

P U B L I C    H E A R I N G  
before  
THE COUNTY PENAL SYSTEM STUDY COMMISSION  
on  
ESSEX COUNTY'S ADULT PENAL SYSTEM

Held:  
April 3, 1974  
Room 314  
1100 Raymond Boulevard  
Newark, New Jersey

MEMBERS OF COMMISSION PRESENT:

John F.X. Irving, Chairman  
Kenneth Ginsberg, Hearing Officer  
Commissioner Arthur F. Brown  
Commissioner Alan J. Cornblatt  
Commissioner Joseph DeMarino  
Commissioner Bessie G. Hicks

Carl E. Moore, Research Associate  
Douglas Cook, Secretary

ALSO:

Eleanor Werbel



1		
2	<u>WITNESSES</u>	<u>PAGE</u>
3	Joseph El, former inmate, Essex County Jail	12
4	Sergeant William J. Jones, Corrections Officer, Essex County Jail	48
5	Officer Wilfred P. Francis, Sr., Corrections Officer, Essex County Jail	53
6	Leora Mosston, Attorney, Prisoners' Rights Organized Defense (PROD)	98
7	Rosetta Hunter, inmate, Clinton Reformatory for Women	101
8	Gale Howard, inmate, Clinton Reformatory for Women	101
9	Philip Showell, Executive Director, New Jersey Associations of Corrections	134
10	Arthur W. Magnusson, Chief Administrator, Essex County Corrections Center	154
11	Captain Michael Frey, Corrections Officer, Essex County Corrections	154
12	Maude Jackson, inmate, Essex County Correctional Center	213
13	Miss Hunter, Inmate, Essex County Correctional Center	247
14	Vincent Salvato, Essex County Jail Guard	258
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		



1 CHAIRMAN JOHN IRVING: Ladies and gentle-  
2 men, good morning. I want to welcome you to the  
3 second day in what will be a series of hearings  
4 around the State of New Jersey dealing with the  
5 conditions in the jails, workhouses, and correct-  
6 ional centers.

7 Our objective and our charge by the  
8 Legislature and by the Governor; that is, former  
9 Governor Cahill, is to look at the buildings,  
10 problems of overcrowding, problems of minimum  
11 care, problems dealing with substandard conditions.  
12 We will not only look at the inmates and their  
13 needs, but also, and equally important, look at  
14 the needs of the guards to develop a professional  
15 status, if they don't already have one, and to  
16 make such recommendations to the State Legisla-  
17 ture as may be important, so that these jails  
18 and correctional centers meet the minimum stand-  
19 ards of all the accrediting agencies.

20 Today, we have a list of witnesses, very  
21 important witnesses, and we are delighted to have  
22 all of them come and talk. We will try to be  
23 concise, imposing questions so that we will be  
24 able to let our good Reporter return to Trenton  
25 at a reasonable hour late this afternoon.

1           We have not scheduled a third date for  
2 hearings. The Commission will meet at the conclu-  
3 sion of today's session and decide whether, in fact,  
4 there's more we need to do in Essex, or whether  
5 we should move on to some of the other Counties  
6 in which we would like to have public hearings.

7           I would like, before we call our first  
8 witness, to have you understand that this Commis-  
9 sion is a fact-finding Commission. We are called  
10 the County Penal System Study Commission, and that's  
11 important, I think, for all of us as taxpayers  
12 that you understand we are not prosecutors, we are  
13 not swearing witnesses; we are simply trying to  
14 find the facts. We have no axe to grind. This  
15 meeting presents, on the other hand, an enormous  
16 opportunity for people to come forward, talk  
17 freely, without any fear of coercion from us, at  
18 least, about what the needs are within these  
19 county institutions as you, the citizen, perceives  
20 them, and the tragedy is that this kind of hearing  
21 may not occur for another twenty years. So if  
22 today is the last day in two decades that we will  
23 talk about conditions in Essex County, then we hope  
24 that what you will have to say will be, number  
25 one, true, and number two, forceful. We then, in

1 turn, have an obligation not only to turn over any-  
2 thing that appears to be irregular or criminal to  
3 a vigorous prosecutorial effort, but we have an  
4 obligation to make recommendations to the Legisla-  
5 ture and the Governor dealing with new legislation,  
6 new programs, new approaches by the State to help  
7 its own citizens who happen to be either in a jail  
8 or in a correctional center.

9 I have spoken with the Sheriff of Essex  
10 County twice in the last two days. I want to  
11 tell the members of the Commission that Sheriff  
12 John Cryan has indicated that he believes much  
13 good will come out of these hearings. That's a  
14 direct quote. He is constrained not to make an  
15 appearance, however, although I suggested to him  
16 that it might be wise for him to come. He has  
17 suggested that some five or six officers of the  
18 County Jail will come late this afternoon to talk  
19 to us about the needs and conditions at the jail,  
20 as these officers perceive them.

21 The only other observation I would make  
22 is that I, as Chairman of a State Commission, am  
23 learning not only about the jails and county  
24 institutions with this Commission, but also the  
25 great difficulty that State Government has, not

1 only in trying, with a part time legislature, to  
2 ascertain what local problems are, but the problems  
3 that are then transferred to eight or nine volunteers  
4 like ourselves, trying to determine, with limited  
5 staff, most of them volunteers, as a matter of  
6 fact, how we can be helpful in meeting what appear  
7 to be very serious problems. I think last week,  
8 we perceived the tip of the iceberg of problems.  
9 The iceberg apparently is enormous in its size;  
10 we will only begin to see the surface.

11 All right. I want, first, if you will  
12 permit me, to read into the record two affidavits,  
13 and there are copies here for citizens and members  
14 of the press corps, when we take our break. Well,  
15 we can pause a moment, so that people need not  
16 write.

17 Let me make clear to the members of the  
18 Commission and the people who are here that, over  
19 the last several days, many people have come for-  
20 ward that have indicated a strong desire to trans-  
21 mit information to us. Many people have rejoiced  
22 at the fact that at long last, this kind of  
23 Commission has been created to look at the County  
24 Jails and correctional centers. Many of these  
25 people, though, for personal reasons, because they

1 fear retaliation, because they fear some incrimina-  
2 tion at the jobsite, have asked to submit informa-  
3 tion to us in a confidential form by means of  
4 affidavit, and I'm happy to accept confidential  
5 affidavits. I've discussed with the members of  
6 the Commission this morning, in view of the seri-  
7 ous nature of these affidavits, whether we should  
8 not, in terms of elementary due process and basic  
9 fairness, eliminate the names of the employees  
10 who are alleged to have accepted or asked for polit-  
11 ical contributions, since those people are not  
12 here to testify. You will see the affidavit indi-  
13 cates that the affiant, that is, the person who  
14 prepared the affidavit and to swear to it in my  
15 presence or in the presence of another attorney  
16 of the State, those affiants have indicated a will-  
17 ingness to come before a Grand Jury, if one is  
18 impanelled, and at that time, both the names of  
19 the people asking for political help and those  
20 who were asked will be released.

21 Sheriff DeMarino suggested that I men-  
22 tion to you, and I'm happy to do it, that those  
23 that appear as witnesses today are not the people  
24 who have given us the confidential affidavits.

25 The affidavit which I will call Affidavit

1 number one, and which contains five paragraphs,  
2 so numbered, reads as follows: "State of New Jer-  
3 sey, County of Essex, Legal Seal.

4 "Mr. blank, of full age, being duly sworn  
5 upon his oath, according to law, deposes and says  
6 that:

7 "I am a corrections officer currently em-  
8 ployed in the Essex County Jail. I have submitted  
9 my name to the Chairman of the County Penal Study  
10 Commission and he is to keep it confidential and  
11 only to submit it to a Grand Jury should one be  
12 impanelled to investigate this matter.

13 "I have found conditions at the Essex  
14 County Jail to be deplorable and not conducive to  
15 either proper inmate care or to positive Officer  
16 training and growth. More specifically:

17 "1. On or about July 1, 1972 I was  
18 summoned by (blank) and was instructed to visit  
19 him in the Deputy Warden's office located on  
20 the Jail premises.

21 "2. During that meeting (blank) handed  
22 me ten tickets for a picnic to be held for the  
23 benefit of John Cryan, Sheriff of Essex County.  
24 Each of these tickets had a purchase price of  
25 \$8.50.

1           "3. I was instructed to sell each of  
2 these tickets and to deliver the money to (blank).  
3 Never was I asked if I wanted to sell these tickets.  
4 I was just instructed to do so. He said, "I have  
5 ten tickets here that I want you to sell." I took  
6 them and left.

7           "4. I attempted to sell several of these  
8 tickets, but was unsuccessful. Because I felt  
9 pressured by political undercurrents within the  
10 Sheriff's Department to sell each of these tickets,  
11 I planned to tender a total of \$85.00 of my person-  
12 al funds to the Undersheriff.

13           "5. On or about October 19th, 1972, only  
14 about three days before the picnic, I was instruc-  
15 ted there was some problem with my paycheck and  
16 it would be issued the following day. The follow-  
17 ing day I was given a termination notice at the  
18 payroll window. I was subsequently terminated.  
19 I believe (blank) felt I took too long to pay the  
20 \$85.00."

21           This sworn and subscribed to ~~before~~ an  
22 attorney at law on the 2nd day of April, 1974. The  
23 original is in my possession.

24           The second affidavit, which can be identi-  
25 fied as having six numbered paragraphs, reads as

1 follows:

2 "State of New Jersey, County of Essex:

3 "Mr. blank, of full age, being duly sworn  
4 upon his oath, according to law, deposes and says  
5 that:

6 "1. I am now employed as a Corrections  
7 Officer at the Essex County Jail in Newark, New  
8 Jersey.

9 "2. I was so employed in October, 1972  
10 and that at that time I was assigned to the jail  
11 pharmacy and had been working in said pharmacy for  
12 seven months.

13 "3. On a certain date in October, 1972,  
14 one Mr. (blank), also an employee at the Essex  
15 County Jail in the capacity of head cook, approached  
16 me in the presence of one Peter Bridge, a prisoner  
17 in the Essex County Jail, and informed me that  
18 contributions were being collected for the election  
19 next month.

20 "4. I declined to contribute, whereupon  
21 Mr. (blank) asked me whether or not I liked my  
22 job. I understood the reference to my job to mean  
23 my assignment in the jail pharmacy.

24 "5. I again refused to contribute and  
25 replied that I was a permanent employee. Several

1 days later I was transferred from my desirable  
2 pharmacy assignment back to an ordinary floor type  
3 assignment.

4 "6. I am giving this statement under  
5 the understanding that my name shall not be revealed  
6 to any other persons other than the Chairman of  
7 the County Penal System Study Commission or to a  
8 Grand Jury should one be impanelled to investigate  
9 these matters."

10 Sworn and subscribed before me and bears  
11 the signature of the affiant, and the signature of  
12 an attorney of law of the State of New Jersey.

13 Our first witness this morning is Mr.  
14 Joseph El. Would you come forward, Mr. El, and  
15 be seated over here? If you like, Mrs. Hicks may  
16 join you.

17 Good morning, I hope you feel relaxed.  
18 We appreciate your coming voluntarily this morning  
19 to talk to us.

20 Will you give us your name, sir?

21 MR. JOSEPH EL, JR.: Joseph James El, Jr..

22 CHAIRMAN IRVING: Will you give us a  
23 mailing address, sir?

24 MR. EL: 68 Mapes Avenue, Newark.

25 CHAIRMAN IRVING: Were you at one time

1 an inmate at the Essex County Jail, Mr. El?

2 MR. EL: Yes, sir.

3 CHAIRMAN IRVING: What was the date of  
4 that confinement?

5 MR. EL: It was in January of '73--right.

6 CHAIRMAN IRVING: You were there in January  
7 of 1973?

8 MR. EL: Yes, sir.

9 CHAIRMAN IRVING: Do you know when you  
10 were released from the jail, approximately? Was  
11 it a month later?

12 MR. EL: It was about--I would say about  
13 a good month, thirty days--four to five weeks, I  
14 would say.

15 CHAIRMAN IRVING: Four to five weeks.  
16 Now, what do you want to tell us about, this  
17 morning?

18 MR. EL: Well, I wanted to discuss to  
19 the Commission the treatment as far as the Metha-  
20 done is concerned for drug offenders who come into  
21 Essex County Corrections Center.

22 CHAIRMAN IRVING: All right, thank you.  
23 Now, I will ask Mr. Ginsberg to develop the ques-  
24 tioning with you. You talked to him yesterday,  
25 and he is closer to the facts than I am, and in

1 order to expedite the hearing and to keep you at  
2 your ease, Mr. Ginsberg will help you to get on  
3 the record whatever you want to say. Let me first  
4 advise you that you don't have to answer any  
5 questions, okay? We don't want to embarrass you.

6 At the time that you were admitted to the  
7 Essex County Jail, will you be willing to tell us  
8 whether you were then using drugs?

9 MR. EL: Yes, I was.

10 CHAIRMAN IRVING: Would you say you had  
11 a serious habit?

12 MR. EL: Yes. I had a--I was going through  
13 withdrawal just then.

14 CHAIRMAN IRVING: You were going through  
15 withdrawal just then, during that month of January?

16 MR. EL: Right.

17 CHAIRMAN IRVING: All right. Now, while  
18 you were at the jail, did you indicate, in being  
19 processed, that you had a drug habit?

20 MR. EL: Yes, sir.

21 CHAIRMAN IRVING: All right. I'm talking  
22 now, about the day that you were admitted into the  
23 jail.

24 MR. EL: Yes, sir.

25 CHAIRMAN IRVING: Did you talk to a doctor?

1 MR. EL: No, sir.

2 CHAIRMAN IRVING: Whom did you talk to,  
3 do you recall?

4 MR. EL: I talked to a Correction Officer  
5 as I was being brought in. I told him that I was  
6 going through withdrawals, and he told me well, take  
7 care of that when you get upstairs.

