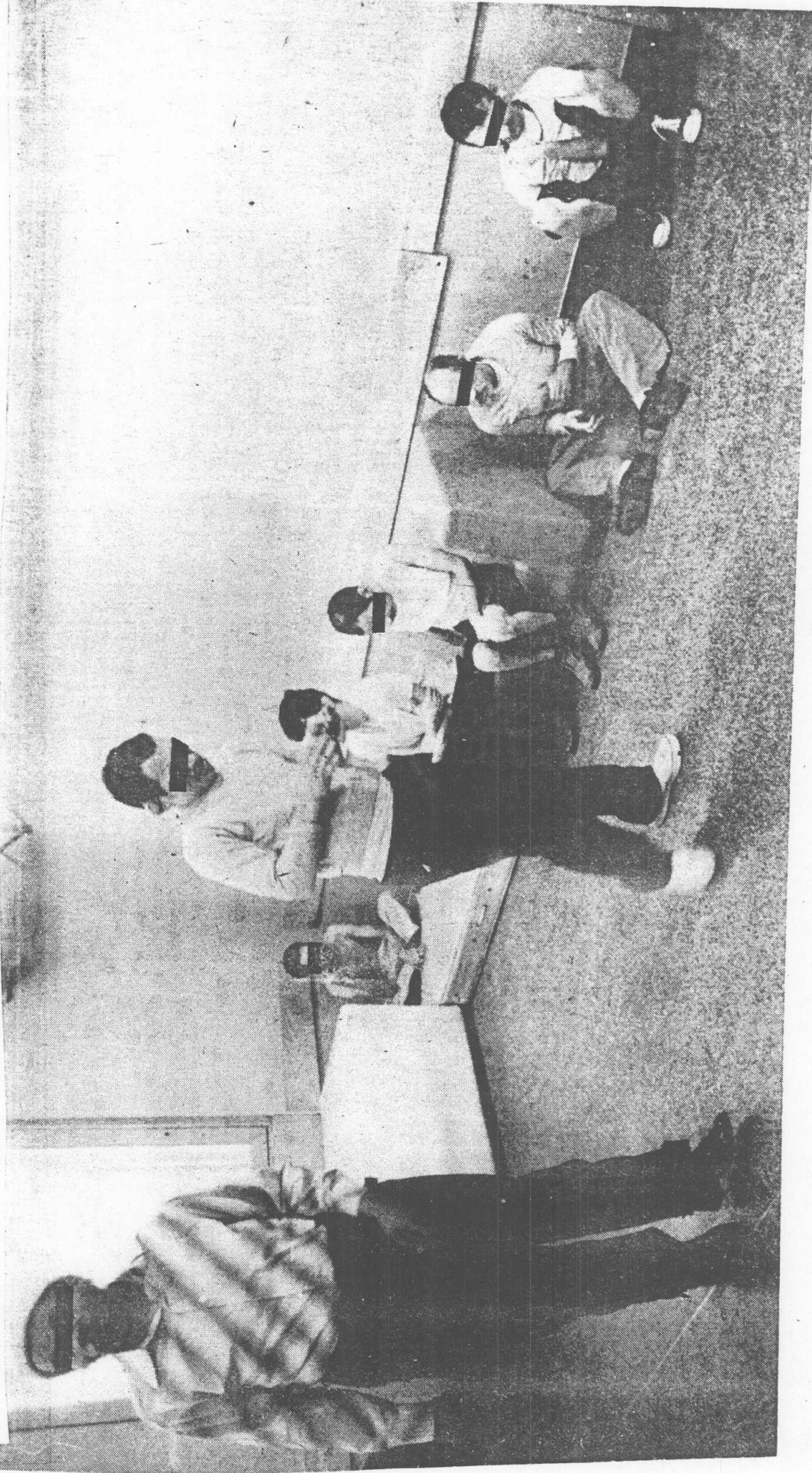


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Staff photo by Robert Deutsch
Residents, with faces masked, in a typical, bare dayroom

Of promises forgotten

By Bruce Frankel
Staff Writer

In 1972 a curled, naked body flickering on television screens aroused the public to the grotesque living conditions of 5,000 mentally retarded residents at Willowbrook on Staten Island.

