

## **Section 525.100 Applicability**

This Subpart applies to all correctional facilities within the Department of Corrections.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

## **Section 525.110 Definitions**

- a) "Assistant Director" means the second highest ranking official of the Department.
- b) "Chief" or "Deputy Director" means the highest ranking official of a district or division within the Department.
- c) "Chief Administrative Officer" means the highest ranking official of a correctional facility.
- d) "Department" means the Department of Corrections.
- e) "Director" means the Director of the Department.
- f) "Incoming privileged mail" means mail from the following:
  - 1) The Director;
  - 2) Assistant Director, Chiefs, and Deputy Directors of the Department;
  - 3) Department attorneys;
  - 4) Members of the Administrative Review Board;
  - 5) Members of the Prisoner Review Board;
  - 6) The Governor of Illinois;
  - 7) Federal or Illinois legislators;
  - 8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
  - 9) Illinois Inspector General;
  - 10) John Howard Association; and

- 11) Legal mail.
- g) "Outgoing privileged mail" means mail to the following:
- 1) The Director;
  - 2) Assistant Director, Chiefs, and Deputy Directors of the Department;
  - 3) Department attorneys;
  - 4) Members of the Administrative Review Board;
  - 5) Members of the Prisoner Review Board;
  - 6) The Governor of Illinois;
  - 7) Federal or Illinois legislators;
  - 8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
  - 9) Illinois Inspector General;
  - 10) John Howard Association;
  - 11) Clerks of courts or of the Illinois Court of Claims; and
  - 12) Legal mail.
- h) "Legal mail" means mail to and from the following:
- 1) Registered Attorneys who provide direct legal representation to offenders;
  - 2) State's Attorneys;
  - 3) The Illinois Attorney General;
  - 4) Judges or magistrates of any court or the Illinois Court of Claims Judges; and

- 5) Any organization that provides direct legal representation to offenders, but not including organizations that provide referrals to attorneys, such as bar associations.
- i) "Offender" means a person committed to the Department or to the custody of the Department.

(Source: Amended at 35 Ill. Reg. 5400, effective April 1, 2011)

### **Section 525.115 Responsibilities**

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 20 Ill. Reg. 15960, effective January 1, 1997)

### **Section 525.120 Processing of Mail**

- a) Mail shall be delivered and posted promptly.
- b) Offenders may correspond with anyone in the free community in accordance with this Subpart without prior written approval of the Chief Administrative Officer, except with employees, former employees, or releasees of the Department. Permission for committed persons to correspond between intra-state and inter-state correctional facilities shall require the approval of the Chief Administrative Officers of both facilities and shall be based on safety and security concerns.
- c) Each facility shall establish procedures in cooperation with the local post office for processing certified or registered mail. To send certified or registered mail, offenders must have sufficient funds in their trust fund accounts and must attach to the envelopes signed money vouchers so that the proper postage may be applied and the amount deducted from their trust fund accounts.
- d) Offenders shall not be permitted to open, read, or deliver another offender's mail without the person's permission. However, offenders may transport mail in sacks or other closed containers under the direct supervision of an employee.
- e) No disciplinary restrictions shall be placed on an offender's mail privileges.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

### **Section 525.130 Outgoing Mail**

This Section applies to all correctional facilities within the Department.

- a) Offenders shall be permitted to send privileged and non-privileged letters at their own expense. Offenders with insufficient money in their trust fund accounts to purchase postage shall be permitted to send reasonable amounts of legal mail and mail to clerks of any court or the Illinois Court of Claims, to certified court reporters, to the Administrative Review Board, and to the Prisoner Review Board at State expense if they attach signed money vouchers authorizing deductions of future funds to cover the cost of the postage. The offender's trust fund account shall be restricted for the cost of such postage until paid or the offender is released or discharged, whichever is soonest.
- b) Offenders must clearly mark all outgoing mail with their name and in adult facilities with their institutional number. Mail that is not properly marked, including privileged mail, shall be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.
- c) Outgoing privileged mail must be clearly marked as "privileged" and sealed by the offender. Outgoing mail which is clearly marked as privileged and addressed to a privileged party may not be opened for inspection except as provided in subsection (d) of this Section.
- d) In adult facilities, outgoing privileged mail shall be examined for dangerous contraband, using an x-ray, fluoroscope, or other similar device. Such examination may be conducted in juvenile facilities. Outgoing privileged mail may be inspected for dangerous contraband by other means which do not damage the mail and which do not permit the mail to be read. Except in an emergency, outgoing privileged mail shall not be opened, unless there is reasonable suspicion that dangerous contraband is contained therein, legal services is consulted, and the mail is opened in the offender's presence.
- e) With the exception of privileged mail, all mail shall be unsealed when collected or placed in housing unit mailboxes. Sealed mail that is not privileged will be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.
- f) Each correctional facility shall establish procedures for the collection of outgoing mail. Collections shall be made daily, Monday through Friday, except on State holidays. Every effort shall be made to ensure that mail is delivered to the U.S. Postal Service on the same day.
- g) Outgoing non-privileged mail shall be inspected for contraband. If a letter from an offender is confiscated because it contains contraband, the offender shall be notified promptly in writing.

