better person. While his recovery is ongoing, there are day-to-day effects that his crime have on him and his children. He struggles with finding stable housing. He stays in a job that violates wage and hour laws because of difficulties in finding employment. But the most troubling to me is the restrictions upon his ability to freely parent his children. He cannot do something as simple as picking up a sick child from school. He can't attend school performances without approval from a school superintendent, which he feels may stigmatize his children. He cannot take his kids to the park, soccer or football practice, the zoo or museum, skate parks, bike trails, and the list goes on and on. While there is a legitimate interest in protecting children who may be harmed, blanket housing and presence restrictions insures that some children will be harmed. The collateral consequences of sex offender laws are real and hurting children. There has to be a way to more narrowly tailor or loosen restrictions to promote the parenting abilities of sex offenders.



" The Spirit of the Lord is upon us all"

Blissful Enterprise Outreaches  
106 Mill Street Mount Olive, Illinois 62069  
217-999-3263 Cell: 217-313-3842

Fax

# Pages: 4


Date: 09/24/17

To: John Maki  
Executive Director  
ICJIA

From: John Fisher  
President/C.E.O.  
Blissful Enterprise Outreaches

Re: Options To Prison Over Crowding/Holistic Approach

Please be sure that Mr. Maki receives this fax.

God Bless  
  
John Fisher



*The Spirit of the Lord Is Upon Us All !!!*

=====

*To: John Maki:  
Executive Director :  
Illinois Criminal Justice  
Information Authority*

*From: John Fisher  
President/C.E.O.  
Blissful Enterprise  
Outreaches*

*Re: Options To Prison Over Crowding/Holistic Approach*

=====

*09/24/17*

*Mr. Maki:*

*Good Day! Mr. Maki hope all is well with you and your awesome organization.*

*My name is John Fisher President/C.E.O. Of Blissful Enterprise Outreaches. BEO is a 501(c)(3) organization that was created to help ex-offenders, sex offenders with their reintegration back into society.*

*BEO is in the very early stages of forming a small community (Serenity Sanctuary) where ex-offenders would be paroled to, conditionally released to and receive a room not a cell, programming tailored to their needs, instead of 23 hour lock-down, educational programming if needed, job training options, plus jobs within this community.*

They will be treated as citizens, not like prisoners; they will be called by their names not a number. They will be treated with dignity and respect, as normal citizens of society. Which is all part of the "Holistic Approach" that I'm talking about.

I believe that if one does a crime, they need to do their time; with discipline needed, one must also go through a type of healing process as well.

My wise grandmother has said: "You catch more flies with honey; than you do with vinegar."

Interpretation; one can help more people to want to change, if they are given reasons to want to. Locking them up and throwing away the key, is not really an option. (maybe for career criminals and the criminally insane), almost everyone else will have an out-date, a parole date, soon a conditional release date. They have been in prison for years, it's time to prepare them for their freedom and just not releasing them back into society with no back-up goals or plans. Then one wonders why the recidivism rate is so high.

BEO has options to this costly Billion/Trillion dollar conundrum that is effecting all states nationwide.

We can not do this all by ourselves, I'm not looking for financial backing, I'm looking to work with an organization like yours that has connections, to offer direction, options and opinions, to help us along.

I know you and your organization are extremely busy, all BEO wants to do is help people with a better chance to succeed in their new lives, instead of the "Revolving Door" of our warehouse prison system of today.

I was canvassing your website and found this vacant position:

21. A representative of a statewide organization that represents or is comprised of individuals convicted as adults of a sex offense who are currently on a registry, appointed by the Executive Director of the Authority:

VACANT


I am a registered sex offender, I completed (10) years in the Illinois Department of Corrections. I wanted to change my life, as soon as I could I began therapy. Through those years I was appointed to run a few evening groups to help others, I worked closely with the therapists, as a worker in this program. After the ten years I was conditionally released, I also was blessed with help and direction to get my footing back in society once again.

I know how valuable all of this assistance was for me, I'm have been (27) years victim free, and now the only condition that I have is re-registering every 90 days.

If possible, I would like to talk more to you about BEO, maybe even this vacant position if still available.

Hope to hear from you soon.

My phone number is: 217-313-3842, email address: [johnf90@hotmail.com](mailto:johnf90@hotmail.com).

God Bless:  
  
John Fisher, President/C.E.O  
Blissful Enterprise Outreaches

Hi my name is John Crull I've been on the registry since 2004. I have now a 6 year old son that has to go through this has to be teased, has to be ridiculed because his father is on the registry. I've had death threats, I've been told that I need to be put six feet under. I've had numerous people trying to hurt my family. I have had numerous people try to talk bad about me in front of my family.

We need to do something before somebody gets seriously hurt or get killed. My son, my nephew, my sisters, my mom, my dad, my brothers all have to go through this every day because of me.

I have accepted responsibility for my actions and I have paid my debt to society. I have done everything I can to move on and better myself and do what I have to do to move on from my past. But the registry does not allow me to. We need these laws need to change for the better not for the worst.

Thank you for your time.



My name is Juan Lopez and I have been on the registry since 2010.

In 2010, I made a series of poor decisions that led to my arrest and ultimately a felony conviction for possession of child pornography. I accept full responsibility for my actions and am committed to never repeat this behavior.

Growing up, my parents provided a wonderful role model of what a good husband, father and member of the community should be. When I married and then was blessed with a child I looked forward to being that role model to my family as my parents were to me.

The problem is that the registry makes being a fully engaged parent and a contributor to the community next to impossible. The registry prevents me from attending any school events. I can never be a parent in the stands cheering my child at her school concerts, her school meets, her art shows or any school event. I cannot volunteer at her school. I cannot be in a park with my child. I cannot play catch or fly a kite or see 4<sup>th</sup> of July fireworks. For my child, I am the absent Dad, the Dad that is never there while all her friends Moms and Dads are there for her friends.

The registry also makes it impossible to gain employment. I have been unemployed and underemployed for nearly 3 years. Even though I still get weekly calls and emails and have been offered 13 opportunities, once I disclose that I am on the registry all the offers are rescinded. Even when a potential employer is willing to give someone with a felony a second chance, they feel the registry is simply too high a risk. Due to the registry, I am unable to pursue other certifications and licenses that would aid me in finding employment.

The registry also has significant negative consequences on my family. As my child grows she is at a high risk to face ridicule, abuse, shame and/or be shunned at school and other events. The label "Sex Offender" and "Predator" immediately causes fear and confusion in parents. Many parents will tell their children to avoid my child in order to avoid me. I already see that in my neighborhood where other children stay away from our home, some children see me and run to their homes. I see this as a great tragedy, having children needlessly living in fear.

Once a person completes the punishment for their crime they should be allowed to rejoin society as full citizens. I believe that this is the best way to reduce recidivism and thus provide the greatest safety to the community.

I would like to see changes to the law that allow a registrant to petition to be removed from the registry given a reasonable number of years. Also, I would like to see the park and school restrictions removed as this would allow parents to be with their children.

Sincerely,  
Juan J Lopez

Good morning/afternoon. My name is Jane Miller and I am reading this testimony on behalf of another individual who is unable to appear in person because being recognized by name or in person could cause them to lose their job, housing arrangement, or other social connections.

Good morning. My name is June, and am the mother of a man who is on the registry. I am also a grandmother to a beautiful 3-year-old girl. I would like to tell you about my granddaughter. She is fabulous and bright and athletic, and she is already showing signs of being a gymnast.

All grandparents hope for great things for their grandchildren. We hope they find their niche and work hard at it. That they become a success in their school and in their community. We want only the best for our grandchildren.

The problem is that if she does excel and she gets her name in the newspaper, there's a good chance that some reporter will write about her father being on the "list." Parents would respond, and not kindly. My granddaughter's life would be changed forever. There would be bullying, rejection, and then isolation. I am not just saying this. I have read about children being caught up in this and it's not pretty.

My granddaughter should not have to deal with this when she gets into grade school, and then junior high, and then high school. She should be thinking about clothes and boys at that age, not about being bullied or listening to lewd remarks. My heart breaks for all these children.

Even without getting her name in the paper, my granddaughter could get taunted and rejected because her father is listed on the registry. I pray for hours every night for her safety. But with each success in school, the chances of the information being brought out rises considerably. What do I pray for? A mediocre life for her? For her NOT to achieve her full potential?

She is three and gorgeous and full of life. She is innocent of any wrong doing. But in an indirect way, she has been put on the list right along with her father. My granddaughter means everything to me and I have to fight for her life, as I am sure you fight for your children and grandchildren. I live in fear, and that fear is real and tangible.

I don't think lawmakers would ever intentionally make a law that would hurt a child, but this one does and they must fix it. Please. This sweet baby deserves her life and to be able to be all she can be.

Thank you for listening

To whom it may concern,

I know I am late in submitting this testimony, However I just learned of the commission. I have agreed to a plea rather than face the outcome of trial. The charge is grooming and I will be placed on probation for 2 years. No jail time. I have a clean record, no prior arrests. The difficult part is that I will have to register as a sex offender for 10 years. This will put a tremendous burden on me to reconcile with my wife and family, keep my job, or find a new one, find a place to live, etc. I do not know the victim. I have never met her, spoken to her or had any contact outside of emails, and a chat room. We met in a chat room where you have to put in your age to talk with other people. She listed her age as 18 even though she was only 16. There was never any physical contact. I realize my actions were inappropriate and I am truly sorry for my actions. I have worked hard to turn my life around and become a responsible citizen. I have undergone over 20 hours of counseling with a certified and licensed sex addiction therapist. He has diagnosed me as low risk to reoffend. I am being mentored by a retired judge from DuPage county and the Head of a private Christian High School. I meet weekly with a men's support group. There needs to be some leeway in the automatic listing on the registry, especially for 1st time offenders, with no physical contact with their victim and with no criminal history of any kind. It should not be a one size fits all. Every case and individual is different. I am all for public safety and awareness. However, in my opinion, it should be for individuals who are guilty of the more serious offenses, repeat offenders, people who have actually violated a victim, stalked their victims, etc. I was glad to read of the commission is considering lowering the time to 5 years for low risk individuals like myself. I feel the offenses to which you are found guilty also need to be looked at. Grooming with no contact or knowing the victim should not be an offense that requires registration, especially for first time offenders with no prior history. Thank you for your time and again I apologize for the lateness of my testimony.

Keith Aarseth

September 22, 2017

To Whom It May Concern:

Four years ago I couldn't imagine that I would be writing this letter in hope of changing laws for people with records.

Here I am four years later and my eyes have been opened. As a close family friend, I've seen a wonderful, kind, caring, compassionate and hard-working young man, Max Estes, whom I've known since birth, leave his twenty-something life to serve a jail sentence for one count of possessing and sharing over the internet, underage internet pornography. Shocked as I was at the allegations, and then the dismay of a three-year sentence...I questioned the jail sentence believing that rehabilitation, not incarceration, would be a much more beneficial alternative sentencing. Nevertheless, none of this changed my love for this young man who has a heart of gold. None of us can truly know the reason for his actions, and perhaps this was a "wakeup call" for him, a blessing in disguise. Prior to his jail time, he took responsibility for his actions attending counseling sessions on a regular basis, and while incarcerated, he veraciously read numerous life positive books. Unfortunately, due to state budget cuts, ongoing counseling was unavailable to him.

This specific group of first-time offenders face so many lifetime restrictions under our current state rules and regulations for parolees, that it makes it almost impossible to integrate them positively back into the community after serving their time for their crime. It seems to me that it is imperative to create a situation for the parolee where they can return to their community, receive ongoing counseling, continue to work or attend college, take care of loved ones or be taken care of by loved ones in their home, and learn to make a significant contribution to society. Max is fortunate to have a wonderful family and extended family friends who are committed to providing him with guidance, support and love as he leaves prison as a parolee. I have seen the toll that this has taken on Max's mother and it breaks my heart that there is a very real possibility that her son will remain in prison for the rest of his life as a first time offender.

I would like to suggest the following:

- Removal of the lifetime parole restriction
- Removal of the 500' residency restriction
- Removal of the restrictions on family gatherings

I thank you for your careful and thoughtful consideration on this very sensitive matter.

Lisa Edelson  
5239 Enfield Ave.  
Skokie IL 60077

## **Testimony for Illinois Task Force on Sex Offenses and Sex Offender Registration Delivered September 20, 2017**

### **Laurie Jo Reynolds**

Assistant Professor, University of Illinois at Chicago

Member, Association of the Treatment of Sexual Abusers (ATSA) since 2013

Board Member, National Alliance for the Empowerment of the Formerly Incarcerated, and  
Illinois Voices for Reform (organizations dedicated to the successful re-entry of formerly  
incarcerated and convicted people)

First, thank you to the members of the Task Force and to ICJIA staff for all your work. From attending these very thoughtful task force meetings, it is clear that each member in his/her own capacity, and the commission as a whole, are committed to the goal of public safety.

### **Rates and Racial Disparities**

I want to start by noting how many Illinois residents are impacted by these laws. Approximately 1 in 227 men in Illinois currently register as a sex offender. For black men, that rate goes up to 1 in 100.<sup>1</sup> I hope the task force will consider these striking rates, and the racial disparities that ripple through the system from conviction to those who become homeless to those held in prison indefinitely past their release dates.

### **Reentry and Residency Restrictions**

Research about successful reentry from prison is unequivocal: people need stability for basic needs such as housing, employment, and social connections, as well as a hopeful outlook in their quest to lead positive and productive lives. Residency restrictions<sup>2</sup> establish persistent barriers to family stability and unification, and contribute to ongoing disruptions and crises in housing for years or even decades after a conviction.

The task force already heard Chris Labanov-Rostovsky explain why such restrictions do not reduce incidents of sexual abuse or violence, so I will note other defects with these laws that the task force may wish to consider.

#### **1. Misalignment with registry removal**

Once people get off the sex offender registry, they are still subject to residency restrictions, and all restrictions, for life [720 ILCS 5/11-9.3(d)(1)]. This misalignment is an artifact from passing these laws in piecemeal fashion, and illustrates the need for thoughtful coherence behind all these policies.

#### **2. Housing shortage**

Statutes that block out wide swaths of available housing effectively create a housing shortage, especially in urban areas. (See Figure 1 to get a sense of the sweeping impact on housing availability on the basis of residency restrictions alone).

#### **3. Housing instability**

Residency restrictions produce permanent housing instability for individuals and their families.

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<sup>1</sup> This data is based on 2016 registry numbers of Illinois residents compared to 2015 census data for men in Illinois. This figure excludes people on the registry who live out of state but includes those incarcerated or civilly committed in Illinois.

<sup>2</sup> In Illinois, people with sexually-based convictions against someone under the age of 18 are prohibited from residing within 500 feet of a school, daycare, playground, or facility providing programs or services exclusively directed toward minors [720 ILCS 5/11-9.3(b-10)]. Other statutes and administrative codes reduce housing availability by making it more difficult to establish IDOC certified halfway houses, or to find housing approved by MSR requirements.

Even if a person owns or leases their home, it will become illegal for residency if someone takes out a home daycare license within 500 feet of the property. In past work groups, the Parole department and other housing specialists indicated that this is common, and that neighbors sometimes take out daycare licenses in order to force a person on the registry out of their neighborhood.

#### 4. Ongoing need for law enforcement consultation

To evaluate the legality of a residence, a person must make measurements across lawns, fences, and property lines. Because certain restricted locations are not easily identifiable, and daycare licenses are invisible, one must ask local law enforcement to confirm that an address is legal for residency. The process of seeking housing is agonizing, and families often need to check hundreds of addresses before they find a home, but law enforcement limits the amount of assistance they can provide.

#### 5. Families make senseless adaptations to stay together

Many families experience harsh financial declines as they try to maintain two households, one for the family and another for the person on the registry. This adaptation highlights a fundamental illogic of residency restrictions: a person may be in a home with their family during the day, but must find somewhere else to go at night, when any nearby schools or daycares are closed anyway.

#### 6. Homelessness

Housing shortages lead to homelessness. Nearly 1000 people on the registry are listed as homeless, and must re-register weekly, consuming hours of valuable police resources, and increasing returns to prison on technical violations. In general, the task force would benefit from a more methodical dialogue with law enforcement about how they address these mandates and how to best use valuable resources to protect victims and prevent victimization.

#### 7. Growing number of prisoners held past release date

For the past 10 years, Illinois has incarcerated a prison worth of people—at least 1200—past their outdate because of the lack of approved housing. In 2010, the IDOC convened a work group of stakeholders address this ongoing and intolerable problem.<sup>3</sup> That was 7 years ago, and this number will grow rapidly now that MSR periods have been extended to life, and people without housing will no longer exit prison simply because they maxed out. The task force should provide guidance to solve this untenable problem.

#### 8. Laws are out of touch with the risk of sexual offending

By destabilizing people and frustrating reentry, housing restrictions counter the goals of public safety, and fail to recognize the research on recidivism. In his presentation to the task force, R. Karl Hanson explained that once someone goes 5 years after prison without reoffending, their risk to reoffend plummets. After 10 years, they reach the redemption point—they have the same low risk to reoffend as anyone with any criminal record. (That low-risk approximates the risk for spontaneous first-time offending in higher-risk demographic groups such as college age men.) Yet in Illinois, we subject people to all these restrictions and registration requirements 5, 10, 20, 40 years into their redemption period.

#### 9. Laws are out of touch with the incidence of sexual offending

These laws also counter what we know about sexual offending, which is that the vast majority (some 90%) of reported crimes, and much more of unreported crimes, are committed by people not on the registry but people in our circles of families and friends.

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<sup>3</sup> The work group was a subset of the Collaborative on Reentry, organized by Metropolis 2020 at the request of the IDOC.

In short, residency restrictions do not reduce sexual offending or provide deterrence. They do severely limit housing options, increase homelessness, force individuals from their homes, and tear families apart.

### **Crime Desistance**

Media coverage of high-profile cases has helped generate a misconception that people with sex offenses are inevitable recidivists.<sup>4</sup> This belies the research data—in fact some 85-90% of people with sex offenses will not have new charges in a 5-year period after release. On the contrary, most people with sex offenses desist from crime more successfully than general offenders, in spite of facing extreme stigma and enhanced barriers to reentry. Furthermore, all the people on registries represent only a small percentage of overall sexual offending—more than 90% of reported crimes are committed by someone not on the registry.

For these reasons, placing everyone with a conviction under restrictions is not an effective approach to preventing or addressing sexual violence, or distributing scarce law enforcement resources. The principles of Risk-Need-Responsivity indicate that in order to prevent the most harm, resources should be focused on those with the greatest needs and the greatest risk to reoffend. Thus, we can have the most impact in preventing future victimization by identifying those with the highest deficits and providing appropriately high levels of treatment, support and community supervision.

### **Sexual predator label**

Individuals desisting from crime benefit from self-narratives that allow them to establish their accountability for harm, as well as their path of change and redemption. These pro-social efforts allow people to acknowledge their past and describe the role of personal agency and active change in their life. Such narratives are more useful when shared with a wider social body, including friends, family, community stakeholders, and even law enforcement. One often overlooked element of crime desistance is the need for stakeholders to recognize the capacity for and actuality of change in those who have committed crimes in the past. In contrast, labelling people with convictions has a detrimental impact on how a person understands themselves, how they are received by others, and the opportunities they have to take care of primary needs and participate in family and community life.

