Out at first

The Chicago Housing Authority is evicting hundreds of families under its one-strike policy for crimes that, in many cases, leaseholders were never convicted of. page 10

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Chicago lawyer empowering Muslims, Arabs. page 8
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ISSN 0300-6921.
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In the next issue
For its November/December 2011 issue, The Chicago Reporter is working on two stories. The first examines the effectiveness of the state’s system to help workers resolve wage issues. The second looks at a federal program aimed at deporting criminals. Which one makes the cover will be determined by whether a pending Freedom of Information Act request gets fulfilled. Stay tuned.
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CHA MUST TWEAK ONE-STRIKE

I love flowers. I’ve always loved flowers. Let me lay out in a field of daisies all day, and I’m content.

So it wasn’t too surprising that when I was about 8 years old, I grabbed a plastic flower as my mother walked my sister and me down the aisle at a crafts store. It wasn’t until we were in the parking lot loading the trunk that my mother noticed the unpaid flower still in my hand. She then scolded me and dragged me back to the checkout lady to explain what I had unwittingly done.

Children make mistakes and grow up to become adults who make mistakes. But for many of us, these kinds of mistakes don’t dramatically affect our entire families. And that’s at the center of a policy that continues to harm the housing of people arguably most desperate for it.

In this month’s cover story, “One and done,” Angela Caputo investigates the Chicago Housing Authority’s one-strike eviction policy. Most people who don’t live in public housing have probably never heard of it. What you did behind closed doors didn’t threaten the place where you and your family sleep.

But that’s not the case for thousands of Chicago’s poorest residents.

The one-strike policy is just that. A CHA lesholder commits a crime—like shoplifting or marijuana possession—and then, “Bam,” they are summoned to eviction court. The CHA also initiates eviction proceedings if anyone in the residence—including teenagers—commits a crime or if someone visiting the residence commits a crime on CHA property.

It’s a policy that you can rationalize makes sense since the goal is to root out crime in public housing, making it safer for tenants. But in many of the cases that Caputo found, tenants were sent eviction notices for crimes they were never convicted of. And, in several cases, people were sent packing before their criminal cases were ever finished.

That’s the problem that I have. We’re human and fallible. And public housing, in many cases, is the last bastion of housing for poor people. If we can’t even guarantee people that, then whose job is it to house the poor? Are we really willing to say that we want families kicked out of their homes, in many cases, for very minor violations committed by their children? By themselves? By people visiting their homes?

What we should be doing is making sure that the people who get kicked out are truly the problem-makers. If I’m a renter and my company starts trouble, ban my company, not me. It’s not fair to punish entire families, forcing children into new schools, uprooting moms and dads from the security of places they’ve lived for long periods of time because of the actions of others.

Homeowners get public subsidies all the time—they’re called tax breaks. But if they’re smoking pot in their homes or caught drunk driving—even if they’re sex offenders—you don’t see them headed to foreclosure court.

We also need to make sure that the people getting kicked out are actually guilty of committing crimes. In many cases, Caputo found that the evictions proceeded even though the criminal courts hadn’t ruled on the cases. In most instances, the cases were either tossed out or the individuals were found not guilty. The CHA might want to consider waiting for a final ruling of guilt before jumping to conclusions.

Even when the person is found guilty, there should be some way people can redeem themselves. Perhaps there are a couple of strikes. Or maybe residents can get warnings before immediately getting the boot.

Not everyone who is poor is bad. And not everyone who is bad is poor. The same compassion we extend to property owners or to the middle-class and wealthy should be extended to the poor.
**Spinnoffs**

**Digging Deeper**

**Trafficking calls increase**

**The news:**
In July, Troy Bonaparte, 46, the first person convicted in Cook County under tougher laws aimed against human trafficking, was sentenced to 18 years in prison for forcing three women into prostitution.

**Behind the news:**
Last year, more than 11,800 calls were made to the National Human Trafficking Resource Center hotline maintained by the Polaris Project, a Washington, D.C.-based nonprofit.

Illinois had the fourth-highest volume of calls—nearly 5.2 percent—made to the national hotline between December 2007 and December 2010, ranking one place higher than New York.

According to the group’s 2009 report, the hotline received calls about 2,043 potential victims of human trafficking across the country that year. Of all the calls, 60 percent cited sex trafficking, 25 percent represented labor trafficking and 15 percent referenced other types of trafficking, like international marriage brokering and organ trafficking.

Andrea Austin, program manager at the Polaris Project, said more calls from Illinois are coming in because “we’re working a lot with Illinois state legislators. There are various coalition groups we interact with.”

California, Texas and Florida, had more calls because they had even better public awareness, with campaigns or task forces publicizing the hotline widely, Austin said.

“The more we raise the awareness about the hotline in a given area, the more calls we get,” she said.

—Alexis Pope

**Boystown brutality gets all the publicity**

**The news:**
Englewood resident Rubin Robinson, a gay black man, was attacked July 3 by a group of black people in the predominantly white Boystown neighborhood.

**Behind the news:**
The stabbing in Boystown prompted significant media attention and backlash within the community.

The incident prompted a community meeting, attracting 800 attendees, a YouTube video of the stabbing, which got more than 40,000 views as of Aug. 7, a Facebook page with 3,700 likes as of July 18 and more than a dozen stories in the Chicago Sun-Times and Chicago Tribune alone within the first two weeks of the incident.

But there were hundreds of other crimes that day of varying degrees of severity that didn’t garner the attention that the Boystown stabbing did. And most of which occurred in the city’s African-American neighborhoods.

On the same day as the Boystown incident, there were 294 emergency calls made to 911 reporting assaults, according to information obtained by The Chicago Reporter from the city’s Office of Emergency Management and Communications.

