



FOR IMMEDIATE RELEASE

Egyptian Human Rights Authority
Report of findings
Lawrence Correctional Facility
HRA #15-110-9003

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of a possible rights violation in the care provided to an inmate at Lawrence Correctional Facility located in Sumner, Illinois. The complaint is as follows:

1. A recipient was denied visitation in the final stages of life.

If the allegation is substantiated, the allegation would violate protections under Illinois Department of Corrections regulations (20 Illinois Administrative Code 415.10.30, 525.20, 525.60).

Lawrence Correctional Facility is a medium security correctional facility for adult males that houses up to 2368 inmates (two inmates per cell), and 500+ inmates with mental health needs (300+ inmates who are severely mentally ill). The complaint concerns an inmate of the Lawrence Correctional Facility who was receiving medical care at a community hospital but was still under the jurisdiction of the Lawrence Correctional Facility.

To investigate the allegations, these matters were discussed with the warden involved in this inmate's care and a family friend of the inmate. Relevant policies were reviewed as were the regulations that govern Illinois Correctional Facilities.

COMPLAINT SUMMARY

The complaint states that a recipient was denied visitation in the final stages of his life. The inmate is now deceased; therefore the HRA was not able to secure a release of information. This case is strictly examining the policies, procedures, and practices concerning visitation rights at Lawrence Correctional Facility to ensure compliance with the of Corrections mandates.

FINDINGS

Allegation: A recipient was denied visitation in the final stages of life.

Policy: In the document titled Institutional Directive it states, “It is policy of the Lawrence Correctional Center that in order to maintain the security of the facility, Offender visitor access shall be carefully controlled.”

Within Lawrence Correctional Center’s Institutional Directive policy it does include guidelines for visitation and visitation restrictions; the visitor restriction section lists reasons as to why the Chief Administrative Officer or his designee may deny, suspend, or restrict visiting privileges. The policy lists the following reasons for visitation restrictions:

- Security and safety requirements
- Space not available
- Disruptive conduct of the committed person or visitor
- Abuse of the visiting privilege by the committed person or visitor
- Violation of State or Federal law or Departmental Rules by the committed person or visitor.

The limitations section is also important in this case due to the nature of the complaint, and the in depth information it provides. The limitations section lists:

- On weekends and holidays offenders may only receive one visit per day. On weekdays offenders are allowed multiple visits, however, one visit must be terminated before the next visit is allowed. Offenders may only receive multiple visits from different visitors. Visitors shall not be permitted to visit more than one time per day. Offenders shall be strip searched prior to the second visit.
- Visits are restricted to three adults at one time. The number of children allowed in on a visit shall be restricted to available seating at the visitor’s table. At no time are children to be left unattended during the visit.
- Visitors that are denied a visit must leave institutional grounds provided they have transportation. Visitors that do not have transportation shall remain in the gate house foyer. Visitors who are denied a visit due to misconduct or temporary restriction shall not be permitted to return to Lawrence C.C. to visit any offender until a review of the incident is completed.
- Persons seventeen years of age or older must be listed on the approved list in order to visit.

Statutes:

The Department of Corrections regulations in the Illinois Administrative Code state that, “This Part applies to adult and juvenile correctional centers and programs within the Department of Corrections” (20 Ill. Admin 415.10).

The Department of Corrections regulations in the Illinois Administrative Code also states the following with regard to medical treatment in part 415.10:

- a) Offenders shall be informed of the institutional procedures for obtaining medical, dental, or mental health services.
- b) Persons committed to adult and juvenile facilities (excluding transition centers) shall be provided medical and dental treatment, with the consent of the parent or guardian where applicable, as prescribed by a Department physician or dentist.

The department of Corrections chapter of the Illinois Administrative Code states in part 525.20 with regard to visiting rights the following:

Visiting Privileges

- a) The Chief Administrative Officer of each correctional facility shall establish regular visiting hours.
 - 1) All rules and regulations pertaining to visiting shall be posted and made available to visitors and offenders.
 - 2) Visitors who travel great distances to visit an offender may request extended visits. These requests should be submitted sufficiently in advance to the Chief Administrative Officer for consideration.
 - 3) Visitors shall be subject to search in accordance with 20 Ill. Adm. Code 501.220....
 - 4) All offenders' visits shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made for confidential attorney visits or other privileged visits. For purposes of this Section, a privileged visit means any conversation or communication between visitors that is protected by a privilege of law or by decision, rule, or order of the Illinois Supreme Court. Notices stating that visits are subject to monitoring and recording shall be posted in places in which offenders are normally permitted to visit and in the offenders' orientation manual.
 - 5) Visits may be restricted to non-contact visits by the Chief Administrative Officer for reasons of safety, security, and order. This may include, but not be limited to, restricting visits to non-contact visits for offenders known or believed to be engaged in gang activity.
 - A) Offenders who are assigned to an adult closed maximum security or who are in disciplinary segregation or who are extremely high escape risks shall be restricted to non-contact visits.

- B) Offenders found in possession of illegal drugs or who fail a drug test shall be restricted to non-contact visits for at least 6 months.
 - C) Offenders involved in gang activity or found guilty of assault against a Department employee in accordance with 20 Ill. Adm. Code 504 shall be restricted to non-contact visits for a period of at least 6 months.
- b) At the time of admission to a reception and classification center, an offender shall submit a list of proposed visitors to designated facility staff. A visiting list shall be established after verification, review, and approval by the Chief Administrative Officer. Permission to visit may be denied due to the safety, security, or operations of the facility. Visitors must be approved in order to visit.
- 1) Department staff may interview or request background information from potential visitors to determine whether the individual would pose a threat to the safety or security of the facility or any person or to the order of the facility.
 - 2) Visitors 17 years of age or older must be on the approved list in order to visit.
 - A) An individual 12 years through 16 years of age who is not a member of the offender's immediate family may only visit with the written consent of his or her parent or guardian. Immediate family shall include children, brothers, sisters, grandchildren, whether step, adopted, half, or whole, and spouses.
 - B) When visiting, anyone under the age of 17 years must be accompanied by an approved visitor who is 17 years of age or older, unless prior written approval has been granted by the Chief Administrative Officer.
 - C) Visitors under 12 years of age may only be permitted to visit:
 - i) When accompanied by a parent or guardian who is an approved visitor;
 - ii) When prior written consent has been given by a parent or guardian who is in the free community for the child to visit when accompanied by an approved visitor designated in writing who is at least 17 years of age; or
 - iii) As otherwise approved by the Chief Administrative Officer.

