

**Winnebago County Sheriff's Office  
Corrections Bureau**

**Inmate Handbook**

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**Revised  
7/24/2017**

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## **Introduction**

The inmate handbook is designed to provide answers to commonly asked questions and establish guidelines for behavior. The rules contained herein revoke and supersede the rules and regulations of all previous handbooks and are in effect until superseded by subsequent additions, deletions or corrections. This handbook does not contain all rules and regulations that govern the inmate population in the County of Winnebago or the State of Illinois. Additional information may be found in the Illinois County Jail Standards and the Illinois Compiled Statutes.

## **Mission and Vision Statement**

It is the Winnebago County Sheriff's Department's mission to serve our community with exceptional public safety services that are second to none. In pursuit of this mission we will be effective in our efforts of protecting lives, property and ensuring peace with integrity and professionalism. With highly qualified and well trained staff, we will apprehend criminals and maintain a safe and secure correctional facility. The Winnebago County Sheriff's Office is dedicated to public safety and its accountability in times of disaster to the citizens we serve.

## **Inmate Privileges**

Privileges are not rights, but are special benefits afforded to you. Under certain circumstances privileges can be taken away. Your privileges include:

- The privilege to be housed in a general population-housing unit.
- The privilege to participate in education, life skills, treatment, counseling, and other programs.
- The privilege to make purchases from commissary.
- The privilege to view the television, participate in recreation and other inmate activities that take place in the pod areas, outdoor recreation area, and multi-purpose rooms.
- The privilege of using the library and library resources.

*Abuse of these privileges or violation of facility rules may result in a loss of privileges*

## **Inmate Responsibilities**

Inmates are expected to comply with behavioral guidelines while in the corrections facility. In general housing the expectations are that inmates will:

- Follow all staff directives and requests immediately and without question.
- Recognize and respect the rights of others.
- Treat staff and other inmates with respect, avoiding any verbal or physical aggression or intimidation.
- Know and abide by the rules of this facility.
- Maintain daily personal hygiene.

## **Inmate Rights**

Employees of the Winnebago County Sheriff's Office will treat inmates fairly and respect their legal rights. There is no discrimination regarding administrative decisions or program access based on an inmate's race, religion, national origin, gender, sexual orientation, or disability. Discrimination on the basis of disability is prohibited in the provision of services, programs and activities.

A right is a benefit you may claim in accordance with the law and/or standards. As an inmate, your rights include:

- The right to safe and humane treatment given with respect, impartiality and fairness.
- The right to be informed of the rules, procedures and schedules concerning that, which directly affects the inmate within the facility.

- The right to freedom of religious affiliation and voluntary religious worship.
- The rights to proper and appropriate health care and hygiene including nutritious meals, clean bedding and clothing. The opportunity for regular showers, proper ventilation, regular exercise, toiletries and medical and dental treatment.
- The right to communicate or correspond with persons or organizations, subject only to the limitations necessary to maintain order and security.
- The right to have access to reasonable legal material and/or legal representation.
- The right of inmates to have access to Courts.
- The right to a written grievance and appeal procedure.

### **Classification and Separation**

The inmate classification process ensures periodic review of inmates' status, assignment or security. Changes will be made in response to inmate behavior or circumstances. Review of the committed person's security and assignment classification shall be conducted periodically, but at least every 60 days.

Classification status will be based on a number of factors including, but not limited to sex, age, offense(s), past criminal history, prior incarceration history, medical/mental health issues, current attitude and conduct. The inmates' ability to behave in a proper manner will play an important role in their housing assignment. Inmates who display hostility, aggression, violence, an unwillingness to comply with the rules and regulations, or who pose a risk to department safety and security may be administratively segregated. Inmates in classification pods have limited privileges and are not eligible to attend out-of-pod programs. Prior to being placed in the general population, each inmate is provided with an orientation which includes:

- Information on facility rules and sanctions
- Explanation of mail and visiting procedures
- Explanation of grievance procedures
- Information on how to access medical care and fees for service
- Description of services, programs and eligibility requirements
- Prison Rape Elimination Act of 2003 (**PREA**)

### **Commissary**

Commissary is offered on a weekly basis to provide inmates with the opportunity to purchase items not supplied by the jail. Hoarding is strictly prohibited. Excessive items will be removed from the housing unit and disposed of immediately.

Based on the availability of funds in their account, inmate's in general housing units are allowed to purchase up to \$75.00 worth of commissary each week. Inmates in maximum security are allowed to purchase up to \$25.00 worth of commissary each week. Inmates in Segregation are allowed to purchase up to \$15.00 worth of hygiene, writing and postage items through commissary each week.

Commissary will be ordered via the computer kiosk/tablet in the housing units. Orders must be submitted correctly by the date posted in the housing unit.

Complaints regarding commissary orders are to be submitted to the commissary vendor when the order is delivered. Complaints are done through the kiosk/tablet using the field listed for commissary complaints. Restrictions may be placed on an inmate's ability to order based on medical conditions or classification status. A limited product line of Commissary is available for those on kosher diets in order to meet religious beliefs. Commissary items delivered after an inmate is released from custody will be held for ten (10) business days.

**Orders not claimed within ten (10) days will be destroyed.**

*\*Prices on commissary items are set by the vendor and are subject to change without prior notice. All items are taxable according to law.*

### **Contraband**

Inmates are prohibited from having in their possession any item(s) that:

- Is not issued by the facility or purchased through commissary
- Is not authorized by the Jail Superintendent
- Is not being used in an appropriate manner, is altered or modified from their original condition or purpose.
- Property belonging to another inmate.

### **Discipline**

- Winnebago County Correction's disciplinary procedures are designed to maintain an orderly environment with clear expectations of behavior, accountability, and security to ensure the safety of inmates, staff and the general public, and to promote order within the facility. The Correction's Bureau encourages the informal resolution of problems whenever possible.
- There is a sanctioning schedule for rule violations. The maximum sanction for violations is no more than 60 days for all violations arising out of **one** incident unless otherwise directed by the Jail Superintendent. Continuous confinement of more than sixty (60) days requires the review and approval of the Jail Superintendent. *See Administrative Segregation.*
- Violations are categorized at two levels: Minor and Major. A list of facility violations and the sanctions that may be imposed are available in the Violation section of this document.
- Hearing and Appeal procedures for *Major* violations are provided in the Hearing and Appeal Section of this document.

### **Disciplinary Violations**

Violations are classified as **Major or Minor**. Inmates alleged to have committed a Major or Minor Violation which could result in the loss of privileges will be afforded a disciplinary hearing.

#### **Minor Violations**

1. Loud, disruptive or disrespectful conduct or behavior.
2. Possession of excessive property or commissary.
3. Posting items to walls, doors, or covering light fixtures in the cell or housing unit.
4. Sending unauthorized mail to another inmate or correctional facility without permission.
5. Failure to return the razor issued by pod officer
6. Failure to maintain personal hygiene.
7. Not following rules while moving through the jail or courthouse.
8. Failure to perform work as instructed by staff.
9. Any other act that disrupts the orderly operation of the facility.
10. Unauthorized possession or storing of food from jail issued meals.

#### **Disciplinary sanctions imposed for Minor Violations may include:**

- Verbal reprimand
- Written reprimand
- Change in work assignment or housing unit
- Loss of one or more privileges for up to 14 days.
- Disciplinary Segregation.

