

# **LIVINGSTON COUNTY JAIL**

**844 West Lincoln Street  
Pontiac, IL 61764**

## **DIRECTIONS TO LIVINGSTON COUNTY JAIL**

From I-55 take exit 197 and go East on 116 into Pontiac. Go straight through 3 stoplights over the railroad tracks. Take the second right, which is West Street. Road ends at the County Jail.

# DETAINEE HANDBOOK

## CONTENTS

<b>INTRODUCTION</b>	4
<b>SECTION I INTAKE</b>	
Telephone use	5
Clothing and Property Issue	5
Classification	6
<b>SECTION II DETAINEE RIGHTS</b>	
Rights and Condition of Confinement	6
Prison Rape Elimination Act (PREA)	7
Detainee Grievances	7
Filing Standard Grievances	7
Responses to Grievances	8
Appealing a Grievance Response	8
<b>SECTION III GENERAL OPERATIONS</b>	
Assistance & Referrals	8
Meal Service	8
Detainee Food Program	8
Detainee Movement	9
Lock Down	9
Television	10
Security Inspections	10
Daily Inspections	10
Transport to Department of Corrections	10
<b>SECTION IV DETAINEE RULES OF CONDUCT</b>	
General Conditions of Rule Violations	11
General Housing Unit Regulations	11
Class 300 Minor Rule Violations	11
Class 200 Major Rule Violations	12
Class 100 Major Rule Violations	13
Disciplinary Hearings	14
<b>SECTION V PERSONAL POSSESSIONS, HYGIENE, AND HOUSEKEEPING</b>	
Showers	14
Haircuts	14
Razors/Nail Clippers	14
Laundry Operations	15
Housing Unit/Cell Housekeeping	15
Allowable Possessions	15
Detainee Request Forms	16

## **DETAINEE HANDBOOK**

### **SECTION VI HEALTH CARE SERVICES**

Request for Medical Services	16
Medications	16
Mental Health/Substance Abuse Services	16

### **SECTION VII PROGRAMS AND SERVICES**

Visitation	16
Legal or Professional Visitation	17
Property Release	18
Telephone Service	18
Mail	18
Commissary	20
Library	20
Religious Services	20
Indoor/Outdoor Recreation Areas	20

### **SECTION VIII DETAINEE WORK PROGRAMS (Detainee Workers)**

Eligibility Requirements for Detainee workers	21
---	----

### **SECTION IX EMERGENCY PROCEDURES**

Emergency Evacuation	21
----------------------	----

### **SECTION X**

Medical Education – Advanced Health Care	21
--	----

### **SECTION XI**

Notice of Rights of Persons Under Arrest	27
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## DETAINEE HANDBOOK

### INTRODUCTION

The Livingston County Jail operates on two (2) key principles:

1. Staff and detainees work and live in a safe environment.
2. Good behavior and common sense is expected.
  - a. The detainee's duties are to follow the rules and regulations and to cooperate with the staff at all times
  - b. Good behavior allows detainees to have privileges
  - c. Bad behavior causes detainees to lose those privileges and will result in disciplinary action and/or criminal charges
  - d. The information contained in this handbook will help detainees during their stay.

### EXPECTED DETAINEE BEHAVIOR

Detainees are expected to follow jail rules, regulations, and behavior guidelines while they are in custody. It is expected that the detainee will:

1. Follow all rules and regulations.
2. Follow all staff directives and requests.
3. Respect the facility's property and the property of others.
4. Keep assigned cell and common housing area clean, orderly and sanitary at all times.
5. Maintain daily personal hygiene

### GENERAL CONDUCT

1. Loud and/or disruptive behavior will not be tolerated. If a valid emergency exists that requires immediate attention, it is permissible to call for help.
2. No fighting, arm-wrestling, rough play, horseplay, loud whistling, gambling or singing will be tolerated.
3. Nothing will be passed from one housing unit to another.
4. Acts of a criminal nature will be forwarded to the State's Attorney's Office for prosecution.
5. Running up and down on the stairs or running in the dayroom is not permitted.
6. Watching or looking out the windows will not be tolerated.

### NO SMOKING

**The Livingston County Jail is a completely smoke free facility. The no smoking policy applies to all staff, visitors and detainees. This includes all tobacco products including chewing tobacco.**

## **DETAINEE HANDBOOK**

### **DIRECTIONS TO LIVINGSTON COUNTY JAIL**

From I-55 take exit 197 and go East on 116 into Pontiac. Go straight through 3 stoplights and 1 stop sign. Go over the railroad tracks. Take the second right, which is West Street and the road ends at the Livingston County Jail.

### **SECTION I INTAKE**

#### **TELEPHONE USE AT BOOKING**

Detainees entering the Livingston County Jail will be allowed to make a reasonable number of phone calls to secure bond, legal counsel, and/or to contact family. Detainees will be allowed to make these phone calls within one hour after being taken into the custody of the Livingston County Jail if possible. Combative or disruptive behavior by the detainee or documented Facility emergencies may inhibit this policy. Phones are located in the booking area to make collect calls.

- THE COST OF ALL TELEPHONE CALLS IS THE RESPONSIBILITY OF THE DETAINEE.
- ALL DETAINEE PHONE CALLS ARE MONITORED AND RECORDED.
- PHONES MAY BE TURNED OFF AT ANY TIME AND WITHOUT NOTICE FOR SECURITY REASONS.

Phones are located in all housing units and will be made available to each unit at 8:30 am after successful completion of the daily inspection. Phones in the Maximum and Medium security Units will be shut off at 9:50 p.m. Phones in the Minimum Security Units will be shut off at 11:50 p.m.. Phone use may be limited at the discretion by the pod control officer. Detainees in disciplinary segregation will be provided minimum access to phones as required by the Illinois County Jail Standards.

#### **CLOTHING AND PROPERTY ISSUES**

A Detainee that has been booked will be issued property. The property a detainee will be issued is, but not limited to the following:

1. 2 Uniform Tops
2. 2 Uniform Pants
3. 1 Sheet
4. 1 Mattress cover
5. 1 Blanket
6. 1 Towel
7. 2 Pairs briefs/panties
8. 2 Pairs socks
9. 1 Property tote
10. 1 Cup
11. 1 Hygiene kit\*\*
12. 2 Bras (females)
13. 1 Pair shoes

## DETAINEE HANDBOOK

\*\* A hygiene kit may be requested for \$2.50 and will be handed out on Mondays.