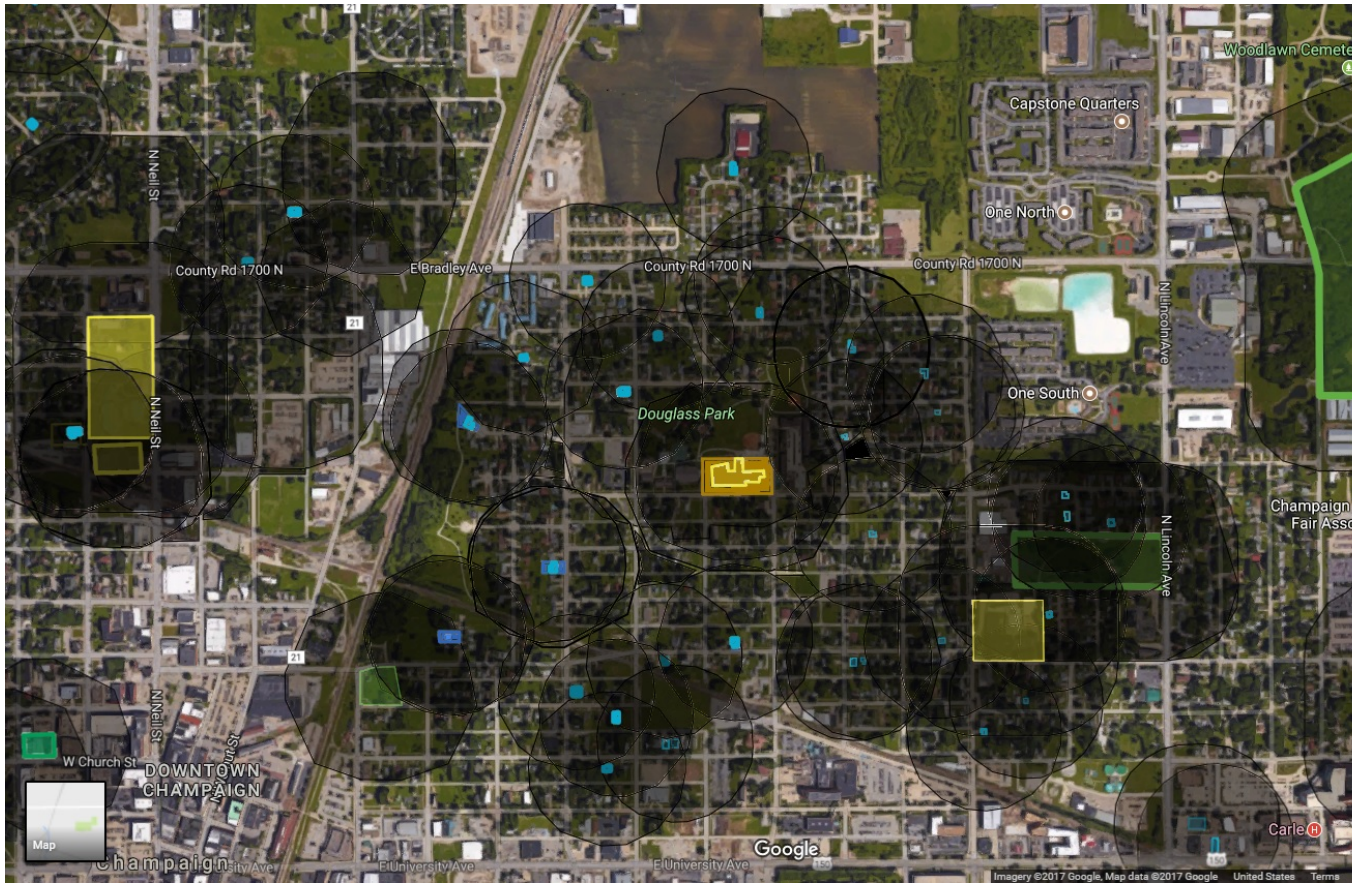
In Illinois, 70% of people on the registry are labelled “sexual predators.” How is this determination made? A legislator introduces a bill to take a particular offense and give it the “sexual predator” classification. There is no criminal history consulted. There are no risk assessments, no evaluations, no treatment providers. There is not even a definition of “sexual predator” or “predatory.” The label, which 20,000 people in Illinois currently have for life, has no basis, yet it sharply curtails the ability for someone to gain the primary needs of housing, employment and social connections. It is also misleading. The vast majority of people with this label will never offend again and value the opportunity to lead positive and productive lives.

People trust the state to use valid and legitimate terms. They take this frightening language seriously. I hope the task force will recommend removing all of these labels and instead develop proposals to help all of us communicate accurately and responsibly about sexual offending, risk and prevention.

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<sup>4</sup> For more information on the origin of this myth, and its impact on law and public policy, see this New York Times op-ed and video by David Feige from September 12, 2017: <https://www.nytimes.com/2017/09/12/opinion/when-junk-science-about-sex-offenders-infected-the-supreme-court.html>

## Diagram 1



This map of a section of Champaign, Illinois illustrates how the 500 feet exclusion zone around schools and playgrounds can effectively block out whole sections of residential real estate. The areas that appear open have virtually no housing, as they are either green spaces or industrial areas. In view on this map are the following: a water treatment plant, a gas station, a church with large parking lot, commercial buildings, motels, a golf course and two cemeteries.



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Hello, I am writing for the sex offender testimony.

I understand that the laws are the laws. However, once one serves their time and can be a successful, productive member of society, why must they continue to be punished for the rest of their lives?

I have married a registered sex offender. Let me tell you what it is like.

We are constantly aware of our surroundings. We keep to ourselves with few friends. In 2013 My youngest daughter was taken from my custody and given to my ex husband because of a crime that happened in 2001. How is that fair to my family? Since that point my daughter has suffered. Multiple school changes, loss of friends, passed from daycare to daycare, been neglected for medical attention, been exposed to an alcoholic drug addict that dated her father that constantly told her that she hated her, forgotten at school because dad was napping. Woke up in the middle of the night because dad had to go to work. All because the judge was worried about the politics. This man was cleared by DCFS to be around my other kids, he had a risk assessment that he set up and we voluntarily had done for DCFS and paid \$550 out of pocket for this test to tell us he is low risk to reoffend. That is the lowest on the scale that he can ever be.

We cant partake in community events, car shows in town, cancer walks, garage sales, community sale, vote or even church in our community. We are constantly harassed from the Illinois registry link since its sharable. We are constantly yelled at from our neighbors, blasted all over their facebook page as "The pedophile and the bitch" We are even shamed! I am shamed the most because how dare I enter into a relationship with someone on the registry. We are unable to go watch our child at school or park district events. My oldest daughter graduated from high school and her stepfather could not be there to support her. My husband was granted legal rights to my middle two children as he adopted them this year with a GAL, lawyer, full disclosure given to the judge. Even so, he still doesn't attend any school events. In order to do that we have to have an approved permission slip from the school. The retired judge that took my child out of my custody so you tell me if that's going to happen. No. Not at all. In the very slim chance it did and we went to see our child participate in a school function we would be shunned, treated horribly, talked about and probably threatened for being there. We have people randomly drive by and scream obscenities out the windows, throw things. If Im at the grocery store people will refuse to check my groceries out because I'm the "pedophiles wife" I don't even grocery shop anymore, I use the curbside pickup so I don't even have to get out of my car.

Below are just a handful of the screenshots we have from the last couple weeks. Including one where my kids were being questioned. My kids have been bullied, my kids have been slandered, I have been slandered, if we say anything back to these people we are retaliated against. We have had threats from random phone calls, threats on answering machine, our vehicles vandalized someone threw rat poison in the yard and one of our dogs was killed because she ate it!

I understand why there is a registry. However, what I cant understand is why every vigilante crazy nut can access it. I have tried to press harassment charges in my town. Cops aren't interested in doing paperwork. They just do log entries about it. So if that's the way they chose to go why is not the registry for police only?

My children and I are held as collateral damage because of this registry. Our business has taken a massive hit because of all the nonsense on fb. Our kids are tormented and bullied. The damage that the registry does to people that are unintended targets of the registry is phenomenal. I have been in counseling for years because that is just my place to let it out. I have had to be medicated and put on anti anxiety medication due to the harm the registry causes our family.

My husband has never since 2001 been found noncompliant, or in violation for any reason. We follow these rules by the letter of the laws because in our home there is no room for wiggle room. We are very serious about this. In our home we want absolutely no reason for DCFS to show up or for my husband to go to jail.

I understand that the laws cant just go away. However, there is a lot of gray area in the laws. The laws are also just a 1 size fits all. That's not fair either.

As a taxpaying citizen that has put up with my fair share of stuff in this state, I am begging you to please take a look at these laws and figure something else out. It is more of a burden on our police department then it is for the offender. My county is the smallest in the state. They are also notorious for the sweeps. This cuts down on police power that could be used towards something better. It would cut down on the lines at registration. How much do we pay the officers that deal with this and how much do we make from the registration process? Also, if technically there is money coming out of my account to pay the registration fees I feel that we should be able to use whatever that money is funding. Whether it be school playgrounds, community playgrounds, community pool. Any of it. There has got to be an easier way to make this fair across the board. I know at this point you are thinking "Was it fair what your husband did" Well, let me get that out of the way, my husband was set up by the police in a sting. There was no victim. Now, here is where it gets me, his second charge was brought on by his ex wife and it was only her accusation that sent him to prison to finish his time. The child never testified, he hadn't been around the children. The court case file and the DCFS case file are completely different reasons. His lawyer, a public defender said "Your marked, plead out and do your time." So that's what he did because he had no other options. Today the justice systems are guilty until proven innocent. Anyone involved in the system can put the corruption together with puzzle pieces. Its completely horrible what this world has come to. Vigilante justice is more accepted now then ever before and I am ashamed of my state for letting this happen.

Thank you for your time. I hope to see positive progress with the new committee.

Marlena Lohrbach Gordon

I would like to start by saying that I am an advocate for maintaining safe communities. I am disappointed in our current system as I believe that it is dangerously flawed.

The registry itself is designed to inform private citizens of a potentially dangerous person living in your neighborhood. This is something that works well in a vacuum, but in the real world the stigma of being labeled a sex offender, is one that goes beyond informing. The registry itself and restrictions placed upon these offenders, make it near impossible to adopt a normal life after prison. With the inability to communicate in modern day mediums like email and social networking not only make prison punishment, but also continues to punish these reformed people to a near life sentence bearing a stigma of their past. This takes a former inmate offender, and now still has prison restrictions, but in a different ZIP Code. Thus making them nothing more than an "outmate".

As a private citizen, it is more alarming knowing that I can be living next-door to someone that can murder me, steal my possessions, or defraud me of all my money and identity, but somebody who was looking at pictures or videos online, should not be put in a more difficult scenario after prison. I say this knowing full well that there are victims to consider in all levels of this crime and I don't want to minimize that.

If the prison system feels that a person is rehabilitated enough to enter society, the System needs to allow for that. In this specific instance, and many others, a nonviolent offender, with no prior history, can be shown that their prior discretions were wrong. With the prison validating release it shows an ability for the inmate to learn. If you maintain restrictions on inmates, and force them to live a lifestyle that more closely resembles prison then many societies, you will see an increase in repeat offense as displayed by the American prison system

Is the intent of the prison system to rehabilitate or to punish? Based on the standards that the American prison system has shown, it is more focused on punishment. With items written in to the MSR like "to life" it creates a stigma upon a reformed inmate that aggregates them from society and hinders them from becoming an impactful member.

Without reform, there is only the ability to lose. An increase in repeat offenses, as well as a proven ineffective deterrent to continual action against the law. Not only does the registry need to be segregated out based on prior offenses, but the inclusion of a family environment has been shown to foster well-being and that should be considered upon release.

I ask of you, as a private tax paying citizen, to not waste our money keeping somebody in prison that has been labeled as acceptable to society. Take this as an opportunity to rehabilitate our inmates, and not continue to take the term "sex offender" and paint with a broad brush.

Michael Gorsky  
ISID

[630-919-2016](#)

Hello, my name is Marcus. In February of 2015 I was released from Pontiac Correctional Center after serving a 2 year sentence for possession of child pornography. I accept full responsibility for my actions, and live every day regretting the harm I caused others.

When I left prison, I was hoping it was the end of the worst nightmare I had had. Because of the poor choices I made, I had lost everything. I lost my job, where I was living, and all my friends. Everyone I knew was gone. What I prayed for every night was a chance to start over, to be able to make amends somehow, and to have a new beginning.

During the last few months before I was released, I wrote to Field Services and my counselor at the prison to find some direction of where to go, where to live, how to get started with this new beginning. They did not ever answer me. I sent requests nearly every day and did not even get the courtesy of "I'm sorry but I can't help." I was ignored. On the day I was released it was 15 degrees and snowing and all I was given was a sweatshirt and a pair of sweatpants. The last thing a correctional officer said to me was "I'll see you when you get back." I had nowhere to go, no way to get there, and nothing to do when I arrived at that unknown place. No money, no one to help point me in the right direction. No hope at all.

After 2 days I went deep into an empty park where no one was around and I tried to commit suicide. Only by the grace of God and a miracle did I survive. While in a Behavioral Health Hospital in the following days I talked with the discharge specialist there. It was her job to find someplace for everyone to go. She came back to me after a couple days and said she could not find any place for me due to my being a sex offender. When the person whose profession is it to do these things could not help, I knew it was not going to get any better.

Through another miracle I made my way to a mission in Aurora. The people who ran the mission did not care about my former life and just wanted me to become something better. Then the police came calling to arrest me for being in the park and not registering when I first got out. Fortunately, I had a judge who saw that change was happening in me, so I was not sent back to prison. She let me go back to the mission in Aurora.

I have spent the last 2 years making small and slow steps toward change for the better and have been blessed to find one of the rare places in this state to be able to do that. I know I am not the same person I was.

But every aspect of life is now a struggle. I cannot afford to pay the \$100 registration fee at this time, so my local police department makes me register every 3 months instead of every year. If the fee is supposed to help pay for the administrative cost of the registry, how does making me do it more often accomplish that? I have been able to obtain my driver's license again, but now I have to renew that every year. This now becomes an all-day project of renewing the license and then going to the police department to change the registration forms. Then when the permanent license comes in the mail, it is another trip to change the expiration date in the paperwork again. A simple thing like renewing a driver's license changed from a couple hours every few years to 2 whole days every year.

Finding employment, finding a place to live, really just meeting anybody is all a process that can be near impossible. I strive every day to make changes to better myself, but everything around me pushes me back to the place where there is no hope. I tell myself every day that I am not the person I used to be, but these laws make that a constant struggle. They tell me and they tell everyone else that I can only be what I used to be, that I will never be more than that, that I can not change. My mind wants to go back to saying there is no hope.

How should these laws be changed to make them stronger? I don't know. That is for someone smarter than me. What I do know is they need to change to give someone a chance to have a life and to give them at least a little hope for a better future and that someone can be something different than they used to be. I am sure that can be accomplished while still keeping the public safe.

Hope is an easy thing to lose and a hard thing to get back. I have worked hard to have what little I have, please do not take it away again.

My name is Mark. I am married with 3 children at home and I've been on the registry for 2 years.

Twelve years ago I offended against my daughter. I am truly, deeply sorry for the harm it caused, and I have spent every day since then trying to make amends for my shameful breach of trust. I have made positive changes in my life so that nothing of that sort ever happens again.

Like any husband and father, loving and supporting my family is very important to me. I want to be able to foster an environment where we can rebuild a full and rich family life now that I have paid my debt to society.

I find, though, that life on the registry makes those goals all but impossible. I am unable to live in our family home because it is too close to a park (even though that is across two property lines, down a dense ravine and over a stream). Our income is near the poverty level because I have been fired multiple times simply for being on the registry. I live daily with the fear that I could be homeless in a matter of hours if my landlord finds out that I am on the registry and evicts me. I am unable to engage in most types of family recreational activities, such as fun runs, art festivals, trips to the museum, hikes, softball and volleyball games, bike rides—they are all impossible for me and my family because of the registry. I am denied access to parks, bike trails and other recreation areas. In short, being on the registry has made being a good husband and father extremely difficult, even though I have paid my debt for my crime.

I would like to see the law changed so that offenders can return to their homes to live with their family, so that they do not have to live in fear of being forced out of their place of residence simply because they are on the registry. I also would like to see the law changed so that offenders can engage in normal recreation activities in a park when they are accompanied by a family member or a responsible adult.

Thank you for your time today.



I am married to a man who is on the sex offender registry. Let me tell you what it is like.

We are constantly aware of our surroundings. We keep to ourselves with few friends. We can't partake in community events, car shows in town, cancer walks, garage sales, community sale, vote or even church in our community. We are constantly harassed. We are constantly yelled at from our neighbors, blasted all over their Facebook page as "The pedophile and the bitch." We are even shamed! I am shamed the most because I entered into a relationship with someone on the registry.

We are unable to go watch our child at school or park district events. My oldest daughter graduated from high school and her stepfather could not be there to support her. My husband was adopted my middle two with the help of a GAL, lawyer, and full disclosure given to the judge. Even so, he still doesn't attend any school events.

We have people randomly drive by and scream obscenities out the windows, throw things. If I'm at the grocery store people will refuse to check my groceries out because I'm the "pedophiles wife." I don't even grocery shop anymore, I use the curbside pickup so I don't even have to get out of my car.

My kids have been bullied, my kids have been slandered, I have been slandered. If we say anything back, people retaliate against us. We have had threats from random phone calls, threats on answering machine, our vehicles vandalized. Someone threw rat poison in the yard and one of our dogs was killed because she ate it!

My children and I suffer collateral damage because of this registry. Our business has taken a massive hit because of all the nonsense on Facebook. Our kids are tormented and bullied. The damage that the registry does to people that are unintended targets of the registry is phenomenal. I have been in counseling for years because that is just my place to let it out. I have had to be medicated and put on anti-anxiety medication due to the harm the registry causes our family.

My husband has never been found noncompliant, or in violation for any reason. We follow these rules to the letter of the law because, in our home, there is no wiggle room. We are very serious about this. In our home we want absolutely no reason for DCFS to show up or for my husband to go to jail.

As a taxpaying citizen that has put up with my fair share of stuff in this state, I am begging you to please take a look at these laws and figure something else out.

TESTIMONY BEFORE SEX OFFENDER AND OFFENDER REGISTRATION TASK FORCE  
September 20, 2017

Submitted by Anonymous

I am the mother of a young man on the sex offender registry.

We all want our children to be safe. We want a criminal justice system that protects them. So we have to take notice when the criminal justice system itself may threaten their safety. Last January police and school officials confronted a 16-year-old boy in Naperville who had recorded on his phone an episode of sex with an agemate. The consequences of our laws designed to protect children, specifically the sex offender registry and the child pornography laws, scared him so deeply he committed suicide.

Why would a young man who had no prior contact with the police, no problems at school, by all accounts happy and healthy, feel compelled to take his own life? I can imagine why. When my 17-year-old son was confronted with the same thing, he became suicidal, too. The condemnation awaiting those on the registry is so harsh, so unremitting, it can induce a healthy person who has everything to live for to kill himself.

The police confronted my son for viewing child pornography on his computer as a high-schooler. He did not fully comprehend how these images were created; he thought it was like tv or the movies. Nonetheless, he takes full ownership of his wrongdoing and regrets it deeply. He participates sincerely in the prescribed therapy. Like the boy in Naperville, he had no prior encounters with police, no problems at school. When told the penalties he faced, my son also became suicidal. Fortunately, he told us. Fortunately, we were able to keep him safe. However, he is on the sex offender registry for the rest of his life. He was incarcerated for two years. Because his crime was child pornography, he is on parole indefinitely, sentenced to 3 years to life parole. The restrictions are so severe, it is not possible for him to find housing or a job without family members to search for him. Our whole family is on the registry, in effect, as our family life is subject to his restrictions, and we are all vulnerable to condemnation from anyone who reads his profile on the Internet.

