

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW
ENFORCEMENT**

**CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS**

**PART 525
RIGHTS AND PRIVILEGES**

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AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]. Subpart A is also implementing a Consent Decree (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977). Subpart C is also implementing a Court Agreement (Ryan vs. Walker, #04 C 4635, N.D. Ill., 2006).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10439, effective July 1, 1992; peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993; expedited correction at 17 Ill. Reg. 11903, effective January 22, 1993; peremptory amendment at 17 Ill. Reg. 8069, effective May 27, 1993; amended at 20 Ill. Reg. 15960, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 641, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7139, effective May 31, 1997; amended at 27 Ill. Reg. 8039, effective July 1, 2003; amended at 30 Ill. Reg. 14843, effective September 1, 2006.

SUBPART A: VISITATION**Section 525.10 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 525.12 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

“Offender” means a person committed to the Department or to the custody of the Department.

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

Section 525.15 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 525.20 Visiting Privileges

- a) The Chief Administrative Officer of each correctional facility shall establish regular visiting hours.
 - 1) All rules and regulations pertaining to visiting shall be posted and made available to visitors and offenders.
 - 2) Visitors who travel great distances to visit an offender may request extended visits. These requests should be submitted sufficiently in advance to the Chief Administrative Officer for consideration.
 - 3) Visitors shall be subject to search in accordance with 20 Ill. Adm. Code 501.220.
 - 4) Visitors may be permitted to wear religious headgear if:
 - A) There are no safety or security concerns; and
 - B) The headgear has been removed and thoroughly searched; and
 - C) The visitor has indicated that the headgear has religious significance; and
 - D) Either:

- i) The headgear is a kufi, yarmulke, turban, habit, or fez; or
 - ii) A written request to wear headgear other than those listed in subsection (a)(4)(D)(i) of this Section was submitted to the Chief Administrative Officer at least ten days prior to the visit and the Chief Administrative Officer approved the request. Failure to submit a timely request shall result in denial of the request.
- 5) All offenders' visits shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made for confidential attorney visits or other privileged visits. For purposes of this Section, a privileged visit means any conversation or communication between visitors that is protected by a privilege of law or by decision, rule, or order of the Illinois Supreme Court. Notices stating that visits are subject to monitoring and recording shall be posted in places in which offenders are normally permitted to visit and in the offenders' orientation manual.
- 6) Visits may be restricted to non-contact visits by the Chief Administrative Officer for reasons of safety, security, and order. This may include, but not be limited to, restricting visits to non-contact visits for offenders known or believed to be engaged in gang activity.
 - A) Offenders who are assigned to an adult closed maximum security facility or who are in disciplinary segregation or who are extremely high escape risks shall be restricted to non-contact visits.
 - B) Offenders found in possession of illegal drugs or who fail a drug test shall be restricted to non-contact visits for at least 6 months.
 - C) Offenders involved in gang activity or found guilty of assault against a Department employee in accordance with 20 Ill. Adm. Code 504 shall be restricted to non-contact visits for a period of at least 6 months.
- b) At the time of admission to a reception and classification center, an offender shall submit a list of proposed visitors to designated facility staff. A visiting list shall be established after verification, review, and approval by the Chief Administrative Officer. Permission to visit may be denied due to the safety, security, or operations of the facility. Visitors must be approved in order to visit.
 - 1) Department staff may interview or request background information from

potential visitors to determine whether the individual would pose a threat to the safety or security of the facility or any person or to the order of the facility.

- 2) Visitors 17 years of age or older must be on the approved list in order to visit.
 - A) An individual 12 years through 16 years of age who is not a member of the offender's immediate family may only visit with the written consent of his or her parent or guardian. Immediate family shall include children, brothers, sisters, grandchildren, whether step, adopted, half, or whole, and spouses.
 - B) When visiting, anyone under the age of 17 years must be accompanied by an approved visitor who is 17 years of age or older, unless prior written approval has been granted by the Chief Administrative Officer.
 - C) Visitors under 12 years of age may only be permitted to visit:
 - i) When accompanied by a parent or guardian who is an approved visitor;
 - ii) When prior written consent has been given by a parent or guardian who is in the free community for the child to visit when accompanied by an approved visitor designated in writing who is at least 17 years of age; or
 - iii) As otherwise approved by the Chief Administrative Officer.
- 3) In determining whether an exception shall be granted pursuant to subsections (b)(2)(B) and (C), the Chief Administrative Officer may consider, among other factors, the proposed visitor's age, emancipation, and relationship to the offender; whether a legal guardian has been appointed for the proposed visitor; the inability of an approved visitor to accompany the proposed visitor; and any applicable court order.
- 4) A proposed visitor who has been convicted of a criminal offense or who has criminal charges pending, including, but not limited to, an individual on bond, parole, mandatory supervised release, or probation or an ex-offender, may visit an offender only with the written approval of the Chief Administrative Officer. In determining whether to approve or deny a request, the Chief Administrative Officer may consider, among other matters, the following:

- A) The nature, seriousness, and the date of commission of the offense.
 - B) The proposed visitor's criminal history.
 - C) The proposed visitor's relationship to the offender.
 - D) The date of discharge from parole, supervision, or probation or of completion of service of a term of incarceration.
- 5) The number of approved visitors may be limited by the Department due to operations and security reasons. Any limitations imposed shall be conveyed to offenders.
- 6) Offenders may request to change the names of requested visitors no more frequently than monthly except in emergencies or to add or change attorney names.
- 7) A visitor may be disapproved at any time by the Chief Administrative Officer in accordance with this Subpart.

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

Section 525.30 Clergy Visitation

Clergy and religious leaders from religious groups may visit offenders during regularly scheduled visiting hours and during other hours as approved by the Chief Administrative Officer subject to safety and security concerns.

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

Section 525.40 Attorney Visitation - Adult Division

- a) Licensed attorneys and any investigators, law students, or paralegals working under their supervision may visit an offender during regularly scheduled visiting hours unless permission has been granted by the Chief Administrative Officer to visit during other hours.
- b) Investigators, law students, or paralegals shall be required to present a written statement from a registered attorney indicating that they are working under the supervision of an attorney who is representing an offender and indicating the names of the offenders with whom they are authorized to visit.
- c) Attorneys or those working under their supervision are requested to notify the Chief Administrative Officer of the designated time and date of the visit at least

two days in advance of the visit in order to make special visiting room arrangements.

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

Section 525.50 Attorney Visitation - Juvenile Division (Court Agreement)

- a) To assure that persons committed to the Juvenile Division may privately confer in person with attorneys of their choice or with attorneys retained by their parents or with attorneys appointed by courts, the following procedures are established:
 - 1) Attorneys may routinely visit offenders between the hours of 9:00 a.m. and 5:00 p.m. daily, unless other arrangements have been made with the Chief Administrative Officer of the facility.
 - A) Except in emergencies, at least 24 hours before the visit, attorneys are requested to notify an employee of the facility designated by the Chief Administrative Officer to arrange visitations, the date and time at which they wish to confer with the offender.
 - B) The designated employee will immediately confirm or deny the arrangements.
 - 2) The visiting attorneys may establish that they are attorneys registered with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (130 East Randolph, Suite 1500, Chicago, Illinois 60601) by exhibiting their Commission identification card.
 - A) If no card is available, the facility shall call the Commission (800/826-8625 or 312/565-2600) to determine if the attorneys are registered.
 - B) Visiting attorneys not listed with the Commission or those practicing out of state shall be approved by the Chief Administrative Officer only after it has been established that they are licensed to practice law.
 - 3) Any time prior to any attorney-offender conference, the offender shall sign an authorization. The authorization shall be filed in the offender's master record file and shall be substantially in the following form:

I, (name of offender), hereby authorize (name of attorney), Attorney at Law, to represent me as my attorney and advocate.

Date: _____
Signature

- A) In the event that the offender's written authorization is not submitted for the attorney, the designated employee will immediately confer with the offender for the purpose of obtaining written authorization.
 - B) In lieu of the above authorization, any time prior to the visit, an attorney may present a copy of a court order appointing the attorney to represent the offender.
- b) The aforementioned shall apply also to law students, paralegals, or attorneys' agents to the extent that such persons present a written statement from registered attorneys indicating that the person is working under the supervision of an attorney.
 - c) Before this Section of the Subpart may be modified, the Department legal staff shall be consulted. This Section was promulgated pursuant to the settlement of litigation by order of the court. It may not be modified without the approval of the court.