- All detainees will sign that they have received all issued items. The officer will also sign the receipt. All detainees are responsible for any item issued to him/her. All issued items will be returned. If the item is not returned in the same condition that it was issued, the detainee will be held financially responsible for the items. The cost of the hygiene bag will be charged to the detainee's trust fund account.

### CLASSIFICATION

All detainees will be housed according to assigned classification. The process of Classification begins at intake to the facility and continues throughout the detainee's incarceration. There are three stages of classification.

- Pre-Classification- At intake and during the booking process
- Initial Classification- Prior to housing assignment
- Re-Classification- periodic review during incarceration

Several factors are considered during classification. Following are some of the primary factors:

- Criminal Charges
- Criminal History
- Previous Jail History
- Special Needs

A review of detainee's security and assignment classification shall be conducted at least every 60 days. Detainees may request a review of their classification once every thirty days.

## SECTION II DETAINEE RIGHTS

### RIGHTS AND CONDITION OF CONFINEMENT

While a detainee is confined to the Livingston County Jail, he/she has certain rights, which are derived from the United States Constitution, the Constitution of Illinois, Illinois County Jail Standards and local ordinances and standards.

The following is a brief description of detainee rights. Detainees must be able to distinguish between privileges and rights.

- Due process procedures
- Classification and housing assignment
- Reasonable precautions to protect detainees from physical or verbal harassment or harm by themselves, employees, or other detainees
- Adequate meal service/nutrition
- Adequate medical care or attention
- Safe, sanitary, and humane conditions
- Adequate air quality
- The availability of toilet, bathing, laundry, and grooming facilities

Privileges are anything offered by the facility that exceeds that which is required by laws or minimum standards. Some activities or services are a privilege, such as television.

## DETAINEE HANDBOOK

### **Prison Rape Elimination Act (PREA)/Custodial Sexual Misconduct**

All reports of sexual assault and/or misconduct will be taken seriously. The privacy and consideration of the victim will be our main priority. The Livingston County Jail has a zero tolerance policy concerning sexual assault and/or misconduct. Results of any investigation involving sexual assault and/or misconduct will be forwarded to the States Attorney for prosecution, where appropriate. Detainees who knowingly and intentionally file a false report will face legal action. All Detainees can call 815-842-8052 toll free to report sexual assaults to the Livingston County Jail. A Domestic Violence & Sexual Assault Service (ADV & SAS) also has a crisis hotline available 800-892-3375.

PREA reports can be made by calling the

Livingston county jail at 815-844-5774

Livingston County Sheriff's Office at 815-844-2774

Livingston county state attorney at 815-844-5169

Anonymous reports can be made by calling the

Livingston county jail anonymous tip line at 815-842-8052

Reports can also be given to any staff member or volunteer or

Thru grievance or sick call forms

Outside sexual assault support and mental health services can be contacted at

A Domestic Violence and Sexual Assault Service

24hr. Crisis Line at 800-892-3375

A Domestic Violence and Sexual Assault Service at

815 N Ladd St. Pontiac IL 61764 ph 815-844-0982

Institute of human resources at 310 e Torrance Ave Pontiac Il 61764

### **DETAINEE GRIEVANCES**

A grievance is an internal, confidential process for the resolution of complaints.

It is not a process to:

- Request services
- Insult staff
- Retaliate against staff

A detainee must attempt to informally resolve the issue before filing a grievance. Grievances should not be the only method for resolving an issue. If a detainee cannot resolve the issue informally, he/she should explain why in the grievance. **If a detainee files a misleading, slandering (false accusations), including false emergency grievances, the detainee may be subject to disciplinary action or other appropriate action as determined by the Jail Superintendent.**

### **FILING STANDARD GRIEVANCES**

Grievance forms are available at all times on the kiosk. It is important to fill out the grievance form completely. Detainees may receive assistance in filing procedures from a staff or another detainee.

## **DETAINEE HANDBOOK**

Detainees must submit grievances within five (5) days of the incident prompting the grievance. Only one grievance may be filed for any single incident or concern. The grievance request must not contain more than one issue. A grieved issue must not contain offensive or harassing language. A grievance may be withdrawn at any time by submitting such notification in writing to the Jail Superintendent.

### **RESPONSES TO GRIEVANCES**

The Jail Superintendent will designate one staff member to review detainee grievances. The grievance Officer will investigate and review all grievances and report their findings in writing to the Jail Superintendent and to the Detainee filing the grievance.

### **APPEALING A GRIEVANCE RESPONSE**

When a detainee is dissatisfied with the resolution of his/her grievance, he/she may, within five working days of receipt of written notice, appeal in writing to the Jail Superintendent. The Superintendent shall notify the detainee in writing, within twenty working days, (when possible) of the decision of the appeal. If the detainee is still not satisfied, he/she may appeal to the Standards Unit in writing:

Office of Jail and Detention Standards  
P.O. Box 19277  
1301 Concordia Court  
Springfield, IL 62794-9277

## **SECTION III GENERAL OPERATIONS**

### **ASSISTANCE & REFERRALS- Social Services**

A list of local Medical and Mental Health agencies is available upon request.

### **MEAL SERVICE**

The meals provide sufficient nutritional value. All meals are to be eaten in the day room area other than detainees that are on lockdown status. Detainees will be required to sit at the tables in order for the meal to be served. Detainees will remain seated at all times while the detainee workers are serving the meal. At the completion of meals, detainees are required to empty their trays into the trash receptacles provided for this purpose. Throwing utensils, trays or cups in the trash receptacles is a misuse of county property and may result in discipline. Detainees with special diet needs should submit such requests to medical staff through a sick call. Request for menu substitutes due to detainee religious beliefs should be made in writing to the Jail Superintendent.

### **DETAINEE FOOD PROGRAM**

Inmates will be given the opportunity to order selected items from outside food vendors. The program is designed to offer additional food items aside from the scheduled meal times at the Sheriff's Office, as an incentive for positive behavior in the Livingston County Jail. Cost is a predetermined amount to include all charges. The program is

## DETAINEE HANDBOOK

optional. The food provider and menus will rotate on a weekly basis. As the program grows, more food providers and menu items may be added.