## **Major violations**

1. Murder or attempted murder.
2. Sex crimes or sex acts against another inmate, staff member or volunteer.
3. Escape; attempted, planned or conspiracy.
4. Fighting, battery or assault.
5. Extortion or blackmail
6. Possessing, manufacturing, introducing, causing to be introduced, or using any weapon, ammunition, explosive, caustic substance, dangerous chemical, sharpened instrument, unauthorized tool, intoxicant, or any other dangerous or deadly weapon or substance.
7. Possessing, manufacturing, introducing, causing to be introduced or using any drugs or drug paraphernalia not authorized by medical staff.
8. Arson or attempted arson.
9. Insubordination or refusal to follow orders.
10. Failure to lock down in your cell as ordered
11. Failure to submit to cell searches or pat down searches.
12. Gang activity; displaying, wearing or using gang insignia, flashing gang signs, or attempting to recruit new gang members.
13. Failure to notify any staff of an injury to yourself or others, or faking an illness
14. Gambling or possessing gambling materials.
15. Destroying, defacing, altering, or damaging Jail or County property.
16. Engaging in or encouraging group demonstrations or riots.
17. Being in an unauthorized area.
18. Making telephone calls to judicially restricted persons, Sheriff's Department staff or volunteers.
19. Making unlawful phone calls or abusing phone privileges.
20. Failure to provide proper identification; removal or destruction of the wristband.
21. Failure to follow, or interfering with the headcount procedure.
22. Interference with staff duties.
23. Concealing one's identity or failure to show wristband when requested.
24. Giving or offering a bribe to a staff member, volunteer or vendor.
25. Attempting to gain personal information about staff members.
26. Attempting or threatening to harm yourself or others, to include suicide or self-mutilation.
27. Indecent exposure.
28. Making sexual proposals or threats to another person.
29. Filing or making a false report.
30. Altering any official document or paper.
31. Unauthorized possession or misuse of medication.
32. Failure to show staff your cup or mouth after taking medication. Failure to take your medication as prescribed.
33. Possession of another inmate's wristband or property.
34. Possession of or smuggling contraband.
35. Possession of currency.
36. Smoking; or the possession of matches, lighters or smoking materials.
37. Using abusive, profane or disrespectful language towards corrections personnel, visitors or other persons.
38. Refusing mandatory physical.
39. Tampering with safety devices, doors or locking systems, fire or security alarms, radios or communication systems.
40. Covering or tampering with ventilation, plumbing, lighting, windows, doors, or electrical systems.
41. Tattooing or possessing items used for tattooing.
42. Throwing or projecting an item.
43. Utilizing another inmate's information for anything.
44. Manufacturing unauthorized beverages.
45. Tampering with food belongings prepared or served by the Jail.

46. Theft or unauthorized possession of any item.
47. Any act that causes damage or injury to person or property or disrupts the orderly operation of the facility.
48. Violation of any Federal, State or local laws.

**Disciplinary sanctions imposed for Major Violations may include:**

- Placement on Disciplinary Segregation for up to 30 days per charge
- Loss of privileges (TV, programs, commissary, etc.)
- Loss of Good Behavior credits or the ability to earn Good Behavior credit.
- Restitution
- Criminal Prosecution

**Sanction Guidelines**

The Discipline Board may impose any combination of the above listed sanctions. No more than 30 days Good Behavior allowance shall be taken for any one infraction. No more than 60 days of disciplinary segregation shall be imposed for all violations arising out of one incident unless approved by the Jail Superintendent.

**Good Behavior Allowance Act**

In accordance with the Illinois Compiled Statutes, 730 ILCS 130, County Jail Good Behavior Allowance Act, inmates entitled to a good behavior allowance, based on the provisions of the Act, may receive one day of good behavior allowance for each day of services of sentence in the county jail. After the appropriate disciplinary proceedings, inmates found guilty of violating a major rule of behavior may have any or all of the good behavior allowance earned revoked by the Jail Superintendent. No sentenced inmate may be penalized more than 30 days of good behavior for any one infraction.

**Grievance Procedures**

An inmate grievance procedure is made available to all inmates and includes at least one level of appeal. Correctional Staff will make every effort to resolve problems in an informal manner. If the inmate deems the resolution to the problem is inadequate, an inmate grievance must be submitted. Grievances must be submitted using the inmate kiosk/tablet. All grievances must be filed as soon as possible but no later than 5 days after the incident. Grievances that are Food service related must be submitted under Food service tab. Grievances that are Medical related must be submitted under medical tab. All other grievances must be filed under General Request/Grievance tab. Corrections Officer will provide assistance if needed. Detainees must enter grievance with a thorough explanation of the problem. Inmates will receive a response via kiosk/tablet within seven (7) business days of filing the grievance. Grievances on issues that are deemed without merit may be return as denied to the sender without further investigation. No merit grievances include grievance that have previously been addressed for which there is no additional information, are on issues that do not involve or affect the offender, are not filed timely, and for which good cause justification for the delay is not provided, or are decisions previously rendered by the Superintendent. Inmates have the right to appeal any findings or sanctions imposed. Appeals must be submitted via inmate kiosk/tablet within 72 hours of receipt of the findings. When appealing, you must use the kiosk/tablet Discipline/Appeals field. All appeals must indicate "Appeal" headlined with your complaint. The Jail Superintendent or their designee will review appeals. A decision will be made within five (5) business days of the filing of the appeal. The decision of the Jail Superintendent or their designee is final. If the grievance pertains to sexual harassment or an issue that cannot be dealt with according to grievance procedure time restraints, inmates should submit a request via kiosk/tablet asking to discuss their concern with a Corrections Command Staff.

### **Haircuts**

Haircuts are available to all inmates that do not pose a threat to required security measures. Your commissary account will be charged for this service according to the current fee schedule posted throughout the facility. Inmates desiring a haircut must submit a request using inmate kiosk/tablet. **No refunds.**

### **Headcounts**

Several times during the day and night corrections staff will conduct scheduled and unscheduled headcounts to verify the presence of inmates. Your cooperation with this process is expected. You will be required to return to your assigned cell/sleeping area. It is considered a violation of facility rules to disguise, hide, give false identification information or otherwise interfere with the taking of a headcount.

### **Hearing and Appeal Procedure**

In accordance with the Illinois County Jail Standards, the following guidelines shall apply to facility discipline. A Disciplinary Board consisting of one to three individuals has been established to hear and determine charges. Any person who initiates a charge against a committed person shall not serve on the Board that determines the disposition of the charge.

Whenever a person is alleged to have violated a rule of behavior, a written report will be filed with the Jail Superintendent or their designee within 72 hours of the occurrence of the infraction or the discovery of it.

When an inmate is alleged to have committed a *criminal violation* of the law, the case will be referred to the State's Attorney for possible prosecution.

Inmates charged with a *Major or Minor* rule violation that could result in the loss of privileges will be afforded the following:

- Written notice of the charges no less than 24 hours before the disciplinary hearing. The notice will include a statement of the misconduct alleged and the rules this misconduct is alleged to violate.
- Disciplinary hearings will be scheduled within eight (8) days from the time the infraction occurred or was discovered, unless the committed person is unable or unavailable to participate in the disciplinary proceeding.
- Inmates are expected to attend the disciplinary hearing but have the option of waiving this privilege in writing. If inmate refuses, the hearing will be held in their absence.
- For reasons of complexity, illiteracy or evidence gathering, inmates may request a staff member be designated by the Disciplinary Board to assist them with their hearing.
- Inmates have the right to present evidence or call witnesses on their behalf. Written testimony from witnesses may be required if their physical presence creates safety or security concerns.
- If the charge is sustained, the person charged is entitled to a decision in writing within fourteen (14) days after the hearing by the Disciplinary Board. The statement shall include the basis for the decision and the disciplinary action, if any, to be imposed.
- The Jail Superintendent or their designee shall review findings of the Disciplinary Board.
- Inmates have the right to appeal any findings or sanctions imposed. Appeals must be submitted via inmate kiosk/tablet within 72 hours of receipt of the findings. When appealing, you must use the kiosk/tablet Discipline/Appeals field. All appeals must indicate "Appeal" headlined with your complaint.
- The Jail Superintendent or their designee will review appeals. A decision will be made within five (5) business days of the filing of the appeal.
- The Jail Superintendent may impose the discipline recommended by the disciplinary board, or may reduce the discipline recommended.
- No committed person may be penalized more than 30 days of good behavior allowance for any one infraction.
- **The Jail Superintendent's decision is final.**



## **Housing Assignment**

The Winnebago County Jail is managed under the guidelines of direct supervision. A major part of this management is the classification process, which is based on inmate attitude and behavior. Classification determines where you will be housed in the facility. Below are the different housing areas where you could be assigned.

