

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

PRISON LEGAL NEWS, a project of
the HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

COUNTY OF KANE;
SHERIFF DONALD E. KRAMER, individually and in
his official capacity;
COMMANDER COREY HUNGER,
individually and in his official capacity;
LIEUTENANT JAMES LEWIS, individually and in
his official capacity;
LIEUTENANT JOHN HICKEY, individually and in his
official capacity;
DOES 1-10, in their individual and
official capacities,

Defendants.

Case No.:

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF UNDER
THE CIVIL RIGHTS ACT 42
U.S.C. §1983 AND DAMAGES**

JURY TRIAL DEMANDED

I. INTRODUCTION

1. Plaintiff, PRISON LEGAL NEWS (“PLN” or “Plaintiff”), brings this action to enjoin Defendants’ censorship of its monthly journal, *Prison Legal News*, and their failure to provide constitutionally adequate due process of law to PLN and other senders of censored mail. Defendants have adopted and implemented mail policies that unconstitutionally prohibit delivery of *Prison Legal News* to prisoners in their custody at the Kane County Adult Detention Center (“KCDC”), in violation of the First and Fourteenth Amendments to the U.S. Constitution.

II. JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. § 1331 (federal question), as it arises under the Constitution and laws of the United States, and pursuant to 28 U.S.C. § 1343 (civil rights), as it seeks redress for civil rights violations under 42 U.S.C. § 1983.

3. Plaintiff's claims for relief are predicated upon 42 U.S.C. § 1983, which authorizes actions to redress the deprivation, under color of state law, of rights, privileges and immunities secured to the Plaintiff by the First, Fifth, and Fourteenth Amendments to the U.S. Constitution and laws of the United States.

4. Plaintiff's claim for attorneys' fees and costs is predicated upon 42 U.S.C. § 1988, which authorizes the award of attorneys' fees and costs to prevailing plaintiffs in actions brought pursuant to 42 U.S.C. § 1983.

5. Venue is proper under 28 U.S.C. § 1391(b). On information and belief, at least one Defendant resides within this judicial district, and the events giving rise to the claims asserted herein all occurred within this judicial district.

6. Plaintiff seeks declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure as well as nominal and compensatory damages, against all Defendants.

7. Plaintiff is informed, believes, and based thereon alleges that in engaging in the conduct alleged herein, individual Defendants acted with the intent to injure, vex, annoy and harass Plaintiff, and subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights with the intention of causing Plaintiff injury and depriving it of its constitutional rights.

8. As a result of the forgoing, Plaintiff seeks exemplary and punitive damages against the individual Defendants.

III. PARTIES

9. Plaintiff, Prison Legal News ("PLN"), is a publisher project of the Human Rights Defense Center, a not-for-profit, Washington charitable corporation recognized under 26 U.S.C.

§ 501(c)(3), with offices in Lake Worth, Florida. PLN publishes *Prison Legal News*, a monthly journal of prison news and analysis.

10. Defendant, County of Kane, is a unit of government organized and existing under the laws of the State of Illinois. Defendant, County of Kane, is and was at all relevant times mentioned herein, responsible for the policies, procedures, customs and practices of the Kane County Sheriff's Department ("the Sheriff's Department" or "the Department") and the actions and/or inactions of its employees and agents. The Department operates the Kane County Adult Detention Center ("KCDC"), and is and was responsible for adopting and implementing mail policies governing incoming mail for prisoners at KCDC. Said policies and practices are the moving force behind the constitutional violations at issue herein.

11. Defendant, Sheriff Donald E. Kramer, is employed by and is an agent of Defendant County of Kane and the Department. He is responsible for overseeing the management and operations of the jails, and for the hiring, screening, training, retention, supervision, discipline, counseling, and control of the personnel of KCDC who interpret and apply the mail policy for prisoners. As Sheriff, Defendant Kramer is a final policymaker for the Department and for Defendant County of Kane with respect to the operations of KCDC, including for policies governing incoming mail for prisoners. He is sued in his individual and official capacities.

12. Defendant, Commander Corey Hunger, is employed by and is an agent of Defendant County of Kane and the Sheriff's Department. His duties include overseeing all jail responsibilities, including but not limited to the mailroom, reception, booking and classification, housing, and other jail services. He is responsible for the operation and management of the KCDC and for the promulgation and implementation of its policies, including the prisoner mail policies challenged herein. He is also responsible for the hiring, screening, training, retention,

supervision, discipline, counseling, and control of the personnel of KCDC who interpret and apply the mail policy for prisoners. Defendant Hunger directly participated in and/ or authorized the censorship of *Prison Legal News*. He is sued in his individual and official capacities.

13. Defendant, Lieutenant James Lewis, is employed by and is an agent of Defendant County of Kane and the Sheriff's Department. His duties include, but are not limited to overseeing facility audits, workmen's compensation claims and leaves of absences. Defendant Lewis also oversees the operation of the Corrections Response Team (CRT), and serves an administrative function overseeing commissary, detainee accounts, detainee programs, mailroom, visiting program and front lobby reception. Defendant Lewis directly participated in and/ or authorized the censorship of *Prison Legal News*. He is sued in his individual and official capacities.

14. Defendant, Lieutenant John Hickey, is employed by and is an agent of Defendant County of Kane and the Sheriff's Department. His duties include, but are not limited to officer training including NEMERT, FTO Program and all training records and certifications. Defendant Hickey also serves an administrative function overseeing commissary, detainee accounts, detainee programs, mailroom, visiting program and front lobby reception. Defendant Hickey directly participated in and/or authorized the censorship of *Prison Legal News*. He is sued in his individual and official capacities.

15. The true names and identities of Defendants DOES 1 through 10 are presently unknown to PLN. Each of Defendants DOES 1 through 10 are or were employed by and are or were agents of Defendant County of Kane when some or all of the challenged prisoner mail policies and practices were adopted and/or implemented. Each of Defendants DOES 1 through 10 are or were personally involved in the adoption and/or implementation of the mail policies for prisoners, and/or are or were responsible for the hiring, screening, training, retention,

supervision, discipline, counseling, and/or control of KCDC staff who interpret and implement these prisoner mail policies. They are sued in their individual and official capacities. PLN will seek to amend this Complaint as soon as the true names and identities of Defendants DOES 1 through 10 have been ascertained.

16. At all times material to this action, the actions of all Defendants as alleged herein were taken under the authority and color of state law.

IV. FACTUAL ALLEGATIONS

17. PLN publishes and distributes a 72-page soft-cover monthly journal containing corrections news and analysis about prisoners' rights, court rulings, management of prison facilities, prison conditions, and other matters pertaining to the rights and/or interests of incarcerated individuals.

18. PLN has thousands of subscribers in the United States and abroad, including prisoners, attorneys, journalists, public libraries, judges, and members of the general public. PLN distributes its monthly publication to prisoners and law librarians in approximately 2,600 correctional facilities located across all fifty states, including the Federal Bureau of Prisons and the Illinois Department of Corrections.

19. The purpose of PLN, as stated in its Articles of Incorporation, Article III, Part 6, is to educate prisoners and the public about the destructive nature of racism, sexism, and the economic and social costs of prisons to society.

20. PLN engages in core protected speech and expressive conduct on matters of public concern, such as the operation of prison facilities, prison conditions, prisoner health and safety, and prisoner rights. Plaintiff's monthly journal, as described above, contains political speech and

social commentary, which are at the core of First Amendment values and are entitled to the highest protection afforded by the U.S. Constitution.

21. For the past 25 years, the core of PLN's mission has been public education, advocacy and outreach on behalf of, and for the purpose of assisting, prisoners who seek legal redress for infringements of their constitutionally guaranteed and other basic human rights.

Censorship of PLN's Monthly Journal

22. Defendants have censored PLN's monthly journal mailed to prisoners held in custody at KCDC by refusing to deliver it to the prisoners.