All persons who commits any one of a wide variety of offenses, whether a first-time offender, a juvenile, an intellectually disabled person, or a violent career criminal, are lumped together under the label "sex offender". That label "sex offender" connotes an irredeemable deviant who is a threat to the community. The truth is most of these offenses are committed by common, ordinary people, many of whom regret their wrongdoing deeply and respond to rehabilitative therapy. The mismatch between that label and those who bear it is something most people do not grasp.

Does the registry prevent crimes against children? Most research studies conclude it does not. Nor does it address the harm done to victims. Youth are active users of technology and can unwittingly venture into child pornography territory. Most laws related to child pornography were written before the Internet, social media, and cell phones were available to everyone. We know adolescents make unwise choices and serious mistakes which can harm others. Our responsibility as adults is to make sure they understand the harm done and help them make better choices in the future. Creating the permanent obstacle of public registration and severe restrictions is not the right solution. Imposing lifetime parole for the crime of child pornography is not an approach that prevents harm to victims.

Let us protect all children in our society not by maintaining a stigmatizing registry but by providing remedies that redress the harm done to victims and rehabilitate the wrongdoers. Let us revise our child pornography laws so that consequences are therapeutic treatment and sentences proportionate to culpability. Right now *you* have an opportunity to recommend *reform*. Please, tell the legislators the laws intended to protect children should be based on solid evidence of effectiveness. Thank you.

Dear Task Force:

I would like to take this opportunity to write in this public comment forum and remind the task force to keep in mind that a great many sex offenders in Illinois were not convicted in Illinois state court. As an example, many child pornography possession/reception offenders like myself were convicted and sentenced in federal court. In my opinion, whatever recommendations the task force eventually makes to the General Assembly should apply to all offenders regardless of their jurisdictions of conviction.

I encourage the task force to consider recommending to the General Assembly that, after a certain designated period of time of good behavior, registered sex offenders should be given the opportunity to petition to be removed from the registry. If such a proposal were to come to fruition, proposed legislative language such as “the registered sex offender shall petition his or her sentencing court” should be avoided, in my opinion, because federal courts or out-of-state courts would not be subject to Illinois law.

Instead, I would encourage the task force to propose any potential legislative language to read something like “the offender shall petition the Illinois Circuit Court governing the county in which he or she currently has resided for \_\_\_ years.” This would incur jurisdiction on the local circuit courts.

Such clarifying language would eliminate confusion and apply equally to all sex offenders residing in Illinois. As well, by requiring the offender to have lived within the state for a certain designated period of time prior to initiating any such petition would also prevent “jurisdiction shopping.”

This is a technical matter to be sure; however, being clear and precise early on about this particular issue regarding potential recommendations that the task force may make will prevent a lot of confusion later should the General Assembly decide to act favorably on one or more of the task force’s suggestions.

I appreciate your consideration.

Michael A. Davidson

2829 W. Susan Curve

Peoria, IL 61615

September 27, 2017

My name is Michael Edwards and I am on the sex offender registry. My crime is this. I am a former educator that had an inappropriate sexual relationship with a 16 year old student. I am not denying my guilt or the punishment of incarceration. I made bad choices, and my consequences are mine to own.

I want to discuss the day to day frustration of being listed as a predator on the public registry. I am not a predator, but if a person looks my name up on the registry they only see this.

The story I want to share today is about my employment and harassment at both my jobs. Currently I run a bakery and a kitchen. My duties include firing individuals if needed, which I had to do once my kitchen job. As a result, this person and his family looked up all my information online. He wrote on the walls at my job, saying that I was a child rapist (knowing nothing of my case or crime). Then he had a family member copy my public information and post it on Facebook. What could have been the most damaging part of this that they contacted my employers, sending all my information from the registry. Fortunately, both my employers were told about my crime and case before hiring me. In less than a year, I became part-owner in the bakery and I now run the kitchen at my other job. I am professional and work hard. If I was not open about my situation this could have cost me both my jobs.

Being listed as a predator is misleading, and it leads to problems with my job.

I struggle each day knowing that at any time any person can look me up and harass me at my jobs, at home or anywhere I am. I am not a predator. I am a former teacher who made poor decisions. Being listed on a public registry puts me, my career, and my family in danger, and robs me of the ability to live a normal life.

Now is the time to make changes. I am not a predator, and listed me as one on the registry is misleading, false, and harmful. I ask that you recommend that this term no longer be used to describe people on the registry.

Thank you for your time.

My name is Tracy O'Dowd, and I work for the Safer Foundation. I provide employment assistance for people with criminal records, including those who have convictions for sex offenses. I have witnessed how such a conviction limits options for employment and housing which adds to the difficulty of reentering society successfully more so than any other type of conviction.

The following is testimony from one of my clients who wished to stay anonymous. In his early 20s, he was the driver of a getaway car during an armed robbery. The person who committed the robbery fondled the female store manager during the incident. My client, who did not commit the robbery, was convicted for a sex offense in addition to the robbery and later for failure to register.

Testimony:

When I got the letter from the parole board that I completed parole, I thought I was done. They did a poor job of explaining everything. When they first came up with the registry law, they didn't budget the funds for it, and so a lot of police stations didn't register people. You'd go to register and they didn't know what you were talking about.

At first, failure to register was a misdemeanor. The station I was going to closed down the place where they register people. That's when I stopped going. When I moved back to Illinois, I didn't know it was changed into a felony, and then I had to register for another 10 years. There's the saying that you do your time, but I'm never done with my time.

The point of the registry was that a person who offends has a disease. If they stuck with the original plan of child predators they would have been fine, but when they put everybody on there, they watered it down.

I thought we were living in a country where once you serve your time, you're done. Police are trained to have the information and it should stay in their hands. The public is not trained. You don't want that situation. It's being falsely accused all the time and you can't do anything about it. Jobs never talk about it. They just don't hire you. McDonalds didn't hire me because of it. I disclosed my background to them, and I had to call a special number where they said they would review it with the lawyers, and they never called me back.

I understand jobs have to protect themselves. At the same time, you could talk to a person and allow them to have a job. People who get out of prison are actually pretty good employees. They're fresh and energetic. If it's an entry level job you shouldn't have to do a background check. If it has to deal with money, I can understand. These days there is a camera everywhere watching. Do you really need a background check?

If it was a murder, I probably wouldn't be as restricted as I am now. People are more forgiving of that. People don't forgive having a sex offense. Even trying to fight it is hard. I've always tried to run away from it, but I couldn't.

I wasn't able to go to a park by myself. Going to a park would have meant freedom. People don't realize how valuable freedom is until they lose it. It's easy to take air for granted until you're suffocating. If I just wanted to relax and walk in the park, I couldn't.

Imagine if everyone can go into the store, but you can't. Imagine you're not as important as the person right next to you, you're a different class citizen.

Imagine your neighbors looking at you funny every time they go on the computer. If someone makes an assumption of you, they're going to think the worst. They don't even know if you were an accessory or if it was with children or adults. You get the looks. Whoever you're staying with, they get looks too.

When my nieces were going to school, their friends would see me on the list. They'd be embarrassed. I don't know how a person would feel if they were the actual offender. It would be easier to take responsibility if you actually had a problem. Two 15 year olds having sex can't go on the registry because they're too young, but it's a whole different situation with an 18 year old having sex with a 17 year old.

Being on the registry impacted me economically and educationally. I didn't want to go to school. It took away my ambition and hope. I would have had to register at the college. I didn't know what to take—what field could I go into with this type of case. If it was just an armed robbery, I probably could have had options. I ended up getting my GED the first two weeks in prison. I wanted to go into nursing. The majority of people in my family are nurses, and I would have had a lot of support in that field. I would have been a good nurse, too. I'm smart, I'm caring. I pay attention to details.

If you have that kind of background, you're limited in what kind of job you can get. You can get the jobs that nobody wants—temp jobs, day labors, landscaping. They pay low.

I've gotten through it day to day. There's always somebody that's going to have it worse or better than me. I only worry about what I can control.

If you want offenders to be rehabilitated you need an endgame where they are free of all restrictions so they can be employed and live somewhere. You can't expect someone to be rehabilitated when you're still treating them like they're in prison. If they're sentenced to 10 years, that should be it. They shouldn't have to keep paying for life. I believe that would fall under cruel and unusual punishment. Everyone shouldn't be blamed for repeat offenders. The majority of people in prison believe they made a mistake. If you allow them to correct their mistakes they can be normal citizens again.

Speaking for myself, I have a quick anecdote.

In 2015, my personal information was stolen in the Federal Office of Personnel Management data breach. The federal government provided me with credit and identity theft monitoring. The service that they provided also notifies me every time someone on the sex offender list moves to my area. To reiterate, a credit and identity theft monitoring service, provided to millions of people in response to a privacy breach, sends special unsolicited notices to tell us which of our neighbors are on the registry.

Thank you.

My name is Penny, and my son is on the registry. He is 25. I wish that I could be here today, but I am pleased that my story can be shared. As recently as a year ago, I could not speak at all. I was trying to be invisible.

My son is cognitively impaired. His verbal skills are low. His memory is poor. His functional skills are low. His mental age is that of a ten year old child.

He was arrested at the age of 21, accused of something 7 years earlier. This means he was chronologically 14. At 21, He was found unfit to stand trial by two doctors. Still he was charged as an adult.

In our desperation to keep him out of prison, we accepted a plea deal. It was clear that he could not defend himself.

He was given 3 days to move. Our home of 10 years was 11 feet too close to an in home daycare. He moved in with a relative for 10 months while we sold our home and found another. We could not rent. My son cannot live independently. He depends on us for everything. Like a child.

I want to make my house a home, instead Every Time I plant a flower, paint a room, I wonder when someone will show up and tell us my son has to move. We will have to move, possibly endless times. I am 63, my husband is 65 and his health is bad. Please consider residence restrictions and how they affect families.

I recently tried to join a neighborhood website and was denied access.

I went to a job fair for people who have barriers to employment, because my son cannot attend, it was held at a community college.

This was his first summer off of probation. He was proud of this. I spent a great deal of time researching where we could go. There are very few events that are not held at a park, school, or forest preserve. Most museums are not allowed. He shared with me that he is anxious to go fishing like he used too - when his 10 year registration is up. I couldn't bring myself to tell him this would never be allowed. Even after the ten years, nothing would change. Even though you have done everything right. I have to find a way to tell him. It breaks my heart into a million pieces. I don't know how.

We have not attended our annual family reunion in 5 years, and never will.

Any resources for residency, employment, education, socialization are now denied. A registered person does not receive help.

My son will not walk around the block with me. He runs into his room when the doorbell rings. I am afraid as well. I fear for my grandchildren who live in the area and have our same last name.

We will never go on a vacation again, he is afraid and I will never leave him alone.

Someday he will be left alone, and then what will happen to him? Who will want to help him?

He is frightened to go to the doctor. We cannot adopt a dog. Every aspect of our lives has changed.

It took me 3 years to find my voice. 3 years of meds and therapy and working so hard. I no longer feel ashamed, but I am tired of being shamed. I am tired of living in fear and constant worry.

I am actually very proud of my son. He spent his life overcoming barriers, and means to overcome this. I'm afraid he just doesn't understand how hard this will be. It feels impossible. Hopeless.

I have met many registrants and their families in the past year or so. I am a better person for it. These are people in different circumstances who are working hard to make a life and the barriers seem insurmountable, yet they keep trying, finding hope. We are punished forever, and placed in grave danger. I want safe communities as much as anyone. Including for myself and my son.

I don't know who I am quoting, "Success is achieved in any instance by having a home, a job and being united with a family" The registry makes this next to impossible.



I am all about protecting our communities, improving public safety and holding people accountable for their crimes. Yet, the current way of managing the offenders on the registry and bringing justice to a social phenomenon seems faulty.

It seems to encourage labeling and condemning. This appears to keep much of what happens under cover while destroying the lives of the few reported. They seem to get the hate of the Registry, of their community, of employers and of society at large without any attention to the society-wide phenomenon.

It disturbs me that people can be labeled for life and everything they have taken from them and their families for offenses that should be addressed by our society at large. Social justice would require for there to be an organized effort to protect our society. Awareness is a big part of this.

Providing counseling and programing for the public would be a good start.

The registry itself does not in fact protect the victims and creates a stigma for the registrant that makes it nearly impossible to find a stable home, get employment, and stay connected to family.

The 500 foot rule has also been studied and proven to be a false sense of security. If housing with family is an option it should be considered on a case by case basis without the 500 foot rule. Also, once housing is established they should not have to move if someone decides to get a daycare license within 500 feet.

The "to life" that has been added to the MSR (mandatory supervised release) must be removed so that someone who has sought rehabilitation is not forced to stay in prison past the time he was sentenced to just because he cannot find housing.

There needs to be some separation for first time no contact offenses. If they mandate a sentence and they serve their time they should be able to have the chance to redeem themselves.

There should be parole and those with clean records and a good report from their parole officer and community; they should be eligible for a second chance. They should have their status changed after rehab.

Finally the separation from family is beyond counterproductive. It is the one foundation that can be the most healing.

Thank you,

Phillip H



I am speaking today about my son Max. My son and our entire family are committed to the goals of public safety and we appreciate each of you on the task force for your work on behalf of our communities.

Max is a young man with a strong work ethic. He is a college graduate and has worked as an educator, catering manager and as a vendor for the Chicago Cubs. He has also made community service a priority in his life. Most recently volunteering for The Chicago Mitzvah Campaign assembling care packages for the elderly.

Four years ago, my son was charged with one count of possessing and sharing illegal pornography through a file-sharing website. He accepted responsibility for his actions, pled guilty, and served his term of three years in prison without any incident. Through vigorous and honest work in self-help support group programs, he came to understand his offenses and what bad choices led to this harmful behavior. This difficult work was mostly self-directed as the facility where he is at offered minimal rehabilitation at best. He is fully committed to continue this program when he is released.

The problem is that there is no housing for my son to parole to. All of the housing options are restricted or barred by statutes or by parole restrictions.

No testimony could adequately explain the countless hours I have spent searching for addresses that even possibly fit the many restrictions and requirements. I have a team of 7 friends who make calls daily to the Chicago Police Registry to verify if an address is registrable because they will only check 2 and if they even consider checking a third it is with attitude or sometimes they just flat out say no after 2 and hang up.

I have now researched over 300 addresses without success. Most are rejected because of registered in-home daycares, whether or not they currently have children in their care.

If I ever do find a house or apartment that qualifies, then I have to face the fact that no one will rent it to him.

Research indicates that family support can make or break a successful transition from prison to community. My home would certainly be the best place for him to be. It is well over 1,000 feet from a church, but is 50 feet short from their lot line and was rejected by police.

When Max went to prison, he was told in his plea bargain, that his MSR period would be 3 years. While in prison, they changed it to life.

At this point, I am in despair about the very real possibility that my son will be in prison for life for a single offense. The damage for him and our family compounds: He has missed his dear grandfather's funeral, his uncle's funeral, his life-long best friend's wedding, and his cousins wedding.

If we can ever get him out of prison, he will not be allowed to attend holidays and family events including his brother's wedding in May.

He will never be safe from this 500 foot rule since they can make him move any time someone takes out a daycare license. He will never have a stable home.

My son is a victim himself as he was violently raped while he was in high school by members of his wrestling team. Max also has high functioning Asperger's Syndrome which is another reason why family support is crucial. There is a lot of work to be done to truly address prevention and to help rather than punish survivors.

That being said, I make no excuses for what my son did and neither does he. We need to change the laws to help better serve those coming back into society who have served their time. Yes, there needs to be checks and balances, but as a society we need to take into consideration the human element for both the general population as well as that of the offender.

Studies show that all these restrictions have no public safety value. They are simply producing isolation, desperation and depression, which are absolutely counter to the best practices for reentry.

I'm sure no one on the task force thinks it is reasonable that my son never be let out of prison because of these restrictions.

I understand that these are challenging and difficult decisions to make. This is an emotionally charged topic, it is uncomfortable to talk about, and there is an air of public fearfulness, one-sided perceptions and interpretations. However, no matter how difficult the conversation, we hope to engage in the discussion and find a workable balance for my son and all the other persons who are facing similar circumstances.

I ask you to please vote to remove the lifetime parole restriction for people with sex offenses.

I also ask you to remove the 500 foot residency restrictions so that people have a chance to find housing, and can live with their families if that is the best place for them.

I also ask that you remove the many restrictions on family gatherings. Our extended family unit is the strongest force for our son as he reenters society and these policies have left us not only helpless, but broken.

I know you agree that social isolation is not a useful policy goal, and I ask that you please make recommendations that follow the research on successful reentry.

People must have the opportunity for meaningful and connected lives.

Thank you for your time and consideration.

My name is Robert George. I am 70 years old and have been married for over 50 years. I am the father of two children and grandfather of six. I see my children and grandchildren often, and cannot imagine life without them.

I was sentenced to five and a half years in federal prison for possessing child pornography images on my computer. I pled guilty, because I was guilty. I accept responsibility for my actions, and I served my time. Prison was devastating, but the registry is many times worse than incarceration.

I have been home for three years and have almost completed my required counseling, and attend a weekly group. I know what I did was wrong, and I am working hard to never reoffend, and/or return to jail.

I was always a good dad, and enjoy my Grandchildren. I even look forward to being a great-grandfather someday. Since coming home from prison I have been unable to attend my grandchildren's school and sporting events. I can't even attend their graduations because of the registry. My grandchildren are involved in wrestling, swimming and softball.

I love to bicycle and would like to ride the bike trails. I also cannot attend yoga classes at the senior center, and I cannot take my younger grandchildren to the park or the beach.

What I did was wrong and I have done my part to say I am sorry. Because of the registry there is no second chance, no forgiveness. My punishment for what I did goes on for me and my family forever. When I was sentenced, I was to be on the registry for ten years. While I was incarcerated it changed to lifetime.

I ask that you consider the impact of the registry on individuals who have served their time and who are trying to put their lives back together. At very least, I would like to see a light at the end of the tunnel where I know that someday, I will no longer be listed on the public registry.

## “Because of the Label”

My name is Ryan Dolan and as a high school teacher in 2014, I was charged and plead guilty to sexual abuse of a 17-year old female student. This was the biggest mistake of my life and not a day goes by where I don't regret and have remorse for my actions. This conviction has resulted in my being placed on the Illinois Sex Offender's Registry.

Among the many restrictions that come along with being on the public registry, the label and restrictions of “sexual predator” has been the most damaging to me thus far. While the state of Illinois uses this label to refer to those on the registry for their lifetime, those entities I have come across equate the phrase “sexual predator” with the level of risk. Although my pre-sentencing evaluation and treatment evaluation both came back as low-risk to reoffend, I am listed as a sexual predator.

So how has this affected my life? One example was my recent job search. I was working for a company as sales manager and over time, it just wasn't the best fit for me. More significant than being underemployed, it was made clear that I should just be grateful I had a job, to which some extent I understand. For almost two years I was convinced that I was stuck because of my background and my offense. Who's going to hire me? I'm a disgraced former teacher and I should just count my blessings I have a job. Then I reached a point where I just wanted something more. I finally refused to accept the belief that I should settle and accept where I'm at because of my past. After months of searching for jobs that at best were lateral moves, I came across a sales job within the city of Chicago. Salary plus commission and benefits. And a job that had nothing to do with working with minors.

