

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION**

TOMMY SLAYTON	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	11-CV-3223
	)	
M. EMERY et al.,	)	
	)	
	)	
Defendants,	)	
	)	

**OPINION**

SUE E. MYERSCOUGH, U.S. District Judge:

Plaintiff Tommy Slayton, currently incarcerated in Western Illinois Correctional Center, proceeds *pro se* on allegations that he was placed in a cell at McClean County Jail which Defendants knew had recently housed an inmate with Methicillin-resistant Staphylococcus aureus (“MRSA”). He alleges that Defendants failed to clean the cell before placing him there, causing him to contract MRSA on his right buttock. He was allegedly quarantined and treated for 12 days for his MRSA

infection.

This case is before the Court for a merit review pursuant to 28 U.S.C. § 1915A, which requires the Court to review a Complaint filed by a prisoner against a governmental entity or officer and, through such process, to identify cognizable claims, dismissing any claim that is “frivolous, malicious, or fails to state a claim upon which relief may be granted . . . ”.

The Court cannot discern which of the 18 Defendants might bear personal responsibility for this alleged deprivation. Deliberate indifference to a substantial risk of serious harm violates an inmate’s constitutional rights, but deliberate indifference requires that a defendant intentionally or recklessly disregard a known and substantial risk of serious harm. Farmer v. Brennan, 511 U.S. 825, 834 (1994). In the context of this case, that means that a defendant must have personally known that Plaintiff was placed in a dangerous cell and had a “realistic opportunity” to take action. Burks v. Raemisch, 555 F.3d 592, 593 (7th Cir. 2009)(“Section 1983 does not establish a system of vicarious

responsibility.”); Miller v. Smith, 220 F.3d 491, 495 (7th Cir.2000)(police officer could be liable for another officer’s excessive force if he or she had a “realistic opportunity” to prevent the violation).

An amended complaint might clarify each defendant’s involvement, but the exercise would be futile because no amended complaint could cure Plaintiff’s failure to exhaust his administrative remedies. 42 U.S.C.

§ 1997e(a) states:

No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

Exhausting administrative remedies requires timely following the facility’s procedures to their conclusion, including all opportunities for appeal.

Maddox v. Love, — F.3d —, 2011 WL 3690049 \*9 (7<sup>th</sup> Cir. 2011).

“Strict compliance” with the facility’s procedures is required. Dole v. Chandler, 438 F.3d 804, 809 (7<sup>th</sup> Cir. 2006). “A prisoner must properly use the prison’s grievance process. If he or she fails to do so, the prison administrative authority can refuse to hear the case, and the prisoner’s

claim can be indefinitely unexhausted.” Id. “Grievances are intended to [allow prisons] to address complaints about the program it administers before being subjected to suit, [reduce] litigation to the extent complaints are satisfactorily resolved, and [improve] litigation that does occur by leading to the preparation of a useful record.” Maddox, 2011 WL 3690049 \*9, *quoting Jones v. Bock*, 549 U.S. 199, 219 (2007)(brackets added in Maddox). Whether the exhaustion requirement has been satisfied is a question for the Court, not the jury. Pavey v. Conley, 544 F.3d 739, 741 (7th Cir. 2008).

Failure to exhaust administrative remedies is an affirmative defense which typically the defendants must raise. However, as with any affirmative defense, dismissal on the pleadings is appropriate if the defense is “so plain from the face of the complaint that the suit can be regarded as frivolous . . . ”. Walker v. Thompson, 288 F.3d 1005, 1009 (7th Cir. 2002).

Plaintiff admits in his Complaint that he did not exhaust his administrative remedies. He alleges that he failed to do so because the

Jail does not have a grievance process. Yet this Court knows from experience in prior cases and also from the Jail's website, [www.mcleancountyil.gov](http://www.mcleancountyil.gov), that there are administrative remedies available at the Jail. Attached to this order is the Jail's handbook, printed from the website. Section XII describes how inmates may file "request forms" about any personal problems they are having, and section VIII(A)(2) sets forth the procedure for requesting medical care. An inmate "not satisfied with the response" to his request may appeal to the appropriate person listed in Section XII(E). Thus, Plaintiff could have filed an inmate request form about the incident. His allegation that no grievance procedure existed is simply not plausible.

IT IS THEREFORE ORDERED:

1. Plaintiff's complaint is dismissed without prejudice pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies.  
This case is closed.
2. The merit review conference scheduled for September 12, 2011, is cancelled as unnecessary. The clerk is directed to notify the

plaintiff's prison of the cancellation.

ENTERED: September 1, 2011

FOR THE COURT:

s/Sue E. Myerscough  
SUE E. MYERSCOUGH  
UNITED STATES DISTRICT JUDGE

# **THIS BOOK MUST BE RETURNED TO MCDF UPON YOUR RELEASE**

Revised August 2007

## **McLean County Detention Facility Inmate Information and Orientation Handbook**

### **I. Introduction**

The following is a list of rules, regulations and procedures that will be observed at all times by the Inmates of McLean County Detention Facility. These rules are intended to ensure:

1. Safe Custody
2. Decent Living Conditions
3. Fair Treatment
4. Prevention of Escape
5. Prevention of behavior which threatens a reasonable level of discipline and/or loss of Day for Day Good Time.