23. Since August 2012, PLN has sent at least ninety-eight (98) issues of its monthly journal to prisoner-subscribers at KCDC. On information and belief, each month the following number of individually addressed issues of *Prison Legal News* were not delivered to intended recipients incarcerated at KCDC at the time it arrived in the mail:

Item Censored	Date Mailed	Number of Items Censored
<i>Prison Legal News</i>	August 2012	8
<i>Prison Legal News</i>	September 2012	7
<i>Prison Legal News</i>	October 2012	7
<i>Prison Legal News</i>	November 2012	6
<i>Prison Legal News</i>	December 2012	6
<i>Prison Legal News</i>	January 2013	5
<i>Prison Legal News</i>	February 2013	5
<i>Prison Legal News</i>	March 2013	5
<i>Prison Legal News</i>	April 2013	5
<i>Prison Legal News</i>	June 2014	2

<i>Prison Legal News</i>	August 2014	1
<i>Prison Legal News</i>	September 2014	1
<i>Prison Legal News</i>	October 2014	1
<i>Prison Legal News</i>	November 2014	1
<i>Prison Legal News</i>	December 2014	1
<i>Prison Legal News</i>	January 2015	1
<i>Prison Legal News</i>	February 2015	1
<i>Prison Legal News</i>	May 2015	15
<i>Prison Legal News</i>	June 2015	20

24. PLN intends to continue to mail monthly copies of *Prison Legal News* to prisoners incarcerated at KCDC.

Failure to Provide Due Process

25. In May 2014, Defendants returned a copy of *Prison Legal News* that was individually addressed to Shuntina McKee – a prisoner at KCDC. The issue was received on May 21, 2014 in a manila envelope addressed to Plaintiff’s offices in Lake Worth, Florida. Also enclosed within the envelope was a single sheet of paper titled “Notification of Denied Mail.” (**Exhibit A**). This form contained Ms. McKee’s name and further stated:

Description of item denied: Prison Legal News

Reason for denial: Not allowed per commander

The form also stated that the censorship “decision may be appealed by the detainee to the Commander or his/her designee within seven (7) days of receipt of this notice,” and was signed with the four digit numerical identification: “1323.” Directly below the signature line, a separate provision stated:

Notification to sender

The above mail and/or publication has been denied entrance to the Kane County Sheriff's Office – Adult Justice Center. Items are denied based on safety and security concerns or content that may pose a threat to facility operations. Appeals by the sender must be filed within twenty (20) days of the posted date of denied notification. Appeals shall be made to the commander (or designee) of the Kane County Adult Justice center 37W755 Illinois Route 38, Suite A, St. Charles, IL 60175.

26. Accordingly, Paul Wright, editor of *Prison Legal News* appealed the decision on grounds that the notice failed to: 1) provide any explanation about “how rejection of the publication serves a legitimate government interest...[and] does not offer a meaningful opportunity...to appeal;” and 2) the “[c]ensored publications should be kept [at the jail] “pending review of any appeal of the censorship decision.” **(Exhibit B).**

27. On June 20, 2014, Defendant Corey Hunger, Commander at KCDC responded to Mr. Wright's appeal, stating:

Due to facility policy, no mail with staples is allowed in the facility for safety and security issues. Also due to facility policy, all denied mail is returned to sender.

(Exhibit C)

28. Subsequently, on July 1, 2014, PLN received another Notification of Mail Denial dated June 24, 2014 regarding censorship of *Prison Legal News* sent to three (3) prisoners at KCDC: Diane McWilliams; Braundi Young, and Shuntina McKee. The reason provided for the censorship was:

Description of item denied: Prison Legal News (3)

Reason for denial: Publication's [sic] of this sort is [sic] not allowed because of the staples

The notification form was signed with the numerical identification: “1668.” The provision regarding notification to sender that discusses the right to appeal was specifically blacked out with a marker pen. (**Exhibit D**).

29. Subsequent copies of *Prison Legal News* sent to prisoners in individually addressed envelopes were occasionally returned to Plaintiff’s offices in Lake Worth, Florida via the U.S. Post Office Return to Sender service, at Plaintiff’s expense. The returned mail contained terse notations in black marker pen stating:

No Staples Allowed

(**Exhibit E**). PLN never received any further Notification of Mail Denial forms from anyone at KCDC.

30. Additionally, the majority of the ninety-eight (98) copies of *Prison Legal News* sent to prisoners at KCDC were never returned, nor did Plaintiff receive any notice of the censorship or provided with any opportunity to appeal the decision.

31. Defendants’ failure to retain copies of *Prison Legal News* during the pendency of any appeal, and/or the complete failure to provide any notice or opportunity to appeal the censorship decision, violates Plaintiff’s Fourteenth Amendment right to due process of law.

Jail Policies and Practices

32. The Jail’s “Detainee Handbook” explicitly censors any magazines containing staples. Specifically, it provides that:

Any incoming mail containing (but not limited to) adhesives, gummed areas, tape, stamps, stickers, staples, paperclips, magazine or newspaper clippings, any type of photograph, black papers or cards, blank envelopes, or foreign substances (examples: glitter, lipstick, perfume or other scents) is not allowed in the facility for security and safety reasons, and will be returned to the sender.

Kane County Adult Justice Center, Detainee Handbook revised November 2014 (Detainee Handbook”) at p. 28, attached hereto as **Exhibit F**.

33. The Detainee Handbook further provides that “[the prisoner] may receive books, newspapers and magazines (media) from a bookstore or publisher only,” but it must still meet “all jail standards to be acceptable (Example: magazines containing staples will not be delivered to [the prisoner].” *Id.* at 29-30.

34. On information and belief, Defendants’ mail policies, practices and customs have been used to censor PLN’s written speech and to deny PLN due process of law when effectuating said censorship.

35. Defendants’ conduct prohibiting PLN from mailing its journal to prisoners confined at KCDC violates the First Amendment. Defendants’ policies, practices and customs censor these expressive activities and have a chilling effect on PLN’s future speech and expression directed toward prisoners confined there. Defendants’ policies, practices and customs in this regard are unconstitutional both facially and as applied to *Prison Legal News*.

36. Reasonable discovery will show that Defendants’ mail policies do not provide senders of censored mail with constitutionally adequate due process of law. Defendants’ conduct in denying due process of law to PLN and other senders of censored mail violates the Fourteenth Amendment. Defendants’ policies, practices and customs in this regard are unconstitutional both facially and as applied to Plaintiff.

37. Due to Defendants’ actions as described above, Plaintiff has suffered damages, and will continue to suffer damages, including, but not limited to: the violation of the Plaintiff’s constitutional rights; the impediment of Plaintiff’s ability to disseminate its political message; frustration of Plaintiff’s non-profit organizational mission; diversion of resources; loss of

potential subscribers and customers; an inability to recruit new subscribers and supporters; the loss of reputation; and the costs of printing, handling, mailing, and staff time.

38. Defendants' actions and inactions were and are motivated by ill motive and intent and were and are all committed under color of law with reckless indifference to PLN's constitutional rights.

39. Defendants and other agents of KCDC are responsible for or personally participated in creating and implementing these unconstitutional policies, practices, and customs, or they are responsible for ratifying and/or adopting them. Further, Defendants are responsible for training and supervising the mail staff whose conduct has injured and continues to injure PLN.

40. Defendants' unconstitutional policy, practices, and customs are ongoing and are the moving force behind the constitutional violations. As such, PLN has no adequate remedy at law.

41. PLN is entitled to injunctive relief prohibiting Defendants from refusing to deliver its journal without any legal justification, and prohibiting Defendants from censoring mail without due process of law.

V. CLAIMS

Count I – 42 U.S.C. § 1983 Violation of the First Amendment

42. Each paragraph of this Complaint is incorporated as if restated fully herein.

43. The acts described herein constitute violations of Plaintiffs rights, the rights of other correspondents who have attempted to or intend to correspond with prisoners at KCDC, and the rights of prisoners confined at KCDC, under the First Amendment of the United States Constitution.

44. Plaintiff has a constitutionally protected liberty interest in communicating by mail with incarcerated individuals, a right clearly established under existing case law.

45. Defendants' conduct was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to the rights of others.

46. Plaintiff's injuries and the violations of its constitutional rights were directly and proximately caused by the policies and practices of Defendants, which were the moving force behind such violations.

47. The acts described above have caused damages to Plaintiff, and if not enjoined, will continue to cause damage to Plaintiff.

48. Plaintiff seeks declaratory and injunctive relief, and nominal and compensatory damages against all Defendants. Plaintiff seeks punitive damages against the individual Defendants in their individual capacities.

Count II – 42 U.S.C. § 1983
Violation of the Fourteenth Amendment

49. Each paragraph of this Complaint is incorporated as if restated fully herein.

50. The acts described above constitute violations of Plaintiffs rights, the rights of other correspondents who have attempted to or intend to correspond with prisoners at KCDC under the Fourteenth Amendment of the United States Constitution.

51. Plaintiff has a right under the Due Process Clause of the Fourteenth Amendment to receive notice and the opportunity to object and/or appeal Defendants' decisions to prevent censors and suppress PLN's written speech.

52. Defendants' policy and practice of banning *Prison Legal News* without notice to PLN and without an opportunity for PLN to be heard violates the Fourteenth Amendment's Due Process Clause.

