



# Illinois Department of Corrections

## Administrative Directive

Number: <b>05.02.151</b>	Title: <b>Mail Procedures for Individuals in Custody</b>	Effective: <b>6/1/2023</b>
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<b>Authorized by:</b>	<i>[Original Authorized Copy on File]</i>	<b>Latoya Hughes</b> Acting Director
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<b>Authority:</b> 730 ILCS 5/3-2-2 and 3-7-2 20 IAC 205 20 IAC 525	<b>Related ACA Standards:</b> 5-ACI-5A-01 5-ACI-7D-01 through 5-ACI-7D-10
<b>Referenced Policies:</b> 04.01.108, 05.01.112, 05.02.151	<b>Referenced Forms:</b> DOC 0300 – Search Record/Confiscated Contraband DOC 0729 – Notice of Mail Scan Status

### I. POLICY

The Department shall ensure that the mail process is accessible to all individuals in custody in an efficient and timely manner.

### II. PROCEDURE

#### A. Purpose

The purpose of this directive is to establish a written procedure governing the responsibilities of processing incoming, outgoing, privileged and non-privileged physical mail.

#### B. Applicability

This directive is applicable to all correctional facilities within the Department.

#### C. Facility Reviews

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

#### D. Designees

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

#### E. Definitions

Individual in Custody - means a person committed to the Department or to the custody of the Department.

#### F. General Provisions

1. "Incoming privileged mail" means mail from the following:
  - a. The Director;
  - b. Assistant Director, Chiefs and Deputy Directors of the Department;
  - c. Department attorneys;

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- d. Members of the Administrative Review Board;
  - e. Members of the Prisoner Review Board;
  - f. The Governor of Illinois;
  - g. Federal or Illinois legislators;
  - h. 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;
  - i. Illinois Inspector General;
  - j. John Howard Association; and
  - k. Legal mail.
2. "Outgoing privileged mail" means mail to the following:
- a. The Director;
  - b. Assistant Director, Chiefs and Deputy Directors of the Department;
  - c. Department attorneys;
  - d. Members of the Administrative Review Board;
  - e. Members of the Prisoner Review Board;
  - f. The Governor of Illinois;
  - g. Federal or Illinois legislators;
  - h. 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;
  - i. Illinois Inspector General;
  - j. John Howard Association;
  - k. Clerks of courts or of the Illinois Court of Claims; and
  - l. Legal mail.
3. "Legal mail" means mail to and from the following:
- a. Registered Attorneys who provide direct legal representation to individuals in custody;
  - b. State's Attorneys;
  - c. The Illinois Attorney General;

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- d. Judges or magistrates of any court or the Illinois Court of Claims Judges;
  - e. Any organization that provides direct legal representation to individuals in custody, but not including organizations that provide referrals to attorneys, such as bar associations.
4. Mail shall be delivered and posted promptly.
- a. If an individual in custody has been transferred or released, first class mail shall be forwarded to the individual's new location if the address is known. If no forwarding address is available, the mail shall be returned to the sender.
  - b. If an individual in custody 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 individual in custody has made a written request to the Chief Administrative Officer (CAO) to have the mail forwarded to another address. At the conclusion of the month, first class mail shall be forwarded to the individual in custody's address, if known, or returned to the sender, unless alternative arrangements have been made.
  - c. Individuals in custody may only receive publications, including books, periodicals and catalogs directly from the publisher, or from an approved visitor in accordance with Administrative Directive 04.01.108. Other packages may be received only as approved by the CAO. All packages shall be opened and searched prior to delivery in accordance with Administrative Directive 04.01.108.
- NOTE:** All policies and procedures as outlined in Administrative Directive 05.01.112 and DR 525C shall be followed as it relates to publications.
- 5. Excluding weekends and holidays, or emergency situations, incoming and outgoing letters shall not be held for any more than 48 hours and packages (if allowed) shall be held no more than 72 hours.
  - 6. Individuals in custody may correspond with anyone in the free community in accordance with this directive without prior written approval of the CAO, except with employees, former employees or releasees of the Department. Permission for individuals in custody to correspond between intra state and inter state correctional facilities shall require the approval of the CAOs of both facilities and shall be based on safety and security concerns.
  - 7. Each facility shall establish procedures in cooperation with the local post office for processing certified or registered mail. To send certified or registered mail, individuals in custody shall have sufficient funds in their trust fund accounts and shall attach to the envelopes signed money vouchers so that the proper postage may be applied and the amount deducted from their trust fund accounts.
  - 8. Individuals in custody shall not be permitted to open, read or deliver another individual in custody's mail without the recipient's permission.
- NOTE:** Individuals in custody may transport the mail of other individuals in custody in sacks or other closed containers under the direct supervision of a staff member.
- 9. No disciplinary restrictions shall be placed on an individual in custody's mail privileges.
  - 10. Suspicious packages shall be handled in accordance with Administrative Directive 05.02.151.