Several crimes occurred July 3 in predominantly black or Latino neighborhoods. The four districts identified as having the most crime between January and March 2011 were police districts 4, 6, 8 and 25, according to 2009 Chicago Police Department data. The racial composition of District 8 is mixed, but the other three districts are comprised predominantly of people who are black or Latino. There were a total of 241 crimes that happened July 3 in those four districts alone. Among them were violent crimes, including seven aggravated assaults, 12 aggravated batteries, 13 simple assaults and two criminal sexual assaults, according to police reports.

Andrew Rojecki, an associate professor of communications at the University of Illinois at Chicago, said Boystown’s status as an affluent, educated and well-connected area helped draw significant media exposure to the incident. A black-on-black assault in a white community made it a salacious story to cover.

“This is like cat nip to the media,” Rojecki added. “It probably would have gone unnoticed had it taken place anywhere else.”

—Dylan Cinti
Most young victims killed inside

The news:
In July, the Chicago City Council approved a stricter curfew requiring unsupervised minors aged 12 and younger to be in their homes by 8:30 p.m. Sunday through Thursday and by 9 p.m. on Fridays and Saturdays.

Behind the news:
A Chicago Reporter analysis of homicide data shows that the new curfew, even if it had been implemented, would not have protected most of the 53 homicide victims who were aged 12 or younger and killed between Jan. 1, 2008, and Aug. 7, 2011, when Arianna Gibson, 6, was killed by gunfire inside the living room of her grandmother’s Englewood home.

Indoor menace
The new curfew rules are aimed at reducing violence among children aged 12 or younger, but most homicide victims in that age group were killed indoors.

Just two of the 53 victims were outdoors and violating curfew when they were killed, according to the Reporter’s analysis. Like Gibson, most of the victims whose locations were known—nearly 84 percent—were indoors, and many were killed at times that would not be in violation of the new curfew.

Some Chicago City Council members noted studies from other cities that showed a decline in crimes against youth and youth arrests after passing stricter curfew laws. But there are questions about whether the Chicago Police Department can enforce curfew laws more vigorously than it has in the past.

The department is currently understaffed, and it has recorded declining curfew arrests in the past few years. This year, the department recorded 8,398 curfew arrests from January through June, on pace to log 16,796 in 2011. That would be a 42 percent decline from the 29,080 curfew arrests the department recorded in 2006.

Phillip Jackson, executive director of The Black Star Project, said the Chicago City Council can’t legislate good parenting nor can it rely on police to enforce good parenting. Instead, he suggested that the city put resources into helping parents deal with problems their children are having with education, truancy, delinquency, nutrition and other areas.

“One of the most important and ignored infrastructures is parenting,” Jackson said. “We really don’t invest a thing in parenting.”

—Alden K. Loury

Domestic violence numbers ‘tip of the iceberg’

The news:
This October marks the 24th annual Domestic Violence Awareness Month.

Behind the news:
In Chicago, more than 12,600 people received domestic abuse services from state-funded programs in 2010, according to the Illinois Criminal Justice Information Authority.

People of different ethnicities and races sought services at slightly different rates. Hispanics received the services at the rate of 53 per 10,000 people, while white people, African Americans and Asians sought help at the rate of 44, 46 and 48 per 10,000, respectively.

To Dawn Dalton, executive director of the Chicago Metropolitan Battered Women’s Network, these numbers demonstrate that domestic violence is happening everywhere.

“Domestic violence doesn’t discriminate,” Dalton said. “Any demographic check box that is available, you’ll find domestic violence happening there.”

Who’s abused?
State-funded programs provided domestic abuse services to more than 12,600 in 2010.

Services per 10k people

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latino</td>
<td>53</td>
</tr>
<tr>
<td>Asian</td>
<td>48</td>
</tr>
<tr>
<td>Black</td>
<td>46</td>
</tr>
<tr>
<td>White</td>
<td>44</td>
</tr>
</tbody>
</table>

Source: Illinois Criminal Justice Information Authority

She added that the numbers don’t tell the whole story of domestic violence because there are still women who don’t seek help or don’t report abuse.

“What we do know about the statistics that we do have available to us—it’s the tip of the iceberg,” Dalton said. “There’s a lot more going on in reality for victims of domestic violence. Because it is an issue that’s looked at as something people don’t want to address … it makes it difficult for victims to be able to come out and say I need assistance.”

—Caitlin Huston

Have you seen our blog?
Go to www.chicagonow.com/chicago-muckrakers
M. Yaser Tabbara’s outspokenness against the government in Syria, where he spent his formative years, made him persona non grata. Tabbara works with the same level of conviction as he advocates for the Chicago region’s Muslims and Arab Americans.

Mobilizing for change

By Caitlin Huston

Images of a bloody government crackdown and audio of Syrian-accented cries for help filled M. Yaser Tabbara’s law office in suburban Chicago.

This was the turning point for Tabbara, a Chicago native who spent his formative years in Damascus, Syria. Despite the expected consequences of speaking out against the Syrian government, he chose to write an op-ed piece in Al-Jazeera English backing the protesters. Days later, he saw his name flash across Syrian television, labeled as a wanted man.

“If I go to Syria, I’m probably going to be immediately jailed or killed,” Tabbara said.

Looking past the government’s threat, he continues to lobby other countries to support the uprising and organizes protests in Chicago while holding down a job as an immigration attorney.

While Tabbara advocates for social change abroad, he’s also working to bring about a change in politics for the Muslim and Arab-American communities around Chicago.

