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HUMAN RIGHTS AUTHORITY - PEORIA REGION
REPORT OF FINDINGS

Case # 10-090-9022
Peoria County Jail

INTRODUCTION

The Human Rights Authority (HRA) opened an investigation after receiving a complaint of possible rights violations at the Peoria County Jail. Complaints alleged the following:

- 1. A detainee was unable to access mental health services at the jail, including access to medication.**
- 2. Transfer of a detainee to a state-operated mental health facility was delayed.**

If found substantiated, the allegations would violate the Illinois Administrative Code (20 IL ADC 701.70, 701.40, and 701.90) in regard to jail standards, the Mental Health and Development Disabilities Code (405 ILCS 5/2-100 b) concerning adequate and humane treatment, and the Code of Criminal Procedure (725 ILCS 5/104-17 and 15) concerning transfers between facilities.

Peoria County Jail services the Peoria area and has beds for 420 detainees. At the date of this report, the jail had 505 detainees, with 85 detainees "on the floor," meaning detainees are bedded with a mattress on the floor of a cell. Peoria County Jail had 17,000 detainees last year; an estimated 25% detainees needed mental health services.

To investigate the allegations, HRA team members met and interviewed staff members and reviewed pertinent documents. All documents were reviewed with written consent.

COMPLAINT STATEMENT

The complaint states that a detainee was unable to access mental health services at the jail, including access to medication. The detainee reportedly was diagnosed with schizophrenia and did not have access to prescription medication. The complaint states that Peoria County was not sure whose responsibility it was to give the detainee his medication. The complaint also states that the detainee was to be transferred to a state-operated mental health facility but the transfer was delayed. The complaint states that the detainee was in the jail for 10 or 11 months before he was finally transferred.

FINDINGS

Interview with the staff

The HRA started the investigation by meeting with the Peoria County Jail staff. The staff began by stating that they currently contract with health professionals for the jail's population, as well as having a 24 hour nurse on staff who administers medications to the detainees. The jail staff explained that they are currently in the process of becoming National Commission on Corrections Healthcare accredited and now have a full-time mental health professional on staff. The jail staff also stated that they have 60 hours per week dedicated to two master's level clinicians and one contract doctor.

The jail staff explained that, if someone is going into the jail population, officers will do a mental health screening of the individual within 72 hours, and then within 14 days they will receive a full medical screening. They stated that there is a possibility that when a detainee arrives, they could go for a time without medication, but it is not something that happens often. They said that often an attorney will alert them in advance and explain the detainee's medical needs. They also explained that a local mental health group will also visit the detainees that need mental health services to assure that their needs are being met.

The jail staff stated that they did not know that the detainee in this complaint had schizophrenia when he arrived at the jail but he was diagnosed while at Peoria County Jail. The jail staff said that the detainee entered Peoria County Jail on 7/27/2009 and was released to a state-operated mental health facility on 4/16/2010. They stated that on 6/25/2010, the detainee returned to Peoria County Jail and then was released to the Department of Corrections on July 1st, 2010. The Peoria County Jail staff said that they have no authority over transferring the detainees, and when they receive court orders from a judge, they will set up the transfers, but they cannot transfer the detainee if there are no available beds for them in the receiving facility. The staff stated that in this case, the court initiated a fitness evaluation that resulted in this detainee's transfer. As a part of the detainee's defense, a fitness test was performed and the detainee's attorney probably alerted the courts as to what was desired. They stated that often they receive complaints from family members because the judge orders a transfer, but then they are not able to transfer the individual immediately due to the lack of room at the facility. The staff also said that the judge can give exact transfer dates, or state that a detainee can be transferred immediately, but if there are no beds in the facility, there is nothing the detainee can do but wait. The jail staff also explained that, when there is a transfer, they try to get the detainee moved to the new facility as soon as possible because they know that beds will not stay available long and that they need the room in their own facility. They stated that as soon as they were told that the detainee needed a transfer, they began the process. The staff stated that, when they received the court order, they contacted the facility on February 8th, and April 6th; the detainee was finally transferred on April 16th. They also explained that the court ordered an evaluation for the detainee on February 5th and that is when it was determined that the detainee was going to the state mental health facility.

