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**FOR IMMEDIATE RELEASE**

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**East Central Regional Human Rights Authority  
Vermilion County Jail  
Report of Findings  
Case #21-060-9006**

The East Central Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission (IGAC) voted to pursue an investigation of The Vermilion County Jail in Danville after receiving the following complaints of possible rights violations:

**Complaints:**

**1. Inadequate transfer of personal property**

If the allegations are substantiated, they would violate protections under the County Jail Standards (20 Ill. Adm. Code 701.60).

**Complaint Summary:** The allegations state that a detainee transferred from the Vermilion County Jail to a Mental Health Center in October 2020 due to a court transfer order. Allegedly the individual's personal property (7 envelopes/letters, 4 books and 3 magazines) were not transferred with the individual. The allegations state the individual has contacted the Vermilion County Jail several times via mail and telephone to get the property returned. The complainant stated the staff at the jail hangs up on the individual and still has not returned the property to the individual.

**Investigation**

The HRA proceeded with the investigation. To pursue the matter, the HRA conducted a site visit via WebEx and the jail administrator was interviewed. Relevant practices and policies were reviewed.

**Interviews**

On February 11<sup>th</sup>, 2021 at 10am, the HRA met with The Vermilion County Jail administrator and legal counsel via WebEx. The meeting began with introductions and a review of HRA procedures.

Staff stated the jail can house 400 detainees but typically they have approximately 250 detainees. The jail has one captain, 6 sergeants and 35-40 correctional officers. There is a minimum of 7 officers on first and second shift and 6 officers on third shift. There are two sergeants per shift.

The jail has three floors; the first floor is for booking of incoming detainees, the second and third floors are housing units for both male and female detainees. The housing is divided up into cell blocks. There is a total of 22 cell blocks in the jail. The size of the cell blocks varies but each house between 12-24 detainees. The cell blocks have a dayroom which is a common area for all the detainees in the cell block. The inmates are given access to the dayroom from 10am to 2:30pm and 4pm to 10pm. The detainees will not have access to the dayroom during shift change for the correctional officers. Each dayroom has a kiosk for the detainees to use. The kiosks are used for video conferences, filing grievances, medication request or asking a question.

Generally, when an inmate arrives at the jail all personal property is inventoried. The property is heat sealed in a bag and the property inventory form is stapled to the bag. The detainees is given a receipt for the property taken at booking. Upon a detainee's release or transfer the heat-sealed bag along with the inventory form is handed back to the detainee. Typically, upon release the property inventory form would be signed by the inmate, however staff stated there is an issue with their computer system, so the individual did not sign for his property upon his transfer. Staff stated when a detainee is transferred, they don't use their system because the system will send a notification to the alleged victim that the detainee was released.

Staff advised the individual was transferred to a mental health facility by a patrol deputy. The individual was transferred due to a court order as the individual was deemed unfit for trial. Staff stated when a detainee is transferred to a mental health facility, the detainee is released from their care and all property is returned to the detainee. The individual was advised to gather all of his personal belongings from his cell along with the property belonging to the jail. The individual was allowed to change back into his personal clothing he had when he arrived at the jail. The individual was issued a check for the amount remaining on his account and provided all of his property that was inventoried upon arrival at the jail.

Staff stated all detainees are given a tote upon arrival to the jail. Detainees are required to keep all personal property that is in their cell in the tote. If a detainee had a cell mate upon their release or transfer, a search of the cell is conducted but only for contraband. If the detainee left behind any personal property, staff would not know as the property could be considered property of the cell mate. If the detainee did not have a cellmate upon release or transfer, maintenance would come in and clean the cell. Any books in the cell would be considered jail property and placed in the dayroom. Any other property would be discarded. Staff advised that if anything of importance was found in the cell, maintenance may alert staff, but the property would be discarded as the detainees are advised to take all personal property with them. Staff was not sure if the individual had a cellmate or not upon his transfer.

The individual called and spoke with jail staff about his missing property on two separate occasions. Staff did a search of books in the dayroom, but none belonged to the individual. Staff checked with the commissary officer and verified that the individual was given all of his property that the jail had in their possession at the time of his transfer. The individual was not happy that he was transferred to a mental health center and continued to speak with staff about his transfer not being legal. Staff informed the individual to speak with his attorney. Staff stated the individual continued to go on about the transfer, so staff informed the individual that staff would hang up if he continued. Staff did contact the mental health center to verify what property

the individual arrived with. However, the individual refused to sign a consent for the jail staff to speak with the mental health center staff.

Staff advised that the individual did not arrive at the jail with any books or magazines. According to the individual's mail log the individual did not receive any books or magazines in the mail while incarcerated. Staff advised that any books or magazines the individual had in his cell would either belong to another inmate or be the property of the jail. Staff advised the individual was instructed to take all personal property with him when he left his cell. If anything was left behind, it would have been discarded.

