



Editorial

# Cuomo plan for watchdog agency will protect New York's vulnerable citizens

Published: May 9, 2012 6:57 PM



Photo credit: Getty Images | Gov. [Andrew M. Cuomo](#) (Nov. 2, 2010)

Even at a time when many want to shrink government drastically, it's beyond argument that one of its core responsibilities is the protection of the most vulnerable: the mentally ill, the developmentally disabled, the frail elderly and others. For too long, [New York](#), like other states, has had a too-fragmented approach to that task.

Too many people have been hurt by those entrusted with their care, with too little consequence. Now Gov. Andrew M. [Cuomo](#) proposes a sweeping and smart new way to get this vital job done.

The idea is to create one agency to safeguard all those populations. Cuomo wants to call it the Justice Center for the Protection of People with Special Needs. The center would keep a watchful eye over people who get their care from six state agencies, either in facilities the agencies run, or in programs operated by not-for-profit groups under contract to them. Those agencies have widely varying ways of handling neglect and abuse: different definitions, requirements for investigations, qualifications for investigators and standards of proof. But Cuomo's bill would impose [common](#) standards and definitions.

The existing shortfalls are laid out in a report by Clarence Sundram, Cuomo's special adviser on vulnerable persons. He founded, and for two decades ran, the Commission on Quality of Care for the Mentally Disabled, a strong watchdog agency. He left it in 1998, and in recent years, it has become a sadly tamer watchdog.

The new center would not have that problem. It would have both a special prosecutor and an inspector general, with serious investigative powers. It would have a 24-hour hotline for reporting abuse, and maintain a database of reports and abusive employees.

For those who commit one of a list of serious offenses, such as sexual abuse and felonious assault, there would be no second chance, no opportunity to work again with the kind of people they have harmed. For lesser abuses, which are vastly more prevalent than the serious ones, employees would have a sense of fairer punishment.

Whatever the scope of the abuse, in facilities where a union represents the workers, it is often difficult to apply meaningful discipline. In contrast, among nonunion workers at not-for-profit agencies, there is a feeling that punishment -- including firing -- can be arbitrary and unrelated to the employee's actual fault. Cuomo's ambitious legislation lays out the acts and the consequences in a clearer, more understandable way.

Let's be honest: Jobs on the front line of caring for vulnerable people are usually poorly paid and difficult, with high turnover. It's important to understand that context, but it's no excuse for abuse. The challenge is to provide those employees a rigorous, no-nonsense, fair set of rules -- with strict punishment for serious

transgressors, and appropriate punishment, guidance and help for those guilty of less serious violations.

The bill Cuomo proposes would do just that, and he is putting an admirable amount of muscle into a campaign for the bill. Organized labor and others should work with him to fix any shortcomings and get it passed this year. Our system has been broken too long. Now the Empire State has a chance to lead the nation in showing how government can truly care for the most vulnerable.