

CLEANUP ORDERED AT WILLOWBROOK

U.S. Judge Directs the State
to Take 9 Steps to End
'Inhumane Conditions'

By MORRIS KAPLAN

A Federal judge in Brooklyn yesterday directed the state to remedy the "inhumane and shocking conditions" at the Willowbrook State School for the Mentally Retarded.

Judge Orrin G. Judd ruled in a 90-page opinion that the State Department of Mental Hygiene must take nine specific steps to correct the Staten Island institution's inadequacies.

The basic problems that must be dealt with, the judge said, are the shortages of ward attendants, supervisors, physical therapists, recreation staff, nurses and doctors; the need for a contract with an accredited hospital and the disrepair of toilets.

The ninth step ordered by Judge Judd was the submission of periodic reports to the court on the hospital's progress in upgrading its standards.

The deficiencies now prevailing at the hospital "affect physical safety and the risk of physical deterioration," Judge Judd said.

In Albany, the deputy commissioner of mental retardation and children's services, Robert W. Hayes, said he had not yet seen the decision. On the basis of some information, however, he remarked:

"We need to study it in detail. It seems that the judge is ordering things that are reasonable in terms of what ought to be done."

Reorganization Cited

Mr. Hayes, who holds a master's degree in public health in hospital administration, declared that "we'll take every step needed and toilets are a first priority." He pointed out that "many of the things" ordered by the judge were being accomplished.

He noted in this connection the state's long-range plan to reorganize Willowbrook into five independently administered units, one in each of the boroughs. Reporting that Willowbrook's present population stood, as of last Thursday, at 4,294 residents—a decrease of 850 since last April—he projected at 2,500 the institution's residency in 1975.

In his ruling, Judge Judd found that "significant steps" had been taken last year for Willowbrook's improvement. And he noted that seclusion, or solitary confinement, had been abolished as of June 15. But he asserted that the abolition did not become fully effective until after a motion was made in court for a preliminary injunction.

Two parallel suits were filed on March 17, 1972, by the State Association for Retarded Children and by parents of the resident children. The suits were later consolidated as a class action and Judge Judd conducted five days of hearings last December and January. The judge then visited Willowbrook on Feb. 12.

'Inhumane' Conditions

Expert witnesses testified at the hearings that the school was a desolate reservoir of widespread filth, neglect and inadequate food and staff. On July 28, the court's memorandum described conditions as "largely inhumane."

Lawyers for the plaintiffs, including Bruce J. Ennis of the New York Civil Liberties Union and Robert L. Feldt of the Legal Aid Society, said that yesterday's ruling marked the first time that a Federal judge had directed changes in a New York State mental facility.

The judge rejected the plaintiffs' contention that the mentally retarded had constitutional rights to treatment or rehabilitation, holding that their rights must rest on protection "from harm." It was on this ground that he ruled that the Federal Court had jurisdiction.

At present, he wrote, the staff at the facility "is indisputably inadequate by any standards."

Judge Judd ordered the immediate hiring of additional ward attendants sufficient to assure a 1-to-9 ratio of staff to residents and thus insure the resident of protection from physical harm. He called, also, for the hiring of at least 85 more nurses, 30 more physical therapists, 15 additional physicians and the hiring of sufficient recreational staff.

In addition, he ruled that periodic reports must be made concerning the state's progress in meeting these requirements. The plaintiffs are seeking the transfer of 3,500 residents either to their own homes, foster homes, halfway houses or other smaller community units.

Mr. Hayes agreed with the judge's statement that money was "not the immediate problem" in the remedies set forth.