As president of Project Mobilize, Tabbara is part of a group of activists trying to give a voice to Muslims and Arab-Americans in the southwest suburbs by campaigning for candidates to be elected to local office.

For last April’s elections, Project Mobilize recruited candidates, then trained them and came up with campaign strategies. The group also provided publicity for the candidates by creating promotional websites, holding community events and going door-to-door asking for voter support.

The candidates do not have to be Muslim, but the group looks for people who have a wealth of experience in the office they seek and who care about the same issues as the community they seek to represent. Tabbara stresses that these issues are not solely specific to the Muslim community but are uni-
versal problems like education and healthcare.

By educating the community about the political process and urging them to get out and vote, two of the group’s seven candidates won local seats in the election.

“We were very happy. We were especially happy because actually all of them got very close,” Tabbara said.

As the group gears up for its second election season, The Chicago Reporter sat down with Tabbara to talk about his work.

Why is it necessary to have a group like Project Mobilize?

The Arab and Muslim community in the United States has always felt this discrepancy between their contribution to society in general and their representation. So there are a lot of research studies and things like that that have concluded that the American-Muslim community are among the most educated, the most wealthy, the most well-to-do in their environments. Yet it’s a community that is constantly undermined, constantly misrepresented, constantly underrepresented in both pop culture and the political sphere. So there has always been this need for representation at a political level at least.

Do you feel that there’s a prejudice against Muslim candidates?

On a local level, that challenge tends to be almost nonexistent, and the reason is ... part of this entire process that we’re putting together requires basically recruiting candidates that are known in their own communities. The most important thing that we can do as Muslim Americans to correct or to educate the American public about who we are and shatter these stereotypes against us is to engage with our neighbors, engage with our local community, outreach, let people know who we are.

The same thing goes to Americans at large. Before you cast judgment on what the values of the American Muslim community in the United States are, try to reach out to your neighbor, try to talk to the Muslim next door or to your co-worker or colleague. And then get to know them more and more and then pass your judgment.

Did Chicago’s troubled political landscape have an effect on your campaigning?

It creates a kind of reaction. There is a thirst for honest, principled political representation. We feel that we have a lot to offer to the American political process in terms of our values. Our anti-corruption values, our anti-oppression values. American Muslims can provide quite a bit of resources and vision to our local political structure and inner workings because of our values and because of what we aspire to be and contribute. Really, on a personal level, when I talked to these seven candidates, if you ask them, ‘Why are you running?’ they’ll tell you, ‘I’m just sick and tired of being represented by crooks, and I just want to clean up the system, and I want to be a voice for integrity and for honest representation.’

What generation does your group target?

The idea of all politics are local is more of an indigenous sort of approach. The younger generation of Muslim Americans tend to fundamentally believe in that because they see their identities as Americans and as Muslims to be completely compatible and not contradictory. Naturally, that’s the sort of generation that we’re utilizing, that we’re organizing, that we’re mobilizing, that we’re asking to run for office.

Is it possible to see yourself as an American while maintaining ties to your native culture?

I absolutely think that they can be reconciled. I think that it’s very possible to be completely bicultural, completely bilingual.

The contradiction is that, on one hand, I come from a country that is deemed to be part of the ‘axis of evil,’ and, on another, when I’m in Syria, there’s this perception that I come from the bastion of imperialism and world expansion—being a friend of Israel and all that. So there is this very interesting dichotomous perception that I’m subjected to whether I’m in Syria or the United States.

Despite that, I feel that I have these two identities that coexist in perfect harmony, and I’m personally very comfortable. I’m as comfortable functioning as an American in Syria. And I think ultimately it’s about the common human values between the two cultures that bring these two worlds together. Specifically, empathy. I’m very big on that particular value. I think that that’s what the world needs more of. The higher the level of empathy that people have in the world, the lower the level of problems and disconnect and disasters that you have.

Do you find any crossover between your work with the Syrian revolution and Project Mobilize?

Yeah, actually. In fact, because the elections that we’re organizing around are local elections and April 5 was the election date, a lot of these revolutions happened before this election date. So we came up with this mantra: Our Revolution is Electoral. It’s actually plastered outside our office in Summit in big bold letters.

As we went and spoke to our community members about the importance for their engagement in local politics, our message was that, ‘Look, your fellow humans in the Middle East, whether it’s in Egypt or Tunisia or Libya or Syria or Yemen, are basically putting their lives on the line to get what you already have—which is the right to vote. They are actually sacrificing their lives for something you already have, and you’re not exercising it.’ And I feel that that was a very strong message. And I think that these revolutions really energized our communities to go out and vote more, as they were an inspiration to revolutions all across the world.

How do you hope to move the project forward?

When we started this effort we did not have any grandiose ambitions to take over the world, and we still don’t. It’s a truly organic grass-roots effort that is concerned with organizing our communities and educating them about the political process, the local political process, the importance of participation. Again, it was a response to our community, which often complained that, ‘We’re not represented. Our voice is not heard.’ We tell them, ‘Well, here’s your chance. Here’s your organization. Let your voice be heard.’ And so we’ll see how that goes, as the interest generates.

I truly believe that it’s not going to be something that will become a national organization overnight. I truly feel that this is a long-term process, and it will take years and years. At one point, hopefully, we’ll get to a point where we have a serious political platform that embodies our values of social justice.
If a CHA resident is arrested one time, the tenant is sent to eviction court. But a Chicago Reporter analysis found that the policy separates families and ousts some who were never convicted of breaking the law.

By Angela Caputo

Jessica Moore showed up at the Daley Center, shaken and without a lawyer. She had a bad feeling about how things might play out in court.