8 CHAIRMAN IRVING: And was it taken care  
9 of when you got upstairs?

10 MR. EL: When I got upstairs, I told the  
11 other correction officer on that floor that I was  
12 going through withdrawals, and he told me there's  
13 nothing that he can do, and that I would have to  
14 wait until tomorrow to see the doctor.

15 CHAIRMAN IRVING: Let me turn this over  
16 to Mr. Ginsberg, because he wants to review that  
17 in some detail. Thank you.

18 HEARING OFFICER KENNETH GINSBERG: Good  
19 morning, Mr. El. Could you try to speak up a little  
20 so people in the room can hear you without too much  
21 of a problem?

22 MR. EL: Yes, sir.

23 HEARING OFFICER GINSBERG: I understand  
24 that you were admitted to the institution, is  
25 that not correct?

1 MR. EL: That's right.

2 HEARING OFFICER GINSBERG: And what hap-  
3 pened upon your admission to the institution?

4 MR. EL: Well, they brought me from head-  
5 quarters, police headquarters down on Franklin  
6 Street, and they took me to the Corrections and  
7 Jail. As you come into the bottom and you go into  
8 the bullpen to be processed, at this time, you know,  
9 they ask you your name, address, and things of that  
10 nature, and they take you in the back, they put  
11 you in the bullpen, and then you wait for a shower  
12 which--

13 HEARING OFFICER GINSBERG: Now, before  
14 you take the shower, is it not true that they're  
15 supposed to take what is called a medical history  
16 on you, ask you if you've had any diseases in the  
17 past, or if you've been treated by a doctor  
18 recently?

19 MR. EL: Well, right. Any institution  
20 generally does this first, before they finish  
21 processing you, before they take you upstairs.

22 HEARING OFFICER GINSBERG: At any time,  
23 did they ask you if you had a drug problem?

24 MR. EL: No, they didn't.

25 HEARING OFFICER GINSBERG: So the only

1 knowledge that you had a drug problem was the very  
2 informal statement you made to the guard when you  
3 were being escorted into the institution; is that  
4 correct?

5 MR. EL: That's correct.

6 HEARING OFFICER GINSBERG: What happened  
7 then, sir?

8 MR. EL: Then they went into a fingerprint  
9 check, and they take you upstairs where you're go-  
10 ing to lock in.

11 HEARING OFFICER GINSBERG: Was the daily  
12 procedure with the institution ever explained to  
13 you, or were your rights ever explained to you?

14 MR. EL: No, sir.

15 HEARING OFFICER GINSBERG: Would you please  
16 continue?

17 MR. EL: Yes, sir. So at that time, I  
18 told the officer that was on, it was the second  
19 shift officer, you know, so he told me that I  
20 would have to give this information to the third  
21 shift officer, so he will put me on sick call,  
22 you know, for the morning. And so I done this,  
23 you know. So that morning, you know, I was waiting  
24 to go upstairs, and my name wasn't called. So at  
25 that time, I went to the first shift officer and

1 asked him, you know, could I go upstairs.

2 HEARING OFFICER GINSBERG: May I stop  
3 you just for one second? That would mean that  
4 you had been in the institution approximately  
5 twenty-four hours?

6 MR. EL: Approximately about twenty-four  
7 hours.

8 HEARING OFFICER GINSBERG: Going through  
9 withdrawal?

10 MR. EL: Yes, sir.

11 HEARING OFFICER GINSBERG: And having  
12 no medical assistance?

13 MR. EL: That's right.

14 HEARING OFFICER GINSBERG: Please continue.

15 MR. EL: So the first shift officer was  
16 there, and I approached him and told him that I  
17 was going through withdrawals, and could I go up-  
18 stairs. He told me I couldn't go upstairs unless  
19 my name was called, and I would have to put my  
20 name on sick call with the third shift officer.

21 HEARING OFFICER GINSBERG: This is the  
22 second time around, now? This is the same story  
23 twice?

24 MR. EL: Yes. So I did this. I say,  
25 well, I told him, the third shift officer, put my

1 name on sick call, because I was going through  
2 withdrawals. So he gave me a story, well, it ain't  
3 my fault, you know. Make sure he put it on, be-  
4 cause I can't send you up, I can't do nothing, I  
5 can't call up there and that type of attitude, you  
6 know.

7 HEARING OFFICER GINSBERG: So it seems that  
8 nobody had the responsibility for taking your name?

9 MR. EL: Right.

10 HEARING OFFICER GINSBERG: They just passed  
11 the buck, as far as you were concerned, when you  
12 were having this problem in the institution?

13 MR. EL: Yes, sir.

14 So later on that day, I still talked to  
15 the second shift officer when he came on. He told  
16 me the same thing, he couldn't do nothing, you  
17 know. I have to wait til the third shift officer.  
18 This is going on the second day. Now, already,  
19 when you going through withdrawals, it's difficult  
20 to eat, you're nervous, on edge, you can't sleep,  
21 and you're going through a psychological and  
22 somewhat physical withdrawal, sweating, hot and  
23 cold chills, you know. It was rather cold in the  
24 institution, you know; a blanket is not sufficient,  
25 and you're subject to catch cold, because when you're

1 going through withdrawals, your resistance is low  
2 and you begin to pick up the elements that, by  
3 shooting dope, you depress. Now, this is going  
4 on like the third day, now, because that third  
5 shift officer came on again, I still insisted that  
6 he take my name so I can go up on sick call the  
7 next morning.

8 HEARING OFFICER GINSBERG: So now, we're  
9 going into a third day where you've been going  
10 through withdrawals?

11 MR. EL: Yes, sir.

12 HEARING OFFICER GINSBERG: Which are very  
13 uncomfortable, to say the least.

14 MR. EL: That's right.

15 HEARING OFFICER GINSBERG: And it's a  
16 serious physical problem, and you've had absolutely  
17 no medical assistance?

18 MR. EL: No, sir.

19 HEARING OFFICER GINSBERG: And you've  
20 been demanding it all through; everytime there  
21 was a shift change, you would tell the guard that  
22 you were having a problem, and it just wasn't  
23 acknowledged.

24 MR. EL: Yes, sir.

25 HEARING OFFICER GINSBERG: Would you

1 please continue?

2 MR. EL: Like, I told this officer that  
3 I was going through withdrawals, and to make sure  
4 my name was down, but I must say this was a differ-  
5 ent officer than the night before, because they  
6 switched around, and the first officer I seen,  
7 I might not see him in the next three or four  
8 weeks. So you're always harassed, because you  
9 don't know who you're going to talk to the next  
10 day.

11 HEARING OFFICER GINSBERG: So you have  
12 no continuity of contact between you and the adminis-  
13 tration?

14 MR. EL: Right, different officers.

15 HEARING OFFICER GINSBERG: Everytime the  
16 guards changed, you have to go through the same  
17 process?

18 MR. EL: Same story again, and at night,  
19 I used to call for aspirin, you know, and I could  
20 never get a guard. The only time they come around  
21 is like when they punched the clock or whatever,  
22 and then you talk to them, they tell you yeah,  
23 I'll be back, and that's it, you don't see them no  
24 more, you know, and these type of things. So, like,  
25 going onto the next morning--

1 HEARING OFFICER GINSBERG: So we're talk-  
2 ing about three and a half days, now?

3 MR. EL: So the next morning, I raised  
4 so much sand that they just took me up, because I  
5 wasn't refusing, I'm going into the doctor. At  
6 that time, I'm coming down, now. I'm not exactly  
7 as sick or coming from withdrawals as the first  
8 two or three days, but, like, since I was going  
9 through that much of a hassel, I said, well, I'm  
10 going to get it anyway, because I can use it as  
11 a profit.

12 HEARING OFFICER GINSBERG: In other  
13 words, you had gone through withdrawals, but they  
14 had started to decrease, your physical problems  
15 started to decrease, but since you had been going  
16 through so much of this red tape, you decided to  
17 take advantage of the methadone, anyway.

18 MR. EL: Yes, sir. So at this time, I  
19 raised enough sand and the officer on that first  
20 shift, this would be like the fourth day, you know,  
21 called upstairs, you know, and they made some  
22 arrangements for me to come up in the afternoon  
23 with the Methadone shipment, and I did this. Now,  
24 when I got up there, they put you in the bullpen  
25 and call you out one at a time. So they called me,

1 and it wasn't no doctor. I still never seen a  
2 doctor, you know. It was a male nurse up there,  
3 and they called him Chickadee as a nickname, and,  
4 you know, he'd been with institutions for quite  
5 some time, even in the old jail, and most every-  
6 body that comes back and forth through the jail  
7 know him very well, and he knows you by face, some-  
8 times by name. I came up there and he asked me,  
9 you know, well, how long you been in here? So I  
10 said, well, this is the third, or going on the  
11 fourth day. So he said, well, like, you don't  
12 need no methadone, you kicked already. And, you  
13 know, I told him, what--the game, you know, I still  
14 can't sleep, I can't keep my food down, you know,  
15 I still get hot and cold flashes and chills, and  
16 he just gave me the methadone.

17 HEARING OFFICER GINSBERG: So what you're  
18 telling us is that you've been in the institution  
19 over three days, you've seen absolutely no medical  
20 doctor, and now they're giving you methadone  
21 without having a medical examination.

22 MR. EL: Right.

23 HEARING OFFICER GINSBERG: They've already  
24 acknowledged that you don't have a medical problem  
25 anymore--

1 MR. EL: That's right.

2 HEARING OFFICER GINSBERG: --because of  
3 withdrawal, and they still issue the methadone.

4 MR. EL: Right.

5 HEARING OFFICER GINSBERG: What did you  
6 do with the methadone?

7 MR. EL: Well, this time, I didn't really  
8 need it, and you know, like, when you're in jail,  
9 your funds get low, little light, you know, and  
10 like I used--I pretended to drink it, and I put it  
11 back in the cup, cupped it in my hand, I brought it  
12 back downstairs and sold it to an inmate for food,  
13 Commissary, things of that nature, for the remainder  
14 of the four days.

15 HEARING OFFICER GINSBERG: So you mean to  
16 tell the Commission that you didn't drink the  
17 methadone; you saved the methadone and then traded  
18 it--

19 MR. EL: Right.

20 HEARING OFFICER GINSBERG: For cigarettes.

21 MR. EL: Yes, sir.

22 HEARING OFFICER GINSBERG: What hap-  
23 pened on the second day, the second day after  
24 they've already acknowledged that you have a "med-  
25 ical problem"?

1 MR. EL: Well, the second day, like, they  
2 put me on the regular list, you know. So, like,  
3 they called me, you know, like they call you at  
4 certain times, methadone inmates, they call you,  
5 they let you out and you go upstairs, and like you  
6 give your name and you just walk in and they give  
7 you methadone. I did the same old process, pretend  
8 I'm drinking it, laugh and joke, turn my head, spit  
9 it back in the cup, and walk on out, and I sell it  
10 that day, also, to the same guy.

11 HEARING OFFICER GINSBERG: So this was on  
12 a continuing basis, now, you were able to not use  
13 the methadone, save it and sell it for cigarettes,  
14 or whatever else you would barter it for downstairs  
15 with the other inmates.

16 MR. EL: Right.

17 HEARING OFFICER GINSBERG: That's all the  
18 questions I have. Does the Commission care to  
19 impose any questions?

20 CHAIRMAN IRVING: Mrs. Hicks, do you care  
21 to ask Mr. El any questions?

22 Mrs. Hicks is a member of the Newark  
23 Human Rights Association, and she's a community  
24 affairs specialist.

25 COMMISSIONER BESSIE HICKS: I would like

1 to ask, did you come in contact with homosexuals  
2 at any time during your stay?

3 MR. EL: Well, I never dealt with it,  
4 you know, but there have, yes, there have been  
5 contacts, yes, ma'am.

6 COMMISSIONER HICKS: Did you see this?

7 MR. EL: I didn't actually this, but it  
8 was like on the next floor, and like, you know,  
9 when you go in the day room, you can hear it, talk,  
10 you know. They'd be jumping off, because this  
11 particular time, one of the inmates downstairs  
12 got locked in the cell with a homosexual one night,  
13 you know, and I knew that. But I didn't see it  
14 because I'm locked up back in here, you know.

15 COMMISSIONER HICKS: Was any outdoor  
16 recreation provided for you during your stay?

17 MR. EL: No. There's no --there's some  
18 recreation upstairs on the twelfth floor. It's  
19 in a little gym. It's about as big as this room,  
20 just about a little bigger, and that's the only  
21 recreation you have, and I went up there like once.

22 COMMISSIONER HICKS: Is that daily, peri-  
23 odically?

24 MR. EL: No, that wasn't daily, when I  
25 was there. I only seen it twice in about five--

1 four to five weeks, and I went up twice.

2 COMMISSIONER HICKS: How did you find the  
3 food?

4 MR. EL: Did I buy any?

5 COMMISSIONER HICKS: How did you find it?  
6 How did you like it; is it good?

7 MR. EL: Oh, the food? No. For one thing,  
8 it's lousy, and another thing, it's not enough. You  
9 know. You know, like the way they issue out food,  
10 like they have, you know, call it a runner, you  
11 know, the tierman or whatever, and if you all right  
12 with the tierman, then you get over. Like, when  
13 they have hamburgers, like, he'll hook it up so  
14 that people he know get more, and sometimes, you wind  
15 up with nothing, you know, and like the eggs, they  
16 be green, you know, and they give you some kind of  
17 lard with--melted lard on some bread, supposed to be  
18 butter, you know; one little sandwich, you know,  
19 and a little small box of cereal. It's not enough.  
20 The food is lousy.

