

# SIDC deadline to pass with a whimper, not a bang

By ANEMONA HARTOCOLLIS

Six years ago, Gov. Carey and other top state officials signed a decree in Brooklyn Federal Court that bound them to virtually shut down the Staten Island Developmental Center by next Thursday.

On the verge of the deadline, the promise has been postponed, if not broken — and the future is far from settled for more than 4,000 mentally retarded people who have lived in the developmental center in Willowbrook.

The Willowbrook Consent Decree, the document signed by Gov. Carey on April 30, 1975, evolved from a class action suit brought against the state by families of the Willowbrook institution's residents.

It set guidelines to correct overcrowding, filth and abuse of the residents, and it required the state to gradually evacuate them to small community-based facilities. The decree became a model for care of the retarded throughout the New York

State system.

But the state has fallen far short of its commitment under the consent decree to phase out institutions like Willowbrook in favor of the "least restrictive" and most "normal" environment possible.

The Staten Island Developmental Center was scheduled to reduce its population to 250 mentally retarded residents by Thursday, down from 5,343 residents in 1975.

Instead, the institution currently houses nearly 1,000 patients, and as late as another year from now, it is likely that 550 patients will still be living there, according to projections of the state Office for Mental Retardation and Developmental Disabilities.

Contrary to expectations when the consent decree was signed, residents transferred out of Willowbrook have not gone primarily into community facilities. Fewer than half, or 2,334, of the Willowbrook population has been placed in the community, according to the latest

statistics available from the state.

The rest, except for 537 who have died, have been shunted to other institutions, according to state records.

The shift of Willowbrook residents into other state-operated institutions has angered Willowbrook staff. Teachers at the center contend they are equally if not better equipped than the other institutions to train the mentally retarded in areas such as woodworking, home economics and music.

"I can't blame them. A lot of those people are dedicated, they've dealt with those clients a long time," Cora Hoffman, an assistant to the state's commissioner for mental retardation, said of the Willowbrook staff.

But Mrs. Hoffman defended the transfers into other institutions, explaining that the residents were being returned to their "boroughs of origin." "A lot of them have family

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there," she said. "One of our goals is getting them linked up with their families."

The New York Civil Liberties Union also has questioned the sincerity of the state's commitment to the decree. The Civil Liberties Union — which defended the plaintiffs in the litigation leading to the consent decree — has repeatedly gone to court to challenge state policy since 1975.

Attorneys for the NYCLU complain that conditions at the Staten Island Developmental Center and other state-run institutions have deteriorated since last spring, when the Legislature cut off funding for the Willowbrook Review Panel.

Established by the consent decree, the panel consists of six experts appointed in court to monitor the treatment of present and former

residents of the Willowbrook institution.

Accusing the review panel of forcing the state to put the mentally retarded in extravagantly expensive apartments, the Legislature decided that the state could police its own facilities fairly.

The Civil Liberties Union, however, has recently made a bargaining chip out of the issue of funding for the review panel.

Attorneys for the NYCLU have implied that, if the Legislature agrees to resume funding the panel in the budget now being negotiated in Albany, the Civil Liberties Union may adopt a more flexible position on other issues.

One of those issues is the fate of the Staten Island Developmental Center.

Just days before the consent decree deadline, lawyers for the NYCLU say they are content to let

the state stretch the timetable for evacuating the institution.

Because the state has missed its deadline, the lawyers have the option of seeking a contempt-of-court judgment against Carey and James E. Introne, the state's commissioner of mental retardation. Contempt can be punished by a fine or prison sentence.

Assemblywoman Elizabeth A. Connelly, D-West Brighton, has tried to interest the NYCLU in revising the consent decree to keep Willowbrook open for a permanent population of about 500, rather than 250, residents.

But mindful of the Civil Liberties Union's insistence on a review panel, Mrs. Connelly has introduced a bill to restore funding for a restricted form of the panel. A year ago, she was instrumental in deleting the panel's allocation of nearly \$350,000 from the state budget.