A lawyer hired by a company that manages Chicago Housing Authority properties approached her. She followed him into courtroom 1302 and was ushered into a small conference area tucked away in the corner. A steady stream of eviction cases were called at the bench as they talked.

The CHA wanted to cut a deal: If she agreed to move out, the agency would let her and her six children stay seven days.

Moore balked.

“I’ll take it to trial,” she told him.

Moore, 39, is just one of hundreds of low-income residents the CHA has taken to eviction court for violating the agency’s one-strike policy during the past six years. The rule is part of a set of national guidelines created in 1996 to make public housing developments safer by ridding them of people who commit crime.

But there was a problem. Moore was no criminal.

When the national policy was drafted, the U.S. Department of Housing and Urban Development empowered local housing authorities to tailor their own one-strike rules for best rooting out criminal activity as long as it was relevant to the peace and safety of its residents.
By the CHA’s standard, all arrests are subject to one-strike. As a result, tenants have lost their homes over nonviolent offenses, including shoplifting and marijuana possession.

The CHA had also chosen to evict leaseholders under one-strike for crimes committed by their children and anyone living in the unit, even if the crime occurred on property not owned by the CHA. Tenants are also culpable if their guests commit a crime on CHA property.

A new Chicago Reporter analysis found that from 2005 to 2010 the CHA opened 1,390 one-strike cases. The vast majority of them—86 percent in 2010—had nothing to do with the primary leaseholder.

When people were arrested, the person named on the lease was automatically summoned to eviction court, a civil matter, even though the criminal court cases were still pending in many instances.

If the CHA had considered how those cases played out in criminal court, it would have discovered that more than half of the defendants were found not guilty, their cases were thrown out or they were never prosecuted, the Reporter analysis found. Instead, one in three tenants whose criminal cases were tossed out or ended with a “not guilty” verdict, had their entire household evicted or moved out without a fight, the analysis shows.

CHA lawyer Scott Ammarell said that his agency takes an across-the-board approach to pursuing a one-strike eviction policy, regardless of the severity of the charges.

“If we get an arrest report and the charge on the arrest report is an offense that will end somebody’s eligibility to continue to receive a subsidy from the federal government, we pursue it,” he said.

It’s a policy that newly elected Mayor Rahm Emanuel appears to stand by. The mayor’s office declined an interview but issued a statement that said, “The Chicago Housing Authority has an obligation to provide the 30,000 individuals who currently reside in public housing with affordable and safe housing. The safety of CHA residents, its children and families as well as its neighbors is a top priority.”

Some critics say that the evictions are not only too harsh, but also premeditated. Earlier this year, the CHA demolished the last of its 51 high-rise public housing buildings. It was part of the agency’s Plan for Transformation. Eligible residents will get new units in mixed-income neighborhoods or subsidies to move into the private rental market. By barring many from public housing, some speculate that the CHA can avoid having to move them into replacement units, which are currently in short supply.

The Reporter’s analysis found that the number of one-strike cases across the city increased sharply in CHA developments where demolition was eminent. Cabrini-Green, Harold Ickes, Henry Horner and the ABLA housing developments accounted for more than a third of all one-strike cases in the past six years. Combined, those four developments accounted for more than half of all public housing units demolished during that time.

A large number of one-strike evictions have occurred in the new mixed-income communities, which replaced traditional public housing in gentrifying neighborhoods in the Near North, Near South and Near West sides. It’s in those same mixed-income communities that residents’ ability to fight one-strike evictions has been weakened the most.

One-strike cases are the only type of public housing eviction where tenants have no chance to file a grievance or request an internal hearing. Their only shot at beating the case is in civil court.

But most CHA tenants can’t afford a lawyer. And they can face long odds at winning the case—even with a legal defense. Meanwhile, in the spring, the CHA attempted to revoke its “innocent tenant” clause, residents’ main avenue for fending off evictions in the courtroom.

The clause gives the head of household—the person who was not arrested, even if someone in their household was—a chance to plead their innocence and protect the housing unit for the rest of the family who wasn’t involved in the crime.

The CHA’s proposal to revoke the clause was quashed in late June after public uproar. But the defense is becoming a moot point in most of the newest one-strike cases because the private developers hired to create mixed-income communities aren’t required to consider culpability in pursuing an eviction. That’s because the innocent tenant defense is not written into the lease agreement that tenants in the privatized developments are required to adhere to. Meanwhile, the number of one-strike cases continues to climb in these developments.

“We know the game,” said Shannon Bennett an organizer with the Kenwood Oakland Community Organization, which has been an outspoken critic of the policy for more than a decade. “These policies are intended to push people out.”

No community has experienced more one-strike cases than Cabrini-Green.

The CHA had 74 public housing developments sprawled across the city. Yet, roughly one in five of the one-strike arrests involved Cabrini residents.

A decade ago, nearly 13,000 people lived in the Near North Side public housing community, which was anchored by 1230 N. Burling St. and seven other decaying concrete towers.

Today, the buildings are all gone; some have been replaced by mixed-income homes, apartments and condos. Many of the new residents of the area are increasingly white and college-educated, and just 444 of the units there are for public housing.

Moore moved in when she was 23.
Her paychecks never came close to covering rent in the private market. So for more than a decade, she and her children squeezed into a two-bedroom Cabrini-Green apartment at 624 W. Division St.

When a four bedroom at 1230 N. Burling St. opened in 2005, she and her children—whose ages at the time ranged from 1 to 13—jumped at the chance to spread out. She had just quit her job as a cashier at a Walgreens and enrolled in classes part-time at Robert Morris College working toward a business degree.