21 COMMISSIONER HICKS: Thank you. No  
22 further questions.

23 CHAIRMAN IRVING: Sheriff DeMarino?

24 This is Sheriff DeMarino, from Middlesex  
25 County.

1 COMMISSIONER DE MARINO: Mr. El, when  
2 did you say you were there at Essex County?

3 MR. EL: In '73.

4 COMMISSIONER DE MARINO: January of '73.  
5 Are you still using barbituates, marijuana, drugs,  
6 anything like that?

7 MR. EL: No, sir, I'm drug-free. I'm  
8 working as a counselor, a rehabilitation counselor.  
9 It's a new world now.

10 COMMISSIONER DE MARINO: You made remarks  
11 about procedures at this institution. Were you at  
12 any other institutions?

13 MR. EL: Yes, I was. I was at Union  
14 Township, Union--well, I was in some, you know.

15 COMMISSIONER DE MARINO: Well, would you  
16 name some that you've been to?

17 MR. EL: West Orange; East Orange; Union  
18 Township; Union; Bergen County; Caldwell, old jail,  
19 new jail.

20 COMMISSIONER DE MARINO: So you've been  
21 to mostly county institutions?

22 MR. EL: Right.

23 COMMISSIONER DE MARINO: How old are  
24 you?

25 MR. EL: I'm 25. I'll be 26 this year.

1           COMMISSIONER DE MARINO: How much of your  
2 time, would you say, in years, have you spent in  
3 County institutions?

4           MR. EL: In years?

5           COMMISSIONER DE MARINO: Yes, if you were  
6 to compile all these institutions you've been in.

7           MR. EL: I would say about a year and  
8 something.

9           COMMISSIONER DE MARINO: Total, all these  
10 institutions?

11          MR. EL: Yes.

12          COMMISSIONER DE MARINO: That's really  
13 not much time for all the institutions, but let me  
14 ask this. Let's take them one at a time. How  
15 would you compare the West Orange institution as  
16 opposed to the Essex County?

17          MR. EL: Well, like, the West Orange is  
18 not like a big county jail, it's like a small--  
19 everything is in one little building, and the  
20 treatment there is much better, it's one hundred  
21 percent better, you know. The food and everything  
22 else.

23          COMMISSIONER DE MARINO: We're not talking  
24 about a local lockup now. We are talking about  
25 a county--

1 MR. EL: Well, the only thing I can tell  
2 you, like, in Bergen County--

3 COMMISSIONER DE MARINO: Excuse me West  
4 Orange; were you referring to--

5 MR. EL: That was the local lockup.

6 COMMISSIONER DE MARINO: The local lock-  
7 up at the jail, at the police level. That's what  
8 you're talking about?

9 MR. EL: Yes.

10 COMMISSIONER DE MARINO: At East Orange,  
11 was that a local lockup?

12 MR. EL: Local.

13 COMMISSIONER DE MARINO: In Union, was that  
14 a local lockup?

15 MR. EL: That was the county.

16 COMMISSIONER DE MARINO: Union County Jail;  
17 I guess you're referring to the one in Elizabeth?

18 MR. EL: Yes, Elizabeth, right.

19 COMMISSIONER DE MARINO: How do you find  
20 that jail as opposed to this one here in Essex?

21 MR. EL: It's just the same. Maybe a  
22 little worse.

23 COMMISSIONER DE MARINO: All right. Cald-  
24 well; was that the county institution?

25 MR. EL: Yes, this is a county institution.

1 It's a penitentiary, really, changed to a correc-  
2 tions center.

3 COMMISSIONER DE MARINO: Let me back up.  
4 In Union, how much time, as best you can remember,  
5 did you spend at the Union institution?

6 MR. EL: About six weeks.

7 COMMISSIONER DE MARINO: Six weeks, and  
8 at Caldwell, approximately how much time?

9 MR. EL: About nine months.

10 COMMISSIONER DE MARINO: All right, and  
11 the old and new jail, you're referring to here  
12 in Essex County?

13 MR. EL: Right.

14 COMMISSIONER DE MARINO: How much time  
15 did you spend there?

16 MR. EL: I would say roughly about  
17 four months, altogether, different times.

18 COMMISSIONER DE MARINO: The reason I  
19 ask these questions, because you made remarks to  
20 the effect that the procedures were different.  
21 Let's talk about that. Are the Union County  
22 procedures any different? Did you receive upon  
23 entry into the Union County Jail, at the outset,  
24 did you immediately get asked questions as to  
25 your medical condition?

1 MR. EL: No. As I said before, Union  
2 County is just like Essex County or even worse--  
3 no, it was the same, you know. They didn't, like--

4 COMMISSIONER DE MARINO: Well, let's answer  
5 it specifically, if we can. Did you get a list of  
6 questions asking you at all--

7 MR. EL: No.

8 COMMISSIONER DE MARINO: In Union County,  
9 all the time that you were there, you had no medical  
10 checkups or anything?

11 MR. EL: No.

12 COMMISSIONER DE MARINO: None whatsoever?

13 MR. EL: No.

14 COMMISSIONER DE MARINO: Let me ask you  
15 this: All these institutions that you were in,  
16 were they all because of drug related arrests?

17 MR. EL: No.

18 COMMISSIONER DE MARINO: You have other  
19 arrests other than drug-related?

20 MR. EL: Right.

21 COMMISSIONER DE MARINO: I see. The  
22 Essex County arrests were all drug-related?

23 MR. EL: Only two. Two of them.

24 COMMISSIONER DE MARINO: All right, two  
25 of them, and you're referring to what, the old and

1 new jails here in Essex County?

2 MR. EL: Yeah.

3 COMMISSIONER DE MARINO: They're the two  
4 institutions, right?

5 MR. EL: Yeah.

6 COMMISSIONER DE MARINO: Now, this last  
7 arrest; were you arrested on a drug related crime?

8 MR. EL: No.

9 COMMISSIONER DE MARINO: It was a criminal  
10 charge?

11 MR. EL: Right.

12 COMMISSIONER DE MARINO: I see, and drugs  
13 had nothing to do with that charge, per se?

14 MR. EL: Well, what held me over longer  
15 this particular time was that I had a bench warrant  
16 for a drug related charge, a possession, but, like,  
17 you know, it was--it was Contempt of Court. So  
18 that held me there. So, like, they combined all of  
19 them together, all of my charges together, gave me  
20 one bail. So I guess you might say it was a drug  
21 related charge, if you want to use it in that term,  
22 you know.

23 COMMISSIONER DE MARINO: All right. During  
24 the withdrawal that you mentioned, cold turkey, was  
25 there a one on one situation with the guard?

1 Was there anyone there to watch you constantly  
2 during that period of time that you were going  
3 through the actual withdrawal?

4 MR. EL: No.

5 COMMISSIONER DE MARINO: None whatsoever?

6 MR. EL: No.

7 COMMISSIONER DE MARINO: Were you left  
8 in your cell?

9 MR. EL: Right, most of the time --

10 COMMISSIONER DE MARINO: Describe that  
11 cell to me. What is it?

12 MR. EL: It's a regular little cell. It's  
13 about four by six cell, you know.

14 COMMISSIONER DE MARINO: Four by six cell?

15 MR. EL: Right.

16 COMMISSIONER DE MARINO: And it contains  
17 a bunk?

18 MR. EL: There's a bunk, right. Toilet,  
19 sink, right.

20 COMMISSIONER DE MARINO: Is there a  
21 toilet facility?

22 MR. EL: Yes.

23 COMMISSIONER DE MARINO: A sink is also in  
24 there?

25 MR. EL: Yes.

1           COMMISSIONER DE MARINO:   And it's surrounded  
2 totally by bars?

3           MR. EL:   Right.

4           COMMISSIONER DE MARINO:   Or is there solid  
5 walls--

6           MR. EL:   There's three solid walls, right,  
7 and the gate, front grill gate with the automatic  
8 door, and then there's this little foyer, and  
9 then some more bars.

10          COMMISSIONER DE MARINO:   How much can  
11 you recollect, if anything at all, during the  
12 actual withdrawal time as to what you were doing,  
13 your behavior?

14          MR. EL:   What my behavior was?   It's like  
15 a restless feeling, you get restless, you know,  
16 but what I would do, I would call out to the guard  
17 every--like, every half an hour.   Every time he'd  
18 come by, I'd tell him what was going on, and I  
19 would try to sleep, you know, to sleep it off, but  
20 I could never get to sleep.

21          COMMISSIONER DE MARINO:   Let me ask you  
22 this:   During the withdrawal, did your body go into  
23 a twist motion; were you rolling?   Is it a possibili-  
24 ty that you could have struck any one of the  
25 objects within the cell?

1 MR. EL: No, just like the railing on  
2 the bed, you know, like--that connects the bed to  
3 the wall. It's like awkward, you know, and twisting  
4 and turning, I could bump my head, but it wouldn't  
5 do too much damage.

6 COMMISSIONER DE MARINO: Did you usually  
7 stay on the bunk, or go to the floor?

8 MR. EL: Well, I was--I was all over. I  
9 was squatted on the bed, I was sitting on the bed,  
10 I laid on the floor, you know, different things of  
11 that nature.

12 COMMISSIONER DE MARINO: Now, let me ask  
13 you this: You mentioned palming. As inmates, I  
14 believe you mean you palmed the medication given  
15 to you?

16 MR. EL: Right.

17 COMMISSIONER DE MARINO: Whether it be  
18 methadone or aspirin or anything like that, did  
19 you palm frequently, or do inmates palm frequently?

20 MR. EL: Oh, sure. Oh, yeah.

21 COMMISSIONER DE MARINO: All right.

22 MR. EL: It's a way of, you know, half  
23 the time, you go up to get your methadone, and it's  
24 a hassel--

25 CHAIRMAN IRVING: May we go off the record

1 for a moment?

2 (Off the record. )

3 CHAIRMAN IRVING: May we go back on the  
4 record.

5 May I interrupt Sheriff De Marino and Mr.  
6 El to introduce to the people in the room the members  
7 of the Commission who were delayed in travelling to  
8 this part of the State from down in Ocean County.  
9 To the left of Sheriff DeMarino is Warden Arthur  
10 Brown; he's the Warden of the Ocean County Jail  
11 and a member of the Commission. On my extreme left  
12 is Mr. Alan Cornblatt, who had been a Municipal  
13 Court Judge at one time and a distinguished career  
14 as a member of the Bar, and is a lawyer member of  
15 the Commission.

16 Gentlemen, we are talking with Mr. El  
17 about his experience with methadone while at the  
18 Essex County Jail.

19 All right. Sheriff, do you want to continue.  
20 Thank you.

21 COMMISSIONER DE MARINO: Yes.

22 Mr. El, I asked, now, whether or not  
23 you palmed, and you stated that you do palm medi-  
24 cation. Is that strictly methadone or did you  
25 palm aspirins, or--

1 MR. EL: No, just methadone.

2 COMMISSIONER DE MARINO: Let me ask you  
3 this: Was palming a normal custom? I gather from  
4 your previous testimony that it is done by most  
5 if not all the inmates there.

6 MR. EL: I would say eighty percent of  
7 them, yeah.

8 COMMISSIONER DE MARINO: Did the institution,  
9 guards, doctors or anyone there, did they mull any  
10 of the medication that was given to you?

11 MR. EL: Did they what?

12 COMMISSIONER DE MARINO: Mull; put them  
13 in the cup and crush them so you're unable to  
14 palm them?

15 MR. EL: Oh, no, no.

16 COMMISSIONER DE MARINO: You say you would  
17 stay there and joke around with the person giving  
18 you the medication, more or less as an act to--

19 MR. EL: Cover up, yeah.

20 COMMISSIONER DE MARINO: Cover up, right.  
21 You go through the motions of taking the pills,  
22 no one is there to see that you put them in your  
23 mouth, swallow them--

24 MR. EL: When you're up there, they don't  
25 be concerned with what you do, half the time. Half

1 the time, they don't want to give it to you any-  
2 way, and after they give it to you, they want to  
3 go back to what they doing, jive and play with the  
4 inmates and homosexuals. I'm telling you, half the  
5 time, you don't even see no corrections officers.  
6 The only time they see you is when they come around  
7 to let an inmate out or check they clock. That's  
8 the only time you see them.

9 COMMISSIONER DE MARINO: Mr. El, you  
10 palmed methadone, and then you stated, I believe,  
11 that you sold it.

12 MR. EL: Yeah.

13 COMMISSIONER DE MARINO: Can you tell me  
14 at what price you sold it, and to whom?

15 MR. EL: Well, to who, like I can't remem-  
16 ber the man's name. I know him from the street,  
17 but--

18 COMMISSIONER DE MARINO: What I meant by  
19 who is not the individual's name, but did you care  
20 who you were selling the methadone to?

21 MR. EL: At that time, no.

22 COMMISSIONER DE MARINO: Which means  
23 that you could have sold methadone to anyone,  
24 whether or not they ever used methadone--

25 MR. EL: Right. It's a form of getting

1 high.

2 COMMISSIONER DE MARINO: Let me ask you  
3 this: Do you know of either directly, because  
4 of your close association with the inmates, whether  
5 or not you sold methadone to any of the inmates who  
6 never, perhaps used drugs?

7 MR. EL: No, I knew who I was selling mine  
8 to.

9 COMMISSIONER DE MARINO: Let me ask you,  
10 what price did you get?

11 MR. EL: Well, like, I was getting, like,  
12 I think it was two cakes and a pack of cigarettes,  
13 which total up to something like forty-seven, about  
14 seventy-seven cents.

15 COMMISSIONER DE MARINO: Repeat that again.  
16 You were getting what?

17 MR. EL: A pack of cigarettes, and two cakes,  
18 spice cakes.

19 COMMISSIONER DE MARINO: So then, it wasn't  
20 money that you were trading for; it was more or less  
21 food or cigarettes?

22 MR. EL: In jail, cigarettes is money.

23 COMMISSIONER DE MARINO: I understand that.  
24 I just want the Commission to understand that when  
25 you sell, you're not selling to get money. I had

1 an idea that's what it was, but I wanted to hear  
2 it come from you.

