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**FOR IMMEDIATE RELEASE**

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**HUMAN RIGHTS AUTHORITY METRO EAST REGION  
HRA CASE # 15-070-9009  
ALTON MENTAL HEALTH CENTER**

**INTRODUCTION**

The Metro East Regional Human Rights Authority (HRA) has completed its investigation of a complaint at Alton Mental Health Center (AMHC), a state-operated mental health facility located in Alton, Illinois. The facility is a medium security mental health care facility serving 120 patients between the ages of 18-55. One hundred and ten of that number (88 males and 22 females) are housed in the Forensic Unit, and the remaining 10 patients are in the Civil Unit. Alton Mental Health Center employs 220 staff members to ensure that patients are supervised 24/7. The allegations being investigated are the facility violates personal property rights when it denies certain types of property, the rationale is inadequate, and the denial is inconsistently applied across the facility. If substantiated, the allegations would be violations of the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102,104) and regulations that govern property in State-Operated Mental Health Facilities (59 Ill. Admin. Code 110).

**METHODOLOGY**

To pursue the investigation, an HRA team interviewed Alton Mental Health Center staff and the consumer. The HRA team also obtained and reviewed internal emails, progress notes, personal property logs, agency policies, and the Alton Mental Health Center Consumer Handbook.

**FINDINGS**

The complaint indicated that a resident was denied certain bedding because it was not flame retardant, a Play Station Portable (PSP) because it was tampered with and headphones because they contained a piece of metal in the top. The facility acknowledged that each of the concerns were accurate and gave explanations for each.

The HRA reviewed Personal Property logs and Progress Notes, and facility staff indicated in an interview that the bedding in question was being held in Personal Property while the Director of the Office of Security and Emergency Preparedness for the Illinois Department of Human Services (DHS) reviewed fire safety standards. Per the progress note dated September 26, 2014, the facility was in the process of updating the Contraband and Allowed Items lists and had removed all flame retardant items from the patient living units until the DHS reviewed safety standards. Restriction of Rights notices were issued for confiscated bedding. After a DHS review, management decided that they would not eliminate flame retardant items and did not add them to the Contraband list. An email was subsequently sent to staff on December 31, 2014 stating that personal blankets should be returned to the recipient as had occurred with other consumers at AMHC.

With regards to the PSP, the consumer admitted to facility staff and the HRA that he altered the device in an attempt to make it compliant with the facility's electronic standards. The Patient Handbook states that wireless communication cards and modems, which includes WIFI, are not allowed. In addition, agency policy disallows electronic devices if they have recording capabilities or wireless communication cards or modems (WIFI). AMHC staff stated that since they do not have the capability of ensuring that WIFI capability has been disabled, they must go by the manufacturer's description of the electronic device in determining whether it meets AMHC's criteria. A Restriction of Rights notice was given to the patient and the PSP was placed in Personal Property, according to the record.

According to the progress note written on September 26, 2014, the headphones were inspected and denied by security due to a piece of metal at the top of the headphones. A restriction of rights was issued and the headphones were stored in personal property. The facility Contraband List states "Any item that in staff's judgement...could be used, fashioned into, or designed to be a weapon or interfere with the security of the hospital" is considered contraband.

Facility staff report that policies and procedures are consistently applied throughout the facility. Each forensic unit at AMHC follows the same policies and procedures and all staff receive identical, computer based training via net learning and annual classroom training, each if which is mandatory. According to facility policy, personal property is handled consistently across units, unless otherwise stated in an individual's treatment plan. Each individual is given a copy of the patient handbook upon admission that explains personal property procedures.

#### **MANDATES/REGULATIONS**

According to the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102, 104):  
*Sec. 2-102. (a) 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.*

*Sec. 2-104. 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 therefor, 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.*

*(c) When a recipient is discharged from the mental health or developmental disabilities facility, all of his lawful personal property which is in the custody of the facility shall be returned to him.*

The Illinois Administrative Code (59 Ill. Admin. Code 110.30) states the following:

*Sec.110.30. Personal Property in State Mental Health Facilities*

*a) Individuals may possess a reasonable amount of personal property for personal use under the following conditions:*

*1) 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 so long as the restriction does not otherwise conflict with the rights provided in this Section.*

