



FOR IMMEDIATE RELEASE

**METRO EAST HUMAN RIGHTS AUTHORITY
REPORT OF FINDINGS
HRA CASE # 15-070-9025
ALTON MENTAL HEALTH CENTER**

The Metro East Regional Human Rights Authority (HRA) has completed its investigation of a complaint at Alton Mental Health Center, a state-operated mental health facility located in Alton, Illinois. The facility is a medium security mental health care facility largely populated in a forensic unit, serving 120 patients between the ages of 18-55. Approximately 110 of the individuals served are in the forensic unit, of which 88 are male and 22 are female. The civil unit houses a maximum of 15 patients with one overflow bed which is for emergent purposes only. Alton Mental Health Center employs 220 staff members, and ensures that patients are supervised 24/7. The allegation being investigated is that the facility violates personal property rights when it denies certain types of property, the rationale for property denial is inadequate and the denial is inconsistently applied across the facility.

If substantiated, the allegation would be a violation of the Illinois Mental Health and Developmental Disabilities Code, the Illinois Administrative Code and Alton Mental Health Center policies.

METHODOLOGY

To pursue the investigation, an HRA team interviewed Alton Mental Health Center staff, obtained and reviewed masked community forum records, community meeting logs, agency policies, the Alton Mental Health Center Consumer Handbook and interviewed multiple consumers.

FINDINGS

The Alton Mental Health Center Handbook was revised on May 6, 2015. The revisions included changes in the Contraband Items and Controlled Items List. Items that consumers were previously allowed to possess are now listed as contraband; Facility staff provided documentation, in the form of community meeting logs, that they began speaking with the consumers regarding the upcoming changes on May 24, 2015. According to the log, staff reviewed the new handbook with the consumers and paid special attention to the contraband and media changes. Unit A2 was the first to have the changes implemented on June 3, 2015; each consumer's room was searched, inventoried and all excess and contraband items were removed in order for the consumers to be in compliance with the new policies. Multiple complaints indicate that consumers' were forced to remove strings or staff removed strings in order for the items to be in compliance with the new policy. In some instances the alterations rendered the clothing unusable. Staff allegedly removed strings from coats, hoodies and gym shorts without first confirming whether the consumers would like the items altered, placed in personal property or sent home.

AMHC implemented a new contraband policy on June 3, 2015 thus a unit search was conducted and the contraband items were to be confiscated and placed in personal property or made compliant with the new policy. The unit search began with unit A2. After the search occurred,

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 of 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.

Alton Mental Health Center Handbook States:

IMPORTANT INFORMATION REGARDING CONTRABAND AND CONTROLLED ITEMS Revised: 05/06/15

- The Contraband and Controlled Items List (see attachment) reflects items that are considered contraband, as well as items that are allowed, but are controlled (such as number of items allowed, where items can be used, etc.). This means contraband items are not allowed on units and are either illegal or prohibited by Department and/or Division PD's and AMHC P/Ps. **This list is subject to change. If changes are made, you will be provided with an updated version.**

Contraband Items

(Items deemed to be contraband do not require an IL 462-2004M Restriction of Rights form unless taken from the individual after receipt)

- Any consumable item that is not provided by the Alton Mental Health Center. This includes medication, food items, alcohol, illicit drugs, etc.
- Matches, lighters, or any other items that can create a flame or spark
- Scissors, knives, any bladed item, or any device that is sharp
- Razor heads with more than three (3) blade
 - Flexible or non-flexible pencils and/or pens that are not approved by the facility
- Any aerosol products or products with propellants
- Any item or material that can be used to interfere with the function of door locks (i.e., glue, wax, foil, gum, etc.)
- Clothes hangers
- Wire/metal products:
 - Loose wire
 - Metal wire beyond that used in headphones
 - Headphones with detachable cords
 - Any item with a detachable cord
 - Non-detachable cords over 4 feet in length
 - Extension Cords
- Telescoping and/or metal antennas
- Detachable belt buckles or belt buckles that are greater than 2 x 2 inches and weighing more than 0.5 lbs.

- Belts that can be taken apart (i.e. woven belts) and combat or survival nylon cord bracelets
 - Jewelry (including gages) used for body piercings
 - Spiral bound notebooks
 - Glass and/or glass bottles
 - Mirrors (including compacts with mirrors)
 - Quilted comforters or jackets
 - Paper clips, thumb tacks or safety pins
 - Toothpicks
 - Rubber bands
 - Bras containing wire
 - Stuffed items used for recreation (such as hacky sacks, bean bags, etc.)
 - Tobacco products
 - Smokeless and electronic cigarette devices
 - Laser pointers and/or flashlights
 - Pantyhose
 - Plastic bags or plastic bottles
 - Plastic shower caps
 - Any type of hand or power tool (i.e., screwdriver, pliers, hammer, etc.)
 - Nylon mesh bath puffs
 - Throw rugs
 - Large battery or cord-operated hair clippers
 - Any clothing or other items that are displayed to suggest gang activity, encourage use of illegal drugs and/or alcohol, express anti-social sentiment (e.g. violence, racism, vulgarity, etc.) or anything that may be deemed detrimental to the recovery process
 - Items, including clothing, that are broken, torn, damaged and/or ripped, or altered in any way