53. The conduct of Defendants was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to the rights of others.

54. Plaintiff's injuries and the violations of his constitutional rights were directly and proximately caused by the policies and practices of Defendants, which were the moving force behind such violations.

55. The acts described above have caused damages to Plaintiff, and if not enjoined, will continue to cause damage to Plaintiff.

56. Plaintiff seeks declaratory and injunctive relief, and nominal and compensatory damages against all Defendants. Plaintiff seeks punitive damages against the individual Defendants in their individual capacities.

Injunctive Allegations

57. Defendants' unconstitutional policies and practices are ongoing and continue to violate Plaintiff's constitutional rights and the rights of other correspondents and prisoners. As such, there is no adequate remedy at law.

58. Plaintiff is entitled to injunctive relief prohibiting Defendants from refusing to deliver PLN's monthly journal to people held in their custody. Plaintiff is also entitled to injunctive relief prohibiting Defendants from censoring mail without due process of law.

VI. REQUEST FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests relief as follows:

59. A declaration that Defendants' policies and practices violate the Constitution.

60. Nominal damages for each violation of Plaintiff's rights by the Defendants.

61. A permanent injunction preventing Defendants from continuing to violate the Constitution, and providing other equitable relief.

62. Compensatory damages in an amount to be proved at trial.

63. Punitive damages against the individual Defendants in an amount to be proven at trial.

64. Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988, and under other applicable law.

65. Any other such relief that this Court deems just and equitable.

Respectfully Submitted,

/s/ Jon Loevy
Arthur Loevy
Jon Loevy
Matthew Topic
LOEVY & LOEVY
312 N. May Street, Ste. 100
Chicago, IL 60607
(312) 243-5900

/s/ Lance Weber
Lance Weber, Fla. Bar No.: 104550*
Sabarish Neelakanta, Fla. Bar No.: 26623*
Human Rights Defense Center
PO Box 1151
Lake Worth, FL 33460
(561) 360-2523

**Pro Hac Vice* applications to be filed

VII. JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully Submitted,

/s/ Jon Loevy
Arthur Loevy
Jon Loevy
Matthew Topic
LOEVY & LOEVY
312 N. May Street, Ste. 100
Chicago, IL 60607
(312) 243-5900

Kane County Adult Justice Center

EXHIBIT A

NOTIFICATION OF DENIED MAIL

Detainee Name: SHUNTENA MCKEE

Detainee Number: _____

Housing Location: _____

Date Item Received: _____

The below listed item has been denied in accordance with Kane County Adult Justice Center Policy 4520 Detainee Mail. This decision may be appealed by the detainee to the Commander or his/ her designee within seven (7) days of receipt of this notice.

Description of item denied: PRISON LEGAL NEWS

Reason for denial: NOT ALLOWED PER COMMANDER.

1323
Commander (or designee) Signature

Notification to sender

The above mail and/or publication has been denied entrance to the Kane County Sheriff's Office- Adult Justice Center. Items are denied based on safety and security concerns or content that may pose a threat to facility operations. Appeals by the sender must be filed within twenty (20) days of the posted date of denied notification. Appeals shall be made in writing to the Commander (or designee) of the Kane County Adult Justice Center 37W755 Illinois Route 38, Suite A, St. Charles, IL 60175.

Sender Name: PRISON LEGAL NEWS

Sender Address: PO BOX 1151 LAKE WORTH FL 33460



Prison Legal News

PO Box 1151
Lake Worth FL 33460

Non-Profit Org.
U.S. Postage
PAID
Portland OR
Permit No. 3142



*****MIXED ADC 980

SHUNTINA MCKEE 210557
STE. B
37 W 755 IL RTE. 38
ST CHARLES IL 60175

S132 P2

Subscription Renewal

Subscriptions expire after the issue shown on the label is mailed. For example, if the label says: EXPIRES 02/2015, then the subscription expires after the February 2015 issue is mailed. Please renew at least 2 months before the expiration date. **IF THE LABEL SAYS EXPIRES: 04/2014 THIS IS YOUR LAST ISSUE.** Please renew immediately to avoid missing any issues.

Change of Address

If you move or are transferred, please notify PLN as soon as possible so your issues can be mailed to your new address! PLN only accepts responsibility for sending an issue to the address provided at the time an issue is mailed!

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- ▶ Publications section has numerous downloadable government reports, audits and investigations from around the country.
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- ▶ All content is easy to print for downloading and mailing to prisoners.
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- ▶ Brief bank with a wide assortment of winning motions, briefs, complaints and settlements.
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- ▶ Thousands of articles and cases, all fully indexed by more than 500 subjects, searchable by case name, case year, state of origin, court, author, location, case outcome, PLN issue and key word search.
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Prison Legal News
PO Box 1151
Lake Worth FL 33460

331 334 33460S N2-44



4128140516-103409

3

33460

RECEIVED
MAY 21 2014

EXHIBIT B

PRISON LEGAL NEWS

PO Box 1151 Lake Worth, FL 33460 561-360-2523

pwright@prisonlegalnews.org

www.prisonlegalnews.org

June 10, 2014

Jail Commander
Kane County Adult Justice Center
37 W 755 Illinois Route 38, Suite A
St. Charles, IL 60175

RE: Notice of censorship of *Prison Legal News*

Dear Commander,

I received the enclosed "Notification of Denied Mail" regarding our publication, *Prison Legal News*. The notice does not explain how rejection of the publication serves a legitimate government interest. As such, the notice is inadequate and does not offer a meaningful opportunity for us to appeal.

Additionally, the magazine itself was returned to our offices along with the notification. Censored publications should be kept by your office pending review of any appeal of the censorship decision. If you reverse the censorship decision, the county should pay for the cost of returning the magazine to Ms. McKee by ordering a copy of the April 2014 issue of PLN from our offices.

I look forward to your response.

Sincerely,

PRISON LEGAL NEWS



by: Paul Wright, Editor

cc: Ms. Shuntina McKee 210557
37 W 755 Illinois Route 38, Ste. B
St. Charles, IL 60175

Kane County Adult Justice Center

NOTIFICATION OF DENIED MAIL

Detainee Name: SHUNTEENA MCKEE

Detainee Number: _____

Housing Location: _____

Date Item Received: _____

The below listed item has been denied in accordance with Kane County Adult Justice Center Policy 4520 Detainee Mail. This decision may be appealed by the detainee to the Commander or his/ her designee within seven (7) days of receipt of this notice.

Description of item denied: PRISON LEGAL NEWS

Reason for denial: NOT ALLOWED PER COMMANDER.

1323
Commander (or designee) Signature

Notification to sender

The above mail and/or publication has been denied entrance to the Kane County Sheriff's Office- Adult Justice Center. Items are denied based on safety and security concerns or content that may pose a threat to facility operations. Appeals by the sender must be filed within twenty (20) days of the posted date of denied notification. Appeals shall be made in writing to the Commander (or designee) of the Kane County Adult Justice Center 37W755 Illinois Route 38, Suite A, St. Charles, IL 60175.

Sender Name: PRISON LEGAL NEWS

Sender Address: PO BOX 1151 LAKE WORTH FL 33460

OFFICE OF THE SHERIFF
SHERIFF PATRICK B. PEREZ
37W755 IL ROUTE 38
ST. CHARLES, IL 60175
www.kanesheriff.com
Fax 630/513-5059

EXHIBIT C

PATRICK B. PEREZ
Sheriff
630/208-2000



DAVID E. WAGNER
Undersheriff
630/208-2031

June 20, 2014

Prison Legal News
Paul Wright, Editor
PO Box 1151
Lake Worth, FL 33460

RE: Notice of censorship

Dear Mr. Wright,

Thank you for writing to me regarding the Notification of Denied Mail that Ms. Shuntina McKee received from our mail room. Due to facility policy, no mail with staples is allowed in the facility for safety and security issues. Also due to facility policy, all denied mail is returned to sender.

We strive to maintain a safe, secure and constructive environment for incarcerated adults at our facility and strictly abide by the policies that are in place.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Hunger". The signature is fluid and cursive, written over a light blue horizontal line.

Corey Hunger, Commander
Kane County Adult Justice Center

Enc.

PRISON LEGAL NEWS

PO Box 1151 Lake Worth, FL 33460 561-360-2523

pwright@prisonlegalnews.org

www.prisonlegalnews.org

June 10, 2014

Jail Commander
Kane County Adult Justice Center
37 W 755 Illinois Route 38, Suite A
St. Charles, IL 60175

RE: Notice of censorship of *Prison Legal News*

Dear Commander,

I received the enclosed "Notification of Denied Mail" regarding our publication, *Prison Legal News*. The notice does not explain how rejection of the publication serves a legitimate government interest. As such, the notice is inadequate and does not offer a meaningful opportunity for us to appeal.