I made it through two phone interviews with the human resource manager and the territory manager, then advanced to a face to face interview with the territory manager, and became a finalist for the position. At this time, I thought it sensible to be honest about my past offense and conviction. The individual responsible for hiring me, and who would have been my direct boss, was very appreciative of my honesty and because of my interview, I was offered the job. I thought it too good to be true and believed the horror stories of employers rejecting those of us on the registry to be overblown. One week later I received the contract, accepted the offer, and just waited for the final word to give my two weeks' notice to my current employer. Then the call came.

It was a person from the human resource office. “Hi Ryan, unfortunately we are going to have to rescind our contract due to your background.” Crushed but not surprised, I responded with, “I understand. Thank you for the opportunity. Just out of curiosity, how come I was even offered the job when I told them about my background?”

“Well we searched your name and there are a couple of websites that have you listed as a sexual predator. We can't have our customers looking you up and seeing that. We can't have a sexual predator working for our company.”

There it was. Regardless of my honesty or accurate account of my offense, they could not have a sexual predator working for them. That is me. That is my label. And that's how I am viewed. It didn't matter that I was the one chosen out of 32 candidates. It didn't matter that I was honest, knowing full well they could have asked me to leave.

All that mattered was that label "sexual predator". It is the ultimate trump card, that decisive phrase to sum up my life and warn others that I am dangerous.

While there are very few sympathies for a former teacher who betrayed the public trust the way I did, at what point have these laws gone too far? At what point are people going to be given a chance to prove they can change and be removed from the shame of a public registry?

I believe if someone can show they have become a positive and contributing member of society, and that his or her offense was an anomaly and not the norm, he or she should be given a chance to be removed from the registry. I look forward to the task force recommendations that will someday allow me to be out from under the weight of the label and the registration.

Unrelated to my offense, I am comfortable in admitting that I had a serious problem with alcohol in my twenties. I only bring this up because I have been sober now for more than 3 years. That was a fatal behavior that I have since changed and my life has only benefitted from that change. Why bring that up? By classifying someone as a sexual predator and requiring them to register for life, the state is assuming that people can't or won't ever change.

I have tried very hard since my arrest and conviction to prove that I am not my offense, that I can be a man of integrity, that trust can be earned back and that I'm not the same person I was 3 years ago.

I sure hope the state of Illinois will someday agree.

My name is Samantha Vajgert. I am here today to speak in favor of REFORMING, REDUCING, or REMOVING some of the nearly insurmountable restrictions on people convicted of sex offenses.

For my friend, Max – who has served 3 years in prison for ONE count of illegal pornography, his Mandatory Sentenced Release term was originally 3 years and was later arbitrarily changed to LIFE. This means that even though he has served his time, if he cannot find a permissible site, he could spend the rest of his life in prison.

I have to spend money in increments of \$25 to be able to get a few opportunities to talk to him on the phone for 30 minutes at a time, when he is able to make a call to me. That's \$25 a month to speak once a week for 30 minutes. There is no voice mail, no email, no texts. I have no way of contacting Max in case of an emergency or if I just need to talk to my best friend. If I miss his call, I have no way of returning it. Letters can be written back and forth, but often get lost in the mail or outright refused by the system for arbitrary reasons.

In order to visit him, I have to drive 3 hours each way, to visit for a max of 4 hours, and I feel that I am often treated as if I am a criminal myself, just to get in. Visitation can be refused at any time, with no notification if there is a lockdown or other reasoning. If Max can't find an admissible parole site, how can his friends and family members possibly afford to keep him in our lives if he is never allowed to leave prison?

The standard admissible site regulations for a sex offender to parole out are hard enough, but in Max's case a permissible site is also required to have no computer, no internet, no available wifi and no smart phones within the confines of the home. Whether one can afford to live on their own, or if they need a roommate, this is incredibly unrealistic to impose on anyone, in this day and age; when it is nearly impossible to search for a job, or have simple everyday necessities such as googling an address or phone number to a business.

Even if we could find a location that is physically admissible, most people will not even consider renting to a sex offender. And, if by some miracle, he can parole out, he will be subject to a minimum of four MORE years on electronic monitoring, further imprisoning him in his own home. Not only that, but he can't "loiter" within 500 feet of a school or park. Not only does that mean he can't GO to a park, even if there are other family members there to supervise him at a family event; but he can't even be inside a building within 500 feet of those places. What if he has to go to a doctor's office, a grocery store, a friend's home, and it is within 500 feet of those places? If someone wanted to, they could call the police, whether he was being a menace or not, and he could be arrested just for being NEAR a place where children might be. And children are everywhere. It doesn't matter if they have no ulterior motives or evil intents to be somewhere, they are subject to arrest simply for existing, and that is ridiculous.

There are no viable resources to help assist a person who has been convicted of a sex offense in re-entry to the community. The few initiatives that have been put into place to get prisoners out of prison, are strained and limited with staff that is unwilling and unable to give any sort of direction. Rules and regulations change by the day, with no clear definition of laws and limitations.

Google the phrase "Halfway House for a person with a sex offense" - I assure you that every link has outdated or incorrect information, and that there is no one out there who can give you any kind of clue as to how to find a site to parole a sex offender to. If it's out there, it is so well hidden that a vast network of Max's friends and family members have exhausted all contacts, have explored countless options and addresses, and exhausted what very limited resources are available. It's a pyramid of searching and yet all of our efforts have resulted in not a single admissible result. There is no way to successfully locate an admissible site without purchasing a house in the middle of a 500 square foot cornfield. Despite the amount of time and effort we have poured into this endeavor as a group, it is financially impossible for us to just purchase a house for Max out in the middle of nowhere.

Speaking of finances, I would also like to point out, that according to the Financial Impact Statement submitted by the Acting Director of the IDOC, the estimated cost of incarcerating an individual is nearly \$24,000 a year. According to a representative at the John Howard Association, there are currently about 1300 door violators in Illinois right now – that's \$40 million dollars a year and growing!

If one person convicted of a sex offense is spending life in prison because of the restrictive loopholes of a broken system, there are more. If TEN of these individuals are sitting in prison, they are costing the state \$24,000 a month! Yet, if these individuals were given a shot at leaving the prison system, rehabilitating their lives, earning a wage and paying taxes, it could result in a far more equitable contribution to society as a whole, at least fiscally.

In a time when our prisons are at critical mass, when our state is facing a budget crisis that has touched the lives of every person in the state, do we really need restrictions that keep more people in prison for longer than their original sentence?

There SHOULD be a cost for crimes, but how can one ever pay their debt when there are no limits to their punishment? And why must the family and friends of the convicted, and the taxpayers of this state, continue to indefinitely shoulder the financial cost? If they have done their time, if they have paid for their crime, they should have



more of a chance at returning to some semblance of life after prison.

As it stands, a person on the registry is subject to changes in law AFTER they have already been convicted and served their punishment. A person with a sex offense also carries a scarlet letter for the rest of their lives, having to announce their crimes and be registered wherever they go, which is an understandable measure taken for the safety and awareness of their surrounding communities. But forcing them into further isolation, forcing them to leave their homes whenever some new circumstance arises, and refusing any possibility of stability in their lives because of the type of crime, is inhumane.

The final and most important point I would like to make, is that a person with a sex offense IS, fundamentally a person. A person, regardless of their crimes should have the freedom to live their life in as productive a way as possible, if they have paid the price for the crime they have committed.

In Max's case, he is fortunate enough to have a network of loved ones who are willing and able to search for a parole site for him. And yet Max is less than 3 weeks from the date he SHOULD be out for parole, and he may very well end up sitting in jail for the rest of his life if the parole board doesn't approve a site for him. How many others are there in a similar situation?

My name is Samantha, and I am imploring you to

- Remove the lifetime parole restriction for people with sex offenses
- Budget funds and create incentives to create transitional housing (halfway houses) for people with sex offenses
- Create more awareness, rehabilitation programs and viable resources, both within institutions and out in the communities, for people with sex offenses and their families
- Remove, reduce or reform the 500-foot rule to living restrictions
- Remove in-home daycares and churches from the restrictions for those on the registry
- Bring more detailed classification to the term "sex offenders" so that the limitations on their restrictions are proportionate to the actual offense and the risk assessment for re-offense, rather than a blanket term that ruins the lives of everyone on the registry
- Prohibit police from being able to remove a person on the registry from their home site which has already been approved, regardless of circumstances that later arise. No one should have to live in fear of losing their home and security at the drop of a hat.
- Put a limit on the length of time someone has to register for a sex offense, instead of it being a life-long registry
- Allow a person to prove their redemption, to be able to get off the registry
- Reform the restrictions on internet and computer access to include strong filters and monitoring rather than total prohibition
- Allow people with sex offenses to visit parks, monuments, beaches and other public venues as long as they inform police and are under supervision of another adult

I urge you to speak for these people who so many have deemed unworthy of a voice.

Thank you,

Samantha Vajgert

Hi, my name is Scott. I have been married for just over 26 years and am the father of two children. I was convicted of aggravated criminal sexual abuse in 2010 and have been on the registry ever since then. I successfully completed 2 years of probation and sex offender counseling nearly 5 years ago and have been assessed as a very low risk to re-offend. I am a lifetime registrant and have had to live with many consequences including the shame of being on the public sex offender registry, employment difficulties, complying with restriction laws, annual renewal of my driver's license, exclusion from a local church, and difficulty with both domestic and international travel.

As the primary earner for my family I was very fortunate in that it only took me 6 months to find another job as a technical worker after I lost my job in 2010. I have since left that initial job for an opportunity that is much closer to my home. I have been working as an independent contractor at the new company for the past 5 years. I have never been required to submit to a background check or fill out a job application. The company has since asked me to consider becoming an employee but I declined that option because I fear they would run a background check and then I would be out of work. Every day I walk into work with the fear that an employee of the company will see me on the public registry.

Another consequence of the registry is the effect that the public shaming has on my family. Due to being on the public registry my children were teased by some classmates at school, called names, and excluded from the lunch table. Some parents (even ones at our church) told their children that they were no longer able to be friends with my children. My son needed some counseling due to this and continues to struggle with making friends even after going away to college.

I haven't yet had to deal with the residence restrictions since I owned my home before the residence restrictions were first enacted. However, my wife and I feel like we are now prisoners in our own home since we really can't move anywhere in the state without fear that if we moved we would be forced to move again if a daycare were to open within 500 feet of that home.

The school loitering restriction is another problem for me. Since I can't vote at the school which is my polling place, I need to go for early voting. The building where I have to go to vote early is within 500ft of a school. My local public library, the local Meijer and Target stores, and even some restaurants are certainly within 500 feet of a public school. I have never had a problem visiting these locations, but it causes constant worry for me because I don't know how I am to stay compliant with this law since I sometimes need to go to those places during the day.

I have also had difficulties with registering my travel itinerary when I travel away from my home for 3 or more days. Last year I sent my itinerary via email to my local police department as they had always allowed me to do that before. The officer emailed me back and replied “you’re good, see you when you get back.” I reported to the police department in person when I returned and the officer looked at me like something was wrong – he said my itinerary had not been logged properly. I showed him a printed copy of the email that I had sent with my itinerary. I was afraid they were going to arrest me, but they did not. Since that incident, the police department changed their policy and now they require me to show up in person before I leave for a trip and to report to the police department in person when I return.

I also ran into a problem with one of the local megachurches that will no longer allow me, or any other registered sex offenders to be on their property. I used to that church every year with my family to attend their Christmas services. The church that tells people to “Love Everyone, Always” sent out letters to every individual on their mailing list that they found to be on the Illinois sex offender registry. I attended a meeting at the church with their security people and after telling them my story they broke the news that I would no longer be welcome at their campuses. They claimed they didn’t know what to do to protect the children on their sprawling campus from people who are on the registry. I was heart-broken and angry. They told me if I was ever removed from the registry to contact them and they would talk with me about allowing me to come back.

I am encouraged that the task force is looking to create a tiered registry that might offer me the opportunity to be removed from the registry after some number of years. I encourage the task force to recommend that adults be able to petition off the registry. I ask that the task force take a close look at the restrictions to determine whether they are an effective means of protecting the public. It is my belief that the public registration and restriction laws are irrational because they simply do not work, but they do create a huge set of problems for the registrant and his/her family as well as an unwarranted cost to local law enforcement that greatly exceeds any perceived public safety benefit.

Thank you.

My son is on the registry. He is 26. I spoke in front of this task force on May 3, 2017. I am pleased that my story can be shared. As recently as a year ago, I could not speak at all. I was trying to be invisible.

My son is cognitively impaired. His verbal skills are low. His memory is poor. His functional skills are low. His mental age is that of a ten year old child.

He was arrested at the age of 21, accused of something 7 years earlier. This means he was chronologically 14. At 21, He was found unfit to stand trial by two doctors. Still he was charged as an adult.

In our desperation to keep him out of prison, we accepted a plea deal. It was clear that he could not defend himself. We were told that if we went to trial, the prosecutor will rip him apart and make him admit to anything. He will go to prison.

He was given 3 days to move. Our home of 10 years was 11 feet too close to an in home daycare. If we had lived in the house next door, it would have been ok. He moved in with a relative for 10 months while we sold our home and found another. We could not rent. My son **cannot** live independently. He depends on us for everything. Like a child.

I want to make my house a home, instead Every Time I plant a flower, paint a room, I wonder when someone will show up and tell us my son has to move. **We** will have to move, possibly endless times. I am 63, my husband is 65 and his health is bad. Please consider residence restrictions and how they affect families. Particularly day care, that pops up and goes away constantly. Sometimes just to force a registrant out.

I recently tried to join a neighborhood website and was denied access. I am not on the registry.

I went to a job fair for people who have barriers to employment, because my son cannot attend, it was held at a community college. This was his first summer off of probation. He was proud of this. I spent a great deal of time researching where we could go. There are very few events that are not held at a park, school, or forest preserve. Most museums are not allowed. He shared with me that he is anxious to go fishing like he used to - when his 10 year registration is up. I couldn't bring myself to tell him this would never be allowed. Even after the ten years, nothing would change. Even though you have done everything right. I have to find a way to tell him. It breaks my heart into a million pieces. I don't know how.

We have not attended our annual family reunion in 5 years, and never will.

Any resources for residency, employment, education, socialization are now denied. A registered person does not receive help. We are people of no status.

My son will not walk around the block with me. He runs into his room when the doorbell rings. I am afraid as well. I fear for my grandchildren who live in the area and have our same last name.

We will never go on a vacation again, he is afraid and I will never leave him alone.

Someday he will be left alone, and then what will happen to him? Who will want to help him?

He is frightened to go to the doctor.

We cannot adopt a dog.

Every aspect of our lives has changed.

It took me 3 years to find my voice. 3 years of meds and therapy and working so hard. I no longer feel ashamed, but I am tired of being shamed. I am tired of living in fear and constant worry.

I am actually very proud of my son. He spent his life overcoming barriers, and means to overcome this. I'm afraid he just doesn't understand how hard this will be. It feels impossible. Hopeless.

I have met many registrants and their families in the past year or so. I am a better person for it. These are people in different circumstances who are working hard to make a life and the barriers seem insurmountable, yet they keep trying, finding hope. We are punished forever, and placed in grave danger. I want safe communities as much as anyone. Including for myself and my son. When an officer goes around to neighbors with a picture marked sex offender to verify residence, it is endangerment.

I don't know who I am quoting, "Success is achieved in any instance by having a home, a job and being united with a family" The registry makes this next to impossible.

I see rallies and protests everyday regarding the rights of different people. And this makes me proud. All people who have committed crime, who have served their sentence and are trying with all their might to move on, deserve a chance. Registrants do not get that chance, they are punished and placed in grave danger for the rest of their lives. They are lepers, I know this to be true.

I am so appreciative that Illinois has this task force. I know most of the population hates those on the registry. We are not all the same. Will you please rally for us? We need some hope.

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# JUSTICE COALITION FOR SAFETY AND FAIRNESS

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One month after taking office, Governor Bruce Rauner set a goal of a 25 percent reduction in Illinois' prison population by 2025. He created the Illinois State Commission on Criminal Justice and Sentencing Reform and instructed the Commission to recommend an action plan to accomplish that goal.

The Governor's executive order directed the Commission to issue a final report by Dec. 31.

The Commission has held several hearings and committee discussions and has received dozens of recommendations from many different stakeholders. It is not yet clear, however, what recommendations will be supported to achieve the goal of a 25 percent reduction in prison population.

We believe the Commission's recommendations should include the following five actions (see attached document for additional information about each reform):

- **Make every day count: Create accountability for prisoner behavior and rehabilitation by returning authority to the Illinois Department of Corrections to withhold and to award sentence credit for each day served.**
- **Establish post-sentencing periodic review by a court or parole board for individuals serving lengthy terms of incarceration.**
- **Restore judicial discretion for offenses involving a firearm.**
- **Remove constraints unproven to increase public safety currently placed on individuals convicted of sex offenses, including certain registration and residency restrictions and indefinite detention.**
- **Raise the age of criminal responsibility to 21 and create a process for young adults under 25 to prevent permanent felony convictions which prohibit them from becoming productive citizens of the community.**

Our state can and should safely achieve the 25 percent prison reduction goal. But if the reforms only affect those serving the shortest prison terms for the lowest-level offenses, the state will fall far short of its goal.

We must not lose this opportunity to shore up the very core of our justice system. The mandate in our Illinois Constitution is clear: "All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship."

For more information, please contact [jenny@iljp.org](mailto:jenny@iljp.org) or visit [www.illinoisjusticeproject.org](http://www.illinoisjusticeproject.org).