She crossed paths with her boyfriend Ricky Dyer not long after moving in. Dyer had a history with Cabrini. He was born in 1983 and grew up in the development. As a teenager, he earned a reputation as a drug dealer and was given the nickname “Rickdog.” By the time he was 20, he was convicted of selling drugs. He pleaded guilty to two felony counts and was sentenced to one year in prison.

Once he got out, Dyer moved back in with his mom and steered clear of major trouble, but he had a few run-ins with police. He was arrested for trespassing and public drinking, but both cases were tossed out.

Around that time, he and Moore began dating.

By 2009, their neighborhood had changed dramatically. Moore’s building was one of the last two Cabrini-Green high-rises left standing. Her building sat to the far left of a rusting gate that served as the official, but least used, entrance to the 15-story buildings known as “the whites” for their pale concrete exterior.

The other 21 mid- and high-rise buildings had been knocked down by the wrecking ball and replaced with red-brick townhomes with lush shrubs, flawless concrete and quaint names, like North Town Village. Police were brought in to pay special attention to Burling Street, which was one of the last corners of the neighborhood occupied exclusively by public housing residents.

Under an agreement with the CHA, the agency and the Chicago Police Department freely exchanged arrest information. The two agencies signed off on the pact in 2000. If someone with a public housing address was arrested, or an arrest was made on the CHA’s property, police automatically passed along the police report to the CHA.

Burling residents became suspicious when police began showing up by the dozens. Moore knew that all it took was a single arrest to open a criminal-activity eviction. No conviction was required. No internal investigation was launched. And Moore knew from experience that the cops patrolling her building rarely flinched at throwing cuffs on her neighbors.

“The police would come into the building each day either knocking into somebody’s apartment or grabbing guys downstairs,” Moore said.

Arrests climbed as demolition of the building inched closer. Burling began to empty quickly. In the fall of 2010, only 39 of the building’s 134 units were occupied. During the last 20 months that the 1230 N. Burling St. building was occupied, 19 households were hit with a one-strike eviction. The leading cause for arrest was misdemeanor marijuana possession.

Moore had a love-hate relationship with the police. On one hand, she feared them because she knew that her eldest son,
Making their pitch
The Chicago Housing Authority’s one-strike policy is intended to make public housing safer. But in doing so, innocent tenants are getting evicted. We asked experts what reform could better accommodate both goals.

“By moving to a less formal setting, not under the stringent rules of a courtroom, it would give residents an opportunity to present all relevant information to the decision-maker—including mitigating factors.”
— Mark O’Brien, Legal Action Center

“CHA doesn’t do any further investigation beyond arrest. They should get feedback from property managers to find out what are the circumstances of the arrest—and the household.”
— Richard Wheelock, Legal Assistance Foundation

“Politicians would have to take a uniformed approach to say that there are two levels of drug activity: those that are toxic to society and those that are not as toxic to society.”
— Lawrence McDonough, Legal Aid Society of Minneapolis

A swing and a miss
1988: Under the Anti-Drug Abuse Act of 1988, public housing authorities were given permission to evict tenants for drug-related activity.

1996: The “One-Strike and You’re Out” policy was launched under the Clinton administration to keep crime out of public housing. The CHA launched its version and enacted the “innocent tenant” defense, in which tenants could avoid eviction by demonstrating that they had no prior knowledge of illegal activity.

1998: Pearlie Rucker, a 63-year-old public housing resident in Oakland, Calif., received an eviction notice after her daughter was arrested for cocaine possession three blocks from Rucker’s home.

2001: The U.S. 9th District Circuit Court of Appeals ruled in favor of Pearlie Rucker, only to be overturned the next year when the U.S. Supreme Court decided that illegal activity committed by any member of a tenant’s household, or any guest inside of the house, was cause for eviction.

On their way out
A disproportionate number of one-strike cases have been opened against people living in three rapidly gentrifying Chicago wards, which have demonstrated some of the city’s largest changes in household income over the past decade.

More than half of one-strike cases involved people living in wards 2, 3 and 27.

Devonte, was becoming a troublemaker. At 16, he’d already been in and out of rehab after getting arrested for drugs.

While many of Moore’s neighbors did their best to avoid the police, she saw them as her last hope for reining in Devonte. He was hardheaded.

“I couldn’t tell him anything,” she said. She appealed to a couple of trusted cops known around Cabrini as “Eddie Murphy” and “Babyface” for their help. “I told them, ‘Stop him if he’s selling drugs. I don’t want to get put out.’”

Nothing prepared Moore for the morning of Sept. 25, 2009, when a team of 19 officers busted down her front door just after 8 a.m. as her children slipped on their shoes and backpacks on their way out to school.

For two hours, the officers picked through Moore’s four-bedroom apartment, finding $48 worth of marijuana stashed on a shelf in Devonte’s bedroom. During a pat down, a dime bag of cannabis, worth $12, was recovered from Dyer’s right shorts pocket. He was charged with misdemeanor pot possession.

Within days of the raid, Moore got her notice that her lease would be terminated.

The Reporter found that a growing number of families have similarly faced eviction based on low-level, misdemeanor charges. More than 70 percent of the one-strike cases involved drug possession; less than 10 percent were attributed to the drug dealing that one-strike was created largely to address.

A growing number of these cases are based on low-level crimes. In 2005, 40 percent of all one-strike arrests involved drug-related activity. By 2010, that figure had grown to 76...
Why are they arrested?

Nearly 75 percent of one-strike cases were based on drug possession arrests. Of those, more than a quarter involved cannabis.