The staff said they were alerted to the fact that this detainee was going through the fitness process, which means he was being evaluated to see if he was fit to stand trial. They stated that once the detainee was rendered unfit, a doctor came into the jail to perform an evaluation, and

then the doctor recommended placement. They stated that during the fitness process, they "tread lightly" with mental health assistance because of court mandates with the detainees. They said they still follow up with the detainees but they do not initiate medication during the fitness process because of these possible court mandates. They also stated that when people are given a court ordered mental health evaluation, they are generally not prescribed medication. Also, when detainees are given these evaluations, Peoria County does not get the reports that are written from the evaluations, so they do not know the outcome of the evaluation, only the transfer orders. They stated that this detainee came into the jail with no diagnosis and no medication; June 2010 was the first time they received medical orders for the detainee and that was when the detainee returned from the state operated mental health facility.

The jail staff stated that there were no mental health issues on the original screen and the detainee did not alert them about the schizophrenia. The jail staff stated that the detainees are asked during the screening if they have any mental health issues and what medication they are on. They explained that no one told them about any issues until February 2010. They explained that, in the present system, the officer completing the mental health screen would flag the screen if they saw any issues. They also explained that if there is strange behavior noticed by the guard, they would alert the staff and this could lead to an evaluation. They stated that the guards do receive mental health training and also, when the detainee received medical evaluations at the jail, he was asked the same questions regarding mental health as asked upon admission; so he was asked the same question twice and the detainee stated that he did not have mental health issues on two occasions.

The jail staff also stated that the detainee was not part of the Jail Link system. They explained that the Jail Link is a system that, if someone is arrested, and they are a client of a local mental health provider system, the jail and the provider are alerted that the individual was arrested. The staff also explained that often, when an individual is arrested, the public defender or family member will alert the jail right away of any mental health concerns and medication that the individual is taking. The jail said that nothing was brought to their attention regarding the detainee's mental health status.

The jail stated that detainees often have mental health evaluations as a means to get them moved to another facility rather than going to prison. They stated that many of the prisoners would rather spend time at a state mental health facility than at a prison, or even the jail. They stated that attorneys often try to get them to go to a mental health facility to do their time. The staff also went on to explain that they are a jail, so it is their job to treat people fairly because they are not guilty; they are only being detained for court. They stated that they have a detainee complaint form and also this particular detainee took advantage of the medical requests for a dental problem that he was having and another medical situation. They also stated that "true schizophrenics" rarely look for help for their problems by themselves. The jail explained that generally it takes 4 to 6 weeks after an detainee's evaluation for the jail to be made aware of the detainee's status.

The jail stated that they would not call the family to ask about medical issues or anything else because they have no reason to. Also, if they called the family regarding medical issues, they would be violating the Health Insurance Portability and Accountability Act (HIPAA) which

guarantees confidential protection. They also stated that if the family calls with medical information, it is documented in their medical chart. Once it is documented, they try to get someone involved with the medical information that was given. If a family member calls regarding a mental health issue, they would definitely alert someone of the issue. They stated that in this case, no one called regarding the detainee's mental health.

The staff stated that medications are handed out in a Medline that is brought to each individual pods (which are where the detainees are housed) of the detainees. They stated that the patients who need medication receive them twice a day. The detainees can bring medications from home if they are needed. Also, if the detainees need medication but can not afford them, they can get the medication through the jail.