Today, the environment at Willowbrook remains one reason many people question the state's commitment to the 1975 Willowbrook Consent Decree.

Some of those concerned have scheduled an all-day conference to discuss Willowbrook and other mental health issues Feb. 7 at Pace Law School in White Plains. It is being sponsored by the Westchester chapter of the New York Civil Liberties Union.

More than five years ago, shortly after taking office, Gov. Hugh Carey fulfilled a 1974 campaign pledge to tour Willowbrook. What he saw included a man tied spread-eagle to a bed covered with flies. Carey was shocked.

He instructed his staff to negotiate an agreement with lawyers then suing the state for depriving Willowbrook residents protection from harm.

The Willowbrook Consent Decree promised dramatic improvements and resettlement by March 31, 1981 of all but 250 of its residents. The court mandate also compelled the state to move most of the residents into group homes where they could live decently and with minimum confinement.

The March 31 deadline will not be met.

Despite a reduction to about 1,000 residents, important improvements in its medical services and the expenditure of more tax dollars on Willowbrook than on any similar state institution, a recent tour there showed conditions for most of its residents remain deplorable:

— Locked, bare dayrooms reek with the odors of neglect while more than 25 mentally retarded people mill about, squat on floors, rock against the walls, or

Willowbrook — where life's still deplorable for mentally retarded

sit on scattered plastic chairs.

— Except for a few closets, only beds fill vast dormitories. The consent decree called for decorations, but there are none. There are no wall dividers providing privacy.

— Cold ground water cascades down a wall in at least one communal bathroom because capital improvements are not considered wise in buildings that will eventually be phased out.

— Inadequate space and the lack of sufficient and up-to-date materials prevent recreational therapists from properly working with multiply handicapped residents.

— Only spoons are used to shovel food from styrofoam containers during dinner. A supervisor said the lack of sufficient staff made the use of forks and knives too dangerous. He also said the dishwasher was broken.

Dr. James Clements is an Atlanta doctor and a member of the seven-member Willowbrook Review Panel of experts monitoring the state's compliance with the consent decree. But the review panel has been all but defunct since the state Legislature took away its funding last April.

"As long as the public continues to view the mentally retarded as children of a lesser god, they will remain political pawns," said Clements.

For these reasons, in addition to charges that Willowbrook's staffing remains inadequate, attorneys for the New York Civil Liberties Union are preparing to return to court to seek a contempt order against the state.

Some members of the Legislature, parents of the

mentally retarded and agencies that operate group homes are seeking a re-examination of the state's commitment to the consent decree and to the rights of the mentally retarded.

A growing body of state officials, including those who run Willowbrook, say the 1975 consent decree was ill-conceived, is inflexible and should be scrapped and renegotiated.

Nearly all state officials, legislators and others familiar with Willowbrook — exposed on television by Geraldo Rivera in 1972 and called "a snakepit" in 1965 by Robert Kennedy — believe that strides have been made toward ameliorating the conditions which brought about the original lawsuit.

They are quick to note that wards formerly held as many as 70 people who frequently were shackled, unclothed and uncared for. Feces are no longer found smeared on the walls, they say. There are now six hours of daily programs that take residents out of their buildings, and a group home was set up on campus six weeks ago to help some make the transition back to the community.

Those who defend Willowbrook's progress say much criticism doesn't take into account the effort to overcome an antiquated physical complex and the known trouble between employees and management at the institution.

Assemblywoman Elizabeth A. Connelly, a Staten Island Democrat who chairs the Assembly's Mental Hygiene Committee, has an office in Willowbrook's administration building. She proposed the institution's change of name to Staten Island Developmental Center. Connelly and others protest the unfairness of a current joke among professionals who care for the mentally retarded: After one professional visits the institution, a colleague asks him, "Was it any better?" "The name's changed," he answers.

"I think that's very unfair to some of these people who've worked so hard," Mrs. Connelly. "When I first went there, they still had people in padded cells right

behind administrative offices. For the first time, many of these people are getting vocational training."