In order to participate in this program, the following must be adhered to:

1. All orders must be handed into the Superintendent no later than 10:00am on Thursday mornings. Detainees will need to submit an inmate request form with their name, ID, living area, food selection, and signature.
2. Detainees may not purchase any of the options for other detainees.
3. There will be no hoarding of food. All food items and packaging will remain at the dayroom table and will not be allowed in the cells or by the bunks.
4. There will be no special orders or substitutions. The menu is set, there will be no changes or alterations for any reason.
5. Orders will be placed with the food vendor on Thursday after all detainee commissary accounts have been charged. If you do not have enough funds to cover the cost of the meal, you will not be given a meal.
6. There will be no refunds or changes to any orders once submitted.
7. Any detainee rule violations will forfeit your food order for the following week. There will be no refunds. Continued violations may result in a suspension for an unlimited amount of time.
8. Any detainee rule violations where the entire pod / dorm is involved, or there is an incident where it cannot be determined who was at fault, will result in all food orders being forfeited for the following week. There will be no refunds. Continued violations may result in a suspension for an unlimited amount of time.
9. If you are sentenced and violate the detainee rules, your food order will be forfeited the week of the violation.
10. By submitting your food order, you automatically agree to the rules of the detainee food program.

### DETAINEE MOVEMENT

While moving throughout the facility, detainees will be required to follow staff directions. Detainees are not to attempt to contact other detainees while moving through the facility. It is at the Correctional Officers discretion whether detainees in General Population will be restrained (handcuffed) during movement. Restraints (handcuffs) are required during movement of any detainee in Disciplinary Segregation or any detainee that is considered a high risk.

### LOCKDOWN

The lockdown of detainees is conducted at scheduled times daily and as needed. When lockdown is called detainees must return to their cells immediately. This is not subject for debate and failure to comply may result in immediate transfer to a disciplinary unit pending a disciplinary hearing. Keep all body parts away from the doors while doors are being secured. At the discretion of the Officer a lockdown may be imposed for all or part of a housing unit. Maximum and medium security units will lock down every night at

## DETAINEE HANDBOOK

10:00 pm unless otherwise approved by the Jail Superintendent. Minimum-security units will have lights out (TV, phone and lights) at 12:00 a.m.

### TELEVISION

Televisions are provided in most housing units. Detainees must understand that this privilege can be revoked at any time deemed appropriate by jail staff. Criteria for revocation are, but not limited to the following;

- Adverse Detainee behavior
- Refusal to follow safety and sanitation regulations
- Tampering or suspected tampering with electrical outlets
- Throwing of food or evidence of such

The majority will decide on program viewing. When a conflict arises the Pod Control Officer will make the decision.

### UNIT SHAKEDOWNS

It is necessary to conduct unscheduled searches, commonly referred to as “shakedowns”. Detainees **do not** have the right to be present during shakedowns. Detainees are required to cooperate with officers conducting the shakedown. Failure to do so may result in disciplinary actions. Anything that is found and considered contraband will be confiscated. Disciplinary actions may be taken.

### DAILY INSPECTIONS

Each morning the Pod Control Officer will conduct a walk through to ensure everything is clean and orderly. Detainees are expected to be prepared for and cooperate during these inspections. All cells and day rooms must be prepared for inspection by 8:30AM. Cells must be neat and orderly with beds made. All detainee workers must have their areas ready for inspection before going to their work assignments. The phones and television in each area will not be turned on until the inspection has been completed, and all cells in the unit are in compliance

### TRANSPORT TO ILLINOIS DEPARTMENT OF CORRECTIONS

The following is a list of items that will be allowed to go with a detainee to IDOC. Inmate monies and medications.

## **DETAINEE HANDBOOK**

### **SECTION IV DETAINEE RULES OF CONDUCT**

#### **GENERAL CONDITIONS OF RULE VIOLATIONS**

Rules and regulations are developed to ensure the safety of everyone, security of the facility and overall orderly operation. The rules of conduct contained in this handbook are enforced by staff and must be strictly followed. Violations of Jail rules may result in disciplinary action. All detainees when first placed in disciplinary segregation will have all property searched and placed in property for the first 72 hours. Each detainee will be given a indigent kit and religion items. After the first 72 hours are up you will be given all property except commissary items. After the first 72 hours are up each detainee will be allow one hour out of their cell for shower and each detainee can make phone calls.

#### **GENERAL HOUSING UNIT REGULATIONS**

- Do not sit on tables or put your feet on furniture
- Do not sit on the stairs
- You may sit on the floor as long as you are in full view of Security Staff (cameras and Officers)
- Do not throw items from or across the dayroom or from one level to another
- Do not lean over the railing or yell to others from one level to another
- Use common courtesy when interacting with other detainees
- Report immediately when called upon by the Pod Control Officer
- Always wear a complete uniform in the day room and any time outside the unit **(top, bottom, and footwear)**
- No mattresses or linen will be allowed on the floor in the dayroom at anytime.
- A Detainee may bring their blanket to the dayroom, but may not cover their head.
- No Detainee will be allowed to enter a cell that is not assigned to them.
- Do not lay or sleep on the dayroom floor.

#### **CLASS 300 MINOR RULE VIOLATIONS:**

These are violations that disrupt the routine operation of the facility. Jail Incident reports (tickets) are issued for these violations.

- 3-01 Possession of unauthorized clothing or food
- 3-02 Misuse of county property
- 3-03 Failure to maintain personal hygiene
- 3-04 Failure to maintain sanitary and orderly housing conditions
- 3-05 Gambling
- 3-06 Disruptive behavior
- 3-07 Failure to keep walls clean and free from hanging objects
- 3-08 Failure to wear complete jail uniform
- 3-09 All property must be kept in the property box (except wet towels)
- 3-10 Horseplay
- 3-11 Laying on the floor
- 3-12 Attempting, conspiracy to or incite to commit any class 300 violations

## DETAINEE HANDBOOK

### **Sanctions for Class 300 Rule Violations**

Only one sanction may be imposed for each violation. Sanctions, which may be imposed for these infractions, include:

1. Verbal reprimand
2. Written reprimand
3. Loss of privileges for up to 14 days
4. Review and change of classification, including worker status
5. Third and subsequent offenses will result in Category II sanctions

### **CLASS 200 MAJOR RULE VIOLATIONS:**

These violations impact the orderly operation, security, and safety of the facility, staff, or detainees. Jail Incident Reports (tickets) will be issued for these violations.

