

# Restore Justice Foundation

## Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/phase-4-illinois-prisons/>

### Newsletters

Most regions in Illinois are in Phase 4 of the [Restore Illinois plan](#). Bars, restaurants, gyms, and salons are open throughout the state, but thousands of incarcerated people still have no indication of when they might see their families or meet with their lawyers, or what criteria will be used to determine a return to visitation. Similarly, all facility activities that involve movement have been curtailed with no stated metrics for restoration and with variations from facility to facility. These activities include basic human needs such as showers, outdoor time, and access to hygiene products and other commissary items.

**The Illinois Department of Corrections (IDOC) needs to articulate a plan to re-introduce visitation (familial and legal) and other activities in facilities that do not have active COVID-19 outbreaks and/or in regions of the state that are not targeted for increased COVID-19 mitigations due to problematic trends in public health data.**

Movement of any kind should be facilitated by adoption of increased testing; IDOC should test all staff and all incarcerated people at regular intervals. Data from tests could be used to develop milestones that, when met, could trigger increased movement.

Procedures for restoring visitation could mirror those of long-term care facilities. [Visits in these facilities](#) must be conducted outside and are limited to a safe number of people (based on the size of the outdoor space). New protocols could include:

Due to variations in implementation capacity, facility conditions, and COVID-19 outbreak statuses at each facility, centralized benchmarks should be published to provide a consistent target for each facility to meet. Families and the legal community can then develop a realistic, nuanced sense of when and how their visitation rights will be restored.

**Example:** [The PA Plan for restoring visitation and movement during COVID-19](#)

We recognize officials will need to monitor COVID-19 cases and trends in both prisons and in the communities they are in. We support this. [Oklahoma had resumed visits \(outdoors\) but suspended them because of outbreaks.](#)

**To consistently mitigate the impact of varying communications challenges and assets at each facility,** facilities should be centrally reviewed to assess options for increasing communications (including in-person visits, phone calls, and video visits) to the maximum level while maintaining social distancing. These reviews should include an assessment of phone, video, mail, and in-person visitation assets and challenges.

These states are currently allowing in-person visitation (with specific policies):

**Delaware:** In-person visits must be scheduled one week in advance to allow the DOC to screen all visitors for COVID-19. The DOC shares the identities of all visitors with the Division of Public Health to allow for contact tracing. Only two adults and two children are permitted to attend visits, which last for one hour.

**Maine:** Indoor visits are allowed, and appointments must be made two business days prior to the scheduled visit. Residents are allowed one visit per week, and visitors coming together must be from the same household. Only two visitors are permitted inside the facility and they must wear masks during the visit.

**Minnesota:** In-person visits are suspended if a facility has two or more current positive COVID-19 cases. For facilities with one or fewer cases, visits must be scheduled 24 hours in advance and are limited to one hour. All visitors must wear face masks and comply with a COVID-19 screening and temperature check before entering the facility.

**Missouri:** In-person, no contact visits must be scheduled ahead of time. Visiting rooms can only be at 30% capacity, with two-hour visits, and two visitors (Minors under the age of 18 are not allowed.) per incarcerated person. Each incarcerated person is permitted two visits per month. All visitors must comply with a COVID-19 screening and temperature check before entering the facility. Face masks are required.

**Ohio:** Six facilities are holding outdoor visitation. Each resident is permitted two visitors per visit, and children under the age of 12 are not allowed. All staff, residents, and visitors must wear face masks at all times during the visitation process. Visitors must comply with a COVID-19 symptom screening and temperature check before entering the facility. The Ohio Public Health System monitors COVID cases in the counties that have prisons, and if a county is in a level three or four public emergency, officials suspend visiting at the prison.

The IDOC must also articulate a plan for providing adequate access to outdoor time, law libraries, and Personal Property (often where legal materials are kept).

Illinois law requires at least five hours of outdoor time each week; this is essential to incarcerated peoples mental and physical health; and, given what we know now about the virus, we know it is possible to conduct outdoor activities more safely than indoor activities. Groups of people who are already exposed to each other (in showers, bullpens, and the currently restricted yard-times) could have more

outdoor time in their groups without incurring additional health risks. The mental health risks of winter inside, on top of 7 months inside, may be greater than the risk of limited outdoor activity in the fall months.

In addition, access to legal materials for incarcerated people is critical. Individuals have motions to which they must respond. Currently, some facilities are managing limited movement for showers, yard-time, and other facility-based priorities; law libraries and legal materials in Personal Property should be added to the priority list at every facility where any limited movement is possible. Specifically, the IDOC must articulate a plan for restoring the following items at each facility based on that facility's unique challenges and assets.

In addition to expanding necessary family connections, access to law materials, and time outdoors, there are other COVID-19 mitigations early in the pandemic that may be rethought as we learn to co-exist with COVID-19 throughout Illinois:

While we acknowledge the challenges and the lack of certainty generated by COVID-19, we are deeply concerned that our state is behind in adapting to practices that balance one type of safety from COVID-19 with another type of safety from long-term health and mental health consequences of extended and indefinite isolation.

I seen there is a virtual day of action November 6th. I will be working during those hours but if theres any way I can help by forwarding anything to state legislators or anything else I would love to do so.  
Thank you!

I do believe illinois needs to open up some..not seeing our loved ones for over a year is difficult for us on the outside. I cant imagine how my loved one that is incarcerated in illinois is feeling not seeing his family and mostly his little boy. Being locked down in the cell with no visits and very little time outside . It comes down to mental health.

Its unfair that visitors that have no contact visits must be vaccinated while the staff doesnt. You shouldnt be forced to take a shot to see your loved ones. Mental health is declining rapidly in the Illinois Department of Corrections

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