3 That's all the questions I have, Mr.  
4 Chairman.

5 CHAIRMAN IRVING: One or two questions,  
6 Mr. El, and I thank you for being with us: Last  
7 week, one of the witnesses said, and I wondered if  
8 you wanted to confirm or deny this, that at the  
9 Essex County Jail, methadone was given out as freely  
10 as orange juice; that anybody could get it.

11 MR. EL: Yeah, right, that's the truth.

12 CHAIRMAN IRVING: Is that true?

13 MR. EL: Right.

14 CHAIRMAN IRVING: Do you know whether  
15 people who had entered the Essex County Jail without  
16 a drug problem may have begun using methadone,  
17 drinking it to relieve their boredom?

18 MR. EL: Yeah. See, that's how a lot  
19 of people come out in the jail with these little  
20 habits, because, like, they can get it for small  
21 price, and--

22 COMMISSIONER IRVING: Let me see, if I  
23 understand what you're saying. You're telling the  
24 State Commission that at the Essex County Jail there  
25 are people that come in without any drug problem,

1 who leave the jail with a drug problem?

2 MR. EL: Right. That's it. You see, a lot  
3 of people have trouble bails, getting out, released,  
4 and they might be there five or six months, and  
5 if you've got a person there, coming in there to  
6 go up to the nurse and tell him that he got a drug  
7 habit and he shoot dope and he get methadone, he  
8 cover bringing it downstairs, everybody's coming  
9 through the jail do that, and like, this man is  
10 drinking methadone every day, two or three times  
11 a day from two or three different people. If I  
12 come down with 40 milligrams, and you have two other  
13 people with 40 milligrams, he's having 120 milli-  
14 grams of methadone a day, for six months.

15 CHAIRMAN IRVING: Mr. El, do you know  
16 whether other inmates were selling methadone?

17 MR. EL: Yeah.

18 CHAIRMAN IRVING: Was that a common  
19 practice?

20 MR. EL: Yes, sir. That's the way to get  
21 over if you ain't got no money.

22 CHAIRMAN IRVING: Now, I don't want  
23 to put words in your mouth. Do I understand your  
24 testimony to be--and this is very important, the  
25 drug problem is a major problem in the City of

1 Newark--do I understand what you're saying to  
2 the State Commission is that people come into the  
3 Essex County Jail, some of them without a drug  
4 problem; that, because of the boredom of being in  
5 jail, they begin taking methadone?

6 MR. EL: Right.

7 CHAIRMAN IRVING: And they leave the jail  
8 with a drug problem?

9 MR. EL: Yeah.

10 CHAIRMAN IRVING: And that the sale of  
11 methadone is common within the jail; is that what  
12 you're saying?

13 MR. EL: Yes, sir.

14 CHAIRMAN IRVING: All right. One other  
15 thing. You did not indicate to us, so far, when  
16 you finally did see a doctor while you were--you've  
17 told us about waiting three and a half, four days,  
18 and so on.

19 MR. EL: I never seen a doctor in none of  
20 the times I was ever incarcerated in Essex County.  
21 Only when I got to the penitentiary.

22 CHAIRMAN IRVING: So--I'm sorry, I find  
23 this incredible. You're saying that although you  
24 went through the withdrawal symptoms and they were  
25 giving you methadone, that in the five or six

1 weeks you were there in January and February of  
2 1973, you never saw a doctor?

3 MR. EL: I never seen him in January,  
4 February or December, March, April, May, June. I  
5 never seen a doctor in Essex County.

6 CHAIRMAN IRVING: I think you've been an  
7 eloquent witness.

8 MR. EL: That's the first thing you do,  
9 try to get a doctor so you can get methadone, or  
10 some pills to sleep with. Sometimes, you have to  
11 go to a doctor to get aspirin. Sometimes they don't  
12 have one.

13 CHAIRMAN IRVING: The Sheriff has one  
14 other question.

15 COMMISSIONER DE MARINO: Besides methadone,  
16 is there any other makeshift drugs that the prisoners  
17 concoct by either splitting methadone or diluting or  
18 mixing it with any other mixtures that you make it  
19 with; mulling aspirin, palming aspirins, so you get  
20 at least 20, 30?

21 MR. EL: You see, if I were to tell you  
22 that, it wouldn't actually be factual. I could  
23 say that--

24 COMMISSIONER DE MARINO: No, no. I don't  
25 want you to say--

1 MR. EL: No, you hear things. People do  
2 things like that.

3 COMMISSIONER DE MARINO: No, I'm asking  
4 if you have direct knowledge. If you don't then  
5 say no.

6 MR. EL: No.

7 CHAIRMAN IRVING: All right. Thank you  
8 very much, Mr. El.

9 MR. EL: Thank you.

10 (The witness was excused.)

11 CHAIRMAN IRVING: Let me make clear to  
12 the members of the Commission that what we are trying  
13 to do is to bring to your attention and to the  
14 public's attention a sample of problems, and we do  
15 not think it would be necessarily helpful to have  
16 witness after witness testify to the same story.  
17 What we are trying to look at are examples of de-  
18 ficiencies which, in your collective judgment, may  
19 or may not need some immediate and intensive atten-  
20 tion.

21 I would like next, to ask if Officer Wil-  
22 fred Francis is in the room.

23 OFFICER WILFRED FRANCIS (FROM THE FLOOR):  
24 I am in the room, but I would like to decline at  
25 the present time. If my colleague, Sgt. Jones, is

1 going to testify, I would like to testify after  
2 him.

3 CHAIRMAN IRVING: Sgt. Jones is not on  
4 the list.

5 Is Sgt. Jones in the room? Do you desire  
6 to testify, sir?

7 SGT. WILLIAM JONES (FROM THE FLOOR): I  
8 was told I was supposed to testify at 3:30 today.

9 CHAIRMAN IRVING: Who told you that?

10 SGT. JONES: The Sheriff called me at  
11 my home yesterday.

12 CHAIRMAN IRVING: We are happy to have  
13 those who come forward voluntarily, or those who  
14 are assigned to testify, to testify. Do you under-  
15 stand, though, that what we are trying to do is  
16 deal with the witnesses in the order in which their  
17 names are made known to us? We do have a full  
18 day of hearings; we cannot take you out of order.  
19 We will get to you as soon as we can, sir.

20 SGT. JONES: I didn't ask to come down here.  
21 I was told yesterday. I was called at my home and  
22 told that I was supposed to appear here today.

23 CHAIRMAN IRVING: Who told you that, sir?

24 SGT. JONES: Sheriff Cryan.

25 CHAIRMAN IRVING: Did the Sheriff tell

1 you what to say to us today?

2 SGT. JONES: No, he didn't.

3 CHAIRMAN IRVING: Do you desire to testify,  
4 sir?

5 SGT. JONES: It's immaterial to me. If I  
6 can't, it doesn't make a difference.

7 CHAIRMAN IRVING: It's immaterial to you?  
8 All right. We have such a busy day of witnesses,  
9 with such important statements, what we will do is  
10 see what time there is at the end of the day, and  
11 if you then want to testify--

12 SGT. JONES: I wasn't subpoenaed to tes-  
13 tify or nothing?

14 HEARING OFFICER GINSBERG: Absolutely not.

15 CHAIRMAN IRVING: Sheriff, go ahead.

16 COMMISSIONER DE MARINO: I didn't get your  
17 name, I'm sorry.

18 SGT. JONES: William Jones.

19 COMMISSIONER DE MARINO: Let me ask you  
20 this: Are you familiar with any of these hearings?

21 SGT. JONES: What I've read, and heard  
22 in the jail.

23 COMMISSIONER DE MARINO: How recently have  
24 you read or heard of it?

25 SGT. JONES: In the last article that

1 was there in the paper, what, a couple of days  
2 ago. Naturally, I hear them talking about it.

3 COMMISSIONER DE MARINO: In other words,  
4 you heard between last Wednesday and today's date  
5 some--what you read in the newspaper.

6 Now, let me ask you this: Do you wish to  
7 testify here at all?

8 SGT. JONES: Not on my own accord. I  
9 didn't ask to--

10 COMMISSIONER DE MARINO: All right, that's  
11 what I'm asking. In other words, you're telling  
12 me that the Sheriff ordered you to come here and  
13 testify?

14 SGT. JONES: The way I understand it,  
15 I was called yesterday at my home--

16 CHAIRMAN IRVING: Excuse me. Because of  
17 the fact that you are talking at length, we would  
18 appreciate it if you would come up and at least  
19 answer the Sheriff's questions.

20 We need to get your full name and a mail-  
21 ing address, sir, just for purposes of the record.

22 SGT. JONES: Sgt. William J. Jones,  
23 16 Nance Road, West Orange.

24 CHAIRMAN IRVING: All right, now, Officer,  
25 may I just continue?

1           Is that all right with you, Sheriff,  
2   until I satisfy my own mind as to how this developed.

3           COMMISSIONER DE MARINO: Yes.

4           CHAIRMAN IRVING: Do you know whether other  
5   people were called by the Sheriff and told to come  
6   down and testify?

7           SGT. JONES: No, I don't.

8           CHAIRMAN IRVING: You don't know that.

9           SGT. JONES: No.

10          CHAIRMAN IRVING: And this, you say, was  
11   a phone call to your home the other night?

12          SGT. JONES: I was off the other day.  
13   I received a phone call from the--my wife did, I  
14   wasn't home--from Captain Danbeck, stating to call  
15   Undersheriff Scanlan. I called Sheriff Scanlon,  
16   and Sheriff Scanlon asked me if I was going to be  
17   on today. I said yes. So he told me that I was  
18   going to, you know, come to the penal reform meeting  
19   this morning, I mean today. So this morning, I  
20   was told that I was to appear at the meeting.

21          CHAIRMAN IRVING: Who told you that this  
22   morning, sir?

23          SGT. JONES: Sheriff Cryan.

24          CHAIRMAN IRVING: Did he call you at your  
25   home this morning?

1 SGT. JONES: No, at his office. I went  
2 over to see what was what.

3 CHAIRMAN IRVING: Where did the conversa-  
4 tion take place last night, sir?

5 SGT. JONES: Yesterday, home. I spoke with  
6 Sheriff Scanlon from my home, sir. I was called by  
7 Captain Danbeck and left word with my wife to call  
8 Sheriff Scanlon. When I got there, I called Sheriff  
9 Scanlon, Undersheriff Scanlon, and he instructed--  
10 well, switched me over to the Sheriff, and the  
11 Sheriff said I was going to testify today, and--  
12 so this morning, I came in this morning, and he  
13 again told me I was going to testify.

14 CHAIRMAN IRVING: All right. Sheriff  
15 DeMarino?

16 COMMISSIONER DE MARINO: Sgt. Jones, let  
17 me ask you this: Were you not and are you not of  
18 the belief that you were here to testify because  
19 you had to be here, or were you subpoenaed to be  
20 here?

21 SGT. JONES: I thought that--I was under  
22 the impression that the Committee had called me for  
23 some reason or another, and the only thing the  
24 Sheriff told me, that to testify to the fact, one  
25 of my--the job that I do.

1 COMMISSIONER DE MARINO: All right.

2 The second question is this: We didn't call you,  
3 do you understand that now?

4 SGT. JONES: Yes.

5 COMMISSIONER DE MARINO: All right. There  
6 is no subpoena for you to be here.

7 SGT. JONES: Yes.

8 COMMISSIONER DE MARINO: Now, if there  
9 was no compulsion on any part, either by us calling  
10 or subpoenaing, would you have come here on your own  
11 to testify?

12 SGT. JONES: I wouldn't have got--let's  
13 put it this way. I wouldn't have gotten involved  
14 unless I was--unless I was asked to.

15 COMMISSIONER DE MARINO: That's all the  
16 questions I have.

17 HEARING OFFICER GINSBERG: One question I  
18 have is, is it normal procedure for you to see  
19 Sheriff Cryan every morning, when you come into  
20 the jail?

21 SGT. JONES: No. I went over there to  
22 see what I was supposed to do, or what the story  
23 was, because the only time--and I called. When he  
24 called, when he called me, you know, I--I don't  
25 know why, you know, he called.

1 HEARING OFFICER GINSBERG: Did he indicate  
2 to you last night or this morning what he'd like  
3 you to talk about at this hearing?

4 SGT. JONES: Yes. He just said, tell  
5 the truth about what my job is.

6 HEARING OFFICER GINSBERG: Just a general  
7 description of your job?

8 SGT. JONES: Yes.

9 HEARING OFFICER GINSBERG: I see. I have  
10 no further questions.

11 CHAIRMAN IRVING: Thank you very much,  
12 Sgt. Jones.

13 SGT. JONES: Am I--

14 COMMISSIONER DE MARINO: You're excused.

15 SGT. JONES: For the rest of the day, or  
16 what?

17 CHAIRMAN IRVING: Yes. I think the  
18 Sheriff will give you instructions for the rest of  
19 the day. We have no instructions. Thank you very  
20 much.

21 (Witness excused.)

22 CHAIRMAN IRVING: We'll now go to Officer  
23 Wilfred Francis.

24 Officer, will you, for the purposes of  
25 the record, state your name and a mailing address,

1 please?

2 OFFICER WILFRED FRANCIS: My name is  
3 Wilfred P. Francis, Sr.. I'm a corrections officer  
4 at the Essex County Jail, Newark, New Jersey. I  
5 work the day shift, 8 to 4, supposedly.

6 CHAIRMAN IRVING: Officer, why do you  
7 say supposedly?

8 OFFICER FRANCIS: I only used that termi-  
9 nology. Doesn't mean anything particularly.

10 Is there any particular category you'd  
11 like me to speak on?

12 CHAIRMAN IRVING: Yes. Let me review with  
13 you, first, how long you've been an officer.

14 OFFICER FRANCIS: Well, I've worked as a  
15 cottage officer, Menlo Park, Diagnostic Center, work-  
16 ing with juvenile offenders for six years. I worked  
17 at the Rahway State Prison for two and a half years  
18 with adult offenders. I've been working here six  
19 and a half years in the Essex County Jail. At the  
20 present time, I'm number 23 on the list for sergeant  
21 at the Essex County Jail.

