



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY – NORTHWEST REGION
REPORT 16-080-9002
WILLOWGLEN ACADEMY

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship & Advocacy Commission opened an investigation after receiving complaints of potential rights violations at Willowglen Academy in Freeport. It was alleged that there is a restriction of personal property, as well as restrictions of personal choice and activity.

Substantiated findings would violate rights protected under the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102a; 104; 201) and the Department of Children and Family Services Code for group homes (89 Ill. Admin. Code 403).

According to the website, Willowglen Academy, a subsidiary of Phoenix Care Systems, Inc., was established in 2002 to provide in-depth and highly-structured treatment to children, adolescents, and their families through a conglomeration of residential and educational services. In addition, the facility offers a day program to serve adolescents and adults with developmental disabilities. The Willowglen Academy special education program serves over 32 students, with the day program serving over 32 adults.

To pursue the matter an HRA team met with representatives from Willowglen Academy, including the executive director, the director of clinical & residential services, a qualified intellectual disabilities professional (QIDP), a residential supervisor and a direct support professional (DSP). Policies were reviewed as were relevant sections of the file of the 21 year old resident, with written authorization from his legal guardian.

COMPLAINT SUMMARY

The complaint alleges that the staff at Willowglen Academy allowed a resident to purchase a crown/charm which was later determined to be gang related. When the staff retrieved the crown from the resident, it caused him undue stress and anxiety, thereby threatening his behavioral stability. The complaint concludes by saying that a few days after this incident, a staff person lost a wallet that contained money. It was suspected that the resident may have stolen the wallet. Although the resident was not officially accused of stealing the wallet, he was told by the staff that if he found the missing wallet, the crown would be returned to him. This resulted in outings and school/work programs being withheld from the resident in order for him to search for the wallet. In not finding the wallet, on one occasion the resident became very upset and the police were called by the Willowglen staff. Although the resident was not arrested, he was taken by ambulance to the emergency room and hospitalized for a day in the behavioral health unit due to his display of violent physical aggression toward the staff regarding the missing wallet.

FINDINGS

We spoke with the executive director who informed us that on October 30, 2015 due to a verbal adjustment of the activity calendar by the QIDP, the staff escorted the resident on a community outing to purchase winter clothing. While in the store, the resident saw a crown/charm and immediately became tenacious about purchasing it. The staff endeavored to explain to the resident that he could not purchase the crown because it was a gang symbol and they attempted to redirect the resident. The resident became extremely upset. The staff made the decision to allow the resident to purchase the crown as patrons were nearby, and they did not want to have an altercation in the store that may have resulted in an injury to someone, the police being called and the resident being arrested. The director went on to state that immediately upon returning home, the staff contacted the house supervisor who in turn contacted the director of clinical and residential

services. Under direction, the QIDP was able to get possession of the crown from the resident “without much incident”. Per the QIDP, although the resident was disappointed regarding the retrieval of the crown, he had “no aggression associated with it”. The director of clinical and residential services added that “there were no behavioral incident reports in regard to the crown because the resident did not engage in a behavioral incident”.

The QIDP expressed that the crown is affiliated with a nationally as well as a locally known gang. The crown symbol gives identification to the resident which is against the policy of Willowglen and results in negative behavior issues. The QIDP went on to say that he and the DSP are constantly teaching and redirecting the resident in regard to his desire to obtain gang related items and view gang related material, realizing that the most important issue is the safety of the resident. The QIDP gave an example in that the resident wears baggy pants. Although the resident is encouraged to purchase and wear clothes that fit, it is allowed because it is not considered a safety issue for the resident. Therefore, the baggy pants are not something that would be retrieved from the resident. The DSP added that years ago at the time of admission to the facility, written information on individual rights would have been provided and explained to the guardian and resident, which included the policy on the possession of gang related items. Reportedly, this has been repeated as often as necessary as situations arose.