### Top five charges

<table>
<thead>
<tr>
<th>Charge</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug possession</td>
<td>633</td>
<td>45%</td>
</tr>
<tr>
<td>Cannabis</td>
<td>397</td>
<td>28%</td>
</tr>
<tr>
<td>Drug sales</td>
<td>97</td>
<td>7%</td>
</tr>
<tr>
<td>Weapon</td>
<td>54</td>
<td>4%</td>
</tr>
<tr>
<td>Gun</td>
<td>54</td>
<td>4%</td>
</tr>
</tbody>
</table>

Were they a threat or a nuisance?

In large part, people were arrested for minor offenses. And the analysis shows that as the buildings came down, more and more people were arrested for low-level misdemeanors.

Small crime, big price

The Chicago Housing Authority is basing a growing number of eviction cases on low-level crimes. Of the total 1,444 arrests under one-strike, 1,307 were prosecuted in the criminal courts. No court cases were ever opened against 7 percent of those arrested.

### Type of arrests under one-strike

- **Felony**: 118 cases
- **Misdemeanor**: 79 cases
- **Total**: 196 cases

By the numbers

- **65%** The majority of residents in CHA properties are female.
- **74%** However, almost three-quarters of those arrested under the one-strike policy are male.
- **23%** Nearly a quarter of those challenging an eviction case are doing so because of allegations against a 17- to 19-year-old living in the house.
- **40%** After being served with an eviction notice, the most likely outcome was that tenants were evicted or moved out without a fight. In 34 percent of cases, the arrestee was barred from the property.
- **47%** Of those evicted, nearly half were found not guilty, their cases were tossed out or no criminal case was ever filed. Another 14 percent moved out without trying to fight the CHA in court.
- **95%** In roughly 7 percent of one-strike cases, people faced eviction though no criminal court case was opened.

Methodology

The Chicago Reporter obtained Chicago Housing Authority records for all 1,420 one-strike cases initiated against tenants from Jan. 1, 2005, through Jan. 31, 2011. The data included the name and address of the individual who was arrested, the address where the arrest occurred, police report number and a description of the criminal offense. The data also included the disposition of the case in eviction court for each tenant charged with violating the CHA’s criminal activity eviction policy. Primary leaseholders’ names were withheld unless they faced direct criminal charges. The Reporter matched the CHA records with criminal court records, maintained by the Cook County Circuit Court Clerk’s office, to determine the race, birthdate and ZIP code of each one-strike offender. Those records also detailed if each case was based on misdemeanor or felony charges and whether the case ended with a criminal conviction. The Reporter also pulled more than 100 civil court files, which were used to check the dispositions in the cases reported by the CHA.

Moore fought for her apartment for six months. When her trial date finally came, police testified about Dyer’s pot possession. She lost, and a judge gave her and her children seven days to move.

“I’m like, ‘Where I’m gonna go with six kids?’” she asked.

In a gesture of mercy, Moore said, the CHA extended her move-out date to 60 days.

Cook County Sheriff’s police hauled the last bit of broken furniture out of her apartment on June 30, 2010. Nine months later, the Burling high-rise was demolished.

What happened to Moore, Burnett said, runs counter to what the CHA is given millions in federal anti-poverty dollars each year to do: stabilize families.

“CHA should be thinking about how to keep people in...
those apartments. They should be advocating toward helping people to keep their places, not finding ways to put them out,” said Burnett, who was convicted of armed robbery, a felony, at 17 when he was joy riding with friends in Kankakee. “Everybody deserves a second chance.”

In June, HUD Secretary Shaun Donovan issued a letter reminding housing authorities that there are only two types of people who are prohibited from living in public housing: methamphetamine producers and registered sex offenders. “[E]vidence of rehabilitation or evidence of [a] family’s participation in or willingness to participate in social services such as counseling programs should be considered,” Donovan wrote.

CHA officials, however, point to a U.S. Supreme Court decision from 2002 that upheld a California housing authority’s right to evict an Oakland woman although she wasn’t responsible for the crime that got her evicted under one-strike.

Still, even within the CHA, the importance of arrest histories is inconsistent. Arrests alone, for example, don’t preclude applicants from joining the agency’s housing waiting list, which currently has roughly 40,000 names.

Ultimately, HUD cedes to housing authorities the power to draft policies that protect the safety and well-being of their residents. But under the Obama administration, the agency isn’t quick to endorse them.

“Housing authorities tend to point the finger at HUD, saying [one-strike] is a federal policy,” HUD spokeswoman Donna White said. “We leave it to them to use discretion.”

As Linda Couch, senior vice president for policy with the National Low Income Housing Coalition sees it, “Both HUD and local agencies play both sides when it serves their purposes.”

The Chicago-based Legal Assistance Foundation negotiated an innocent tenant defense back in the mid-1990s to help soften Chicago’s one-strike policy. Because private firms own the new mixed-income communities, they aren’t bound to the defense. But the number of new one-strike cases is becoming more prevalent in those areas. For example, in the Westhaven Park community, which replaced the Henry Horner Homes on the Near West Side, 41 percent of all one-strike cases in the past six years occurred in 2010 alone.

As far as lawyer Elizabeth Rosenthal is concerned, the innocent tenant defense is the only avenue public housing residents have to defend themselves. “Otherwise, CHA operates with no discretion in these cases,” she said.

It’s particularly important because in 84 percent of the eviction arrests, the primary leaseholder wasn’t responsible for the criminal activity, the Reporter’s analysis found.

The CHA’s expectation is that tenants who successfully evoke the defense will end up barring the person they describe as the “bad actor.” Typically, the rest of the family is allowed to stay under the condition that the person barred will never return to CHA property. One slip, and the deal is broken with no chance for appeal, even if the person barred is the tenant’s own child.

Moore found an apartment in West Englewood. Her family squeezed into the two bedroom for six months until the building went into foreclosure.

