

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

PAUL MURPHY, et al.,)	
)	No. 16 C 11471
Plaintiffs,)	
)	
v.)	Judge Kendall
)	
KWAME RAOUL, et al.,)	
)	
Defendants.)	

PLAINTIFFS' PROPOSED PERMANENT INJUNCTION ORDER

Plaintiffs, a class of individuals who have been convicted of sex offenses and sentenced to serve indeterminate terms of mandatory supervised release, challenged the constitutionality of the Illinois laws and Illinois Department of Corrections policies that result in their being detained in prison indefinitely beyond the completion of their court-ordered term of incarceration because they are unable to secure a qualifying “host site” at which to live while on mandatory supervised release.

On March 31, 2019, this Court issued a memorandum opinion and order finding that the Defendants’ current application of the host-site requirement results in the deprivation of the Plaintiffs’ fundamental rights in violation of the Eighth and Fourteenth Amendments to the Constitution of the United States. ECF No. 132.

Since the entry of this Order, the parties have engaged in negotiations seeking to identify solutions to constitutional problems identified in the Court’s Order. Counsel for the Attorney General and the Department of Corrections have put forth

a variety of proposals to reduce the population of class members being detained due to an inability to secure a host site, including changes to IDOC policy to make it more feasible for individuals to identify compliant host sites; partnering with community providers to provide transitional housing placements; allowing eligible class members to participate in work release; and exploring the potential for placement of eligible class members at mental health treatment facilities operated by the state's Department of Human Services.

But after six months, the Defendants' efforts have proven inadequate to meaningfully address the constitutional violations identified in the Order. It is clear that even if all of Defendants' proposals were implemented, hundreds of class members would remain imprisoned in violation of their constitutional rights for years into the future. As time passes, the number of class members is only increasing. At the time of the Plaintiffs' summary judgment motion in August 2018, the class comprised 241 individuals who remained imprisoned beyond the completion of their prison term due to an inability to satisfy the host-site requirement. That number has now grown to 290 individuals as of October 1, 2019. The class only will continue to grow larger as additional individuals complete their prison sentences and become eligible for mandatory supervised release and are unable to secure an approved host site.

In light of the above, IT IS HEREBY ORDERED:

1. **Plan:** Within 60 days, Defendants will submit a plan setting forth the specific steps they will take to ensure that by no later than November 1, 2020, no

member of the class will remain imprisoned due to an inability to comply with the host-site requirement. The Court will not dictate precisely what course Defendants should follow, but leaves it to the discretion of the State to identify what alternatives, including but not limited to legislative changes, policy changes, and/or contracting with transitional housing providers, will most easily and economically fulfill the State's constitutional obligations. Plaintiffs shall have an opportunity to respond to Defendants' proposed plan within 30 days. The Court will enter a final order approving a plan based on the parties' written submissions.

2. Periodic Reports and Status Hearings: Following Court approval of a plan and entry of a final order, Defendants shall prepare and submit to the Court periodic reports every 60 days setting forth the steps taken to implement the plan; the number of class members who remain imprisoned due to the lack of a host site; any additional or alternative measures that Defendants may have adopted to meet the November 1, 2020 deadline; and any anticipated difficulties in complying with the November 1, 2020, deadline. In addition, the parties shall appear for a status conference every 60 days to report on these matters.

3. Enforcement Mechanism: Should Defendants fail to meet the November 1, 2020, deadline, the Court will hold a hearing to determine appropriate sanctions, including, but not limited to, imposition of monetary sanctions against Defendants.

Date

Virginia M. Kendall
United States District Judge