22 CHAIRMAN IRVING: Thank you, but it's not  
23 clear to me, sir, maybe you did say it, how long  
24 you have been at the Essex County Jail.

25 OFFICER FRANCIS: Six and a half years, I

1       stated.

2               CHAIRMAN IRVING: All right, thank you. I  
3 just didn't catch it.

4               Officer, last week, there were several  
5 subjects that came up which I would like to explore  
6 with you. Now, you understand--

7               OFFICER FRANCIS: Yes. Mr.Chairman, this is  
8 a letter--I didn't mail it, but it was addressed  
9 to Civil Service Commissioner Simmons. I didn't  
10 mail it purposely, because I was supposed to get my  
11 lawyer, he's in town but he's doing income taxes  
12 and he didn't have any free time, and we were sup-  
13 posed to get together and rearrange the letter in  
14 a different format. But that's the reason I just  
15 held back this letter. This is in detail just what  
16 I was going to take and speak on. Some of the things.  
17 The only thing I left out was discrimination.

18              CHAIRMAN IRVING: Do you desire to enter  
19 this letter into the record?

20              OFFICER FRANCIS: Yes. Yes.

21              CHAIRMAN IRVING: Right. May I then ask  
22 Mr. Ginsberg, our Hearing Officer, to read it and--  
23 please be relaxed. I can tell that you're tense.

24              OFFICER FRANCIS: I am relaxed, sir.

25              CHAIRMAN IRVING: You're being very--

1           OFFICER FRANCIS: I just have so much to  
2 talk about, I appear that way.

3           CHAIRMAN IRVING: Thank you. We appreciate  
4 your coming here.

5           Mr. Ginsberg, would you read this letter,  
6 which I would identify as a letter sent from 27-9  
7 Shaw Avenue, Newark, New Jersey, dated February 20th,  
8 1974, to a Mr. Leonard W. Simmons, Civil Service  
9 Commissioner, State of New Jersey, Trenton, New  
10 Jersey, and it's signed, very truly yours, and the  
11 signature--

12           OFFICER FRANCIS: I'll sign it.

13           CHAIRMAN IRVING: --Wilfred P. Francis,  
14 Sr..

15           Why don't we read the letter, first, into  
16 the record, and you may sign it if you care to.

17           HEARING OFFICER GINSBERG: "Presently, I  
18 am employed at the Essex County Jail, Newark, N. J.,  
19 in the capacity of Correction Officer, Sheriffs  
20 Department. Enclosed you will find two newspaper  
21 clippings in regard to indictments, convictions  
22 & fines imposed upon our prior P.B.A. President  
23 namely James Doherty and John Manning, Correction  
24 Officers who have been reinstated to forementioned  
25 title. According to N.J. Civil Service Rules and

1 Regulations, Quote page # 43 and paragraph - 5  
2 (4:I - 8. 15) Civil Service Employees who have  
3 been convicted of any crime or other unlawful offense  
4 or has committed any act involving moral turpitude  
5 or infamous or disgraceful conduct,  
6 Causes for removal, Page 68, paragraph # 8) 4:I  
7 - I6.9, states that any one of the following, shall  
8 be cause for immediate removal from the service,  
9 although removals may be made for sufficient causes  
10 other than those listed, such as conduct immoral  
11 & disorderly persons.

12 "Also, I would like to report violations  
13 and infractions of Civil Service laws and rules  
14 within Essex County, at the Essex County Jail, Court  
15 Attendants, Cooks, Nurses, Storekeeper, Adminis-  
16 trative Records Clerks, Trade Instructor, Pharma-  
17 cist, Deputy Wardens, and Sheriffs Detectives. Pre-  
18 ference for most jobs in Essex County are given  
19 to persons who have done service for the Democratic  
20 Party, whether employee has temporary or permanent  
21 status. The Hatch Act prohibits federal civil  
22 servants, as well as state and local government  
23 workers engaged in activities financed with federal  
24 funds, from engaging in any activity on behalf or  
25 in support of any political party or partisan

1 candidate, such as selling testimonial tickets, ser-  
2 ving at the voting polls for Board of Freeholders  
3 members, Senators, Assemblyman, Congressman and  
4 County Chairman.

5 "However, other possible violations and  
6 infractions, detrimental to Civil Service Rules  
7 & Regulations, such as oppression of Civil Service  
8 employees by appointing authority, temporary and  
9 permanent employees working out of title, indefi-  
10 nite leaves of absences for years to other county  
11 jobs, temporary employees remain on jobs indefinitely  
12 ly and aren't terminated after 90 days and rehired,  
13 after notifying Civil Service, bypassing eligible  
14 roster list, partiality in promotions, inadequate  
15 testing for fitness for C/O job, political patronage,  
16 no show jobs, assignments, undue harassment and  
17 denying any credit for prior Civil Service in compu-  
18 ting sick leave, vacation time and longevity bene-  
19 fits for county employees.

20 "Your kindness and careful consideration,  
21 in the forementioned matter, shall be greatly  
22 appreciated. Yours very truly, Wilfred P. Francis",  
23 and I please ask you to sign it right now.

24 (The letter was signed by Officer Francis.)

25 CHAIRMAN IRVING: Thank you very much.

1 HEARING OFFICER GINSBERG: I'll mark  
2 that Exhibit -3.

3 COMMISSIONER IRVING: Officer, are you  
4 concerned this morning, in appearing before us,  
5 about whether there will be any recrimination  
6 against you for testifying freely?

7 OFFICER FRANCIS: I'm not worried about  
8 any reprisals. There's no job in Essex County Jail  
9 I can't perform.

10 CHAIRMAN IRVING: Thank you. Are you  
11 willing now to talk freely about this matter?

12 OFFICER FRANCIS: Yes, I am.

13 CHAIRMAN IRVING: And other matters?

14 OFFICER FRANCIS: Yes, I am.

15 CHAIRMAN IRVING: Officer, I realize you  
16 are not an attorney. We are a fact-finding Commis-  
17 sion.

18 OFFICER FRANCIS: Yes.

19 CHAIRMAN IRVING: Do you believe that  
20 this fact-finding Commission ought to deal with  
21 these serious matters?

22 OFFICER FRANCIS: Yes. I think it should  
23 be sent to Grand Jury.

24 CHAIRMAN IRVING: You think--

25 OFFICER FRANCIS: I think it should have a

1 Grand Jury investigation, and I think the represen-  
2 tatives should be outside of the County, Essex  
3 County.

4 CHAIRMAN IRVING: All right. Let's  
5 review, then, briefly, what you think ought to be  
6 presented to a Grand Jury.

7 OFFICER FRANCIS: Well, at the present  
8 time, we have two undersheriffs. Both these  
9 undersheriffs are on leave of absence as correc-  
10 tions officers; one from the Essex County Jail,  
11 one from the Essex County Penitentiary. Prior to  
12 working as undersheriffs, they were detectives for  
13 the Prosecutor's office, and now, they're on leave  
14 of absence from the Prosecutor's office for X amount  
15 of years, and they are undersheriffs and they're  
16 our bosses. Actually, they're on the same level  
17 as us, but they have the title, due to politics.

18 Also, we have two deputy wardens on the  
19 day shift. We don't need two deputy wardens. What  
20 for? We don't even have a warden.

21 CHAIRMAN IRVING: How long have you been  
22 without a warden?

23 OFFICER FRANCIS: Warden Troy was our last  
24 warden. He took a terminal leave of absence two  
25 years ago. Two years with the Prosecutor's office,

1       that makes four years.

2               CHAIRMAN IRVING: Do you know what two  
3 shifts the deputy wardens work?

4               OFFICER FRANCIS: Both work the same  
5 shift, 8 to 4.

6               CHAIRMAN IRVING: What shift do the two  
7 undersheriffs work?

8               OFFICER FRANCIS: Both of them work the  
9 8 to 4, and the sheriff at his disposal.

10              CHAIRMAN IRVING: Who is the top man in  
11 control of the jail at night, sir?

12              OFFICER FRANCIS: At night, Captain Dan-  
13 beck.

14              CHAIRMAN IRVING: Is he the next man--

15              OFFICER FRANCIS: He's on 12 to 8.

16              CHAIRMAN IRVING: Going down the rank,  
17 I don't know the administrative structure--

18              OFFICER FRANCIS: You have a sheriff, you have  
19 two undersheriffs, you have two deputy wardens, and  
20 you have captains, lieutenants, and sergeants, and  
21 correction officers, permanent, and then, the tem-  
22 porary correction officers.

23              CHAIRMAN IRVING: Mr. Ginsberg?

24              HEARING OFFICER GINSBERG: One thing I'd  
25 like to add to the record, and that is, former War-

1 den Troy phoned me last night, and he was also in-  
2 structed to testify here this morning. I asked him  
3 if he wanted to, and he said that he really didn't  
4 want to, but that he had been asked to by the  
5 prison administration, and I told him that he needn't  
6 bother come today if he didn't feel like it.

7 CHAIRMAN IRVING: Thank you.

8 What else do you think, Officer, ought to  
9 be looked at by a Grand Jury?

10 OFFICER FRANCIS: Well, I believe that  
11 Officer Bottone had mentioned previously about that  
12 he was 27 on the list, and I'm 23 on the list. So  
13 far, I believe they've certified up to number 10.  
14 I believe certified is number 10. Two of the  
15 corrections officers were--as stated in that letter,  
16 they were indicted, they were convicted, they were  
17 sentenced, they were fined, and they were reinstated  
18 on the job, due to the recommendation of the job  
19 in Morris County, on his recommendation to the  
20 Civil Service, Mangione, in Essex County, and the  
21 Appointing Authority.

22 CHAIRMAN IRVING: Is there anything else  
23 you believe the Grand Jury ought to look at?

24 OFFICER FRANCIS: Yes. Well, seniority  
25 was in the contract. As far as seniority and prefer-

1       ence, which in Essex means it's supposed to pre-  
2       vail, but it doesn't, and because of this, and be-  
3       cause of--when corrections--I mean when individuals  
4       come off the street and they take them over to the  
5       various schools to become corrections officers,  
6       they get an eligibility roster list; in other words,  
7       they notify the applicant of the examination, whether  
8       or not they passed or not. They give them a rating,  
9       you know, who was number 1, 2, whatever standing they  
10      are. Now, when these individuals receive this no-  
11      tice, then they're waiting to be certified. In the  
12      meantime, you have temporary employees, political  
13      temporary employees who are employed there at the  
14      Essex County Jail and within all other county jobs,  
15      and these employees, unless they're aware of what's  
16      happening within the county, they still work to be  
17      certified, while temporary employees fill in the  
18      vacancies, and this is the primary reason for the  
19      exam to be given, so the temporary employee can be  
20      replaced.

21               CHAIRMAN IRVING: Officer, let me ask  
22      you this, in terms of employees there. Does it  
23      happen that a county jail guard is assigned to work  
24      in non-jail matters?

25               OFFICER FRANCIS: Non-jail matters? I

1 have no knowledge of this. Non-jail. What do  
2 you mean, non-related?

3 CHAIRMAN IRVING: Unrelated matters, yes.

4 OFFICER FRANCIS: Non-related? I have  
5 no knowledge of this here, no. In regards to what?

6 CHAIRMAN IRVING: I have in mind, for  
7 example, any political activity?

8 OFFICER FRANCIS: No, no. The only political  
9 activity is, you have, as far as the men taking--  
10 well, they do go out, and they go out, you know,  
11 work on the polls during election time, you know.

12 CHAIRMAN IRVING: Is this during their  
13 working hours, sir?

14 OFFICER FRANCIS: Yes.

15 CHAIRMAN IRVING: They're paid their  
16 day's work as a jail guard for working--

17 OFFICER FRANCIS: And they're receiving  
18 the pay from the party.

19 CHAIRMAN IRVING: Now, let me see if I  
20 understand that; that on a specific day, a jail  
21 guard may be assigned to work at the polls--

22 OFFICER FRANCIS: In other words--

23 CHAIRMAN IRVING: Let me just finish this,  
24 to see if I understand it.

25 OFFICER FRANCIS: Right.

1           CHAIRMAN IRVING: And on such a day, the  
2 jail guard gets his regular pay as a jail guard,  
3 and he also gets extra compensation--

4           OFFICER FRANCIS: From the party.

5           CHAIRMAN IRVING: --from the political  
6 party?

7           OFFICER FRANCIS: Yes.

8           CHAIRMAN IRVING: Is this as a watcher?

9           OFFICER FRANCIS: For working.

10          CHAIRMAN IRVING: As a worker?

11          OFFICER FRANCIS: As a worker. Maybe as,  
12 you know--maybe a committeeman, or the person to  
13 go around getting the voters out, what have you.  
14 But it may be that he's working, but certain poli-  
15 ticians call up and say, let so and so off, and he'll  
16 go off and go to work.

17          CHAIRMAN IRVING: When was the last time,  
18 to your knowledge, that this assignment took place?

19          OFFICER FRANCIS: The last elections.

20          CHAIRMAN IRVING: You mean the last  
21 elections, November of 1973?

22          OFFICER FRANCIS: Yes.

23          CHAIRMAN IRVING: Could you estimate for  
24 us--now, I understand there are about 200 guards  
25 employed at the jail; is that correct?

1           OFFICER FRANCIS: Yes, but you wouldn't  
2 include the ones working 12 to 8, but primarily  
3 like the ones 8 to 4 and 4 to 12.

