

## 2014 Mental Hygiene Budget Hearing Testimony by Michael Carey

February 11, 2014

My name is Michael Carey. I am the father of Jonathan Carey, who is my precious first born son. Jonathan was born on September 12, 1993. Jonathan's name means "a gift from God" and Jonathan lived up to his name without question. Jonathan was not only a gift from God to my wife Lisa and I and his younger brother Joshua, but to so many others that got to know him. I believe he was also to us all here in this room and in New York State and I will briefly explain why, but first each of you hearing or reading this testimony must understand a little more about Jonathan. Jonathan loved God and Jonathan loved people which sums up the two greatest commandments our Lord has given us. Do this and you will live the Lord Yahushua/Jesus says in His written Word. Jonathan loved and Jonathan lived. Jonathan demonstrated to me love like no other person here on earth has, treating me incredibly special, treating me like royalty, lighting up almost always when he saw me or I entered the room. Jonathan also loved horses and too would light up with excitement when he saw horses or visited any of the local stables. Jonathan would hug people or even sometimes kiss people that he barely knew. Jonathan was and is a very special person. Jonathan again was the most loving person here on earth that I have personally ever known.

Jonathan was diagnosed with mental retardation at 19 months old, then he was diagnosed with autism at 6 years old and then with post traumatic stress disorder as a result of severe child abuse at the age of 12. Jonathan was an amazing young man. Jonathan's life was cut short- Jonathan was suffocated to death by his caregiver when he was only 13 years old. Was it the man that actually physically killed Jonathan alone at fault? The answer is clearly no. The mental health care system is set up in such a way that it is unsafe. Jonathan's suffering of abuse many times within the three short years he lived in residential care, why the abuse and neglect happened and then how it was handled shines a light on serious problems that simply must be fixed. You see its Jonathan friends here right now in our charge in one way, or another, that need to be properly cared for, treated special and finally have equal rights and equal protections. Without Jonathan there would

be no Jonathan's Law. Without Jonathan there would have been no New York Times "**Abused & Used**" investigative reporting series throughout 2011. Without Jonathan there would have been no AP news stories over this past weekend titled "**NY mum on thousands of reports of disabled abuse**" or "**NY agency refuses to detail criminal cases from thousands of reports of disabled abuse**". Without Jonathan New York State's extremely dangerous mental health care system would simply go on year after year without even questioning why it functions as it does. Now within the system itself, yes there are many excellent people that entered into this field to help people in need and really care for people with disabilities or those with mental illnesses-but the system does not properly support or pay these individuals.

So let us briefly look at the system itself and how we can make New York State's system the best in the world. Let us honor Jonathan's memory and let us together corporately fulfill the literal dream that I had of my precious boy only a few months before he was killed. In my literal dream as I slept, I saw Jonathan sitting in a testimony box in a courtroom and he had an old fashioned cone shaped megaphone held up to his mouth and written on it was the word **RIGHTEOUSNESS**. When I awoke I told my wife Lisa that God was going to use Jonathan to testify and speak loud and clear for righteousness- not ever knowing or ever imagining that Jonathan would die or be killed for this to happen. Yet, Jonathan was non-verbal, primarily, and only had a few words that he could speak. Jonathan suffered horribly, he was denied food and meals for behavior modification when he didn't put his shirt on, and Jonathan endured God only knows how much seclusion methods or what our penal laws say is unlawful imprisonment. Jonathan was illegally restrained, dragged, bruised literally head to toe, left in his urine, and ultimately suffocated to death all within three years time. You need to know this so we can together prevent these horrors from happening to others right now.

New York State's mental health care system as a whole remains a disaster to date because the core problems before Willowbrook and after Willowbrook have still not been addressed, but now is that window of time to finally make things right. Righteousness to me-simply means doing what is right. The rampant abuse and neglect of our most vulnerable disabled and mentally ill continues in absolute staggering scope- over 50,000 calls have been reported to the CQC/Justice Center

in the last 7 months alone. Michael Virtanen's AP news stories that came out two days ago numbers are from June 30<sup>th</sup> of 2013 to December 11, 2013. Two more months have passed exactly to date and approximately 15,000 more calls and reports of injuries, physical abuse, sexual abuse, neglect, maltreatment, rapes, deaths-lots of deaths, and yes much of these are crimes, but most are never called into to 911 emergency reporting systems, or ever criminally investigated. Most of these cases will never go through the normal criminal justice system like for other State residents whom are victims of crimes until we change these rights violations. It is time to properly appropriate the billions of State and federal tax dollars spent every year here in New York State to provide safe care and "Freedom from abuse and neglect". US Code 42-Section 15009 which I have attached to this testimony, my testimony- my son Jonathan's testimony, says that State and Federal funds are provided only to programs providing safe care and provision of care;

- Free of abuse and neglect
- Free of sexual and financial exploitation
- Free of violations of legal and human rights violations

New York State's system is rampant with abuse and neglect and the reasons why obviously must finally be looked at and the safety and abuse prevention measures minimally that are in place in our New York State prison system must be put in place to protect our most vulnerable and innocent residents.