Our responsibility is your safe detention. **Your responsibility is to follow the Rules and Regulations of this facility and the directives of the Staff.**

The Staff expects that your behavior will be positive and rational during your stay. Positive behavior allows you privileges. Negative behavior will result in disciplinary actions and/or criminal charges. All Rules and Regulations are in accordance with the State of Illinois Uniform Code of Corrections, Section 10-03 and the Illinois County Jail Standards.

The information contained in this Handbook and provided through the Video Orientation will assist you during your stay.

You are expected to comply with our Rules and Regulations and Behavior Guidelines while you are in the Facility. In general we expect that you 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 your assigned cell and common living area in a clean, orderly and in a sanitary fashion.
5. Maintain daily personal hygiene standards.

## **II. Admission Procedure**

If bond has not been established or you cannot post bond, you will be admitted to the MCDF as an Inmate.

1. All jewelry and personal property will be removed, placed in an envelope with your name and stored until your release.
2. You will receive a receipt for your property. Keep your receipt.
3. All money will be removed, counted, recorded, and placed in your account for your use while in the MCDF.
4. You may be strip searched, required to shower and will receive MCDF clothing. Your clothing will also be searched and a description of the clothing will be placed on your property receipt. Your clothing will be stored until your release.

### **The following items may be retained upon commitment:**

1. Legal materials, including arrest warrants and property receipts.
2. Prescription eyeglasses and/or contact lenses can be kept after approval.
3. Personal photographs may be kept after approval. **No Polaroid pictures will be allowed.**
4. You may keep the underwear you are wearing, only if white in color. Underwire brassieres will not be allowed. If you will be



- staying in the custody of the MCDF for an extended period of time, underwear may be purchased from Inmate Commissary.
5. Any other personal clothing items will not be allowed except for those approved for medical reasons.

### **III. Classification**

After screening, if you are found appropriate for general population, you will first be assigned to an "Orientation Cellblock" where you will be classified within seven (7) days (excluding sentenced inmates.) Classification is used to determine your security level as well as which housing area of the Facility will meet your needs.

#### **Classification will be based upon, but not limited to the following factors:**

- Medical and Psychological Screenings
- Your ability to conform to the Facility Rules and Regulations
- Your ability to get along with Staff and other inmates
- Available space

If an inmate has any questions concerning his/her classification status, he/she shall submit a Request Form to Inmate Services.

### **IV. Housing**

This facility provides single occupancy cells for all inmates unless otherwise dictated. Your housing assignment will be determined by the Classification Process. If space allows, you will remain in the Orientation Cellblock for no more than seven (7) days. You will then be classified into one of the following housing units:

1. Direct supervision
2. Linear Supervision (General Population)
3. Administrative Segregation – Inmates are still given access to privileges, but movement is more closely monitored.
  - Security – For inmates who are a security or possible escape risk or uncooperative.
  - Protective Custody – For those inmates in need of separation from General Population.

4. Disciplinary Segregation – Inmates may be confined to their cell 23 hours a day, with limited privileges, as a result of disciplinary action.

#### **V. Cell Check List**

Whenever you enter a housing pod, the Pod Officer will accompany you to your assigned cell and help you complete an "Individual Cell Condition Checklist." It is your responsibility to make sure that you list any damage to the cell before signing the checklist, because you will be held responsible for any damage found later.

#### **VI. Shaves**

Inmates shall be afforded the opportunity to shave once a day at 0530 hours. Inmates housed in Special Needs areas shall be afforded the opportunity to shave when they shower. (Special Needs areas will be afforded at least three (3) shaves per week).

#### **VII. Daily Schedule**

The following is an approximate schedule of the facilities daily activity. All times may be subject to variation.

0530 Wake-up and shaves  
0700 Medication  
0730 Breakfast  
0830 Clean-up of Cell and Pods, recreation begins  
G.E.D. begins,  
0900 Court begins  
1100 Medication  
1130 Lunch (1200 on Monday, Wednesday, Friday)  
1600 Medication  
1730 Supper  
2000 Medication  
2330 Lock-up  
(Linear Supervision Section of MCDF)  
0000 Lock-up  
(Direct Supervision and Female Open Unit Sections of MCDF)

#### **VIII. Standard Services**

A. Health Services Department

**1. Staffing**

- a. The Health Services Department is staffed by a Registered Nurse (RN) from 6:30am until 10:00pm, seven (7) days a week. Nurse Sick Call is scheduled routinely on at least a daily basis in the Health Services Department.
- b. The MCDF Physician is available on-site for Physician Sick Call three (3) times a week, generally on Mondays, Wednesdays, and Fridays. A physician is on-call twenty-four (24) hours per day, seven (7) days a week for medical problems or emergencies.
- c. The MCDF Psychiatrist is available on-site one day a week, generally on Tuesdays, to evaluate any inmate who has been referred by a counselor from McLean County Center for Human Services.
- d. The MCDF Dentist is available on-site one day a week to evaluate and treat dental complaints.
- e. Mental Health Counselors from the McLean County Center for Human Services are available for consultation and evaluation. For a referral to see a Mental Health Counselor send a request form to Inmate Services or the Shift Commander.

