

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

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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] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5]. 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; amended at 35 Ill. Reg. 5400, effective April 1, 2011; amended at 37 Ill. Reg. 1645, effective February 1, 2013; amended at 49 Ill. Reg. 3910, effective March 19, 2025; emergency amendment at 49 Ill. Reg. 10945, effective August 14, 2025, for a maximum of 150 days; amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: MAIL AND TELEPHONE CALLS

**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) "Mail Digitization" for purposes of this Subpart, means the process of scanning non-privileged incoming physical mail to create an electronic or digitized version.
- g) "Digital Copy Distribution" for the purposes of this Subpart, means the process of distributing the electronic or digitized version of non-privileged incoming mail to the individual in custody's electronic device.
- h) "Physical Copy Distribution" for purposes of this Subpart, means the process of distributing a printed copy of the electronic or digitized version of non-privileged incoming mail.
- i) "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) The Department Prison Rape Elimination Act (PREA) coordinator;
  - 5) The Department American with Disabilities Act coordinator;
  - 64) Members of the Administrative Review Board;
  - 75) Members of the Prisoner Review Board;
  - 86) The Governor of Illinois;
  - 9) A Foreign Consular;
  - 107) Federal or Illinois legislators;
  - 118) ~~The 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;

- ~~129)~~ The Office of the Illinois Inspector General;
  - ~~1340)~~ John Howard Association; ~~and~~
  - ~~14)~~ A rape crisis center that has executed a memorandum of understanding with the facility; and
  - ~~1544)~~ Legal mail.
- ~~ig)~~ "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)~~ The Department PREA coordinator;
  - ~~5)~~ The Department Americans with Disabilities Act coordinator;
  - ~~64)~~ Members of the Administrative Review Board;
  - ~~75)~~ Members of the Prisoner Review Board;
  - ~~86)~~ The Governor of Illinois;
  - ~~9)~~ A Foreign Consular;
  - ~~107)~~ Federal or Illinois legislators;
  - ~~118)~~ ~~The~~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;
  - ~~129)~~ The Office of the Illinois Inspector General;
  - ~~1340)~~ John Howard Association;
  - ~~14)~~ A rape crisis center that has executed a memorandum of understanding

with the facility;

1544) Clerks of courts or of the Illinois Court of Claims; and

1642) Legal mail.

k4) "Legal mail" means mail to and from the following:

- 1) Registered Attorneys who provide ~~direct~~ legal representation to individuals in custody~~offenders~~;
- 2) State's Attorneys;
- 3) The United States Department of Justice and Offices of the United States Attorneys;
- 4) The Office of the Illinois Attorney General;
- 54) Judges or magistrates of any court or the Illinois Court of Claims Judges; and
- 65) Any organization that provides direct legal representation to individuals in custody~~offenders~~, but not including organizations that provide referrals to attorneys, such as bar associations.

l4) "Individual in Custody~~Offender~~" means a person committed to the Department or to the custody of the Department.

m) "Photocopy" for the purposes of this Subpart, means the process of creating a photographic copy of printed or written material through using light on a specific surface or other xerography and related techniques.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **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 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.120 Processing of Mail

- a) Mail shall be delivered and posted promptly.
- b) Individuals in custody~~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, individuals in custody shall~~offenders must~~ have sufficient funds in their trust fund accounts and shall~~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) Individuals in custody~~Offenders~~ shall not be permitted to open, read, or deliver another individual in custody's~~offender's~~ mail without the person's permission. However, individuals in custody~~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 individual in custody's~~offender's~~ mail privileges.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.130 Outgoing Mail

This Section applies to all correctional facilities within the Department.

- a) Individuals in custody~~Offenders~~ shall be permitted to send privileged and non-privileged letters at their own expense. Individuals in custody~~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 individual in custody's~~offender's~~ trust fund account shall be restricted for the cost of such postage until paid or the individual in custody~~offender~~ is released or discharged, whichever is soonest.