- 2-01 Fighting or threatening another
- 2-02 Sexual misconduct not involving threat or force
- 2-03 Indecent exposure
- 2-04 Possession of U.S. currency
- 2-05 Possession of unauthorized county property, or property belonging to another
- 2-06 Possession of contraband
- 2-07 Possession and/or manufacturing unauthorized beverages
- 2-08 Unauthorized absence from work assignment (detainee worker)
- 2-09 Failing to cooperate or interfering with detainee count
- 2-10 Failure to comply with disciplinary procedures
- 2-11 Disobeying written or verbal orders from Correctional Officers
- 2-12 Intoxication, consumption, ingestion, or inhalation of intoxicants
- 2-13 Being in unauthorized area
- 2-14 Disorderly conduct
- 2-15 Making or giving false statements or testimony to Correctional Officers
- 2-16 Gang Activity: Displaying, wearing, using gang insignia or recruiting
- 2-17 Possessing, manufacturing, or using "stingers" (modified electrical cords)
- 2-18 Possessing or manufacturing tattoo equipment/tattooing
- 2-19 Attempting to commit any of the above violations or assist others to commit above violations
- 2-20 Interference or obstruction of jail lock-down procedures
- 2-21 Unauthorized movement- moving from one cell to another, switching bunks without authorization
- 2-22 Being next to the windows
- 2-23 Smoking or possession of cigarettes, tobacco products, lighters, or matches
- 2-24 Violation or abuse of visiting, mail, telephone, or commissary regulations
- 2-25 Refusal to report to work (work release)
- 2-26 Use of unauthorized pin number

### **Sanctions for Class 200 Rule Violations**

Following are sanctions for class 200 rule violations:

1. Disciplinary segregation for up to 10 days for any one violation and no more than 20 days for all violations arising from one incident

## DETAINEE HANDBOOK

2. Loss of good time for up to 15 days for any one violation
3. Restitution
4. Loss of privileges for up to 28 days
5. Review and change of classification, including worker status

### **CLASS 100 MAJOR RULE VIOLATIONS:**

These are violations that seriously endanger the safety of the facility, staff, or detainees.

- 1-01 Murder or Attempted Murder
- 1-02 Assault and/or Battery
- 1-03 Extortion or Blackmail
- 1-04 Criminal Sexual assault
- 1-05 Escape or Attempted Escape
- 1-06 Arson or setting any type of fire
- 1-07 Possession of any dangerous or deadly weapon or substance
- 1-08 Possession of any drugs or drug paraphernalia
- 1-09 Participation in a riot, strike, or mutinous disturbance
- 1-10 Traffic in drugs
- 1-11 Possession of stolen property
- 1-12 Bribery or soliciting of a staff member
- 1-13 Theft of property
- 1-14 Concealing one's identity
- 1-15 Tampering or interfering with security devices.
- 1-16 Counterfeiting of any document or official paper
- 1-17 Flagrant failure to follow safety or sanitation regulations
- 1-18 Failure to ingest prescribed medication, hoarding or giving medication to another
- 1-19 Tampering with or setting off any smoke detector, fire alarm, fire sprinkler
- 1-20 Destroying, damaging, or defacing any property of the Livingston County Jail
- 1-21 Violation of Laws of the State of Illinois
- 1-22 Repeated or Habitual Violations of Major Rules – Detainees who have been found guilty of three or more Class 100 or 200 major rule infractions, either separately or in a single incident.
- 1-23 Refusal of housing

### **Sanctions for Class 100 Rule Violations**

Following is a list of sanctions for class 100 rule violations:

1. Disciplinary segregation for up to 15 days for any one violation and no more than 30 days segregation for all violations arising out of one incident
2. Loss of good behavior allowance for up to 30 days for any one violation
3. Restitution
4. Loss of privileges for up to 60 days
5. Review and change of classification, including worker status
6. Criminal prosecution

## **DETAINEE HANDBOOK**

### **DISCIPLINARY HEARINGS:**

Any Detainee charged with a rule violation shall be given notice of the charges no less than 24 hours before discipline hearing. Disciplinary hearings for rule violations must be heard within eight days of the reported incident. The Hearing Officer may ask questions of the officer, witnesses and/or the detainee charged with the offense(s). The Officer will explain charges and describe the basis and supporting evidence for the charges. Detainees may be excluded from their hearing for disruptive behavior. Failure to be present does not constitute an admission of guilt nor does it justify a dismissal of the disciplinary report. Detainees will be informed of the decision of the hearing Officer in writing and advised of any sanctions if any and the basis of the decision implemented within 14 days after the hearing. If the hearing Officer dismisses the charge the action will be expunged from the detainees record. Appeals may be submitted to the Jail Superintendent within five days after notification from the Hearing Officer.

### **SECTION V PERSONAL POSSESSIONS, HYGIENE, AND HOUSEKEEPING**

#### **SHOWERS**

The showers in the general population housing units are available everyday from 6:00 AM until approximately 9:00 pm. Detainees in disciplinary segregation will have access to showers during recreation periods in the unit. Detainees with insufficient funds to purchase hygiene items from the commissary will be allowed to purchase an indigent kit for \$2.50 upon request. Indigent kits will be handed out on Monday's only. The cost of the indigent kit will be charged to the detainee's trust fund account to be collected when funds are available. Detainees are required to undress and dress in the shower room. Detainees must be fully clothed while in the day room.

#### **HAIRCUTS**

Detainees may request haircuts using the request form. Haircuts will be offered through a licensed professional. Only basic haircuts will be offered. The cost for these services is the responsibility of the detainee. Detainees must have funds at the time the haircut is requested. Disruptive or abusive behavior will not be tolerated. Barber fees will not be refunded if services are discontinued due to detainee behavior.

#### **RAZORS/NAIL CLIPPERS**

Razors (electric) will be offered everyday by the Pod Control Officer at 7:30AM and will be collected at 8:30 AM. Detainees must receive the razor directly from a Correctional Officer and return it directly to a Correctional Officer. Detainees will be held accountable for the razor.

Nail clippers are available for use by detainees. Detainees must request the use of nail clippers using the general request slip form.