**2. Request for Medical Care**

- a. Any non-emergency medical problems or medical concerns should be reported to the Health Services Staff by completing an "Inmate Request Form."
- b. All "Inmate Request Forms" addressed to the Health Services Department should be given directly to the nurse during medication rounds. Medication rounds are held four (4) times a day at 7:00am, 11:00am, 4:00pm and 8:00pm.
- c. Health Services Staff on duty will review the Inmate Request Form and begin necessary treatment, administer medication, schedule the inmate for Nurse Sick Call for additional evaluation, or refer the inmate to the physician, dentist, or counselor if appropriate.
- d. Inmate Requests for medical treatment will be handled in order of medical importance, and Health Services staff will

- make the final determination of the need for physician and/or dentist referrals.
- e. Any medical situation, which requires immediate or emergency follow-up, should be brought to the attention of the correctional officer immediately.

### **3. Medications**

- a. The Inmate's personal physician or the MCDF Physician, Psychiatrist or Dentist will prescribe all medication given. Routine medication rounds will be made four (4) times a day at 7:00am, 11:00am, 4:00pm and 8:00pm.
- b. Non-prescription medication, for example, Tylenol, may be administered through protocols which have been approved by the MCDF Physician.
- c. All requests for medication, which is administered on an as needed basis, must be put in writing on an Inmate Request Form each time medication is needed. The Inmate Request Form must be addressed to the Health Services Staff and received by the Health Services at least one (1) hour prior to medication rounds.

### **4. Health Assessment Examinations**

- a. All inmates will receive a Health Assessment examination or physical within 14 days after admission to the MCDF. The examination will include tests for TB and Syphilis.
- b. Refusal to submit to this examination may result in classification into Administrative Segregation or Isolation for the purpose of medical observation until the examination is completed or until the inmate is considered disease-free and suitable for General Population.
- c. Inmates who remain in custody for twelve months will be offered a routine dental examination.

### **B. Mail**

- 1. All inmates must use the following return address on all envelopes or they will not be mailed:  
104 W. Front Street  
P.O. Box 2400 Room 200  
Bloomington, IL 61702-2400

2. All outgoing mail must be clearly marked with the sender's first and last name.
3. There is no limit on the amount of mail an inmate may receive.
4. Embossed envelopes may be purchased through Inmate Commissary.
5. There is no limit on the amount of mail an inmate may send, providing you can afford to purchase the embossed envelopes from Commissary.
6. Inmates without funds will be provided with a maximum of two (2) stamped envelopes and paper per week.
7. Privileged mail is any correspondence to or from an Attorney, Public Official or the Courts.
  - a. All outgoing privileged mail may be sealed and will be forwarded without examination or censorship.
  - b. All incoming privileged mail will be opened and examined, but in the Inmate's presence.
8. All outgoing non-privileged mail will remain unsealed.
9. All incoming non-privileged mail will be opened and inspected for contraband, valuables and money.
10. Outgoing mail will be collected at 0900 hours Monday-Friday, except on holidays, by the Correctional Officers.
11. Inmates will receive mail Monday-Friday, except on Holidays.
12. Money orders will be accepted through the mail to be used for Commissary purchases.
13. If you plan on corresponding with an Inmate of **another Correctional Facility**, that person must be a blood relative or have a child, either biological or legal custody, in common. Permission to write must be granted by both the MCDF Assistant Superintendent and the Administrator of the other Facility. In order to obtain this permission you must fill out a Correspondence Request Form. Once the form is filled out, it must be submitted to the MCDF Assistant Superintendent.

**C. Telephone**

Inmates living in Cellblocks or Pods equipped with a telephone may use the telephone on a collect-call basis pursuant to the telephone schedule. Inmates living in areas not equipped with a telephone will be given the opportunity to make one collect phone call per week. **All phone calls made on the Jail phones are monitored and recorded.** No non-collect phone calls will be given except in the event of extreme emergencies. Inmates will not be able to receive phone calls. NO MESSAGES WILL BE TAKEN FOR AN INMATE.

The Phone system recognizes any collect-call block placed by any telephone company. This means that if someone has a block on their telephone that does not allow it to accept any collect calls, when the inmate dials that number, it will not go through. It is the responsibility of the person who has the collect-call block to remove the collect-call block if they wish to do so, the company can be reached by calling 1 (800) 844-6591. It is NOT the responsibility of the MCDF to remove collect-call blocks.

**D. Money**

1. No Cash transactions between inmates will take place in the MCDF.
2. All money is recorded and deductions are made from the Inmate's account for Commissary purchases, etc.
3. Money will be credited to the Inmate's account by the following:
  - a. Cash
  - b. Money Order
  - c. Certified Check
  - d. Cashier's Check

Money orders, Certified or Cashier's Checks shall be made payable to the Inmate.  
NO personal checks will be accepted.

4. Money for Commissary purchases will be accepted, in person, at the Booking window on Saturdays ONLY.
5. Funds will usually be returned to released inmates by check. Checks are issued Monday-Friday 8:30a.m. to

4:30p.m., except on Holidays. Checks can be mailed to Inmates who reside outside of McLean County. Funds will be mailed at the expense of the Inmate. Forms must be completed at Release in order to do this.

