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**FOR IMMEDIATE RELEASE**

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**Egyptian Regional Human Rights Authority  
Choate Developmental Center  
Report of Findings  
Case #21-110-9013  
March 23, 2022**

The Egyptian Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission voted to pursue an investigation of Choate Developmental Center after receiving the following complaints of possible rights violations:

**Complaints:**

**1. Inhumane treatment due to bathroom doors being locked**

If the allegations are substantiated, they would violate protections under The Mental Health and Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-102 and 5/100)

**Complaint Summary:** The complaint alleges the facility's forensic unit restrooms are locked unless under direct supervision. Allegedly, residents are not allowed access to the restroom without a staff member.

**Investigation:**

To pursue the matter staff and the program representatives were interviewed. Relevant practices and policies were reviewed.

**Interviews:**

Per the Unit Administrator, Choate's forensic unit was opened in August 1996. Prior to the opening of the unit, considerable time was spent at two other state mental health facilities to consult with their forensic unit staff to develop policies and procedures congruent with legal expectations. Additionally, "periodic reviews are conducted by the Deputy Director of Forensics and Justice Services and Forensic Court Services Administrator to ensure that the forensic program at Choate is in compliance with standard operating procedures, department directives and any changes in in legislation."

The Unit Administrator stated that the forensic unit at Choate is a medium security environment comprised of a fenced recreation area, security screens, controlled access,

and limitations on allowed personal items. “Individuals who reside in the forensic unit are those who have been arrested, charged with a crime, found to be unfit to stand trial, not guilty by reason of insanity, guilty by mental illness and remanded into the treatment by the court.”

Currently the individuals who reside at Choate’s forensic unit consist of 38 male defendants from all over the State of Illinois. Of those 38 men, 47% have been charged with violent crimes such as first-degree murder, attempted first degree murder, kidnapping and home invasion. 39% have been charged with sexual crimes including criminal sexual assault. The remaining 14% have been charged with other crimes such as burglary, criminal damage to property and drug offenses.

Choate’s forensic unit has “certain areas that are locked when not directly supervised due to safety and security concerns.” Housekeeping rooms, laundry rooms and bathrooms are all locked when not supervised due to the items in those rooms possibly being used as a weapon. In bathrooms the shower curtain rod, plumbing fixtures and paper towel dispensers can all be used as weapons. Furthermore, these areas are preferred by “predatory individuals to engage in assaultive behavior.” Even though the bathroom and laundry room are locked when not under direct supervision, access to these rooms are never denied to a resident. Staff will open the bathroom anytime upon request. “Bathrooms are also unlocked during supervised grooming periods so individuals can shave, brush teeth, etc. and before and after meals.”

For comparison, The HRA checked with two other state mental health facilities, one of which is a maximum-security facility and neither facility locks the bathroom doors.

### **OIG Reports:**

The HRA reviewed an OIG report regarding individuals on the forensic unit not having access to the restrooms. The report was unfounded as the investigation did not find any evidence that individuals were not allowed access to the restrooms. There was another unfounded OIG report that alleged an individual was not allowed to access the restroom to shower.

### **Policy Review:**

The HRA reviewed the “Security of environment on the Developmental Disabilities Forensic Unit” which states under a secure environment “A double-locked door system will be utilized to prevent unauthorized egress. Internal doors on the forensic unit will be keyed with a security key. A second door at each exit will be keyed with a general facility key. At no time shall both exit doors be unlocked at the same time unless an emergency situation exists requiring evacuation of the unit...Internal doors shall be locked whenever individuals on the forensic unit are being escorted from one program to another. All internal doors to areas not in use or under direct supervision of forensic unit staff shall be locked including toilets, showers, classrooms, program areas, offices, and housekeeping closets. All supply cabinets shall remain locked or be behind locked doors when not

under the direct supervision of forensic unit staff. All windows shall have locked security screens. No security screen shall be unlocked or opened for any purpose unless the unit population is secure in another part of the forensic unit. All program materials which may be considered hazardous, harmful or dangerous shall be maintained in locked cabinets or behind locked doors when not directly supervised by forensic unit staff.”

## **Conclusions**

### **Complaint 1: Inhumane treatment due to bathroom doors being locked**

The Mental Health and Developmental Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-102) states “(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 and Developmental Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-100) states “No recipient of services shall be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of the receipt of such services. A person with a known or suspected mental illness or developmental disability shall not be denied mental health or developmental services because of age, sex, race, religious belief, ethnic origin, marital status, physical or mental disability or criminal record unrelated to present dangerousness.”

Choate Mental Health Center has a medium security forensic unit that houses individuals who have been arrested, charged with a crime, found to be unfit to stand trial, not guilty by reason of insanity, guilty by mental illness and remanded into the treatment by the court. Upon the development of the forensic unit Choate consulted with other state mental health facilities to develop policies and procedures. Even after consulting with other state mental health facilities, Choate’s policy is to keep bathrooms, housekeeping closets and laundry rooms locked at all times unless under direct supervision by staff. According to staff these rooms are kept locked due to the hazards and dangers of items in these rooms which could be used as a weapon. Staff advised even though the bathroom and laundry room are locked when not under direct supervision, access to these rooms are never denied. Even though access to the bathroom is never denied, residents are dependent on staff to use the bathroom. Choate Mental Health Center did not advise how long patients may have to wait for staff to access the restroom. The HRA is concerned with the possibility a patient may have to wait an extended period of time to access the restroom. Some patients may have medical conditions that require them to use the restroom quickly or frequently could be hindered if the patient has to wait for staff. The Code states that patients should be “provided humane care in the least restrictive environment,” yet patients are not allowed to use the restroom at their leisure and must depend on staff for access. Patients are not denied access to the restroom however, patients are restricted on when they can use the restroom. The HRA understands that there may be items in the restroom that can be used as weapons however, perhaps those items could be removed, reinforced, or modified so patients could use the restroom at their leisure. Furthermore, Choate Mental Health Center is a medium security facility

and keeps the restroom doors locked unless supervised. However, in Illinois other state operated facilities that are considered maximum-security do not currently lock their doors.