These forms are available from the Pod Control Officer. Detainees must receive the nail clippers from a Correctional Officer and return them directly to the Correctional Officer. Detainees will be held accountable for the nail clippers.

## DETAINEE HANDBOOK

### LAUNDRY OPERATIONS

Laundry will be done at scheduled times for each housing unit. All laundry must be placed in a laundry bag with the bag secured for pickup. Detainees should notify the Correctional Officer collecting laundry if they cannot securely close their laundry bag. Each laundry bag is color coded to each housing unit. Do not write, draw, alter or damage these bags in any way. Laundry bags are inspected before a detainee occupies a cell and when a detainee is transferred out of the cell. Detainees will be held accountable for any damage or misuse of laundry bags. **The Livingston County Jail is not responsible for any items lost in the laundry.**

### HOUSING UNIT/CELL HOUSEKEEPING

Housing Units and cells will be opened from 6:00 A.M. to 8:30 A.M. everyday. During this time detainees will be provided with supplies to clean the Unit and cells. All detainees are responsible for cleaning their Unit and keeping it clean. At or around 8:30 A.M. the Pod Control Officer will do an inspection of each unit for cleanliness. The Pod Control Officer will not turn on the phone and television in each unit until the Unit passes inspection. At approximately 8:30 A.M., detainees will have the option to either stay in their cell or sit in the dayroom. At approximately 10:30 A.M., all detainees will be required to come out of their cells and remain in the dayroom until 10:00 P.M. lockdown. Cell doors will remain secured during these hours.

All detainees are responsible for keeping their cell or individual living area clean and orderly. Beds are to be made during the day when not in use. All items are to be stored in the property storage container. The only items that may be left out are: one towel (hanging in towel rack), 1 washcloth, 1 bar of soap, 1 tube of toothpaste and 1 toothbrush.

### ALLOWABLE POSSESSIONS

A detainee is only allowed items issued by Livingston County Jail, approved mail, legal mail, and items purchased on the commissary according to Livingston County Jail policy or approved individually by the Jail Superintendent or higher.

**Books** – Three (3) not including schoolbooks.

**Bible** - One (1) soft cover Bible or Koran.

**Eyeglasses** - One (1) prescription only (no sunglasses).

**Dentures** - One (1) Set or Partial

**Prosthesis Device** - Must be approved by medical staff to be in housing unit.

**Photographs** - Five (5) inside property tote. No Polaroid pictures, nude or obscene pictures, or gang related pictures are allowed.

**Mail / Legal Mail** - Must be organized, fit in the property tote and must not represent a fire hazard.

**Clothing** -Two (2) issued Livingston County Jail uniforms and one (1) pair of sandals (issued). One pair of shoes (available on commissary). Two (2) briefs and two pairs of socks (issued).

**Linens** - One (1) each Sheet, Blanket, towel & mattress slip cover.

**Personal Hygiene** – Limited to items sold on the commissary or in the indigent bags. All items must be stored in the property tote.

## **DETAINEE HANDBOOK**

**Food Items** - Only items sold on commissary will be allowed. All food must be stored in the property tote. **NO FOOD MAY BE SAVED FROM MEALS.**

### **DETAINEE REQUEST FORMS**

Request forms are available from the Pod Control Officer. Using request forms and filling them out completely will assist staff in responding.

## **SECTION VI HEALTH CARE SERVICES**

### **REQUEST FOR MEDICAL SERVICES**

Detainees are required to fill out a Medical request form in order to see medical staff or request any over the counter medication. The request forms are available through the Pod Control Officer or on the kiosk in your unit. All medical request forms will be forwarded to the medical staff. Pursuant to the changes in the Illinois State Statutes, County Jails may collect fees for medical services from detainees. It is the policy of the Livingston County Jail to charge detainees a service fee for medical and pharmaceutical services as well as non-prescription medications. **DETAINEES WILL NOT BE DENIED MEDICAL CARE DUE TO INABILITY TO PAY OR DUE TO INSUFFICIENT FUNDS IN THE DETAINEES ACCOUNT.**

### **MEDICATIONS**

Medication will be distributed four times a day. Detainees are required to bring a cup of water with them to the employee dispensing the medication. They will be required to take their medication in full view of the employee dispensing the medication. They will be required to open their mouth and extend their tongue to verify that they have swallowed the medication. Detainees should not approach the medication cart unless their name is called. Detainees have the right to refuse to take their medication. Such refusals will be documented and reviewed by the on call medical staff.

### **MENTAL HEALTH FACILITIES AND SUBSTANCE ABUSE SERVICES**

A list of local agencies is available upon request. Detainees should use the request form available through the Pod Control Officer. A/A meetings are held on Monday nights. A detainee in good standing may request Sunday night to go to the meeting.

## **SECTION VII PROGRAMS AND SERVICES**

### **VIDEO VISITATION**

**ALL FAMILY AND FRIEND VISITS ARE MONITORED AND RECORDED.** Detainees will be allowed one 30-minute video visit per schedule visit day and 2 video visits per week. Visiting stations are located in each housing unit. All visitors will be required to provide a photo I.D. with full name and date of birth. Detainees and Visitors are required to follow all facility rules. Failure to do so may result in the visit being

## DETAINEE HANDBOOK

terminated, disciplinary action for the detainee and revocation of visiting privileges for the visitor. Online video visitation will be available everyday. Online video visitation can be restricted due to disciplinary reasons. **Visitation may be cancelled at any time due to emergencies or facility needs.**

### 1. Visiting times

#### **Tuesday, Wednesday, Thursday, and Saturday**

Begins 12:00 pm – last one starts 4:00 pm

Begins 7:30 pm – last one starts 9:00 pm

2. Detainees are allowed one visit per day.
3. Visitors 17 and older must present a picture ID (I.D. will have picture, full name, and date of birth.)
4. All visitors are subject to search.
5. Visitors must not be under the influence of drugs or alcohol.
6. All visitors must be appropriately dressed (NO tube tops, transparent or mesh shirts etc.)
7. Visitors age 18 and under must be **accompanied by a parent or guardian.**
8. No yelling, screaming or threatening mannerisms will be tolerated. This will result in termination of visit.
9. Both parties will remain clothed at all time.
10. The Livingston County Sheriff's Department does not permit contact visits.
11. The visit will start when both parties pickup the receiver, time ends when 30 minutes have passed (the transmission will automatically end).
12. Only cash, money orders and bank certified checks will be accepted for Detainee Commissary funds. **NO PERSONAL CHECKS WILL BE ACCEPTED**
13. **Visits may be terminated due operational needs of the facility.**
14. Detainees are not allowed to visit with any party that has been court ordered no contact.
15. All visits are on a first come first serve basis by housing units.
16. Visitors that have been incarcerated at the Livingston County Jail within the last 6 months will not be allowed to visit.
17. **ALL CONVERSATIONS ARE MONITORED AND RECORDED.**

### **LEGAL VISITS**

Visiting booths are available for legal visits to ensure privacy. Visitors must have a valid photo identification pursuant to their profession. Legal visits do not count towards the allotted family and friend visits. Detainees should advise a Correctional Officer if they have any legal materials to be exchanged. Legal materials will be inspected for contraband only.