Additionally, the magazine itself was returned to our offices along with the notification. Censored publications should be kept by your office pending review of any appeal of the censorship decision. If you reverse the censorship decision, the county should pay for the cost of returning the magazine to Ms. McKee by ordering a copy of the April 2014 issue of PLN from our offices.

I look forward to your response.

Sincerely,

PRISON LEGAL NEWS



by: Paul Wright, Editor

cc: Ms. Shuntina McKee 210557
37 W 755 Illinois Route 38, Ste. B
St. Charles, IL 60175

Kane County Adult Justice Center

NOTIFICATION OF DENIED MAIL

Detainee Name: SHUNTEENA MCKEE

Detainee Number: _____

Housing Location: _____

Date Item Received: _____

COPY

The below listed item has been denied in accordance with Kane County Adult Justice Center Policy 4520 Detainee Mail. This decision may be appealed by the detainee to the Commander or his/ her designee within seven (7) days of receipt of this notice.

Description of item denied: PRISON LEGAL NEWS

Reason for denial: NOT ALLOWED PER COMMANDER.

1323
Commander (or designee) Signature

Notification to sender

The above mail and/or publication has been denied entrance to the Kane County Sheriff's Office- Adult Justice Center. Items are denied based on safety and security concerns or content that may pose a threat to facility operations. Appeals by the sender must be filed within twenty (20) days of the posted date of denied notification. Appeals shall be made in writing to the Commander (or designee) of the Kane County Adult Justice Center 37W755 Illinois Route 38, Suite A, St. Charles, IL 60175.

Sender Name: PRISON LEGAL NEWS

Sender Address: PO BOX 1151 LAKE WORTH FL 33460



Patrick B. Perez, Sheriff

County of Kane

(Official Business Only)

37W755 IL Rt 38, Ste A

St. Charles, IL 60175

Case 1:15-cv-00925 Document #: 1-3 Filed: 10/19/15 Page 5 of 6 PageID #:25



U.S. POSTAGE PITNEY BOWES



ZIP 60134 \$ 000.48⁰
02 1W
0001380941 JUN 24 2014

Prison Legal News
Paul Wright, Editor
PO Box 1151
Lake Worth FL

RECEIVED

JUN 27 2014

33460

3346031151



Kane County Adult Justice Center

EXHIBIT D

NOTIFICATION OF DENIED MAIL

Detainee Name: Diane McWilliams, Shuntina McKee

Detainee Number: Braundi Young

Housing Location: D

Date Item Received: 6-24-14

The below listed item has been denied in accordance with Kane County Adult Justice Center Policy 4520 Detainee Mail. This decision may be appealed by the detainee to the Commander or his/ her designee within **seven (7) days** of receipt of this notice.

Description of item denied: Prison Legal News (3)

Reason for denial: Publications of this sort is not allowed because of the staples

11668

[Redacted Signature]
Signature

Notification to sender

The above mail and/or publication has been denied entrance to the Kane County Sheriff's Office- Adult Justice Center. Items are denied based on safety and security concerns or content that may pose a threat to facility operations.

[Redacted]
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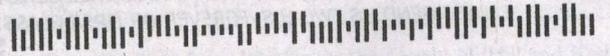
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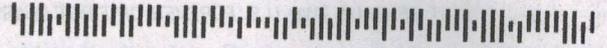
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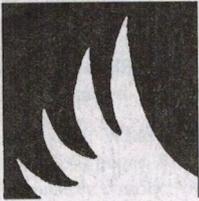
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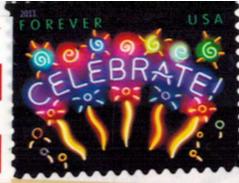


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Kane County Adult Justice Center

Detainee Handbook

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REVISED NOVEMBER 2014

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Disclaimer

Policies, rules and procedures listed in this handbook are constantly reviewed, updated or changed. This handbook will NOT be updated for every change made. This handbook will be updated on an annual basis or when a significant amount of changes have been made to the content. Changes will always be posted in the housing units or on the kiosks so that all detainees can remain up to date on current information.

Introduction

You are in the custody of the Sheriff of Kane County in St. Charles, Illinois. The Kane County Adult Justice Center (KCAJC) is designed to make your stay productive, safe and secure. For the purpose of this handbook, the term "detainee" refers to pretrial, sentenced or non-sentenced persons, as well as any person with any type of incarceration status.

The KCAJC operates on two (2) key rules:

- Staff and detainees work and live in a safe environment.
- Detainees are expected to demonstrate good behavior and common sense.

The information contained in this handbook will help you while in custody.

This handbook outlines all facility rules and procedures to be followed during your incarceration at the KCAJC. Disobeying any rules or procedures will result in immediate disciplinary action. You are expected to know and follow all the rules and procedures listed in this handbook. Be advised that a claim of ignorance will not be accepted as an excuse for misbehaving. Any violation of the facility rules or state statutes will result in disciplinary action and/or criminal prosecution. Please review this handbook carefully. It contains the answers to many questions involving your confinement. If you have any additional questions, please ask an officer or staff member. You are in control of the quality of your confinement. Your experience here depends solely on your attitude and behavior.

- The rules and procedures in the handbook are designed to maintain order, discipline, safety and security.
- You are responsible for knowing and obeying the rules set forth in this handbook. If you violate any of these rules, you will be subject to disciplinary action.
- These rules apply at all times while you are in the custody of the Sheriff. This includes the Kane County Adult Justice Center, the Kane County Judicial Center, during transport and any other places of business while in custody.

- This handbook is provided to assist you while in custody in this facility. This handbook issued to you is the property of the facility and must be treated as such. Detainees shall not write in, alter or destroy the detainee handbook. Failure to maintain this handbook in good condition or loss of this handbook will result in a \$2.00 replacement fee and may result in disciplinary action.

Kiosk System

A kiosk is available within every housing unit for detainees to use for various purposes. For access in the kiosk system, a detainee must log in with his/her inmate number and personal identification number that he/she has chosen. The first time you use the kiosk the password will be 1111. Change the password as soon as possible to avoid fraudulent use of your information.

The kiosk system may be used to order items from Commissary, check Commissary History, view certain Documents, and make Requests. Requests may be made to Classification, Commissary, Grievance, Intake & Release, Mail, Medical, Programs, Public Defender, and Visiting.

Detainees may not access the kiosk system with another detainee's information.

Any fraudulent use of the kiosk system will result in disciplinary action.

Detainee Rights

1. You have the right to receive fair and humane treatment.
2. You have the right to know the rules and procedures that affect you, and the penalties for not obeying the rules.
3. You have the right to freedom of religion.
4. You have the right to adequate medical, dental and mental health care.
5. You have the right to adequate nutrition.
6. You have the right to correspond with all persons and agencies, unless legally limited.
7. You have the right to reasonable visitation and telephone contact with your attorney.

Your rights are protected by law and cannot be taken away from you. However, it may become necessary to modify your privileges to ensure the rights of all detainees and the safety and security of the facility.

All services and functions not listed as detainee rights are detainee privileges. You keep your privileges by good behavior. Bad behavior will result in loss of privileges.

Expected Detainee Behavior

You are expected to follow our rules and procedures and behavior guidelines while in the facility, at court, and in transport with Kane County Officers. We expect that you will:

1. Follow all rules and procedures.
2. Follow all staff directives and requests.
3. Respect the facility's property and property of others.
4. Keep your assigned cell and common area clean and orderly.
5. Maintain daily personal hygiene; shower and brush your teeth daily.
6. Show respect to staff, other detainees, volunteers and the public.

Classification

During your stay at the Kane County Adult Justice Center, the individual assigned to classify you will determine your status and housing. The Classification process will determine your behavior level and charge level. These levels will be used to determine the cell and housing unit to which you will be assigned.

The factors determining your housing and classification are as follows:

1. How you behave.
2. How you get along with staff and other detainees.
3. Available cell and bed space.
4. Medical and psychiatric needs.
5. Any other special needs you may have.
6. The safety and security of the facility.
7. Previous criminal record.

8. Past behavior history at the Kane County Adult Justice Center or Kane County Adult Corrections.
9. Your charge(s).

If you cooperate, you will be allowed more privileges. If you do not wish to follow the rules, you will be given only what is required by law.

