

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

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| JASON TUCKER, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | No. 18 CV 3154 |
| |) | |
| v. |) | Judge Lee |
| |) | Magistrate Judge Martin |
| ROB JEFFREYS, |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT’S SUPPLEMENTAL FILING IN FURTHER SUPPORT OF HIS
OPPOSITION TO PLAINTIFFS’ PRELIMINARY INJUNCTION MOTION**

Pursuant to the Court’s February 13, 2020 order (Dkt. 127), Defendant Rob Jeffreys, Acting Director of the Illinois Department of Corrections, hereby files the Illinois Department of Corrections’ Parole Directive, “Sex Offender Internet Use,” which is attached as Exhibit A. This directive is the Department’s revised policy on internet access for sex offenders on MSR, and is effective as of March 1, 2020.

Respectfully submitted,

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Exhibit A



Illinois Department of Corrections

Parole Directive

| | | |
|-----------------------------|--|---------------------------------|
| Number: P4.02.106 | Title: Sex Offender Internet Use | Effective: 03/01/2020 |
|-----------------------------|--|---------------------------------|

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| Authorized by: | Jason C. Garnett Chief of Parole |
| Supersedes: | New Policy |

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| Authority: 730 ILCS 5/3-2-2 | Related ACA Standards: |
| Referenced Policies: | Referenced Forms: Response to Internet Requests Form (<i>form number to be assigned</i>) Internet Use Plan (<i>form number to be assigned</i>) Internet Access Appeal and Decision Form (<i>form number to be assigned</i>) |

I. POLICY

Parole Division shall have a written policy governing Internet Use for registered Sex Offenders assigned to the Sex Offender Supervision Unit.

II. POLICY STATEMENT

The Illinois Department of Corrections (Department) Parole Division shall have a written policy governing Internet Use for registered Sex Offenders.

III. PROCEDURE

A. Purpose:

The purpose of this directive is to establish procedures to ensure effective communication, notification and supervision of Sex Offenders with internet access and/ or who wish to gain Internet access.

B. Applicability

This procedure shall be applied to all Sex Offenders assigned to the Sex Offender Supervision Unit.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

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|----------------------|---|--------------------------|
| | ID Template Correctional Center Parole Directive | Page 2 of 7 |
| Number: P4.02.106 | Title: Sex Offender Internet Use | Effective: 03/01/2020 |

1. "Application" or "App" means any computer program that is used on an internet-capable device which adds new functionality to said device.
2. "Computer" means a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage and telecommunications devices connected to computers.
3. "Computer network" means a digital telecommunications network for sharing resources between devices. Data transmission between devices is supported over data links consisting of physical cable media, such as twisted pair or fiber-optic cables, or by wireless methods, such as Wi-Fi, microwave transmission, or free-space optical communication..
4. "Computer program" or "program" means a series of coded instructions or statements in a form acceptable to a computer which causes the computer to process data and supply the results of the data processing.
5. Containment Team – a team of professionals with a common goal to hold sex offenders accountable through combined efforts, open communication, a coordination of services and collaborative decision making. This team may consist of supervising agent, parole commander, treatment providers, sex offender evaluator, polygraph examiners, victim advocates, and any other treatment provider.
6. "Data" means a representation in any form of information, knowledge, facts, concepts, or instructions, including program documentation, which is prepared or has been prepared in a formalized manner and is stored or processed in or transmitted by a computer or in a system or network. Data is considered property and may be in any form, including, but not limited to, printouts, magnetic or optical storage media, punch cards, or data stored internally in the memory of the computer.
7. "Dating Website" or "Dating Application" means any website or application designed for developing romantic or sexual relationships between users.
8. "Document" includes, but is not limited to, any document, representation, or image produced manually, electronically or by computer.
9. "Grooming" as defined by 720 5/11-25 "grooming" A person commits grooming when he or she knowingly uses a computer on-line service, internet service local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or attempt to seduced, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense as defined by the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child. As used in this Section, "child" means a person under 17 years of age.

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|----------------------|---|--------------------------|
| | ID Template Correctional Center Parole Directive | Page 3 of 7 |
| Number: P4.02.106 | Title: Sex Offender Internet Use | Effective: 03/01/2020 |

10. "Internet-capable device" means any machine which can access the Internet or any computer network, including, but not limited to, cellphones, desktop computers, handheld video game devices, laptops, tablets, televisions, and video game consoles.
11. "Monitoring Software" means computer software installed on any device used to access the internet. This Software is designed to observe and track the operations and activities of users, applications and network services. This software will allow the parole agent to supervise a parolee's internet activity. Monitoring Software fees will be paid for by the parolee prior to accessing the internet.
12. "Non-sexual Offender" means any individual whose conviction or convictions do not fall under the authority of the Sex Offender Management Board Act or the Sex Offender Registration Act.
13. "Password or Passcode" means any protective feature required to access or use an account or profile on any Internet-capable device, computer program, app or application, social networking website, or other similar account.
14. "Sex Offender" means any individual convicted of a sex offense as defined in the Sex Offender Management Board Act.
15. "Sexual Predator" means any individual convicted of an offense which would qualify the individual as a sexual predator under the Sex Offender Registration Act.
16. "Sex Offender Supervision Unit" means specially trained parole agents that supervise sex offenders or other offenders assigned to their caseload as determined by the Chief of Parole.
17. "Illinois Prisoner Review Board (PRB)" means an independent body whose members are appointed by the Governor of Illinois. The PRB imposes release conditions for offenders exiting penal facilities, revokes and restores good conduct credits from inmates, conducts hearings to determine whether parolees have violated conditions of parole, and awards certificates of Relief from Disabilities and Certificates of Good Conduct. The PRB notifies victims and their families when an inmate is about to be released from custody. The Board also makes confidential recommendations to the Governor relative to executive clemency petitions.
18. "Scrubbing device" means any computer program, application, or other device used for deleting, destroying, obscuring, over-writing, or otherwise eliminating data so that such data cannot later be investigated, retrieved, or reviewed.
19. "Social networking website" means an Internet website containing profile web pages of its members. Such webpages may include the names or nicknames, photographs or any other personal or personally identifying information about the members. A social networking site might also contain links to other social networking profile web pages of friends or associates of such members that can be accessed by other members or visitors to the website. A social networking website may provide the ability to leave messages or comments on a profile web page that are visible to all or some visitors to

