

Written by
SEAN O'SULLIVAN
The News Journal
Aug 14, 2011

ACLU: Don't evict sex offenders

WILMINGTON -- The ACLU is asking a court to stop the city of Wilmington from evicting sex offenders this week from a safe house on the city's East Side because a day care center recently opened nearby.

The request for a temporary restraining order and expedited hearing -- along with a lawsuit that names the city of Wilmington and the state of Delaware as defendants -- was filed late Friday in Delaware Chancery Court, according to the Delaware American Civil Liberties Union. This follows an earlier federal civil lawsuit filed by Earl Woodlen Jr., the owner of Harriet Tubman Safe House Inc., in late July without an attorney.

It is now expected that the federal lawsuit will be dropped.

"The city appreciates the predicament faced by the residents of the Harriet Tubman Safe House but we are following the advice of the Attorney General's Office and cannot comment further due to the pending court action," William Montgomery, Mayor James M. Baker's chief of staff, said in an email Saturday.

The Delaware Attorney General's Office previously has declined to comment.

ACLU Delaware Executive Director Kathleen MacRae said Saturday that the situation for men living at the two homes and the operator seems "very unfair and very rushed by the city."

Woodlen has operated two safe houses -- one in the 700 block of N. Buttonwood St. and one on the 900 block of E. Seventh St. -- since 2003, offering newly released inmates, including sex offenders, a place to stay for free for 30 days. The men can then pay rent to stay on after the 30 days.

The day care center began operating less than 500 feet from both homes in September. Wilmington police informed operators of the safe houses on June 28 that any sex offenders living at either house would have to leave or face arrest after Aug. 19 because state law prohibits sex offenders from living within 500 feet of a school.

The convicted sex offenders live in the Buttonwood Street house and would not be able to move to the East Seventh Street house because of its proximity to the day care center.

"It is already difficult for men who have been convicted of a sex offense to find a place to live," MacRae said. "State law should not force these men to move, or prevent facilities like the safe house from housing them, every time a private citizen decides to open a day care center."

She said the ACLU has questions about how the police measured the distance between the homes and the day care center, whether a day care center qualifies as a "school" under state law and, if it does, the constitutionality of evicting men because the state law does not contain a "grandfather" provision for existing facilities like Tubman House.

Attorney Daniel Wolcott Jr., who is part of the legal team fighting the evictions, said they are hoping to allow three sex offenders who live at the facility to remain "until the application and constitutionality of the law in this case is resolved." According to the operators, 11 registered sex offenders -- including the only rent-paying residents -- already have moved out because of the threats made by the Wilmington police.

Contact Sean O'Sullivan at 324-2777 or sosullivan@delawareonline.com.