h) Department employees may spot check and read outgoing non-privileged mail. Outgoing non-privileged mail or portions thereof may be reproduced or withheld from delivery if it presents a threat to security or safety, including the following:

- 1) The letter contains threats of physical harm against any person or threats of criminal activity;
- 2) The letter contains threats of blackmail or extortion;
- 3) The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity;
- 4) The letter is in code and its contents cannot be understood by correctional staff;
- 5) The letter violates any departmental rules or contains plans to engage in activities in violation of departmental or institutional rules;
- 6) The letter solicits gifts, goods, or money from other than family members;
- 7) The letter contains information which, if communicated, might result in physical harm to another;
- 8) The letter contains unauthorized correspondence with another offender; or
- 9) The letter or contents thereof constitute a violation of State or federal law.

i) Any outgoing letter may be stopped and returned to the sender if the person to whom it is addressed (or a parent or guardian, if the addressee is a minor or incompetent) has notified the Chief Administrative Officer in writing that the person does not wish to receive mail from the offender. This rule shall not be construed to prevent offenders from corresponding with their children unless their parental rights have been terminated.

j) If an offender is prohibited from sending a letter or portions thereof, the offender shall be informed in writing of the decision.

k) Material from a letter which violates subsection (h) of this Section may be placed in an offender's master file.

l) Offenders may not send packages without approval of the Chief Administrative Officer, whose decision shall be based on administrative, safety, and security considerations.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

## **Section 525.140 Incoming Mail**

- a) Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title, and address of the sender.
- b) Incoming privileged mail may be opened in the presence of the offender to whom it is addressed to inspect for contraband, to verify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed.
- c) Incoming privileged mail may contain communications only from the privileged correspondent whose name and address appear on the envelope. If non-privileged material or correspondence from a third party is found to be enclosed, such material shall be treated as non-privileged mail.
- d) All incoming non-privileged mail, including mail from clerks of courts, shall be opened and inspected for contraband.
- e) Cashier's checks, money orders, and business checks subject to the restrictions imposed by 20 Ill. Adm. Code 205 shall be deposited in the offender's trust fund account, with a record made of the sender's name, the amount received, and the date. For purposes of this Section a business check shall mean a check written on any agency's or firm's account and any check written on an employer's personal account for wages due a person assigned to a transition center. Offenders shall be notified of all monies received and deposited in their trust fund accounts. However, any checks or money orders which exceed the limitation on the amounts (20 Ill. Adm. Code 205) shall be returned to the sender, and the offender shall be notified.
- f) Personal checks and cash shall be returned to the sender, and the sender shall be notified that funds cannot be received in that form.
- g) Correctional officials may spot check and read incoming non-privileged mail. Incoming mail or portions thereof may be inspected, reproduced, or withheld from delivery for any of the reasons listed in Section 525.130(h) of this Subpart or in Subpart C of this Part.
- h) When an offender is prohibited from receiving a letter or portions thereof, the committed person and the sender shall be notified in writing of the decision.
- i) If an offender has been transferred or released, first class mail shall be forwarded to the person if the address is known. If no forwarding address is available, the mail shall be returned to the sender.
- j) If an offender has been absent from the facility on a furlough or pursuant to writ, the person's mail shall be held at the facility for a period of one month, unless the offender has made a written request to the Chief Administrative Officer to have the mail forwarded to another address. At the conclusion of the month, first class mail shall be forwarded to the offender's address, if known, or returned to the sender, unless alternative arrangements have been made.

k) Offenders may receive publications, including books, periodicals and catalogs, in accordance with Subpart C of this Part, and may receive typewriters ordered directly from a supplier through the commissary. Other packages may be received only as approved by the Chief Administrative Officer. All packages shall be opened and searched prior to delivery.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)