#### **E. Commissary**

There is a Commissary service available in the MCDF where some items not furnished by the MCDF may be purchased.

1. Each Inmate can receive Commissary once per week.
2. Commissary order forms will be passed out for inmates to complete their Commissary orders. Inmates must include their Booking ID # on the order form. This is located on your wristband. The form must be completed correctly in order for you to receive your items.
3. Commissary orders will be delivered within 24 hours after the orders are picked up.
4. Inmates without funds will be provided with limited amounts of hygiene items, writing materials and envelopes. Inmates with \$2.10 or less on their account will be able to order hygiene items, writing materials and envelopes by completing the commissary form and indicating Indigent Bag. No inmate can order an Indigent Bag and other commissary in the same week.
5. There will be NO late commissary. There are no exceptions.

#### **F. Laundry**

Clean MCDF clothing, towels and linens will be provided twice a week. Shower sandals and blankets will be changed as necessary.

#### **G. Recreation**

Inmates will be allowed in an exercise area for one (1) hour each day unless the Sheriff or MCDF Superintendent or MCDF Physician determines that participation in such activity by a particular inmate or inmate group is harmful or dangerous to the health, security and/or safety of the Facility and/or individual. This area may include the dayroom of their living area.

Outdoor recreation will not be conducted when the temperature is below 62 or above 85 degrees and the humidity is above 80%.

**H. Library/Law Library**

Library services shall be made available to all Inmates at least once per week. Library materials shall include informational, recreational and educational resources. Any reading material defined by the Administration as pornographic, or reading material which might pose an imminent threat to MCDF security will not be allowed in the MCDF.

Inmates requiring use of legal materials may request access to the Law Library by sending an Inmate Request Form to the Watch Commander. No materials may be removed from the Law Library. Anyone damaging any law materials will be disciplined and/or prosecuted. The materials are to be used in the area designated on the two tables. The desk that is outlined in tape is off limits to all inmates. Anyone using the Law Library must leave it in the same condition or better than the way it was when they entered it.

Anyone removing materials from the Law Library will be disciplined and may be restricted from its use. Anyone damaging the Law Library in any way may also be restricted as well as disciplined and/or prosecuted.

**I. Visiting**

**1. Visiting hours are as follows:**

(Inmates housed in the Old Section of the MCDF will be allowed (2) two 15-minute visits per week/1 visit per visiting day.

Linear supervision area of the Detention Facility

Female Adults:	Male Adults
WED 1800-1900	WED 1900-2100
SAT 0800-0900	SAT 0900-1100

Direct Supervision/Female Open Unit areas of the Detention Facility. **These Inmates will be allowed (3) three (30) thirty minute visits per week.**



Inmates housed in these sections of the Facility will be afforded visiting privileges at the following times:

M, T, TH, F & Sunday 0800-2000  
WED 0800-1730 SAT 1200-2000

Visiting WILL NOT be conducted between the following hours (7) seven days a week:

1100-1200, 1400-1500 and 1700-1800.

**J. Property Pick-up Hours**

1000-Noon  
1600-1800  
2300-0100

**IX. Food Service Worker Status**

**A. Food Service**

A Food Service worker is an inmate who performs work within or around the Facility in return for certain prescribed privileges. Food Service workers are not allowed to run errands or perform favors for Inmates within the MCDF. Jobs available are Food Services, Laundry. Inmates chosen to fill these positions must perform their jobs in a satisfactory manner. If they do not they can be charged with a Major Rule violation. If convicted, Good Time may be taken as a result of the penalty imposed. To be eligible for Food Service Worker status an Inmate must:

1. Have been convicted of a charge before a Court of law. Inmates with Department of Corrections holds are not eligible.
2. Be serving a County Sentence.
3. Have no pending charges.
4. Submit an Inmate Worker Application to the Inmate Services Bureau. The Inmate Services Bureau and the Health Services Department will review all requests for Food Service/County Park Worker Status and will obtain comments on the request from MCDF Staff members. The Inmate Services Bureau will make the final decision as to who gains the Food Service/Status.

5. No sentenced periodic Inmate will be allowed to work in Food Services, except when authorized by the MCDF Superintendent.
6. Visiting privileges for Food Service workers are:  
M, T, TH, & Sat 2000-2230.

#### **B. Inmate Workers**

An Inmate worker is an Inmate who performs limited tasks or assignments within the MCDF for limited additional privileges.

Inmate Worker positions available are, but are not limited to: Librarian (s), Law Librarian, Hall Workers, Pod Workers & Barber.

1. Any Inmate in the MCDF is eligible for Inmate Worker.
2. Inmates interested in being an Inmate worker must submit an Inmate Worker Application to the Watch Commander. The Watch Commander will review all requests for Inmate worker assignment and will obtain comments from MCDF Staff members. The Inmate Services Bureau and/or Watch Commander will make the final decision as to who is assigned to an Inmate worker position.
3. Visiting privileges for Inmate workers will be in accordance with their housing area. These are as follows:
  - Linear Section Housing: Fri & Sun 2000-2230
  - Direct Supervision Housing: Three (3) extra 30 minute visits per week.

