

AFFIDAVIT OF LARRY FILLIUNG

I, LARRY FILLIUNG, being duly sworn, hereby state the following, and will testify under oath accordingly if called upon to do so.

1). I am a resident on Pinel Unit and a recipient of services in the Forensic Treatment Program at Elgin Mental Health Center, a facility operated by the Illinois Department of Human Services (DHS) pursuant to the Illinois Mental Health and Developmental Disabilities Code [405 ILCS 5/1-100 et seq.].

2). I have been active during the past year or more as a mental health consumer advocate, holding several official positions in recognized advocacy groups which help to educate recipients of services about their rights and responsibilities, particularly with regard to DHS's "Coercion-Free Environment" initiative.

3). I am also one of two named plaintiffs in a putative class action against DHS, alleging department-wide, policy-based violations of recipients' constitutional and statutory rights, to be treated only with their informed consent, to refuse generally accepted mental health treatment, and to participate in the formulation and periodic review of their own treatment plans.

4). Since I stopped taking psychotropic medications approximately two years ago, and after my treating psychiatrist at Elgin indicated that such medications should no longer be prescribed for me, my mental and physical health has improved enormously. I have begun to believe in myself, my ability to create a worthwhile future, and the possibility of making true amends to society for those previous behaviors, and the crime, which resulted in my commitment to DHS custody at this facility.

5). The great majority of staff at Elgin Mental Health Center are well-intended individuals, and I relate to them with mutual respect.

6). Despite the best and brightest individual intentions, there is still a reactionary culture of coercion in the institution, which very often results in the targeting of recipients who think or stand up for themselves, by a few staff who apparently have no hope for the success of the “recovery” mission, no ability to admit their own mistakes, and little use for truly therapeutic relationships.

7). One technique for targeting such recipients involves inserting false, negative reports into their medical charts to make them look more severely mentally ill than they actually are. Over a period of time, this can cause or justify subjective “diagnoses” and ill-informed court recommendations for reduced privileges, continued incarceration, or chemical (i.e., psychotropic medication) and other restraints.

8). I have discovered and documented numerous instances of such “false charting” in my own psychiatric records. From my increasing experience in consumer advocacy, I believe that this is a very common problem for many other recipients.

9). Officially, recipients of services are encouraged to participate in their own treatment to the greatest extent possible. Participation implies some responsibility for the accuracy of medical and psychiatric records. However if recipients even venture to review their own charts or to amend merely subjective reports written by treatment team members (not to mention to correct the occasional pure fabrication), those who wrote the reports often take offense even when they are not being accused of intentional falsehood. The whole institution can react as if it were threatened.

10). I have spent more time and effort reviewing my own chart and correcting inaccuracies than any other recipient I know of. This makes certain individuals, who may have reason to worry about challenges to their clinical veracity, very nervous.

11). Barb Speller, STA-II, a staff member on Pinel Unit at Elgin, has been under investigation by the Illinois Guardianship and Advocacy Commission (GAC) since September 2005. As far as I know, this was initiated after my report in July 2005, that she had neglected to attend to my emergency dental needs and thereafter inserted negative, objectively false information into my medical chart. The false information included at least one explicit but entirely invented quotation, which was attributed to me, supposedly from a conversation which Barb was never present to hear. The ongoing investigation of this particular false charting is GAC Case No. 051009033.

12). On numerous other occasions in the past, I have written corrections and amendments with regard to various negative entries made in my chart by Barb Speller, which I believe were inaccurate or highly subjective, if not demonstrably false.

13). More recently, on several occasions Barb Speller has attempted to taunt or embarrass me, and implicitly encouraged institutional suspicion and social retribution against me. This is a typical, common tactic to isolate recipients who are seen (or imagined) to be resistive to some status quo program, or who are resented by staff for personal reasons. I believe that Barb's motive is to generally discredit me personally, and thereby indirectly discredit the report which I filed in July, so the GAC will refrain from conducting any serious investigation of her clinical competence.

14). On October 5, 2005, at approximately 1:32 pm, Barb happened to be the staff member in charge on Pinel Unit when I attempted to clarify the availability of

shower time. During this routine conversation she suddenly responded, “Don’t talk to me, I don’t want to talk to you, you lie about me in letters you write!” This was repeated several times, in the presence of Teena Ferguson and other staff in the area, clearly for their benefit. I was somewhat shocked, but did not respond. I carefully noted what had been said, immediately afterward in writing.

15). On November 2, 2005, at approximately 4:00 pm, I politely reminded Barb that earlier that morning she had received a package for me at the front desk, and then told me around noon that I should pick it up later. I needed to be accompanied to the front desk to pick it up. Barb stated, with an over-dramatic sigh of affected sympathy, “Larry, nobody wants to take you, because they’re afraid you’ll make up stories about them ... always making up stories...” I said nothing but stood there and looked frustrated, whereupon Barb finally said (again with over-obvious affected sympathy), “Well, I’ll see if I can get someone...” Several clinicians & security therapy aides overheard this, including Tina Owens. Barb’s accusation against me was clearly intended for their benefit as well as mine. Soon afterward, staff member Mike Simmons did take me to the front desk for my package, without incident.

16). On November 6, 2005, at approximately 10:00 pm, I asked Barb if I could copy a recipe in a cooking article from her *Chicago Tribune*. She first feigned some concern that the page included a picture of a bottle of wine, but then agreed to photocopy the recipe for me. While making the copy she commented, or rather chanted into the air in a sing-song tone: “Writing things about people that aren’t true... making things up about people...” Two STA’s, Shauna Morino and Pat (something-) Overton, were

present in the room and overheard this. I did not respond to the taunt at the time, but took careful note of it in writing afterward.

17). On December 6, 2005, at 8:30 am, I made a simple request to Barb for dorm rooms to be opened. She replied loudly for the whole room to hear, "Whatever I say you'll misinterpret and distort, so why don't you wait and ask Albert (Lee)?" Shirley Holstein was sitting right there, and lots of others overheard this. I did not respond.

18). The details of the four aforementioned incidents may appear petty. However, I believe they demonstrate a pattern of hostility which concerns me. Barb Speller's malevolent, vindictive, "Nurse Ratchet attitude" strikes against any opportunity for a truly therapeutic environment, such as this institution is supposed to provide.

19). If I were not currently drug-free, well represented by legal counsel, and well informed of my rights and responsibilities through my activities as a consumer advocate, the recent unfavorable "attention" I have received from Barb Speller might cause me to reasonably fear immediate and more serious retribution (e.g., forcibly injected psychotropic medications, restrictions of rights, etc.).

20). It is my personal observation and opinion that the vast majority of recipients of services at Elgin Mental Health Center are on drugs which restrain and disable them, have little understanding of their rights and even less willingness to exercise them, and therefore remain much more at the mercy of staff coercion than I am.

Further affiant saith not.

DATE

LARRY FILLIUNG

Signed and sworn before me this _____ day of _____, 2005:

(Notary Public)