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Egyptian Regional Human Rights Authority
Report of Findings
10-110-9034
Chester Mental Health Center
August 24, 2010

The Egyptian Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation concerning Chester Mental Health Center, a state-operated mental health facility located in Chester. The facility, which is the most restrictive mental health center in the state, provides services for approximately 250 male recipients. The specific allegations are as follows:

1. A recipient at Chester Mental Health Center was inappropriately restricted from going to the court yard.
2. The recipient's telephone rights have been restricted without a valid reason for the restriction.
3. The recipient's right to communications by mail has been inappropriately restricted.

Statutes

If substantiated, the allegations would be violations of the Mental Health and Developmental Disabilities Code (Code) (405 ILCS 5/2-102(a), 405 ILCS 5/2-103 and 405 ILCS 5/2-201).

Section 5/2-102 (a) states, " 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 Plan shall be formulated and periodically reviewed with the participation of the recipient to the extent feasible and the recipient's guardian, the recipient's substitute decision maker, if any, or any other individual designated in writing by the recipient. The facility shall advise the recipient of his or her right to designate a family member or other individual to participate in the formulation and review of the treatment plan. In determining whether care and services are being provided in the least restrictive environment, the facility shall consider the views of the recipient, if any, concerning the treatment being provided. The recipient's preferences regarding emergency interventions under subsection (d) of Section 2-200 shall be noted in the recipient's treatment plan."

Section 5/2-103 states, "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. (a) The facility director shall ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible, and that space for visits is available. Writing materials, postage and telephone usage funds shall be provided in reasonable amounts to recipients who reside in Department facilities and who are unable to procure such items. (b) Reasonable times and places for the use of telephones and for visits may be established in writing by the facility director. (c) Unimpeded, private and uncensored communication by mail, telephone, and visitation may be reasonable 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 when the restrictions are no longer in effect. However, all letters addressed by a recipient to the Governor, members of the General Assembly, Attorney General, judges, state's attorneys, Guardianship and Advocacy Commission, or the Agency designated pursuant to '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, officers of the Department, or licensed attorneys at law must be forwarded at once to the persons to whom they are addressed without examination by the facility authorities. Letters in reply from the officials and attorneys mentioned above must be delivered to the recipient without examination by the facility authorities. (d) No facility shall prevent any attorney who represents a recipient or who has been requested to do so by any relative or family member of the recipient, from visiting a recipient during normal business hours, unless the recipient refuses to meet with the attorney."

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 therefor 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 mending 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 therefor in the recipient's record."

Investigation Information for Allegation 1

Allegation 1: A recipient at Chester Mental Health Center has been inappropriately restricted from going to the court yard. To investigate the allegation, the Investigation Team (Team), consisting of two members and the HRA Coordinator (Coordinator), conducted a site visit at the facility. During the visit, the Team spoke with three recipients and the Assistant Administrator. The recipient's clinical chart was reviewed with his written authorization.

I...Interviews:

A...Recipient 1:

During a site visit at the facility, the Team spoke with the recipient whose rights were alleged to have been violated regarding the allegation. He informed the Team that all recipients at the facility have been restricted from going to the court yard. He stated that the restriction was implemented after a recipient from one of the Units attempted to escape while in the court yard by climbing a tree and jumping onto the roof. The recipient stated that he believed that it was mandatory for recipients, as well as inmates of the Illinois Department of Corrections, to have at least 15 minutes of fresh air daily.

B: Recipients 2 and 3:

When the Team spoke with Recipient 2 and Recipient 3 regarding the allegation, neither recipient expressed a problem with going to the court yard.

C...Assistant Administrator:

The Assistant Administrator informed the Team that there was an incident regarding a recipient attempting to flee from the facility while in the court yard. The Assistant Administrator stated that the recipient was able to climb a tree and jump onto the roof. However, staff members intervened preventing the recipient's unauthorized departure from the facility. She stated the potential for similar incidents occurring was resolved within a few days by having someone trim the limbs from the tree in the court yard.

The Assistant Administrator stated that there have been occasions during extreme cold or inclement weather that recipients have not been able to go into the court yard. Conversely, recipients have not been restricted from going to the court yard for any other reason(s).

II...Clinical Chart Review:

When the recipient's clinical chart was reviewed, mail and telephone restrictions were observed; however, there were no recordings pertinent to any type of court yard restriction.