- b) Individuals in custody shall~~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 shall~~must~~ be clearly marked as "privileged" and sealed by the individual in custody~~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 individual in custody's~~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 shall~~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 individual in custody~~offender~~ is confiscated because it contains contraband, the individual in custody~~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 individual in custody~~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 individual in custody~~offender~~. This rule shall not be construed to prevent individuals in custody~~offenders~~ from corresponding with their children unless their parental rights have been terminated.
- j) If an individual in custody~~offender~~ is prohibited from sending a letter or portions thereof, the individual in custody~~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 individual in custody~~offender's~~ master file.
- l) Individuals in custody~~Offenders~~ may not send packages without approval of the Chief Administrative Officer, whose decision shall be based on administrative, safety, and security considerations.

- m) Individuals in custody may receive photographs that are delivered directly from a verifiable vendor, are unopened, and include the original watermark(s). After review, per section 525.145, these photographs may be delivered directly to the individual in custody without digitization.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **Section 525.140 Incoming Mail**

- a) Incoming privileged mail must be clearly marked as asserting the communication is privileged mail as defined in Section 525.110(h) by including language such as, but not limited to, "Privileged", "Confidential", "Attorney Correspondence", and "Legal Mail"~~privileged~~ and must be clearly marked with the name, title, and address of the sender.
- b) Incoming privileged mail ~~shall~~may be opened in the presence of the individual in custody~~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 must be clearly marked with the name and address of the sender.
- e) All incoming non-privileged mail, including mail from clerks of courts, shall be opened and inspected for contraband.
- f)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 individual in custody's~~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 to a person assigned to a transition center. Individuals in custody~~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 individual in custody~~offender~~ shall be notified.

- 388
- 389 **gf)** Personal checks and cash shall be returned to the sender, and the sender shall be
- 390 notified that funds cannot be received in that form.
- 391
- 392 **hg)** Correctional officials may spot check and read incoming non-privileged mail.
- 393 Incoming mail or portions thereof may be inspected, reproduced, or withheld
- 394 from delivery for any of the reasons listed in Section 525.130(h) or in Subpart C.
- 395
- 396 **ih)** When an individual in custody~~offender~~ is prohibited from receiving a letter or
- 397 portions thereof, or other incoming non-privileged mail, the individual in
- 398 custody~~committed person~~ and the sender shall be notified in writing of the
- 399 proposed rejection. Notification to the sender shall include the reasons for the
- 400 proposed rejection and that the proposed rejection may be appealed, and an
- 401 explanation of the appeal process. Appeals must be submitted no later than 21
- 402 days from the date of the notification. The Chief Administrative Officer or their
- 403 designee shall make the final decision regarding the sender's appeal and send the
- 404 final decision to the sender within 60 days of receiving the appeal. If the appeal is
- 405 denied, the decision shall~~will~~ specify which criteria listed in 20 Ill. Adm. Code
- 406 525.130(h) the mail meets. An individual in custody~~offender~~ may utilize the
- 407 grievance procedures in accordance with 20 Ill. Adm. Code 504 Subpart F to
- 408 address the proposed rejection.
- 409
- 410 **ji)** If an individual in custody~~offender~~ has been transferred or released, first class
- 411 mail shall be forwarded to the person if the address is known. If no forwarding
- 412 address is available, the mail shall be returned to the sender.
- 413
- 414 **kj)** If an individual in custody~~offender~~ has been absent from the facility on a furlough
- 415 or pursuant to writ, the person's mail shall be held at the facility for a period of
- 416 one month, unless the individual in custody~~offender~~ has made a written request to
- 417 the Chief Administrative Officer to have the mail forwarded to another address.
- 418 At the conclusion of the month, first class mail shall be forwarded to the
- 419 individual in custody~~offender's~~ address, if known, or returned to the sender,
- 420 unless alternative arrangements have been made.
- 421
- 422 **lk)** Individuals in custody~~Offenders~~ may receive publications, including books,
- 423 periodicals and catalogs, in accordance with Subpart C, and may receive
- 424 typewriters ordered directly from a supplier through the commissary. Other
- 425 packages may be received only as approved by the Chief Administrative Officer.
- 426 All packages shall be opened and searched prior to delivery.
- 427
- 428 **m)** Individuals in custody may receive photographs that are delivered directly from a
- 429 verifiable vendor, are unopened, and include the original watermark(s). After
- 430 review, per section 525.145, these photographs may be delivered directly to the

individual in custody without digitization.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.145 Security Measures for Incoming Mail**

