

Mandatory Supervised Release

Know Your Rights

Searches

People on parole in Illinois are typically subject to searches and seizures by law enforcement officers or parole officers without a warrant or probable cause. However, the searches must still be reasonable and related to the individual's parole supervision.

- If you share your home with other people, searches must be confined to common areas and areas with which you have control. *Parole/MSR Agreement Rule 10 (DOC 0104)*.
- Parole agents may conduct warrantless searches of a parolee's residence where the parolee has control even where other residents do not consent to the search. *People v. Johnson, Appellate Court of Illinois, First District, SIXTH DIVISION.*
- If you're riding in someone else's car, you have a reduced expectation of privacy. *U.S. v. White* ruled that a warrantless search of a parolee's gym bag may be deemed reasonable if the bag is found in another person's vehicle and the vehicle owner consents to a search. (*United States Court of Appeals, Seventh Circuit. March 25, 2015. 781 F.3d 858*)
- While at work, the police can search you, your bag, and any area under your control (workstation, cubicle, work vehicle, locker, etc.)

What happens if they search me or my home/car/bag and find something illegal?

In a criminal case...

- In a criminal case, evidence can't be used against you at trial if authorities violated your Fourth Amendment rights by searching without probable cause. However, people on parole have more limited Fourth Amendment rights.
- The standard of proof is beyond reasonable doubt. For example, if there is a gun in a trunk and you have no connection to the car except that you're riding in it. You would have the right to an attorney to make these arguments and a jury trial, so the state would have to convince a jury that you knew the gun was there and had control over it.

In a parole revocation hearing...

- The Board does not need as much evidence to find you in violation, and they can rely on evidence that would not be enough in a criminal trial.
- The standard is only "more likely than not." For example, if you are in a car and there is a gun in the trunk, that may be enough to revoke you.

Voting

In Illinois, individuals on parole for a felony conviction have the right to vote. This right was restored in 2021 with the passage of the Illinois Voting Rights Act.

Contact with Others

People on parole/supervision are restricted from knowingly associating with other persons on parole without prior written permission of his/her parole agent and not associate with persons who are members of an organized gang. People are required to get permission before visiting or writing a committed person in an IDOC facility.

Restriction of Movement

- People on parole must attend or reside in a facility established for the instruction or residence of persons on parole.
- They are required to obtain permission from IDOC before leaving the State of Illinois.
- They should not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- *What does this look like if the police consider where I live to be a high crime area? Do they have to prove I knew drugs were being sold, used, distributed, etc?*
 - In practice, this rule is used to law enforcement's advantage when conducting searches or attempting to make an arrest. Most folks on parole often have no choice but to live in high-crime neighborhoods where they have familial connections. So, this is something for parolees to consider and be extra cautious about.

Illegal Activity

People on parole/supervision are restricted from violating any criminal statute of any jurisdiction during the parole or release term.

- **Firearms:** The person must refrain from possessing a firearm or other dangerous weapon.
- **Arrests:** The person must report all arrests to an IDOC agent when permitted by the arresting authority but in no event later than 24 hours after release from custody.
- **Drugs:** The person should refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by IDOC
- **Perjury:** The person is required to provide true and accurate information, that relates to his/her adjustment in the community while on parole or to his/her conduct while incarcerated, in response to inquiries by the parole agent or IDOC.

Filming

In Illinois, it is generally legal to film a parole officer in public places where there is no reasonable expectation of privacy. Public officials, including parole officers, typically have a reduced expectation of privacy while performing their official duties in public. However, it is important to note that filming someone in certain private spaces, such as their home or office, without their consent may infringe upon their privacy rights. (*ACLU v. Alvarez, Legal to film police.*)

- Practical Tip: tell them you are recording—with consent, you can film/record anywhere, so if they don't object to the recording it's probably fine.
- Recording without consent in a private place (like the agent's office, inside a home) is a potential felony charge