

## Our opinion

# Review the consent decree

The Willowbrook Consent Decree — the 1975 agreement under which the state bound itself to substantially improve care for the mentally retarded — had its roots in the profound sense of outrage most citizens could not help but feel after learning of the squalid conditions under which patients, many of them helpless, were forced to exist at sprawling institutions such as the former Willowbrook State School.

With prodding from the federal courts, the state promised to move most patients from large institutions to small community-based residences, where they would receive personal attention in a home-like setting. In the case of Willowbrook, now known as the Staten Island Developmental Center, it was stipulated that the institution's population should be reduced from more than 4,000 to not more than 250 by March 1981.

That deadline obviously was not met. There still are about 900 persons under the state's care at Willowbrook, a fact that has prompted lawyers for both the state and the New York Civil Liberties Union, which represents the patients, to consider modifications to the consent decree.

One proposed modification, to be reviewed by a federal judge later this month, strikes us as impractical in its present form. But the proposal — to increase the maximum allowable capacity of community residences from 10 to 24 persons — should serve as a starting point for a thorough review of some of the fundamental concepts behind the move toward community as opposed to institutional care.

The proposal seems impractical on its face for one very basic reason: Where in the five boroughs is the state to find perhaps two dozen buildings large enough to accommodate 24 persons each? Existing structures of that size — such as small hotels or apartment buildings — would appear to be generally unsuitable as housing for the retarded since most are several

stories high and would offer only limited access to the out-of-doors.

While larger group homes undoubtedly could be built by the state, it must be asked whether life in such a facility would be any more meaningful to a profoundly retarded individual than residence in a larger institution.

A key notion behind the recent trend toward deinstitutionalization is that large institutions are inherently bad. Such a perception certainly is understandable after the abuses that were uncovered at Willowbrook and other state-run institutions.

But is that perception accurate? Or is it possible that profoundly retarded individuals could do just as well in an institutional setting — given adequate staffing and facilities — as they would in a smaller group home?

That question has been consistently side-stepped by public officials, apparently for fear that discussions in that vein would give the impression they were attempting to renege on the consent decree or were uninterested in the rights of the retarded.

So long as some elements of the consent decree are being reviewed, doesn't it make sense to re-evaluate all of the premises upon which that agreement was based? Perhaps the benefit of hindsight can show that institutions are not bad, provided they are well run and adequately monitored. And perhaps the selection of 250 persons as the maximum population for Willowbrook was based more on ideals than on practical, achievable factors.

Neither the courts nor lawyers representing the retarded should be bound by the concept that the retarded can receive the care to which they're entitled only in small community residences. Unyielding adherence to such a standard could serve only to make the delivery of the best possible care for the retarded an impossible dream.