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|----------------------|---|--------------------------|
| | ID Template Correctional Center Parole Directive | Page 4 of 7 |
| Number: P4.02.106 | Title: Sex Offender Internet Use | Effective: 03/01/2020 |

the profile web page and may also include a form of electronic mail for members of the social networking website.

20. "Social networking application" means any computer program or application which performs a similar function as a social networking website.
21. "Username" means a title which is used to identify the person accessing or using any Internet-capable device, computer program, app or application, social networking website, or other similar account. This can be the person's name, nickname, email address, or other alias.

F. General Provisions

All employees shall be informed of the provisions of this directive and the directive shall be accessible to employees.

G. Conditions of Internet Use

1. All Sex Offenders:

A. Shall:

1. submit to periodic unannounced examinations of any Internet-capable device by the offender's supervising agent, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the Internet-capable device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection; and
2. submit to the installation on the offender's Internet-capable device, at the offender's expense, of one or more hardware or software systems to monitor the Internet, computer network, or application usage. Such installation shall be at the discretion of the offender's supervising agent; and
3. submit to any other appropriate restrictions concerning the offender's use of or access to any Internet-capable device imposed by the Board, the Department of Corrections, or the offender's supervising agent; and
4. provide, upon request, any username, password, or passcode necessary for the inspections or installations described in subsections (a)(i) and (a)(ii).

B. Shall not:

1. visit, access, download, or use any website, computer program, or application which qualifies as a dating website or dating application; or

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|----------------------|---|--------------------------|
| | ID Template Correctional Center Parole Directive | Page 5 of 7 |
| Number: P4.02.106 | Title: Sex Offender Internet Use | Effective: 03/01/2020 |

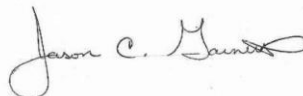
2. visit, access, download, or use any website, computer program, or application to share, view, download, upload, or discuss pornographic, romantic, or sexual material; or
 3. visit, access, download, or use any portion of a website with a variety of forums for discussing matters, where that section of materials of a dating, pornographic, romantic, or sexual nature are visited or accessed; or
 4. visit, access, download or use any website, computer program, or application designed for the specific purpose of anonymizing, masking, spoofing, or otherwise obscuring the user's IP address, browsing history, messages, emails, postings, data uploads, or other similar actions from later investigation or review. This is not intended to apply to automated data encryption protocols involved in data transfer by Internet-capable devices; or
 5. visit, access, download, install or use any scrubbing device on any Internet-capable device used by the offender. This includes any website, computer program, or application which is designed to transmit data, including, but not limited to, documents, images, photos, or written messages, and which subsequently deletes the data or transfer history or both as an automated function of the website or application.
2. In addition to the above, all Sexual Predators and Sex Offenders with minor victims:
- A. Shall not visit, access, or download social networking application which is primarily geared towards minors; and
 - B. Shall not use any social networking website or social networking application to interact with any person who is not related to the sexual predator/ sex offender with minor victim and whom the sexual predator/ sex offender with minor victim knows or reasonably should believe to be under 18 years of age. A person is not related to the sexual predator/ sex offender with minor victim for purposes of this subsection if the person is not the spouse, brother, sister, aunt, uncle, niece, nephew, descendant, first or second cousin, or stepchild or adopted child of the offender.
3. Superseding subsections (1) and (2) above, any Sex Offender whose original criminal conduct or instant violation of mandatory supervised release or parole involved the use of an Internet-capable device:
- A. Shall not use or access any Internet-capable device without specific permission from the Containment Team or the Prisoner Review Board. If use is permitted, such use shall be limited to counseling, education, religion, and employment-related purposes, and any appropriate portions of (1) and (2) shall also apply.

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| | ID Template Correctional Center Parole Directive | Page 6 of 7 |
| Number: P4.02.106 | Title: Sex Offender Internet Use | Effective: 03/01/2020 |

H. Appeal Process

1. If the Containment Team denied internet access subject to II.G.3.A., the offender may appeal that denial by:
 - A. Completing an Appeal form and returning it to the assigned Parole Agent.
 - B. The Deputy Chief of Parole, or his or her designee, will conduct a review of the denial.
 - C. The offender will receive a decision on the appeal, in writing, within 60 days.

Authorized By:



Jason C. Garnett, Chief of Parole

| ID Template Correctional Center Parole Directive | | Page 7 of 7 |
|---|-------------------------------------|--------------------------|
| Number: P4.02.106 | Title: Sex Offender Internet Use | Effective: 03/01/2020 |