Per the executive director, both incidents regarding the crown and the missing wallet happened within a few days of each other (10/30/15 and 11/3/15) but were handled totally separate as to not overload the resident. The guardian was made aware and kept up to date regarding the progress of both issues, mainly through email. On 11/3/15 when the resident was questioned about the wallet, he became very upset to the point that the police were called and the resident was taken to the hospital emergency room. No police report was filed. In addition, the executive director stated that the outings of the resident were not restricted so that he could look for the wallet. She went on to expound that none of the staff told the resident that if he remained home from school/work or from outings and found the wallet, his crown would be

returned to him. Staying home was the choice of the resident as there had been other times when he simply did not want to participate on a particular day. The HRA issued a second request for the facility to provide the Activity Attendance Tracking Records for the period of 9/1/15 through 12/31/15 in order to more accurately determine if there were any changes in the community outings schedule specific to this resident. The director explained that the months of September, October and November, 2015 were completed by the staff, but cannot be located. The HRA inquired if the wallet was considered a personal item necessary for the staff to perform their work duties, and she said it was not.

RECORDS

The Behavior Intervention Plan for the period of 2/3/15 through 2/3/16 with regard to the Reinforcement Program states that “to help support the resident, it is important to utilize positive behavioral supports to help diminish negative behavior patterns. Positive behavioral supports should be available at all times in all settings”.

Crown/Charm

In the email dated 11/2/15, the QIDP informed the guardian that “On Friday, I adjusted the activity calendar so the resident could go and look for winter clothing and pants. Instead he bought a crown. On yesterday, I spent some time with the resident and we discussed the crown and our prior conversations about what it represents. I was able to get possession of the crown without much incident”. The guardian responded on 11/3/15 to the QIDP “I am glad that you were able to retrieve the crown from him, but would ask how he was able to purchase without staff knowledge”. The email from the QIDP on 11/4/15 elucidates the subject in that “Staff took him to look for clothes, but state he didn’t look for clothes; they did not want to have an altercation while in the store so they allowed him to purchase the crown and then called the house supervisor who in turn called me”. On 11/6/15 the guardian was informed by the QIDP in another email which stated: “In speaking

with the director regarding your request to return the crown to the resident, per our Consumer Guide Policy which I am attaching to this email; it states that consumers clothing will symbolize or represent positive group affiliations such as athletic teams but be void of street gangs or any type of gang affiliation. The resident is unable to have possession of the crown. How would you like to maintain the crown until he ages out of the program or discharges”? The progress notes by the DSP dated 11/9/15 state that “no school, resident very upset over crown, resident has been obsessing over his crown”. During the site visit, the HRA asked the director if this specific incident should have qualified for a BIR (Behavioral Incident Report) to be written and she stated that “the QIDP communicated to her that the resident was not upset to the point of physical aggression, therefore no report was written”. According to the email response sent by the director of clinical and residential services to the HRA dated 3/16/16, “There was no BIR for the crown, as the resident did not engage in a behavioral incident”. In addition, the following statement was made to the guardian by the director of clinical and residential services in an email dated 11/9/15: “Wearing gang symbols would place the resident and his peers in danger of being shot. Insuring the safety of the resident and his peers from this type of danger, while it may lead to behavioral issues, is critical. As stated before, the crown can be maintained for him until he ages out of the program”.

The Missing Wallet

The BIR dated 11/3/15 @ 7:10 a.m. denotes that “Client upset because staff was looking for staff wallet”. “Client came out of room cursing all the staff saying he didn’t steal any money”. “Client started pushing on staff and punched staff, throwing things at staff, ran up and punched staff upside the head. Police called”. The 11/3/15 progress note by the DSP states that the resident is in the hospital.