For many advocates and parents of the mentally retarded, such comparisons are specious. They maintain the degradation of the individual and the inhibition of growth caused by the present environment at Willowbrook cannot be condoned by comparing it with the past.

The consent decree was specific, they say, in committing the state's commissioner of mental retardation — under penalty of jailing — to create a warm, healthy environment providing adequate staff, recreation, nutrition, medical and dental care.

Moreover, advocates such as Ann Nehrbauser, chairwoman of the Willowbrook Consumer Advisory Board, believe that many advances are largely illusory. The lack of staff, motivation and materials have left programs for residents mostly on paper, she said.

Chris Hansen, a NYCLU lawyer who negotiated the consent judgment for the plaintiffs, expects to decide soon whether to return to court to seek a contempt order against the state. The state's failure to provide staffing ratios at Willowbrook in accord with the consent judgment would be a principal reason for the court action, he said.

Hansen said a random analysis of incident reports makes clear that his concerns "aren't merely academic concerns. People get hurt when there isn't enough staff on the wards. It isn't very sophisticated."

Hansen said in one incident four residents were injured when only one staff member was supervising 20 residents. He also blamed the death of a New Rochelle youth, who fell off a balcony at Willowbrook, on the lack of adequate staffing.

"What I don't understand is why the state doesn't try to solve these problems," Hansen said. "And I think they don't."

He also charged that the state's program to place Willowbrook inmates in group homes has seriously deteriorated. In 1980, only 286 of 600 scheduled residents were moved out to community placement under the court order.

He hopes the court finds such massive non-compliance by the state that it will order the reinstatement of the Willowbrook Review Panel. The finance committees of the state Legislature, which deleted the panel's entire \$342,000 from the current state budget, are expected to cut it again from Carey's proposed budget.

The funding paid for a staff to sift through and validate state reports, which panel members alone could not do. Many, who believe the funding cut illustrates how the state has reneged on the consent decree, have urged Carey to use discretionary funds to reinstate the panel.

Carey has maintained that he is not obliged to do so and should not override the Legislature's sentiment. He was upheld last year in the state Court of Appeals, though the court did not say he could not fund the panel.

Clements said the panel is no longer in a position to monitor what happens at Willowbrook or in group homes established for its residents. However, on a visit to Willowbrook last year, he said, he found serious problems at the institution.

On a ward of 20 residents, he said, he found one staff member who had been held over for the evening shift from the day shift. When he asked where the rest of the staff was, he was directed outside where they were washing another staff member's car. He said he

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also saw at least one instance of physical abuse of an inmate.

"The job of the panel was really to depopulate Willowbrook," Clements said, "and to have the power to control the politics so that it did not adversely affect the Willowbrook residents. Now, we have the responsibility without the power."

Commissioner James Introne of the state Office of Mental Retardation and Developmental Disabilities is among those who assert that Willowbrook residents' rights are being protected — with or without the review panel — by a number of government agencies as well as by the Consumer Advisory Board and the Board of Visitors.

Introne believes that the review panel had a negative effect" because it "doesn't understand the complexities of the problems." Some legislators — state Sen. Frank Padavan, R-Queens, among them — have said the panel members don't understand the fiscal constraints on a government which already spends more than \$500 million through the mental retardation department.

Though he acknowledges that disturbing conditions remain at Willowbrook, Introne asserts that the state has done everything in its power to improve conditions there. He cited as hindrances Willowbrook's longstanding labor-management problems and its daily staff absentee rate of about 30 percent.

"The frustrating thing with Willowbrook is that the state has poured in more money and it has the largest staffing in the state," Introne said. "It's a very difficult environment. The question is how to remedy the situation. I just don't think the plaintiffs are going to produce any important changes by going to court that can't be gotten by working with the administration."

There are 2,469 state employees at Willowbrook.

But Carey's 1981-82 budget message two weeks ago called for a reduction, through attrition, of 1,145 employees during the next fiscal year. It proposed \$19.3 million in state aid to the Staten Island center.