People suggested she move into a transitional housing shelter until she could get back on her feet. But she feared Devonte, who’s now 18, would have been pushed into an adult shelter and that her 17-year-old daughter would be next.

“I’m not leaving my kids,” she said. “My kids are my life.”

Moore maxed out her student loans—taking out $8,000 last fall—to cover the rent in her current two-bedroom in Avalon Park on the South Side. Three children sleep in a sunroom filled with garbage bags full of clothes that were soiled by a leak in the first apartment. There’s mold in the kitchen and a hole in the bathroom ceiling where water gushes in from time to time. There’s no washing machine, so she sometimes washes the family’s clothes by hand.

Moore’s rent is now $750 a month—a far cry from the $72 a month she paid at Cabrini-Green. “Plus I have to pay the gas bill,” she said. “Plus the light bill.”

After six years, Moore and Dyer are still together. Finding permanent work has been tough, though. He’s handy and has been able to pick up odd janitorial jobs.

Moore has also turned to the state for welfare through the Temporary Assistance for Needy Families fund, which she hadn’t done in nearly two decades. It brings in another $555 a month.

“I felt I didn’t want it or need it before. I was working,” she said. “But now it’s really hard to find a job. And I really don’t want to quit school. I’m at the door of my associate’s degree.”

Meanwhile, her children catch a train and a bus to get to the same North Side schools they went to while living on Burling Street. “I didn’t want to switch schools because I didn’t know if I was going to be moving,” Moore said.

Two are at Suder Montessori, which she describes as a good magnet school. Her two youngest boys attend Jenner, the neighborhood school closest to Cabrini-Green. And her eldest daughter is going to be a senior at Lincoln Park High School this fall. In one more year, she’ll be off to college.

Both Moore and her daughter are trying to stay positive and think of college as their best chance to open new doors. When her daughter starts stressing about tuition and considers downgrading her plans to community college, Moore pushes her.

“I’m like, ‘No, you’re going to go out of Chicago,’” Moore said. “I want her to get a good education so she can go wherever she wants to go.”

Dylan Cinti, Alexis Pope, Caitlin Huston and Louis McGill helped research.

Elizabeth Rosenthal, a staff attorney with the Legal Assistance Foundation, has overseen scores of one-strike cases. Photo by J. Geil.
Gloria Franklin never imagined her son’s arrest would put her in danger of losing her home and cost him the right to live under her roof.

But that was the consequence when her 17-year-old son Tyran Pratt was arrested allegedly with $10 worth of marijuana outside Franklin’s home in the Cabrini-Green community.

Following Pratt’s arrest, Franklin received a letter from the Chicago Housing Authority informing her that she was going to be evicted.

“For what?” Franklin remembers thinking. “I didn’t go to jail. Nothing was in my house.”

But under the CHA’s official occupancy policy, tenants such as Franklin can be evicted from public housing if anyone on their lease is charged with a criminal infraction.

A 20-year resident of public housing, Franklin has lived in a row house on North Cleveland Street for six years—a relic of the Cabrini-Green public housing development that was mostly demolished by 2011.

Franklin’s row house stands out from the rest on her block. Where her front lawn is adorned with flowers and a small garden, the other properties are covered with boards.

Nevertheless, Franklin said it was a good place to raise Pratt, who was in high school when he was arrested in October 2009. She had also been sharing the house on Cleveland with her disabled sister; daughter, 29; and grandson.

Franklin describes Pratt as a good child who tried his best in school. In addition to his regular classes at Roberto Clemente Community Academy, he met with an after-school mentor.

But, like most teenagers, Pratt was susceptible to peer pressure. As she explained, “He had to be with people who lived in his area in order for him to go to school … safely.”

Franklin said that although she knew Pratt smoked marijuana, she never allowed him to smoke around her or anywhere in her house.

“I wasn’t OK with that,” Franklin said, but “when I’m not there, how can I control it?”

On Oct. 3, 2009, Pratt was arrested...
on the street outside Franklin’s house allegedly with a plastic bag containing one gram—or roughly $10 worth—of marijuana, according to a police report.

Pratt’s arrest came at a high point for marijuana arrests that triggered one-strike cases in the Cabrini development, a Chicago Reporter investigation found. In 2009, 33 people were arrested for marijuana possession, by far the highest of any housing development and more than twice as many as the previous year. Of the 33 arrested, six of them, like Pratt, were 17-year-olds, the single-largest age group of arrestees.

Pratt was booked and released on his own recognizance, according to the police report. Franklin was at work during the incident.

Although Franklin said she was upset with her son, she couldn’t believe what happened next. “The plaintiff … has filed a complaint in this court to have you evicted,” read the letter sent to Franklin on Dec. 10, 2009.

“I’m like, ‘What the heck is this?’” Franklin said.

In subsequent negotiations with the CHA, Franklin said she was told that in order to keep her home, she’d have to take her son off the lease, bar him from the property and accept a yearlong probation.

From December 2009 through July 2010, Franklin consulted with lawyers. “I did not understand how … my son had to be taken off the lease and me put on probation for a year, and there was no case,” Franklin said.

Ultimately, Pratt’s misdemeanor charge was thrown out in court. A Reporter investigation found that more than half of the arrests that triggered one-strike cases were thrown out in criminal court.

Even though Pratt’s case fizzled, the CHA continued Franklin’s case in eviction court. There, a judge ruled that Franklin could keep her home, but she’d have to kick out her son, who was still a minor at the time. She was told to take him off the lease and that he would be permanently barred from any CHA property, even though she didn’t have anywhere for him to stay.