### **1) Classification Housing**

- All inmates will be classified upon entering the facility. Most inmates will first be assigned to a classification pod. Once in the classification pod, you will be interviewed by a classification officer and become familiar with the rules and regulations of the facility. Each inmate is evaluated for suitability in general population and for a housing assignment.

### **2) General Population Housing**

- Inmates who meet Classification requirements for direct supervision housing environment and who require no special needs, or segregation from other inmates.

### **3) Maximum Security Housing**

- A form of segregation for inmates whose presence in general population could pose a threat to themselves, other inmates, staff, property or facility operation.

### **4) Medical Housing**

- Housing for inmates who are suffering from a medical condition requiring special care, precautions, observation, or where contact with other inmates may pose a health threat to themselves or others.

### **5) Mental Health Housing**

- Housing for inmates who have psychological or emotional disorders that hinder their ability to function effectively in general population.

### **6) Segregation Housing**

- The isolation and setting apart of certain inmates whose presence in general population or maximum security could pose a threat to themselves, other inmates, staff, property or facility operations.

### **7) Administrative Segregation Unit (ASU)**

- Inmates are assigned to administrative segregation when it becomes necessary to keep them separated from general population. There are two forms of administrative segregation; disciplinary and protective custody status.

#### **Discipline Segregation**

- Inmates who have had a disciplinary hearing and are found guilty are placed on disciplinary segregation. Inmates in disciplinary segregation have minimum privileges and are confined to their cells for a period of 23 hours per day.
- Inmates on disciplinary segregation will receive a minimum of one hour of exercise per day unless security or safety considerations dictate otherwise. Time out may be reduced or terminated based on inmates' behavior. Inmates have the right to appeal any findings or sanctions imposed. Appeals must be submitted via inmate kiosk/tablet within 72 hours of receipt of the findings. When appealing, you must use the kiosk/tablet Discipline/Appeals field. All appeals must indicate "**Appeal**" with your complaint following.
- The jail Superintendent or their designee will review appeals. A decision will be made within five (5) business days of filing the appeal.

#### **Protective Custody Segregation**

- Inmates will be housed in protective custody segregation if it has been determined their presence in general housing would create safety or security concerns due to conflicts with other inmates, nature of charges, association with law enforcement, occupation, or other factors which may impact the safe operation of the jail. Inmates housed in protective custody segregation by their own request are not guaranteed the same General Housing commissary fund limit.

## Housing Rules and Guidelines

### **Personal Property**

- The following personal items are allowed in General Housing: Towel, washcloth, mattress cover, blanket, shorts, shower shoes, thermal top and bottoms, white t-shirts, underwear, bras, jail issued uniforms, socks, soap, deodorant, shampoo, conditioner, lotions/oils, toothbrush and paste, comb/brush, cup, bowl, writing tablet, pen, books, letters (limit 10), pre-stamped envelopes, photos (limit 10), Bible or Koran/Quran, other approved religious materials, program materials, legal paperwork, or other items authorized by Corrections staff.
- Additional restrictions will be placed on the amount and type of personal items allowed in Maximum Security, Segregation and Mental Health housing units. Corrections staff have the right to remove any item(s) deemed excessive, or considered a safety or security risk.

### **Cells/Sleeping Areas**

- Mattresses, mattress covers, and blankets are to remain on the bed at all times. Your bed must be made whenever you are not sleeping.
- Floors in the dayroom and sleeping area will be swept and mopped on a daily basis.
- All surfaces will be cleaned and the garbage cans emptied on a daily basis.
- Doors, walls, and windows will be free from signs, posters, pictures, or any other items taped or affixed to them or on top of or under wall mounted light fixtures.
- Light fixtures may not be covered with anything.
- Writing on or defacing any jail property is prohibited and is considered a major rule violation. Inmates may also be criminally charged for damage to property.
- You are responsible for the condition of your living area and all county issued property. Disciplinary, criminal, or civil action may be brought against you for damages to any county issued property, furniture, recreation equipment, or other areas of the facility.
- Hygiene items are not allowed outside of the cell unless you are taking them to the shower. Empty boxes, plastic bags and toilet paper tubes must be thrown away and not used for other purposes.
- **Inmates must be fully dressed while in the day-room area of the housing unit.** Male inmates must wear a jail issued uniform fully buttoned or t-shirt and shorts at all times while in their cell. Females must wear a jail issued uniform or t-shirt and shorts at all times while in their cell.
- Clothing and towels are not to be used as headgear.
- Do not cover your face with blanket while in bed.
- All commissary items must be stored in the storage bin.
- All legal paperwork must be stored in one (1) storage bin. All excessive legal paper work not stored in the storage bin will be placed in your property. You will need to notify a supervisor via the kiosk/tablet if you need legal paper work out of your property.
- Housing units are cleaned on a daily basis. Every inmate must assume responsibility for the maintenance of clean living quarters. Cleaning materials will be provided.
- Intentional clogging of toilets will result in disciplinary action.
- End of the day lockdown is at 10:30 p.m. unless otherwise directed.

## Dayroom Rules

- **Inmates must be fully dressed when they are in the day room area of the housing unit.**
- Inmates will address staff in a proper manner and not by their first or last names only: Officers will be addressed as “Officer (Last Name)” or “Officer”. Command Staff will be addressed as “Sergeant” or “Lieutenant” and civilian staff as “Mr. or Ms.”.
- Inmates are not allowed to cross any red line without permission of the pod officer.
- Inmates are not permitted to approach the officer’s workstation when the officer is not present.  
**Inmates must remain behind the red line at all times.**
- Inmates are not allowed to lean on the officer’s workstation, or take anything from the desk without the officer’s permission.
- Only two (2) inmates are allowed in the library / computer / kiosk area at a time.
- Combs are not to be kept in your hair. You may not use pieces of comb in order to prevent body-piercing holes from closing.
- Personal hygiene is to be done in your cell or in the shower room, ***not in the day room.***
- Do not lean back in chairs and do not put your feet on chairs, benches, walls, or tables.
- Inmates are not authorized to touch the television. Televisions will be operated by the pod officer only.
- Inmates who damage or destroy a television are responsible for the cost of replacement and will be subject to disciplinary action and/or criminal prosecution.
- No gambling of any kind is allowed.
- No sitting on the stairs (unless directed to do so by the pod officer) and no loitering on the stairs, mezzanine hallway, another inmate’s doorway, or the pod entrance door.
- Profanity, yelling, loud talking, and unnecessary noises are not allowed. Do not call another inmate from across the dayroom. Do not talk up to the mezzanine level or down to the dayroom.
- You are not allowed to stand at the mezzanine railings.
- You may not loiter in the restroom or shower room areas.
- You must get pod officer’s permission before entering restroom.
- Restroom door is to remain open unless it is in use.
- You are not allowed to talk to other inmates who are on lockdown status. If you are on lockdown status, you are not allowed to talk to other inmates in the dayroom.
- Do not slap the playing cards or game pieces on the table. At the officer’s discretion a blanket may be placed on the table to reduce the noise of certain games.
- In the event that an altercation between inmates or an emergency situation occurs, the pod officer will order all inmates to lock down. You **must immediately** go to your cell without question. Inmates are required to secure their cell door during a lockdown.
- Refusing to lock down for **any reason** when ordered to do so is considered a major violation.
- Any food remaining after meal times must be discarded.
- Pictures depicting sexual, gang, alcohol, illegal or illegal acts, real or pretend are not permitted.

## Recreation Areas

- Inmates will have access to physical exercise outside their cell and/or in the outdoor recreation for at least one hour each day.
- Inmates may use the recreation area only with the pod officer’s permission. It will be at the pod officer’s discretion with regards to number of inmates in a particular area at one time.
- No yelling or shouting is allowed in the recreation area. No communication with persons in other housing units is allowed. Reports that communication has occurred will result in the immediate loss of outdoor recreation privileges and disciplinary sanctions.
- No items may be taken to the recreation area unless approved by the pod officer.
- You must notify the pod officer immediately if you become injured.