Based on the findings notated above, the Egyptian Human Rights Authority concludes that the complaint is **substantiated**.

1. Choate ensure they are providing humane care in the least restrictive environment per The Mental Health and Developmental Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-102) by keeping bathrooms open for residents to use. Provide evidence that this change has been made at the facility.

The HRA **strongly suggests** that Choate Mental Health Center research other state operated mental health facilities and consider comparable practices.

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## RESPONSE

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

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JB Pritzker, Governor

Illinois Department of Human Services

Grace B. Hou, Secretary

Clyde L. Choate Center  
1000 North Main Street • Anna, IL 62906

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IGAC  
EGYPTIAN OFFICE

February 25, 2022

Paul Jones, Chairperson  
Illinois Guardianship and Advocacy Commission  
Egyptian Regional Office  
#7 Cottage Drive  
Anna, Illinois 62906-1669

RE: Illinois Department of Human Services Response to Human Rights Authority  
Case #21-110-9013

Dear Chairperson Jones,

I am writing you regarding the letter you sent to Choate Developmental Center (the Center), Division of Developmental Disabilities (DDD) on January 26, 2022, and appreciate you raising this important issue with us. However, the Center cannot agree with the following finding and suggestion; our response is as follows:

1. Choate ensure they are providing humane care in the least restrictive environment per The Mental Health and Developmental Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-102) by keeping bathrooms open for residents to use. Provide evidence that this change has been made at the facility.

**Response:** We serve individuals who have been Court ordered into a secure setting. Bathrooms are considered high risk areas, particularly when they are communal, due to the nature and risk of the population we serve. Currently, 40% of our individuals are charged with sex offenses and 42% are charged with violent crimes. So, a total of 82% represent high risk. Although we are a medium security environment, the reality is (since we are the only Forensic program that serves adult male individuals with Intellectual Disabilities) we manage individuals with minimum, medium, and high-risk needs. Of the 42% charged with violent crimes, 4 individuals are charged with 1<sup>st</sup> degree Murder or Attempted 1<sup>st</sup> degree Murder.

Therefore, we respectfully disagree with the claim that Choate violated 405 ILCS 5/2-10 of the Mental Health and Developmental Disabilities Code by not providing humane care in the least restrictive environment. At no time have we ever denied residents access to the bathroom. We ask individuals, at least



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hourly if they need to use the bathroom. If 5 minutes later someone asks to use the bathroom, staff open the bathroom for them understanding that not everyone is on the same schedule. We are sensitive to individuals who may have medical conditions that require more frequent bathroom access. We also open bathrooms throughout the day before and after meals for hand washing or other grooming purposes. At times there may be a very slight delay if there are more than 2 individuals who need to use the bathroom at the exact same time since there are only 2 toilets in each bathroom. Urgency, however, is always accommodated.

2. The HRA **strongly suggests** that Choate Mental Health Center research other state operated mental health facilities and consider comparable practices.

**Response:** When we opened in 1996, we were guided by the Forensic Bureau about what defines a secure setting including what areas should be locked due to high risk along with many other security protocols. According to 725 ILCS 5/104-29, where the MHDD Code conflicts with the Code of Criminal Procedure, the Criminal Code applies. Thus, the Illinois General Assembly has recognized the differences between IDHS' forensic patients and civil patients and has acknowledged that the rights and privileges afforded the forensic patients may differ from those provided to civil detainees. Such measures are intended to ensure the safety and security of the facility, its patients, staff, visitors, and members of the general public.

The Center appreciates the opportunity to work with The Egyptian Regional HRA to identify issues that may need to be improved within the Center. As you know, the Center takes residents rights very seriously, and in the event any similar concerns should arise in the future, please don't hesitate to contact me or other members of Choate's Administrative team.

Respectfully,  


Teresa Smith, Assistant Facility Director of Residential Services, Choate Developmental Center

Encl.

Cc: Regina Osman, Interim Facility Director

**EGYPTIAN REGIONAL HUMAN RIGHTS AUTHORITY**

**HRA CASE NO: 21-110-9013**

**SERVICE PROVIDER: Choate Developmental Center**

Pursuant to Section 23 of the Guardianship and Advocacy Act (20 ILCS 3955/1 *et se.*), we have received the Human Rights Authority report of findings.

**IMPORTANT NOTE**

Human Rights Authority reports may be made a part of the public record. Reports voted public, along with any response you have provided and indicated you wish to be included in a public document will be posted on the Illinois Guardianship and Advocacy Commission Web Site. (Due to technical requirements, your response may be in a verbatim retyped format.) Reports are also provided to complainants and may be forwarded to regulatory agencies for their review.

We ask that the following action be taken:

We request that our response to any recommendations/s, plus any comments and/or objections be included as part of the public record.

We do not wish to include our response in the public record.

No response is included.

Teresa Smith  
NAME

SPSA  
TITLE

2/25/2022  
DATE