

TESTIMONY
BILL NUMBER S1610
MODERATE SECURITY UNIT
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Good Afternoon Honorable Legislators,

My name is Robin Turner. I am a steering committee member of the Family Alliance to Stop Abuse & Neglect, and I am also a dedicated advocate for the developmentally disabled and the traumatic brain injured. Thank you for the opportunity to give testimony of A3631 that will establish procedures of individuals in the Division of Developmental Disabilities Moderate Security Unit. This bill weighs very heavy on my heart because it involves a very loving young man named Frankie Macias. This bill came to light because of the unjust imprisonment into the Moderate Security Unit at New Lisbon Developmental Center, where Frankie Macias was forced to live in deplorable conditions.

On August 1, 2001, Frankie set a fire at New Lisbon Developmental Center. Dr. Mark Siegert's evaluation revealed that New Lisbon's own internal investigation found staff members negligent in providing safety for Frankie and other residents. Then on August 24, 2001, Frankie was told to either sign an agreement to admit himself into the Moderate Security Unit or go to jail. Frankie signed the agreement in fear of going to jail. This signing took place without a law guardian or family member present.

As per Division Circular #16, under Section IV, it states "placement of an individual into the Moderate Security Unit shall be made only by Order of the Court". In Frankie's case the judge refused to issue a court order to admit Frankie in to the Moderate Security Unit but stipulated that New Lisbon Developmental Center would need to provide a secure environment for him. The charges were dismissed November 4, 2002, and Frankie still remained as a prisoner in the Moderate Security Unit. After months and months of pleading with the Division of Developmental Disabilities/New Lisbon Developmental Center to release Frankie from the Moderate Security Unit, and in a letter to Ms. Wigfield dated January 5, 2003 from the New Jersey P&A, "the Division of Developmental Disabilities concurred that Frankie's confinement in the Moderate Security Unit was not appropriate". Also, in a letter to Ms. Wigfield dated April 15, 2003, from the Former Division Director, Mr. James Smith, he stated "we agree with you that it is inappropriate for Frankie to remain in the MSU." Yet, for an additional 16 months, Frankie remained in the MSU until March 1, 2004.

On January 6, 2004, I attended my first IDT meeting at New Lisbon as an advocate for Frankie.

I observed deplorable, filthy, unsanitary conditions during that visit. The photos are attached to my testimony.

In my opinion, Frankie's living conditions at the Moderate Security Unit were horrendous. The lack of care was disgraceful. Yet, we allow our most helpless and vulnerable citizens to live like this. Frankie's mom sent numerous letters, made numerous phone calls, and sent tons of emails to so many people and had lengthy meetings with everyone, and nothing was done to improve Frankie's living conditions and others like him.

At the January 6, 2004 meeting, Frankie's advocates were out in full force including a Senator Vitale's chief of staff who attended the meeting. The advocates in attendance all agreed that the meeting was very unprofessional to say the least. All of us were outraged how we were being treated and how Frankie was being treated. I am forever grateful that Senator Vitale's chief of staff came to witness the nonsense and the horrifying situation and deplorable conditions that Frankie had been living in known as the Moderate Security Unit. This changed everyone's perspective on how vicious our developmentally disabled people are being treated. And that is why I am here today.

The following morning on January 7, 2004, I contacted the Health Department in the State of New Jersey to submit a citizen's complaint about the conditions at the Moderate Security Unit and how unsanitary, filthy, and dehumanizing it was. In Frankie's bedroom, I witnessed garbage all over the floor, filthy dirty floors, **no sheet on his bed**, no dresser drawers, and his clothes were piled high on top of one another. It was disgraceful! I requested for the Health Department to conduct an unannounced inspection immediately. The Health Department told me to contact the CEO of New Lisbon Developmental Center to voice my concerns. I was shocked that I was referred back to the Developmental Center. **We can not continue to allow the fox to watch the hen house in our Developmental Centers.**

Later that same day, I was contacted by the DDD/Quality Assurance Team liaison who informed me that they contacted NLDC Management. Day's later the Quality Assurance Team went to New Lisbon to perform an unannounced visit. I received a call from the Quality Assurance Team liaison who said that they found the floors to be filthy, washing machine broke, window curtains falling off the windows, among many other things.

The Quality Assurance Team liaison informed me that New Lisbon would develop a "scrub team" to clean ALL floors and areas. I also found out later that the individuals residing in the Moderate Security Unit received new beds. NLDC management also stated that the housekeeping supervisor was replaced with someone new. The Quality Assurance Team liaison assured me, that the team would do frequent unannounced visits to make sure this is being maintained. But if it is not?

I contacted OPRA to obtain the Licensing & Inspection Reports for New Lisbon Developmental Center's Moderate Security Unit, and I was informed by OPRA that I was unable to get this information. OPRA claimed they checked with New Lisbon Developmental Center regarding inspection reports and they are not available for the Moderate Security Unit. OPRA claimed that my request was also reviewed with the Quality Assurance Liaison and other folks to determine if there was a document that represents an inspection report for the Moderate Security Unit. OPRA was informed that inspection reports or similar documents do not exist, and therefore no document

could be provided to me under OPRA. OPRA said they have no other place or person to direct me to in obtaining the documents that I requested. How can we allow this? THIS IS TOTALLY OUTRAGEOUS! Where is the oversight? Then everyone wonders how we are going to stop the abuse, neglect and deaths. **We need to start right here with New Lisbon Developmental Center.**

This is very troubling because if I never visited New Lisbon Developmental Center's Moderate Security Unit, Frankie and others like him would have continued to live in dehumanizing filthy, horrific conditions. As a visitor of this facility, just like Acting Governor Code was a visitor to the Greystone Facility in Newark, he found deplorable conditions, it is next to impossible to just walk away and say nothing or do nothing and let things be. That is why I am here today.

As per documented evidence, Frankie has been abused, neglected, sexually assaulted, restrained, and beaten at New Lisbon Developmental Center. Frankie says he doesn't want to live at New Lisbon anymore. Frankie has said this numerous times,. Frankie told me "I am afraid that another client will rip my heart out and snap my head off and I am afraid staff might not stop the client from doing it". Why does Frankie have to continue to live in such fear? As of today Frankie lives in Yucca Cottage at NIDC as we continue to advocate to get him out and in a community setting.

The guiding principles that we must reflect on, are ones that reinforce human dignity and each person's civil rights. Persons with developmental disabilities, whether living in the community or in an institutional setting, have the same basic human and civil rights under federal and state law as other persons do.

My visit to the Moderate Security Unit was horrifying and very traumatic and I will never forget it. I am here today to remind you that our most helpless and voiceless citizens need your help in making sure that people who care for our most vulnerable citizens are held accountable! We must not allow the injustice that happened to Frankie Macias ever happen to another innocent victim with developmental disabilities. I urge this committee to get out there and visit all New Jersey Developmental Centers as well as the Moderate Security Unit and see if that is some where that you would want your loved one to live if they were disabled.

New Lisbon Developmental Center and the Moderate Security Until cannot be a watchdog for themselves. There must be a tighter mechanism in place to keep our loved ones safe.

I would like to thank the committee for allowing me to offer testimony today on this very important piece of legislation.

Robin Turner