### **CLERGY VISITS**

Clergy visits do not count towards the allotted family and friend visits. Religious materials must be given to a Correctional Officer for thorough inspection

## DETAINEE HANDBOOK

### PERSONAL PROPERTY

Detainee personal property is stored in a secured room. Once a detainee's property has been secured it can only be accessed by approval of the Jail Superintendent, by court order, or by detainee's written request to have **all** items picked up. Detainee's requesting items from their personal property, ex: names and addresses, must do so via a request slip and approved by the Jail Superintendent. Detainees requesting to release all of their personal property to a third party must do so on a Personal Property Release Form (available on the unit kiosk). Detainee's releasing property will release all property. There is not an option to release partial property. The individual designated to receive the property, must have a positive I.D. with date of birth. Detainees being transferred to another facility (IE Department of Corrections) must make arrangements to have their property picked up. Detainees must fill out a property release form and arrange to have the property picked up within 30 days of their release from custody of the Livingston County Jail. After 30 days the property will be destroyed.

### TELEPHONE

ALL TELEPHONE CALLS, ARE MONITORED AND RECORDED, UNLESS PRIOR SPECIAL ARRANGEMENTS HAVE BEEN MADE TO MAKE CONFIDENTIAL CALLS TO DETAINEE'S ATTORNEY. The cost of all phone calls is at the detainee's expense. Detainees will be issued a pin number at booking. Detainees are responsible for keeping their pin number private. Detainees may use their pin numbers to make collect calls. Phones are located in all housing units. They will be made available for use as each unit is cleared for daily inspection at or around 8:30 A.M. and until 9:50 P.M. at lockdown. Phone use above County Jail Standards is a privilege and may be limited by unit or individually due to detainee misconduct, failure to meet inspections or facility needs.

### MAIL

All incoming mail, non-privileged mail will be sent to:  
Smart Communications-Livingston County

#### DETAINEE NAME-ID NUMBER

1701 East Empire St. Suite 360  
Box 335  
Bloomington, IL 61704

All incoming mail (letters, photos, greeting cards, etc.) will be scanned into the system and available to detainees to view their postal mail via detainee tablets.

Upon release detainees can login into the public website at <https://www.smartjailmail.com/> and enter their detainee number and password and download their mail free.

## DETAINEE HANDBOOK

Funds sent to Livingston County Jail detainees must be processed through jailatm.com or placed in the lobby kiosk at the Livingston County Jail.

### **Legal Mail, Court Documents, & Publications will continue to be sent to the Livingston County Jail directly.**

Legal Mail will be opened in the detainee's presence and inspected for contraband. Legal mail must be typed on law office letterhead and stamped "Legal mail". Hand written legal mail will not be accepted. Mail will be delivered to the housing units Monday through Friday except on holidays. Mail sent to detainees should be addressed as follows:

Full name  
C/O Livingston County Jail  
844 W Lincoln St.  
Pontiac, Illinois 61764

Any mail received with no return address will not be accepted. Any mail received after a detainee has been released will be forwarded to the detainee's last known address if known or returned to sender.

Detainees that receive presentence investigations reports (PSR) from Probation Services will not be allowed to keep on their person. When the report is received it will be opened in front of the detainee and inspected. The PSR will be placed in a secured locker by staff in the Livingston County Law library. The detainee must put a request in on the kiosk requesting access to their PSR. The detainee will be placed in one of the Law Libraries. Correctional staff will retrieve the PSR for the secure locker assigned to the requesting detainee. The PSR will be handed to the detainee for viewing, the detainee will not be allowed to copy the PSR. When the detainee is done the detainee will notify Correctional Staff, the staff will inspect the PSR to ensure all of the PSR is present and not altered. The detainee will be searched before leaving the law library.

Outgoing mail will be collected at 9 P.M. to be sent out the following day. Outgoing non-privileged mail may be inspected and scan read. Outgoing mail is to be collected unsealed. Mail received sealed, with the exception of Legal mail, will be returned to the detainee. Detainees are responsible for ensuring the letters are addressed properly. The return address must include the detainee's full name, Livingston County Jail, 844 W. Lincoln, Pontiac Il 61764. If mail is not addressed correctly it will be returned to the detainee. If the detainee is not known due to improper return address the letter will be destroyed.

All magazines and newspapers must be mailed directly from the publisher. Books must be shipped from a vendor. They will not be allowed if shipped from an individual person. There is no limit to the number of letters sent or received. Stamped envelopes and writing materials can be purchased from the commissary. Detainees will be notified in writing when incoming mail is either returned to sender or when outgoing mail is returned. Notifications will explain why the action was taken.

Any mail sent out or in with contraband or anything suggesting illegal activity may cause the detainee to be placed on restricted mail status for up to 90 days. If a detainee is placed on restricted mail status, the detainee may appeal in writing to the Superintendent within 5 days of being placed on restricted mail status.

## DETAINEE HANDBOOK

### COMMISSARY

Commissary orders must be ordered through the phone system by Sunday at 10:00 pm for delivery on Wednesday. These days and times are subject to change without notice. Commissary will be distributed on Wednesday depending on delivery time. Detainees in Disciplinary Segregation or on commissary restriction at the time commissary is distributed will only be allowed hygiene products and writing materials. A limit may be placed on the number and quantity of items that an individual may purchase. Individual detainees may be limited due to security, medical or administrative reasons. Commissary may be revoked through the disciplinary process for violation of Jail rules. All commissary prices are subject to change without notice.

