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Egyptian Regional Human Rights Authority
Report of Findings
Chester Mental Health Center
08-110-9006
January 29, 2008

The Egyptian Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation regarding services at Chester Mental Health Center, a state-operated mental health center located in Chester. The facility, which is the most restrictive mental health center in the state, provides services for approximately 300 male residents. The specific allegation is as follows:

Chester Mental Health Center has restricted a recipient's property without a valid reason for the restriction.

Statutes

If substantiated, the allegation would be a violation of the Mental Health and Developmental Disabilities Code (Code) (405 ILCS 5/2-100, 5/2-104 and 5/2-201).

Section 5/2-100 states, "No recipient of services shall be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the state of Illinois, or the Constitution of the United States solely on account of the receipt of such services."

Section 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 therefore, 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..."

Section 5/2-201 states, "(a) Whenever any rights of a recipient of services that are specified in this Chapter are restricted, the professional responsible for overseeing the implementation of the recipient's services plan shall be responsible for promptly giving notice of the restriction or use of restraint or seclusion and the reason therefore to: (1) the recipient and, if such recipient is a minor or under guardianship, his parent or guardian; (2) a person designated under subsection (b) of Section 2-200 upon commencement of services or at any later time to

receive such notice; (3) the facility director; (4) the Guardianship and Advocacy Commission, or the agency designated under 'An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named', approved September 20, 1985, if either is so designated; and (5) the recipient's substitute decision maker, if any, The professional shall also be responsible for promptly recording such restriction or use of restraint or seclusion and the reason therefore in the recipient's record."

Complaint Information

According to the complaint, a recipient's prayer beads, a prayer rug, a mat, and prayer pillows were taken from a recipient without a valid reason for the confiscation. The information in the complaint indicated that the recipient used all of the items in practicing his Hindu religion.

Investigation Information

To investigate the allegation, the HRA Investigation Team (Team), consisting of one member and the HRA Coordinator (Coordinator), conducted a site visit at the facility. During the visit, the Team spoke with the recipient whose rights were alleged to have been violated and the Chairman of the facility's Human Rights Committee (Chairman). The recipient's clinical chart was reviewed with his written authorization and copies of information from the recipient's record pertinent to the allegation were provided to the HRA. Additionally, the Authority reviewed the facility's Patient Handbook that is given to recipients upon admission.

Interviews:

A. Recipient:

The recipient informed the Team that he ordered items to assist him in his Hindu religious practices. He stated that when he received the items, which included prayer beads, a prayer rug, yoga mat, and meditation cushions, all of the items were confiscated. He related that after facility staff examined the items, the three meditation cushions and the prayer rug were returned; however, the other items were not. He stated that he was informed that the yoga mat was "too big" for his room, and the prayer beads had the potential to be used for self harm or harm to others.

The recipient stated that if he were able to practice his physical yoga positions, a mat of this size would be necessary. He related that mat was 30 inches by 72 inches and his room was 15 foot by 8 foot. He informed the Team that the mat design allowed for ease of folding for storage.

The recipient informed the Team that meditation assisted him in dealing with stress, and he considered this practice an alternative to medication. He stated that he had resisted taking any type of psychiatric medication(s) because he had concerns about the side effects. He stated that taking that type of medication, "would stand in the way of practicing my religion." However, he

informed the Team that had agreed to the administration of Abilify, an antipsychotic medication, the day prior to the Team's site visit.

B. Chairman:

When the Team spoke with the Chairman regarding the allegation, he stated that when the recipient received the items listed in the complaint, staff examined them to determine if any of the items would pose a danger to the recipient or to others.

The Chairman stated that the prayer beads were on a 24-inch long leather strap that could possibly be used as a weapon or to cause self-harm. He related that when the yoga mat was examined, a determination was made that the mat was too large for the recipient's room. The Chairman stated that in the event there was an emergency situation in the recipient's room, the size of the mat compared to the size of the room could possibly cause staff to "trip over the mat" while trying to address the crisis.

The Chairman stated that upon review, the prayer rug and prayer pillows were returned to the recipient. He related that a substitute rosary type beads would be offered to the recipient as a substitute for the prayer beads that were considered contraband. It was confirmed that the recipient refused the rosary-type beads that were offered. The Chairman informed the Team that it was not the facility's intention to hinder the recipient's religious practices; however, his safety, as well as the safety of other recipients and staff had to be considered.

Clinical Chart:

A. Treatment Plan:

According to the recipient's 07/24/07 Treatment Plan Review (TPR), the recipient has a legal status of Not Guilty by Reason of Insanity (NGRI) with a Theim date, (anticipated date of discharge) listed as July 26, 2053. He was transferred to Chester Mental Health Center on 08/31/05 from another state-operated mental health facility due to his involvement in three incidents of aggression toward peers at that facility. According to the record, the recipient's initial psychiatric admission was for a seven-day period in 2002. Within a few days after his discharge, he attacked and injured three family members. After the incident he was arrested and sent to the county jail. Documentation indicated that when the recipient was found Unfit to Stand Trial (UST) he was transferred from the jail to a nearby state-operated mental health facility. In March 2005 his legal status was changed to NGRI.

The recipient's diagnoses were listed as follows: Axis I: Schizophrenia Paranoid Type (Chronic) and Polysubstance Dependence; No Diagnoses were listed for Axis II and Axis II; Axis IV: Chronic Illness, Poor Insight, Legal Issues (NGRI, Lengthy Theim Date-2053).