### **Inmate Workers**

- Inmates interested in volunteering to be part of the facility work crew should submit their name via inmate kiosk/tablet (Tender). Selections are based on offenses and behavior.
- Functions performed by inmate workers within the jail include food preparation, laundry, general cleaning and other duties as assigned.
- Inmates on the work crew will be afforded additional privileges to include extra phone calls, visits and meal trays.
- The Inmate Work Crew works outside of the jail on community projects such as lawn care, painting, trash removal and light construction. Persons interested in volunteering to be part of the crew should submit a request via inmate kiosk/tablet for consideration.

### **Laundry**

The Pod Officer will issue new linen and clothing in accordance with the current Facility laundry schedule. Clean clothing will be issued on a one-for-one exchange at least twice weekly. Mattress covers and blankets will be changed and washed at least once a week.

### **Library**

#### **Library Services**

- Library services shall be made available to all inmates. Library materials include informational, recreational, and educational materials. When an inmate is released from jail, books must be returned to their appropriate area - **not left in cell**.
- The facility librarian will be available each week to change out books in the housing units and fill requests.

#### **Law Library**

- Law Library services and legal materials are available to all inmates. This includes but is not limited to the Illinois County Jail Standards, the Illinois Compiled Statutes and the Winnebago County Corrections Inmate Rules and Regulations Handbook.
- Forms needed to file a complaint under the Civil Rights Act U.S.C. Section 1983 are available from the Corrections Administration Office. Inmates must submit a request via inmate kiosk/tablet for the information packet. Postage and Filing fees associated with this procedure are the responsibility of the inmate.

### **Mail Services**

#### **Incoming Mail**

- Inmates may receive incoming mail. All incoming, non-privileged mail shall be opened and inspected for contraband prior to delivery. Incoming mail must clearly identify the senders name and address and the inmates name.
- Cash, money orders, and checks of any kind will be returned to sender or placed in the inmate's property.
- Packages may be received only if approved by Jail Administration and are subject to inspection.
- Incoming mail that contains contraband will be held for further inspection and disposition by the Jail Superintendent.
- Incoming mail is delivered to the jail Monday through Friday. No delivery on weekends or holidays.
- A discharged or transferred inmate's first-class mail shall be returned to sender.
- The jail superintendent or their designee may read incoming non-privileged mail when there is reason to believe that jail security may be impaired or mail procedures are being abused.

- Inmates are not allowed to open, read or deliver another inmate's mail without his/her permission.
- Mailing address for all inmates: **Winnebago County Jail, 650 West State Street, Rockford IL. 61102. Inmates name must also be included. Note the word JAIL must appear on personal mail.**
- All incoming mail **must contain a return address** or the mail will be placed in the inmate's property.

### **Outgoing Mail**

- Inmates are permitted to send, at personal expense, an unlimited number of letters each week.
- Inmates may not send packages by mail unless given permission to do so by Jail Administration. The inmate is responsible for the cost of the postage.
- Outgoing mail shall be clearly marked with the senders' name and identification number. Mail not clearly marked in this manner shall be returned to the sender if the sender's identity is known, and if not, the mail will be destroyed.
- Out-going mail shall be collected Monday through Friday (except holidays).
- Outgoing non-privileged mail may be inspected and read. Inmates must submit all outgoing non-privileged mail in unsealed envelopes.
- Outgoing non-privileged mail may be reproduced or withheld from delivery if it presents a threat to security or safety. Refer to the Illinois County Jail Standards for a complete listing of safety and security violations.
- Inmates prohibited from sending or receiving mail for any reason will be notified in writing.
- Inmates are not allowed to correspond with other inmates at the Winnebago County Jail or any other correctional or detention facility unless authorized in advance by Jail Administration.

### **Privileged Mail**

- Incoming *privileged mail* pertains to mail from the following sources:
  - a. 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.
  - b. The Director, Deputy Director, or Assistant Deputy Director 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.
  - c. Chief Executive Officers of the F.B.I., Drug Enforcement Administration (DEA), Criminal Division of the Department of Justice, and the U.S. Customs Service.
  - d. The John Howard Association.
  - e. Registered attorneys.
  - f. Any organization which provides direct legal representation to inmates, but not including organizations, which provide referrals to attorneys, such as bar associations.
- ***Incoming privileged mail*** means mail from sources identified in the preceding paragraph except for clerks of courts. Incoming privileged mail which is clearly marked as "privileged" may be opened only for the purpose of verifying the recipient and the sender and to make certain that nothing other than privileged mail is enclosed. Privileged mail shall be opened in the presence of the inmate.
- ***Outgoing privileged mail*** from inmates addressed to persons or organizations listed above which are clearly marked as "privileged" may be sealed by the inmate prior to submission for mailing and will not be opened by jail staff before mailing.

### **Marriages**

For security reasons and because the jail is only a temporary holding facility, we do not accommodate inmate requests for marriage ceremonies while in jail custody. Inmates are advised to make arrangements after release from custody or after transfer to prison.

## Meals Service

### General Population Units

- Inmates will be released for meal service in two groups (upper housing units and lower housing units). When advised to do so inmates must promptly present themselves to the day room area and form a line in front of the meal delivery cart. Each group will be given 20 minutes to retrieve and eat their meal, after which inmates will return to their cell.

### Medical and Mental Health Housing Units

- Inmates will be served in the day room area or in their cell.

### Maximum Security Housing Units

- Inmates will be served in the day room area or in their cell.

### Segregation Housing Units

- Inmates will be served in their cell.

### General Meal Guidelines

- Prior to meal service all inmates will be instructed to return to their cell.
- The Housing Unit Officer will be responsible for ensuring each inmate is offered and/or receives their meal.
- One meal per inmate will be served.
- The jail issued cup must be used for the beverage.
- All trays and utensils are to be returned promptly after each meal.
- Inmates requesting special meals due to medical reasons must meet with medical staff to discuss those needs. Only the medical authority can authorize medical diets.
- Inmates requesting special meals due to religious reasons must submit a request via inmate kiosk/tablet (Programs).
- The Winnebago County Corrections Bureau maintains full compliance with the nutritional value and caloric requirements established by the Illinois Department of Corrections County Jail Standards.

## Medical Services

- 24 hour-a-day medical services are available at the Winnebago County Correctional facilities.
- No inmate will be denied access to medical services based on *ability to pay*.
- Medical information obtained at booking is confidential and will be maintained by the medical department. This information will be used to establish a basis for in-custody medical care.
- Non-emergency medical issues should be reported to medical staff using the inmate kiosk/tablet.
- Prescribed medication in an inmates' possession at the time of booking will be turned over to medical staff for identification and distribution.
- Medical, dental and mental health services are available through the medical department. Inmates must submit via inmate kiosk/tablet (Medical) to access these services. There is no charge for mental health services.
- Within 14 days of confinement, a medical screening will be conducted. There is no charge for this service.
- Sick call is conducted Monday through Friday in the medical department.
- Emergency medical services are available 24 hours a day, 7 days a week.
- Med pass is conducted at regularly scheduled times throughout the day in the housing units. Only inmates receiving medication will be in the dayroom during med pass. The housing unit officer will announce med pass when the nurse arrives. Inmates receiving medication must bring a cup of water and line up at the door of the housing unit. Inmates must show their wristband to the nurse before receiving their medication. Inmates are required to take their medication in the presence of staff. Inmates must show their cup and open their mouth for the nurse to ensure the medication was swallowed. Once med pass has been completed inmates may return to their cell.

- Pre-Natal services are available to all pregnant female inmates at no charge. Services include but are not limited to pregnancy testing, prenatal care and nutrition.
- Inmates being seen by the Physician; Physician's Assistant or Dentist will be charged \$10.00. Inmates being seen by the nurse will be charged \$5.00. (No charge for medication pass). There are no additional charges for follow-up visits for the same medical issue with-in a reasonable time period.
- All fees will be charged to the inmate's trust account.
- Medical staff must be treated with dignity and respect. Failure to do so will result in disciplinary action.

### **Mental Health Services**

- Mental health services are available through the jail medical department at no cost.
- Inmates should notify an officer immediately if they need to speak with a mental health worker.
- If you or another inmate is considering suicide, please notify an officer immediately.

