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HUMAN RIGHTS AUTHORITY-SPRINGFIELD REGION

REPORT 17-050-9005

Andrew McFarland Mental Health Center

INTRODUCTION

The Human Rights Authority (HRA) opened an investigation after receiving complaints of potential rights violations at Andrew McFarland Mental Health Center in Springfield. Allegations are that patients on Jefferson Hall are subjected to unjustified random searches and their toiletries and food have been confiscated.

Substantiated findings would violate protections under the Mental Health and Developmental Disabilities Code (405 ILCS 5).

McFarland is a Department of Human Services hospital that cares for civil and forensic populations. Staff from Jefferson Hall and administration were interviewed, and relevant facility policies were reviewed.

Complaints say that for over a week in October 2016, patients returning from groups or other activities were unjustly singled out and searched, one female patient strip-searched, all without explanation. Toiletries and food were reportedly taken from everyone's room as well and there seemed to be no reason for the "crackdown".

FINDINGS

The staff we spoke with insisted there was no crackdown of any sort. They recalled a situation around the time in question where a patient had been doing well but began checking her medications, became manic and had dilated pupils after hanging out with a new patient who had a history of drug use. There was concern she may have gotten hold of something and the staff felt it was necessary to search her and the rooms. A physician's order was written for the patient's body search and it was carried out according to policy: in a private exam room by female staff. Security announced the room search beforehand and conducted it after 10:30 a.m. when all patients were present. A long electronics cord, size DD batteries and a few unsafe toiletry items were the only hazards found. The staff were unaware of any other incident since, outside of the routine monthly unit search.

It was explained that random searches as implied in the complaint are never done as a matter of policy and procedure. Only newly admitted patients or a patient returning to the unit from an unsupervised absence will be searched, typically by “wandering”, the use of a hand-held detector, which is done just outside their rooms. Body or strip searches are warranted for adequate safety reasons and are permitted only with an order. Security or an RN manager must be alerted to suspicious behavior or observations and not just anyone can call for them.

Two long-time patients on Jefferson were asked for their experiences and both denied being searched in the manner complained and said that nothing seemed out of the ordinary to them. A nurse and a social worker who have worked on the unit since before October also said that there was nothing abrupt or unusual in the way they monitor for safety and there was no apparent crackdown regarding searches, toiletries or food.

The staff were puzzled about the complaints of confiscating toiletries and food from patient rooms since neither have ever been allowed. They said it could be that staff had been relaxed and were reminded to keep up on the rule around this same time. All patients are informed on admission about the items prohibited on the units or in rooms, pursuant to policy. Each has an individual box kept behind the tech area desk to store their toiletries and other personal effects including non-perishable food brought in by visitors. The HRA has observed these patient boxes on a number of visits to various units including Jefferson.

CONCLUSION

McFarland’s Treatment Services/Searches policy (TS205) states that they will be done in a dignified, private manner. New admittees will be advised of the rules against contraband, asked to relinquish any, and a second staff member will join them to complete a pat-down and scan with the hand-held detector. Patients returning from unsupervised activities off the unit will be searched by a staff member of the same gender; searched, meaning by pat-down or wandering as appropriate. Anything more thorough must be based on reasonable grounds of suspicion that contraband is concealed and ordered by a physician.

Their Public Safety/Contraband Items and Unit Searches policy (PS125) lists items that are confiscated and not returned for being illegal or considered dangerous to have on the units, including but not limited to razor blades, matches, lighters, alcohol, medication not ordered by a physician, street drugs, marijuana, flammable fluids and nail polish remover. Restricted items are considered dangerous but kept for return on discharge and include some media devices, cell phones, large plastic bags, wire hangers, aerosol cans, belts, and curling irons among many others. Potentially dangerous items may be used on the unit but kept safely under staff supervision and be available for patient access. They include shaving creams, oils, electric and disposable razors, glass objects like mirrors and nail polish, dental floss, and non-perishable food items. Unit searches are routinely done once per month during which time patients must be given the opportunity to be present when his/her room is searched.

Under the Mental Health Code, all recipients of services shall be provided with humane care in the least restrictive environment (405 ILCS 5/2-102). They shall be permitted to receive,

possess and use personal property and be provided sufficient storage space except when certain items are deemed restricted in order to protect from harm, provided that notice is given upon admission (405 ILCS 5/2-104).

Interviews and a policy and procedure review turned up nothing to suggest that McFarland patients' rights to a least restrictive environment or use of their permitted properties are or were being violated. The complaint is not substantiated.