- a) The Department shall take affirmative security measures for incoming non-privileged mail to prevent the introduction of contraband through the mail system.
  - 1) At a minimum, the Department shall implement incoming non-privileged mail procedures ensuring that any item entering the facility is inspected, screened, or otherwise processed in a manner that reduces the risk of dangerous contraband entering through the mail or other mail-related mediums.
  - 2) Methods of reducing contraband risk include, but are not limited to:
    - A) Implementing mail digitization by scanning incoming non-privileged mail to create an electronic or digitized version, that is then:
      - i) Digitally distributed to the individual in custody by uploading it to their electronic device; or
      - ii) Physically distributed to the individual in custody by printing a copy and delivering it to them.
    - B) Producing photocopies of incoming non-privileged mail and delivering only copies of the original; or
    - C) Any other secure and reasonable method designed to prevent the introduction of contraband through incoming non-privileged mail.
    - D) Any contract agreement with a third-party vendor shall comply with all information security and data privacy policies stipulated by the State of Illinois Department of Innovation and Technology.
  - 3) Individuals in custody may request mail to be printed by the Department according to Section 525.145 (a)(2)(A)(ii) at no cost to the individual in custody making the request.
- b) The Department shall take affirmative security measures for incoming privileged mail to prevent the introduction of contraband through the mail system.

- 1) Any security measure or protocol implemented by the Department shall preserve the privileged mail nature of the communication.
- 2) Security measures or protocols shall not include copying, scanning, imaging, or otherwise reproducing privileged mail in any form.
- 3) To achieve the purpose of reducing contraband risk from privileged mail, the Department may adopt procedures including, but not limited to:
  - A) Use of a multi-factor authentication system that allows the Department to confirm the identity of the sender of a piece of privileged mail. If multi-factor authentication is unable to confirm the identity of the sender, the Department shall conduct further review to confirm the identity of the sender. Once the identity of the sender is confirmed, privileged mail shall be processed in accordance with Section 525.140;
  - B) Use of screening technologies that detect contraband without reproducing, reading, or retaining the written content of the correspondence; or
  - C) Apply any additional secure and reasonable method that prevents contraband introduction and does not copy, scan, image, or otherwise record privileged communications.
- c) The Director has the authority to exclude incoming mail from the electronic mail and mail copying processes when one or more of the following conditions are met:
  - 1) The item presents no material security risk, and handling the original is operationally more efficient than processing by scanning or copying without reducing security controls.
  - 2) Delivery of the original is required for compliance with state or federal law.

(Source: Added at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.146 Retention of Non-privileged Incoming Mail Subject to Mail Digitization or Photocopy**

a) Original mail documents received through incoming mail shall be retained for no less than six months after the date the mail is scanned or photocopied. Original documents may be returned prior to the retention timeframe if requested by the individual in custody or sender.

b) Original mail documents subject to a grievance shall be retained until the grievance is resolved or the grievance process is fully exhausted.

(Source: Added at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 525.150 Telephone Privileges

a) Telephone privileges shall be granted to individuals in custody~~offenders~~ in accordance with their institutional status and provisions of this Section.

b) Collect calls may be made to persons where billable.

c) Individuals in custody~~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, formerly incarcerated individuals~~sex-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 individual in custody's~~offender's~~ friends, family, and others in the local community who request to receive calls from the individual in custody~~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) Individuals in custody ~~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 individual in custody's ~~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) Individuals in custody ~~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 individual in custody's ~~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 individuals in custody ~~offenders~~ are normally permitted to place calls and in the individuals in custody's ~~offenders'~~ orientation manual. The notices shall state that individuals in custody's ~~offenders'~~ telephone calls may be monitored or recorded or both.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PUBLICATIONS

### Section 525.202 Definitions

"Assessment" means the initial screening and evaluation of a publication upon entering the facility.

"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.

~~"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)].~~

"Individual in Custody~~Offender~~" means a person committed to the Department or to the custody of the Department.

"Publication" means any hard or soft-covered book, booklet, magazine, newsletter, newspaper, pamphlet, periodical, any electronic or digital publication, or similar materials. Publications shall not include individual or mass mailings of advertisements or letters.