#### **X. Programs**

The following programs are offered for Inmate participation:

1. G.E.D. offers an opportunity to earn a high school diploma. Held weekdays.
2. Alcoholics Anonymous (A.A.) and Narcotics Anonymous (N.A.) are offered for Inmates who wish to curtail alcohol or substance abuse.
3. Bible Study is available each week.

4. Sunday Worship Services are available under the direction of the Inmate Chaplain each Sunday with different denominations rotating on a weekly basis.
5. Counseling services are available Monday-Friday from a counselor from the Center for Human Services to counsel those Inmates referred by the Inmate Services Bureau.
6. Literacy tutoring for those not appropriate for G.E.D. but wishing to learn basic skills.
7. Commitment to Change: This program helps Inmates evaluate their Errors in thinking and why they continue to return to crime. It teaches them how to build a positive support group to assist them in making changes in their lives and to help them upon their release.
8. Storybook Program: This program provides an opportunity for Inmates to communicate with their children while incarcerated. Inmates are allowed to pick out a storybook and read the book on cassette tape to their child. The book and the tape are then mailed to the child. There is no cost to Inmates to participate. This program is announced by posting notices.
9. Recovery Support Group: This program is open to any inmate with any type of addiction. Discussions are done on how to help yourself and where to find help within the community upon release.
10. Life-Skills help maintain or develop skills necessary for entering the work force. It provides a variety of useful informational tools for daily living. Send a request to the Jail Chaplin to be considered for Bible Study and Sunday Worship Service. For any other program, send a Request Form to the Program Director of the MCDF.

*In order to participate in any of these programs, send a Request Form to the Program Director of the MCDF.*

11. Clean-up Contest is a weekly contest between cellblocks in the Linear area of the Facility with extra privileges awarded to the winning cellblock.
12. Televisions and Radios are given to the cellblocks in the Linear area of the Facility at the discretion of the Administration or Watch commander. Any cellblock that violates MCDF rules or fails to maintain a clean cellblock will risk losing the privileges of using a TV and Radio.

## **XI. Smoking Policy**

The MCDF is a smoke-free Facility. Inmates will not be allowed to possess any smoking materials, lighters, matches or smokeless tobacco while in MCDF custody. All smoking materials will be confiscated upon arrival to the MCDF and will be returned to you upon your release.

Inmates who are on Work Release or are Weekenders will not be permitted to bring any smoking materials into the MCDF. Those Work Release /Weekenders Inmates who do bring smoking materials into the MCDF will have them disposed of upon entry to the MCDF and are subject to disciplinary action.

Cigarettes and/or smoking materials WILL NOT be accepted by MCDF staff member prior to an Inmate's transport to the Department of Corrections or any other facility.

## **XII. Inmate Request Forms**

Inmates will be allowed to send Request Forms to the staff of the McLean County Detention Facility. These Forms will be addressed to the Staff member designated to handle the request.

- A. Inmate Services Bureau will handle the following issues:
  - Day for Day Good Time - Out Dates
  - Classification Review
  - Personal Problems
  - Food Service Applications

\*\* Inmate Services WILL NOT address any issues dealing with legal matters. These should be referred to your attorney. Requests for attorneys should be sent via U.S. Mail.
- B. Program Director will handle the following issues:
  - Commissary
  - Programs (Religious Programs will be referred to the Inmate Chaplain)
- C. Health Services staff will handle the following issues:
  - All Medical Needs
- D. Watch Commanders will handle the following issues:
  - Concerns about day to day operations of the Facility
  - Personal Property Requests
  - Bond Information
  - Maintenance Problems

- E. MCDF Operations Supervisors will handle the following issues:
- Discipline Reviews
  - All appeals shall be made within 24 hours of the disciplinary hearing.

If an Inmate is not satisfied with the response to their Request Form (with the exceptions of Medical Request Forms), they may appeal to the following people in the following order:

- MCDF Operations Supervisor
- MCDF Assistant Superintendent
- MCDF Superintendent
- Sheriff

If an Inmate is not satisfied with the response to their Medical Request Form, they may appeal to the following people in the following order:

- Director of MCDF Health Services
- MCDF Physician
- McLean County Administrator
- McLean County Board of Directors

Inmates will be provided with a written response to their appeal within five (5) days of receipt.

### **XIII. Court**

Only those Inmates requested by the Judge will be taken to court. Those Inmates going to jury trial may be dressed in street clothes if the Inmate wishes to do so, unless the Judge specifies otherwise. Clothes for court will be accepted by the MCDF and placed in the Inmate's property. Clothes needed for court, will not be accepted more than seven (7) days prior to a court appearance.

### **XIV. Bond**

Bond money can be posted 24 hours a day by cash/traveler's check, cashiers check, money orders at the time of release.

\*\* A \$25.00 bond fee will be assessed for each bond form completed.

### **XV. Rule Violations**

Rules are established to provide order and discipline within the Facility. Residents who choose to disregard or disobey these rules or regulations may be subject to discipline.