4           CHAIRMAN IRVING: Could you estimate, of  
5 the guards employed at the jail, how many, approxi-  
6 mately have been assigned--

7           OFFICER FRANCIS: No, I couldn't.

8           CHAIRMAN IRVING: Would you say perhaps a  
9 dozen?

10          OFFICER FRANCIS: About a dozen, yes.

11          CHAIRMAN IRVING: About a dozen have worked  
12 at the polls?

13          OFFICER FRANCIS: About, yes.

14          CHAIRMAN IRVING: Is there any other poli-  
15 tical activity that the guards are--

16          OFFICER FRANCIS: Well, usually now, in  
17 regards to the--all right, then. The individual  
18 is waiting to be certified to get the job as correc-  
19 tion officer, county correction officer, whether  
20 it's at the Essex County Jail, the court attendant,  
21 the penitentiary, prosecutor's office, any job,  
22 and he's waiting to be certified. Now, prior to  
23 certification, usually, he gets certified, it's  
24 usually a month, a month before election time,  
25 you know, when these people get certified. So

1 when these people get certified, they have a  
2 probationary period to go through, and during this  
3 90 day period, the man comes up to him--you have a  
4 bagman. I'm not speaking of the top, the sheriff  
5 or the undersheriff or something like that; I'm  
6 talking about a bagman. If you want me to mention  
7 the name, I will.

8 CHAIRMAN IRVING: I would just as soon  
9 you hold the name for the Grand Jury, sir, and  
10 understand, the reason for that is because these  
11 men are not here, and we want to find out the facts,  
12 but we don't want to be un-lawyer like in our  
13 procedure; the man is not here to defend himself,  
14 you see.

15 OFFICER FRANCIS: Right, right.

16 CHAIRMAN IRVING: So what we would like to  
17 know is, any procedure that goes on, political or  
18 otherwise, that demoralizes the guards. That's a  
19 concern to us.

20 OFFICER FRANCIS: Yes, yes. So it pertains  
21 to myself. You know, upon my probationary period in  
22 1968, I was asked by the deputy warden--at that  
23 time, it was Mr. Mulvaney. He's dead, he's deceased  
24 at this particular time, and he was a gentleman, and  
25 he came to me like a gentleman and he told me that,

1 you know, it's necessary for you, to take and  
2 keep the job, you will have to take and contribute,  
3 and then he said, possibly X amount of dollars, and  
4 I told him, I said I couldn't afford this, you  
5 know.

6 CHAIRMAN IRVING: Can you tell us when  
7 this occurred, sir?

8 OFFICER FRANCIS: 1968

9 CHAIRMAN IRVING: 1968?

10 OFFICER FRANCIS: Right. Now, I gave what  
11 I could afford at that particular time. I only  
12 had --I have five kids. My wife is a severe dia-  
13 betic, and I was unable to take and afford anything,  
14 but I did give him \$10. Okay. Shortly after that,  
15 because the donation was too small, apparently, I  
16 was transferred to the 4 to 12 shift for X amount  
17 of--for I guess thirteen months. Then after that,  
18 I put in the request to be transferred back to the  
19 8 to 4 shift, if a vacancy indicates, please con-  
20 sider this notice as an indication of my desire to  
21 be transferred back to the 8 to 12 shift, and then  
22 honored it. Throughout the years, they never came  
23 to me anymore, because I wouldn't take and donate.  
24 So therefore, I got all the leftover jobs, even  
25 though I had the seniority over quite a few of

1 my colleagues.

2 CHAIRMAN IRVING: You're saying then, sir,  
3 are you, that since 1968, nobody has approached you  
4 and asked for--

5 OFFICER FRANCIS: Well, indirectly, they  
6 have, too. I had two temporary officers who were  
7 on the 8 to 4 shift; one on the 4 to 12 shift. They  
8 came up and asked me whether I would like to donate  
9 or buy tickets. One of the officers, I was working  
10 in the hospital, the sheriff had a picnic, selling  
11 tickets, \$8.50 a piece. They gave the man the  
12 tickets, he didn't sell them, he was taking out of  
13 the job and terminated because he didn't sell the  
14 tickets.

15 CHAIRMAN IRVING: When was this, sir?

16 OFFICER FRANCIS: 1972, early part of '73,  
17 I believe.

18 CHAIRMAN IRVING: You used the reference  
19 before to "bagman". Would you describe that to us,  
20 although I think we can get what a bagman is.

21 OFFICER FRANCIS: Yes. Well, the bagman  
22 is the person that goes around soliciting indirectly  
23 for the sheriff or other politicians, whether he's  
24 a freeholder, councilman, or what have you. He's  
25 usually in the county, so it's the freeholders, or

1 senators.

2 CHAIRMAN IRVING: Do you know whether  
3 there are bagmen currently performing this function  
4 at the Essex County Jail?

5 OFFICER FRANCIS: Yes.

6 CHAIRMAN IRVING: How many bagmen are  
7 there, would you say?

8 OFFICER FRANCIS: Oh, I would say--well,  
9 to my knowledge, I know five.

10 CHAIRMAN IRVING: You know five bagmen?

11 OFFICER FRANCIS: Right.

12 CHAIRMAN IRVING: Currently soliciting  
13 political contributions?

14 OFFICER FRANCIS: Right, and just recently,  
15 the man came up and asked me did I want to purchase  
16 a ticket for the Patrick Scanlon association affair.  
17 Patrick Scanlon, he's the undersheriff.

18 CHAIRMAN IRVING: Did this request to  
19 purchase a ticket for the Scanlon affair occur on  
20 jail property?

21 OFFICER FRANCIS: Yes.

22 CHAIRMAN IRVING: During your working day?

23 OFFICER FRANCIS: Yes, it does.

24 CHAIRMAN IRVING: The man that asked you  
25 to purchase tickets; was he working at the time?

1 OFFICER FRANCIS: Yes.

2 CHAIRMAN IRVING: Is he an employee of  
3 the Essex County Jail?

4 OFFICER FRANCIS: Yes, sir, he is.

5 CHAIRMAN IRVING: Is he an officer?

6 OFFICER FRANCIS: Yes, sir, he is.

7 CHAIRMAN IRVING: And can you tell us  
8 approximately when this occurred? Is this in the  
9 last two weeks?

10 OFFICER FRANCIS: Yes.

11 CHAIRMAN IRVING: Do you know whether  
12 other people within the last two weeks have been  
13 asked to purchase such tickets?

14 OFFICER FRANCIS: Yes.

15 CHAIRMAN IRVING: Do you know how many  
16 have been asked?

17 OFFICER FRANCIS: Yes.

18 CHAIRMAN IRVING: How many?

19 OFFICER FRANCIS: Not exactly. But about  
20 three quarters or seven eighths of the employees  
21 at the Essex County Jail. They have representatives  
22 on each shift.

23 CHAIRMAN IRVING: You mean it's--

24 OFFICER FRANCIS: In other words, they  
25 have a bag-man on each shift.

1 CHAIRMAN IRVING: Are you then describing  
2 for us what you would call a widespread and organ-  
3 ized practice for collecting political contributions?

4 OFFICER FRANCIS: Yes.

5 CHAIRMAN IRVING: During the working hours?

6 OFFICER FRANCIS: Yes.

7 CHAIRMAN IRVING: Now, are these voluntary  
8 contributions, sir?

9 OFFICER FRANCIS: Well, so they claim. And  
10 if you don't contribute, you're subject to reprisals,  
11 you know, as I stated previously in regards to assign-  
12 ments, days off, or what have you.

13 CHAIRMAN IRVING: All right. Now, we were  
14 just outlining some of the concerns that you were  
15 having, because you understand that we cannot go  
16 into them--

17 OFFICER FRANCIS: Yes, that's true.

18 CHAIRMAN IRVING: --in great detail in the  
19 one day.

20 OFFICER FRANCIS: Mr. Irving, are you aware  
21 of the procedure in regards--Civil Service procedure,  
22 Rules and Regulations in regards to temporary em-  
23 ployees?

24 CHAIRMAN IRVING: We tried last week to  
25 ascertain the differences between temporary and

1 permanent.

2 OFFICER FRANCIS: Provisional. We call  
3 them provisionals. Provisional employee is supposed  
4 to be rehired, terminated and re-rehired after six  
5 months of employment. These temporary employees  
6 are political appointees, and then they're allowed,  
7 then they're allowed to take and work in different,  
8 better capacity or better assignments than officers  
9 that have taken Civil Service exams, and the only  
10 reason he didn't, he doesn't want to take and do  
11 no tapdancing.

12 CHAIRMAN IRVING: Officer, Sheriff DeMarino  
13 is familiar with the Civil Service procedure. Would  
14 you answer some of his questions?

15 OFFICER FRANCIS: Yes, I will.

16 COMMISSIONER DE MARINO: First of all, I  
17 took these questions as you were testifying all the  
18 way through. Let me see if I can get most of the  
19 points that the Commission would like to hear.

20 OFFICER FRANCIS: Yes.

21 COMMISSIONER DE MARINO: One, you mentioned  
22 that there are many Civil Service people in jobs  
23 of senior capacity; officers, undersheriffs, wardens,  
24 deputy wardens, what have you, and they are on a  
25 leave of absence?

1           OFFICER FRANCIS: Leave of absence from  
2 two jobs.

3           COMMISSIONER DE MARINO: All right. Now,  
4 let me ask you this: Do you know from your own  
5 knowledge whether or not that is legal or illegal?

6           OFFICER FRANCIS: Illegal.

7           COMMISSIONER DE MARINO: Okay.

8           OFFICER FRANCIS: Within the county, yes.  
9 You can't do it even in the State. In other words,  
10 when I left the State as a cottage officer to go  
11 to the State Prison as a prison officer, I could  
12 not take a leave of absence; all I could take was a  
13 transfer. I could not take a State job and be on  
14 the same payroll, two payrolls. I can take a State  
15 job and work for the county, or State, City and  
16 Federal, but that's not the same. This man is  
17 working three jobs in three different capacities.

18           COMMISSIONER DE MARINO: You're aware,  
19 then, that under the Civil Service Rules, you can  
20 get a leave of absence for six months?

21           OFFICER FRANCIS: Yes.

22           COMMISSIONER DE MARINO: Any second  
23 leave of absence at that point must be approved  
24 by the governing body, if it's county level; Board  
25 of Freeholders.

1 OFFICER FRANCIS: Yes.

2 COMMISSIONER DE MARINO: What you're  
3 telling me and you're telling the Commission is  
4 that presently, there are people that you have  
5 direct knowledge of that are on leave of absence  
6 from one position--as an example, we'll say  
7 Prosecutor's office--

8 OFFICER FRANCIS: Yes.

9 COMMISSIONER DE MARINO: --and within  
10 that six month period, he now combines or takes  
11 another leave of absence to fill--

12 OFFICER FRANCIS: The man is on leave  
13 of absence from the Essex County Jail. He accepts  
14 a position in the Prosecutor's office on a temporary  
15 basis as an investigator. He takes a leave of ab-  
16 sence from there to be an undersheriff, as an  
17 appointee.

18 COMMISSIONER DE MARINO: Let's get them  
19 slow, so we understand.

20 Let's use your facts; I was giving an  
21 example. He's a corrections officer in the jail?

22 OFFICER FRANCIS: Right.

23 COMMISSIONER DE MARINO: He takes a leave  
24 of absence for six months?

25 OFFICER FRANCIS: Yes.

1 COMMISSIONER DE MARINO: You agree and  
2 I agree that he's entitled to that six month leave--

3 OFFICER FRANCIS: Six months--

4 COMMISSIONER DE MARINO: Yes.

5 OFFICER FRANCIS: --to a year.

6 COMMISSIONER DE MARINO: No, he's allowed  
7 six months. If he goes beyond the six months, he  
8 then needs approval of the governing body.

9 OFFICER FRANCIS: Yes.

10 COMMISSIONER DE MARINO: Mr. A, who is  
11 a corrections officer, took a six month leave of  
12 absence from the correction position, and he  
13 assumed a position of investigator in the Prosecu-  
14 tor's office.

15 OFFICER FRANCIS: Right.

16 COMMISSIONER DE MARINO: Unless I'm wrong,  
17 and I doubt if I am, I believe the investigators  
18 are not permanent Civil Service positions, are they?

19 OFFICER FRANCIS: No, they're temporary.

20 COMMISSIONER DE MARINO: They're appointed  
21 people, aren't they, by the Prosecutor?

22 OFFICER FRANCIS: Right.

23 COMMISSIONER DE MARINO: And so there's  
24 a question of whether that transfer is even right.

25 OFFICER FRANCIS: Yes.

1           COMMISSIONER DE MARINO: Now, let's assume  
2 he's in that second stage, now, as an investigator  
3 within the Prosecutor's office.

4           OFFICER FRANCIS: Yes.

5           COMMISSIONER DE MARINO: Now, you tell me,  
6 did he complete six months there? Did he go beyond--  
7 was he--

8           OFFICER FRANCIS: Yes.

9           COMMISSIONER DE MARINO: So he went beyond  
10 the six months as an investigator?

11          OFFICER FRANCIS: Yes.

12          COMMISSIONER DE MARINO: Do you know for  
13 a fact whether he ever renewed that leave of absence  
14 with the corrections officer's position?

15          OFFICER FRANCIS: Renew it?

16          COMMISSIONER DE MARINO: Yes.

17          OFFICER FRANCIS: For ten years.

18          COMMISSIONER DE MARINO: No, an extension.

19          OFFICER FRANCIS: I'm telling you, ten  
20 years, ten or fifteen years.

21          COMMISSIONER DE MARINO: Okay. You  
22 answered my question. You see, you can make trans-  
23 fers.

24          OFFICER FRANCIS: I understand this. I'm  
25 aware of that.

1           COMMISSIONER DE MARINO: Mr. Francis,  
2           you understand,; I don't think the public understands  
3           and the press understands, and I'm certain that  
4           some of the Commission members don't understand,  
5           and this will serve to clarify the issue, so those  
6           who read the record will understand.

7           OFFICER FRANCIS: I'm talking about indefi-  
8           nite leave of absence. I'm not talking about  
9           six months or a year; I'm talking about indefinite  
10          leave of absence as a corrections officer at the  
11          Essex County Jail.