Summary of Allegation 1

During the investigation process, the Authority learned that a recipient had attempted to escape from the facility by climbing a tree in the court yard and jumping onto the roof of the facility. However, the recipient's attempts to flee were thwarted by facility staff. According to the Assistant Administrator, recipients were unable to go to the court yard until the limb was cut off the tree to prevent a similar occurrence. The Assistant Administrator stated the situation was resolved within a very short period of time. She stated that recipients are unable to go into the court yard outside the individual units when the weather is extremely cold or inclement. However, there are no other conditions which would prevent all recipients from going into the

court yard. Recipient 2 and Recipient 3 did not express any problems with being able to go into the court yard. Recipient 1 stated that he was unable to go into the court yard after another recipient's attempt to escape. However, there was no documentation in Recipient 1's clinical chart to lead one to believe that he had been restricted from the court yard.

Conclusion of Allegation 1

The Authority acknowledges that recipients may have encountered some days when they were unable to go into the court yard outside of the individual units shortly after a recipient's escape attempt and when there was severe weather. However, no rights restriction was found. Therefore, the allegation that the recipient was inappropriately restricted from the court yard is unsubstantiated. No recommendations are issued.

Suggestion for Allegation 1

The following suggestion is issued:

1. Whenever, recipients are not allowed the scheduled court yard times due to inclement weather or other safety issues, facility staff should inform the recipients of the cancellation and the reason for the cancellation.
2. The facility should develop a policy outlining court yard procedures.

Allegation 2: The recipient's telephone rights have been restricted without a valid reason for the restriction & Allegation 3: The recipient's right to communication by mail has been inappropriately restricted. To investigate the allegations, the Team spoke with the recipient whose rights were alleged to have been violated, the Assistant Administrator and the Training Coordinator. The recipient's clinical chart was reviewed.

I...Interviews:

A...Recipient:

During the site visit, the Team spoke with the recipient concerning the allegations. He stated that his communication rights, including telephone and mail, have been restricted. He stated that the restriction was implemented shortly after he was transferred from another state-operated mental health facility to Chester Mental Health Center in August 2009. The recipient stated that he had written a letter to the President of the United States that prompted the restriction. He informed the Team that he felt that the restrictions were unwarranted.

B: Assistant Administrator:

According to the Assistant Administrator, the recipient has been restricted from calling or writing the President of the United States due to his writing and making phone calls at the transferring facility containing threats. The Administrator stated that the restriction was in place at the time of admission and was continued since his admission. She related that the restrictions have been reviewed weekly and Restriction Notices are provided to the recipient.

C: Training Coordinator

The Training Coordinator informed the Team that the restriction was implemented in accordance with Code mandates, which allows for restriction when a recipient or others are threatened or harassed. He stated as a result of making hostile calls to America's Most Wanted and the President and sending letters with threats to the President, restrictions were implemented. The Training Coordinator informed the Team that the recipient has been provided with Restriction Notices pertinent to the restrictions and weekly reviews have been made to determine the appropriateness of the restriction.

II: Clinical Chart Review

A...TPRs

Documentation in an 11/04/09 TPR indicated that the recipient was found Not Guilty by Reason of Insanity (NGRI) on 11/25/03 with a Theim date listed as 12/08/09. According to the record, the recipient was transferred from the facility to a less restrictive state-operated mental health center in April 2009. The record indicated that the recipient became obsessed about returning to Chester Mental Health Center and on 08/11/09 he threatened to harm himself if he did not receive the transfer. As a result of the threat he was placed on frequent observation status to monitor for self-injurious behavior. On that same day, he informed staff at the transferring facility that he had written a letter to the President of the United States threatening to kill him; however, he reported that he had destroyed the letter before placing it in the mail. When this information was obtained, the recipient was placed on telephone and mail restriction restricting him from calling or writing the President. According to the documentation, the same day that he was placed on the restrictions, the recipient brought three letters addressed to the President to staff members. All of the letters contained handwritten threats to kill the President and his immediate family members using a 22 caliber handgun. Additional threats included shooting down the President's aircraft with a surface to air missile after the recipient was discharged from the facility. Reports indicated that the Secret Service was notified concerning the threats and came to the transferring facility on 08/12/09 to interview the recipient.

When the recipient arrived at Chester Mental Health Center, the record indicated that the restrictions were continued and reviewed weekly. Documentation indicated that at the 04/01/09 TPR meeting, the recipient admitted he had sent a letter that stated he "would fire a missile at Air Force 1 using a Huey helicopter and that he "would take him down like a hawk'. The record indicated that he "would be able to take the President out from 1,000 yards using a M-16 rifle

during a public presentation." He stated that he had also sent letters to federal agencies complaining about the use of federal money to various political action groups. Documentation indicated that during the meeting the recipient was informed that his phone restrictions would be continued, pending review of the treatment team and the facility Administrator.