Classification reviews are conducted periodically by staff. Green level at least every forty-five (45) days, Yellow level at least every thirty (30) days and Red level at least every fifteen (15) days.

You can request a review by Classification staff once every thirty (30) days in writing or using the kiosk.

Classification cannot be grieved. It can be APPEALED in writing or using the kiosk to the Classification Lieutenant.

Any requests or concerns involving your classification should be directed to the Classification staff.

Housing

There are four (4) different types of housing classifications at the Kane County Adult Justice Center. The type of housing classification you are assigned to will be based on your behavior and level of cooperation.

- **GREEN** – Detainees willing to cooperate with staff, who follow the rules and demonstrate proper behavior will be placed in “Green Level” housing units. You will be allowed full privileges inside the housing unit. This status is reviewed at least every forty-five (45) days by the Classification staff.
- **YELLOW** – Detainees who are not suited for “Green Level.” These detainees may be rule violators or detainees who demonstrate gang activity. These detainees will receive only partial privileges. This status is reviewed at least every thirty (30) days by the Classification staff.
- **RED** – Detainees who have violated rules or pose a threat to the safety and security of the facility, staff or other detainees. These detainees have no privileges and are confined to their cell twenty-three (23) hours a day. The Classification staff will determine the amount of time a detainee spends on “Red Level.” This status is reviewed at least every fifteen (15) days by the Classification staff.

- **PROTECTIVE CUSTODY** – Detainees who for any reason need to be housed away from other detainee(s). You will receive privileges depending on your behavior. Protective Custody status will be determined by the Classification staff.

Your level may be changed based on your behavior, personal needs or operational needs.

Fire and Emergency Procedures

If it becomes necessary to remove detainees from any area in the facility, the assigned officer or any officer on duty will direct you as follows:

- Follow the officer's instructions.
- Do not take anything with you.
- Remain calm and quiet so everyone can move safely.
- Horseplay will not be tolerated during emergencies.
- Talking to other detainees while being escorted is prohibited.
- If an evacuation is necessary, it is important to proceed in an orderly manner with special attention being paid to safety.
- Detainees shall not interfere with or harass any emergency personnel that enter the KCAJC.

Any violation of the Fire and Emergency Procedures will result in disciplinary action and possible criminal prosecution.

Searches

Internal Movement: You will be subject to a pat search every time you enter or leave any area of the facility; including the housing unit and/or your assigned cell. This may include a strip search (based on determining factors).

External Movement: You will also be subject to pat searches, and possibly strip searches (based on determining factors) any time you exit the secured facility and return while under confinement of the KCAJC. Such instances may include furlough, outside work detail, court appearances, etc.

You are required to cooperate with these searches. Failure to do so is a violation of rules and will result in disciplinary action.

Detainee Discipline

Detainees shall obey all rules and regulations of the facility. These rules apply at all times while you are in the custody of the Sheriff. This includes the Kane County Adult Justice Center, the Kane County Judicial Center, during transports, and any other place of business while in custody.

When a detainee violates a rule, they will be issued a disciplinary ticket. A hearing will be held on all disciplinary tickets issued that result in placement to a more restrictive level of housing. This hearing will take place within five (5) days of the disciplinary ticket being issued unless more time is granted by the Classification Lieutenant or Commander of Corrections. The following are some actions which may be taken as a result of a guilty finding in a disciplinary hearing:

1. Verbal warning.
2. Restricted privileges.
3. Restitution (for example: paying for the damages to facility property).
4. Filing of new criminal charges.

Your commissary account will be debited for any restitution charge and may result in a negative balance. Any future money received will be applied to the negative balance.

Discipline cannot be grieved. You can APPEAL in writing or using the kiosk to the Classification Lieutenant.

Grievance Procedure

It shall be the policy of the Kane County Adult Justice Center to provide detainees with a procedure to grieve conditions, confinement or any other issues that you may have. The Detainee Grievance Form will be available in each housing unit on the kiosk.

Detainees should first bring the matter to the attention of the housing unit officer. If the officer is unable to resolve the matter, or if the officer is going to be named as an involved party, then the detainee must complete and submit the Detainee Grievance Form available on the kiosk for investigation and review.

Procedure for Filing a Grievance

1. All grievances must be filed in writing on the Detainee Grievance Form available on the kiosk. To do this, detainees must sign into the kiosk, select "Request", and then select "Grievance". Detainees will then be able to write and submit their grievance.

- a. If the kiosk system is unavailable for whatever reason, each housing unit has available a paper Detainee Grievance Form that may be used by detainees to submit grievances. These must be sent to the Lieutenant handling grievances. They will be handled as mail from the housing units and responses will be returned to the detainee in the same manner. All procedures under this section must still be followed when filing a paper Detainee Grievance Form.
2. All grievances must be filed within forty-eight (48) hours of the alleged offense **UNLESS** the detainee can show good cause for the delay.
3. The form **MUST** be filled out legibly and neatly. Illegible or incomplete forms and forms with profanity will be returned to the detainee. If the sender cannot be determined then the form will be destroyed.
4. The form **MUST** contain the following:
 - a. The date and time of the alleged offense.
 - b. Location of the alleged offense.
 - c. All parties involved in the alleged offense.
 - d. Nature of the alleged offense WITH a short explanation of the alleged offense.
 - e. The filing detainee's name, signature and booking number.
5. Detainees may file a grievance **WITHOUT** fear of reprisal.
6. The following issues **MAY** be grieved by detainees:
 - a. Alleged violations of the Illinois County Jail Standards.
 - b. Alleged violations of Federal, State or Local Statutes.
 - c. Alleged inappropriate conduct by staff.
 - d. Alleged denial of individual rights.
 - e. Alleged denial to programs or services.
 - f. Requests brought to the housing unit officers attention which are **NOT** resolved at that level.
7. The following issues may **NOT** be grieved by detainees:
 - a. Facility schedules.
 - b. Security measures.
 - c. Housing assignments
 - d. Disciplinary actions taken by a disciplinary hearing board.
8. Detainee grievances will be acknowledged within fifteen (15) days of receipt unless circumstances require additional time. If additional time is needed, a written response will be sent to the detainee through the kiosk system stating why additional time is needed and an expected completion date.

9. All findings and actions taken to correct an alleged violation will be submitted to the detainee in writing through the kiosk system.
10. Detainees will receive one (1) level of appeal for any grievance decision as follows:
 - a. The detainee's appeal **MUST** be filed within forty-eight (48) hours of the decision on the original grievance being sent to the detainee.
 - b. A valid reason for the appeal must be given by the detainee.
 - c. The detainee must appeal the original grievance via the kiosk system.
 - d. If the kiosk system is unavailable when the detainee wants to file an appeal, then the detainee must submit a handwritten appeal on one of the paper Detainee Grievance Forms, and label it as an appeal. The original grievance must be included. The appeal must be forwarded to the Commander of Corrections.
11. In the event a detainee is transferred from the KCAJC to another facility, the detainee must still file a grievance or appeal within the forty-eight (48) hour time frame. The detainee must send a written letter to the "Grievance Lieutenant" at the KCAJC and indicate that the letter is a grievance. The detainee must follow all procedures outlined above.

Minor Rule Violations

The following is a list of minor rule violations that will not be tolerated.

1. Interfering with staff duties.
2. Failure to properly stand during headcount.
3. Violating housing unit rules.
4. Insolence.
5. Making unnecessary or loud noise (including but not limited to: yelling, pounding, whistling, slamming doors, slamming down playing cards).
6. Attempt to manipulate.
7. Lying under blanket during the day without permission.
8. Failure to make bed, clean or maintain cell.
9. Failure to maintain personal hygiene.

10. Failure to comply with dress code or failure to wear a complete uniform. A complete uniform consists of a shirt, pants, socks, sandals, bra (female), briefs (male) and a wristband. Failure to comply with dress code includes, but is not limited to: tee shirt on head, hands in pants, rolling pant leg or tucking pant leg into sock, not wearing a uniform shirt.
11. Possession of unauthorized amounts of property, clothing and commissary.
12. Property not being in property bags when not in use (Including, but not limited to: items on the floor, under mattress, on desk).
13. Possession of contraband.
14. Possession of food items in cell other than items purchased from commissary.
15. Possession of unauthorized items in dayroom. (Including, but not limited to: blanket, pillow, property bag).
16. Taking unauthorized items to court or to medical appointments.
17. Unauthorized contact and/or communication with other detainees.
18. Horseplay, teasing or harassing of other detainees.
19. Selling or unauthorized trading between detainees.
20. Gambling or possession of gambling materials. (Including, but not limited to: dice, score cards).
21. Misuse of mail privileges.
22. Pasting or placing any items or pictures to walls, lights, ceiling, windows or fixtures.
23. Placing garbage or foreign objects in toilet.
24. Misuse of county property.
25. Climbing, sitting, hanging or leaning on any rail or stairway.
26. Unauthorized use of facility equipment without staff permission.
27. Crossing a red line or entering any unauthorized area without staff permission.
28. Entering another detainee's cell.

