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HUMAN RIGHTS AUTHORITY – METRO EAST REGION
REPORT OF FINDINGS

Case #14-070-9025
Alton Mental Health Center

INTRODUCTION

The Human Rights Authority (HRA), a division of the Illinois Guardianship and Advocacy Commission, opened an investigation after receiving a complaint of a possible rights violation at Alton Mental Health Center. The complaint alleged the following:

A consumer was denied access to her personal belongings when a top with sequins was removed from her possession.

If substantiated, the allegation would be a violation of the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et seq.) and facility policies.

Alton Mental Health Center is a medium security mental health care facility largely populated in a forensic unit, serving 120 patients between the ages of 18-55. Approximately 110 of the individuals served are in the forensic unit, of which 88 are male and 22 are female. Alton Mental Health Center employs 220 staff members, and ensures that patients are supervised 24/7. The average length of stay is 90 days for individuals found unfit to stand trial (UST).

To investigate the allegation, HRA team members interviewed staff and reviewed documentation that was pertinent to the investigation. Such documentation included policies from the treatment facility. Additionally, the HRA was provided a tour of the facility where bulletin boards that posted rights information and third-party advocacy groups' contact information were observed by the phones where the residents lived. The HRA team observed a women's pod and in that unit recipients appeared to be dressed in various styles. The HRA also observed an area in which clothing and other items could be purchased by residents through a token system.

COMPLAINT STATEMENT

Allegedly, a sequined top that belonged to a recipient was confiscated on the grounds that recipients are not allowed to have "bling or bedazzle" on their clothes or shoes.

FINDINGS (including interviews, policy review, mandates, and conclusion)

As the Human Rights Authority was unable to obtain signed releases for specific patients, the investigation conducted did not include interviews with individual patients nor an investigation of their records. In lieu of that released information, the HRA conducted interviews with staff, toured the facility, and reviewed facility policies.

A. Staff Interview

Staff were not aware of an incident in which clothing had been confiscated. Staff stated that certain items of clothing in general may be restricted to prevent recipients from causing harm to themselves or others, as in the cases of clothes with sharp metal decorations, but not simply on the grounds of style. A Human Rights Authority member was wearing a sparkly top at the time of the interview and was told that it would be acceptable for a recipient to wear. Following that exchange, staff re-emphasized that access to clothing is only restricted to prevent harm to recipients or others and to prevent the movement of contraband. Clothing, especially quilted clothing, might be searched in order to be certain that it contained no contraband.

When asked about sequined clothes in particular, staff informed the Human Rights Authority that sequins would only be considered a risk of harm if the specific recipient had an issue of eating the sequins, at which time it would be treated as a rights restriction for the recipient's safety. Staff were more concerned about clothing containing metal studs that could be used by recipients to harm themselves or others.

Additionally, staff stated that if a person's access to his or her clothing was restricted for reasons that the recipient did not agree with, there is a second-level review in which the resident could appeal the decision, and that residents are provided with information about their rights as well as how to contact the Human Rights Authority.

A different staff member indicated in writing that access to clothing would only be restricted in the event that items "violate facility-approved standards, inappropriate, or excess clothing items that would necessitate storage in personal property." This staff member reiterated that consumers are free to bring concerns to the facility if they feel they have been treated wrongfully.

B. Policies

An Alton policy entitled "Clothing Practices," marked 1 I.03.002m, states that it is the policy of Alton Mental Health Center to maintain laundry facilities in a clean, sanitary manner and to provide clean, presentable clothing for the patients. It lists the number of each type of clothing people are allowed to maintain in the clothing room, and states that "seasonal and extra clothing will be stored in Alton Forensic Center or the Pine building." This policy does *not* include any information on dangerous or inappropriate clothing such as examples of clothing that could be confiscated, protocols for confiscating it, or where confiscated clothes might be kept.

Another Alton policy called "Personal Property and Funds, Handling Patients," marked 1 G.03.017, says that "patients are permitted to use personal property as they desire, except for items which are dangerous, or for items used inappropriately." This same policy states that:

As part of the admission process, the patient's personal belongings are accounted for and checked for dangerousness. ... All articles not considered safe... will be listed on the Personal

Property Receipt and sent to the security office. ... As part of the discharge procedure, the patient is to receive all personal property that has not been considered illegal and disposed of as per procedures. ... Weapons and dangerous items considered as such which were given directly to security at the time of admission must be returned to the patient if staff are unable to make arrangements for family/significant others to retrieve the items, or if the patient refuses to consent to the property being picked up by other than him/herself."

C. Mandates

The Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5/2-104) states:

Every recipient who resides in a mental health or developmental disabilities facility shall be permitted to receive, possess and use personal property and shall be provided with a reasonable amount of storage space therefor, except in the circumstances and under the conditions provided in this Section.

(a) Possession and use of certain classes of property may be restricted by the facility director when necessary to protect the recipient or others from harm, provided that notice of such restriction shall be given to all recipients upon admission.

(b) The professional responsible for overseeing the implementation of a recipient's services plan may, with the approval of the facility director, restrict the right to property when necessary to protect such recipient or others from harm.

(c) When a recipient is discharged from the mental health or developmental disabilities facility, all of his lawful personal property which is in the custody of the facility shall be returned to him.

D. Conclusion

The interviewed staff were not aware of any clothes being confiscated because of style; Alton Mental Health Center staff report that they only restrict access to personal property based on safety concerns, which is a policy adherent to the Mental Health and Developmental Disabilities Code. For this reason, and due to lack of access to recipient information regarding a specific incident, the Human Rights Authority finds this complaint **unsubstantiated**.

At this time, the Human Rights Authority makes the following **suggestion**:

One staff member said that clothing might be confiscated for being inappropriate or for violating facility standards. As the clothing policy and personal property policy did not specify what those standards would be (no examples of "inappropriate" or "dangerous" articles of clothing are given in either policy), outline those criteria clearly in Alton policy to avoid confusion and potential rights violations.