## **Major Rule Violations**

1. The taking of any hostage(s)
2. Making harassing, abusive, obscene, annoying, or threatening phone calls.
3. Any assault or battery.
4. Any theft, robbery or possession of stolen property.
5. Arson or any type of fire.
6. Forgery
7. Damage or destruction of MCDF property.
8. Possessing, manufacturing, introducing, causing to be introduced, or using any drug or drug paraphernalia not authorized by the Health Services Staff.
9. Causing or being involved in a disturbance, riot or work strike.
10. Gambling
11. Interference with MCDF personnel in the performance of their duties.
12. Escape, attempted escape or aiding an escape.
13. Obstructing, tampering with or jamming cell bars, doors, locks or windows.
14. Refusal to cooperate with a shakedown.
15. Threatening, intimidating, extortion or blackmailing for protection or any other reason, of any employee, inmate or other persons while incarcerated in the McLean County Detention Facility.
16. Upon being found guilty of a third and all subsequent Minor rule and/or General Pod Rule violations and/or Female Open Unit Rule violations, Inmates will be charged with Habitual Minor Misconduct.
17. Possession of Major Contraband: Major Contraband is defined as any item intended for use as a weapon, for use in an escape attempt, any caustic substance, or any intoxicant.
18. Failure to take a prescribed medication in the presence of authorized personnel, or attempting to hide or save medication except where medical instructions provide otherwise.
19. Any misuse or abuse of electrical outlets/appliances, cable outlets, or security devices.
20. Sale or distribution of drugs.
21. Bribery or attempted bribery, soliciting or attempting to solicit a staff member.
22. Altering or tampering with any Commissary Slip.
23. Stoppage or placement of foreign matter into toilets or sinks.

24. Tampering with or setting off any smoke detector, fire alarm, fire sprinkler system or panic button.
25. Engagement in any sexual activity.
26. Indecent exposure.
27. Being in an unauthorized area.
28. Failure to cooperate with a Facility count.
29. Failure of sentenced Inmates to perform assigned duties or perform such duties in an unsatisfactory manner.
30. Gang activity: Displaying any recognized gang signs (including verbal expressions), wearing or using gang insignia or participating in gang recruitment.
31. Smoking or possession of any smoking materials.
32. Possession or damage of Law Library Materials.

Major misconduct violations may result in the following disciplinary actions:

1. Loss of Good Time
2. Transfer to Disciplinary Segregation for up to fourteen (14) days.
3. In-cell confinement for up to fourteen (14) days.
4. Loss of program privileges for up to fourteen (14) days or permanent removal.
5. Restriction of recreation for up to fourteen (14) days i.e. recreation limited to a dayroom.
6. Loss or restriction of privileges may occur for up to fourteen (14) days as the violation relates to the privilege.
7. The filing of additional criminal charges subject to prosecution.

#### **Pre-Hearing Rules, Major Violations**

- A. Someone other than the reporting officer shall conduct an investigation into the facts of the alleged misconduct to determine if a violation occurred and if there is probable cause to believe the alleged offender committed the violation. If probable cause exists, a hearing date shall be set no later than 48 hours after the occurrence of the alleged misconduct, but no sooner than 24 hours after the alleged incident.
- B. The accused, if he/she wishes, may request assistance from a member of the MCDF staff, another detainee, or other authorized person to prepare for the hearing.
- C. No penalty shall be imposed until after the hearing except that the accused may be segregated from the rest of the population or

transferred to a different cell, and privileges suspended if necessary for the safety and security of the MCDF.

### **Hearing Rules, Major Violations**

- A. The hearing shall be held within 48 hours after the charges are made.
- B. The hearing shall be before an impartial committee which may include a public member or officer.
- C. The accused shall be allowed to present evidence or witnesses on his/her behalf.
- D. When the accused is illiterate, the issues are complicated, and it is unlikely the offender will be able to collect and present necessary evidence, the aid of a fellow detainee or member of the staff shall be made available to him/her.
- E. The hearing committee shall render the decision in writing setting forth the findings, conclusion(s) and any penalty imposed.
- F. If the decision finds the offender did not commit the alleged violation, all reference to the charges shall be removed from his/her file.

### **Minor Rule Violations**

An Inmate is guilty of minor misconduct if they fail to comply with the following rules:

- 1. Failure to maintain personal hygiene (at least 2 showers a week)
- 2. Making profane or obscene remarks or gestures toward other Inmates, staff members, volunteers or visitors.
- 3. Tattooing or possession of tattooing materials.
- 4. Communicating between separated areas, with persons inside or outside the MCDF whether by voice, signal or unauthorized written message.
- 5. Talking to other inmates while being escorted.
- 6. Horseplay
- 7. Possession of Minor Contraband – any item that is not issued, or authorized for inmate use or any issued, sold or authorized item, which has been broken or altered.
- 8. Violation of telephone or mail policies.
- 9. Disobeying any reasonable order given by a staff member.
- 10. Changing cells without authorization
- 11. Entering another inmate's cell