Major Violations

The following is a list of major rule violations that will not be tolerated.

1. Failure to cooperate with staff.
2. Refusal of a direct order from staff.
3. Creating a disturbance.
4. Insubordinate or disrespect to staff or others.
5. Making obscene or derogatory remarks or gestures to staff or others.
6. Making any deliberate or implied threats to staff or others.
7. Interfering with or refusal to lockdown.
8. Not cooperating with classification review.
9. Lying or giving false information to staff or others.
10. Fighting or attempting to provoke a fight.
11. Acting as a lookout for other detainees who are committing criminal acts or rule violations.
12. Misuse of phone privileges. (Including, but not limited to: using another detainee's pin number or phone card).
13. Theft.
14. Tampering with locking devices, security equipment, phones, televisions, sprinklers or other fixtures.
15. Contaminating or tampering with food or drink.
16. Attempting to flood a cell or any other area of the facility.
17. Possession of a weapon or any object which has been fashioned into a weapon.
18. Possession of dangerous contraband.

19. Tattooing, possession of any tattoo equipment.
20. Engaging in any form of gang activity. (Including, but not limited to: flashing gang signs, gang drawings, graffiti).
21. Engaging in any form of sexual activity.
22. Intentionally removing, damaging or altering of a detainee wristband.
23. Filing a false report.
24. Attempted suicide.
25. Multiple minor violations.
26. Violation of any Federal, State or Local Statute.

Criminal Violations

A criminal violation includes an act or acts which are considered as the most serious threats to facility security or the safety of staff or detainees.

These acts are defined by the Illinois Compiled Statutes (ILCS) and shall include but are not limited to:

1. Murder
2. Assault
3. Arson
4. Forgery
5. Bribery
6. Battery
7. Extortion
8. Escape
9. Theft
10. Intimidation
11. Indecent Exposure

12. Possession of Controlled Substance/Cannabis
13. Possession of Drug Paraphernalia
14. Criminal Damage to Property
15. Mob Action
16. Sexual Assault
17. Violation of any other Illinois Criminal Statute

Any detainee committing a criminal violation will be prosecuted to the fullest extent of the law.

General Detainee Rules

Wristbands

1. Wristbands must be worn at all times. Failure to do so may result in disciplinary action. Notify any available officer if your wristband needs to be replaced. Wristbands are to be worn on the right wrist unless prevented by a medical condition. The loss or intentional damage of a wristband shall result in a disciplinary ticket being issued as well as a replacement cost of \$5.00 being deducted from your commissary account.
2. Wristbands are NOT to be changed, altered or modified in any way. This includes making the wristband REMOVABLE.

Clothing

1. Always wear a complete uniform in the dayroom or hallways. A complete uniform consists of: shirt, pants, socks, sandals, bra (female), briefs (male) and a wristband. If purchased from commissary, white "thermals" may be worn under tee shirt and pants.
2. While in your cell, you must wear at least the issued undergarments unless you are on suicide watch.
3. Do not tuck your uniform pants into your socks.
4. Only one (1) pair of pants may be worn at a time.

5. No article of clothing, linen or partial piece thereof shall be used as head coverings.
6. All issued clothing is the property of the facility and shall not be damaged or altered in any way. Any damage or alterations will result in disciplinary action and cost reimbursement of the clothing article.
7. Pants must be worn at waist level. If pants are sagging or underwear is visible, a disciplinary ticket will be issued.

Detainee Property Bag

1. Each detainee housed in the Kane County Adult Justice Center will be issued an approved property bag prior to being placed in their housing unit.
2. All county issued clothing, personal hygiene items and personal property will be stored within the property bag at all times when not in use.
3. All property must fit within the bag without modifying or damaging the bag.
4. Any property not able to fit in the bag will be considered contraband. Personal property not able to fit in the bag will be mailed at your expense or disposed of.
5. Property bags will remain in your cell at all times unless you are using it to receive your commissary order, being released or being moved to a different housing unit.
6. You are only allowed two (2) of any personal hygiene items in your possession.
7. You are only allowed ten (10) personal letters in your possession at a time. Any additional letters may be mailed at your expense or disposed of.

Hygiene

1. You must brush your teeth at least once a day.
2. All detainees are required to shower at least three (3) times per week.
3. Razors may be issued daily in general population. Do not damage or alter your razor in any manner. Razors are to be used for the sole purpose of shaving only.
4. When taking a shower, dress and undress in the shower area only.

5. Fingernails should be kept cut to the length of about one-fourth (1/4) of an inch.

Lockdown

1. When you hear an officer announce the word "**LOCKDOWN**" go immediately to your cell. Immediately stop what you are doing and lock down in your cell. Do not pick up any personal items but go directly to your cell and close the door behind you. If you are not able to get to your cell for any reason, go to the nearest wall and lay flat on your stomach with your head facing the wall.
2. If you are unable to get to your cell during a disturbance or when lockdown is announced, you must immediately lay face down on the floor. Any detainee standing will be considered part of the disturbance. It may be necessary for officers to use force to quell a disturbance.

Meals

1. All meals will be consumed in your cell unless directed differently by your officer.
2. Upon receiving your meal, each detainee is responsible for his or her own tray. Listen to the officer's instructions and do not talk while they are speaking.
3. Line up in an orderly fashion in order to receive your food tray.
4. Do not ask the officer or trustee for additional food or drink as it is not allowed by facility rules.
5. No food items may be saved after a meal; this includes salt, pepper, catsup or sugar.
6. When you have finished your meal, **DO NOT LEAVE THE SPOON ON THE TRAY.**

Dayroom Rules

1. All detainees must be fully dressed in a complete uniform. A complete uniform is one (1) shirt, one (1) pair of pants, one (1) pair of socks, one (1) pair of sandals, bra (females), briefs (male), and a wristband. Thermal underwear purchased from commissary is permitted if worn UNDER the uniform shirt and pants.

2. No items of clothing shall be worn as headgear and clothing should only be worn as intended for its purpose.
3. Do not sit on the tables or put your feet on any furniture.
4. No mattresses, sheets, pillows or blankets are allowed in the dayroom.
5. Do not sit or hang out on the stairs.
6. Do not climb on the railings.
7. Do not lean forward or backward in chairs.
8. Do not sit on the floor.
9. Do not communicate in any manner with detainees who are locked in their cells.
10. Do not lean over the rail or yell to others from one level to another.
11. Do not throw items in the dayroom or from level to level.
12. Do not cross the red lines around the officer's work station or restricted areas without the officer's permission.
13. You must ask the officer permission to enter the outdoor recreation room.
14. Do not touch anything on or around the officer's work station.
15. Report immediately when called by the housing unit officer.
16. Use common courtesy when dealing with officers and other detainees.
17. Respect the housing unit officer's authority. The officer is in charge of your housing unit. Ask questions in a reasonable manner.
18. Do not leave soap, empty containers, or garbage in the shower area.
19. Help keep the dayroom, shower area and outdoor recreation room clean.
20. The officer determines what channel the televisions will be on. You may **REQUEST** a show that you would like to view.
21. Excessive noise is not permitted.

22. All rules and procedures of the facility apply to the dayroom.
23. You are not allowed to keep any item from your food tray to eat at a later time. This includes, but is not limited to, fruit, butter and sugar.
24. You are not allowed to keep any empty beverage bottles. Once they are empty, they are to be thrown out. Filling the empty beverage bottle with water or anything else is NOT permitted.
25. You are not allowed to alter, change, or modify ANY purchased item or issued item in any way. Items altered, changed, or modified, other than their intended use, WILL be considered as CONTRABAND.
26. Do not leave your cell door open for any reason. It needs to be closed after you enter the cell and when you exit the cell.
27. Do not prop open the Multipurpose Room door (50) for any reason.
28. Do not prop open the Outdoor Recreation Room door (51) for any reason. The housing unit officer may prop this door open to cool the pod if needed, but this will be their decision and ONLY when absolutely necessary.
29. Do not take more than two (2) books from the library cart at any time. This does NOT include religious or program books.
30. You are required to stand by your bunk for headcounts.