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# JUSTICE COALITION FOR SAFETY AND FAIRNESS

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## **Supporting Organizations:**

Business & Professional People for the  
Public Interest

Cabrini Green Legal Aid

Children and Family Justice Center

Community Renewal Society

Huskey & Associates

Illinois Childhood Trauma Coalition

Illinois Justice Project

Juvenile Justice Initiative

League of Women Voters of Illinois

Children and Family Justice Center

Sargent Shriver National Center on Poverty  
Law

St. Leonard's Ministries

Tamms Year Ten

TASC

Uptown People's Law Center

West Care

## **Supporting Individuals:**

Applegate, Penny

Ascoli, Lucy

Boyd, Walter

Brown, June

Freund, Evan

Huskey, Bobbie

Lackman, Patricia

Lowery, Anthony

O'Brien, Patricia

Owens, Robert

Owens, Jay

Reynolds, Laurie Jo

Sodhi, Aswari

Timberlake, George



Many worthy ideas have been presented by and to Commissioners and we urge their careful consideration. We write separately to urge the Commission to recommend reforms directed at the youngest participants in our state's criminal justice system and those who receive the most punitive sentences and collateral consequences. We expect that reforms focusing on these populations will:

- reduce prison population and recidivism exponentially by impacting system entry and exit;<sup>1</sup>
- increase public safety by incentivizing rehabilitation and restoring more citizens to useful citizenship; and
- reduce racial disproportionality in the criminal justice system.<sup>2</sup>

We therefore urge the Commission to adopt these recommendations:

- **Make every day count: Create accountability for prisoner behavior and rehabilitation by returning authority to the Illinois Department of Corrections to withhold and to award sentence credit for each day served.**
- **Establish post-sentencing periodic review by a court or parole board for individuals serving lengthy terms of incarceration.**
- **Restore judicial discretion for offenses involving a firearm.**
- **Remove constraints unproven to increase public safety currently placed on individuals convicted of sex offenses, including certain registration and residency restrictions and indefinite detention.**
- **Raise the age of criminal responsibility to 21 and create a process for young adults under 25 to prevent permanent felony convictions which prohibit them from becoming productive citizens of the community.**

We believe that sustained, disciplined focus on long or extreme sentences and the future of our young people is not only practical, but necessary to achieve the Commission's goal. Unfortunately, the size and scope of Illinois' problem with swelling prison population due to increased sentence length may not yet be fully realized. The most recently-available IDOC population projection estimates that a substantial decrease in admissions (-4.7%) would yield a population *increase* of 288 inmates over the course of one year.<sup>3</sup> IDOC population projections of more than one year in the future are not publicly available, but there is reason to believe that the effects of substantial increases in time served (commencing with people entering prison circa 1999) are only now just beginning to be felt. If the projected trend were to continue at the same rate, IDOC population could increase 6-10% over ten years – even with continued decreasing or stable admissions.<sup>4</sup> **In that case, reforms aimed at reducing today's prison population by 30-35% would be required in order to meet the goal of a 25% reduction by 2025.**

**I. Make every day count: Create accountability for prisoner behavior and rehabilitation by returning authority to the Illinois Department of Corrections to withhold and to award sentence credit for each day served.**

As this Committee's Initial Report recognizes, one of the drivers for increased length of incarceration includes passage of Truth-in-Sentencing (TIS) laws in this state.<sup>5</sup> We begin by noting the misnomer in TIS' title. Illinois is a determinate sentencing state and there has been "truth" and clarity in the length of a defendant's sentence since 1978 – our judges are required to impose a specific sentence, within a sentencing range, dependent on the class of offense committed.<sup>6</sup> Under this determinate sentencing scheme, aside from those sentenced to death or natural life, under the discretion of the Department of Corrections, individuals could earn one day credit against their sentence for every day of their "good conduct" while in custody.<sup>7</sup> Sentencing judges do not ignore the realities of the sentencing laws, and it is well within their purview to consider the practical fact of good-time credit in fashioning a sentence which reflects the seriousness of a defendant's offense and their potential for rehabilitation.<sup>8</sup> The day-for-day good-time credit provisions were enacted to provide felony inmates with incentive to conform their behavior to prison rules once an individual entered into the care and custody of IDOC, and allowance of good-time credit rested with the Director of the Department of Corrections, not the courts.<sup>9</sup>

TIS served to dramatically increase the length of sentence-served (with direct correlation to bed-years<sup>10</sup>) for those affected by the enumerated offenses included in this measure.<sup>11</sup> Approximately 50 offenses running the gamut from money laundering to first degree murder, indiscriminate of the individual offender, are now circumscribed in the amount of sentence credit available.<sup>12</sup> Illinois received \$124 million of federal funding based on its implementation of TIS to expand its prison capacity based on this increased use of incarceration.<sup>13</sup> According to a 2012 Bureau of Justice Assistance report to Congress, Illinois' TIS grant led to the creation of approximately 4,000 beds.<sup>14</sup> Illinois' TIS took effect on June 19, 1998.<sup>15</sup> Over that time, IDOC's population rose from 42,000 to 48,000.<sup>16</sup> The bed-years' of those serving increased over that same period from 150,708 to 228,912.<sup>17</sup> The real impact of this legislation is still being learned, and greater transparency in data will provide more clarity of the true impact of this measure.

In evaluating reform to our TIS statute, the Law Subcommittee repeatedly focuses on the use of risk assessment tools – particularized to the individual – to evaluate rehabilitation and appropriate levels of intervention.<sup>18</sup> Where evidence-based findings are offered to sustain such tools, we do not take issue, but this reform should not be one borne solely on the back of theory – we should be expanding the Department of Corrections' ability to manage the sentence credit of those currently within its care and custody. We should be creating incentives to reform, rehabilitation, and release for those incarcerated.<sup>19</sup> This is the short-sighted failure of the TIS movement. It acts to increase length of sentence, while dis-incentivizing good behavior, employee safety, and rehabilitation efforts.

Illinois should make every day count for those sent to our prisons. We call for a return to all offenders based on any offense – beyond those serving natural life – being entitled to earn one day sentence credit for each day served under the discretion of the Director of the Department of

Corrections.<sup>20</sup> All prisoners should experience the consequences of the daily choices they make about rehabilitative progress by returning authority to those directly responsible for them to withhold and award sentence credit for each day served. Additionally, any change, even incremental change like HB 4123, should be applied to the existing population, and not just for new admittees, in order for the population reduction effect to meet the 10-year goal of Governor and this Commission.<sup>21</sup>

Beyond TIS reform, this Committee has recognized the shortfall of some programming options within the Department, and its failure to prioritize “high risk/high need” individuals.<sup>22</sup> Education/vocational programs should be increased and this Committee should recommend broadening the Department’s ability to reward meaningful participation in programming that have demonstrated reduction in recidivism rates.<sup>23</sup> We believe there should be no bar to eligibility for such programing, given that the nature of the offense is not necessarily predicative of future behavior and we should not be creating any barriers to those who would benefit most from participation. Additionally, this Committee noted that out of over 23,000 sentenced inmates released during SFY 2014, only 308 had received additional program-based sentence credit for pre-trial detention programs.<sup>24</sup> This Committee should call for a greater expansion of educational programing with availability for sentencing credits in the county correctional system.

Given that (1) length of incarceration alone does not have a clear correlative to a reduction in criminal behavior, (2) the overwhelming majority of those admitted into the custody of county facilities pre-trial and correctional facilities upon conviction will ultimately be released from that custody, and (3) our constitutional mandate that “all penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship,”<sup>25</sup> Illinois must address the seriousness of the offense that brings individual’s within the reach of our correctional system but must do so with a concomitant focus on rehabilitation and re-entry – a focus that should begin upon admission and continue past their release date. Repeal of TIS and making every day count would be a necessary step to ultimately achieve the 25% reduction the Governor seeks, but more significantly, it would serve to restore discretion to the Department of Corrections to incentivize good behavior and rehabilitation efforts that serve to reduce recidivism, protect the safety of those working in our facilities, and improve the lives of those working towards a return to our community.

## **II. Establish post-sentencing periodic review by a court or parole board for individuals serving lengthy terms of incarceration.**

This Commission should recommend legislation aimed at establishing post-sentencing review by a court or parole board for individuals serving extreme terms of incarceration. Illinois requires a new approach to prison release in cases of extraordinarily long sentences for two reasons: (1) our prison rate remains unsustainably high despite nearly two decades of falling crime rates, due in part to the exceptional use of long confinement terms that make no allowance for changes in the crime policy environment; and (2) “governments should be especially cautious in the use of their powers when imposing penalties that deprive offenders of their liberty for a substantial portion of their adult lives... A second-look mechanism is meant to ensure that these

sanctions remain intelligible and justifiable at a point in time far distant from their original imposition.”<sup>26</sup>

It is clear that even if admissions are gradually decreasing in Illinois, individuals are serving longer sentences, and experience shows a diminishing return in long-term incapacitation.<sup>27</sup> Research has consistently found that age is one of the most significant predictors of criminality, with criminogenic activity peaking in late adolescence/early adulthood and steadily decreasing as a person ages.<sup>28</sup> Additionally, “studies on parolee recidivism find the probability of parole violations also decreases with age, with older parolees the least likely group to be re-incarcerated.”<sup>29</sup> A 2004 analysis of people sentenced under the federal sentencing guidelines found that within two years of release the recidivism rate among offenders older than 50 was only 9.5 percent compared with a rate of 35.5 percent among offenders younger than 21.<sup>30</sup>

Against that backdrop is the reality that the number of elderly prisoners are growing. Between 1990 and 2013, IDOC saw a 595% increase in inmates over the age of 50.<sup>31</sup> That same period witnessed a 3,053% increase in the number of inmates who had served 25 years or more.<sup>32</sup> Given current sentencing enhancements and TIS, there is no reason to believe those increases will be leveling off in the near future.<sup>33</sup> In addition to this exploding population demographic is the rising cost of health care for a cohort that poses lower, by comparison, recidivism risk.<sup>34</sup>

Change is required. Any effort to target a 25% reduction in prison population also aimed at maintaining public safety must include pathways to reductions of lengthy prison sentences for elderly inmates where the penological justifications are no longer sound.<sup>35</sup> Two mechanisms by which this could be achieved would be judicial sentencing review or hearings by the parole board. Referenced above, the American Law Institute is considering an addition to the Model Penal Code calling for judicial review for prisoners who have served 15 years of any sentence, with periodic right to petition for subsequent modifications at intervals of 10 years.<sup>36</sup> Some commentators have noted that, “For states wishing to promote early release in a manner that is both transparent and publicly accountable, judicial sentencing modification is a promising, and potentially sustainable, new mechanism for sentence reduction.”<sup>37</sup> The second proposal would permit individuals who have reached a certain age to appear before the Prisoner Review Board, and using validated risk assessment tools, permit parole release.<sup>38</sup> Either method would create a means to release individuals who no longer pose a serious danger to society, and ensure that those who still pose a risk, remain in IDOC custody.

### **III. Restore judicial discretion for offenses involving a firearm.**

We call on the Commission to return full judicial consideration of gun possession along with other risk, aggravating, and mitigating factors during robust sentencing hearings, to ensure that punishments can be adequately tailored to behavior and circumstances.

**Make Firearm Enhancements Discretionary.** Illinois mandates substantially longer, non-discretionary firearm enhancements than nearly every state in America. Beginning in 2000, Illinois adopted a mandatory firearm enhancement scheme, a cornerstone proposal of Governor

Ryan's first year in office.<sup>39</sup> Illinois is one of only three states to enact legislation of this kind and extent.<sup>40</sup> Our mandatory enhancement adds 15 years for the possession of a firearm during the commission of one of the ten enumerated offenses,<sup>41</sup> or 20 years if the individual personally discharges a firearm, or 25 years to life if personal discharge of a firearm is the proximately cause of great bodily harm or death.<sup>42</sup>

The mandatory enhancement laws in most states differ from Illinois in four significant ways:

- A vast majority of states impose much lower mandatory enhancements than Illinois. For instance, Michigan law adds two years to a sentence when a firearm is possessed, and New Mexico mandates only a one year enhancement opposed to the mandatory fifteen years Illinois adds for the same act.<sup>43</sup>
- Second, along with lower mandatory enhancement ranges, many states allow for judicial discretion in the process. The courts in Montana may use their discretion to add between 2-10 years to a sentence, and courts in North Carolina may add between 1 year and 6 years.<sup>44</sup>
- Third, some states increase a crime's offense level when a firearm is involved, rather than impose mandatory enhancements. Kentucky uses this approach and increases the offense level of the crime when a firearm is used, but does not automatically tack on additional years to the perpetrator's sentence.<sup>45</sup>
- Fourth, several states completely remove the mandatory element from the enhancement. For instance, in Tennessee, a judge may merely consider the use of a weapon as a factor while determining sentencing but the use of a gun does not carry an automatic sentence.<sup>46</sup>

The General Assembly and the Governor took an important step in rolling back these mandatory enhancements in the most recent legislative session, enacting Public Act 99-0258.<sup>47</sup> This measure permits a judge to exercise discretion and decline to impose these sentencing enhancements.<sup>48</sup> But this only applies to individuals under the age of 18 at the time of the offense.<sup>49</sup> Enhanced sentencing discretion should be expanded to encapsulate all defendants based on an individualized determination of the sentencing judge. Alternatively, this Commission should look to the better reasoned examples of other jurisdictions outlined above that aim for a more proportional response.<sup>50</sup>

**Remove possession from the "armed violence" statute.** While elevated charging and sentencing options should be available when someone brandishes or fires a weapon in order to further another crime, Illinois law currently treats mere possession of a weapon as violent use.<sup>51</sup> Under the "armed violence" statute, mere possession of a handgun while committing a felony elevates even nonviolent crimes to a Class X felony carrying a mandatory minimum term of 15 years.<sup>52</sup> This is true even when the weapon possession is lawful or entirely unrelated to the base felony, such as an off-duty security guard charged with unauthorized use of a debit card. Gun possession should not be punished as though it is the same as gun violence. A system devoted to proportionate penalties and effective sentencing simply cannot afford a criminal code that explicitly calls nonviolent offenders "violent" and blindly consigns all of them to mandatory minimum sentences, much less for terms lengthier than those for more egregious behavior.

**IV. Remove constraints unproven to increase public safety currently placed on individuals convicted of sex offenses, including certain registration and residency restrictions and indefinite detention.**

Registry, notification, residency, and civil commitment laws were not developed based on research on sex offending;<sup>53</sup> have been exponentially expanded on an annual basis for decades without regard to whether or not they are working;<sup>54</sup> may cause more harm than good, especially when uniformly applied; and waste funds<sup>55</sup> that could be directed into meaningful sex offense prevention, supports for survivors of sexual crimes,<sup>56</sup> and effective offender supervision. Sex offender registries can even compromise victim confidentiality and interfere with post-trauma treatment for survivors of sexual offenses, especially for those who were abused by a family member,<sup>57</sup> increasing already-high barriers to reporting and prosecuting sexual assault.

It does no justice to victims of crime to let misinformed public sentiment continue to stand in the way of developing more effective criminal justice responses to sexually offending behaviors.

**End mandatory uniform sex offender registry requirements.** Illinois' sex offender registry is over 23,000 people long and growing.<sup>58</sup> Media reports note that our state "has an increasingly complex matrix of laws restricting sex offenders" and that "[s]ome of those laws may actually make it harder for police to keep track of people convicted of sex crimes."<sup>59</sup> Being on the registry is not like a specialized probation or parole; it does not provide meaningful community supervision, much less deliver therapy from a licensed sex offender treatment provider. Instead, successfully maintaining registry status is a matter of maintaining a complex set of compliance-related paperwork and paying related fees.

Yet, regardless of the individual risk each poses to society, all people convicted of a designated sex offense in Illinois are required to register for a uniform, mandatory period – either for 10 years or for natural life.<sup>60</sup> They must continue to re-register one or more times per year even after they have successfully completed all of their required criminal sentences, supervision, and treatment. Although registration is notoriously complicated to navigate, failing to abide by any one provision is a Class 3 felony punishable by 2-5 years imprisonment, a 10 year extension of registration, and a mandatory minimum fine of \$500.<sup>61</sup> A second failure is a Class 2 felony punishable by 3-7 years imprisonment, as well as another 10-year extension and \$500 fine.<sup>62</sup>

In short, Illinois' system of sex offender registration is large, complex, and costly. Yet sex offender management professionals are unclear as to whether there is any benefit: the majority of studies do not show that registries produce any reduction in recidivism<sup>63</sup> and there is insufficient research to know whether or not registry laws may in fact be facilitating even more sex offenses or other public safety risks (especially when registry violations are crimes punishable by incarceration and disruption of community ties, rather than carrying the availability of technical violations with scalable sanctions). The federally-convened Sex Offender Management Assessment and Planning Initiative (SOMAPI) thus recommended that all future sex offender registration laws be evaluated for effectiveness prior to adoption.<sup>64</sup> Illinois lawmakers should likewise declare a moratorium on approving any new sex offender restrictions

without clear empirical evidence of their effectiveness. After thirty years of our state's exponentially-expanding registry, however, a moratorium alone is not enough.

Illinois must realistically assess all of its current sex offender registry and management practices and, in an abundance of caution, cease imposing any registry requirements upon tens of thousands of our residents that do not have an empirically-demonstrable benefit. Likewise, Illinois law and professional training should be carefully structured to incentivize courts, probation, prisons, and law enforcement to stop applying risky, ineffective, and unproven methods of supervision, registration, and notification. Instead, policymakers should ensure that our state focuses on understanding and preventing sexual assault and other harmful sex crimes, supporting survivors of sexual violation, and holding offenders accountable by appropriately supervising them with individualized, effective conditions according to their risk.

**Public notification and residency restrictions should be the first to fall.** While persons on a public registry tend to be arrested more quickly following a report of a sex or non-sex offense,<sup>65</sup> studies have shown no recidivism benefit to public notification laws.<sup>66</sup> Public registry lookup and notification requirements may provide communities with a false sense of security (more than 95% of reported sexual victimization is performed by persons who have never been convicted of a sex offense),<sup>67</sup> endanger victim confidentiality, and disrupt safety-promoting activities (e.g. stable jobs and housing) for thousands of Illinoisans who present no elevated risk to the public.<sup>68</sup> At the same time that public notification does not provide neighbors with any specific protection from a fellow resident on the registry, it can negatively impact the value of their home and prosperity of their community, destabilizing overall community safety and carrying significant “social costs per-year that range from \$10 billion to \$40 billion and present-value costs that range from -\$100 billion to -\$600 billion.”<sup>69</sup>

Geographic residency restrictions are even worse. Illinois bans parolees and persons designated as child sex offenders from living within 500 feet of any schools, parks, daycares, or any other child-serving agencies.<sup>70</sup> The limit forecloses most housing stock in the City of Chicago and many other urban and suburban areas. In Illinois, this means that around 1,000 people who are finished serving their sentence for a sex offense are trapped in IDOC facilities because they cannot be paroled to an eligible address – until they are eventually required to be released anyway, when they serve no parole supervision.<sup>71</sup> Sex offender management professionals point out that geographic restrictions don't prevent child victimization and simply result in “displacement and clustering of sex offenders into other areas, particularly rural areas.”<sup>72</sup> Unsurprisingly, the federally-convened body concluded that “the evidence is fairly clear that residence restrictions are not effective. In fact, the research suggests that residence restrictions may actually increase offender risk by undermining offender stability and the ability of the offender to obtain housing, work, and family support. There is nothing to suggest this policy should be used at this time.”<sup>73</sup>

We call upon the Commission to recommend immediate action to undo actively harmful practices (public notification and residency restrictions) and to recommend that our state develop a specific plan to divest from requirements that are unsupported by specific evidence of effectiveness (e.g. registry), instead investing in adequate and appropriate supervision.

**Eliminate non-therapeutic civil commitments.** Individuals who commit sex offenses should be held responsible for their willful acts. Illinois, through its legislature and its prosecutors, brings to bear its criminal justice system to impose appropriate punishment on such individuals where criminal culpability attaches. What Illinois should not be permitted to do is to evade or subvert this system by setting up an alternative regime broadly authorizing the indefinite locking up of individuals based on risk of future offenses—outside the *parens patriae* tradition of medically justified civil commitment for those suffering severe mental illnesses, and in disregard of the tight limits on permitted preventive detention.