According to the 11/04/09 TPR, the recipient's diagnoses were listed as follows: AXIS I : Bipolar I Disorder, Most recent episode manic, Alcohol Abuse by history, Cocaine Abuse by history; AXIS II: Borderline Personality Disorder; AXIS III: Functional Tremor, History of Dyspepsia/GERD (Gastroesophageal Reflux Disease), History of Basal Cell Carcinoma; AXIS IV; NGRI status; Self-injurious acting out behaviors; Apparent inconsistent family support.

The recipient's medications were listed as: 1) Quetiapine 400 mg AM and HS (at bedtime) for mood stabilization and psychosis (increased on 10/28/09), Lamotrigine 75 mg AM and 100 mg HS for mood stabilization, 3) Trazodone 100 mg HS for insomnia, 4) Clonazepam 1 mg AM and HS for anxiety; and 5) Hydroxyzine 50 mg PO (by mouth) every 4 hours PRN (as needed) for anxiety and agitation.

Goals for the recipient to be free of displaying aggressive behaviors to others, to reduce symptoms of depression and to significantly reduce the number of self abusive incidents were incorporated in the TPR. Documentation indicated that the telephone and mail restrictions continued to be appropriate at the time of the meeting. However, the restrictions would be reviewed on a weekly basis.

Documentation indicated that the recipient attended the 12/02/09 TPR meeting. When the topic of a recent threatening letter that the recipient had sent to various agencies was discussed, the recipient stated that he originally sent a letter to the Illinois Department of Public Health office and to the [Name] Ministries explaining his intention of possible harm to the President. The recipient informed the treatment team members that he did not approve of a political lobbying group giving money to the President during his election campaign. The recipient informed the team that he hoped that the two groups listed would forward the threatening letters to the President since he was not allowed contact with the White House. Documentation indicated that due to the threats of harm, the restriction continued to be appropriate.

At the 12/23/09 TPR meeting, the recipient informed the Treatment Team that he had no plans to continue to write governmental agencies for the purpose of harassment. The record indicated that he had recently signed Voluntary Status after his Theim date was reached. Documentation indicated that the recipient had not shown any signs of aggression, depression, or self-abusive behaviors during the reporting period. According to the record, the recipient was on the green level, the highest level of participation in the facility's level system.

B...Progress Notes:

The recipient's therapist documented in a 09/28/09 progress note that the recipient continued to be on phone restriction due to his contacting the White House and making threats

toward the President. The therapist recorded that the restriction would continue until the recipient's belief that his attempts to threaten the President ceased.

On 01/26/10 the therapist recorded that the recipient had been advised that per the facility Administrator the phone restriction would expire on 01/29/10 at 3:15 PM and explained to the recipient the importance of not abusing his phone privileges. The Therapist documented that the recipient verbalized an understanding of the information conveyed.

An 01/15/10 Therapist Note indicated that the recipient was brought into the therapist's office to discuss his treatment and to allow him to call his father to wish him a happy birthday.

C...Restriction Notices:

Documentation indicated that a Restriction Notice was given to the recipient on 08/19/09 restricting his right to communicate by telephone or mail to the White House or America's Most Wanted. The reasons listed for the restriction was because the recipient was sending threatening letters and making hostile calls. The specific telephone numbers and the address of the White were listed on the Restriction Notice. According to the documentation, the Unit Director was to approve in writing the recipient's module phone calls. The Restriction Notice covering a 30 day period was signed by the facility Administrator pending weekly reviews.

The record indicated that the Unit Manager delivered the Restriction Notice in person and the recipient stated that he did not wish that anyone be notified of the restriction.

Additional Restriction Notices were issued every thirty days with the final restriction issued on 12/30/09 for the period 01/01/10 at 3 PM until 01/29/10 and 3 PM.

Summary

When the Team spoke with the recipient during a site visit to the facility, the recipient stated that he that the restrictions of his telephone rights were unjustified. However, facility staff and documentation in the recipient's clinical chart indicated that the recipient had made calls to the White House, written threatening letters to the President of the United States and had made harassing calls to the Secret Service. The transferring facility considered the threats significant and spoke with the Secret Service about those concerns. The record indicated that Secret Service came to the transferring facility to speak with the recipient. Based on those threats, the transferring facility restricted the recipient's rights and when he was transferred to Chester Mental Health Center the restrictions continued. Documentation indicated that the recipient was only restricted from calling and writing the White House and the Secret Service. Conversely, he was allowed to make supervised calls to others. Restriction Notices were provided in accordance with the Code. The Restriction Notices were implemented for a 30 day period with weekly reviews. The record indicated that after the recipient's condition improved, the restriction was discontinued.

Conclusion

Based on the information obtained, the allegations that the recipient's telephone rights and communications by mail were inappropriately restricted is unsubstantiated. No recommendations are issued.