The record indicated that in addition to his aggressive actions toward others, the recipient had made threatening calls to the President of the United States and court officials within the state of Illinois. Documentation indicated that the recipient had also engaged in a major

violation of the facility's contraband policy by obtaining and smoking marijuana laced with an unidentified contaminant while at the facility. As a result of his actions, the recipient became acutely psychotic, aggressive and required medical inpatient treatment at a nearby community hospital. Whenever staff questioned the recipient about how he obtained the illegal substances, he would not reveal his source(s).

Documentation in the TPR indicated that the recipient listed his religion as Hindu. In the Discussion Section of the TPR, it was recorded that the recipient asked about his meditation items during the 07/24/07 meeting. The HRA did not observe any documentation pertinent to the Treatment Team's response to the recipient's question. There was no documentation in the TPR to indicate of the need to restrict the items and provide substitutes to help promote his religious practice.

B. Progress Notes

Documentation in 07/02/07 and 09/20/07 Progress Notes indicated that the recipient had spoken to a Social Worker about the items that he felt that he needed in practicing his Hindu faith.

Restriction of Rights Notices (Notice)

A Notice was given to the recipient on 09/13/06 when a physical hold was implemented after the recipient barricaded himself in his room attempting to "smoke something". Documentation indicated that he was combative, yelling, cursing and "swinging" at staff.

According to a 01/25/07 Notice, the recipient was placed in a physical hold after the recipient attacked a secret service agent who had come to the facility to conduct an interview with him.

On 01/26/07, the recipient received a Notice regarding telephone usage. According to documentation telephone numbers have to be approved by the recipient's Treatment Team and staff should place all calls. The restriction was implemented after the recipient made threatening calls to the President and court officials.

A 07/26/07 Notice was given to the recipient when the yoga mat was confiscated. Documentation indicated the following: "The mat is mattress like, thick, long and wide--the mat is too large to be contained in the small area of his room." Additional documentation indicated that a smaller mat with cushions was allowed for the recipient to use for his religious practices. The recipient also confirmed this information.

The recipient was given a Notice on 10/10/07 pertinent to the prayer beads. Recording in the Notice indicated that it was determined that the item could be used as a weapon.

Documentation in all of the Notices indicated that the recipient had not requested that the Notices be sent to an individual of his choice.

Patient Handbook

The Authority reviewed the Contraband Section of the facility's Patient Handbook that is given to recipients upon admission. The following is documented, "Our goal at Chester Mental Health Center is to provide you with the safest and most therapeutic environment possible. In an attempt to achieve this goal, the items listed below are considered contraband. If it is believed that you have contraband, you and your personal property will be searched. Any contraband found will be taken from you." The following items were listed as contraband: alcohol based products, ball point pens, boots, sandals, cameras, camouflage or military style clothing, caustic substances, chewing gum, computers, controlled substances, cough drops, dental floss, electric appliances, electric outlet adapters, explosives, extension cords, full length pencils, gang-related clothing/articles, glass, firearms, flammables, glue (toxic), hot plates, hot pots, inhalants, jewelry, keys, knives, matches, medications, metal items to make weapons, nail clippers, Noxema, obscene material, paper clips, permanent markers, maps-local & Illinois, razor blades, recording devices, rope, sharpened objects, shoes (w/metal arches), telephone books (local), telephones, televisions, tools, toxic substances, two-way radios, and weapons.

Summary

According to the recipient whose rights were alleged to have been violated, staff at the facility confiscated items that he uses in his Hindu worship. The items included a prayer rug, yoga mat, prayer pillows, and prayer beads. The Chairman stated that after examination, the rug and pillows were returned; however, the facility failed to return the prayer beads and the yoga mat. The Chairman stated that the mat was not returned to the recipient because of its size and its potential to become a safety hazard in the event that an emergency situation occurred in the recipient's room. Additionally, the Chairman informed the Team that the prayer beads were on a 24-inch long leather strap that could possibly be used as a weapon. He stated that facility staff would allow the recipient to have rosary type prayer beads as a substitute. According to the recipient's records, several Restrictions of Rights Notices were given to the recipient, including Notices for the prayer beads and the yoga mat. Additionally, the record indicated that the recipient had an incident of barricading himself in his room and smoking a substance that was later identified as marijuana. The facility's Patient Handbook did not specifically list prayer beads as contraband, but did list jewelry as a restricted item. A substitute item was offered; however, the recipient refused the item.

Conclusion

Section 5/2-100 guarantees that a recipient shall not be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the state of Illinois and the Constitution of the United States. The right to practice one's religion is included in this guarantee. However, in accordance with the Mental Health and Developmental Disabilities Code a recipient's rights, including the right to property, may be restricted when that property is a danger to the recipient or a danger to others. Whenever a restriction is implemented, the recipient shall be provided with a Notice of the Restriction. The Authority has determined that the facility abided by the Code's requirements; therefore, the allegation that the recipient's property was restricted without a valid reason is unsubstantiated. No recommendations are issued.

Comments and Suggestions

The Chairman informed the HRA that the facility had conducted an internal investigation in order to determine how the recipient obtained the marijuana; however, no source was identified. The Authority expresses critical concerns regarding the recipient's ability to obtain the illegal substance while in the controlled environment of the most restrictive mental health facility in the state of Illinois. The following suggestions are issued.

1. The facility should make every effort possible to determine how the recipient obtained the controlled substance and take the steps necessary to ensure that this does not occur again.
2. The facility should arrange a time and place for the recipient to use his yoga mat.
3. The facility should ensure that substitutes are offered when it is necessary to restrict an item that is used in a recipient's religious practice.
4. Due to a recipient's right to practice his religion per 5/2-102, the facility should make certain that his treatment plan reflects how important religion is to him, that praying is therapeutic to him and to document the accommodations that were made to enable him to practice his religion.