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

Section 525.60 Restriction of Visitors

- a) The Chief Administrative Officer may limit the frequency and duration of visits in accordance with the availability of space and staff.
- b) The Chief Administrative Officer may limit the number of persons allowed per visit in accordance with considerations of space, time, and security.
- c) Visiting privileges may be temporarily suspended by the Chief Administrative Officer during an institutional emergency or lockdown and for a reasonable time thereafter, upon the approval of the Director.
- d) Visitors and offenders shall not be permitted to exchange any item during a visit, except with prior approval of the Chief Administrative Officer.
- e) The Chief Administrative Officer may deny, suspend, or restrict visiting

privileges based, among other matters, upon the following:

- 1) Security and safety requirements;
 - 2) Space availability;
 - 3) Disruptive conduct of the offender or visitor;
 - 4) Abuse of the visiting privileges by the offender or visitor; or
 - 5) Violation of State or federal laws or departmental rules by the offender or visitor.
- f) Any of the following actions on the part of a visitor may result in a temporary restriction of up to six months:
- 1) Disruptive conduct of a minor nature.
 - 2) Disobeying an order or posted rule.
 - 3) Refusal to submit to search.
 - 4) Possession of drugs when the visitor has demonstrated there was no intent to conceal or introduce drugs into the facility.
 - 5) Possession of alcohol when the visitor has demonstrated there was no intent to conceal or introduce alcohol into the facility.
 - 6) Being under the influence of alcohol or drugs.
 - 7) Possession of other contraband as defined under State, federal, or local laws or other departmental rules not specifically outlined in this Subpart.
- g) Any of the following actions on the part of a visitor may result in a permanent restriction:
- 1) Assaultive behavior on any individual.
 - 2) Sexual misconduct.
 - 3) Possession of weapons.
 - 4) Possession of drugs or drug paraphernalia.
 - 5) Unauthorized possession of money.

- 6) Possession of escape paraphernalia.
 - 7) Possession of alcohol.
 - 8) Providing false identification or information.
 - 9) Disruptive conduct of a major nature.
 - 10) Violation of State, federal, or local law during a visit, including arrest or conviction based on any action committed during a visit.
 - 11) Any recurrence of an action that previously resulted in a temporary restriction.
- h) Employees who have been involved with offenders or former employees who have either resigned or have been terminated as a result of involvement with offenders may be permanently restricted from visits if it is determined they may be a threat to safety or security.
 - i) If contraband is discovered in the possession of an offender either during or after a visit, it will be assumed that the contraband was introduced by the offender's visitor.
 - j) Visits of offenders hospitalized in the community may be restricted to the immediate family and shall be subject to the general visiting policies of the hospital.
 - k) Written notification of temporary or permanent restriction of visiting privileges shall be sent to the visitor and to the offender. Any person excluded from an offender's visiting list at one correctional facility shall be excluded at all facilities. The notice of temporary restriction shall state the exact length of the restriction.
 - l) Notices of permanent restrictions shall inform visitors and offenders that they may request that the Chief Administrative Officer review the decision after a six month period. After the initial six month review, permanent restrictions shall be reviewed by the Chief Administrative Officer on an annual basis upon request of the offenders or their visitors. Written notification of the decision shall be sent to the visitor and to the offender.
 - m) The Chief Administrative Officer may restore visiting privileges at any time.

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

SUBPART B: MAIL AND TELEPHONE CALLS**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 and State's 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;

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- 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 and State's 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, except Department attorneys and State's Attorneys;
 - 2) The Illinois Attorney General;
 - 3) Judges or magistrates of any court or the Illinois Court of Claims Judges ;
and

- 4) 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 30 Ill. Reg. 14843, effective September 1, 2006)

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 offenders 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)

Section 525.150 Telephone Privileges

- a) Telephone privileges shall be granted to offenders in accordance with their institutional status and provisions of this Section.
- b) Collect calls may be made to persons in the continental United States and Puerto Rico, where billable.
- c) Offenders may not place telephone calls to:
 - 1) Toll free area codes, including but not limited to 800 series area codes, or to area codes or prefixes for which a charge is assessed to the line from which the call was placed, including but not limited to 800 or 900 series area codes or 976 prefixes;
 - 2) Emergency or directory assistance or to long-distance carriers;
 - 3) Persons or companies which have requested that a block be placed on their telephone numbers;
 - 4) Numbers suspected of being used fraudulently or for fraudulent purposes;