### **Movement**

- Inmates must be completely dressed in the jail issued uniform when leaving the housing unit. No items may be brought out of the housing unit unless approved or requested by the officer.
- When walking outside the housing unit, inmates must have their hands behind their back and no talking is permitted.
- Inmates are subject to search when departing or entering any area.
- Notes or mail are not to be carried or passed to other inmates.
- Inmates will not touch or press an intercom or elevator buttons.
- Inmates must move in an orderly fashion, walking on the side of the hallways in front of the transporting officer.
- Inmates are not allowed to wander away from the officer at any time during transport.

### **Newspaper**

- Unless otherwise directed, copies of the local newspaper will be provided to each housing unit on a daily basis after morning clean-up.
- Destruction of newspapers and other reading material is not allowed and is a violation of the rules. Do not write in the newspaper or tear out information.
- The newspaper will remain in the dayroom area (**Not in cells**) until it is collected prior to facility lock-down.

### **Personal Hygiene**

- Good personal hygiene is very important for the good health of all inmates. Inmates are required to shower and brush their teeth on a regular basis. Inmates not on lock-down status may shower at any time.
- Each inmate who is dressed into the jail shall be given one (1) hygiene kit. The kit shall contain the following; one (1) comb, one (1) toothbrush, one (1) shampoo, one (1) bar of soap, one (1) tooth paste and one (1) drinking cup. When inmates are leaving the facility or moving from a housing unit or cell to another, the drinking cup, comb, and toothbrush shall be brought with them.

### Personal Property

- Each item of personal property taken from an inmate at the time of admission to the facility will be searched and recorded on the property record.
- All personal property will be placed in a property storage bin and securely stored in the facility property room.
- Inmates will be required to inventory and sign for their property at the time of release.
- A Supervisor shall have the authority to release property after the five (5) day limit has passed if the request is reasonable or justified. Inmates must sign a Property Release Form in order for property to be released. Only **limited items** will be authorized for release.
- Inmates are allowed to have one (1) outfit dropped off for the purpose of attending **jury trial only**. Incoming property will be searched for contraband and stored in the facility property room. Inmates will attend all other court proceedings in their facility issued attire.
- Clothing, other than those items provided by the Corrections Bureau or purchased from commissary are prohibited.
- Crosses and other handmade jewelry are prohibited.
- The complete uniform must be worn whenever you are taken out of your assigned cell.
- Once inmate is released from custody, any property not claimed within 30 days will be disposed of.

### **Property for Persons Sentenced to DOC**

- Inmates being transferred to the Department of Corrections (DOC) will be given the opportunity to fill out a post card indicating who will be responsible for picking up their property. This person will have 30 days from the day the inmate is shipped to retrieve the property. Property left over 30 days will be disposed of.
- Property will not be released until **after** an inmate has been shipped out to DOC

### Programs

- The Winnebago County Jail provides a wide variety of programs and services to the inmate population. Inmates can submit through the kiosk/tablet for a list of classes/programs available. **Class offerings subject to change.**
- Request for class participation must be submitted via inmate kiosk/tablet (Programs).
- Information related to programs will be posted in the housing units and throughout the facility on hallway bulletin boards. Only General Population inmates may be eligible for classes.

### Request

To ensure quick and effective communications with the jail staff, inmate request must be submitted via inmate kiosk/tablet. Access menu to select the appropriate staff/service. Request will be answered within 7 business days.

### Religious Services

Inmates shall be afforded an opportunity to participate in religious services and receive religious counseling. Participation is strictly voluntary. Requests for religious materials shall be submitted via inmate kiosk/tablet (Chaplains). All religious material is donated to the chaplain's office by all types of Centers of Faith and shall be distributed when requested.

### The Chaplain's Office

Staff and volunteer chaplains serve the inmates by working to meet their spiritual needs. The Chaplains are on site to provide one-on-one listening, prayer, and direction. Office hours are Monday – Friday, 8:00 a.m. to 4:30 p.m.



## Bible Study (English and Spanish)

Inmates who are already Christians or who are exploring Christianity have the opportunity to study the Bible under the guidance of a local Christian pastor or layperson. Bible studies generally are topic related and assist in changing the way an inmate thinks so behavior is changed.

### Searches (Personal)

- Inmates will be subject to pat / frisk searches including the shaking out of shoes and socks upon entering and leaving many areas of the facility.
- Pat / frisk searches may be conducted at any time at the officer's discretion.

### Searches (Cell)

- Corrections personnel may conduct searches of cells or housing units at any time. Inmates do not have to be present for these searches.
- Contraband will be seized and disposed of according to facility guidelines. Notice will be given if items are removed from the cell not considered to be contraband.

### Sexual Abuse/Assault

Sexual conduct between inmates and staff, volunteers, vendors, program staff, or other inmates, regardless of consensual status, is prohibited and subject to administrative and disciplinary sanctions.

Inmates who are victims of sexual abuse, sexual harassment, retaliation by other inmate(s) or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents have the option to report the incident to a designated staff member other than an immediate point-of-contact line officer. The Winnebago County Jail ensures that information is provided to offenders about sexual abuse/assault including:

- Prevention/intervention/self-protection
- Reporting sexual abuse/assault
- Treatment and counseling

The information is communicated in writing in a language clearly understood by the detainee. Sexual misconduct is illegal and will not be tolerated in the Winnebago County Jail. Sexual misconduct is sexual abuse, sexual assault, or sexual harassment. It includes inmate-on-inmate sexual activity, inmate-on-staff or volunteer sexual activity, and staff/volunteer-on-inmate sexual activity.

- Inmate-on inmate Sexual Abuse/Assault – One or more inmates engaging in, or attempting to engage in a sexual act with another inmate. Including any of the following: use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more inmates aimed at coercing and/or pressuring another inmate to engage in a sexual act.
- Inmate-on-Staff Sexual Abuse/Assault – Inmates or persons in custody attempting to solicit/engage in sexual activity with staff. Staff refers to officers, contractors, vendors and volunteers.
- Staff-on-inmate Sexual Abuse/Assault – To solicit/engage in sexual acts with inmates or persons in custody. Staff refers to officers, contractors, representatives, and volunteers. Sexual misconduct includes any solicitation of sexual activity by making promises of favors or threats toward inmates for refusing sexual advances and it is an invasion of privacy beyond that which is necessary for safety and security of the facility.

- You are strongly encouraged to identify any assailant in order to protect yourself and others from future attacks. Individuals that sexually abuse or assault inmates can only be disciplined and/or prosecuted if the assault is reported and they are identified.
- Inmates have the option of reporting an act of sexual misconduct to any staff member you trust. Staff members have been instructed to keep reported information confidential and only discuss it with the appropriate officials on the need to know basis. The inmate will be taken to medical for a medical exam, clinical assessment, treatment and counseling. It is important that the inmate does not shower until medical personnel have seen them. An investigation will be conducted and documented. The inmate will be separated from the assailant for protection. If the allegations of misconduct against a staff member or inmate are false, the inmate making the accusations will be subject to disciplinary action in cases where the agency can demonstrate that the allegation was made in bad faith.
  - Inmates may also report an act of sexual abuse, sexual harassment, or retaliation for reporting such an incident to any employee, contractor, or volunteer through: sick call requests; ICE Detainee Request Forms; written informal or formal requests or grievances using appropriate forms; reports to family members, friends, or other outside entities who can contact facility staff; or through any other means, including anonymously.
  - Although direct reporting is preferable, a staff will investigate reports made by third parties, (including current or former inmates) on behalf of the inmate. In cases of third party or anonymous reporting, the alleged victim will have to agree to participate with any investigation. If the victim declines, the agency will document their decision.
- Listed below are some things that the inmate can do to protect themselves against sexual assault:
  - Carry yourself in a confident manner at all times. Do not permit your emotions (fear/anxiety) to be obvious to others.
  - Do not accept gifts or favors from other inmates. Most gifts or favors come with strings attached.
  - Do not accept an offer from another inmate to be your protector.
  - Be direct and firm if another inmate asks you to do something you don't want to do.
  - Do not give mixed messages to other inmates regarding your wishes for sexual activity.
  - Stay in well-lit areas of the housing unit.
  - Choose your associates wisely. Look for people who are involved in positive activities like educational programs or religious services. Get involved in these activities for yourself.
  - Trust your instincts. If you sense that a situation may be dangerous, it probably is. If you fear for your safety, report your concerns to a staff immediately.
  - Do not go into another inmates' cell, this is a rule violation.