Second Interview with Staff

The HRA conducted a second interview with the Peoria County Jail staff. In the interview the staff explained that, in the process of determining whether a detainee is fit to stand trial, the detainee is evaluated by a court appointed psychologist or psychiatrist at the jail. The public defender or state's attorney in the case motions in the court to have the fitness evaluation performed. If the motion is granted, a third party psychologist or psychiatrist performs the evaluation. A third party physician is used so that they are not swayed by the jail in the evaluation. A report is then written by the evaluator and sent to the court. At that point, the court follows the stipulations in the evaluation. The report that is written has a diagnosis or an idea of what the evaluator believes the diagnosis to be but, when the detainee is sent to the forensic mental health facility, they complete a full diagnosis. The jail does not receive the evaluation report; the report only goes to the public defender or the state's attorney. The jail explained that they believe that they do not receive the report because of confidentiality issues and because it is a court order. The jail staff stated that the report has little to do with them and it is dispersed on a need to know basis. The jail staff explained that the jail is considered more of a "warehouse" for defendants and they do not always receive all the information about the individuals unless they need to know the information. They stated that the court receives the report, and then the court will send the report to the Department of Human Services (DHS). The DHS will then send a forensic psychiatrist to the jail to perform a placement interview. At the interview the forensic psychiatrist determines to which DHS facility the detainee should be transferred. The jail staff stated that if they received the paperwork with the diagnosis, they would provide treatment, but many times when someone is treated at the jail, they are taken off their medications once they enter the DHS facility so the doctor can observe them, and then they are given medications based on the doctor's orders at the facility. The jail stated that if the detainee is readmitted into the jail with medication orders, they follow the orders. The jail reiterated that, when a detainee is going through the process of a fitness evaluation, they will also see them at the jail but they tread lightly in medicating and counseling because the fitness evaluation is a court ordered process with which they do not want to interfere. In regard to the detainee in this complaint, the jail's mental health program was not in place at the time but they contracted with a service. That service would not have been involved with the fitness evaluation. The jail staff stated that they only obtain the results that the detainee is unfit to stand trial and where the detainee is being transferred. The facility that the jail is to transfer the detainee to generally requests medical records but never asks for mental health records. Currently, every

individual who has received fitness evaluations in the jail are also part of the jail's mental health program.

The staff stated that guards and staff all participate in mental health training while at the Police Training Institute, once every two years; the staff attends a mandatory refresher course on mental health and suicide. The jail staff also pointed out that the detainee did know that there was healthcare available at the jail because he asked to see a dentist at one point in his stay and also asked for medical attention with another situation.

The staff stated that accreditation with the National Commission on Corrections Healthcare is not mandatory but rather something that the jail wanted to do. They stated that the National Commission on Corrections Healthcare is an organization that accredits jails healthcare programs and it is voluntary for jails to participate. They said that NCH provides them with audits of their system and helps Peoria County to obtain a higher level of service as a jail. They stated that their goal is to set the standards for jails in the area and becoming accredited will help them to set that standard.

The jail also explained that they have a lot of in-house training, but do not have a significant amount of written policies. They stated that they have no procedure written regarding evaluations and mental health screening because the process is site-by-site and they have no written transfer policies because the procedure is based on court orders. The jail also explained that they have evaluated and updated the intake forms and they are now using different forms with new questions regarding mental health.

Record and Policy Review

The HRA reviewed jail policies and, with consent, records that were pertinent to the case. The arrest card for the detainee state that he was brought into Peoria County Jail on 7/27/09 and transferred to a mental health facility on 4/16/10. The detainee was then transferred back to the Peoria County Jail on 6/25/10 and released to the Department of Corrections on 7/1/10.

The HRA began by reviewing the detainee's intake paperwork from 7/28/2009. According to the intake form, the detainee answered "No" to the question "Are you currently under a physician's care?" and when asked "Are you currently taking any medications?" the detainee answered "Yes" and it is written that he had an asthma pump that is at home. On the 7/28/2009 intake, the questions "Was detainee a medical, mental health or suicide risk during any prior contact or confinement with department?" and "Does the arresting or transporting officer believe that detainee is a medical, mental health or suicide risk now?" are not checked but there are initials and a zero with a line through it next to the questions which, according to the jail staff, are nursing notes indicating that the answers to both questions were "No." In this detainee's case, he was sent to medical from intake because of his asthma and the nurse asked the mental health questions rather than the officer. On the detainee's medical history form, which is dated 8/8/2009, there is a list of questions regarding the patient's medical history and the patient answered "Yes" to having asthma and answered "No" to having mental health problems. The HRA also reviewed an intake form for a previous arrest dated 5/16/2009 where the answer was "No" to "Was detainee a medical, mental health or suicide risk during any prior contact or

confinement with department?" and "Does the arresting or transporting officer believe that detainee is a medical, mental health of suicide risk now?" The detainee's medical history record from another arrest, dated 5/24/2009, also states that the detainee said he had asthma but no mental health needs.