### LIBRARY SERVICES

A schedule will be maintained to allow access to the library books. Use of the library may be limited due to the number of detainees wishing to participate. Detainees may only have three library books in their possession at any time. Detainees may not have books dropped off for their personal possession. They may have books donated to the jail library in their name. Detainees donating books to the jail library will be given first access to these books according to the established procedure. If more than three books are dropped off at one time the excess (over three) will be placed in the library for distribution. All detainees will have access to library services according to the established schedule. Access to Law Books will be by individual request. Detainees should use a request form available from the Pod Control Officer/unit kiosk. Detainees are not allowed to take books home with them when released.

Internet Law Library is available per request. Detainees are required to fill out a request and given to the pod officer. Each detainee will be allowed one hour per day. The time may be extended at the discretion of the officer

### RELIGIOUS SERVICES

Detainees shall be afforded an opportunity to participate in religious services and receive religious counseling. *Detainees wishing to participate in services need to sign up on Saturday evenings.*

Detainees shall not be required to attend or participate in religious services or discussions.

### INDOOR/OUTDOOR RECREATION AREAS (YARD)

Recreational periods will be offered daily at scheduled times. The outdoor recreation area may be closed due to inclement weather or security reasons. Recreation may be suspended individually, due to violations of rules related to or during recreation activities. The recreation area for Detainees in Disciplinary Segregation will be within the Disciplinary unit. Recreation may be cancelled at any time due to security reasons.

## **DETAINEE HANDBOOK**

### **SECTION VIII DETAINEE WORK PROGRAMS**

#### **ELIGIBILITY REQUIREMENTS FOR DETAINEE WORKERS**

Detainees may request consideration for work assignments through the Classification Officer. Detainee workers are used in the kitchen, laundry and for general maintenance of the facility. A detainee work assignment is a privilege and may be temporarily revoked at any time by any Jail Staff for just cause. When a detainee work assignment is revoked, the Classification Officer will review the reports for reclassification consideration.

### **SECTION IX EMERGENCY PROCEDURES**

#### **EMERGENCY EVACUATIONS**

When an emergency alarm sounds, detainees should remain calm and wait for a directions from a Correctional Officer. Detainees should familiarize themselves with the emergency exit signs and evacuation plans located throughout the facility.

### **SECTION X MEDICAL EDUCATION – ADVANCED HEALTH CARE**

This information is designed to assist patients in identifying and treating common ailments. It is strongly recommended that a patient seek medical attention if a problem persists or you experience additional symptoms.

#### **COMMON COLD**

The common cold is caused by many different types of viruses and is not serious. The usual symptoms include sneezing, stuffy nose, watery nasal discharge, scratchy throat and cough. You may feel achy, tired and have a headache. Colds are not cured by taking antibiotics like penicillin. A cold must run its course. Symptoms are usually worse the 2<sup>nd</sup> & 3<sup>rd</sup> days and should stop within 4-7 days. A cough may last longer than this, especially if you smoke.

Adults average two – four colds per year. Colds usually occur more in the fall and winter. The viruses that cause colds are spread mostly by drainage from the nose, coughing and sneezing. You should cough and blow your nose into paper (Kleenex or toilet paper) and throw it into the trashcan right away. Try not to get really close to anyone coughing or sneezing who does not cover his/her mouth. ALWAYS wash your hands after you blow your nose or sneeze. Do the following if you have a common cold:

1. Drink lots of fluids especially clear fluids such as water.
2. Stop smoking. Smoking can make your cold worse. Smoking can cause respiratory problems and cancer.
3. Take 2 tabs of regular strength Tylenol for fever, headache, and aches and pains associated with a cold.

## DETAINEE HANDBOOK

### 4. Rest as much as possible.

You may need some medications to relieve some of the symptoms so if your symptoms get worse put in a sick call to see the medical department.

## GAS, BELCHING & HEARTBURN

Eating gas-forming foods and swallowing air while you eat can cause gas. Do the following if you have gas:

1. Take 1-2 antacid tablets for heartburn or gas up to 4 times a day if needed.
2. Avoid gas-producing feeds.
3. Chew foods slowly.

## HEADACHE

Most people have headaches. Most headaches are not serious. Many things can cause headaches – tension, sinus congestion, caffeine, smoking, medications and high blood pressure. Do the following if you have a headache:

1. Avoid whatever causes your headache.
2. Take 2 tabs Tylenol 2 x day if having a headache.
3. Use moist, cool cloths if this relieves the headache.
4. Rest. Don't watch TV. Avoid noisy interaction.

## SORE THROAT

Viruses cause most sore throats. Antibiotics cannot kill a virus. It takes 4-7 days for the sore throat to get better. Do the following if you have a sore throat:

1. Gargle with warm, salty water several times a day. Do not swallow the salty water.
2. Drink plenty of fluids.
3. Take 2 Tylenol tabs for fever and pain 2 times a day.
4. Stop smoking.

Return to the nurse if conditions get worse or you have no relief.

## SPRAIN

Stressing or twisting a joint or body usually causes a sprain. Swelling usually occurs and can cause pain. Do the following if you have a sprain:

1. Keep the injured area elevated for 48 hours. This decreases the swelling and throbbing.
2. Use cold-water cloths on areas for 24 hours and avoid using.
3. Take Tylenol 2 times a day for pain.
4. Notify the healthcare unit if numbness, tingling, cold or blueness appears to the area below the injury.

## DETAINEE HANDBOOK

### NAUSEA AND VOMITING

Nausea and vomiting can have many causes. The stomach flu is a common cause and does not last for more than 24-36 hours. Diarrhea may also develop. If you are sick to your stomach or throwing up, you should do the following:

1. Drink only clear liquids for the next 24 hours.
2. Drink small amounts or sips if you cannot keep anything down.
3. Don't take aspirin, laxatives, or antacids while you are sick to your stomach.
4. Rest for 24 hours.
5. When you are feeling better, start eating food gradually. Do not eat a lot of spicy, greasy foods at first.

#### See the nurse if:

- You don't feel better in 24 hours
- You can't keep any liquids down.
- You start vomiting up blood.
- You get fever and increased stomach pain.