*2) Upon arrival at the facility, the individual's belongings will be inventoried and checked against the contraband and restricted items list. Items that are contraband/restricted will not be given to the individual. Staff shall notify the individual of the contraband and restricted items and ask whether the items should remain in personal storage or whether the item should be sent to a family member or friend. Staff shall post a list of contraband and restricted items in a common area of the unit.*

*3) Property must be approved by the individual's treatment team prior to use. Any judgment, may pose harm to the individual or to others shall be restricted. Property shall not be restricted on political, philosophical or religious grounds. Property intended as a medically reasonable accommodation of a known disability shall not be restricted except when determined by a physician and the treatment team, in exercise of their professional judgment, that the accommodation may pose harm to the individual or others. A restriction of rights shall be issued in accordance with the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-201] within 48 hours. When the restriction of rights is issued, the treatment team member shall inform the individual of his/her ability to request a review under subsection (a)(5). The individual will have the option of placing the personal property in storage or returning it to its place of origin.*

*A) Personal property approved by staff for usage by an individual may not be shared with any other individual unless the second individual is approved for such usage in accordance with this Section. Violation of this subsection (a)(3)(A) may result in a restriction of rights, including loss of use of the shared property, as determined by the treatment team exercising its professional judgment.*

*B) Individuals may request prior approval, in accordance with subsection (a)(3), from designated staff for any property they intend to have sent to the facility or intend to receive during visits with the family or friends, but are not required to seek prior approval. Property that has not been submitted for prior approval must nonetheless be approved, in accordance with subsection (a)(3) and comply with all other Sections of this Part before an individual may have access to it.*

*C) Once approved by the treatment team, personal property must be inspected by designated facility staff prior to entering the treatment unit. Items approved for possession by an individual may be indelibly marked or identified as belonging to that individual prior to entering the treatment unit....*

*D) Contraband*

*Notwithstanding any other Section of this Part, any property that is determined to be contraband shall not be allowed in any State operated facility.*

*E) Restrictions on an individual's right to possess personal property shall not be imposed as punishment, in response to an individual declining to take medication, or in response to a failure to undergo other treatment recommended by an individual's treatment team. However, if an individual's clinical situation changes, the individual's treatment team may reconsider the possession of property in accordance with this Section....*

*G)The facility director shall conduct training on this Section at least once a year and a written record of such training will be made.*

### **CONCLUSION**

With regard to the complaint that indicated a resident was denied bedding that was not flame retardant, the HRA finds the complaint unsubstantiated. The facility issued a restriction of rights, stored the belongings in personal property and returned the items after safety standards were reviewed and it was determined that the items in question did not pose a safety hazard. The Administrative Code allows for property restrictions for safety reasons. The record confirms that a blanket was removed for safety purposes. The facility policy appears consistent with Code requirements.

The second complaint regarding the consumer not being allowed a Play Station Portable (PSP) because it was tampered with is also unsubstantiated. Facility staff do not have the capability to ensure that the product meets the facility's electronic policy if it has been altered. The facility relies on the manufacturer's description of products and does not have the expertise to ensure the device meets the specific requirements if it has been altered in any way. The consumer admits to trying to disable the WIFI capability on the device to meet the electronic standards of the facility. Facility policy states that any electronic device that has been broken, modified and or tampered with (unless approved by the facility) is an unapproved media device. The consumer acknowledges that the device was modified. The facilities personal property policy and contraband list appear to be consistent with the Illinois Administrative Code.

The third complaint regarding a consumer being denied headphones due to them having a piece of metal in the top is also unsubstantiated. The Illinois Administrative Code Section 110.30 regarding Personal Property in State Mental Health Facilities states; "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...." Facility security personnel indicated that the piece of metal could easily be removed and fashioned into a weapon. Progress Notes indicated that the headphones had a piece of metal at the top and were not allowed for this reason. The item was

placed in Personal Property and a Restriction of Rights notification was issued to the consumer. The headphones were later mailed to the consumer's home per the consumer's request. The HRA was unable to find any inconsistencies in the way that personal property policies are implanted across the forensic units. While the HRA acknowledges the complainants concerns, there was no evidence to substantiate that policies were being inconsistently applied. #

### **SUGGESTIONS**

Ensure that the facility Contraband list and associated policies clearly explain that tampering with items in an attempt to make them compliant with facility rules is not acceptable. Explain that the facility follows the manufacturer's description of the product when determining if the product follows the facility guidelines on allowed electronic items.

Ensure that staff members are consistently applying policies and procedures throughout the facility.