12. Attaching to or writing anything on MCDF walls or furnishings.
13. Placing anything over cell windows, doors, lights or vents.
14. Failure to maintain assigned and/or dayroom in clean and orderly manner. Cells and dayrooms will be cleaned on a daily basis.
15. Inmates in the Pods and Linear Recreation Room will not be authorized to control the TV or VCR.
16. Possession of food in your room other than Commissary.
17. Possession of newspapers older than 2 days.
18. Transfer of any assigned items to another inmate.
19. Creating excessive or unnecessary noise.
20. Attempting to control or supervise other inmates or assigning work to them.
21. Throwing food, trays or other items.
22. Failure to stack food trays.
23. Possession of linen, uniforms and/or bedding in excess or the following: Two (2) blankets, two (2) sheets, one (1) pillowcase, one (1) towel one (1) wash cloth, one (1) uniform, one (1) mattress and one (1) pillow.
24. Use of kangaroo courts, sanitary courts and all other inmate organizations.
25. Standing on dayroom tables, bars, cell doors.
26. Buying selling, trading, possessing or transferring/ receiving property or funds from another inmate.
27. Use of typewriter in the Law Library for personal correspondence or anything other than legal work.
28. Wearing anything on the head or in the hair outside of assigned cell and/or housing.
29. Failure to wear uniforms correctly when out of assigned cell and/or housing. Collars will not be rolled under pant legs will not be tucked in socks or gathered at the ankles or knees. Pant legs may be rolled at the bottom only if too long for the individual. Pant legs will be even in length.
30. Possession on foodstuffs outside of assigned housing.
31. Failure to walk on inside wall of the hallway while being escorted.
32. Sharing of phone calls.
33. The removal, damaging or altering of any MCDF Identification Bracelet.
34. Work Release/Weekender inmates who report to the MCDF under the influence of alcohol and/or drugs.
35. Failure to pay Room and Board. Those periodic sentenced Inmates who are on probation or Conditional Discharge.

### **General Pod Rules Violations**

1. Failure to make bed prior to 0730 hours. Beds will remain made until 1800 hours (6:00pm.)
2. Failure to wear complete uniform in the dayroom. Exception to this would be when using the weight equipment or participating in outdoor recreation.
3. Failure to wear uniform top properly. Uniform top will not be tucked into uniform pants.
4. Failure to wear uniform pants correctly. Uniform pants will be kept at the waist, not on or below the hips. Uniform pants will not be tucked into your socks. Pant legs will not be wrapped at the ankles. Pant legs may be rolled up at the bottom if too long for the individual. Pant legs will be even in length.
5. Leaning on the railings.
6. Sitting on the stairs.
7. Leaning back on chairs.
8. Entering outdoor recreation without the approval of the Pod Officer.
9. Crossing over the line or removing anything from the Pod Officer's work station.
10. Blocking any Fire exit.
11. Failure to address the Pod Officer in the proper manner of title and last name (ex. Officer Smith or Sergeant Jones).
12. Unnecessary talking on Headcount Position.
13. Failure to fold extra linen and place at the end of the bed.
14. Failure to stand single file behind the yellow line when waiting to receive medication, commissary, etc.
15. Placing feet on the furniture or lying on the couches.
16. Possession of any beverage in the dayroom.
17. Being on the Mezzanine without proper authorization.
18. Unauthorized presence around visiting room/ door.
19. Possession or consumption of commissary items outside of your cell.

### **Female Open Unit Rule Violations**

1. Failure to make bed prior to 0730 hours. Beds will remain made until 1800 hours (6:00pm)
2. Failure to wear complete uniform in the dayroom.
3. Failure to wear uniform top properly. Uniform top will not be tucked into uniform pants.

4. Failure to wear uniform pants correctly. Uniform pants will be kept at the waist, not on or below the hips. Uniform pants will not be tucked into your socks. Pant legs will not be wrapped at the ankles. Pant legs may be rolled up at the bottom if too long for the individual. Pant legs will be even in length.
5. Leaning back on chairs.
6. Blocking any Fire Exit.
7. Failure to address the Pod Officer in the proper manner of title and last name (Officer Smith or Sergeant Jones)
8. Failure to fold extra linen and place at the end of the bed.
9. Failure to stand single file behind Gate 3 when waiting to receive medication, commissary, etc.
10. Possession of any food or beverage in the MPR Room.

**Minor Misconduct may result in the following disciplinary actions.**

1. Your removal from the pod or cell and placement into Disciplinary Segregation for up to 72 hours.
2. In-cell confinement for up to 72 hours.
3. Loss of program privileges for up to 72 hours or permanent removal.
4. Restriction of recreation for up to 72 hours, i.e. recreation limited to a dayroom.
5. Verbal reprimand.
6. Loss or restriction of privileges may occur for up to 72 hours as the violations relate to the privilege.

**Hearing Rules, Minor Violations**

1. An impartial disciplinary officer shall impose penalty after informing the offender of the nature of the rule violation and giving the inmate the chance to explain or deny it.
2. The inmate shall be provided with a written statement describing the rule violation and the disciplinary action taken.

**XVI. Appeal Procedure for Major and Minor Violations**

The inmate will be allowed to appeal the disciplinary action taken by the Disciplinary Officer or the hearing committee to the Operations Supervisor, MCDF Assistant Superintendent, MCDF Superintendent or Sheriff. This appeal shall be submitted on an Inmate Request Form within 23 hours of

the disciplinary hearing. The inmate will be notified of the appeal decision within five (5) days.