### **Records Reviews:**

The HRA reviewed the "Inmate Property Release Report" provided by the Vermilion County Jail. The report shows the individual's intake date as in January 2020. Upon intake the following property was documented: a black wallet, court papers, 16 keys, a black wedding band, 1 can of chewing tobacco, black suite coat, black pants, black belt, black shoes and a black sweater. Furthermore, it notates all of the above items were released to the individual in October 2020. However, there were no signatures to certify that the above items were correct.

The HRA reviewed a log of mail in and out for the individual. The individual received mail on 4 separate occasions from 3/20/2020 to 10/01/2020. Three of the letters received were from the individual's legal counsel and 1 from a family member. The individual mailed out a total of 3 letters from 1/31/2020 to 4/15/2020. Two of those letters to his legal counsel and one to a family member.

### **Policy Reviews:**

The HRA requested any policies and procedures the Vermilion County Jail has regarding inmate property as well as transferring or releasing inmate property. Staff advised no such policies or procedures exist.

The HRA reviewed a document titled "Adult Orientation" from the Vermilion County Jail. The document provides detainees important information about rules, medication, mail, times of meals, grievances, and personal property. The document states "inmate mail will be picked up on Sunday night through Thursday night on third shift for mailing. Inmates will not be allowed to correspond with other inmates in the PSB (Public Safety Building). Effective 02/1/10, envelopes and paper will no longer be accepted through the mail, these items can be purchased through commissary. Non-privilege mail must be unsealed and contain the inmates full name and address on the envelope. Privileged mail must be sealed, but the inmates full name and address must be on the envelope." Additionally, the form states "Personal property is maintained by the commissary officer. Any inmate who wishes to release his/her property must do so by completely filling out an Inmate Release form. We will not release specific items from your property. You must release all of your property if you wish to release any of it." Furthermore, the form states "Totes are issued to you with other jail issued items. All personal property must be kept in this tote, otherwise it will be considered contraband and subject to removal and disposal." Lastly, the form states "The administration and staff of the Vermilion County Correctional

Center are committed to operating a safe and secure facility. Fair treatment of those incarcerated will always be expected of jail personnel. Likewise, inmate are required to be respectful to staff or any other person providing services at the jail. Dedicated and trained staff members are not interested in judging you as an individual but will use a firm and fair disciplinary system if needed.”

## **Conclusions**

### **Complaint 1: Jail not providing accommodations for disability.**

The County Jail Standards (20 Ill. Adm. Code 701.60) states “ All personal property and funds inventoried at the time of admission or added during the period of confinement and not transferred to a third party or expended during confinement, other than those legally confiscated, shall be returned to the detainee upon release. 1) Items shall be carefully inventoried, or otherwise accounted for, with the releasing officer and the detainee signing the inventory form. 2) A record of any maintenance medication, including the amount, released with an offender shall be documented. 3) A copy of the itemized and signed receipt shall be maintained by the jail as a permanent record. 4) Personal property of the detainee being transferred to another facility shall be inventoried and items to be transferred with the detainee shall be documented and turned over to the transporting officer in the presence of the detainee. Personal property allowed by the receiving facility shall be transferred with the detainee. Items not transferred shall be disposed of by the transferring facility in accordance with its procedures, for example, having a relative pick up items, mailing items to a person designated by the detainee, etc.

The Vermilion County Jail advised that an inventory of all personal property is conducted upon an inmate’s arrival at the jail. When an inmate is released from the jail, the property is returned to the inmate along with a copy of the inventory sheet. There is a place for the inmate’s signature as well as the Correctional Officer’s signature on the inventory sheet. However, staff stated the inventory form was not signed due to their system not being set up to get a signature when releasing property. HRA requested any policies and procedures the Vermilion County Jail has regarding inmate property as well as transferring or releasing inmate property. Staff advised no such polices or procedures exist. Based on the findings above the East Central Human Rights Authority concludes the complaint is **substantiated**. The HRA makes the following **recommendations**:

1. The Vermilion County Jail ensure the releasing officer and detainee sign the inventory form per the County Jail Standards (20 Ill. Adm. Code 701.60).
2. The Vermilion County Jail, as part of the permanent record, maintain a copy of the itemized and signed receipt to follow the County Jail Standards (20 Ill. Adm. Code 701.60).
3. The Vermilion County Jail develop procedures for disposing of property upon a transfer per (20 Ill. Adm. Code 701.60) which indicates the detainee will still receive their property.

The HRA respectfully requests that The Vermilion County Jail provide the HRA with evidence of polices developed as recommended.

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## **RESPONSE**

**Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.**

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