The Justice Center is the CQC renamed and relocated to a building in Delmar, New York a tenth of a mile from the Jonathan Carey Foundation office. **The CQC/Justice Center is not what it was or is claimed to be, it is not a first responder agency and it is triaging calls criminal in nature numbering in the many thousands every month, bypassing the emergency 911 reporting system and is not investigating most cases of abuse, but is funneling most reports back to the State and private provider agencies for internal investigations. Most cases are then un-substantiated after the provider agencies investigate themselves.** There have been many tens of thousands of calls reported by mandated reporters and eye witnesses within this short window of time, and there have been hardly any arrests. Can anyone explain that? How can sexual abuse of our developmentally disabled massive in scope all of a sudden drop 80% on paper only as soon as the CQC/Justice Center took control of everything when nothing

significant has been done to stop or prevent the rampant sexual abuse from happening? A well recognized source and study claim that only 3% of sexual abuse cases of our developmentally disabled are ever reported. Using these numbers approximately 40% of our developmentally disabled are likely to be sexually abused every single year in New York State's mental health system. Why these things do not come out is because it is very ugly and obviously very disturbing- there is a far greater concern to protect facilities and their employees from litigation or consequences for their actions than for the safety of the disabled or those struggling with mentally illnesses being served.

I'm sounding the alarm- I am speaking out- I am testifying- I am speaking loud and clear because my son cannot- but I really believe Jonathan and all that happened to him is speaking. If it were not for Jonathan it appears there would be mostly silence. Why have so many remained silent? I do not fully know, nor understand. We cannot change our past, but we certainly can change the future. Can we work together and request Governor Cuomo's leadership as our Governor ultimately in charge and responsible to solve the severe systemic problems that still exist once and for all? Can we work together to genuinely insure the civil rights of the disabled or mentally ill and stop the discrimination? Can we finally require immediate 911 reporting of all physical and sexual abuse of the disabled by mandated reporters and eye witnesses? Can we work together to stop all internal investigations of abuse by provider agencies, which are alleged crimes? Can we move swiftly towards putting the basic safety measures such as surveillance cameras and many other safety and abuse prevention measures in place to prevent and stop abuse and crimes from ever happening in the first place? Can we work together to properly allocate the many billions of dollars spent annually to provide safe care that is **free of abuse and neglect** per federal US Code 42- Section 15009 for our most vulnerable disabled and mentally ill residents? Can we finally take the basic vital steps and critical measures and require all caregivers to go through significant standardized training with written testing and have to be licensed and qualified? Can we work together so that families can get the help they need and obtain either an appropriate financial Stipend or the sufficient number of in home direct care staff hours needed to assist them in keeping their loved ones home as long as possible, which is by far usually the best, the safest, and most cost efficient? Can again these vitally needed individuals be required by law to be

properly schooled, trained, qualified, licensed and then paid a fair wage? Can we together finally put a stop to the siphoning off of most of the money intended to provide safe care from going into multi-tiers of administrative staffing or directors whom are grossly overpaid that too are not even required to be properly qualified or even licensed? Currently, we have a system being operated and run by many people that are not qualified and I believe profiting significantly or even involved in financially exploiting our disabled. This must be stopped now.

My hope is that you will say in your hearts yes to all of these and if so we can make New York State's system what it should be-the very best in the world. Jonathan would not have died in vain if this would become a reality. With the many billions of dollars that New York State spends right now it can happen, but decisive actions and changes must be taken now. As Jonathan's father I am requesting for Jonathan's friends in harm's way right now that minimally 500 million dollars be allocated specifically towards safety and abuse prevention this year and every year until preventable abuse and neglect is a rarity instead of a norm. I have fourteen safety and abuse prevention bills in right now, including a surveillance camera bill that I have worked extremely hard with many Senate and Assembly legislators and their staff creating. The New York Times Editorial Board just recently spoke about this and proper police reporting. These safety and abuse prevention measures cost money – let's properly value and protect our most vulnerable with the billions that are supposed to go for these intended purposes to begin with- not to enrich many that really should not be in this field. The financial exploitation of our disabled and most vulnerable must end now-this year- and safety and abuse prevention must be funded and expressed in this budget. This Saturday is the seventh anniversary of the horrible day Jonathan was killed. Remember Jonathan and all that he suffered. Remember February 15<sup>th</sup> and remember the dream God gave me about Jonathan. Remember the purposes of bringing these ugly things into the light so that the darkness and evil does not prevail, but that what is just and right prevails. Jonathan was and is a gift from God to us all. Thank you.

*Michael Carey*

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- [FindLaw](#)
- [Codes and Statutes](#)
- [US Code](#)
- [Title 42](#)
- [Chapter 144](#)
- [Subchapter I](#)
- [Part A](#)
- Section 15009

### **42 U.S.C. § 15009 : US Code - Section 15009: Rights of individuals with developmental disabilities**

**Search 42 U.S.C. § 15009 : US Code - Section 15009: Rights of individuals with developmental disabilities**

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(a) In general

Congress makes the following findings respecting the rights of individuals with developmental disabilities:

(1) Individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities, consistent with section 15001(c) of this title.

(2) The treatment, services, and habilitation (!1) for an individual with developmental disabilities should be designed to maximize the potential of the individual and should be provided in the setting that is least restrictive of the individual's personal liberty.

(3) The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional programs, residential programs, and other community programs, including educational programs in which individuals with developmental disabilities participate, that -

(A) provide treatment, services, and habilitation that are appropriate to the needs of such individuals; and

(B) meet minimum standards relating to -

(i) provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than