#### **XVII. Transfer to the Department of Corrections**

Inmates being transferred to the Department of Corrections will be issued a list of items accepted by D.O.C. Any personal property left at the McLean County Detention Facility after your transfer to D.O.C. must be picked up within seven (7) days of your departure. Failure to do so will result in the disposal of such property after the seven (7) days.

#### **XVIII. Sentenced Inmates**

Any person sentenced to serve time in the McLean County Detention Facility who fails to report to the McLean County Detention Facility at the court ordered time is subject to being charged with escape per Illinois Compiled Statutes Chapter 720, Act 5, Section 31-6.

**ATTENTION SENTENCED INMATES:** If you are serving a county jail sentence as a condition of your probation, you must report immediately upon your release from the MCDF to your probation officer. Office hours for probation are Monday through Friday 0830 to 1630 hours in room 700.

#### **Work Release Inmates**

Inmates on work release or day release who fail to return to the MCDF at the court ordered time may be charged with escape per Illinois Compiled statutes Chapter 720, Act 5, Section 31-6.

**ATTENTION PERIODIC SENTENCED INMATES: YOU MAY BE REQUIRED BY MCLEAN COUNTY ORDINANCE TO PAY, PER DAY, FOR ROOM AND BOARD.**

You must pay \$20.00 per day or \$140.00 for each full 7 days in custody. A receipt will be given to you each time you pay your weekly sum. A ledger will be kept on each individual that is required to pay this sum.

Pursuant to McLean County Ordinance, the defendant is ordered to pay the sum of \$20.00 per day, for the cost of board for each date that he is in custody while serving his periodic imprisonment. Payment shall be made weekly. Upon failure of the defendant to make payment as ordered,

his periodic imprisonment shall be revoked and he shall be held in jail for the balance of his imprisonment. Mittimus is held for said imprisonment.

Anyone who violates the order of their periodic imprisonment is subject to having their periodic imprisonment revoked. Any and all violations will be reported to the Judge and States Attorney for prosecution.

### **Case Information Notice**

#### **Appointment of Attorney:**

The Public Defender appointed to represent you may not be able to consult with you until shortly after your arraignment. However, at the time of your initial court appearance, you will be told if you have been appointed a Public Defender. If you bond out, it is YOUR RESPONSIBILITY to make an appointment with your assigned Public Defender as soon as possible after your arraignment. Your failure to do so will seriously hamper your Public Defender from adequately representing you.

#### **If you are in custody and cannot make bond**

You should contact your assigned Public Defender, **by mail**, with all requests for bond reductions or other information. Be sure to completely fill out the Client Questionnaire, which will be given to you by Inmate Services.

If you have information on your case that should be known by your Public Defender, such as names and addresses of witnesses; or facts which would indicate a defense, contact your Public Defender **by mail** concerning this matter. It is NOT the responsibility of Inmate Services to make legal contacts for you.

Your Public Defender has many cases to handle, so please be patient if you do not see your Public Defender right away. Each Public Defender is very experienced and will handle your case well. Unfortunately, he/she cannot always discuss your case as soon as you may like. Collect phone calls will usually not be accepted.

#### **Screening:**

At your first court appearance, you will have the Public Defender's office appointed if you cannot afford to hire an attorney. If you want a public

defender to represent you throughout your case, you must have an appointment with the Screening Office after you post bond. If you are able to post bond, you should call the screener at the number given to you at your custody hearing. **Your failure to see the screener will mean you will not have a Public Defender.**

**Change of Judge:**

If you want a change of Judge, you must tell the Public Defender who is handling your arraignment of your wish at that time. Once your case has been assigned to the trial Judge at the Arraignment, you have only 10 days to file a Request for Change of Judge. You should also write the Public Defender's Office in the Law and Justice Center, 6<sup>th</sup> floor Room 603, to advise that you want a change of Judge. Once the **10** days have elapsed, a change of Judge is impossible.

**If you are out on bond**

You should call the Public Defender's Office right **after arraignment** to set an appointment to discuss your case. Bring to that interview all papers or documents that bear on your case. Always keep the Circuit Clerk, General Division, and your Public Defender advised of your current address and telephone number.

**Any offenses that you commit while on bond will result in prison time.** You must be on your best behavior while on bond. This includes no alcohol or drugs. If you have an alcohol or drug problem, inform your Public Defender immediately and make prompt arrangements to begin treatment. Judges do not want to hear about what you plan to do. Judges want to see that you are already doing something about your condition. If you are interested in Drug Court, tell your Public Defender at your first meeting.

**Cost of Public Defender Services:**

Under State Law, you will have to reimburse McLean County for Public Defender Services. Currently, these costs are assessed at \$200.00, \$100.00 for misdemeanors and traffic offenses. You will receive a Court Order to pay this.

**Bond Requirements:**

If you post bond, you cannot leave the State of Illinois for any reason unless you have obtained prior Court approval. Call your Public Defender to get a court hearing set before you try to leave the State.

Failure to appear for any Court hearings may result in your bond money being forfeited to the Court and a warrant may be issued for your arrest. If you cannot appear in court, you must notify your Public Defender at least two weeks in advance, and request a continuance.