12          COMMISSIONER DE MARINO: You've answered  
13          my question.

14          So they're compounding leave of absence  
15          upon leave of absence, beyond what Civil Service  
16          allows, and I'm sure you--

17          OFFICER FRANCIS: Yes.

18          COMMISSIONER DE MARINO: You say there  
19          are two undersheriffs, and there are two deputy  
20          wardens, and they work steady days?

21          OFFICER FRANCIS: Right. Steady days,  
22          weekends off.

23          COMMISSIONER DE MARINO: What amount of  
24          superiors do you have on the 4 to 12, or the  
25          midnight shift?

1                   OFFICER FRANCIS: What superiors?

2                   COMMISSIONER DE MARINO: Do you have any  
3 deputy wardens?

4                   OFFICER FRANCIS: No, you do not. Usually,  
5 you have a captain, one captain.

6                   COMMISSIONER DE MARINO: That's the highest  
7 rank?

8                   OFFICER FRANCIS: If he's off, you have  
9 a lieutenant acting as a captain.

10                  COMMISSIONER DE MARINO: What I would like  
11 you to do, if you will, I'm going to try to get  
12 it out of you so we can understand.

13                  So the highest rank you have on 4 to 12  
14 shift is a captain?

15                  OFFICER FRANCIS: Yes.

16                  COMMISSIONER DE MARINO: And the highest  
17 rank you have on the midnight shift is a captain?

18                  OFFICER FRANCIS: Yes.

19                  COMMISSIONER DE MARINO: Beneath the  
20 captain, then there are lieutenants?

21                  OFFICER FRANCIS: Yes.

22                  COMMISSIONER DE MARINO: Approximately  
23 how many?

24                  OFFICER FRANCIS: How many? Let me see.  
25 You have two.

1 COMMISSIONER DE MARINO: Two. Is that  
2 on both thd 4 to 12 and the midnight shift?

3 OFFICER FRANCIS: Yes.

4 COMMISSIONER DE MARINO: As opposed to  
5 the day shift, now, how many superior officers  
6 work?

7 You told me there were two undersheriffs.

8 OFFICER FRANCIS: You got the sheriff,  
9 two undersheriffs, two deputy wardens, you got  
10 Captain Tommy Walsh, Captain Jimmy Walsh, Captain  
11 Patidi. Three captains. That's it.

12 COMMISSIONER DE MARINO: That gives you  
13 approximately eight senior officers on the day  
14 shift?

15 OFFICER FRANCIS: Yes.

16 COMMISSIONER DE MARINO: These people  
17 work steady days and no weekends?

18 OFFICER FRANCIS: Steady days, no weekends.

19 COMMISSIONER DE MARINO: Okay, let's  
20 talk about the amount of corrections officers  
21 that work days, 4 to 12, and nights. Now, I  
22 understand and I'm sure you understand that during  
23 the day shift is when more of the volume of the  
24 people go back and forth, the courts and whatnot,  
25 so there's more of a reason for men to work 8 to

1 4 than 4 to 12 and the midnight shift.

2 OFFICER FRANCIS: Yes.

3 COMMISSIONER DE MARINO: How many officers  
4 from the low rank of correction officer to the top  
5 senior rank, excluding the sheriff, now, up to  
6 the undersheriff, work days?

7 OFFICER FRANCIS: I'll give you a break-  
8 down, if you have a pencil.

9 COMMISSIONER DE MARINO: Approximate,  
10 you don't--

11 OFFICER FRANCIS: I have to go according  
12 to assignments. I just can't give it off like  
13 that. I know every assignment in there. You got  
14 the second floor, consists of five officers; the  
15 third consists of four matrons and a sergeant,  
16 that makes five; each floor, two, four, six, eight,  
17 ten and twelve, five officers each. That's thirty,  
18 right?

19 COMMISSIONER DE MARINO: That's right.  
20 Six floors, five each is thirty, right?

21 OFFICER FRANCIS: That's thirty, right?

22 You got the gym, two officers, that's  
23 32. You got the laundry, that's one; you have the  
24 trade instructor is one, you have the rec room is  
25 five officers, five officers in the record room--

1 let me see. You have an officer who's a correction  
2 officer working as a nurse in the hospital, out of  
3 his title--

4 COMMISSIONER DE MARINO: All right, so  
5 approximately, anywhere between 40 and 45--

6 OFFICER FRANCIS: Yes. Then you have  
7 officers with regular days off.

8 COMMISSIONER DE MARINO: All right. I'm  
9 saying--

10 OFFICER FRANCIS: You mean on duty?

11 COMMISSIONER DE MARINO: On duty, what it  
12 takes to man the ship. You need approximately 40  
13 men?

14 OFFICER FRANCIS: At least 40 officers.  
15 Then you have other details. You have the runner,  
16 you have the transportation--

17 COMMISSIONER DE MARINO: Mr. Francis,  
18 please, I'm trying to get to a point. 40, approxi-  
19 mately 40--

20 OFFICER FRANCIS: No, 50 officers.  
21 About 50 officers.

22 COMMISSIONER DE MARINO: How many on the  
23 4 to 12, approximately? Same amount?

24 OFFICER FRANCIS: Let me see. It's  
25 about the same. I think if I'm not mistaken, I

1 think it takes 70 officers on the day shift. I  
2 think it takes 70 officers on the day shift.

3 COMMISSIONER DE MARINO: Mr. Francis,  
4 I'm going to try to move it up, because I want to  
5 get to the Civil Service questions that I have  
6 listed.

7 You worked up figures here, or figures  
8 were worked up, and you show me approximately 144  
9 officers working days, seventy-five on the 4 to 12,  
10 and seventy-five midnights, and the only reason I  
11 was driving you to this point was that I wanted to  
12 show the Commission that even though there is more  
13 work volume during the day shift, there's a need  
14 for more guards, as opposed to the night shift,  
15 when everybody is sleeping.

16 OFFICER FRANCIS: Everybody.

17 COMMISSIONER DE MARINO: I just want to  
18 show the difference of the one hundred forty-four  
19 days versus the seventy nights, which means there's  
20 a lot of room for these type jobs that previous  
21 witnesses and you are talking about; jobs that are  
22 steady days, and not much involved with the pro-  
23 cedures of the institution.

24 All right. Is the morale low?

25 OFFICER FRANCIS: Very. Can't go any

1 lower.

2 COMMISSIONER DE MARINO: Now, let me  
3 ask you this: How many temps as opposed to permanent  
4 employees are there in your institution? Would  
5 you have that? Would you know approximately?

6 OFFICER FRANCIS: Offhand, according to  
7 this here, we have 51.

8 COMMISSIONER DE MARINO: 51 temps?

9 OFFICER FRANCIS: Yes.

10 COMMISSIONER DE MARINO: At the Essex  
11 County Jail?

12 OFFICER FRANCIS: Essex County Jail.

13 COMMISSIONER DE MARINO: All right. Is  
14 there an active, certified list?

15 OFFICER FRANCIS: Yes, there is.

16 COMMISSIONER DE MARINO: When did that list  
17 come out?

18 OFFICER FRANCIS: Oh, I think they got  
19 two lists. I think they got two or three lists.

20 COMMISSIONER DE MARINO: All right. Now,  
21 certified--and you're familiar with the term cer-  
22 tified; that means the exam was taken--

23 OFFICER FRANCIS: I understand what you're  
24 saying. These people were notified that they had  
25 passed their exam, but they're not certifying any-

1 body.

2 COMMISSIONER DE MARINO: All right. Just  
3 for the terminology, so that you understand it and  
4 the Commission understands it, the certified lists,  
5 under Civil Service, as I know it, is that tests  
6 were taken?

7 OFFICER FRANCIS: Yes.

8 COMMISSIONER DE MARINO: Members that had  
9 taken this test, passed the test?

10 OFFICER FRANCIS: Yes. It then goes into  
11 the Department of Civil Service and they compile  
12 a certified list, which they send directly to the  
13 sheriff, and they list them one to one hundred,  
14 or depending on how many openings or how many passed.

15 COMMISSIONER DE MARINO: That type of list;  
16 you say there's one, two, three?

17 OFFICER FRANCIS: No, no, no. I said  
18 there was three eligible roster lists. How many  
19 were certified, I'd have to check with Mr. Mangione,  
20 Civil Service.

21 COMMISSIONER DE MARINO: Have you ever  
22 checked to see if any of those--

23 OFFICER FRANCIS: No, I haven't. But there  
24 are certain officers on the job from time to time  
25 who told me that they were certified.

1           COMMISSIONER DE MARINO: Maybe we'll get  
2 it out in the next couple of questions I have.

3           Are you presently on a certified Civil  
4 Service list?

5           OFFICER FRANCIS: I'm on the eligible, on  
6 the promotional list.

7           COMMISSIONER DE MARINO: For what position?

8           OFFICER FRANCIS: Sergeant.

9           COMMISSIONER DE MARINO: Sergeant; when did  
10 you take the test?

11          OFFICER FRANCIS: Let me see. That was  
12 1972.

13          COMMISSIONER DE MARINO: In 1972.

14          OFFICER FRANCIS: Yes.

15          COMMISSIONER DE MARINO: All right. Is  
16 that list still active, or did it die?

17          OFFICER FRANCIS: Yes, sir, it is still  
18 active for three years.

19          COMMISSIONER DE MARINO: What position  
20 were you on the list?

21          OFFICER FRANCIS: 23.

22          COMMISSIONER DE MARINO: How many, to  
23 your knowledge, from that list, have they appointed?

24          OFFICER FRANCIS: They've appointed up  
25 to 10.

1           COMMISSIONER DE MARINO: It went from  
2 one to 10?

3           OFFICER FRANCIS: Yes, and one of the  
4 individuals, number five, they skipped over three  
5 times, to my knowledge.

6           COMMISSIONER DE MARINO: All right. I'm  
7 trying to impress on you that I have a general  
8 idea how it operates. One to 10.

9           OFFICER FRANCIS: Yes.

10          COMMISSIONER DE MARINO: And my next  
11 question, which you've already answered, is, they  
12 jumped over one individual?

13          OFFICER FRANCIS: One individual, and number  
14 one man, our PBA president, he was in that letter,  
15 he was indicted and convicted of an atrocious  
16 assault and battery on a juvenile in 1970, and he  
17 wasn't appointed, and there's another gentleman,  
18 John Manning, also.

19          COMMISSIONER DE MARINO: So there's possible  
20 legitimate reasons that those weren't appointed,  
21 they were jumped over.

22          OFFICER FRANCIS: Yes. They should have  
23 been reinstated.

24          COMMISSIONER DE MARINO: Do they use the  
25 one-of-three method? Are you familiar with that?

1 In other words, under the Civil Service Rules,  
2 you're allowed, as the appointing authority--except  
3 if he's a disabled veteran, the one-of-three method  
4 means if there's one, two, three, four and five,  
5 and so on, the number one, two, three, if they  
6 want to appoint the third man and bypass the first  
7 or second, they can do it.

8 OFFICER FRANCIS: Yes.

9 COMMISSIONER DE MARINO: Which means, now--  
10 well, let me ask you this question. How many  
11 openings, to your knowledge, were there for sergeant  
12 when you took the exam?

13 OFFICER FRANCIS: I do not know, offhand.  
14 I assumed there was about 15; at least.

15 COMMISSIONER DE MARINO: Fifteen sergeant  
16 positions open?

17 OFFICER FRANCIS: Yes.

18 COMMISSIONER DE MARINO: Were they filled  
19 by anyone other than those that were on the Civil  
20 Service list?

21 OFFICER FRANCIS: No.

22 COMMISSIONER DE MARINO: So all those that  
23 made sergeant came off that list?

24 OFFICER FRANCIS: Came off the list.

25 COMMISSIONER DE MARINO: Were there any

1 acting sergeants?

2 OFFICER FRANCIS: No, there wasn't an acting  
3 sergeant. He resigned, the only acting sergeant they  
4 had, and the other, he was made permanent, and he's  
5 on the list for lieutenant. They had an acting  
6 lieutenant who was just terminated as of the other  
7 day, and they have a lieutenant's list and they have  
8 a captain's list.

9 COMMISSIONER DE MARINO: All right. Let  
10 me ask you this: Did you report this, your problem  
11 to Civil Service?

12 OFFICER FRANCIS: No, I didn't.

13 COMMISSIONER DE MARINO: You never presented  
14 this problem to Civil Service?

15 OFFICER FRANCIS: No, I didn't. I was  
16 just in the process of doing it.

17 COMMISSIONER DE MARINO: All right. Did  
18 you do any political work?

19 OFFICER FRANCIS: None whatsoever, no.

20 COMMISSIONER DE MARINO: All right. You  
21 said there's no show jobs. I picked that out of  
22 your--

23 OFFICER FRANCIS: Well, in the article I  
24 read there, the sheriff stated something about  
25 the doctor, right, the doctor at the Essex County

1 Jail. He stated the doctor works four days a  
2 week. I think he meant four hours a week. I  
3 think that's what he meant; four hours a week, one  
4 hour a day, and --then we have a pharmacist there.  
5 Now, the sheriff--I mean the doctor makes \$10,000  
6 a year, and you said that the corrections officers  
7 make too much money. Four four hours a week, ten  
8 thousand dollars a year is a lot of money for nothing.  
9 Now, the pharmacist is less--

10 COMMISSIONER DE MARINO: Now, I believe we  
11 have plenty of testimony as to the pharmacist.

12 OFFICER FRANCIS: Well, you mentioned no  
13 show jobs.

14 COMMISSIONER DE MARINO: Right.

15 OFFICER FRANCIS: I'm getting at that.

16 COMMISSIONER DE MARINO: By a no show job,  
17 you mean someone that doesn't come to work that's  
18 on the payroll?

19 OFFICER FRANCIS: The pharmacist.

20 COMMISSIONER DE MARINO: The pharmacist  
21 is--

22 OFFICER FRANCIS: He comes to work when  
23 he gets ready.

24 COMMISSIONER DE MARINO: Let me ask you  
25 this: On that Civil Service list that you're talk-

1 ing about, how many would you say that are in that  
2 90 temporary period, working--you know, you past  
3 the exam, they hired you, you're on the 90 day wait-  
4 ing list?