- 5) Parolees, ex-offenders, former employees, or current employees absent the approval of the Chief Administrative Officer; or
 - 6) Numbers or persons restricted for other legitimate penological reasons, including security and order.
- d) A block may be placed on telephone calls to:
- 1) The local community except to the offender's friends, family, and others in the local community who request to receive calls from the offender.
 - 2) A telephone number for which there is a large unpaid balance on the account, with the exception of telephone numbers of attorneys and law firms.
 - 3) Any telephone numbers listed in subsection (c) of this Section.
- e) Offenders may not engage in call forwarding or in conference calls.
- f) In the case of valid emergencies, such as critical illness or death in an offender's immediate family, consideration shall be given to allowing a special telephone call, regardless of the individual's institutional status. Immediate family shall include parent or guardian, children, brother, sister, grandparent, whether step, adopted, half, or whole, and spouse.
- g) Offenders who are the subject of a new criminal indictment, information, or complaint shall be permitted to make reasonable telephone calls to attorneys for the purpose of securing defense counsel, regardless of the individual's institutional status.
- h) All offenders' telephone calls shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made to make or to receive confidential telephone calls to or from their attorneys.
- i) Notices shall be posted at each telephone from which offenders are normally permitted to place calls and in the offenders' orientation manual. The notices shall state that offenders' telephone calls may be monitored or recorded or both.

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

SUBPART C: PUBLICATIONS

Section 525.200 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 525.202 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department.

"Obscene" means any material that the average person, applying contemporary adult community standards, would find that, taken as a whole, appeals to the prurient interest; and the average person, applying contemporary adult community standards, would find that it depicts or describes in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and taken as a whole, it lacks serious literary, artistic, political, or scientific value [720 ILCS 5/11-20(b)].

"Offender" means a person committed to the Department or to the custody of the Department.

"Publication" means any book, booklet, magazine, newspaper, periodical, or similar materials.

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

Section 525.205 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 temporary absence or in an emergency.

(Source: Amended at 27 Ill. Reg. 16134, effective November 1, 1987)

Section 525.210 General Guidelines

- a) Each facility shall maintain a current approved list of publications.
- b) Offenders shall be informed of the procedures governing publications during orientation and this Subpart shall be available to offenders.
- c) Each offender may subscribe to, solicit free copies of, or buy copies of newspapers, magazines, books and other publications for delivery to the facility in accordance with this Subpart. A member of the individual's family or a friend may also order, solicit or bring approved publications to the facility. However, publications shall be limited to maximum of 5 per visit and shall not be packaged, wrapped, or otherwise contained in any way.
- d) All publications shall be delivered promptly after necessary inspection for contraband. If it appears to violate the standards set forth in Section 525.230, the publication shall first be referred to the Publication Review Officer for review and determination.
- e) Publications determined to be unacceptable shall be disposed of as contraband in accordance with 20 Ill. Adm. Code 501: Subpart C.

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

Section 525.220 Publications Review Officer

The Chief Administrative Officer shall appoint at least 2 employees to serve as Publication Review Officers to review publications. At least one individual shall be from program staff and at least one individual shall be from security staff.

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

Section 525.230 Procedure for Review of Publications

- a) A Publication Review Officer, hereafter referred to as Officer, shall review publications to determine whether to recommend prohibiting acceptance of any publications that he or she finds to contain material determined to be:
 - 1) Obscene;
 - 2) Detrimental to security, good order, rehabilitation, or discipline or if it might facilitate criminal activity, or be detrimental to mental health needs of an offender as determined by a mental health professional.
- b) A publication may not be rejected solely because its content is religious, philosophical, political, social, or sexual or because its contents are unpopular or repugnant. A publication that may be rejected includes, but is not limited to, a

publication or portion thereof that meets one of the following criteria:

- 1) It is obscene;
 - 2) It is written in code or facilitates communication between offenders;
 - 3) It depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption or it facilitates organizational activity without approval of the Chief Administrative Officer;
 - 4) It advocates or encourages violence, hatred, or group disruption or it poses an intolerable risk of violence or disruption;
 - 5) It encourages or instructs in the commission of criminal activity;
 - 6) It includes sexually explicit material that by its nature or content poses a threat to security, good order, or discipline or it facilitates criminal activity;
 - 7) It is otherwise detrimental to security, good order, rehabilitation, or discipline or it might facilitate criminal activity or be detrimental to mental health.
- c) If a review is initiated, the offender shall be notified in writing that the publication is under review and the notice shall include an explanation why the publication is deemed to contain unacceptable material in accordance with the standards set forth in this Section. If the publication was mailed directly from the publisher, a copy of the notice shall be sent to the publisher. The written notice shall be sent to the offender and the publisher, if applicable, no later than 30 days from the date the correctional facility receives the publication. The written notice shall indicate that:
- 1) The offender may submit a written supportive statement or other documentation within seven days after the date of the notice that the publication is under review. An extension will be granted if in the opinion of the Officer there is a legitimate reason why relevant information could not be submitted timely.
 - 2) The publisher shall be allowed 21 days from the date of the notice to file an objection and to submit a written supportive statement or other documentation.
 - 3) The offender may request to appear before the Officer. The appearance will be allowed if the Officer determines that the appearance is necessary for an appropriate review.

