



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY-SPRINGFIELD REGION

REPORT 21-050-9004
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, a Department of Human Services hospital in Springfield that treats adult civil and forensic patients. The allegation is that a patient's right to private, uncensored communication by mail is unjustly restricted.

Substantiated findings would violate communication rights under the Mental Health and Developmental Disabilities Code (405 ILCS 5) and program policy.

An HRA team interviewed representatives from administration and those involved in this patient's care. Relevant policies were reviewed as was the medical record with authorization. The patient remains at McFarland under Not Guilty by Reason of Insanity status.

FINDINGS

A September 2020 restriction notice from the record stated that the patient was no longer allowed to send mail to government agencies. Per the notice, "All mail will be screened by the treatment team. All outgoing calls will be made by staff..." According to the corresponding incident note and physician's order, the restriction applied after the patient threatened a U.S. Senator, and when approached with the notice, he admitted to sending a letter threatening to assassinate the Senator because he wanted to go to prison.

The patient's physician explained that in September the U.S. Capitol Police called McFarland's Administrator to inform her of the patient's letter and his attempts to reach the Senator by phone. They asked that the patient be stopped from making further contact, which prompted the mail and phone restrictions. McFarland provided a copy of a follow up letter from the Investigations Division/Threat Assessment Section of the Capitol Police, in which they

requested to be informed of any discharge, transfer or change in status of the patient who “may pose a threat to statutory protectees of this agency.” A list of the Senator’s numerous offices and their addresses was attached.

The clinical director said the patient may still send mail and make phone calls, but the staff will monitor where his mail goes and will dial his phone calls. They have intercepted other letters to the Senator since the restriction was put in place, which we verified documentation of in a December court report and a January 2021 incident note.

The restriction has renewed monthly to the present. The physician said the patient continues to tell her of his wishes to send more letters to the Senator and so the restriction carries on. The treatment team intends to address the situation monthly. The HRA reviewed subsequent restriction notices that are more specific and appropriate, identifying the targeted Senator as opposed to all government agencies, and staff are to continue dialing his phone calls. The patient designates no one to be notified according to the notices, although he personally mails them to this writer.

CONCLUSION

McFarland’s Individual Human Rights policy and the Mental Health Code (405 ILCS 5/2-103) state that unimpeded, private and uncensored communication by mail, telephone and visitation may be reasonably restricted only in order to prevent harm, harassment or intimidation. A restriction of rights form detailing the rationale shall be given to the patient and anyone so designated (405 ILCS 5/2-201). The program’s policy adds that a physician’s order is required to implement such a restriction, and that they be specific not general in scope.

Compelling documentation showed that the Capitol Police informed McFarland about threatening letters and calls to a Senator; the patient admitted to them, and the restrictions are appropriately in place and reviewed to prevent harm and harassment. A violation is unsubstantiated.

RESPONSE

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