Illinois engages in this practice of civil commitment through the Sexually Dangerous Persons Act [725 ILCS 205/1.01, et seq.], where individuals are held at Big Muddy River Correctional Center and the Sexually Violent Persons Act [725 ILCS 207/1, et seq.] where individuals are committed to the Rushville Treatment and Detention Center, operated by Illinois Department of Human Services.<sup>74</sup> Illinois is one of 20 states, plus the District of Columbia, that allows for civil commitment despite a lack of “adequate empirical study to determine the effectiveness of [civil commitment] in terms of its impact on postrelease offending.”<sup>75</sup>

The indefinite detention of people who have no criminal sentence to serve, for no clear therapeutic purpose, reflects the “politics of fear and overreaction that drive so much of criminal justice policy.”<sup>76</sup> Freedom from government custody, detention, or other forms of physical restraint lies at the heart of the liberty that due process protects.<sup>77</sup> Compelled treatment for sexual behaviors should be risk-responsive, behavior-oriented, and wherever possible, performed in a community-based therapeutic settings and not in correctional or detention facilities. It is particularly troubling, given the dearth of evidence-based conclusions of civil commitment’s efficacy, Illinois continues to expand the bed capacity of its Treatment and Detention Facility.<sup>78</sup>

Abandonment of a good-of-the-patient requirement in favor of a simple protection-of-the-public standard transforms commitment into general and open-ended preventive detention in circumstances where prediction is uncertain.<sup>79</sup> Increasingly courts are finding this practice unconstitutional, and Illinois may soon face a similar challenge.<sup>80</sup> The ability of civil commitment to perform its function depends on doctors making judgments as doctors for the benefit of their patients, with corresponding flexibility in making medical judgments about conditions and length of confinement and treatment.<sup>81</sup> Turning doctors into jailers changes their role, undermining the therapeutic alliance with their patients that is basic to medicine generally and psychiatry in particular.<sup>82</sup> Given the growing body of research that shows the limited efficacy of civil commitment, this State should focus on policies and practices that are community-based, risk responsive, and result oriented.<sup>83</sup>

This Commission should follow the findings of empirical research and call for a sharp reduction in Illinois’ use of costly and largely ineffective process of civil commitment in favor of alternative programs to offender management including intensive supervision and specialized treatment in the community.<sup>84</sup>



**V. Raise the age of criminal responsibility to 21 and create a process for young adults under 25 to prevent permanent felony convictions which prohibit them from becoming productive citizens of the community.**

Modern research is clear that the brains of adolescents and adults operate very differently from each other and that adolescence lasts longer than previously believed. Portions of the brain governing self-control and rational decision making are not fully-developed until well after the age of 18, with psychological maturity occurring near the age of 25.<sup>85</sup> Young adults' reduced ability to make rational decisions in the heat of the moment, particularly in the presence of peers, resembles the ability of younger teens as much or more than those of adults – a reality that affects not only the incidence of offending, but culpability and method of rehabilitation.<sup>86</sup> Because of the connection between developmentally-driven impulsivity and offending, young adults may not be able to be deterred by threats like adult criminal court or lifelong consequences such as felony convictions.<sup>87</sup>

Yet although many young adults engage in risky and impulsive behavior that includes illegal, dangerous, or harmful activities, most offenders aged 18-24 are on the cusp of permanently discontinuing this behavior. This is true regardless of the type of offense; research on behaviors including gang membership, gun carrying, and drug dealing shows that, like property and violent offenses in general, involvement in these activities peaks during late adolescence and early adulthood, but quickly subsides.<sup>88</sup>

Illinois therefore gives criminal records and lengthy sentences to a great many young offenders who were just about to permanently cease offending, erecting enduring obstacles to education, employment, and housing during the very time (transition to adulthood) when these are most determinative of life course trajectory and restoration to useful and successful citizenship. Our state's practice is expensive on the front end and self-defeating to our state's safety, economy, and human capital in the long run.<sup>89</sup>

At a minimum, young people aged 18-20 require individualized, age-appropriate intervention and adjudication modeled on the juvenile system, and young adults aged 21-24 should be eligible for suspended sanctions in criminal court, including deferred prosecution, that can allow them to more easily move past their mistakes while still being held accountable.

**Conclusion:**

The Justice Coalition for Safety and Fairness (see signatories) applauds the commitment of the Governor and this Commission to a more just and efficient criminal justice system. We recognize that true commitment to the public good requires both long-term planning and immediate action and we are thrilled by such a promising vision and vehicle for change.

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<sup>1</sup> A note on data: Enacting the five suggested reforms can reasonably be expected to remove thousands from IDOC custody. Unfortunately, we cannot estimate for the reader how many inmates fall into each broad category of reform, much less provide specific estimates as to the reduction of bed-years

that would result from any one policy change. Throughout Illinois' criminal justice system, increased data collection and analysis, as well as timely public sharing, is desperately needed in order to generate more targeted recommendations and reforms and provide meaningful and effective service delivery. Illinois' data impediments currently thwart reform development, program evaluation, and public accountability, as this Committee has experienced firsthand.

Public funding of systems requires public access to information. The critical nature of safety and justice should not be used to restrict access to comprehensive, timely, public data about system functions in those instances where it does exist. The serious implications of the criminal justice system make transparency and accountability more important, not more dispensable. While Illinois' FOIA law is an important tool, it cannot and should not be relied upon as a primary means of public access. Local, county, and state entities in the executive and judicial branches alike can and should be expected not only to respond to public interest in their effective function, but foresee and affirmatively address it.

Additionally, effective management requires analytical capacity. In order for any public agency to successfully manage its operations and evaluate its programs, it must be able to perform real-time, in-house, organized data collection and analysis. Criminal justice entities in both the executive and judicial branches must also be able to request and share data between themselves and with external researchers in order to assess outcomes for the individuals and public they serve. Currently, information technology is only one of many barriers to well-functioning criminal justice system data in Illinois. Systems throughout the state must prioritize hiring and retention of highly-qualified planning and research personnel at appropriate staffing levels, as well as entering cooperative agreements with other agencies and researchers.

We urge the Commission to make a strong statement in favor of better information capabilities, including recommended financial incentives and penalties for all state-funded entities administering criminal justice, to support progress in both analytics and transparency.

<sup>2</sup> Reforms that prioritize the youngest and longest-sentenced offenders are promising tools to reduce racial disparities due to age of first entry into the justice system and the fact that African-American and Latino defendants receive particularly punitive sentences for person-based offenses. See, e.g., Michael J. Lieber, et al, "The Likelihood of a "Youth Discount" in Juvenile Court Sanctions: The Influence of Offender Race, Gender, and Age," *Race and Justice* (2015); Besiki Kutateladze, et al, "Cumulative Disadvantage: Examining Racial and Ethnic Disparity in Prosecution and Sentencing," 52 *Criminology* 514 (2014).

<sup>3</sup> Recent population projections by the Department of Corrections (2011-2015) have been reliable through significant changes in admissions and management policies (standard deviation 1.04%). Analysis of IDOC Quarterly Reports (January 1, 2011-October 1, 2015) at <http://www.illinois.gov/idoc/reportsandstatistics/Pages/QuarterlyReports.aspx>.

<sup>4</sup> Population increase despite decreased admission occurs due to the effect of inmates serving longer sentences. See discussion, Sections IV and VI, *infra*.

<sup>5</sup> Noting one consistent conclusion in evaluating past 25 plus years, "those sentenced to prison for all offenses are spending more time incarcerated than they would have in the early 1990s." ISCCJSR, Initial Report at 3, *available at*: <http://www.icjia.state.il.us/cjreform2015/>.

<sup>6</sup> See Ill. Rev. Stat. 1979, ch. 38, §1005-5-1 (categorizing offense into classes of severity); Ill. Rev. Stat. 1979, ch. 38, §1005-8-1 (providing a sentencing range for each class of offense, and requiring judges to impose a specific sentence within that range); now 730 ILCS 5/5-4.5-10, et seq. Previously, defendants were sentenced to a range of years (*e.g.*, not less than 10, or more than 30), and parties went before the parole board to gain release after serving a percentage of their sentence.

<sup>7</sup> Ill. Rev. Stat. 1979, ch. 38, §1003-6-3.

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<sup>8</sup> *People v. Harvey*, 151 Ill. App. 3d 881, 883 (4th Dist. 1987); *People v. Nussbaum*, 251 Ill. App. 3d 779, 785 (4th Dist. 1993 (considering “the realities of the sentencing law” appropriately falls within the trial court’s wide discretion in pronouncing sentence).

<sup>9</sup> *People v. Burton*, 100 Ill. App. 3d 1021, 1023 (4th Dist. 1981)

<sup>10</sup> Bed-years are the number of years a person sentenced to IDOC will actually spend in prison. See <http://www.icjia.state.il.us/cjreform2015/research/illinois-prison-overview.html>

<sup>11</sup> See 730 ILCS 5/3-6-3 (requiring enumerated offenses to serve 75%, 85% or 100% of imposed sentence).

<sup>12</sup> *Id.*

<sup>13</sup> Sabol, William, et al., “Influences of Truth-in-Sentencing Reforms on Changes in States’ Sentencing Practices and Prison Populations,” July 2002; “Violent Offender Incarceration and Truth-In-Sentencing Incentive Formula Grant Program,” February 2012, <https://www.bja.gov/Publications/VOITIS-Final-Report.pdf>.

<sup>14</sup> <https://www.bja.gov/Publications/VOITIS-Final-Report.pdf> (see pg. 14).

<sup>15</sup> Illinois’ legislature passed an earlier version of the TIS statute that went into effect in August of 1995, but in *People v. Reedy*, 186 Ill.2d 1 (1999), the Illinois Supreme Court struck it down because it violated the single-subject rule.

<sup>16</sup> <http://www.icjia.state.il.us/cjreform2015/research/illinois-prison-overview.html>.

<sup>17</sup> *Id.* It’s also worth noting that Illinois’ received the TIS grants from FY 1996 through FY 2001. Over the course of that grant-period, our prison population grew from 38,353 to 45,582.

<sup>18</sup> ISCCJSR Initial Report, *supra* note 5, at 14.

<sup>19</sup> In a July 2014 briefing paper, the Sentencing Project evaluated, *inter alia*, the 26% reduction in prison population in New York from 1999 to 2012 and noted the implementation of a merit time program to earn reductions in prison sentences as well as retroactive repeals of some mandatory minimum sentences. Mauer, Mark, “Fewer Prisoners, Less Crime: A Tale of Three States,” The Sentencing Project, \*6 (July 2014).

<sup>20</sup> While recent proposed legislation would mark a positive step in a reduction of sentence length, it remains problematic as a continuation of the failed policy of TIS. Illinois should maximize efforts to create a safer environment within the prison walls, with a sustained focus on reentry and rewarding rehabilitation efforts.

<sup>21</sup> It is well within the Department’s ability to review eligibility for sentence credit for its current population. With enactment of P.A. 97-697, § 5, eff. June 22, 2012, the Department was able to create an administrative rule and begin awarding credit in less than a year. See Annual Report for Supplemental Sentence Credit. <https://www.illinois.gov/idoc/reportsandstatistics/Pages/AnnualReportsforSSC.aspx>

<sup>22</sup> ISCCJSR, Initial Report at 5.

<sup>23</sup> Davis, Lois M., et al., “Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults.” Santa Monica, CA: RAND Corporation, 2013. [http://www.rand.org/pubs/research\\_reports/RR266](http://www.rand.org/pubs/research_reports/RR266). The RAND study found providing correctional education can be cost-effective when it comes to reducing recidivism – noting that inmates who participate in correctional education programs had a 43 percent lower odds of recidivating than those who did not. This translates to a reduction in the risk of recidivating of 13 percentage points.

<sup>24</sup> ISCCJSR Initial Report, *supra* note 5, at 19. The Report noted preliminary research by Drs. David Olson and Donald Stemen (Loyola University Chicago) suggesting that those released from IDOC who

spend a considerable proportion of their total incarceration time in jail under pre-trial detention have higher recidivism rates than those inmates who spend less of their time incarcerated in pretrial detention, after statistically controlling for other factors that influence recidivism. ISCCJSR, Initial Report at 20.

<sup>25</sup> Ill. Cons. 1970, Art. I, §11.

<sup>26</sup> As described in support of a judicial resentencing proposal to the Model Penal Code. Model Penal Code: Sentencing § 305.6 (T.D. No. 2, 2011), 2009 WL 1844879.

<sup>27</sup> See <http://www.icjia.state.il.us/cjreform2015/research/illinois-prison-overview.html> (ICJIA has noted that while the number of inmates has risen 8% since 2000, the length of time served by inmates exiting IDOC has “continued to increase the total bed-years used by the prison system by 28 percent over the same time period”). Additionally, the Reporter’s Note to the tentative draft of the Model Penal Code suggests: for human accounts of the effects of long-term imprisonment, and changes in inmates over long periods of time, see Ron Wikberg, *The Long-Termers*, in Wilbert Rideau and Ron Wikberg, *Life Sentences: Rage and Survival Behind Bars* (1992), see also Robert Johnson, *Hard Time: Understanding and Reforming the Prison* (2d ed. 1996), ch. 4. On the change in criminal propensity over the life course, see Alfred Blumstein and Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks*, 47 *Criminology* 327 (2009). On the reemergence of rehabilitative theory under an evidence-based model, and the prospects for deincarceration that would follow, see Lawrence W. Sherman, *Reducing Incarceration Rates: The Promise of Experimental Criminology*, 46 *Crime & Delinq.* 299 (2000). See 2009 WL 1844879, 17.

<sup>28</sup> “It’s About Time: Aging Prisoners, Increasing Costs, and Geriatric Release,” Vera Institute (2010), citing “Shared Beginnings, Divergent Lives” (Cambridge, MA: Harvard University Press, 2003), by John H. Laub and Robert J. Sampson; see also Age and the Distribution of crime,” *American Journal of Sociology*, 94(4) 803-831 (1989).

<sup>29</sup> Vera Institute report, citing *Growing Older: Challenges of Prison and Reentry for the Aging Population*, in *Public Health Behind Bars: From Prisons to Communities*, (New York, NY Springer, 2007).

<sup>30</sup> Vera study, \*5; see also Holman, Barry, “Nursing homes behind bars: The elderly in prison,” 1998 (study found that only 3.2 percent of offenders 55 and older returned to prison within a year of release, compared with 45 percent of offenders 18 to 29 years old).

<sup>31</sup> <http://www.icjia.state.il.us/cjreform2015/pdf/Exhibit%202.pdf>

<sup>32</sup> *Id.* That same data over that time range shows a 3004% increase in individuals over the age of 50, who have served 25+ years.

<sup>33</sup> See, generally, “At America’s Expense: The Mass Incarceration of the Elderly”, ACLU, June 2012 (noting, *inter alia*, by the year 2030, experts project that state and federal prisons will house more than 400,000 prisoners age 55 or older: more than one third of the projected total penal population, and up from the 8,853 prisoners of that age in 1981).

<sup>34</sup> According to the ACLU report (at p. 28), using a middle estimate, State and federal prisons spend an estimated \$16 billion taxpayer dollars a year continuing to incarcerate convicts age 50 and older, even though they are “a relatively low-risk population.” See also Anno, B., et al., “Correctional Health Care: Addressing the Needs of Elderly, Chronically Ill, and Terminally Ill Inmates,” U.S. Department of Justice, National Institute of Corrections (2004), \*11. Overall, the growing number of elderly inmates with chronic and terminal illnesses affects corrections in this way, among others: “The annual cost of incarcerating this population has risen dramatically to an average of \$60,000 to \$70,000 for each elderly inmate compared with about \$27,000 for others in the general population.”

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<sup>35</sup> Judge Posner has recognized the “little additional deterrence” gained by increased length of sentence and noted, “Elderly people tend to be cautious, often indeed timid, and averse to physical danger. Violent crime is far less common among persons over 40, let alone over 60, than among younger persons. [ ] That is another reason to doubt that very long sentences reduce violent crime significantly.” *U.S. v. Presley*, 790 F.3d 699, 701 (7<sup>th</sup> Cir. 2015).

<sup>36</sup> Model Penal Code: Sentencing § 305.6 (T.D. No. 2, 2011) “Modification of Long-Term Prison Sentences.” The proposal’s comments note, “No determinate sentencing system can be absolute, and no purely determinate system has ever existed in American law. All jurisdictions that have abrogated the releasing authority of a parole agency have retained mechanisms such as good-time and earned-time credits, compassionate-release provisions, ad hoc emergency contingencies for prison overcrowding, and the clemency power of the executive. The question is not whether original judicial sentences should ever be subject to change in a determinate structure, but what exceptions should be grafted onto the generally determinate scheme.”

<sup>37</sup> Klingele, Cecelia, “Changing the Sentence without Hiding the Truth: Judicial Sentence Modification as a Promising Method of Early Release,” 52 *Wm. & Mary L. Rev.* 465 (2010).

<sup>38</sup> See, e.g., HB 1310. On July 27, 2015, this Commission heard testimony from Jean Maclean Snyder on behalf of Project I-11, which called for legislation that creates a possibility of earned parole release for long-term offenders based on good behavior. We support the efforts of Project I-11 and join their call for action on behalf of our aging prison population.

<sup>39</sup> P.A. 91-404, §5 (eff. Jan. 1, 2000); See Illinois Senate Transcript, 1999 Reg. Sess. No. 47, Senator Dillard, “the message that we want to send from Governor Ryan and the Illinois State Senate is clear: Committing a crime with a gun is going to mean a long, long prison term or the death penalty.”

<sup>40</sup> See Illinois Senate Transcript, 1999 Reg. Sess. No. 27, Senator Dillard, “Governor George Ryan campaigned for Governor on a proposal to enact a “15-20 & Life” firearm penalty enhancement law, modeled after a California law.” See also, Ann.Cal.Penal Code § 12022.53. Florida is the other state – a pinnacle of Gov. Jeb Bush’s 1998 election campaign. Analysis of Florida’s 10/20/25-life bill showed no correlation to a drop in crime rate to the passage of the bill. Piquero, Alex, “Reliable Information and Rational Policy Decisions: Does Gun Research Fit the Bill,” *Criminology and Public Policy*, 4:4 (2005).

<sup>41</sup> Note that a defendant may receive a 15-year enhancement even in an accountability case where the defendant is not armed and only the co-offender was armed. *People v. Rodriguez*, 229 Ill.2d 285 (2008).

<sup>42</sup> The offenses are armed robbery, intentional homicide of an unborn child, attempt murder, murder, aggravated kidnaping, aggravated vehicular hijacking, home invasion, aggravated criminal sexual assault, aggravated battery of a child, and predatory criminal sexual assault.

<sup>43</sup> See Mich. Comp. Laws Ann. § 750.227b; N.M. Stat. Ann. § 31-18-16. It is worth noting that even among the three states that have enacted this form of firearm enhancement, Illinois is an outlier in its adding 15 years for the possession of a firearm, as opposed to 10 years. Compare 730 ILCS 5/5-8-1 with Ann.Cal.Penal Code § 12022.53(b), and West’s F.S.A. § 775.087.

<sup>44</sup> See MCA 46-18-221; N.C.G.S.A. § 15A-1340.16A

<sup>45</sup> See KRS § 218A.992

<sup>46</sup> See T. C. A. § 40-35-114

<sup>47</sup> Illinois’ Solicitor General has indicated that this law “will have a profound effect on the mandatory minimum sentences applicable to juvenile offenders charged with using a firearm.” *People v. Patterson*, No. 14-9438, \*14-15, Brief in Opposition to Petition for Writ of Certiorari, filed in the U.S. Supreme Court.

<sup>48</sup> 730 ILCS 5/5-4.5-105(b) (eff. Jan. 1, 2016).

<sup>49</sup> *Id.*

<sup>50</sup> See, generally, National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, (April 2014), Chapter 5 (compiling research into impact of sentencing enhancements, including firearm enhancements, and noting general consensus of a lack of clear evidence of a deterrent effect).

<sup>51</sup> 720 ILCS 5/33A-2(a).

<sup>52</sup> 720 ILCS 5/33A-3(a).

<sup>53</sup> J. J. Prescott, "Do Sex Offender Registries Make Us Less Safe?" *Regulation*, Cato Institute (Summer 2012), at 48.

<sup>54</sup> "Illinois began requiring registration for sex offenses in 1986 - almost 10 years before federal registry legislation - and has been expanding requirements since." Illinois Juvenile Justice Commission, *Improving Illinois' Response to Sexual Offenses Committed by Youth* (March 2014) at 39.

<sup>55</sup> Alan Greenblatt, "States Struggle to Control Sex Offender Costs," National Public Radio (May 28, 2010). The cost/benefit ratio of the adult sex offender registry is currently unknown; a recent assessment of the juvenile registry conducted by a nonpartisan conservative/libertarian think tank concluded that it cost \$80 to achieve \$1 of potential benefit. Richard B. Belzer, *The Costs and Benefits of Subjecting Juveniles to Sex-Offender Registration and Notification*, R Street Policy Study No. 41 (September 2015).

