

SECURITY MEASURES

LAW

“Inpatient and residential treatment facilities shall identify security measures in their policies and procedures and shall specify criteria for the use of each security-related procedure.”

DHS 94.07(4), Wis. Admin. Code [Emphasis added.]

“Patients have the right to be free from having arbitrary decisions made about them. To be non-arbitrary, a decision about a client must be rationally based upon a legitimate treatment, management or security interest.”

DHS 94.24(3)(h), Wis. Admin. Code [Emphasis added.]

[Note: This is a new section of this digest. See also the “Risk-Reduction”, “Searches” and “Treatment – Security Issues” sections of this digest.]

DECISIONS

1. A patient was voluntarily admitted to the behavioral health unit after considerable indecision. The patient grieved that she was not allowed to refuse a body search upon admission. Patients have the right to refuse all medication and treatment. However, an inpatient’s right to refuse treatment and leave the facility immediately is weighed against safety concerns prior to release. Since the patient could not leave the facility instantly, a search was necessary . Decisions regarding the patient’s treatment must be rationally based on legitimate treatment, management or security interests. **Here, a search for weapons or contraband upon admission to an inpatient unit was rationally related to protecting the safety of the patient, other patients and staff.** (Level III decision in Case No. 16-SGE-08 on 5/26/2017)

[Document last updated: 07/17/2018. Digesting in progress for cases decided after 2013]