On July 8, 2010, Pratt was permanently barred from the property and removed from the lease.

Franklin got choked up recalling the moment she told her son. It was one of the most difficult points in her life, she said. “I gave him a hug, shared a few tears, and I just told him, ‘You have to go; I’m sorry,’” Franklin added.

Since Pratt left last summer, Franklin said she hasn’t seen him much. He dropped out of school and has been living on the streets. Sometimes he’ll call when he’s hungry, and she’ll bring him food. And other times she sees him sleeping in a playground near her house, a sight she describes as “one of the most hurtful things.”

For the most part, Franklin has no idea of her son’s whereabouts. “He’s everywhere,” she said. “My son is homeless on the street right now.”

She said she feels her son’s absence constantly. “I want my kids to be able to come and visit me,” she said. “That’s all I’m asking.”

Contributing: Angela Caputo
In tenants’ defense
Laws in Minnesota and Missouri offer greater tenant protection

By Alexis Pope

One strike and you’re out. The adage is clear in its meaning: Commit one fault, and forget about a second chance.

The one-strike policy, championed during former President Bill Clinton’s State of the Union address Jan. 23, 1996, was intended to crack down on crime and drug activity in public housing.

When the U.S. Department of Housing and Urban Development issued a set of guidelines that year, local housing agencies were given the power to adopt their own version of the policy. In some cities, a criminal arrest meant the tenant was issued a notice that their lease would be terminated, like in Chicago.

But in other cities, like Kansas City, Mo., measures were put in place to vet the cases prior to the tenant facing eviction. That way, only the “bad actors,” people committing crimes, were being evicted, and not whole families.

The Housing Authority of Kansas City operates that way. Tenants agree in their lease to notify the property manager if someone whose name is on the lease, or a person under the tenant’s control, is involved in criminal behavior. The act of having reported the activity can be used in the tenant’s defense if the case goes to civil court. Tenants can also make a case that they had no prior knowledge of the criminal activity.

“The policy protects a lot of innocent people who would have normally been evicted because of the actions of someone in the household when they didn’t have any responsibility or knowledge of it,” said Julie Levin, managing attorney of the central office of the Legal Aid of Western Missouri.

When any household member or a guest has been charged and convicted of a crime, the head-of-household is questioned on whether he or she knew or should have known about the activity, Levin said.

The Legal Aid of Western Missouri was able to negotiate this tenant protection in the leases in 1993 when the housing authority lost some of its oversight authority because of mismanagement. After that, crime decreased significantly, which Levin attributes to tenants having more ownership in the development under new management.

“Crime in Kansas City proper is higher than crime in Kansas City public housing,” she said.

Levin said that her group uses police reports and statements from the public safety department of the housing authority, which investigates criminal activity, and talks to witnesses to find out about the crimes that occurred. The research helps weed out bad tenants and bolsters cases of innocent tenants, she added.

“It’s a very subjective thing, and we just gather whatever evidence we can that proves [the tenant] had no knowledge of [the crime.] They could have engaged in this criminal activity at school, and grandma wouldn’t have seen or heard about it,” she said.

The State of Minnesota has a policy similar to Kansas City’s, said Lawrence McDonough, managing attorney of the Housing Unit at the Legal Aid Society of Minneapolis. He said that such a provision is better because it focuses on whether a tenant “is really a bad actor or not,” he added.

The Legal Aid Society of Minneapolis provides legal help to low-income residents of Hennepin County. McDonough has successfully defended many cases where the tenant had no prior knowledge of criminal activity occurring on- or off-premises.

“I think that is the proper or moral way to go because it’s focusing on the culpability of the individual rather than if the individual is at the wrong place at the wrong time,” he said.

McDonough said he cannot exactly pinpoint the effect of the innocent tenant defense for drug cases, which are the most common type of one-strike case. However, he said he’s won more of the drug cases than he’s lost when the situation called for the innocent tenant defense.

While the statute exists, the Minneapolis Public Housing Authority tends to give eviction notices for illegal drugs on the property despite the circumstance, McDonough said.

The Minnesota Legislature is looking out for the interest of the innocent tenants.

“The public housing authority in Minneapolis isn’t looking at this any differently, but they are subject to the laws created by legislators above them, including the Legislature of Minnesota,” he said.

Even if a tenant has committed a crime, the federal law gives all housing authorities the discretion not to evict a tenant even when the tenant has violated the lease.

“The lease provisions do not require eviction; they allow eviction. The only type of possession of an illegal drug in which it is absolutely mandatory is meth,” he said.

Thus, there could be multiple housing authorities within the country using the discretion not to evict someone. It is difficult to quantify the number of housing authorities that are exercising it, McDonough said.

The compassionate intentions of the congressmen who wrote the provision were not written into the actual language of the law, McDonough said. Congressional reports cite the congressmen saying that they believe the provision should be practiced in a compassionate way that does not evict innocent tenants, McDonough said.

McDonough would like to see innocent tenants across the country receiving the same amount of consideration. This would require federal action for equal protection across the board.

“My preference would be at some point to have a Congress that sees this issue the way I do,” McDonough said, “and amends that lease provision so that, across the country, tenants who aren’t culpable will not be evicted.”

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PARTING SHOT  Cook County Sheriff’s Garden

August 9, 2011

Jeff Smith, an inmate at the Cook County Department of Corrections, picks freshly grown okra from the Cook County Sheriff’s Garden. Smith is a participant in the gardening program, which trains nonviolent offenders in horticulture, gardening and landscaping skills. Now in its 18th year, the program supplies produce to soup kitchens and food pantries throughout Cook County and high-end Chicago restaurants.  Photo by Jason Reblando.