The HRA also reviewed the intake form, dated 6/25/10, when the detainee returned from the mental health facility. When the detainee is asked if he is on any medications other than for his asthma, "Yes" is circled and "Risperidone" is written into the medication list. The form is one of the new forms that is mentioned by the Peoria County staff in the Findings section of this document, which has an entire, separated section on the document that states "If YES answers to the following, refer the detainee to Mental Health and consider placement on Suicide Watch." In the previous form, the mental health questions were located in the top portion of the form and were part of the other medical questions. On the 6/25 medical form, the detainee had answered "Yes" to the question "Do you now or have you ever had mental health treatment, hospitalization, or were prescribed psych meds?" Also, in a box titled "Diagnosis" the word "Schizophrenic" is written. The HRA also reviewed a discharge summary from the mental health facility to Peoria County jail, dated 6/24/10, where it states that "Court" is the referral service to DHS and that the detainee has a 2 week supply of Risperidone and a 30 day prescription at the time of discharge. There is also a sheet in the discharge summary listing the patient's medications with instructions on when the detainee should take the medication. The medications listed are Risperidone, Atenolol, and Albuterol inhaler. There is also a Medication Verification form dated 6/28/10 that lists the same medication from the discharge summary. The jail also provided the HRA with the detainee's "Medication Administration Record" logging the medications taken by the detainee between the dates of 6/26/10 and 6/30/10. There is also a photocopy of the prescription for Risperidone that was given by the patient's physician at the mental health facility from which he was transferred.

The HRA reviewed a court order, dated 11/9/09, which states that the defense counsel requested a fitness evaluation and the court appointed a specific doctor to perform the fitness evaluation for the defense counsel. Another court order dated 12/10/09 states that a physician has been appointed to conduct an evaluation on behalf of the people to determine whether the detainee is fit to stand trial. Finally, there is a court order, dated 1/22/10 and faxed to the DHS on 1/25/10 that states "Parties stipulate that, if called to testify, [Physicians who conducted evaluations names] would testify that, to a degree of psychiatric certainty" that the "1. Defendant is mentally unfit to stand trial. 2. Defendant is likely to be made fit to stand trial within one year. 3. Defendant should be placed in secure [Minimal Security], inpatient [Mental Health Patient] facility for treatment to obtain fitness at DHS." The same document states "1. Defendant is remanded to custody of DHS for treatment to obtain fitness [mental] to stand trial. Inpatient. 2. Department of Human Services is to prepare and submit to court a treatment plan assessment within 30 days of today's date." Another court order dated 2/26/10 states "Parties receive notice from DHS that defendant eligible for placement. Defendant waiting for bed to be available." A following court order dated 3/12/10 states "DHS reports defendant still awaiting placement at DHS." A court order dated 3/19/10 states "Defendant is awaiting a bed at DHS." Finally, on 3/26/10, there is a court order that states "[Facility's Name] informs State that defendant is next on the list for placement and should be placed within the next 2 weeks." Also, the Peoria County Jail provided the HRA with a letter they received from the DHS, dated February 5th, which states

"This is to inform you that I have completed an initial evaluation of the above detainee, and after review, we have decided she/he is appropriate for further evaluation, treatment, and/or fitness preparation at: [Facility's name]. Date and time of transfer between your facility and the state hospital can be finalized by your contacting ...". The document then proceeds to provide contact information. That same letter has handwritten notes from Peoria County Jail staff which read "2-8-10 Called [Facility's name], [Individual's name] said he would get back tom." and "4-7-10 Called [Facility's name], was told they would call me back if something opens up (maybe in the next couple of days)." Finally the handwritten notes read "4-7-10 1433 hrs Can take on 4-16-10 [Fri)]." In a court order dated 6/25/210, it is stated that "Based on [Physician's name] report, court finds defendant is fit to stand trial."