### INDIGESTION

Eating gas-forming foods or swallowing air can cause indigestion. It usually is not a serious condition. Cabbage, coffee, tea, carbonated beverages may cause gas. Do the following if you have gas:

1. Avoid eating foods that cause problems.
2. Avoid overeating.
3. Remain in an upright position 1-2 hours after eating.
4. Chew your food well and avoid eating fast.
5. Avoid chewing gum which creates air in your stomach
6. Avoid eating 1-2 hours before bedtime.
7. Stop smoking. Smoking increases acid production.
8. Take antacids: 2 tabs between meals and at bedtime.

### URINARY TRACT INFECTION

Urinary tract infections are common in females. They are caused by bacteria that enter the urinary system through the tube that leads to the bladder where the urine is kept. Way to prevent Urinary Tract Infections:

1. Drink 8 glasses of fluid per day
2. Limit drinking caffeine drinks while having symptoms
3. Urinate when you feel the urge
4. Don't hold urine for long periods of time
5. Avoid activities (masturbation) that cause friction to the urine outlet
6. Take all medications until gone

They symptoms should begin to get better in 24-36 hours after you start the antibiotic.

## DETAINEE HANDBOOK

### SKIN RASH

Many things can cause rashes:

-Plants            -Chemicals

-Medications   -Infections

Often it is impossible to identify the cause of a rash. Treatment for rashes is to remove what is causing the rash and to relieve symptoms. Do the following if you have a rash:

1. Wash or bathe in cool water only
2. Avoid whatever caused the rash if you know what it is
3. Notify medical if symptoms of infection occur:
  - Increased redness or swelling, pus formation, heat, red streaks, increased pain or rash spreading

### ACNE

Acne is a build up of oil at hair roots and oil glands. Acne may be blackheads, whiteheads or pimples. There are some factors that cause acne to be worse: some foods, hormones, stress and contact with irritating or oily substances may cause breaking out to get worse. Do the following if you have acne:

1. Wash your face and any other area that breaks out at least 2-3 times a day. Use mild soap and don't rub hard.
2. DO NOT squeeze or pick the pimples. This may cause them to get worse or infected.
3. Wash your hair at least 3 times a week and don't use oils on your hair.
4. Eat a balanced diet.
5. Don't use oily make-up or creams on your face.

### TOOTH DECAY & GUM DISEASE

Tooth decay and gum disease begin with plaque. Plaque is a sticky, invisible film that contains bacteria. It is the major cause of tooth decay and gum disease. It is constantly forming over the teeth. How does plaque cause cavities?

1. When you eat sweet foods, the bacteria in plaque combines with sugar to form decay acids that attach to the enamel on your tooth.
2. The cavity grows larger as it enters the dentine.
3. Decay weakens the enamel further and reaches the sensitive layer of the tooth.
4. If decay is not checked, an abscess may occur or the bone may become infected.

How does plaque cause gum disease?

1. Plaque collects beneath the gum line and irritates the gum tissue. This may cause your gums to bleed when you brush.
2. If plaque isn't removed, it becomes hardened and forms tartar increasing the irritation to your gums.
3. Plaque will begin to destroy the tissue holding the gums to the teeth.

Brush to remove plaque.

## DETAINEE HANDBOOK

1. Prevent your mouth from tooth decay and plaque by brushing.
2. Hold your toothbrush at a 45-degree angle to the gum line.
3. Brush back & forth with short strokes, covering one to two teeth at a time.
4. Brush the back of your teeth – inside & outside.

### INSOMNIA

Some of the things that you can do for yourself if you are having trouble sleeping are:

1. Reduce and/or stop drinking caffeine drinks. These include coffee, brown tea, colas and some other soft drinks.
2. **DO NOT** take naps during the day, at count or in the evening.
3. Exercise during the day to help tire you out. This will also help reduce stress.
4. Go to bed at the same time each night. When you are drowsy and can't sleep, get up and read a book or write a letter until you get drowsy. Then go back to bed. You may need to repeat this procedure several times.
5. Get out of bed at the same time each day.
6. Discuss your problems with staff chaplain, or other mental health professional if available.

The ideas listed above should help you get your sleep problems under control over time. Your body has a natural "clock" built into it. Sometimes it needs to be corrected. If you have had sleep problems for a long time, or were using drugs and/or alcohol prior to incarceration, it will take time for you to adjust. If you are new to the jail or are getting out soon, you will probably have some sleeping problems. Medications won't cure the problem. Time and effort from you probably will.

### DANDRUFF

Dandruff can be normal scaling off of the top layer of your scalp. It can also be caused by seborrhea, which causes an increase in the amount of oil made by the oil glands around the hair roots. Dandruff can usually be treated by using a dandruff shampoo. Do the following things:

1. Shampoo hair 2-3 times weekly in cool or barely warm water.
2. Use dandruff shampoo. Make sure you rinse out all the shampoo.
3. The oil glands around your hair may make more oil if you massage or rub your scalp a lot.

If this shampoo does not improve your dandruff problem after one month, return to sick call.

**ATHLETES FOOT**

Athletes' foot is caused by a fungus. Fungi like to grow in warm, moist places. Do the following if you have athletes' foot:

1. Keep you socks & shoes off whenever possible. Don't sleep with your socks on.
2. Wash your feet with warm, soapy water everyday. Pat dry between your toes. Dry your feet last to keep from spreading the fungus.
3. If you have shower shoes be sure and wear them when you shower.
4. If you have canvas shoes, wear them during the day.
5. Wear socks (white cotton if you have them). Put clean socks on everyday. Put socks on before your underwear to keep the fungus from spreading.
6. Apply antifungal cream to the athletes' foot area 2 times daily after you wash your feet. Rub the cream in well. It doesn't take much cream. Wash your hands before and after you apply the cream. Use the cream as directed by the medical staff.
7. Notify the healthcare staff if any of the following occur: Increased redness, increased swelling, heat, pus formation, red streaks or increased pain.



STATE OF ILLINOIS

NOTICE OF RIGHTS OF PERSONS  
UNDER ARREST

DEPARTMENT OF CORRECTIONS

ILLINOIS CODE OF CRIMINAL  
PROCEDURE - 725 ILCS 5/  
JAIL AND DETENTION STANDARDS

**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.

## DETAINEE HANDBOOK

### **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

## DETAINEE HANDBOOK

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 "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.

## DETAINEE HANDBOOK

- (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.