**Section 701.180 Mail Procedures**

a) Scope

1) A detainee may correspond with anyone in the free community provided the correspondence is not a known violation of any state or federal law, except:

A) A detainee may be permitted to correspond with an individual who is incarcerated in another correctional or detention facility, provided joint prior approval of both chief administrative officers is obtained. Permission shall be based on safety and security concerns.

B) A detainee may not correspond with jail employees, contracted staff or volunteers unless authorized in advance by the jail administrator.

2) All mail must clearly identify the sender and include any identifying numbers.

b) Incoming Mail

1) Detainees may receive incoming mail subject to the procedures outlined in this subsection (b).

2) All incoming, non-privileged mail shall be opened and inspected for contraband prior to delivery.

3) Cashier's checks, money orders or certified checks shall be recorded in the detainee's personal property record, indicating the sender, amount and date or shall be deposited into the detainee's commissary fund account. Personal checks and cash shall be returned to the sender, with a notification that funds may not be received in that form.

4) Incoming mail containing contraband shall be held for further inspection and disposition by the jail administrator.

A) Contraband received shall be labeled and a log shall be maintained indicating the date of receipt, the name and address of the sender, the name of the detainee to whom it is addressed, and the names and date of the persons handling the contraband.

B) The appropriate law enforcement agencies shall be notified and the items shall be maintained in the event they are to be used as evidence in criminal proceedings or disciplinary action.

5) All incoming mail shall be delivered promptly to the detainee. A discharged or transferred detainee's first-class mail shall be forwarded to the detainee's forwarding address, if known. If no forwarding address is available, mail shall be returned to the sender.

6) A detainee shall not be allowed to open, read or deliver another detainee's mail without his or her permission.

7) Detainees may receive books and periodicals subject to inspection and approval by jail personnel. Packages may be received only if approved by administrative policy and remain subject to inspection before delivery to the detainee.

8) The jail administrator or his or her designee may spot check and read incoming non-privileged mail when there is reason to believe that jail security may be impaired or mail procedures are being abused.

9) When a detainee is prohibited from receiving a letter or portions of a letter, the detainee and the sender shall be notified in writing of the decision.

c) Outgoing Mail

1) Each detainee shall be permitted to send, at personal expense, an unlimited number of letters each week.

2) Detainees may not send packages by mail, unless granted permission to do so by the jail administrator. The detainee shall provide for the postage cost for mailing a package.

3) Outgoing mail shall be clearly marked with the detainee's name and identification number. Mail not clearly marked shall be returned to the sender if the sender's identity is known and, if not, the mail shall be destroyed.

4) Outgoing mail shall be collected Monday through Friday and delivered to the U.S. Postal Service promptly.

5) Outgoing non-privileged mail may be inspected and read. Detainees shall submit all outgoing non-privileged mail in unsealed envelopes. Outgoing non-privileged mail received sealed shall be returned to the sender if the sender is identifiable. If the sender cannot be identified, the mail shall be destroyed. Outgoing non-privileged mail 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 or threats of blackmail or extortion;

B) The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity;

C) The letter is in code and its contents cannot be understood by jail staff;

D) The letter violates any jail rules or contains plans to engage in activities in violation of jail rules;

E) The letter solicits gifts, goods or money from other than family members;

F) The letter contains information that, if communicated, might result in physical harm to another;

G) The letter contains correspondence with another detainee or offender or other unauthorized individual; or

H) The letter or contents of the letter constitute a violation of State or federal law.

6) The detainee shall be notified in writing of any outgoing mail withheld.

d) Certified or Registered Mail

Each jail shall establish procedures for processing certified or registered mail.

e) Outgoing Privileged Mail

Outgoing letters from detainees to persons or organizations listed in this subsection (e) and that are clearly marked as "privileged" shall be considered privileged mail and may be sealed by the detainee prior to submission for mailing. Those letters shall not be opened by the jail staff before mailing and shall be dispatched promptly.

1) Federal or Illinois legislators; Judges of any court or the Illinois Court of Claims or clerks of courts; the Attorney General of the United States and Illinois; the Director of the Federal Bureau of Prisons; and the Governor of the State of Illinois.

2) The Director, Chiefs, Deputy Directors, or Assistant Deputy Directors of the Illinois Department of Corrections; the Chief of the Jail and Detention Standards Unit of the Illinois Department of Corrections; members of the Illinois Prisoner Review Board; and county sheriffs.

3) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, and the United States Customs Service, the Secret Service, the Illinois State Police and police departments in the State of Illinois.

4) Any Illinois Inspector General.

5) Clerks of the Courts or the Illinois Court of Claims.

6) The John Howard Association.

7) Registered attorneys.

8) Any organization that provides direct legal representation to detainees, but not including organizations that provide referrals to attorneys, such as bar associations.

f) Incoming Privileged Mail

Incoming privileged mail means mail from sources identified in subsection (e) except for clerks of courts. Incoming privileged mail that is clearly marked as "privileged" may be opened only for the purpose of verifying the recipient and the sender and to ascertain that nothing other than privileged mail is enclosed. Privileged mail shall be opened in the presence of the detainee.

g) Electronic Mail

1) The jail administrator may allow detainees to send or receive electronic mail.

2) If electronic mail service is allowed, a website with instructions shall be established through which electronic mail may be sent to detainees.

3) Electronic mail shall be considered non-privileged and shall be subject to all inspection procedures of regular non-privileged mail.

4) If the electronic mail is determined to have improper content or compromise safety and security, the mail shall not be sent or delivered, as applicable, and a report of the occurrence shall be completed. The report shall include the name of the detainee involved, name and email address of the other party, date and time the email was sent or received, and the reason for the rejection. The report shall be dated and signed by the person making the determination.

5) If a detainee is no longer in the custody of the jail at the time electronic mail is received, designated staff shall so notify the sender.

h) Disciplinary Denial

No disciplinary restrictions shall be placed on a detainee's mail privileges.

(Source: Amended at 38 Ill. Reg. 18859, effective October 1, 2014)