<sup>56</sup> "Sexual assault victims are at risk for post-traumatic stress disorder, depression, and substance abuse, with the costs of sexual victimization in the United States totaling between \$8 billion and \$26 billion per year." IJJC Report, *supra* note # at 33.

<sup>57</sup> *Id.* at 6, 47, 49, 59-60 "[There is] collateral based damage to having offenders on [the] registry. We forget the collateral damage to victims and family members who live in those homes and the destabilization that occurs." *Id.* at 49.

<sup>58</sup> National Center for Missing & Exploited Children Records and Access Unit, June 1, 2015 [http://www.missingkids.com/en\\_US/documents/Sex\\_Offenders\\_Map.pdf](http://www.missingkids.com/en_US/documents/Sex_Offenders_Map.pdf).

<sup>59</sup> Rob Wildeboer, WBEZ, "Chicago Police Easing Registration for Sex Offenders (June 23, 2014), at <http://www.wbez.org/chicago-police-easing-registration-sex-offenders-110392>.

<sup>60</sup> 730 ILCS 150/7.

<sup>61</sup> 730 ILCS 150/10.

<sup>62</sup> *Id.*

<sup>63</sup> Christopher Lobanov-Rostovsky, U.S. Department of Justice Office of Justice Programs, "Adult Sex Offender Management" *Sex Offender Management Assessment and Planning Initiative Research Brief*, (July 2015).

<sup>64</sup> U.S. Department of Justice Office of Justice Programs, *Sex Offender Management Assessment and Planning Initiative* (SOMAPI), NCJ 247059 (October 2014), at 161.

<sup>65</sup> Naomi J. Freeman, "The public safety impact of community notification laws: Rearrest of convicted sex offenders." *Crime & Delinquency* (2009).

<sup>66</sup> Jeffrey C. Sandler, et al, "Does a watched pot boil? A time-series analysis of New York State's sex offender registration and notification law." *14 Psychology, Public Policy, and Law* 284 (2008); Richard G. Zevitz, "Sex offender community notification: Its role in recidivism and offender reintegration." *19 Criminal Justice Studies* 193 (2006).

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<sup>67</sup> Sandler, *supra* note 66.

<sup>68</sup> Zevitz, *supra* note 66.

<sup>69</sup> Belzer, *supra* note 55, at 2.

<sup>70</sup> 730 ILCS 150/8(a).

<sup>71</sup> Steve Mills, “State keeps 1,250 parolees behind bars due to housing shortage,” *Chicago Tribune* (January 25, 2015).

<sup>72</sup> Office of Justice Programs (SOMAPI), *supra* note 64, at 163.

<sup>73</sup> *Id.* at 164 (emphasis added).

<sup>74</sup> According to a 2013 John Howard Association report of Big Muddy Correctional Center, the facility housed a population of 173 SDPs with three clinical care staff. Available at: <http://thejha.org/bigmuddy>. That same report noted an expanding SVP population in Illinois of over 500 individuals with 30 clinical care staff. JHA Report at 4. *See also* “Rushville Treatment and Detention Facility targeted for \$13 million expansion,” available at [http://journal930.com/rushville-treatment-and-detention-facility-targeted-for-\\$13-million-expansion1360103805.html](http://journal930.com/rushville-treatment-and-detention-facility-targeted-for-$13-million-expansion1360103805.html).

<sup>75</sup> Office of Justice Programs (SOMAPI), *supra* note 64.

<sup>76</sup> New York Times Editorial Board, “Sex Offenders Locked Up on a Hunch,” August 15, 2015.

<sup>77</sup> *See Fouca v. Louisiana*, 504 U.S. 71, 80 (1992) (rejecting an approach to civil commitment that would permit the indefinite confinement of any convicted criminal after completion of a prison term).

<sup>78</sup> *See* Emergency Extension Justifications, Project #321-210-002, *available at* [Illinois.gov](http://Illinois.gov) – indicating a Phase 1 expansion of Rushville to accommodate growth of resident population from 379 to 519, adding 100 beds to its 482-bed capacity by August of 2013, and another 200 beds in Phase 2.

<sup>79</sup> After evaluating the limited demonstrated benefit of civil commitment, the extensive SOMAPI Report recommends collaborative community-based programs as critical to a sex offender management strategy and calls for specialized supervision with a rehabilitation orientation.

<sup>80</sup> *See, e.g., Karsjens v. Jesson*, No. CIV. 11–3659 DWF/JJK, 2015 WL 3755870, at \*25 (D. Minn. June 17, 2015) (“By failing to provide the necessary process, Defendants have failed to maintain the [sex offender treatment] program in such a way as to ensure that all Class Members are not unconstitutionally deprived of their right to liberty”); *Van Orden v. Schafer*, 4:09CV00971 AGF, 2015 WL 5315753 (E.D. Mo. Sept. 11, 2015).

<sup>81</sup> Reginald Artis, who served 27 years for an offense committed when she was 23 was civilly committed as she neared the end of her prison sentence. She describes the treatment facility as, “worse than prison. In prison I wasn’t happy, but I was content because I knew I had a release date. I knew that as long as I did what I was supposed to do in prison, I was going home. Here, it’s 24-hour stress. Because you don’t know when these people are gonna decide you’re ready to go home, if they ever do. They don’t have a time limit on when they gotta let you go. There are people who have been here five or six years, and they’ve just given up, because they feel like no matter what they do, they’re not gonna let them go.” Neyfakh, Leon, Slate, October 9, 2015, available at [http://www.slate.com/articles/news\\_and\\_politics/crime/2015/10/civil\\_commitment\\_laws\\_allow\\_authorities\\_to\\_keep\\_people\\_locked\\_up\\_indefinitely.2.html](http://www.slate.com/articles/news_and_politics/crime/2015/10/civil_commitment_laws_allow_authorities_to_keep_people_locked_up_indefinitely.2.html).

<sup>82</sup> American Psychiatric Association, *Dangerous Sex Offenders: A Task Force Report* 173 (1999) (“[B]y bending civil commitment to serve essentially nonmedical purposes, sexual predator commitment statutes threaten to undermine the legitimacy of the medical model of commitment”).

<sup>83</sup> Ragusa-Salerno and Zgoba, “Taking stock of 20 years of sex offender laws and research: an examination of whether sex offender legislation has helped or hindered our efforts,” *Journal of Crime and Justice*, 35:3, 335-255 (2012) (marshaling prior research and evaluating sample of over 1100 adult male sex offenders over a 20 year period in New Jersey – finding minimal correlation to offense prevention, and noting the few numbers of individuals being released from confinement).

<sup>84</sup> Center for Sex Offender Management, “Legislative Trends in Sex Offender Management,” November 2008 – noting high cost and, beyond incapacitation, undocumented benefit to public safety through civil commitment, and calling for alternative approaches.

<sup>85</sup> Sara B. Johnson, Robert W. Blum, and Jay N. Giedd. "Adolescent maturity and the brain: the promise and pitfalls of neuroscience research in adolescent health policy." *Journal of Adolescent Health* 45.3 (2009): 216-221.

<sup>86</sup> “[T]he psychosocial capacities that undergird the ability to resist peer pressure may continue to develop throughout late adolescence and into early adulthood. . . . [T]he presence of peers makes adolescents and youth, but not adults, more likely to take risks and more likely to make risky decisions.” Margo Gardner & Laurence Steinberg, “Peer Influence on Risk Taking, Risk Preference and Risky Decision-Making in Adolescence and Adulthood: An Experimental Study,” 41 *Developmental Psychology* 625, 634 (2005). See also Karol Silva, et al, “Peers Increase Late Adolescents' Exploratory Behavior and Sensitivity to Positive and Negative Feedback,” *Journal of Research on Adolescence* 25.3 (2015).

<sup>87</sup> Illinois Juvenile Justice Commission, *Raising the Age of Juvenile Court Jurisdiction* (2013) at 24; Jill M. Ward, Deterrence’s Difficulty Magnified: The Importance of Adolescent Development in Assessing Deterrence Value of Transferring Juveniles to Adult Court, 7 *U.C. Davis J. Juv. L. & Pol’y* 253, 267 (2003).

<sup>88</sup> Richard Rosenfeld, et al, “Special Categories of Serious and Violent Offenders: Drug dealers, gang members, homicide offenders, and sex offenders,” in *From Juvenile Delinquency to Adult Crime*, Rolf Loeber and David P. Farrington, eds., 118-149 (2012).

<sup>89</sup> Melissa S. Caulum, “Postadolescent Brain Development: A Disconnect Between Neuroscience, Emerging Adults, and the Corrections System,” 2007 *Wis. L. Rev.* 729 (2007).



## Illinois Sex Offenses and Sex Offender Registration Task Force

### Testimony Lessons Learned from Juvenile Registry Reform

Stephanie Kollmann, Policy Director

September 27, 2017<sup>1</sup>

Members of the Task Force,

You may recall that, at your first meeting, I asked you to apply the principle of parsimony during your review of existing policies in our state: evaluate the research behind each practice and abandon those with no clear evidence of effectiveness – because every single suppression, regulation, and enforcement action aimed at people on the registry diverts scarce resources and attention away from services to both victims and offenders that we know actually do alleviate suffering and prevent offending.

Since then, you have discussed creating a pathway toward registry removal for adults, an idea similar to a removal provision created in the juvenile system about ten years ago. In that context, I am here today to talk to you about the work of the Children and Family Justice Center in 25 years of representing young people charged with sexual offenses and nearly a decade representing youth seeking removal from Illinois' juvenile registry.

The impulse to assess juvenile reforms in terms of their applicability to the adult system is commendable, but it is important to also embrace the responsibility to avoid future missteps by evaluating “lessons learned,” identifying the places where outcomes fell short of expectations.

Unfortunately, despite our best efforts and those of a small handful of exceptionally-dedicated attorneys around the state, many more youth are put on the registry each year than can be considered for removal. Because of lifetime registry requirements and severe barriers to the petition process, the juvenile registry's reach is ever-expanding: **since Illinois created the ability to petition for removal from the juvenile sex offender registry, offenses have fallen by half – yet the number of youth on the registry has risen by**

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<sup>1</sup> Adapted from oral commentary delivered on September 20, 2017.

When the juvenile registry removal statute was passed a decade ago, considerably less was known about how amenable youth (and adults) would be to treatment and how harmful residency and registration provisions can be. Since then, as you have heard, national public policy, science, and case law have developed significantly. Here in Illinois, attorneys engaged in the juvenile removal petition process have been able to observe the damage inflicted by the highly-punitive nature of being on the registry – a mostly-lawyerless, and often lawless, hidden state of sweeping limitations on basic freedoms. **Illinois’ state juvenile policy advisory board issued a major research report concluding that the “lengthy, complex, and costly” process of obtaining an exemption from registry does not cure fundamental problems with Illinois law which should be revised to disband the juvenile registry**

The juvenile removal statute is currently built “upside down,” as though registries and restrictions are grounded in sound research and evidence and the problem is merely that, for a select few, they are applied too broadly. Thus, the burden is shifted to a small number of presumably-exceptional youth to gather their records, obtain an assessment, organize and file a petition, and argue their case in court – all without access to a court-appointed attorney. **This process takes about a year and a half to complete and represents hundreds of hours of work by costly professionals – risk evaluators and attorneys – work equivalent to all other petition**

Yes, our office runs a small pro bono representation project that has had a waitlist too long to complete or refer since the project’s inception. We have also sought to expand pro bono representation for youth in these proceedings:

- We have written a manual about how to represent youth seeking registry removal;
- We have offered free CLE trainings in hopes of convincing pro bono attorneys to represent youth on the registry;
- We have had in-depth conversations with some of the largest law firms in Chicago about handling these cases.

The fact is: getting attorneys for youth in these circumstances is nearly impossible. **With over 100,000 young people on the juvenile registry and growing only about 100 petitions for removal each year – despite overwhelming evidence that maintaining youth on the registry is bad public policy**

To be sure, this work is critical for the hundreds of youth whose lives have been changed by registry removal. For any young person desperately grasping at any hope of something to live for and work toward, the possibility of one day being removed is everything.

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<sup>2</sup> “Remove young people from the state’s counter-productive sex offender registry and categorical application of restrictions and ‘collateral consequences.’ Because there is no persuasive evidence that subjecting youth to registries improves public safety or reduces risks of future offending, Illinois should repeal the registry, restrictions, and notification requirements applied to youth adjudicated delinquent for sexual offenses. Moreover, the research indicates that registries do not repair harm to victims, many of whom are family members.” Illinois Juvenile Justice Commission, *Improving Illinois’ Response to Sexual Offenses Committed by Youth* (March 2014), at 10.

But with this policy, the State of Illinois is abdicating its duty to act in the best interest of public safety, obscuring that fact with a largely-fictional process that externalizes the burden and cost of fundamentally unsound state practices to youth seeking exemptions, to the tune of tens of millions of dollars if the right to petition were actualized. **Relicating the juvenile system for adults would place a burden of over \$1 billion on current registrants alone and a path way open to at most 1% of registrants is not an acceptable answer to the riddle of what restrictions if any the state should place on people who have already completed a criminal sentence**

During the recent years-long state budget crisis, Illinois cut back its rape crisis and domestic violence services so severely that several providers shuttered. At the same time, our state continued to invest in enforcing a registry that disrupts family stability, housing, and employment, going so far as to incarcerate people after their sentenced time was served due to the lack of housing that meets registry restrictions. This tragic policy choice is just one example of the way Illinois currently substitutes debilitating scrutiny for rehabilitative services. Worse than a mere waste of funds, this substitution is a bait-and-switch that promotes a false belief that those who commit sex crimes are routinely caught, punished, and publicized (a fiction that diffuses the political will to meaningfully prevent and respond to sexual assault).

Thus, I renew my call to you, to adopt the parsimony principle in your findings and analysis: **after decades of registry and restriction expansion research shows that only a tiny handful of these practices can be linked in any way to public safety returns all others should be abandoned**

I recognize that achieving such an outcome will require a graduated approach, and re-submit the [October 2015 recommendations](#) related to sexual offending from the Justice Coalition for Safety and Fairness (pp 8-9, attached). In brief, **please begin your work by recommending the end of mandatory uniform sex offender registry requirements public notification and geographic restrictions.**

If, in addition to scaling back the scope of registry and requirements, you do recommend a pathway for registry removal, consider the lessons learned from juvenile reform and:

- Create a statutory presumption of registry sunset (perhaps 5 years), with the state retaining the ability to request registry renewal for exceptional cases;
- Provide legal representation and access to assessments and experts to indigent persons against whom the state has filed a renewal petition;
- Review registry removal processes to ensure they continue to comport with developing research on best practices.

Thank you for your consideration of this testimony as you move forward with your report and recommendations.

My name is Steve Demos and have been on the registry since 2007. I was convicted of solicitation of a minor over the internet. I believe that crimes should have consequences.

The registry is above and beyond punishment. The impact makes it extremely difficult for me to resume a normal life. When people see my name on the registry name they assume the worst. I have lost family, friends, and jobs because people do not want to be associated with a "sex offender".

I have become socially isolated and don't date because I am afraid of explaining my crime and people running away. I have given up on a life I once knew and have decided it's not worth it, people don't forgive. Because of the registry, people think we are not human beings capable of change. This has ruined many lives.

My kids have lost friends because naïve parents keep them away "from the sex offender." My brother even lost business deals because of my crimes. The registry does nothing to prevent crimes.

Thank you for your time.

Steve Demos

Victims of any type of assault deserve to be heard, deserve to be believed, and deserve justice. What many don't realize is that some people are both victim and perpetrator. I am one of those people.

It was while I was in the military that I was sexually assaulted by another service member. It took me two days to report the assault and then I was in the precarious position of having to defend myself from accusations of dressing provocatively, drinking too much alcohol, and if he really did force himself on me or did I allow him to have sex with me. I was totally offended for having been asked to take a polygraph test. It was during the polygraph that I experienced even more trauma. Partway through the polygraph, the investigator conducting the polygraph literally yelled at me when he asked, "Did he **force** you to have sex with him?" I began to cry because I was confused – did I actually allow him to have sex with me because I didn't fight back. I said no several times. I held onto my panties as he tried to penetrate me, but he overpowered me.

There was very little assistance available for people who'd been sexually assault in South Korea where I was stationed when this occurred. I was completely alone, without my family, no friends, and feeling like an outcast as I'd just arrived a few days prior. I was raped, and yet there was a point when I wished I hadn't reported it. The man who raped me was not punished for this crime so he continued his career free to assault others.

I am also a person on the registry

While I was a teacher, I engaged in inappropriate and illegal behavior with a student. I will forever feel remorse and shame for this violation of trust. I'm currently completing the last months of my probation sentence flawlessly. I've received treatment. I've done everything I can do to be an outstanding community member and regain the trust that was lost. I have worked on forgiving myself and seeking forgiveness in others. I take full responsibility for my actions that placed me on the registry.

On the evening of December 13, 2013, my probation officer came to my house to inform me that I could no longer reside in my home because it was within the 500 foot restriction zone. After he left, I fell to the floor in tears. My boyfriend told me not to worry, we'd work something out; but he didn't know the emotions behind the thoughts that were racing through my mind. This was my home on which I'd spent my mother's legacy for a down payment. Not only my home, but a family home where my siblings and I could come together for holidays and special occasions and where there would be plenty of room to accommodate us all. This was the home that I'd lived in for four years and where I intended to spend the rest of my life.

I couldn't stop crying. Nothing made sense. A flood of emotions from sadness to anguish to revenge to helplessness and then hopelessness came over me. In the middle of the night I took the remaining sleeping pills I had left in my medicine cabinet. I thought it was enough to take me peacefully out of this nightmare that had become the rest of my life. December 14th was my birthday. I have no recollection of it. Sunday, the 15th, I woke up alone crying because I was awake. I searched my medicine cabinet for something else and all I could come up with were my anti-depressants. I sat on the edge of the bed, bottle in hand, prepared to take those too. On the nightstand was the card I'd gotten from the VA earlier that week – their crisis hotline. I cried harder and thought critically on what I was about to do. I put down the pills and called the crisis hotline.

I have been accountable for my actions. I have been punished. I want the public to understand what these restrictions really do to people's lives. If you just learn a little bit about them, you can see how counterproductive they are for people trying to lead positive, productive lives. Please, instead promote the use of funding for education, treatment, and recovery for those who have been sexually assaulted and for people who commit it. We are often the same people.

To: IL Sex Offense and Registration Task Force

From: Steve Gromala  
2529 Rolling Ridge  
Elgin IL 60124  
September 20, 2017

Dear Task Force Members,

I am writing in response to an email request from the ICJIA for written public comments on how we can improve the registry system and sex offense law. I am 53 years old, lived in Illinois my entire life and have no record except for a guilty plea to possession of illegal porn in 2006. In 2004 I fell into a cycle of porn abuse where I visited and downloaded images from adult sites and sites with underage teen girls. I ignored abuse and exploitation that is common with the state of mind of many viewing porn. I am writing to request the Task Force to consider revising the child porn statute to separate porn behavior from child abuse behavior and revise registration law to allow porn related registrants to petition for changes or removal from the registry.

Most possessors are not the deviant abuser the possession law was originally intended for. I was in addiction style sex offender counseling while on probation where there were four or five others who had possessed illegal images. All appeared to have no other record or deviant pasts consistent with data issued in a report by the US Sentencing Commission (Feb 2012) and National Juvenile Online Victimization Survey (No. 3, 2012). Their data showed 75% of possessors had no record or history of deviance. The Commission found past deviant behavior was the best indicator for future re-arrest. As true then the penalties, restrictions, and "predator" labeling are not correct for everyone. Illinois current law (ILCS 5/11-20) is based solely on sifting through images and does not consider behavior. No one was contacted about my behavior even though that is more relevant than images considering the labels and restrictions that follow.