Controlled Items:

(Items deemed to be controlled do not require an IL 462-2004M Restriction of Rights form unless taken from the individual after receipt)

Allowed Only With Treatment Team Approval:

- Telephones and cell phones (**for off-grounds unsupervised privileges; must be stored off the unit**)
- Any item containing alcohol (**must also be used under staff supervision**)
- Metal bracelets and metal necklaces (only when utilized for religious purposes, and cannot be obtained utilizing other material)
- Note pads with staples. (No staples bigger than standard staples are allowed on the living units) – **may be restricted based on patient/unit risk factors**
- Magazines concerning guns & weapons and/or sexually explicit pictures or anything that may be deemed detrimental to the recovery process
- Markers
- All manicure tools (**requires sharps approval, must be used under staff supervision and included in razor count**)

Allowed Only With Physician Order:

- Shoes weighing more than 3.5 lbs; containing metal, such as steel-toed shoes and shoes with metal shanks
- Metal orthotics (i.e., shoe inserts) or braces
- Canes, crutches, or other ambulation or medical mobility devices. Must be issued from the facility's Health Services Department.
- Stretch or roller bandages
- Adaptive ADA Devices (restrictive measures as directed by physician)
- Non-Woven Belts

Allowed With Limitations:

- Tape (limit tape to 4 pieces per picture, no more than 2" long each)
- Stud style earrings only (maximum of six (6) individual earrings allowed (equivalent to three (3) pairs of earrings), regardless of the number of ear piercings)
- Rings (one plain band allowed)
- Rope, yarn, twine, string or similar item; not to exceed 12 inches
- Food items (**limited to dining room only**)
- 10 pieces of hard candy
- Condiments - packets of sugar, ketchup, mustard, mayo, salt, pepper (**limited to dining room only**)
- Laundry products (for laundry purposes) and bulk powders/liquids/other products (must be distributed by staff at time of use, in appropriate measured quantity)
- Dental floss (not to exceed 12 inches and used under staff supervision)
- Books and/or magazines - no more than six (6) books and magazines (in any combination). Additional books/magazines will be placed in Personal Property

Controlled Items (continued)

- Shoelaces (unless prohibited per physician order)
- Stuffed items used for therapeutic purposes (i.e., stuffed animals, personal pillows, etc.) (must be part of individual's treatment plan)
- Grooming Box items (**bathrooms only**)
 - One (1) grooming box per patient
 - Combs over five (5) inches that are breakable, hairbrushes, and hair picks must be in Grooming Box
 - Toothpaste and toothbrushes must be in Grooming Box
- Cups (Styrofoam, plastic, etc.)
 - provided by the facility (**limited to dining room only unless being used for medical purposes on the unit, then may be used under staff supervision and discarded after use**)

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For your safety, any item that in staff's judgment could be used, fashioned into, or is designed to be a weapon or interfere with the security of the hospital will not be allowed. This is to include any item that the individual has identified as a weapon through comment, verbal threat, or physical posturing. **Such item shall require an IL462-2004M Restriction of Rights form be completed and the item will be confiscated.** Treatment team will review the confiscation during the next business day. The outcome of the treatment team's decision will be clearly documented in the individual's clinical record.

Individuals who feel their property was unreasonably restricted may appeal this decision by submitting a Consumer Concern/Complaint form. You will receive a response to your complaint in accordance with the Consumer Concern/Complaint Policy.

CONCLUSION

At the time the complaint was filed, the complaint was **substantiated**. The Illinois Administrative Code (59 Ill. Admin. Code 110.30) states, "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." It does not allow for destruction of property in order to bring an item into compliance. Staff failed to verify the consumer's preferences to either alter the items, place in personal property or send the items home. However, Alton Mental Health Center addressed the complaint and counseled staff on how to appropriately implement the policy changes and no further complaints were received when the remaining units were subsequently brought into compliance. The HRA Coordinator called and spoke with random consumers on C unit and although they did not agree with the new policy, they had no problems with how the searches and restrictions were handled.

The HRA respectfully acknowledges Alton Mental Health Center for analyzing and addressing the issues that came up during the implementation process on Unit A2 and making necessary changes to how staff interacted with the consumers during the process in order to protect the rights of the consumers.

RECOMMENDATIONS

The HRA recommends that Alton Mental Health Center provide ongoing Consumer Rights Education to each consumer and all direct care staff to ensure that every consumer's rights are understood and protected.