**G. Outgoing Mail**

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1. Individuals in custody shall be permitted to send privileged and non-privileged letters at their own expense.
2. Individuals in custody 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 individual in custody's trust fund account shall be restricted for the cost of such postage until paid or the individual in custody is released or discharged, whichever is soonest.
3. Individuals in custody shall clearly mark all outgoing mail with their name and their DOC ID number.  
  
**NOTE:** 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.
4. Outgoing privileged mail shall be clearly marked as "privileged" and sealed by the individual in custody. 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 (5) of this Section.
5. Outgoing privileged mail shall be examined for dangerous contraband, using an x-ray, fluoroscope or other similar device. 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 individual in custody's presence.
6. 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 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.
7. 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.
8. Outgoing non privileged mail shall be inspected for contraband. If a letter from an individual in custody is confiscated because it contains contraband, the individual in custody shall be notified promptly in writing via receipt of a Search Record/Confiscated Contraband, DOC 0300.
9. 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:
  - a. The letter contains threats of physical harm against any person or threats of criminal activity.
  - b. The letter contains threats of blackmail or extortion.
  - c. The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity.
  - d. The letter is in code and its contents cannot be understood by correctional staff.

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- e. The letter violates any departmental rules or contains plans to engage in activities in violation of departmental or institutional rules.
  - f. The letter solicits gifts, goods or money from other than family members.
  - g. The letter contains information which, if communicated, might result in physical harm to another.
  - h. The letter contains unauthorized correspondence with another individual in custody.
  - i. The letter or contents thereof constitute a violation of State or federal law.
10. 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 CAO in writing that the person does not wish to receive mail from the individual in custody. This rule shall not be construed to prevent individuals in custody from corresponding with their children unless their parental rights have been terminated.
11. If an individual in custody is prohibited from sending a letter or portions thereof, the individual in custody shall be informed in writing of the decision.
12. Individuals in custody may not send packages without approval of the CAO, whose decision shall be based on administrative, safety and security considerations.

**H. Incoming Mail**

1. Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title and address of the sender.
- a. Incoming privileged mail may be opened in the presence of the individual in custody 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.
  - b. 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.
2. All incoming non privileged mail, including mail from clerks of courts, shall be opened and inspected for contraband.
3. Cashier's checks, money orders, and business checks subject to the restrictions imposed by 20 Ill. Adm. Code 205 shall be deposited in the individual in custody'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 Transitional Security facility. Individuals in custody 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, in accordance with 20 Ill. Adm. Code 205, shall be returned to the sender, and the individual in custody shall be notified.
4. Personal checks and cash shall be returned to the sender, and the sender shall be notified that funds cannot be received in that form.

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5. Correctional officials may spot check and read incoming non privileged mail. Incoming mail or portions thereof may be inspected and reproduced. The mail may be withheld from delivery for any of the reasons listed below:
  - a. The letter contains threats of physical harm against any person or threats of criminal activity.
  - b. The letter contains threats of blackmail or extortion.
  - c. The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity.
  - d. The letter is in code and its contents cannot be understood by correctional staff.
  - e. The letter violates any departmental rules or contains plans to engage in activities in violation of departmental or institutional rules.
  - f. The letter solicits gifts, goods or money from other than family members.
  - g. The letter contains information which, if communicated, might result in physical harm to another.
  - h. The letter contains unauthorized correspondence with another individual in custody.
  - i. The letter or contents thereof constitute a violation of State or federal law.

**I. Mail Scan Pilot Program**

1. A pilot mail scan program currently in place only at the Menard Correctional Center, may be implemented into additional IDOC facilities in the future by authorization from the Director.
2. The Mail Scanner shall photocopy each piece of mail (including a photocopy of the envelope indicating the sending and return addresses and the post mark date) and once completed, the mail shall be placed into an envelope with the individual in custody's name, number and current cell location and distributed to the individual in custody.

**J. Mail Scan Process**

1. The CAO at the Menard Correctional Center, in an effort to prevent contraband from entering the facility, may recommend an individual in custody for the mail scan process or digital mail delivery service, if applicable, on all non-privileged mail prior to delivery to an individual in custody.

**NOTE:** The recommendation to implement the mail scan process shall be at the discretion of the CAO and shall only be made for purposes of maintaining the safety and security of the facility.