If the statute is not right then registrants should be allowed to correct it and petition for removal from the registry or the whole registry should not be public.

I think these revisions and others the Task Force is considering will create a more accurate system that allows police to better use resources while communities will be better informed about the registrants they should be aware of.

Thank you for your time and the opportunity to be heard.  
Steve Gromala

### US Sentencing Commission data and statements -

Criticism #3. The current guideline does not adequately assist sentencing judges in differentiating among offenders with respect to their past and future sexual dangerousness.<sup>67</sup> Furthermore, the severe penalty ranges appear to assume that the typical offender both has engaged in sexual abuse of children in the past (before being arrested for a child pornography offense) and likely will engage in sexual recidivism in the future (after reentering the community) — an assumption

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about the prevalence of sexual dangerousness among all non-production offenders is one factor that policy-makers should consider in deciding whether overall penalty levels are generally proportionate for the entire class.

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(finding, based on 2006 data from surveys of approximately 5,000 law enforcement officials throughout the United States, that 21% of cases that began with investigations of child pornography possession "detected offenders who had either committed concurrent sexual abuse [offenses] or been arrested in the past for such crimes"); Michael C.

p 99

Commission and NJOV data showing increasing arrests of porn abusers far more than child abusers.

forensic examinations related to child pornography.<sup>139</sup> In 2010, ICAC investigated 32,000 cases of child pornography and made 5,300 arrests.<sup>140</sup>

forensic evidence. In 2010, the FBI investigated 6070 child pornography cases and made 1094 arrests.<sup>141</sup> In addition, the Immigration and Customs Enforcement ("ICE"), within the

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production offense,<sup>5</sup> there appears to be general agreement that offenders who in the past or concomitantly with their non-production offenses also engaged in CSDB are qualitatively different from child pornography offenders who never engaged in CSDB.<sup>6</sup> There are three

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csbd - criminally sexual deviant behavior

Figure 7-7 shows that the rate of CSDB was highest in distribution/transportation cases (140 of 325 cases, or 43.1%) and lowest in possession cases (202 of 818 cases, or 24.7%), with

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revocation. The Commission found that the offenders' rate of sexual recidivism, which is a subset of general recidivism, was 7.4 percent (45 of the 610 offenders). Likewise consistent with many other recidivism

p xv

- 22 offenders (or 3.6% of all 610 cases) were arrested for or convicted of sexual "contact" offenses (e.g., rape or sexual assault of a child or adult);

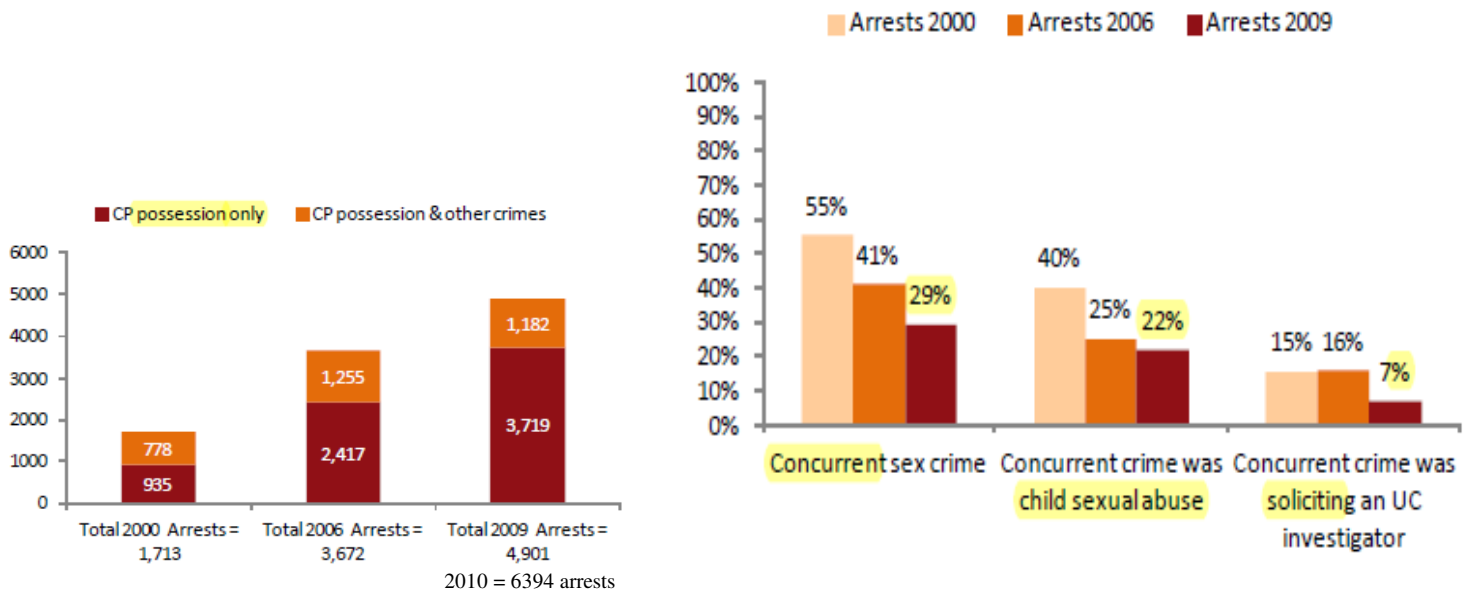
p300

Offenders also possessed related legal images and items. In 2006, more than two-thirds of offenders (68%) possessed at least some adult pornography<sup>86</sup> and 21 percent of offenders

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4-2012

Trends in Arrests for Child Pornography Possession: The Third National Juvenile Online Victimization Study (NJOV-3)





There is no question that people should be held accountable for their actions. Everyone in this room agrees that government should have fair and reasonable laws. Laws should be enforced and punishments should be just. The challenge is that some of our current laws, including the residency restriction law - destabilize and undermine people who are taking responsibility for their actions and abiding by our legal system.

I am on the registry. I accept responsibility for the crime I committed. I will always regret the poor choice I made. I accepted my punishment. I actively engaged in treatment. I am not the same person today that I was when I committed my offense. I have followed every law and restriction and put myself on a positive, productive path. However, even the staunchest commitment to recovery and compliance to the law is no guarantee for success.

When I was on probation I experienced great stress finding an apartment. Having lost my job and with few job prospects, given my offense, I had little money to afford rent so my housing options were quite limited.

Additionally, in accordance with the law, I must only reside somewhere that is not located within 500 feet of a school, park, or playground, so I needed someplace cheap and that fit those requirements.

I searched tirelessly and discovered that regardless of location. Most landlords in Chicago will not rent to people on the registry. I finally found a place in Auburn-Gresham on the far South Side. It met all the requirements and was approved. Things were finally starting to look up.

Three months later, my probation officers knocked on the door and informed me that a daycare license has been taken out near my residence, and I had to move.

They said, "You cannot be on the premises, or you will be in violation of the law and your probation." The officers informed me that I had **one hour** to relocate to a verifiable location, or I would go to jail.

Now, imagine my confusion. I didn't understand. Just months ago I submitted this very apartment for approval. I was told it was in accordance with the law, and I was given the green light on signing a lease. I had done my part. It wasn't easy to find affordable housing that was permissible and accessible to someone on the registry.

With only an hour and jail time looming over my head, I made frantic phone calls to friends and family begging to stay with them, but no one wanted their address published on the online registry. All my family and all my friends turned me down. I had nowhere to go. I was panicked. What about my belongings? I

didn't have much but what I had was **ALL** I had.

I also had a year's lease on the apartment, again, that just months ago had been approved. Now I'd have to break the lease. Would the landlord sue me? This was one of the most stressful and frightening days of my life.

My probation officers handed me a list of homeless shelters before they left. With no other options, I hurriedly made phone calls to the homeless shelters. There was only one homeless shelter in the city which would accept a person on the registry. If there were no bed for me at that particular homeless shelter then I would be forced to sleep on the streets.

Luckily, I was able to get a bed. It was a temporary roof over my head, and it was verifiable. So, I left my home, I had no choice but to leave what few possessions I had behind - most of my clothes, the food I'd gotten from a local food pantry, blankets, and towels. I only took what I could carry on the bus and headed to the shelter. I didn't know what to expect at the homeless shelter. I was scared.

I gave this example because I hoped that upon hearing this, you would see how Illinois law policies could directly lead to homelessness and to a loss of all possessions, even when everyone--including the law enforcement officers--are in agreement that a person has followed the laws.

Laws should be humane and grounded in common sense. The residency restriction law must be re-evaluated to better strengthen communities and weaken homelessness. Is giving someone that has paid for his crimes, has undergone treatment, and is working hard to create a new life for himself - an hour's notice to move residences reasonable? Is it reasonable to force him to abandon all possessions and become homeless? Thank you for your time today.

My name is Veronica, and I am the mother of an adult son who is on the registry for an offense that he committed when he was a child. As parents, we all want to do what is best for our children. We want to love them, support them, and help them back on their feet when they fall. But when falling involves a sex offense, helping our children becomes almost impossible because of the registry and laws associated with the registry.

In 2014 our son, who was 21 at the time, was in college seeking a degree in sports medicine when he was arrested for a sexual offense he had committed when he was 13. Since then, he and our entire family have been negatively affected as a result of our son being on the registry. After he was arrested, our son had to resign from his position as a classroom mentor and kitchen assistant at a local grade school due to the allegations against him.

In 2016, we lost our grandmother's home that had been in the family for over 50 years. We were in the process of renting with an option to buy when the landlord took ill and passed away. The son of the owner immediately took over and refused to renew our contract. We believe he did not want to renew because of our son being on the registry. We were forced to abruptly move.

At this very moment our son is still in jail. He was due to be released to our custody as of September. However, due to residency restrictions, our new address isn't compliant so he cannot be released.

We have family members with whom he could have stayed that would have allowed him to be released, but again because of residency restrictions, none of their addresses qualified. He now has to stay in the Lake county jail until we can find adequate housing that meets the required distance from schools and parks. We feel that these restrictions interrupt the love and support that we as a family can give. As parents, we feel helpless because the laws restrict where and what we can do to help our son with his growth, development, and security as a young adult.

Along with the housing restrictions, as well as the loss of his job and our personal home, there have been recent changes to parole restrictions as our son has reached a point of time served. Currently, our son is on parole but still residing in work release. We were told that if our son were to live with us, his parents, that we would be prohibited from having any Wi-Fi access and that every member who will reside in our home would be prohibited from having any Wi-Fi, smart phones, or smart TVs in our home. We were under the impression that his parole would have the same restrictions as probation, which did allow his family household to have normal communications devices. In today's world, not having internet access cripples us as a family, threatens our youngest daughter's ability to do college assignments, and destroys our business relationships.

As parents, this whole ordeal has robbed us of our ability to provide mental, spiritual and financial support to our children. We struggle when talking about our son's achievements or goals, so we live in secrecy of the backlash we know we would get if others find out that our child, now a young adult, is classified as a sex offender. And since our son is now listed as a registered sex offender and on work release, he is not allowed to come and worship at his home church where he is loved and where he has been a member for the past 25 years.

The registry impacts more than just those who are listed on it. Our whole family is impacted. Our youngest daughter was made fun of at her high school and college once other's learned that her brother is listed as a sex offender. She was tormented each day, and now she feels limited in her ability to interact and make new friends.

Our son is technically already on parole, but he is not able to come home because of residency restrictions. He has 90 days to find housing or else he will have to claim homelessness, which is a parole violation, which could mean being sent to prison if we cannot find suitable housing.

Our son is not homeless! He is restricted from coming home and living with his family where he would be loved and supported and not isolated. Our son has a strong sense of family and a close church family that has supported him since his arrest and incarceration. But we are limited in what we can do because of these restrictions.

Our son had a loving relationship, and had hopes of getting married someday. Since then he has told us how he is stigmatized and embarrassed, that he cannot interact freely, and he is afraid that if he were to ever get married, he would not be able to interact with his own children.

As his parents we feel shame because our son is labeled as a predator. We feel the stigma that goes with it. We feel the harmful and unjust treatment, and we live in fear of the cruelty of others and the restrictions our son has to endure. This has affected all of us as his family.

As parents, we hope and pray that the laws will change so that they are applied fairly and justly, so that our son and others will not have to live in fear of being homeless, or of being denied an education, a job, or the ability to have a stable home. He deserves the chance to live with dignity and freedoms, to make a living, and to become a full member of society.

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My name is Will Mingus. In 2000, I was arrested for an offense I committed against a family member several years earlier. I knew what I did was wrong, and I set out immediately to face my situation head on. This was a second offense for me. After the first, back in the 1980s, I naively refused to accept that I had any issues, and I tried in vain to move on like nothing happened. I was young, and scared, and convinced I could handle things on my own. This time, I knew that I had to change, had to get help for my issues, and had to accept the consequences of my actions.

I believe that people need to be held accountable for their actions, and for the harm they cause others. I believe the best way for them to do that is to recognize and accept the reason for their offending, and address those issues head on by getting the help they need, making positive changes in their lives, and committing to never offending again.

The problem is that our current system of putting people on public registries, and creating insurmountable restrictions, prevents people from truly addressing their past, making positive changes, and moving forward with their lives.

I accepted my 6 year prison sentence, and set myself to making positive changes in myself and in my life. I was determined to use my prison time as an opportunity to pay my debt to society, and to begin the process of change. I voluntarily participated in an intensive counseling program at Big Muddy, and that program literally changed my life. While in the program, I grew tremendously with the help of others, and found I could help others at the same time. I continued to do this, even after my release.

When I was released, I was determined to be a model parolee, and to follow each and every rule and requirement associated with being listed on the registry. I went back to college to increase the chances of gaining employment after my 10 years on the registry were up. In 2008, I earned a Master's degree and was accepted into a PhD program.

In 2013, I was scheduled to come off of the registry. One day before that was to happen, a law that was changed sometime after I started registering was applied, and my registration was changed from 10-years to life. This was because Illinois had passed a law that if a person was on a registry in any other state, they would automatically be on the registry in Illinois. My original conviction was in Texas, and Texas had also retroactively changed its law to require anyone ever convicted of an offense in the state to be on their registry for life. Thus, without notice or warning, my on-line status was changed to "Sexual Predator" and my time to register extended to life.

This devastated me. I had worked so hard for 10 years with the end-goal of being released from the burdens of the registry, only to learn I'd now be on for life, and now with the label of "sexual predator."

Eventually, I picked myself up and pushed forward, continuing with my college program, working full time, and committed myself to helping others on the registry with their own reentry struggles.

A few years later, I interviewed, and was accepted, for a full time, administrative position at the university where I was attending for my PhD. I did so with full disclosure that I was on the registry, and that I had a felony conviction. It took over four weeks to be offered the position, during which time I assumed they had done the necessary background checks. I left three part-time jobs to accept this one full-time job. Shortly after I started, I was told I needed to consent to a background check and fingerprints. Again, I was assured by HR that this was routine, and as long as my department knew about my background, it would not be an issue.

Six weeks after I started, I was told I was being let go because of my background check, despite the objects of the department I was working for. I was escorted back to my office to gather my belongings and then walked out the door. I was allowed to continue as a student, but was forbidden from being employed in any capacity, including as a funded graduate student.

More than any experience since my initial arrest, this event threw me into the throes of depression. I had maintained employment for over 10-years, and now I was totally unemployed, unable to resume any of the jobs I had left to take this position. It took me months, if not years, to recover to the place that I am today.

Since then, I have started my own businesses in order to earn an income. I am afraid to work for someone else again. I work hard at my businesses, but even combined, I still do not make enough money from these businesses to pay all my living expenses.

As a graduate student, I have conducted a great deal of research on reentry issues for people dealing with the registry. My Master's thesis was published in a peer-reviewed journal, and my dissertation involves interviews with individuals on the registry. A few years ago, I assumed leadership of an organization known as Illinois Voices. This group is dedicated to supporting laws that are evidence based, and protecting the constitutional rights of everyone, including those who committed offenses and who have paid their debts to society. I work very hard with supporters to help them learn to accept responsibility for their actions, build healthy and productive lives, and deal appropriately with the burdens of the registry. My vision is to help bring Circles of Support and Accountability (CoSAs) to Illinois for people coming out of prison with a sexual offense in their background.

Last year, the Task Force, for whom this testimony is being written, convened. I was invited to participate on the Task Force, to fill the role of “ *re resen a ive o a s a ewide or ani a ion a re resen s or is o rised o individ als onvi ed as ad l s o a se o ense w o are rren ly on a re is ry.*” After contacting ICJIA and making sure they were aware that I was on the registry, my invitation to the Task Force was rescinded. The position was never filled, even though a well-qualified individual who was NOT on the registry was submitted.

The registry impacts nearly every aspect of my life. It impacts my ability to travel, my ability to participate in social activities, my willingness to date, my chances of finding meaningful employment, and even my very living accommodations. I am fortunate to have found a landlord willing to rent to me in a nice area. But I live in constant fear that a daycare will open nearby and I will be forced to move with little or no notice.



I believe the best way for me to atone for my crimes is to become a better person, a person who accepts responsibility for my actions and does everything I need to do to ensure it never happens again. I have done that. Despite the work I have done on myself and my life, my efforts are constantly thwarted by the registry and other restrictions associated with my offense. Some days, it's hard to push on.

I ask that the Task Force recognize the difficulties the registry creates in the lives of individuals who have served their time, who have accepted responsibility for their actions, and who are determined to move forward with a healthy, productive life. Ideally, the registry should be eliminated, since it does nothing to protect the public, while at the same time it destroys the lives of those on it. At the very least, there needs to be a way off of the registry for everyone.

Please also consider the multiple ways that residency restrictions thwart efforts at reintegration, and prevent anyone on the registry from attaining truly stable housing.

Thank you for your time and efforts.

Hello. My name is Will and I have been on the registry since 2005. I have been a good citizen all my life. A business owner. A popular radio DJ for 30 years.

I was arrested in Missouri in 2005 for "attempted enticement of a child". My life has been hell ever since.

I was put in therapy for 5 years at \$155 a month. I was rarely spoken to by the group except called a criminal and pervert. I was sick one time, missed group, had a note from my lone employee and a doctor that I was deathly ill. For that, I was sent to 'private' therapy which was 20 miles away and so I had to close my store every Wednesday for 6 weeks at 1:30 pm. You can't do that when you're struggling in business but I had little choice.

My probation officer scouted my apartment. She saw a dilapidated swing set in view out my window that NO ONE ever used. On the basis of that, she had me evicted. Even when I was there, I was forbidden to even look at the pool when I walked from my car. I finally found another place that wasn't a slum. I was upfront with them on my conviction and they let me live there. A residence check brought a cop to my door and being at 8:30 pm I was lying in my underwear on the couch. I answered the door thru a crack and told him, "I have to put on pants". He said, "Oh you don't need pants on" and threw open the door past me and walked on in. He then picked up pictures of adult women on my mantle and kept asking who they were. I was appalled. After being a model tenant for 6 years, they evicted me because they no longer allowed felons.

When the franchise agreement on the UPS Store that I managed was up, corporate would not renew it because I was "undesirable" to their corporate image. I couldn't sell it, so had to lock the doors and walk away, losing everything I had invested in it. I ended up moving back to Illinois to move in with dad. I thought nobody would know. Two weeks in, my best friend brought it to my attention. I asked him how he knew and he said his daughter taught school in a close-by town and they (police) flashed my picture around.

I miss my son soooooo badly but he's in Alabama and there, they have a 2000 foot law and neighbors are all alerted. Who wants that? Be in the registry cost me the best friend I ever had.