### **Telephone**

- Inmates may place at least one telephone call each week.
- Inmates are required to bear the expense of the telephone calls.
- Phones are normally on from 8:00 a.m. until 10:30 p.m. daily
- Inmates in all housing units will have access to telephones located in each housing unit. Staff will monitor phone usage at all times.
- Inmates in specialty housing units must request to use the telephone. Calls will be provided based on staff availability but will occur at least once a week.
- Inmates will not be able to receive calls in the housing unit and three-way calling is not allowed.
- Staff will not accept or relay phone messages to inmates.
- Telephones will be shut off for misuse or damage and inmates may be held liable for those costs.
- Violation of telephone rules may result in suspension of the inmate's telephone privileges for a designated period of time.

- All inmate telephone calls are subject to monitoring and recording. (Esta llamada se esta grabando y puede ser supervisada).

### Trust Account

At the time of admission, any currency in the detainee's possession will be deposited into the Inmate Trust Account, under the detainee's name, via the kiosk located in pre-booking. Coins and any currency that will not feed into the kiosk will be entered into the property log and placed in the inmate's property bin, to be returned upon release. The Inmate Trust Account can be used for bond, commissary purchases, phone calls, haircuts, medical services or any other purpose for which money is required. Any monies remaining in the account will be returned to the inmate upon their release from custody.

Additional funds can be received from outside sources who can deposit funds to your account by either using the kiosk (accepts cash, pin debit or credit card) in the lobby of the Winnebago County Justice Center. Transaction fees may apply. All links, telephone numbers and other necessary payment information can be found on the Sheriff's website: [www.winnebagoheriff.com](http://www.winnebagoheriff.com) (Corrections, Jail page).

All cash or checks received through the mail will be returned to sender or placed in the inmate's property.

When being released from the facility, money will either be returned to the inmate in the form of a debit card.

### Uniforms

- Inmates are required to wear jail issued uniforms fully buttoned while in the day room.
- While in the inmate recreation area, jail issued uniforms must remain on and buttoned at all times.
- When leaving the housing unit, inmates are required to wear jail issued uniforms and they must be buttoned up at all times.
- Shoes must be worn at all times when outside of the cell.
- Each inmate will be issued an ID wristband with his/her photograph. Wristbands must be worn at all times and shown to staff as requested. Failure to notify staff when a wristband has been damaged, lost, and/or needs to be replaced may result in disciplinary sanctions being imposed.
- Inmates are to wear jail issued uniforms and the pant legs may not be rolled or tucked unless they are too long and drag on the floor. In this case, they may be folded up an equal length on each pant leg.
- Inmates must request and wear only jail issued uniforms that are the appropriate size as determined by the pod officer.
- Any intentional damage caused to jail issued clothing is a violation of facility rules.

### Visiting

- **Inmates are responsible for arranging their own personal visits. Inmates must submit request via inmate kiosk/tablet (Visit) by noon the day before the requested visit date.**
- At least one visit per week, per inmate shall be allowed, except when an individual has been assessed a disciplinary penalty for a visiting regulation infraction.
- Visits will be 30 minutes in length for inmates in general, maximum, and specialty housing, and 15 minutes in length for inmates in segregation.
- Regulation shall provide a schedule identifying no fewer than two visiting days each week, one of which must be during the weekend. Specific days and times for visits will be posted throughout the facility.
- All personal (social) visits will be conducted via video visitation.
- Attorneys, probation/pre-trial officers, and clergy from recognized religious organizations shall be permitted to visit inmates at reasonable hours other than during regularly scheduled visiting hours and such visits shall not count as an allotted visit.

- An area for interview between an inmate and his or her attorney, probation or pre-trial officer shall be provided so as to ensure privacy.
- One adult, or one adult and one child are allowed at each visit. There is no age restriction when child is accompanied by a parent or legal guardian.
- Visit schedules subject to change.

### **Notice of Rights of Persons Under Arrest**

**Illinois Code of Criminal Procedure - 725 ILCS5/**

**ARTICLE 103. RIGHTS OF ACCUSED - Sec. 103-2. - Treatment while in custody.**

*(Source: Laws 1963, p. 2836.)*

- (a) On being taken into custody every person shall have the right to remain silent.
- (b) No unlawful means of any kind shall be used to obtain a statement, admission or confession from any person in custody.
- (c) Persons in custody shall be treated humanely and provided with proper food, shelter and, if required, medical treatment.

**Sec. 103-3. - Right to communicate with attorney and family; transfers.**

*(Source: Laws 1963, p. 2836.)*

- (a) Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.
- (b) In the event the accused is transferred to a new place of custody his right to communicate with an attorney and a member of his family is renewed.

**Sec. 103-4. - Right to consult with attorney.**

*(Source: Laws 1963, p. 2836.)*

Any person committed, imprisoned or restrained of his liberty for any cause whatever and whether or not such person is charged with an offense shall, except in cases of imminent danger of escape, be allowed to consult with any licensed attorney at law of this State whom such person may desire to see or consult, alone and in private at the place of custody, as many times and for such period each time as is reasonable. When any such person is about to be moved beyond the limits of this State under any pretense whatever the person to be moved shall be entitled to a reasonable delay for the purpose of obtaining counsel and of availing himself of the laws of this State for the security of personal liberty.

**ARTICLE 109. - PRELIMINARY EXAMINATION - Sec. 109-1. Person arrested.**

*(Source: P.A. 90-140, eff. 1-1-98.)*

- (a) A person arrested with or without a warrant shall be taken without unnecessary delay before the nearest and most accessible judge in that county, except when such county is a participant in a regional jail authority, in which event such person may be taken to the nearest and most accessible judge, irrespective of the county where such judge presides, and a charge shall be filed. Whenever a person arrested either with or without a warrant is required to be taken before a judge, a charge may be filed against such person by way of a two-way closed circuit television system, except that a hearing to deny bail to the defendant may not be conducted by way of closed circuit television.
- (b) The judge shall:
  - (1) Inform the defendant of the charge against him and shall provide him with a copy of the charge.
  - (2) Advise the defendant of his right to counsel and if indigent shall appoint a public defender or licensed attorney at law of this State to represent him in accordance with the provisions of Section 113-3 of this Code.
  - (3) Schedule a preliminary hearing in appropriate cases; and
  - (4) Admit the defendant to bail in accordance with the provisions of Article 110 of this Code.
- (c) The court may issue an order of protection in accordance with the provisions of Article 112A of this Code.

**ARTICLE 110. BAIL - Sec. 110-2. - Release on own recognizance.**

*(Source: P.A. 89-377, eff. 8-18-95.)*

When from all the circumstances the court is of the opinion that the defendant will appear as required either before or after conviction and the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of bond, which shall include the defendant=s current address with a written admonishment to the defendant that he or she must comply with the provisions of Section 110-12 of this Code regarding any change in his or her address, the defendant may be released on his or her own recognizance. The defendant=s address shall at all times remain a matter of public record with the clerk of the court. A failure to appear as required by such recognizance shall constitute an offense subject to the penalty provided in Section 32-10 of the Criminal Code of 1961 @, approved July 28, 1961, as heretofore and hereafter amended, for violation of the bail bond, and any obligated sum fixed in the recognizance shall be forfeited and collected in accordance with subsection (g) of Section 110-7 of this Code.

This Section shall be liberally construed to effectuate the purpose of relying upon contempt of court proceedings or criminal sanctions instead of financial loss to assure the appearance of the defendant, and that the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of bond. Monetary bail should be set only when it is determined that no other conditions of release will reasonably assure the defendant=s appearance in court, that the defendant does not present a danger to any person or the community and that the defendant will comply with all conditions of bond.

The State may appeal any order permitting release by personal recognizance.

