

ILLINOIS DEPARTMENT OF CORRECTIONS

**Administrative Review Board
Return of Grievance or Correspondence**

Offender: [REDACTED] [REDACTED] [REDACTED]
Last Name First Name VI ID#

Facility: Pontiac CC

☒ Grievance: Facility Grievance # (if applicable) _____ Dated: 4/29/14 or ☐ Correspondence: Dated: _____

Received: 5/23/14 Regarding: Publication
Date

The attached grievance or correspondence is being returned for the following reasons:

Additional information required:

- ☐ Provide a copy of your written Offender's Grievance, DOC 0046, including the counselor's response, if applicable.
- ☒ Provide a copy of the Response to Offender's Grievance, DOC 0047, including the Grievance Officer's and Chief Administrative Officer's response, to appeal.
- ☐ Provide dates of disciplinary reports and facility where incidents occurred.
- ☐ Unable to determine nature of grievance or correspondence; submit additional specific information. Please return the attached grievance or correspondence with the additional information requested to:

Administrative Review Board
Office of Inmate Issues
1301 Concordia Court
Springfield, IL 62794-9277

Misdirected:

- ☐ Contact your correctional counselor regarding this issue.
- ☐ Request restoration of Statutory Sentence Credits to Adjustment Committee. If the request is denied by the facility, utilize the offender grievance process outlined in Department Rule 504 for further consideration.
- ☐ Contact the Record Office with your request or to provide additional information.
- ☐ Personal property issues are to be reviewed at your current facility prior to review by the Administrative Review Board.
- ☐ Address concerns to: Illinois Prisoner Review Board
319 E. Madison St., Suite A
Springfield, IL 62706

No further redress:

- ☐ Award of Supplemental Sentence Credits are discretionary administrative decisions; therefore, this issue will not be addressed further.
- ☐ Not submitted in the timeframe outlined in Department Rule 504; therefore, this issue will not be addressed further.
- ☐ This office previously addressed this issue on _____
Date
- ☐ No justification provided for additional consideration.

Other (specify): _____

Completed by: Debbie Knauer
Print Name

Debbie Knauer
Signature

7/18/14
Date

Distribution: Offender
Inmate Issues

Printed on Recycled Paper

DOC 0070 (Rev. 4/2013)

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE

Date: <u>4-29-014</u>	Offender (Please Print): [REDACTED]	ID#: [REDACTED]
Present Facility: <u>Pontiac</u>		Facility where grievance issue occurred: <u>Pontiac</u>

NATURE OF GRIEVANCE:

☒ Personal Property	☐ Mail Handling	☐ Restoration of Good Time	☐ ADA Disability Accommodation
☐ Staff Conduct	☐ Dietary	☐ Medical Treatment	☐ HIPAA
☐ Transfer Denial by Facility	☐ Transfer Denial by Transfer Coordinator	☒ Other (specify): <u>Publication</u>	

☐ Disciplinary Report: _____ Date of Report: _____ Facility where issued: _____

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:
Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.
Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.
Chief Administrative Officer, only if EMERGENCY grievance.
Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Summary of Grievance (Provide information including a description of what happened, when and where it happened, and the name or identifying information for each person involved): On 4-6-014 I received in the mail from the Publication Review officer, a notice concerning a news letter called (under lock & key). In which it stated that I had 7 days to write to the Reviewing officer. I wrote to the Review officer the same night, which was, 4-6-014, stating that: Pursuant to, (Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003): Section 525.230 Procedure for Review of Publications: (C)(3) I may request to appear before the officer to review the publication. It has been more over 20-days and I still have not heard any thing back from the publication officer.

Relief Requested: I would like to review my news letter (under lock & key) my self. Pontiac been taking items just because Yall have the power to do so. Also yall have not proven any thing!

☒ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

[REDACTED] 4.29.014
Offender's Signature Date

(Continue on reverse side if necessary)

Counselor's Response (if applicable)		
Date Received: <u>4.30.14</u>	☐ Send directly to Grievance Officer ☐ Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 10277, Springfield, IL 62794-0277	
Response: <u>Inmate needs to use the Inmate Inmate Referral system to correspond w/ Publication Review Officer regarding this concern.</u> <u>J.R. Howell</u> <u>4.30.14</u> Print Counselor's Name Counselor's Signature Date of Response		

EMERGENCY REVIEW	
Date Received: _____ Is this determined to be of an emergency nature?	☐ Yes; expedite emergency grievance ☐ No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
_____ Chief Administrative Officer's Signature	_____ Date

They have not - given me any of my news letters here. they (The I.D.O.C) is making war on all black Publication of all kind and on every level. So this is a grievance, well one of the grievances that I have written on this on going issue. But they will not respond to any of them

Inmate Issues

MAY 23 2014

The First Amendment protects my right to get reading material (freedom of the Press). 1989, the Supreme court required Prisons to prove that banning material was (necessary) to meet the government interests in Prison order, security, and rehabilitation. This standard was from a case called Procunier v. Martinez, 416 U.S.C. 396 (1974) it gives me a fairly strong protection of my right to freedom of Press. Also, the Publication reviewing officer has not prove any of the above required obligation to ban, or hold my news letters.

Prison officials need to justify their policies in some convincing way. And if the Pontiac correctional center can't, the regulation may be struck down. For example, one court overturned a ban on all subscription newspapers and magazines for prisoners in segregation. The court also decided the rule was not reasonably related to the Prison's interest in punishment & cleanliness, a problem under Turner Question 1. Spellman v. Hopper 95 F. Supp. 2d 1267 (M.D. Al. 1999).

Prison officials cannot ban material just because it contains religious, philosophical, political, social, sexual, or unpopular content. See (first Amendment); Section 1 freed of Religion, speech, Press, Assembly → congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of Press.

See: Shabazz v. Parsons, 127 F. 3d 1246 (10th Cir. 1997). Prisons must abide by the equal protection of the law to all citizens, under the fourteenth Amendment. This means that a prison cannot ban access to materials targeted to an African-American audience, if they do not ban similar material popular among white people.

CONSTITUTION OF THE STATE OF ILLINOIS: Article I- Bill of Rights,

Section 2. Due Process and Equal Protection: No Person shall be deprived of life, liberty or property without due Process of law nor be denied the equal Protection of the laws:

This Grievance is concerning the Publication Reviewing Officer: And my news letter: (under lock & key 37)