"I'd just like to get my hands on the guy who negotiated that for the state," said one Willowbrook executive. "He obviously didn't know anything about the daily reality of running a place like this."

Peter Goldmark, the state's former budget director now serving as head of the New York City Port Authority, is that man. And Goldmark has no apologies.

"The agreement was designed to make life better for the residents, not the people who work there," Goldmark said. "It was a negotiation and an attempt to change a hopeless situation. The fundamental test is: Did it set into motion a process?"

Since January 1978, 1,081 Willowbrook residents have been placed in community residences. In addition to the 1,600 mentally retarded who remain in buildings on the Willowbrook campus, approximately 1,000 others transferred from Willowbrook remain in other state institutions.

But support among state legislators is clearly waning for plans to place Willowbrook residents in group homes. This reflects widespread community opposition to the establishment of group homes, higher costs of maintaining the mentally retarded in group homes and the new wave of fiscal conservatism.

Instead, legislators appear to be shifting their support to the idea of building villages of group homes, or small institutions.

Like Assemblyman William Finneran, D-Greenburgh, they argue that those mentally retarded who remain in Willowbrook represent a difficult population to place in the community. Such residents, they say,

would be better served at a slight distance from the community in houses clustered together to economize on staff, transportation and purchases.

Finneran asks, "Might a substantial portion of the mentally retarded be better served in closer proximity, rather than in isolated houses? The heavy cost may otherwise eventually diminish the services the homes can provide.

"These are tough times, times of belt-tightening," he said. "I think the inclination of the Legislature has been one of sensitivity and generosity, but its members are now being troubled by second thoughts about the cost of de-institutionalization."