- 4) The offender may ask for assistance or information regarding the publication review procedure.
 - 5) If the publication is approved, it will be forwarded to the offender upon completion of the review. If the publication is not provided to the offender within 60 days after the date of the written notice, the publication shall be deemed disapproved and the offender may file a grievance in accordance with 20 Ill. Adm. Code 504: Subpart F.
- d) Any recommendation for denial shall be forwarded to the Chief Administrative Officer with an explanation. If the Chief Administrative Officer concurs with the recommendation to deny the publication, the publication shall be disapproved.
 - e) The Publication Review Officer shall maintain copies of decisions in a designated area for at least three years.
 - f) If after six consecutive issues of a publication have been denied and it is determined unlikely that future issues of the publication will be approved, the publication may be banned.
 - g) If the characteristic content of a banned publication significantly changes to no longer warrant denial of the publication in accordance with this Section, an offender may request another review of the publication by the Officer. A previously banned publication shall be subject to review no more frequently than every four months. If a review is to be initiated, the offender shall be advised to arrange for one or more issues of the publication to be submitted to the Officer at the offender's expense.
 - 1) The review shall be conducted in the same manner as the initial review of the publication.
 - 2) If an issue of a previously banned publication is approved, an offender may request subsequent issues to be reviewed notwithstanding the four month review period.
 - 3) The Officer may recommend that a previously banned publication be approved.
 - h) The Director may establish a Central Publication Review Committee to periodically review and make recommendations regarding facility determinations or recommendations to the Director who may approve or disapprove the recommendations based on the standards set forth in this Section. If a Committee is appointed:

- 1) Committee members shall consist of at least one representative each from administrative and operational staff.
- 2) Reviews need only be conducted by one member of the Committee.
- 3) The facility and the offender shall be notified of any decision made by the Director.

(Source: Amended at 30 Ill. Reg. 14843, effective September 1, 2006)

SUBPART D: MARRIAGE OF OFFENDERS

Section 525.300 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 525.302 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department.

"Offender" means a person committed to the Department or to the custody of the Department.

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

Section 525.305 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 525.310 Request for Permission to Marry

- a) Marriage between two offenders confined in Department facilities shall be prohibited.
- b) An offender who wishes to become married shall submit a written request to the Chief Administrative Officer a minimum of 30 days in advance of the date requested for the marriage ceremony.
 - 1) The notice shall include the name and address of the intended spouse and a description of any actions which have been taken in obtaining a marriage license and in complying with applicable provisions of the law.
 - 2) All financial obligations shall be the responsibility of the offender or the intended spouse.
 - 3) A request for a transition center leave may be submitted at the same time as the request to marry. The request shall be reviewed in accordance with 20 Ill. Adm. Code 530:Subpart D.
- c) The facility chaplain or an individual designated by the Chief Administrative Officer shall conduct a pre-marital counseling session with the offender or the intended spouse or both.
- d) The Chief Administrative Officer shall review the request to marry and shall approve or deny the request based on security concerns, the best interest of the offender, or other legitimate penological interests. The Chief Administrative Officer's decision regarding the request to marry and, if applicable, the leave request, shall be made in writing. A copy of the written decision shall be provided to the offender.
- e) Except as provided in Section 525.310(f), the facility shall make its chapel or another suitable location available for the performance of the approved marriage ceremony.
 - 1) The facility's chaplain shall review the type of ceremony that is requested and refer a description of the proposed ceremony to the Chief Administrative Officer for approval.
 - 2) Witnesses and guests shall not exceed 6 in number, excluding the officiating clergyman. Witnesses and guests must be on the offender's approved visiting list, except as otherwise approved by the Chief Administrative Officer.

- 3) Facilities for the consummation of marriages or for a reception shall not be provided.

- f) The marriage ceremony and reception, if any, of an offender housed at a transition center shall be at the offender's or intended spouse's expense and at a suitable location in the free community as approved by the Chief Administrative Officer.

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