Progress notes on 11/4/15 state that the resident had a good day, but refused to go to school. The email from the QIDP to the guardian on 11/4/15 denotes the following: “There was another incident on yesterday morning where a staff dropped their wallet with an enormous

amount of cash in it and it is believed that the resident has it as he was the only consumer up at that time. The resident became furious when staff asked had he seen it. The resident attacked the staff and the police were called. The resident was taken to the hospital and a mental health assessment was done". Progress notes by the DSP on 11/5/15 state that the resident had a good day, but refused to go to school. On 11/6/15 the resident attended school and had a good day. November 7th and 8th were the weekend days of Saturday and Sunday and were denoted as good days for the resident. The DSP progress notes continue in that on 11/9/15 the resident refused to go to school because he was upset over the crown. On 11/10/15 and 11/11/15 the resident had good days and attended school. The resident refused school on 11/12/15 with no reason recorded by the DSP. On 11/13/15 the resident had another good day and attended school. For the period of 11/14/15 through 11/19/15 the DSP recorded that the resident had good days and attended school. In addition, for the dates of 11/24/15 through 11/28/15 and 11/30/15 the resident had good days and attended school when school was in session. No DSP progress notes were found for the dates of 11/20/15 through 11/23/15 and for 11/29/15.

The email received by the HRA from the guardian dated 11/13/15, infers the following: "The resident called me on Friday the 6th, when I asked why he wasn't at work he said because he was looking for the wallet...saying that he didn't steal it but that he had to find it. When I asked why it was his responsibility to find it he responded that the QIDP told him that he would get his crown back as soon as it was found. The staff in the home that day corroborated this claim but she wants her name to stay out of all this. The staff also reported that the QIDP had restricted all of the resident's outings until the wallet was found, saying that this is why he refused to go to work along with him thinking he would get his crown back".

As for the missing Activity Attendance Tracking Records that were needed to determine more accurately whether school/work or community outings were restricted specific to this resident due to the missing wallet or for any other reason, the director of clinical and residential services stated in a response email to the HRA on 3/16/16

that “The tracking records were unable to be located. I apologize, but I did not provide them because I do not have them to provide”. In addition, when asked in regard to the policy governing these records, the 3/28/16 email from the director denotes that “We actually do not have a written policy on this. It appears that it was a good idea that we put it in place without one. We will have to create one”.

Although the Activity Attendance Tracking Records could not be located by the facility staff, the following was extrapolated from the DSP progress notes: In September 2015 the resident went on 6 community outings. In October 2015 the resident attended 8 community outings. There were 15 excursions in November 2015 in which the resident participated. For the month of December 2015 the resident partook in 14 trips outside of the facility for various activities.

CONCLUSION

The overall purpose of the Willowglen Consumer Experience Guide is to “help the consumer understand the strategies for success and to share with them what their responsibilities are within the Willowglen Academy treatment program”.

The policy goes on to explicate that “Unauthorized items which are deemed dangerous and/or inappropriate for you to have in your possession are not permitted. These unauthorized items include, but are not limited to...gang related material”.

“Your personal presentation is important and is a way of showing respect for yourself and others. The expectation is that the dress code will be followed and respected. Clothing will symbolize or represent positive group affiliations such as athletic teams but be void of street gangs or any type of gang affiliation”.

According to the Illinois State Police website, “...gang markings consist of a 5 or 3 point ‘sacred crown’...”

The Consumer Experience Guide states that “You are expected not to intentionally take property that belongs to anyone (staff or peer). Items that are proven to be stolen, defaced or damaged intentionally are subject to be replaced or repaired by responsible person(s) with a plan developed by your clinician and guardian”.

According to the Reimbursement for Damage of Personal Property policy, “The company will not be responsible or reimburse employees for lost or stolen items that are prohibited in the work environment. With the exception of items required for the performance of the work role, employees who bring personal property into the work environment do so at their own risk. The Company will not replace or repair lost or stolen personal items brought into the workplace that are not required for the performance of their work role duties. Employees are strongly cautioned to bring to work only those personal items necessary to perform their work role”. Per the director of C&R services, there is no policy that contains a specific list of prohibited work items.