The HRA also reviewed Sick Call Request Forms that were requested and completed by the detainee in this complaint. One form, dated 9/18/09 was a request regarding dental work, one form on 10/24/09 was requesting medical attention for a pain, and a third form from 12/18/09 was another form for medical attention for pain.

The HRA reviewed a Jail Policy and Procedure titled "Access to Care" which states "Upon arrival, detainees are informed about how to access health services, such as medical, dental and mental health care where applicable. During the orientation process detainees receive additional written and oral instructions on access to care." In the "Purpose" section of this policy it states "To ensure that all incarcerated individuals will have their serious health care concerns addressed in a timely manner. This includes all medical, dental and mental healthcare needs when appropriate." The document also states that "This is applicable to all Illinois jails."

In a "Mental Health Services" policy and procedure form, it states "All detainees with a positive Mental Health screening and evaluation will receive appropriate referral and treatment as needed within 14 days of admission and/or as appropriate to their needs and/or condition." In another policy regarding intake, the document reads "The intake process will provide for the safekeeping of the individual's property and will be used to determine if the individual's physical and mental health is acceptable for confinement."

The HRA also reviewed a letter dated 7/12/2010 from the DHS to the Peoria County State's Attorney which states "The above referenced defendant was found Unable [sic] to Stand Trial [UST] by the jurisdictional criminal court and was remanded to the custody of the Department of Human Services [DHS]. It is the opinion of the DHS Division of Mental Health [DMH], that this defendant has been restored to fitness and is able to continue with the referenced criminal court case. Accordingly he has been returned to the custody of the Court for further legal proceedings."

The HRA reviewed a booklet titled "Detainee Rules, Regulations, and Information" which is given to each detainee upon intake to the jail. The booklet reads "During the intake process newly arrested persons will be thoroughly searched and all personal property will be inventoried and stored. In addition, the jail staff will observe and document an individual's mental and physical health." In the admittance section of the booklet, it states "Any prescribed medication will be given to the medical staff, who will contact the prescribing physician." In the "Medical/Mental Health Treatment/Services" section of the booklet, it states "The Peoria County

Sheriff's Office correctional facility has 24 hour per day medical and mental health services. A doctor/nurse practitioner will be at the facility three times a week. A dentist comes two times per month. A mental health provider is available five days a week or as needed. These services are available to you by speaking with your pod officer and filling out a medical request form. Medical/Mental health care is available 24 hours a day for emergencies and is available on a regularly scheduled basis for non-emergencies. Any questions or concerns regarding your health care ask an officer for an detainee request form and send it to the Medical or Mental Health Department. All detainee request forms commonly referred to as sick call slips need to be turned in at the designated times for proper scheduling and care."

The HRA also reviewed a document titled "Brief Jail Mental Health Screen" from a previous arrest of the detainee in this case. The document is dated 9/30/08 and asks questions such as "Do you *currently* believe that someone can control your mind by putting thoughts into your head or taking thoughts out of your head?" "Are you *currently* taking medication prescribed for you by a physician for any emotional or mental health problems," and "Have you ever been in a hospital for emotional or mental health problems?" The detainee answered "No" to all the questions asked on the sheet.

The HRA did not locate or identify any documentation in the detainee's file, before his 6/24/2010 stay, that indicated a diagnosis or medical treatment plan.

MANDATES

The HRA reviewed state mandates regarding the complaints within this case. In regard to the complaint that the detainee did not receive access to mental health services or medication, the Illinois Administrative Code states "All jails shall provide a competent medical authority to ensure that the following documented medical and mental health services are available 1) Collection and diagnosis of complaints. 2) Treatment of ailments. 3) Prescription of medications and special diets. 4) Arrangements for hospitalization. 5) Liaison with community medical facilities and resources. 6) Environmental health inspections. 7) Supervision of special treatment programs, as for alcohol and other drug dependent detainees. 8) Administration of medications. 9) Maintenance and confidentiality of accurate medical and mental health records. 10) Maintenance of detailed records of medical supplies, particularly of narcotics, barbiturates, amphetamines, and other dangerous drugs" (20 IL ADC 701.90). The same Code also states "A medical doctor shall be available to attend the medical and mental health needs of detainees." The Code also reads "All detainees confined shall be given a medical screening by a medical doctor, a registered nurse, a licensed practical nurse, or a physician assistant within 14 days after confinement and as required by a medical doctor thereafter." The same Code also states that "Annually, mental health professionals shall provide training to all jail officers and other personnel primarily assigned to correctional duties on suicide prevention and mental health issues."