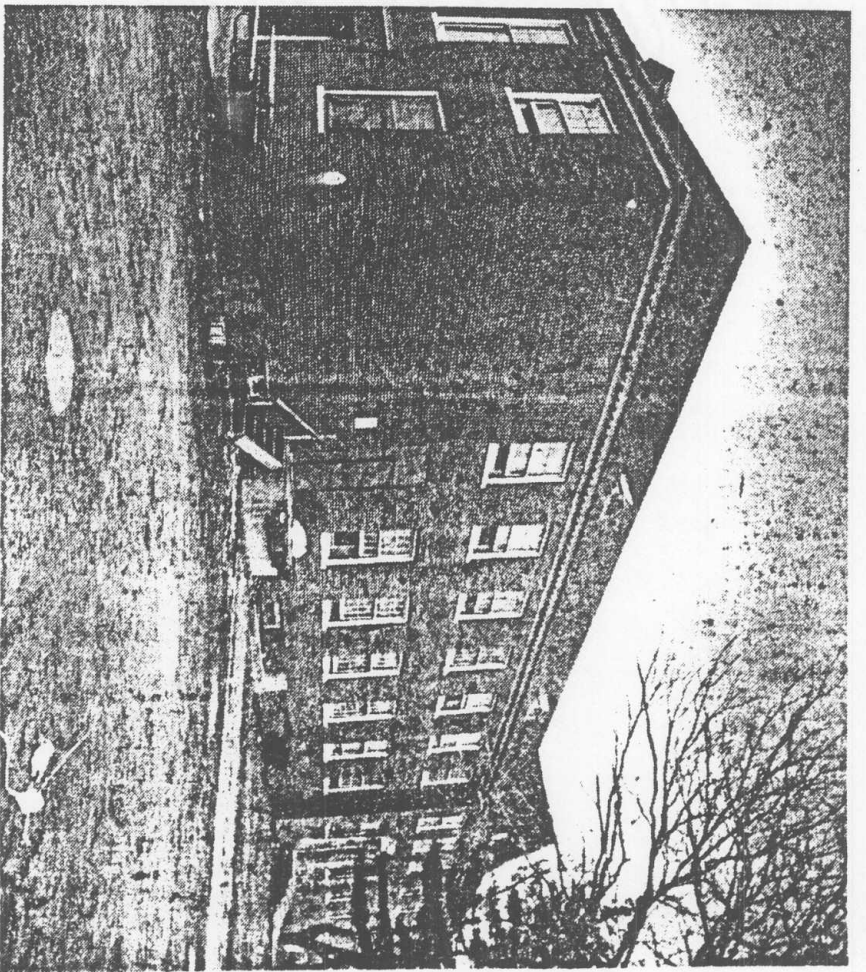
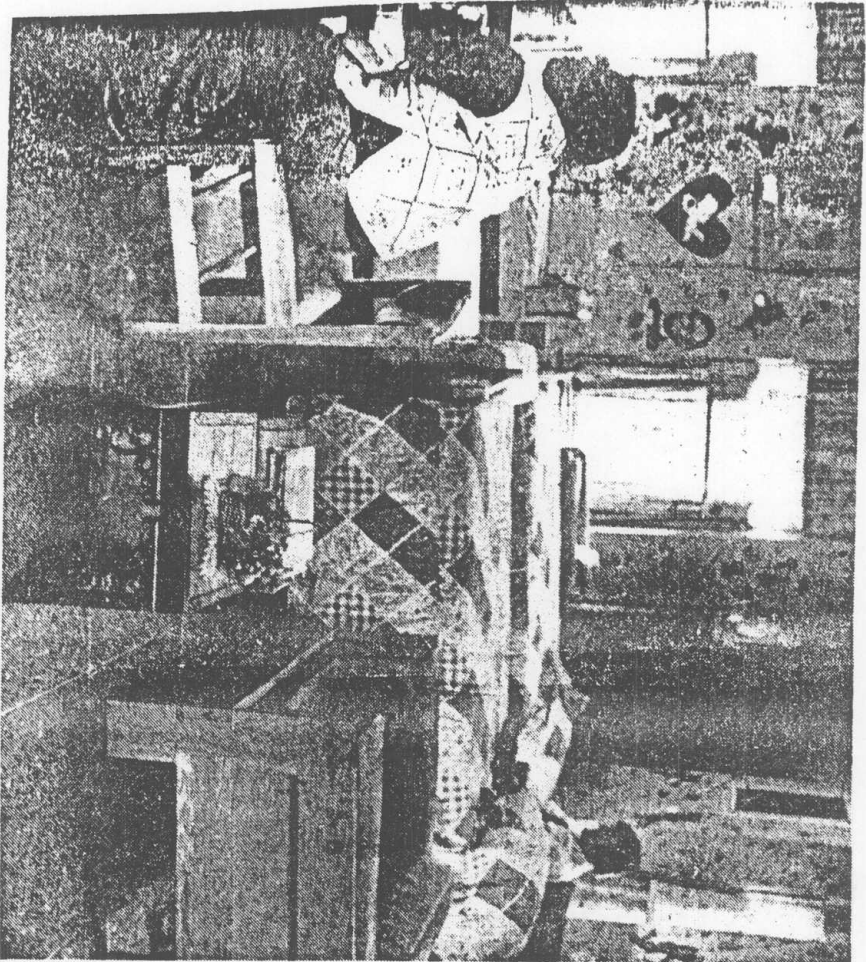
Many of the advocates of the consent decree are irked and worried by the ideas some hold that those who remain in Willowbrook are too difficult, either for medical or behavioral reasons, to place in community residences; and that there is a cost saving in maintaining large institutions or group homes clustered in villages. The group-home villages would be just another form of institutional life, they say.

Institutions "are essentially unworkable," said Paul Dolan, executive director of One-to-One Foundation. "For long-term care, they consistently fail to meet the needs of the people they're meant for and instead meet the needs of those who run them. The taxpayer ends up supporting a very inefficient system that holds people hostage."

Goldmark, for one, remembers five years ago when residents' behavioral and medical problems were used as an argument against placing any Willowbrook inmates in the community.

"Professionals who worked were devastatingly ingenious in finding reasons why someone couldn't leave Willowbrook," he said. "I'd walk down the hall and ask, 'Why not this little girl?' and they'd give me a reason."

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Residents in one of the few modernized rooms in Willowbrook, shown right

—Staff photos by Robert Deutsch

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