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**FOR IMMEDIATE RELEASE**

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North Suburban Regional Human Rights Authority  
Report of Findings  
HRA #11-100-9012  
Elgin Mental Health Center

In April 2011, the North Suburban Regional Human Rights Authority (HRA) opened this investigation regarding Elgin Mental Health Center, Forensic Treatment Program. A complaint was received that alleged that a recipient's communication rights were violated; the recipient's remote educational program sent correspondence (via an email) to the Center's educational liaison and the liaison did not relay this correspondence because the recipient was on a computer restriction. If found substantiated, the allegation would be a violation of the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5).

Recipients receiving services at EMHC's Forensic Treatment Program, a medium security facility, have been remanded by Illinois County Courts to the Illinois Department of Human Services (DHS) under statutes finding them Unfit to Stand Trial (UST) and Not Guilty by Reason of Insanity (NGRI). Placement evaluations determine the most appropriate inpatient or outpatient setting for forensic treatment based on a number of factors including age, gender, mental health diagnosis, and security need. Unless a person is specifically ordered to receive services in an outpatient setting, court ordered referrals under state forensic statutes call for placement in a secure inpatient setting. The Forensic Treatment Program has 315 beds.

To pursue this investigation, a site visit was conducted in May 2011, at which time the allegation was discussed with Center personnel. The HRA discussed the allegation with the recipient whose rights were alleged to have been violated via telephone. The HRA reviewed portions of the recipient's clinical record, with written consent. Also reviewed were Center policies specific to the allegation.

**Findings**

The Forensic Treatment Program has a Program Services Department that contains (among other services) a library, educational classrooms, computers, an area to listen to electronic devices and a Craft and Horticulture/Flower Shop program. Recipients enrolled in distance learning programs have access to computers in this area and are able to access the internet, with supervision.

The recipient reported that he received a 30-day computer restriction which he acknowledged was justified. However, the distance learning program that he is enrolled in sent him an email regarding his homework assignment, and the email was not relayed to the recipient because of the restriction. The recipient did not believe his education should have been thwarted because of the restriction.

According to the clinical record, on March 1, 2011, while in the program building, the recipient and another recipient were observed to be passing something between them that looked to be a computer flash drive. The flash drive was subsequently found in the recipient's bedroom.

Documentation indicated that the recipient's rights were restricted for his computer and all computer related equipment due to violating the terms of computer use.

At the site visit, the Acting Distance Learning Coordinator explained that the recipient was found with another recipient's flash drives, which is a violation of computer policy/rules. The Learning Distance Coordinator (the Coordinator that was involved with this recipient has since retired) stated that recipients can and do receive emails from long distance learning programs. And, the Distance Learning Coordinator also receives emails pertaining to the students. When asked if the recipient was denied information about his school assignments because of the restriction, he said he could not speak for the previous Coordinator, but when he receives an email concerning school work, he might not necessarily print it out and give it to the recipient, but he would tell the recipient about its contents, even if that recipient was computer restricted.

The Center's Patient Possession & Use of Personal Computers, Printers, CD-Rom & CDs policy states that all patients shall be informed that personal computers, printers, peripherals, modems, CD-ROM and CDs, software or other equipment used with the computer shall be considered restricted property. The only exception shall be that the patient may use their personal laptop computer while in the hospital only if the use has been reviewed and recommended by the patient's treatment team and approved by the Clinical Nurse Manager. The policy references the Illinois Administrative Code (59 Il Adm 109) which states (in part) that the facility director may restrict the possession or use of computers, peripherals, modems, CDs, disks, software, or other equipment used with the computer for all individuals in a facility, when necessary to protect an individual or others from harm, provided that notice of such restriction shall be given to all individuals upon admission. E-mail and internet use on State-owned computers by individuals is prohibited. Facilities are not required to provide individuals with e-mail or internet access on State-owned computers. Individuals may request to have e-mail and internet access for educational purposes only. No other e-mail and internet related uses of State-owned computers by individuals are permitted. If an individual inappropriately uses a computer, the treatment or interdisciplinary team may restrict his or her use of the computer until the treatment or interdisciplinary team meets to determine the programmatic action warranted. Computers are approved for the individual's personal use. Allowing another individual to use a computer or using the computer to obtain personal gain from other individuals is a violation that can result in restrictions on the use of the computer.

A review of the Center's Patient Mail policy does not address correspondence sent via email.

### **Conclusion**

Pursuant to the Illinois Mental Health and Developmental Disabilities Code Section 2-103, "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."

The HRA concludes that communication rights were not violated. However, given society's rapidly changing modes of communication, we believe the spirit of the Code now includes unimpeded email correspondence that would pertain to the recipient's treatment program or other approved facility activities.

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## **RESPONSE**

**Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.**

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**Pat Quinn, Governor**

**Michelle R.B. Saddler, Secretary**

**Division of Mental Health - Region 2**

**Elgin Mental Health Center ■ Singer Mental Health Center**

**RECOVERY IS OUR VISION**

Recovery is a Personal Journey of Hope, Healing, Growth, Choice, and Change

July 11, 2011

Mr. Dan Haligas - Chairperson  
North Suburban Regional Human Rights Authority  
9511 Harrison Street, W-300  
Des Plaines, IL 60016-1565

Re: HRA #11-100-9012

Dear Mr. Haligas:

Thank you for your recent investigation into a complaint made by one of our patients in the Forensic Program of Elgin Mental Health Center. Per your report, the patient's complaint that his communication rights were violated was unsubstantiated.

We take pride in offering a computer based, distance learning program for our patients. The e-mail address provided through our facility computers is only accessible by the patient. Staff do not review the content of patient e-mails. It should be noted that during the patient's restriction period, he was advised to make contact with the school by phone and did so routinely to keep up with assignments. Patients may request to have e-mail and internet access for educational purposes only. Patients enrolled in our program have to sign written agreements that they will abide by all policy and procedures related to the Illinois Administrative Code (59 IL Adm. 109 – Individuals Access to Services).

I would request that this request be attached to the report and be included with any public release of your report of findings.

Sincerely,

Paul N. Brock, M.P.A., M.H.A.  
Hospital Administrator

PNB/JP/aw

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