- 3) In determining whether an exception shall be granted pursuant to subsections (b)(2)(B) and (C), the Chief Administrative Officer may consider, among other factors, the proposed visitor's age, emancipation, and relationship to the offender; whether a legal guardian has been appointed for the proposed visitor; the inability of an approved visitor to accompany the proposed visitor; and any applicable court order....
- 4) The number of approved visitors may be limited by the Department due to operations and security reasons. Any limitations imposed shall be conveyed to offenders....
- 5) A visitor may be disapproved at any time by the Chief Administrative Officer in accordance with this Subpart. (20 Ill. Admin 525.20)

The Illinois Administrative Code states in the Department of Corrections chapter, 525.60, regarding the restriction of visitors:

- a) The Chief Administrative Officer may limit the frequency and duration of visits in accordance with the availability of space and staff.
- b) The Chief Administrative Officer may limit the number of persons allowed per visit in accordance with considerations of space, time, and security.
- c) Visiting privileges may be temporarily suspended by the Chief Administrative Officer during an institutional emergency or lockdown and for a reasonable time thereafter, upon the approval of the Director.
- d) Visitors and offenders shall not be permitted to exchange any item during a visit, except with prior approval of the Chief Administrative Officer.
- e) The Chief Administrative Officer may deny, suspend, or restrict visiting privileges based, among other matters, upon the following:
 - 1) Security and safety requirements;
 - 2) Space availability;
 - 3) Disruptive conduct of the offender or visitor;
 - 4) Abuse of the visiting privileges by the offender or visitor; or
 - 5) Violation of State or federal laws or departmental rules by the offender or visitor....

- f) **Visits of offenders hospitalized in the community may be restricted to the immediate family and shall be subject to the general visiting policies of the hospital.**
- g) Written notification of temporary or permanent restriction of visiting privileges shall be sent to the visitor and to the offender. Any person excluded from an offender's visiting list at one correctional facility shall be excluded at all facilities. The notice of temporary restriction shall state the exact length of the restriction.
- h) Notices of permanent restrictions shall inform visitors and offenders that they may request that the Chief Administrative Officer review the decision after a six month period. After the initial six month review, permanent restrictions shall be reviewed by the Chief Administrative Officer on an annual basis upon request of the offenders or their visitors. Written notification of the decision shall be sent to the visitor and to the offender.
- i) The Chief Administrative Officer may restore visiting privileges at any time. (20 Ill. Admin 525.60)

Interviews:

Family Friend: The HRA spoke with the friend over the phone. In the interview the friend stated that the inmate previously had problems with the warden. The friend said that the guards at the community hospital would not let her niece visit with the inmate due to orders from the warden. Neither the warden nor the guards would give a reason as to why the niece could not visit with the inmate. The friend did acknowledge that the guards were nice and that they wanted to help, but were under orders not to allow a visit. The niece was in her late teens when they met the inmate (around 20 years ago). The niece helped with providing care to the inmate at one point, and arranged the cremation based on letters she had received from the inmate. The friend stated that Lawrence Correctional did allow a pastor/priest to see the inmate, and the inmate communicated through the pastor to the niece.

Warden: Although this was a general investigation and the inmate's name was not revealed, the warden stated that there was only one inmate recently in the hospital in end of life stages and therefore he assumed that was who the complaint involved and stated that he would just respond to that situation specifically for convenience sake. The warden acknowledged that a girl did show up to the hospital without the knowledge that another correctional facility provided security at the hospital. The warden said that the nearest hospital is closer to the other prison therefore, that prison provides security for Lawrence Correctional inmates while they are patients in the hospital. Hospital visits are rarely granted because it is typically a temporary stay situation. The exception for visitors at the hospital would be an end of life scenario. The warden explained that extra security is required for hospital visits to pat down the visitors (when a female visits, a female guard must do the pat down), because of increased security risks, and for monitoring, etc. The warden did initially approve a visit for the girl when the hospital declared that the inmate was in his final stages of life. The inmate then bounced back and returned to the correctional facility for two weeks before being readmitted to the hospital where he passed away. The girl did not visit the inmate during the two weeks that he had returned to the facility, but

wanted another visit after he was returned to the hospital. This visit was denied due to the challenges of getting the additional staff needed to accommodate the pat downs, and because of increased security risks, monitoring needs, etc. The Warden explained that he did not believe that a second visit should be allowed since an initial end of life visit was granted and the girl did not visit him when he had returned to the Correctional Center.

CONCLUSION

Based on the available information obtained in the policies of Lawrence Correctional, interviews, and Department of Corrections regulations, the HRA concludes that the policies are in compliance with the basic requirements of the Corrections mandates in regard to restricting visitation for inmates. Therefore, the allegation that the inmate was denied his rights of visitation in the final stages of life is **unsubstantiated**.

SUGGESTIONS:

1. A communication log should be kept between prison guards who are responsible for inmates in the hospital and the Lawrence Correctional facility.
2. Whenever possible, allow and accommodate visitation for inmates who are terminally ill.