



## Illinois Department of Corrections

### Administrative Directive

Number: <b>02.06.105</b>	Title: <b>Personal Property or Injury Claims</b>	Effective: <b>5/1/2022</b>
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<b>Authorized by:</b>	<i>[Original Authorized Copy on File]</i> <b>Rob Jeffreys</b> Director
<b>Supersedes:</b>	02.06.105 effective 6/1/2021 and 02.06.103 effective 8/1/1995

<b>Authority:</b> 730 ILCS 5/3-2-2 and 740 ILCS 60/1	<b>Related ACA Standards:</b> 5-ACI-1A-07 and 10, 5-ACI-3A-16 and 35, 5-ACI-3B-15
<b>Referenced Policies:</b>	<b>Referenced Forms:</b>

#### I. POLICY

Damages and loss of personal property or injury incurred by individuals in custody and visitors shall be filed with the Illinois Court of Claims after all administrative remedies of the Department have been exhausted.

#### II. PROCEDURE

##### A. Purpose

The purpose of this directive is to establish a procedure for reporting the circumstances relating to personal property or personal injury claims filed in the Illinois Court of Claims.

##### B. Applicability

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

##### C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

##### D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

##### E. Requirements

1. When a Notice of Intent to File or a Formal Claim has been filed with the Illinois Court of Claims, the Office of the Attorney General will send a copy of the notice or claim with a request for a departmental report to the Chief Administrative Officer (CAO) where the incident occurred.
2. Upon receipt of the request for a departmental report, the facility shall:
  - a. Review the Notice or Formal Claim and respond with the appropriate information below:
    - (1) Personal Injury Claim
      - (a) Grievances and appeals of grievances pertaining to the injuries in question filed by the individual, and all responses thereto.
      - (b) All medical records relevant to the subject of the claim.

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- (c) Incident reports relevant to the subject of the claim.
  - (2) Personal Property Claim
    - (a) Grievances and appeals of grievances pertaining to the property in question filed by the individual, and all responses thereto.
    - (b) Any personal property inventory sheets and property permits or contracts that tend to prove or disprove ownership of the property in question.
    - (c) Incident reports, disciplinary reports and search receipts relevant to the subject of the claim.
  - b. File a copy of the claim or Notice of Intent in a pending file.
  - c. Investigate the claim to determine the cause, nature and the extent of the damages.
  - 3. After completing the departmental report, the CAO shall forward the report to the Office of the Attorney General by the specified date. The departmental report shall consist of the following information:
    - a. The cause, nature and the extent of damages or injury.
    - b. A detailed comment on each paragraph of the claim, i.e., each specific allegation.
    - c. If claim is related to escape of an individual in custody, the facts regarding the escape, including propensity of the individual in custody to escape and preventive measures taken by the facility.
    - d. The names of potential witnesses who may be reached through the facility.
    - e. Photographs and any other documents pertinent to the case.
  - 4. Upon completion of the proceedings, the Court of Claims may forward a copy of the case ruling to the Office of the Attorney General and to the CAO.
  - 5. The CAO shall:
    - a. Remove the copy of the claim from the pending file, attach the final ruling and retain it in an appropriate file; and
    - b. Submit one copy of the final ruling to the Department of Corrections Legal Services.
  - 6. Any award granted to the claimant in the ruling will be processed by the Illinois Court of Claims.
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