The Illinois Administrative Code states "Medication 1) Any medication in the possession of a detainee at admission shall be withheld until verification of its proper use is obtained and documented. This verification shall be made as soon as possible, but within the time interval specified for administration of the medication on the prescription container. 2) Medications

shall be administered as prescribed and procedures shall be in place for the emergency involuntary or voluntary administration of medications, including psychotropic medications" (20 IL ADC 701.40).

The Mental Health and Developmental Disabilities Code states "A person with a known or suspected mental illness or developmental disability shall not be denied mental health or developmental services because of age, sex, race, religious belief, ethnic origin, marital status, physical or mental disability or criminal record unrelated to present dangerousness" (405 ILCS 5/2-100 b).

In regard to the complaint that the detainee was not being transferred from the jail to a mental health facility, the Illinois Administrative Code reads "Action shall be taken to transfer detainees who have been determined by mental health professionals to be severely mentally ill, developmentally disabled, or emotionally disturbed to an appropriate facility" (20 IL ADC 701.70). Also, the Code of Criminal Procedure, in regards to fitness to stand trial, states "During the period of time required to determine the appropriate placement the defendant shall remain in jail. If upon the completion of the placement process the Department of Human Services determines that the defendant is currently fit to stand trial, it shall immediately notify the court and shall submit a written report within 7 days. In that circumstance the placement shall be held pending a court hearing on the Department's report. Otherwise, upon completion of the placement process, the sheriff shall be notified and shall transport the defendant to the designated facility" (725 ILCS 5/104-17). The Code also states "Report. (a) The person or persons conducting an examination of the defendant, pursuant to paragraph (a) or (b) of Section 104-13 shall submit a written report to the court, the State, and the defense within 30 days of the date of the order. The report shall include: (1) A diagnosis and an explanation as to how it was reached and the facts upon which it is based; (2) A description of the defendant's mental or physical disability, if any; its severity; and an opinion as to whether and to what extent it impairs the defendant's ability to understand the nature and purpose of the proceedings against him or to assist in his defense, or both. (b) If the report indicates that the defendant is not fit to stand trial or to plead because of a disability, the report shall include an opinion as to the likelihood of the defendant attaining fitness within one year if provided with a course of treatment. If the person or persons preparing the report are unable to form such an opinion, the report shall state the reasons therefore. The report may include a general description of the type of treatment needed and of the least physically restrictive form of treatment therapeutically appropriate" (725 s 5/104-15).

CONCLUSION

Complaint #1 - A detainee was unable to access mental health services at the jail, including access to medication.

The complaint states that a detainee was unable to access mental health service, including access to medication while at the Peoria County jail. The jail staff maintains that they did not know that the detainee was in need of mental health services until he was evaluated to determine if he was fit to stand trial. The intake screening form listed "No" to the mental health questions and, the detainee respond "No" when asked about mental health during the medical screening on

8/8/09. The detainee, on a previous arrest, had answered "No" to the same question in a 5/24/09 document. The jail staff also stated that their guards are trained to watch for any unusual activities with the detainees that may suggest any mental health needs. The jail staff also stated that often, if a detainee has a health issue, someone contacts them regarding the issue, and in this case, they were not contacted. Although the detainee was going through different stages of a fitness evaluation the jail did not receive a letter until 2/5/2010 from the DHS stating that the detainee was unfit to stand trial and that he needed to be transferred to a mental health facility. The jail also did not receive a letter regarding the detainee's diagnosis nor did the jail receive instructions to begin treatment on the detainee. The Illinois Administrative Code (725 s 5/104-15) states that the evaluation report of the detainee that is completed by a physician in determining if the detainee is fit to stand trial will be sent to the court, the State, and the defense, and that report will have a diagnosis. The Code does not mandate that the report be sent to the jail. When the detainee returned to the jail from the mental health facility, the detainee's treatment, as it arrived with him, was followed. The HRA does recognize that the detainee did not receive mental health services at the jail, but this is due to the fact that the jail did not receive mental health evaluations. The HRA finds the allegation **unsubstantiated as a rights violation** in regard to the Peoria County jail's negligence but does recognize that the detainee did not receive mental health services due to lack of communication between the DHS, the Court system, the defendant's attorney, and the Peoria County Jail. Also, the HRA believes, based on its review, that the Peoria County Jail is able to provide mental health care and is accessible if a need is indicated or observed.