"Publisher" means any publisher, book club, or bookstore, any other book, magazine, or newspaper distributor, a religious organization or ministry, an educational institution, or a unit of government conducting mail order business or otherwise delivering publications to readers.

"Review" means an examination of publications by the Facility Publication Review Officer (FPRO) or by the Central Publication Review Committee (CPRC) for compliance with Section 525.220.

"Sexually Explicit Material" means any publication that contains pictorial depictions of actual or simulated sexual acts, including intercourse, oral sex, or masturbation and any publication that by word or picture depicts or describes illegal activity of a sexual nature, sadomasochism, bestiality, or sexual activity involving children (whether actual or perceived) or any publication that depicts or describes anything otherwise contrary to law. Publications that contain nudity without additional elements as provided above or publications that provide research or opinions, or news coverage on sexual assault, sexual health, reproductive issues, or are scientific in nature, shall not be considered sexually explicit.

"Statewide Publications Determination List" means a listing of publications for which the CPRC, as the designee for the Director, has made an official

determination of approval, disapproval, or conditional approval. The Statewide Publications Determination List shall be the official list used by all facilities.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **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.
- c) Facility Publication Review Officers.
  - 1) The Chief Administrative Officer shall appoint at least two employees at the facility to serve as Facility Publication Review Officers.
  - 2) Facility Publication Review Officers are responsible for reviewing publications received by individuals in custody.
- d) Central Publication Review Committee.
  - 1) The Director shall establish a Central Publication Review Committee consisting of at least four representatives, including one from the Operations Division and one from Program Services.
  - 2) The Central Publication Review Committee, as the designee for the Director, shall make final determinations regarding the admissibility of publications received at facilities. The Committee shall also maintain an up-to-date Statewide Publications Determination List.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **Section 525.210 General Guidelines**

- a) Each facility shall use the Statewide Publication Determination List and not maintain ~~an individual~~ a current approved list of publications.

- b) Individuals in custody~~Offenders~~ shall be informed of the procedures governing publications during orientation and this Subpart shall be available to individuals in custody~~offenders~~.
- c) Publications received for individuals in custody shall only enter facilities through the mailroom. This shall not prohibit publications already included in the personal property of an individual in custody from entering through transfers between Department facilities. This does not include publications received for programs under the Office of Adult Education and Vocational Services, other approved programs, the facility library, and religious programs.
- d) Each individual in custody~~offender~~ may receive, subscribe to, solicit free copies of, or buy copies of ~~newspapers, magazines, books and other~~ publications for delivery to the facility from a publisher 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 a maximum of 5 per visit and shall not packaged, wrapped, or otherwise contained in any way.~~
- e) Individuals in custody shall not receive damaged or altered publications. Used books shall be assessed for modifications or alterations before being given to the individual in custody.
- ~~f~~d) All publications shall be delivered promptly after necessary inspection for contraband. If it appears to violate the standards set forth in Section 525.220~~525.230~~, the publication shall first be referred to the Facility Publication Review Officer for review and determination.
- ~~g~~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 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 525.220 Standards for Publications~~Review Officer~~

- a) A publication may not be disapproved solely because its content is religious, philosophical, political, social, or sexual, or because the content is unpopular or repugnant.
- b) Publications that meet one or more of the following criteria may be approved conditionally or disapproved if the publication:
  - 1) Contains sexually explicit material;

- 2) Is written in code or facilitates communication between individuals in custody;
- 3) Depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption, or it facilitates organizational activity without the approval of the Chief Administrative Officer;
- 4) Advocates or encourages violence, hatred, or group disruption, or it poses an intolerable risk of violence or disruption;
- 5) Encourages, instructs, or facilitates the commission of criminal activity; or
- 6) Is otherwise detrimental to safety, security, good order, rehabilitation, or discipline, or detrimental to mental health.

