

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 Nehrbaauer, 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

page 3 of 5

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 effect 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.