

NYS-RUN HOMES MERIT NEW LAW

There was a recent story in the New York Times on conditions in state-run homes for the developmentally disabled that was very disturbing. Not only are many of the residents subjected to physical and sexual abuse, state laws protect miscreant state workers, allowing them to strike again, with impunity. This is not a new story.

In 2011, the New York Times detailed the extent of the abuse in these same facilities, explaining how the Civil Service Employee Association blocks disciplinary action against the abusers. Little has been done to ensure progress.

On June 18, Bill Donohue called on Assemblywoman Linda Rosenthal and State Sen. Brad Hoylman to craft new legislation to remedy this situation. These two lawmakers were the sponsors of the recently passed Child Victims Act, a law designed to grant new rights to the victims of clergy sexual abuse, as well as others.

Here is the text of Donohue's letter.

On June 10, 2019, the *New York Times* ran a front-page story on state-run homes for the developmentally disabled that was very disturbing. Eight years earlier it ran a series of articles on this problem. It is obvious that little has been done to check widespread physical and sexual abuse of these vulnerable persons, despite assurances by Gov. Andrew Cuomo that these conditions would no longer be tolerated.

Your interest in addressing the issue of clergy sexual abuse in the Catholic Church is the reason why I am writing to you. We need a grand jury investigation of these homes, as well as new legislation that will end this abuse. Stories of horrid conditions in these facilities extend back a half century.

In 1965, New York Sen. Robert Kennedy referred to homes for

the developmentally disabled in Willowbrook as a "snake pit." This notorious Staten Island facility was exposed to the public in 1972 when ABC reporter Geraldo Rivera broke the story. Fast forward to March 13, 2011. On that day, the *New York Times* wrote the following:

"A *New York Times* investigation over the past year has found widespread problems in the more than 2,000 state-run homes. In hundreds of cases reviewed by The Times, employees who sexually abused, beat or taunted residents were rarely fired, even after repeated offenses, and in many cases, were simply transferred to other group homes run by the state.

"And, despite a state law requiring that incidents in which a crime may have been committed be reported to law enforcement, such referrals are rare: State records show that of some 13,000 allegations of abuse in 2009 within state-operated and licensed homes, fewer than 5 percent were referred to law enforcement. The hundreds of files examined by The Times contained shocking examples of abuse of residents with conditions like Down syndrome, autism and cerebral palsy."

The newspaper explained why this happened.

"The Times reviewed 399 disciplinary cases involving 233 state workers who were accused of one of seven serious offenses, including physical abuse and neglect, since 2008. In each of the cases examined, the agency had substantiated the charges, and the worker had been previously disciplined at least once.

"In 25 percent of the cases involving physical, sexual or psychological abuse, the state employees were transferred to other homes. The state initiated termination proceedings in 129 of the cases reviewed but succeeded in just 30 of them, in large part because the workers' union, the Civil Service Employee Association, aggressively resisted firings in almost every case. A few employees resigned, even though the state sought only suspensions."

In the public schools, transferring molesting teachers to another school is so common that they call it "passing the trash." The same phenomenon happens in homes for the developmentally disabled. In both cases it is the unions that make progress impossible.

The Times expanded on this situation in this same story.

"The Civil Service Employees Association, one of the most powerful unions in Albany, makes no apologies for its vigorous defense of the group-home workers it represents.

"But the union's approach—contesting just about every charge leveled at a worker—has contributed to a system in which firings of even the most abusive employees are rare. Most disciplinary measures represent a compromise between management and the union, often reached at the urging of an arbitrator chosen by both sides."

The most recent story in the *New York Times*, which appeared on June 10, shows how little has changed in the last eight years.

"Hundreds of pages of disciplinary records from 2015 to 2017, obtained by The Times under the state open-records law, show that more than one-third of the employees statewide found to have committed abuse-related offenses at group homes and other facilities were put back on the job, often after arbitration with the worker's union."

It is for this reason that Michael Carey, an advocate for those housed in these homes, said, "Eight years have passed, and there have been no significant reforms to stop or prevent physical abuse."

That is why I am writing to you. You are in a position to end this tragedy, especially given the fact that, unlike the Catholic Church, these are state-run institutions, entities that fall directly under your purview.

Please introduce new legislation that will finally remedy this situation.