**Sec. 110-4. - Bailable Offenses.**

*(Source: P.A. 91-11, eff. 6-4-99.)*

- (a) All persons shall be bailable before conviction, except the following offenses where the proof is evident or the presumption great that the defendant is guilty of the offense: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, where the court after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person or persons; stalking or aggravated stalking, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of the alleged victim of the offense and denial of bail is necessary to prevent fulfillment of the threat upon which the charge is based; or unlawful use of weapons in violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 when that offense occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school, where the court, after a hearing, determines that the release of the

defendant would pose a real and present threat to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat.

- (b) A person seeking release on bail who is charged with a capital offense or an offense for which a sentence of life imprisonment may be imposed shall not be bailable until a hearing is held wherein such person has the burden of demonstrating that the proof of his guilt is not evident and the presumption is not great.
- (c) Where it is alleged that bail should be denied to a person upon the grounds that the person presents a real and present threat to the physical safety of any person or persons, the burden of proof of such allegations shall be upon the State.
- (d) When it is alleged that bail should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110-6.3 of this Code, the burden of proof of those allegations shall be upon the State.

**Sec. 110-7. - Deposit of Bail Security.**

- (a) The person for whom bail has been set shall execute the bail bond and deposit with the clerk of the court before which the proceeding is pending a sum of money equal to 10% of the bail, but in no event shall such deposit be less than \$25. The clerk of the court shall provide a space on each form for a person other than the accused who has provided the money for the posting of bail to so indicate and a space signed by an accused who has executed the bail bond indicating whether a person other than the accused has provided the money for the posting of bail. The form shall also include a written notice to

such person who has provided the defendant with the money for the posting of bail indicating that the bail may be used to pay costs, attorney=s fees, fines, or other purposes authorized by the court and if the defendant fails to comply with the conditions of the bail bond, the court shall enter an order declaring the bail to be forfeited. The written notice must be: (1) distinguishable from the surrounding text; (2) in bold type or underscored; and (3) in a type size at least 2 points larger than the surrounding type. When a person for whom bail has been set is charged with an offense under the A Illinois Controlled Substances Act@ which is a Class X felony, the court may require the defendant to deposit a sum equal to 100% of the bail. Where any person is charged with a forcible felony while free on bail and is the subject of proceedings under Section 109-3 of this Code the judge conducting the preliminary examination may also conduct a hearing upon the application of the State pursuant to the provisions of Section 110-6 of this Code to increase or revoke the bail for that person=s prior alleged offense.

- (b) Upon depositing this sum and any bond fee authorized by law, the person shall be released from custody subject to the conditions of the bail bond.

### **ARTICLE 113. ARRAIGNMENT - Sec. 113-3. - Counsel and Expert Witness**

*(Source: P.A. 91-589, eff. 1-1-00.)*

- (a) Every person charged with an offense shall be allowed counsel before pleading to the charge. If the defendant desires counsel and has been unable to obtain same before arraignment the court shall recess court or continue the cause for a reasonable time to permit defendant to obtain counsel and consult with him before pleading to the charge. If the accused is a dissolved corporation, and is not represented by counsel, the court may, in the interest of justice, appoint as counsel a licensed attorney of this State.
- (b) In all cases, except where the penalty is a fine only, if the court determines that the defendant is indigent and desires counsel, the Public Defender shall be appointed as counsel. If there is no Public Defender in the county or if the defendant requests counsel other than the Public Defender and the court finds that the rights of the defendant will be prejudiced by the appointment of the Public Defender, the court shall appoint as counsel a licensed attorney at law of this State, except that in a county having a population of 2,000,000 or more the Public Defender shall be appointed as counsel in all misdemeanor cases where the defendant is indigent and desires counsel unless the case involves multiple defendants, in which case the court may appoint counsel other than the Public Defender for the additional defendants. The court shall require an affidavit signed by any defendant who requests court-appointed counsel. Such affidavit shall be in the form established by the Supreme Court containing sufficient information to ascertain the assets and liabilities of that defendant. The Court may direct the Clerk of the Circuit Court to assist the defendant in the completion of the affidavit. Any person who knowingly files such affidavit containing false information concerning his assets and liabilities shall be liable to the county where the case, in which such false affidavit is filed, is pending for the reasonable value of the services rendered by the public defender or other court-appointed counsel in the case to the extent that such services were unjustly or falsely procured.

### **ESTADO DE ILLINOIS AVISO DE DERECHOS DE PERSONAS BAJO ARRESTO**

#### **DEPARTAMENTO DE CORRECCIONES**

#### **COMPILACIÓN DE LEYES EN PROCEDIMIENTOS**

#### **CRIMINALES DEL ESTADO DE ILLINOIS**

#### **725 ILCS 5/**

#### **OFICINA DE DETENCIÓN NORMAS Y SERVICIOS**

#### **ARTÍCULO 103. Sección 103-2. Tratamiento al ser detenido**

**(Fuente: Leyes 1963, p. 2836.)**

- (a) Al ser detenido, cada persona tiene el derecho de permanecer callado.
- (b) Ningún medio ilegal debe ser usado para obtener declaración, admisión, o confesión de cualquier persona que esta detenida.
- (c) Personas detenidas deben ser tratadas humanamente y proveerlas de comida, refugio apropiado; y atención médica si fuese necesario.

#### **Sección 103-3. Derecho de comunicarse con un abogado y familia**

**(Fuente: Leyes 1963, p. 2836.)**

- (a) Personas que han sido arrestadas tendran el derecho de comunicarse con un abogado de su preferencia y un familiar, con

un número de llamadas telefónicas razonables, o en cualquier otra manera razonable. Tal comunicación será permitida dentro de un tiempo razonable, después de llegar al primer lugar donde estará detenido.

(b) En caso de que el acusado sea transferido a un nuevo lugar de detención, el derecho de comunicarse con un abogado y un miembro de su familia es renovado.

### **Sección 103-4 Derecho de consultar con un abogado**

**(Fuente: Leyes 1963, p. 2836.)**

Cualquier persona cometida, encarcelada o detenida de su libertad por cualquier razón y en todo caso que tal persona se le hagan hechos cargos con una ofensa debe de, excepto en casos de peligro de escape, ser permitida a consultar con un abogado licenciado en leyes de este estado, en lo cual tal persona desea ver o consultar, solo y en privado, en el lugar de detención, por cuantas veces y por tal término de tiempo que sea razonable. Cuando tal persona se va a mover más allá de los límites de este estado bajo cualquier pretexto, la persona que se va a mover tendrá el derecho, a un retardo razonable para obtener un abogado y enterarse de las leyes de este estado para la seguridad de su libertad personal.

### **ARTÍCULO 109. Sección 109-1. Persona Arrestada**

**(Fuente:**

**P.A. 90-140, eff. 1-1-98.)**

(a) Una persona arrestada con o sin orden de arresto será llevada sin retraso innecesario al juez más cerca y al condado de más accesibilidad excepto cuando el tal condado es un participante en una autoridad de la cárcel regional en que evento que la tal persona puede tomarse al más cercano y más juez accesible, independiente del condado donde el tal juez preside, y un cargo se archivará. Siempre que una persona o arrestara con o a menos que una garantía se exige ser tomada ante un juez, un cargo puede archivarse contra la tal persona por vía de un sistema de televisión de circuito cerrado bidireccional, sólo que un oído para negar la fianza al demandado no puede dirigirse por vía de la televisión del circuito cerrada.

(b) El juez debe de:

(1) Informar al acusado sobre el cargo contra él y debe de disponerle una copia sobre el cargo.

(2) Aconsejar al acusado sobre sus derechos de un abogado y si esta necesitado, nombrará un defensor público o un abogado licenciado en leyes de este estado, para que lo represente de acuerdo con las provisiones de Sección 113-3 compilación de leyes.

(3) Planifique un juicio preliminar en los casos apropiados; y

(4) Admitir el acusado para fianza de acuerdo con el artículo 110 de esta compilación de leyes.

(c) La corte puede emitir un orden de protección de acuerdo con los comestibles de Artículo 112A de este Código.