Individual Cell Rules

1. Keep your cell clean and orderly. Do not leave items on your floor, desk or bed.
2. You are prohibited from storing items under your mattress or in your mattress cover. Items are to be stored in your property bag.
3. All commissary items should be stored in your property bag.
4. Do not paste any items on the walls, ceiling, window or fixtures.
5. Keep your floor clean and free of property. Nothing except your shoes and property bag may be stored on the floor.
6. Do not hang uniform items to dry. The only item that you are allowed to hang is a towel. The towel can only hang in an area that does NOT block the light or officer's view.

7. Do not tape, paste or attach anything over the cell air vent.
8. Do not cover your light in any manner.
9. Do not throw garbage of any kind in your cell toilet.
10. Your bed will be made daily. The only time you are allowed under the blanket is during sleeping hours of 10:00 PM to 6:30 AM. You may only lie under your blanket during non-sleeping hours if you have permission.
11. You must be in your bunk by midnight.
12. Do not sit on your desk, stand on your desk, or use your desk for exercising.
13. Nothing will be taped to bunk beds. Towels and washcloths are allowed to be draped temporarily for drying purposes only.
14. Your cell will be inspected by the housing unit officer on a daily basis.
15. Your cell will be inspected before you are assigned to it and before you are released from it. Any damage or writing on the walls, ceiling, floor or fixtures will result in disciplinary action, restitution and/or criminal prosecution. Cells are also checked during random and routine searches and shakedown.

Detainee Programs

There are a number of services and programs available to you to participate in while incarcerated at the KCAJC. Not all programs are available to all housing units.

Some of the services and programs listed below are conducted by volunteers. You are expected to respect them as a show of appreciation for the time they are giving you. If you socialize with other detainees, distract or disrupt the service or program, or in any way show disrespect to the volunteer or other group members, you will be removed and issued a disciplinary ticket.

A schedule of programs available in your housing unit will be posted in your housing unit. This list will contain the days and time programs will be offered. The schedule may change at any time so be sure to check frequently. All programs and schedules are subject to change due to safety and security needs and staff availability. Programs will not be available while you are locked down.

You do not need to request to attend programs offered in your housing unit. If you would like to attend programs not offered in your pod or have a request for programs other than what is offered, write to the chaplain on the kiosk.

Religious Services

Attempts are made to accommodate all religions and denominations. If you have a specific request, please write a request on the kiosk system to the chaplain.

- **Worship and Church Services** – Worship services are held on the weekends. Feel free to participate in any worship service offered in your housing unit.
- **Bible Study** – Bible study groups are held throughout the week depending on your housing unit's schedule. Feel free to participate in any bible study group offered in your housing unit.
- **Chaplain / Book Cart Services** – Chaplains are scheduled to visit each housing unit throughout the week. Chaplains are here to help you deal with religious issues and distribute religious materials, such as Bibles. Feel free to speak to a chaplain when they visit your housing unit.

Substance Abuse Programs

KCAJC offers several substance abuse programs including:

- Alcoholics Anonymous (A.A.)
- Cocaine Anonymous (C.A.)

These meetings are scheduled for each housing unit. See your housing unit's schedule to find out when they will be offered in your housing unit.

Parenting Programs

KCAJC offers programs designed for parents including:

- **Transforming Incarcerated Dads (T.I.D.)** – This program is a Christian based fathering program designed to help fathers reconnect with their children and stop the "cycle of recidivism."
- **Aunt Mary's Storybook** – This program allows detainees to connect with their children by recording their voice reading a book to their child. See the programs schedule in your housing unit to find out when this program will be offered in your housing unit.

Medical and Mental Health Services

Certain medical and mental health services will also be provided to the detainees of KCAJC. Detainees may make requests for these services on the kiosk under Medical.

Counseling Services – Mental health workers are available to speak with you individually if you want assistance with personal or family problems.

Medical Services – Doctors and Nurses are employed under contract for your health care. You must respect and obey their orders.

- Sick call – The medical staff conducts a sick call to provide medical care for detainees who request it.
- Dental call – Dental services are available to detainees who request it.
- Prescription Medication – If you are prescribed a medication, it will be handed out as directed by the doctor. All prescribed medication must be swallowed with water in the presence of the nurse. Any attempt to conceal medication will be reported to the doctor and a disciplinary ticket will be issued. Unauthorized possession of any medication is also grounds for a disciplinary ticket being issued.

Medical Fees

A fee may be charged for medical services received, including sick call, doctor call, dental call, prescriptions, lab test and x-rays. No one will be denied medical services for inability to pay. Your detainee funds account will simply be deducted the amount of the fee. If you wish to participate in any of the above services, please contact Medical Services by using the kiosk system.

Commissary

A commissary service is available to you for purchase of candy, snacks and personal hygiene items. Once your order has been placed, the amount of the purchase is deducted from your account.

If there is a discrepancy with your order, please contact the commissary department. Your commissary cannot be given to other detainees.

The commissary items that you are allowed to order will vary depending on your classification level.

- If you are classified as “**Green**”, you will have no ordering restrictions and may order any items from the commissary list.
- If you are classified as “**Yellow**”, you will have limited restrictions of what commissary you may order.

- If you are classified as "Red", you will only be allowed to order basic hygiene items, stamps, envelopes, legal pad, pencil and eraser from the commissary list.

We reserve the right to restrict the sale of commissary items to detainees who amass large quantities of products.

Indigent Kits

You will be entitled to an indigent kit once a week if you have a balance of \$3.00 (or less) in your detainee funds account for seven (7) days. The kits cost \$3.00 each and your account will be deducted that amount. You will automatically be placed on the list to receive a kit if you are eligible. The kits will be distributed as follows: Housing Units J, O, H, N, and Medical on Thursdays. Housing Units A, B, C, D, E, and F on Fridays.

Please adhere to the following rules when ordering commissary:

1. All commissary items must fit into your detainee property bag.
2. Orders received with no money on account will be cancelled.
3. You may use the kiosk system to find out the balance of your commissary account.
4. Commissary orders will be placed using the kiosk system.
5. Any fraudulent use of the kiosk system will result in disciplinary action.

Detainee Funds Account

Money received in your name will be credited to your detainee funds account the next business day. Anyone can deposit money into your account twenty-four (24) hours a day by using the "TouchPay Kiosk Machine" located in the front lobby of the facility, or by telephone: Toll-Free (866) 232-1899, or Online at: www.touchpaydirect.com. No information regarding your detainee funds account will be given to any member of the public.

Only money orders are accepted through the mail. Money orders will be limited to fifty dollars (\$50.00) or less. Personal checks are NOT accepted either by mail or in person.

You may check the balance of your funds account by using the kiosk system.

Telephone

1. All detainees classified as "Green" or "Yellow" will have access to the detainee phones inside the dayroom during recreation time. Detainees classified as "Red" will have access to the detainee phones once a week on Sundays during their hour recreation time.
2. If someone is waiting to use the telephone you will have a ten (10) minute limit.
3. All calls must be collect or using a pre-paid calling card ordered from the commissary department. The facility will not accept any pre-paid calling cards from outside the facility.
4. Be aware of the time. ALL calls will be disconnected at 9:00 PM for lockdown.
5. You may not use three-way calling to make calls to persons who refuse your collect calls or to contact any member of the facility.
6. You are not to call any phone extension in the facility to speak with staff members.
7. All calls, including local calls, are collect and are monitored and recorded.
8. If the person you are attempting to call refuses the call three (3) times, the system will automatically block that number.
9. You are not able to call out to pay phone or 1-800 numbers. Answering machines may cause a problem. The phones that you call require an **ACTIVE** acknowledgement of acceptance before a call can be completed.
10. You may not call any victims or witnesses involved in your case, or as ordered by court.
11. Any violation of these rules may result in the loss of your telephone privileges.
12. You will need your detainee ID number as well as a four (4) digit PIN, which you will set up. You will need to set up your account prior to using the visiting phones.
13. Any phone cards activated under your detainee number can only be used by you. Once you are released or transferred from the facility, you will lose any balance remaining on your phone account.
14. Telephone privileges may be taken away as a disciplinary action.

Bond Call and Bond Call Phones

Bond call for this facility is held every day, three-hundred and sixty-five (365) days a year. Bond call will be held at the Kane County Judicial Center on the following schedule:

- Monday – Friday at 1:00 PM
- Weekends and Court Holidays at 8:30 AM

This facility has three (3) phones that can be used by detainees attending a Bond Call Hearing. Two (2) of the phones are located in the Judicial Lock-Up holding cells used for bond call. The third phone is located in Intake and Release.

