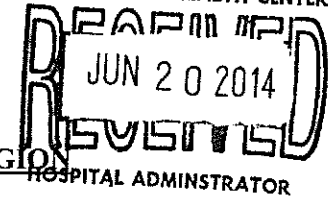




FOR IMMEDIATE RELEASE



HUMAN RIGHTS AUTHORITY – METRO EAST REGION
REPORT OF FINDINGS

Case #14-070-9029
Alton Mental Health Center

INTRODUCTION

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

- 1. Gym classes were inappropriately cancelled during the winter months, thus impacting access to exercise.**
- 2. The bathroom in the visiting room is closed and if a consumer has to use the restroom during a visit, they have to leave the area and terminate the visit.**

If substantiated, the allegations would be violations 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 to 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. The HRA observed the following: individuals playing basketball and exercising in the gym; bulletin boards that posted rights information and third-party advocacy groups in the pods where residents lived as well as in areas that provided work and training; and, 1st shift staff handing off unit information to the 2nd shift staff. The HRA also observed the facility treatment rooms, an activities center, the visitation room/court room, and an in-house beauty shop.

COMPLAINT STATEMENT

The first complaint alleges that recipients were denied access to proper daily exercise during the winter months because gym classes were arbitrarily cancelled.

The second complaint alleges that patients are restricted in their visitation rights because they are not permitted to use the bathroom in the visitation area, and if they must leave a visit to go use the restroom, they are not allowed to return.

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

With regard to the first complaint, staff explained that there is a full gym at Alton Mental Health Center, and that they provide incumbent bikes as well as isometric exercise. Staff said that there are no organized gym classes, nor any gym closures or construction during the winter months. Staff suggested that perhaps there had been a staffing issue on a particular day, but that the gym would have been open and accessible to individuals seeking exercise. As physical exercise is a part of most individuals' treatment plans, staff said that opportunities to exercise are provided daily and staff encourage residents to participate in physical activity.

With regard to the second complaint, staff explained that recipients are not allowed to use the bathroom in the visitation room because of the risk that contraband could be passed between the visitor and the recipients if they were each allowed individual, unsupervised time in the same room. For that reason, staff said that recipients who must use the restroom go through exit security, are escorted back to a different restroom, and then must undergo the entry security process again before returning to the visitation room, which can sometimes take a while. Staff said that if recipients leave to use the restroom close to the end of visitation hours, they may be denied re-entry because of the time constraints involved in the security check. Staff also said that recipients are encouraged to use the restroom before they go to their visit.

B. Policies

An Alton Mental Health Center Policy entitled "Fitness Equipment," marked 2 A.02.032, states that "physical health as maintained and improved by fitness equipment is recognized as an essential ingredient of rehabilitation." This policy indicates that patients may only use fitness equipment (stationary bikes, stair steppers, et cetera) when in the presence of Activity Therapy staff trained in the safe operation of the equipment, in order to prevent possible harm to patients.

Additionally, an Alton Mental Health Center Policy entitled "Visiting: Civil Patients/Locust," marked 1 G.03.023, states that:

Patients will be encouraged to address their toileting needs prior to leaving the unit for a visit; however, if a patient requires the use of toilet facilities during a visit:

He/she will be pat searched and scanned with a metal detector by the Visiting Room Monitor (first person) in the visitor's room....

The Visiting Room Monitor will contact a staff member...to complete the second search (pat search and scan by metal detector) prior to the patient being allowed back onto the unit from the visitor's room. ...

The unit staff person will then escort the patient to the restroom. ... Pat search and scan patient with metal detector prior to returning to visiting room.

C. Mandates

The Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102[a]) states that:

A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan.

The same Code (405 ILCS 5/2-103) also states that:

Except as provided in this Section, a recipient who resides in a mental health or developmental disabilities facility shall be permitted unimpeded, private, and uncensored communication with persons of his choice by mail, telephone and visitation....

(c) Unimpeded, private and uncensored communication by mail, telephone, and visitation may be reasonably restricted by the facility director only in order to protect the recipient or others from harm, harassment or intimidation, provided that notice of such restriction shall be given to all recipients upon admission. When communications are restricted, the facility shall advise the recipient that he has the right to require the facility to notify the affected parties of the restriction, and to notify such affected party when the restrictions are no longer in effect. ...

D. Conclusion

1. Gym classes were inappropriately cancelled during the winter months, thus impacting access to exercise. As there was no record of gym classes being offered, nor closures or construction of the gym during the time in question, and as staff and policy state that recipients are encouraged to exercise daily, the Human Rights Authority finds this complaint **unsubstantiated**.

2. The bathroom in the visiting room is closed and if a consumer has to use the restroom during a visit, they have to leave the area and terminate the visit. The Human Rights Authority did determine that the bathroom in the visiting area is closed to recipients, as well as that if those recipients need to use the restroom facilities, they must leave the area and go through security all over again. Staff state that patients are only denied re-entry to the visiting area in the event that it is too close to the end of visiting hours to warrant the processes of going through security. Because this is a possibility, staff and policy state that recipients are encouraged to use the restroom before they leave their unit to enter the visiting area. Thus, the Human Rights Authority finds this complaint **unsubstantiated**.

The Human Rights Authority takes this opportunity to make the following **suggestions**:

1. If staff have a reasonable expectation that a patient will not have time to return to the visiting area after using the restroom due to the time it takes to get through the security, ensure that staff are making both the patient and visitor aware that their communication will be ending there. In the event that a patient unexpectedly is unable to return to visitation, be sure that the visitor is informed of why the patient has not returned, and when they will be able to visit again (as per 405 ILCS 5/2-103).
2. Consider whether the restriction of restroom use by the patients in visitation constitutes impeding recipients' visitation, since rights to *unimpeded* visitation can only be restricted pursuant to 405 ILCS 5/2-103 in order to prevent harm to the recipient or others.