### **Sección 110.2. Poner en libertad con obligación contraída**

**(Fuente**

**: P.A. 89-377, eff. 8-18-95.)**

Cuando sobre todas las circunstancias la corte esta de la opinión que el demandado se presentará como es requerido, uno de los dos antes o después de la convicción, y el demandado no propondrá un peligro a cualquier persona o la comunidad y que el demandado obedecerá todas las condiciones de atadura que incluirá la dirección actual del demandado con una advertencia escrito al demandado en que él o ella deben obedecer los comestibles de Sección 110-12 de este Código con respecto a cualquier cambio su o su dirección, el demandado, es posible que el acusado sea librado con obligación contraída. La dirección del demandado seguirá siendo una materia de registro público en todo momento con el empleado de la corte. Falta de aparecer como es requerido con obligación contraída, designará una ofensa sujeta a castigo disponida es Sección 32-10 del ACódigo Criminal 1961 @, aprobado el 28 de Julio, 1961, contraída será perdida y cobrado en acuerdo con subsección, (g) de Sección 110-7 de compilación de leyes.

Esta sección será construida liberalmente para realizar el propósito de depender de desprecio de procedimientos judiciales o autorización criminal en vez de pérdida financiera para asegurar la apariencia el demandado, y que el demandado no propondrá un peligro a cualquier persona o la comunidad y que el demandado obedecerá todas las condiciones de atadura. La fianza monetaria sólo debe ponerse cuando es determinado que ninguna otra condición de descargo asegurará la apariencia del demandado razonablemente en la corte, que el demandado no presenta un peligro a cualquier persona o la comunidad y que el demandado obedecerá todas las condiciones de atadura. El Estado puede apelar cualquier orden que permite el descargo por el obligación contraída (recognizance personal).

**Sección 110.4 Ofensas bajo fianza (Fuente: P.A. 91-11, eff. 6-4-99.)**

- (a) Todas personas serán elegibles bajo fianza antes de convicción, excepto lo siguiente ofensas donde y la prueba es evidente o si hay gran suposición que el demandado es culpable de la ofensa. Las ofensas importantes; ofensas para que una frase de encarcelamiento de vida puede imponerse como consecuencia de la convicción; ofensas de felonía para que una frase de encarcelamiento, sin el condicional y el descargo revocable, se impondrá por la ley como consecuencia de la convicción dónde la corte después de un oído, determina que el descargo del demandado propondría un real y la amenaza presente a la seguridad física de cualquier persona o personas; acercándose furtivamente a o agravó acercándose furtivamente a, dónde la corte, después de un oído, determina que el descargo del demandado propondría un real y la amenaza presente a la seguridad física de la víctima supuesta de la ofensa y rechazo de fianza es necesario prevenir cumplimiento de la amenaza en que el cargo es basado; o uso ilegal de armas en la violación de artículo (4) de subdivisión (a) de Sección 24- 1 del Código Delictivo de 1961 cuando esa ofensa ocurrió en una escuela o en cualquier transmisión poseída, arrendó, o acortó por una escuela para transportar a los estudiantes a o de escuela o una actividad escuela-relacionada, o en cualquier manera pública dentro de 1,000 pies de propiedad real que comprende cualquier escuela dónde la corte, después de un oído, determina que el descargo del demandado propondría un real y la amenaza presente a la seguridad física de cualquier persona y rechazo de fianza es necesario prevenir cumplimiento de esa amenaza.
- (b) Una persona que busca el descargo en fianza que es cobrada con una ofensa importante o una frase de encarcelamiento de vida puede imponerse que no será los bajo fianza (bailable) hasta que un oído se sostenga la tal persona en qué tiene cargo de la demostrando que la prueba de su culpa no es evidente y la presunción no es grande.
- (c) Donde es supuesto que la fianza debe negarse a una persona en las tierras que la persona presenta un real y la amenaza presente a la seguridad física de cualquier persona o personas, la carga de la prueba de tales alegaciones estará en el Estado.
- (d) Cuando es supuesto que la fianza debe negarse a una persona cobrada con acercarse furtivamente a o debe agravarse acercándose furtivamente a en las tierras parta en Sección 110-6.3 de este Código, la carga de prueba de esas alegaciones estará en el Estado.

**Sección 110.7. Deposito de Seguridad de Fianza**

- (a) Una persona que está bajo fianza debe de llevar a cabo la fianza y depositarla con el oficinista de la corte donde el caso esta pendiente, la cantidad de dinero a nivel (igual que) de 14 de fianza, en ningun caso tal depósito no debe de ser menos de \$25.00. El empleado de la corte mantendrá un espacio en cada forma una persona de otra manera que el acusado que ha mantenido el dinero el anunciando de fianza a para que indica y un espacio firmó por un acusado que ha ejecutado la atadura de la fianza que indica si una persona de otra manera que el acusado ha mantenido el dinero el anunciando de fianza. La forma también incluirá un aviso escrito a tal persona que le ha proporcionado el dinero al demandado por el anunciar de fianza que indica que la fianza puede usarse para pagar los costos, las cuotas de abogado, multas, u otros propósitos autorizados por la corte y si el demandado no obedece las condiciones de la atadura de la fianza, la corte entrará en un orden que declara la fianza a ser comisada. El aviso escrito debe ser: (1) discernible del texto circundante; (2) en la negrita teclee o subrayó; y (3) en un tamaño del tipo por lo menos 2 puntos más grande que el tipo circundante. Cuando una persona para quien la fianza ha sido fija se cobra con una ofensa bajo el A Illinois Controlled que las Substancias Actúan A que es una Clase la felonía de X, la corte puede exigirle a la demandada que deposite a un igual de la suma a 100% de la fianza. Donde cualquier persona se cobra con una felonía fuerte mientras libre en la fianza y es el asunto de procedimientos bajo Sección 109-3 de este Código el juez que dirige el examen preliminar también puede dirigir consiguiente un oído en la aplicación del Estado a los comestibles de Sección 110-6 de este Código aumentar o revocar la fianza para el prior de esa persona la ofensa supuesta.
- (b) Al depositar esta contidad y cualquier cuota de la atadura autorizó por la ley, la persona debe de ser libertada de custodia (del arresto) y dispuesto a las condiciones bajo fianza.

**ARTÍCULO 113. Sección 113.3. Abogado y Testigos Expertos**

**(Fuente: P.A. 91-589, eff. 1-1-00.)**

- (a) Cada persona acusada de una ofensa sera permitida a consultar antes de alegar el cargo. Si el acusado desea un



abogado y si es imposible obtener ayuda antes de la acusación la corte debe suspenderse temporalmente o continuar el caso dentro un tiempo razonable para permitir el acusado que obtenga un abogado y consultar con el antes de admitir su culpabilidad. Si el acusado es una corporación disuelta, y no se representa por el consejo, la corte puede, en el interés de justicia, fije como el consejo abogado autorizado de este Estado.

(b) En todo caso excepto donde el castigo es solamente una multa, si la corte determina que el acusado esta necesitado y desea un abogado, el Defensor Público será nombrado como abogado. Si no hay un Defensor Público en el condado o si el acusado demanda un abogado aparte de el Defensor Público y los hallazgos judiciales de que los derechos del demandado serán perjudicados por la cita el Defensor público, la corte puede deba nombrar como abogado a un abogado licenciado en leyes de este estado excepto en un condado que tenga una población de un 2,000,000 de personas o más, el Defensor Público será nombrado como abogado en todo los delitos de menor agravedad donde el acusado está necesitado y desea un abogado a menos que el caso envuelva más de un acusado, en tal caso la corte puede nombrar un abogado aparte del Defensor Público para los demas acusados. La corte requerirá una declaración jurada firmada por cualquier demandado que pide el consejo corte-designado. La tal declaración jurada estará en la forma establecida por la Corte Suprema que contiene la información suficiente para determinar los recursos y obligaciones de ese demandado. La Corte puede dirigir a la Empleada de la Corte del Circuito para ayudar al demandado en la realización de la declaración jurada. Cualquier persona que a sabiendas archiva tal declaración jurada que contiene información falsa que involucra sus recursos y obligaciones será responsable al condado dónde el caso en que la tal declaración jurada falsa se archiva, está pendiente para el valor razonable de los servicios dado por el defensor público u otro consejo corte-designado en el caso a la magnitud que los tales servicios eran injustamente o falsamente procurada.