According to the Mental Health Code (405 ILCS 5/2-102) under care and services...

§ 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 Mental Health Code (405 ILCS 5/2-104) regarding personal property and restrictions establishes the standard when it states that:

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.

In addition, per Section 5/2-201 Restrictions...

§ 2-201. (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;

According to the Licensing Standards For Group Homes; Child Care Services (89 Ill. Adm. Code 403.8):

d) Each child shall be given the opportunity to develop social relationships, and pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. Except where the needs of the child and group indicate otherwise, children shall have the opportunity to exchange visits with friends in the community.

g-3) The group home shall assure that the child's personal belongings acquired by or given to the child during placement (such as clothing, books and school items, medications, Medicaid Card, toys, gifts, private collections, lifebook materials and photographs, child's private savings, allowances and other personal items) follow the child's placement and are returned to the child when the child changes placement or leaves DCFS care.

And under Section 403.11 Education:

1) Each child shall have the opportunity and shall be encouraged to complete high school or vocational training in accordance with his aptitude.

c) Children shall be permitted and encouraged to participate in extra-curricular activities including sports, art and music to the extent of their interests, abilities and talents.

Complaint: Restriction of personal property. On 10/30/15 Willowglen staff permitted the resident to purchase a gang related crown/charm to avoid a behavior incident in the store by the resident. The positive behavior support that the staff felt was necessary during that moment

was to allow the purchase. Upon returning to the home, the staff immediately contacted the director of residential services regarding the purchase. In the 11/2/15 email, the QIDP informed the guardian of the incident. On 11/6/15 the QIDP sent the guardian a copy of the Willowglen policy regarding gang related items. The progress notes by the DSP on 11/9/15 state that the resident was upset over the crown, but per the director of clinical and residential services there were no behavior incident reports written on this day or any other day regarding the crown as the resident did not engage in a behavior incident that warranted a written report. The Willowglen Consumer Experience Guide, provided to the guardian and resident during the admission process, elucidates the subject in that unauthorized items which are deemed dangerous include gang related material. According to the Illinois State Police website, gang markings can consist of a 5 or 3 point sacred crown. Per the Mental Health Code (405 ILCS 5/2-104a), 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. In light of the aforementioned, it is concluded that the complaint with regard to the restriction of personal property is not substantiated.

Complaint: Restriction of personal choice and activity. Willowglen policy states that with the exception of items required for the performance of the work role, employees who bring personal property into the work environment do so at their own risk. According to the Licensing Standards For Group Homes (89 Ill. Adm. Code 403.8) regarding child care services, each child shall be given the opportunity to develop social relationships, and pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. The executive director stated that no member of her staff told the resident that if he remained home from school/work or from community activities and found the wallet, his crown would be returned to him. The Activity Attendance Tracking Records specific to this resident for the period of 9/1/15 through

11/30/15 were completed by the staff, but could not be located. Willowglen has not established a policy governing the completion and locus of activity tracking records. Progress notes by the DSP for the period of 9/1/15 through 12/31/15 depict the participation of the resident in the community. There was an increase in the month of November with 15 outings and a decrease in December with 14. Although the wallet was not considered to be a personal item necessary for the staff to perform their work duties, it is not conclusive that school/work or the community outings of the resident were restricted in order for him to search for the wallet. Given the supportive documentation of the DSP progress notes, it appears that a pattern was established. Therefore, the complaint with regard to restrictions of personal choice and activity is not substantiated.

SUGGESTIONS

1. Ensure that rights information is reviewed with the residents and guardians annually.
2. Establish a policy to serve as a deciding principle for the completion and location of activity attendance tracking records for each individual.
3. Ensure that employees bring to work only those personal items necessary to perform their work role.
4. Expand the Reimbursement for Damage of Personal Property policy to be more specific regarding items that prohibited in the work environment.