Complaint #2 - Transfer of a detainee to a state-operated mental health facility was delayed.

The complaint states that a detainee was to be transferred from Peoria County jail to a state-operated mental health facility. The jail staff said that, once the court ordered the detainee to be transferred, they had to wait for an available bed at the facility. The jail received a letter asking for the detainee to be transferred on 2/5/2010 and the jail, as documented with a handwritten note, stated that they called on 2/8/2010 to determine when the detainee could be transferred. The jail also followed up with a phone call on 4/7/2010 and finally was informed that they could transfer the detainee on 4/16/2010. Court documents from 2/26, 3/12, 3/19, 3/26 also indicated that those involved in the detainee's fitness process were aware that the detainee was awaiting room at the facility by reporting the status of the detainee's wait in the documentation. The documented note and the court orders do not indicate that there was a delay in the process on the jail's behalf but rather the delay was due to the mental health facility operating at full capacity. The Illinois Administrative Code (725 s 5/104-17) states that it is the Sheriff's responsibility to transfer the detainee to the mental health facility but there is no statement in the regulations regarding a time frame to have the prisoner moved. Again, the HRA does recognize that the detainee's transfer was delayed but, due to the fact that the jail was not at fault for the delay in transferring the detainee to the mental health facility, and because the HRA found no evidence of regulations regarding the amount of time a detainee can wait for a transfer, the HRA finds this complaint **unsubstantiated**.

Although there were no substantiated claims, the HRA does offer the following suggestions concerning both of the complaints:

- The HRA feels as though there is a disconnection in communication between the jail, court system, and individuals concerned with the detainee's well-being and feels as though both of these complaints arose from a lack of information about how the court/jail system works. The HRA suggests that the jail create a means to communicate the fitness process and the jail's role in the process to individuals who are concerned for the detainee; that way if concerned individuals are unclear on the detainee's status or well-being, they may be able to have their questions answered or know what channels to follow to be able to voice a grievance with the detainee's situation. The HRA does recognize that this communication with the family is often conducted by the attorney, but in cases where the process is not understood or not communicated to concerned individuals, information about this process could be beneficial to both the family and the jail.
- The HRA also feels as though there is a disconnect in communication between the courts, DHS, and public defender/state's attorney with the jail regarding the diagnosis of patients with mental health treatments. The detainee was found unfit to stand trial due to mental health but remained at the jail for over 2 months without receiving treatment for his diagnosis. The HRA suggests that when a detainee is found unfit to stand trial, and the jail foresees a prolonged stay between the placement and the actual transfer of the detainee, the jail inquire with the courts if there is any measure of treatment allowable for the detainee that can be performed by the jail. This suggestion is made with the understanding that the jail is only part of a larger system and that the court system and DHS would also need to be in compliance for this suggestion to come into fruition, but if the jail would like to seek help and treatment for those detainees with mental health issues, this could be a viable option.

During the investigation, it was explained to the HRA that the guards and staff of the Peoria County Jail receive training refreshers on mental health every two years. The Illinois Administrative Code dictates that "*Annually, mental health professionals shall provide training to all jail officers and other personnel primarily assigned to correctional duties on suicide prevention and mental health issues*"(20 IL ADC 701.90). The HRA asks that the Peoria County Jail schedule mental health training for the Peoria County Jail staff yearly to be in compliance with the Illinois Administrative Code.