- a. The mail scan status shall only be implemented for purposes of maintaining the safety and security of the facility, its staff, and individuals in custody. The reasons for placing an individual on mail scan status may include, but are not limited, the following circumstances:
  - (1) Evidence that the individual in custody misappropriated or has attempted to misappropriate the mail system for the purposes of introducing contraband into the facility.
  - (2) Possession of contraband that is likely to have been introduced through the mail system.

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- (3) Failed drug tests for substance(s) likely introduced into the facility through the mail system.
- b. The CAO's decision to recommend the Mail Scan status shall:
  - (1) Provide the factual basis for the recommendation of mail scan status on the DOC 0729; and
  - (2) Be provided to the individual in writing.

**NOTE:** The factual basis shall, with specificity, state the grounds for which the mail scan status is being recommended in order to provide the individual in custody an opportunity to appeal the recommendation of the CAO.

- 2. All recommendations for placement of an individual in custody on mail scan status shall be documented on the Notice of Mail Scan Status, DOC 0729, and forwarded to the Regional Deputy Director for review and approval.

**NOTE:** Privileged mail shall not be considered for the mail scan process or digital mail delivery service.

- a. If approved, mail scan status shall be implemented and shall be effective on the date of the Deputy Director's approval.
- b. The individual in custody shall be notified of placement on mail scan status by receipt of the DOC 0729.
- c. Items that cannot be scanned such as books, magazines or newspapers shall not be permitted to be received through the mail during this time, unless it is mailed directly from the publisher or brought to the facility by an approved visitor.

**NOTE:** All mail received from the publisher shall be reviewed and approved or denied in accordance with Administrative Directive 04.01.108 prior to being distributed to the individual in custody.

- 3. Upon receipt of the DOC 0729, the individual in custody indicate on the DOC 0729 their election for handling non-privileged mail items, which includes:

- a. To have all non-privileged mail that gets photocopied or digitally scanned returned to sender after original mail items have been scanned;
- b. To have all non-privileged mail that gets photocopied or digitally scanned sent home on the next scheduled visit; or
- c. To have the mail destroyed at the facility.

- 4. Mail scan status shall be implemented under the following guidelines:

- b. Approved mail scan status shall be for a period of no less than 90 days.
- c. If the threat of introduction of contraband through the mail process no longer exists then the mail scan status shall be terminated at the end of the 90 day period.
- d. After 90 days, if evidence of a safety and security threat does exist and has been documented, the CAO may recommend an additional ninety (90) day term of mail scan

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status to be reviewed by completing and submitting a new DOC 0729 to the Regional Deputy Director in accordance with Section II.J.2 of this policy.

- e. The individual in custody shall, upon receipt of the DOC 0729 and in accordance with Section II.J.3 of this policy, indicate their preference for handling their non-privileged mail that has been reproduced in accordance with the mail scan status process.
5. If an individual in custody is transferred from the Menard Correctional Center to another facility while on mail scan status, the individual in custody shall return to normal mail procedures upon arrival at their newly assigned facility.
6. The individual in custody shall have 72 hours upon receipt of the DOC 0729 to rebut in writing the recommendation of the CAO.
7. The initial recommendation by the CAO and individual in custody's rebuttal shall be documented on a DOC 0729 and forwarded to the Regional Deputy Director for a final determination. The Regional Deputy Director shall make a final decision in writing on the DOC 0729 after reviewing the recommendation and rebuttal contained on the DOC 0729. The final determination of the Regional Deputy Director shall be provided to the individual in custody and is appealable as set out in section II.K.

**K. Mail Scan Status Appeal**

1. The individual in custody shall be provided an updated notification of the final decision for mail scan status by receipt of the DOC 0729 and notified of his or her right to appeal the Regional Deputy Director's decision.
  2. If the individual in custody elects to appeal the Regional Deputy Director's decision to place him or her into mail scan status, he or she shall indicate the decision to appeal on the DOC 0729 and submit the form to the Chief of Operations, within fourteen (14) calendar days from the date the DOC 0729 was served.
  3. If an appeal is not submitted by the individual in custody and received by the Chief of Operations within fourteen (14) days, the decision on mail scan status placement shall become final.
  4. The Chief of Operations shall consider all appeals and respond to the individual in custody within fourteen (14) calendar days of receipt of the DOC 0729, whenever practicable.
  5. Upon receipt of the DOC 0729, the Chief of Operations shall review and document his or her final decision on the DOC 0729 and a copy shall be provided to the individual in custody.
  6. If the Chief of Operations denies the appeal and the individual in custody is placed on mail scan status, incoming mail items shall be processed in accordance with the selection made on the DOC 0729 by the individual in custody in accordance with Section II.J.3.
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