~~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 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 525.230 Procedure for Assessment~~Review~~ of Publications**

- a) Mailroom staff shall conduct an assessment of publications received by a facility. When necessary, the Assistant Warden of Programs, the Education Facility Administrator, the Chaplain, or Librarian shall provide further evaluation prior to action taken.~~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) Staff members assessing publications that are listed as approved on the Statewide Publications Determination List shall proceed as follows.~~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) A publication shall be delivered to an individual in custody promptly when the publication is received from a publisher and has not been altered from the original published format~~It is obscene;~~
  - 2) A publication received for a religious program may be implemented into a program if it is free from contraband and does not violate the standards in Section 525.220~~It is written in code or facilitates communication between offenders;~~
  - 3) A publication received for an educational, vocational, or other approved program may be implemented into a program if it is free from contraband and does not violate the standards in Section 525.220~~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; or~~
  - 4) A publication received for the facility library may be entered into circulation if it is free from contraband and does not violate the standards in Section 525.220~~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) Staff members assessing publications shall forward a publication to a Facility Publication Review Officer for review under 525.233 if the publication~~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) Does not appear on the Statewide Publications Determinations List;~~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) Is listed on the Statewide Publications Determinations List as disapproved or approved conditionally;~~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) Violates the standards in Section 525.220; or~~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 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 525.233 Procedures for Review of Publications**

- a) The Facility Publication Review Officer, upon receiving a publication for an individual in custody to review from mailroom staff, shall:
- 1) Notify an individual in custody when a publication received in the mailroom, addressed to the individual, is listed as disapproved or approved conditionally on the Statewide Publications Determination List, or has been altered from the original published format. The Facility Publication Review Officer shall request that the individual in custody choose a disposal method. The individual in custody may file a grievance in accordance with 20 Ill. Admin. Code 504, Subpart F.
  - 2) Forward the publication to the Central Publication Review Committee if the publication was received directly from the publisher and previous notification of disapproval or conditional approval has not been provided

to the publisher. The Central Publication Review Committee shall notify the publisher.

3) Review the publication in its entirety if it is not listed on the Statewide Publications Determination List and the content appears to violate the standards set forth in Section 525.220.

A) If the publication does not violate the standards in Section 525.220, it shall be forwarded to the individual in custody. The Facility Publication Review Officer shall provide the title of the publication to the Central Publication Review Committee.

B) If the publication appears to violate the standards in 525.220, the Facility Publication Review Officer shall forward it to the Chief Administrative Officer to review.

C) Upon receipt of a publication received for or on behalf of a program or library, the Facility Publication Review Officer shall:

i) Immediately forward the publication to the program coordinator or librarian to be integrated into the applicable program or library circulation if the publication does not violate the standards in Section 525.220.

ii) Forward the publication to the Chief Administrative Officer to review.

b) The Chief Administrative Officer shall review a publication from the Facility Publication Review Officer in its entirety.

1) If the Chief Administrative Officer finds that the content appears to violate the standards in Section 525.220, the Chief Administrative Officer shall forward the publication to the Central Publication Review Committee for final review and determination.

2) If the Chief Administrative Officer finds that the content does not violate the standards in Section 525.220, the publication shall be forwarded to the individual in custody, program coordinator, or librarian.

c) Following receipt of publication from the Chief Administrative Officer, the Central Publication Review Committee shall notify the Facility Publication Review Officer, with written explanation, that the Committee has:

- 946           1)    Entered the publication on the Statewide Publications Determinations List  
947                as approved if the publication does not violate the standards in Section  
948                525.220.
- 949
- 950           2)    Entered the publication on the Statewide Publications Determinations List  
951                as disapproved if the publication clearly violates the standards for  
952                approval.
- 953
- 954           3)    Entered a determination on the Statewide Publications Determinations List  
955                that the publication is conditionally approved as a portion of the  
956                publication clearly violates the standards for approval.
- 957
- 958           4)    Upon receiving notice from the Central Publication Review Committee  
959                under section 525.233(a)(2), the publisher may file an objection and  
960                submit a written supportive statement or other documentation within 35  
961                days of the notice date. If an objection is filed, then the Chief of  
962                Operations and Chief of Programs shall review the objection. A written  
963                determination shall be provided to the publisher within 60 days of the  
964                Department's receipt of the objection.
- 965
- 966       d)    The Facility Publication Review Officer shall notify the individual in custody or  
967                program coordinator of the Central Publication Review Committee's decision, as  
968                applicable.
- 969

970       (Source: Added at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)