After the hearing is completed, you will be permitted to use these phones to arrange for bond to be posted. The call will be a FREE three (3) minute call to local areas (Chicago Metropolitan area) only.

Instructions for Use

1. Pick up the receiver and follow the prompts.
2. The call will terminate after three (3) minutes.

All phone calls while you are in custody WILL BE monitored and recorded. This includes calls made in Intake & Release, the Housing Units, Judicial Lock-up and the Bond Call Phones.

Consulate Notification

Mexican Consulate-Chicago Illinois
204 S. Ashland Ave.
Chicago, IL 6060
312-738-2383

This number is **FREE** from the phones provided to you in this facility.

If you are a **Foreign National** detained in this facility, you have the right to contact your Consulate. If you wish to make that notification, please send a request to the Commander of Corrections and arrangements will be made for you to make that FREE call. You must give the Commander your full name, and country/consulate that you wish to contact.

The Sheriff is required to notify select countries, even if you wish NOT to notify your consulate. Those countries are determined by International Treaties and Federal Law.

Public Visitation

All visits will take place via a video visitation system.

Visits will be scheduled by your family using the internet. This can be done from home or anywhere with an internet connection. A computer has also been placed in the front lobby of the facility that can be accessed by the public twenty-four (24) hours a day.

Visits can be scheduled up to four (4) days in advance but must be scheduled at least one (1) day prior to the appointment.

Visitors will be required to agree to specific rules which they are to follow. This will be done as part of the visitation scheduling process on the computer.

You will need to submit a list of pre-approved visitors. Only your immediate family is allowed to visit, this includes:

1. Grandparents
2. Parents
3. Siblings (brothers and sisters)
4. Children
5. Grandchildren
6. Significant Other – this can be any person who is not directly related to you such as a girlfriend/boyfriend, fiancé, etc. You are only allowed to switch your significant other once every thirty (30) days

This list must be submitted through the kiosk using the visiting folder. Any changes to your list should be submitted through the kiosk as well. Please use the appropriate folder when submitting your list. All requests submitted incorrectly will be denied.

On the request, please type the relationship of the person, then their name (example-Brother John Smith).

All names entered onto your list will be viewable to the public.

You can receive one (1) visiting group per week (Monday-Sunday). A group may consist of one adult, one adult and one child, or two adults.

The days and times of available visits as well as the length of the visit you are allowed to receive may vary. A schedule will be posted in your pod or on the kiosk.

A visiting schedule will be posted every day sometime after the evening meal service. This schedule will list the names and times of all schedule visits for the next day. **You will be responsible for checking the list every night and making sure that you are**

in the visiting room when your visit starts. If you are not there when your visit starts, your family will be told that you have denied the visit and they will not be able to see you at that time. If you are locked down for any reason, it is your responsibility to notify the officer that you have a visit.

If your family has any questions they can access the Sheriff's Office website www.kanesherriff.com. This site contains the links to schedule a visit as well as instructions. They may also contact the facility directly with questions.

If you have any questions you can ask visitation by directly using the kiosk. **DO NOT ASK OFFICERS TO CHECK ON, CHANGE OR MODIFY VISITS OR LISTS.**

KCAJC reserves the right to revoke or suspend visiting to individuals or groups when it poses a threat to safety and/or security or if the person is a protected party.

All visits will be monitored and recorded.

Detainee Property

If you are transferred to the Illinois Department of Corrections (IDOC) all of your property will be shipped to a recipient of your choice. You will be required to pay for any shipping fees. You may alternately choose to have the property disposed of.

Linen Exchange

Mattress covers, blankets and towels are all property of the KCAJC. These items will be exchanged during the evening shift in accordance with the schedule approved by the shift Lieutenant. Blankets will be exchanged on a monthly basis. Mattress covers and towels will be exchanged weekly. Officers will conduct a direct one for one exchange. All items will be checked for damage and appropriate disciplinary action will be taken for damaged items.

Laundry

All cells will have their laundry washed (tee shirts, underclothes, uniform pant, and socks) twice a week during the evening shift. Detainees must place their laundry out as directed by the officer. Do not tie or bundle your laundry in any manner. If laundry is tied together in any fashion, it will be returned and not laundered.

Mail

The Kane County Adult Justice Center adheres to a strict policy involving the delivery and sending of mail from the facility. The policy is in place to eliminate the possibility of contraband from entering or leaving the facility. The following rules must be followed in

order to ensure that your mail is properly delivered to you and also received by those that you are writing to.

All mail will be inspected and/or read and may be reproduced (copied/scanned). It may also be withheld from delivery.

Incoming Mail

All incoming mail will be opened and inspected before delivery to you.

Any incoming mail containing contraband will not be delivered to you, but will be returned to the sender.

Any incoming mail containing (but not limited to) adhesives, gummed areas, tape, stamps, stickers, staples, paperclips, magazine or newspaper clippings, any type of photograph, blank papers or cards, blank envelopes, or foreign substances (examples: glitter, lipstick, perfume or other scents) is not allowed in the facility for security and safety reasons, and will be returned to the sender.

Incoming mail marked as "LEGAL MAIL" will be opened in your presence and inspected for contraband.

You may also receive money orders through the mail. These money orders will be placed on your detainee funds account and you will be given a receipt. All money orders received through the mail will be limited to fifty dollars (\$50.00) or less. NO personal checks or payroll checks will be accepted. Money orders must be filled out completely/correctly. All money orders not filled out completely/correctly will be returned.

No mail containing gang signs, gang colors, gang writing, gang slogans, pictures or graffiti will be delivered to any detainee within the facility.

No packages are allowed.

You are not allowed to receive mail from any KCAJC employee, volunteer or any other incarcerated person without authorization from the Commander of Corrections or his designee.

Outgoing Mail

All outgoing mail must be left unsealed in order for staff to inspect it for outgoing contraband, unless being mailed to individuals exempt from inspection. In that case, mail must be labeled "**Legal Mail.**"

The only mail exempt from inspection would be those individuals identified by the Illinois Department of Corrections' regulations such as lawyers, judges and the Sheriff.

Outgoing mail must be written on standard stationary. No KCAJC forms are to be sent out of the facility.

No mail containing gang signs, gang colors, gang writing, gang slogans, pictures or graffiti will be mailed out from the facility.

No drawing or additional writing is allowed on the outside of outgoing mail envelopes. The only writing on the envelope should be the name and address of the person to whom it is being sent and your FULL NAME with your detainee number and the return address in the upper left hand corner. Any items which violate this rule will not be allowed out of the facility.

Any outgoing mail not properly addressed will be returned to the sender. Your proper mailing address while incarcerated is as follows:

**Your Full Name and Detainee Number
37W755 Rt. 38, Suite B
St. Charles, IL 60175**

You are not allowed to send mail to any KCAJC employee, volunteer or any other incarcerated person without authorization from the Commander of Corrections or his designee.

All mail must be sent directly to the intended receiver, **NO THIRD PARTY MAIL IS ALLOWED.**

Media

You may receive books, newspapers and magazines (media) from a bookstore or publisher **only**. Media sent from Amazon.com will not be accepted.

All media will be inspected prior to being delivered to you to ensure that they are appropriate for the facility. Certain media may be deemed unacceptable based on content. If you are unsure if the media is acceptable, please contact the mail room on the kiosk prior to having it sent to you.

All media must be in new condition. Media received which is in used condition will not be accepted. Any media containing notes or hand written statements will be returned.

All media must be in paperback/softcover form. No hard covered or leather bound media will be accepted.

You are only allowed to have two (2) books, newspapers or magazines at a time. Additional items may be mailed out at your expense or disposed of in the officer's presence. We do not hold books for anyone.

Media must meet all other mail standards to be acceptable. (Example: magazines containing staples will not be delivered to you). The KCAJC can send any of these media items which do not meet the other mail standards to your home address at your expense.

Appeal

Any mail item not meeting facility standards will be returned to sender and notify the sender that the mail has been denied and the reason for denial. A receipt will be sent to you informing you of the reason it was returned.

You may appeal the denial within seven (7) days of receiving the receipt. Your appeal must be sent to the Commander of Corrections or his/her designee.

The sender may also appeal the denial within twenty (20) days of the posted date of the denial notification. These appeals must be made in writing to the Commander of Corrections, or his/or designee, and sent to the Kane County Adult Justice Center, 37W755 Illinois Route 38, Suite A, St. Charles, IL 60175.

IF YOU HAVE ANY QUESTIONS OR DO NOT UNDERSTAND SOMETHING, ASK YOUR HOUSING UNIT OFFICER.