5 OFFICER FRANCIS: For promotion?

6 COMMISSIONER DE MARINO: No, on any list.

7 OFFICER FRANCIS: Well, for promotion, you  
8 have about two--five, as far as sergeant.

9 COMMISSIONER DE MARINO: The point I'm  
10 trying to get at is this: Is there any, or, to  
11 your knowledge, are there any that are knocked off  
12 of that list? In other words, they work 88 days  
13 and then are terminated, never get to do the 90 days.

14 OFFICER FRANCIS: Well, not that I remember.  
15 The only person that I remember that happened to  
16 was one of my coworkers. She's working now, she  
17 left before I did, from Menlo Park, Miss Trimmel,  
18 Miss Beatrice Trimmel. She was terminated because  
19 she didn't make a contribution. She's a matron at  
20 the Essex County Jail at the present time. She  
21 was terminated at 90 days, it expired, and she  
22 wasn't through Civil Service; she was reinstated.

23 COMMISSIONER DE MARINO: All right. The  
24 point I'm trying to bring out is this. The  
25 appointing authority has a lot of room to move. If

1 he wants to go down the list and bring on, say,  
2 the first ten men, hire them, and then they serve  
3 80 days, and then he decides, well, he wants to  
4 unload six--

5 OFFICER FRANCIS: Yes, true, true.

6 COMMISSIONER DE MARINO: Is there a great  
7 turnover, to your knowledge, of that type of situa-  
8 tion?

9 OFFICER FRANCIS: No, no.

10 COMMISSIONER DE MARINO: Okay. That  
11 answers the question.

12 Did you ever report any of this soliciting  
13 that was attempted--

14 OFFICER FRANCIS: No, I didn't.

15 COMMISSIONER DE MARINO: --to anyone,  
16 any outside authority?

17 OFFICER FRANCIS: No. No, I didn't.

18 COMMISSIONER DE MARINO: Do you know for  
19 a fact that any of this money that was being soli-  
20 cited was going directly to either the sheriff,  
21 undersheriff--

22 OFFICER FRANCIS: Where the money ended  
23 up or whose hands it went into, I'm not aware of.

24 COMMISSIONER DE MARINO: Is it possible  
25 that--

1           OFFICER FRANCIS: The democratic party  
2 is what I would say.

3           COMMISSIONER DE MARINO: Is it possible  
4 that any of these people, and I know of cases like  
5 this in my life, solicited on their own?

6           OFFICER FRANCIS: No, I don't think so.

7           COMMISSIONER DE MARINO: Do you know if  
8 any of these organizations that requested funds or  
9 tickets are incorporated in the State?

10          OFFICER FRANCIS: No.

11          COMMISSIONER DE MARINO: Are bonafide  
12 organizations?

13          OFFICER FRANCIS: No.

14          COMMISSIONER DE MARINO: I don't have  
15 any other questions.

16          HEARING OFFICER GINSBERG: I have a question  
17 for you, sir.

18                You mentioned there was racial discrimina-  
19 tion that you were exposed to in Essex County Jail.

20          OFFICER FRANCIS: Yes.

21          HEARING OFFICER GINSBERG: Can you tell  
22 us a little about that?

23                OFFICER FRANCIS: Predominantly, Essex  
24 County Jail is comprised of seven eighths blacks,  
25 right?

1 HEARING OFFICER GINSBERG: Yes.

2 OFFICER FRANCIS: So therefore, you have  
3 quite a few assignments at the Essex County Jail.  
4 Consequently, they have two black officers working  
5 in the lobby of the--have you ever been there?

6 HEARING OFFICER GINSBERG: Yes, I have  
7 been there.

8 OFFICER FRANCIS: In the lobby, there's  
9 two black officers, one downstairs and one upstairs.  
10 It's a hazardous job, and the majority of the in-  
11 mates are black, so it's compulsory, where they have  
12 to assign black officers there. The only jobs they're  
13 getting a fair shake, security, we have one black  
14 officer, and another one we have just reassigned in  
15 internal affairs. Now, other than that, that's it.

16 HEARING OFFICER GINSBERG: What percentage  
17 of the total officer population would you say were  
18 minority groups?

19 OFFICER FRANCIS: What percent? We have  
20 quite a few..

21 Is Officer Capro in the audience?

22 Cesare, do you have a breakdown on that,  
23 what percent of black?

24 OFFICER CESARE CAPRO: I'd say about a  
25 third. About a third of the force.

1 HEARING OFFICER GINSBERG: And that one  
2 third, how many are holding positions of some--

3 OFFICER FRANCIS: We have two black lieu-  
4 tenants who are on the list for Captain. We have  
5 three black sergeants. Two just made sergeant.

6 HEARING OFFICER GINSBERG: How recently?

7 OFFICER FRANCIS: And that's it. They're  
8 on their 90 day period now. Other than that, that's  
9 it.

10 HEARING OFFICER GINSBERG: How about  
11 Spanish speaking officers?

12 OFFICER FRANCIS: Spanish speaking, we  
13 only got about a few.

14 HEARING OFFICER GINSBERG: Do you know  
15 how many?

16 OFFICER CAPRO: Maybe two or three.

17 OFFICER FRANCIS: Three, at the most.

18 HEARING OFFICER GINSBERG: And what  
19 percentage of your present prison population are  
20 Spanish speaking?

21 OFFICER FRANCIS: What percent? Oh, the  
22 majority of them are on the third floor, about  
23 ten percent.

24 OFFICER CAPRO: About ten percent.

25 CHAIRMAN IRVING: I think it's important,

1 while we want to get information, that since we  
2 don't have your names, in fairness to everybody, only  
3 the person testifying should make a comment. Now,  
4 if he wants to discuss--

5 OFFICER FRANCIS: Only for verification.

6 CHAIRMAN IRVING: If you want to check some-  
7 thing out, we can have you come back at a later time  
8 with additional information, okay?

9 OFFICER FRANCIS: Oh, I see. Yes.

10 CHAIRMAN IRVING: And I'm sure I speak  
11 for all of the members, now, when I say we would  
12 ask you to testify just to what you remember. If  
13 there's something you don't remember now, we can  
14 learn it later, okay?

15 OFFICER FRANCIS: Okay.

16 CHAIRMAN IRVING: Thank you.

17 HEARING OFFICER GINSBERG: During intake,  
18 when an inmate is brought into the institution, if  
19 he does not speak English, is there a problem?

20 OFFICER FRANCIS: Well, usually, they call  
21 a Spanish speaking officer, if he's on duty.

22 HEARING OFFICER GINSBERG: Is there one  
23 usually available?

24 OFFICER FRANCIS: No.

25 HEARING OFFICER GINSBERG: So that, in fact,

1 an inmate can be admitted to the institution and  
2 given all the rules and regulations, if that's even  
3 done, and not understand a word of it?

4 OFFICER FRANCIS: True. In one case, we  
5 had a person, he was Greek. He came in there, and  
6 no one could speak it. We had another person who  
7 was Italian.

8 HEARING OFFICER GINSBERG: Would you consider  
9 this a substantial problem?

10 OFFICER FRANCIS: Yes. Even though we have  
11 Italians, there's people there that couldn't under-  
12 stand him. We had a homicide down at the east wing  
13 of the old jail.

14 HEARING OFFICER GINSBERG: I have no  
15 further questions.

16 OFFICER FRANCIS: Now, you spoke of discrimin-  
17 ation, right? Now, it's just like--all right, then.  
18 Right here, on the list that I came off of, in 1968,  
19 you have--let me see, now--one, John Morrison,  
20 Peter Frazzano, Alfonso De Rogatis, these individu-  
21 als made higher marks than me, and one of them was  
22 a veteran, Raymond Ballasone.

23 All right, then. You have one, two, three,  
24 four, five, six names who, they claim, have senior-  
25 ity over me. These men do not have seniority over

1 me. What they did is, prior to me being employed  
2 at the Essex County Jail, because I was coming from  
3 a higher branch of government, State Government,  
4 as a state correction officer, I refused to accept  
5 the minimum salary. They would have to compensate  
6 me for my education and experience. So there was a  
7 mutual understanding between Freeholder Mintz and  
8 Warden Troy that they would compensate me, but they  
9 would have to take it up with the Freeholders.  
10 These five individuals whose names I just spoke of,  
11 they were not supposed to be hired until I was  
12 hired. But they did hire these individuals, and  
13 they do not have seniority over me, and they're not  
14 supposed to. This is only one example, and this  
15 is on a continual basis. You can be working there  
16 for X amount of time, like your probationary period,  
17 and then they can tell you, you go take care of your  
18 retirement papers, and then they tell you, your  
19 time doesn't start from that particular date that  
20 you started, in other words, when you started your  
21 employment there at the Essex County Jail; it starts  
22 from this here day, and they just tell you verbally.  
23 That's all.

24 CHAIRMAN IRVING: Let me ask, Officer,  
25 since our time is limited, if any members of the

1 Commission want to impose any questions.

2 Let me, then, Officer, on behalf of the  
3 Commission, on behalf of our effort to upgrade  
4 corrections, thank you for coming today and making  
5 your comments. It may be before we make our recommen-  
6 dations to the State of New Jersey, that we will want  
7 to talk to you again.

8 OFFICER FRANCIS: Thank you for giving me  
9 the opportunity.

10 (Witness excused.)

11 (Applause)

12 CHAIRMAN IRVING: The Commission would  
13 like, now, to call Miss Leora Mosston and Miss Roset-  
14 ta Hunter. Do you want to come first, Miss Mosston?  
15 Yes, come up.

16 MISS LEORA MOSSTON: Miss Hunter has  
17 asked me to go first, if you don't mind.

18 CHAIRMAN IRVING: All right. Thank you.  
19 Would you give us your name and a mailing address?

20 MISS MOSSTON: Yes. My name is Leora  
21 Mosston, 45 Academy Street, Newark, 07102.  
22 I direct the prisoners' rights project called  
23 PROD, Prisoners' Rights Organized Defense, a proj-  
24 ect of the American Civil Liberties Union.

25 CHAIRMAN IRVING: Excuse me. Are you

1 an attorney, Miss Mosston?

2 MISS MOSSTON: I am not admitted yet. I  
3 am an attorney.

4 CHAIRMAN IRVING: Are you appearing today  
5 in an advisory capacity to Rosetta Hunter, Counselor?

6 MISS MOSSTON: Yes, and in addition, I'm  
7 appearing as--because many of the clients currently  
8 in our office are presently inmates in Essex County  
9 correctional facilities, and I just wanted to make  
10 a brief statement before, and then I'd like to  
11 introduce Miss Hunter because, as I told you when we  
12 spoke earlier, I think that the problems of the  
13 people inside those institutions are best defined  
14 by them, which is why I recommended that Miss Hunter  
15 be invited.

16 We have heard many of the statements today  
17 before this Commission. May we compliment the Com-  
18 mission for at last giving an opportunity for many  
19 good people, both guards and people from behind  
20 the bars, who have wanted to share their various  
21 experiences in the Essex County corrections system.  
22 I hope that many of the other prisoner complaints  
23 which we hear will be aired, including vermin in  
24 the food and a whole variety of other allegations.

25 I particularly recommend Miss Hunter

1 appearing today, because I think her story, which  
2 is corroborated by the medical records I have here,  
3 and I processed the filing on her behalf, exempli-  
4 fies the contempt for human life and human dignity  
5 which is characteristic of the Essex County Correc-  
6 tions system. It is certainly far more true as  
7 to inmates, the majority of whom are black people  
8 from the Essex County area, and the overwhelming  
9 majority of whom are poor, and as well as Spanish  
10 speaking inmates. This contempt for life, for  
11 dignity, for personal worth, I think a story as  
12 she will tell herself will speak to that. She has  
13 asked that her associate come with her, and that  
14 they testify together. We've asked Miss Hunter to  
15 just tell the story as she told us the day before  
16 she was eventually sentenced to Clinton Reforma-  
17 tory, and she's going to speak just as she told us,  
18 and just as our complaint will allege.

19 CHAIRMAN IRVING: Thank you.

20 Miss Hunter, will you come forward, and  
21 Miss Howard, do you want to come forward as well?

22 Before we ask you your names, would you  
23 like to take your coat off, because it is very  
24 warm in here. We want you to be as relaxed as you  
25 can be in this kind of hearing.

1           Now, I'm not certain which one is  
2 Miss Hunter.

3           MISS ROSETTA HUNTER: I'm Miss Hunter.

4           CHAIRMAN IRVING: Will you give us your  
5 full name and tell us--you are now a resident at  
6 a State institution in New Jersey?

7           MISS HUNTER: My name is Rosetta Hunter,  
8 and I'm a resident at the Clinton Reformatory for  
9 women.

10          CHAIRMAN IRVING: Thank you. Will the  
11 other woman identify herself?

12          MISS GALE HOWARD: My name is Gale Howard,  
13 and I'm a resident at the Clinton Reformatory for  
14 women.

15          CHAIRMAN IRVING: Let me ask questions,  
16 if you will, Miss Hunter, from you, and then we will  
17 ask Miss Howard to either confirm or deny or expand  
18 on whatever you want to say.

19          Now, Miss Hunter, I think it's very  
20 important first, to make sure you understand that  
21 you don't have to answer any questions from us.  
22 Do you understand that?

23          MISS HUNTER: Yes.

24          CHAIRMAN IRVING: Anything that might be  
25 especially embarrassing, you do not have to answer.

1 On the otherhand, we encourage you to talk freely  
2 and to help us insofar as you can. What I would like  
3 to do is go through your experiences at the Essex  
4 County Jail.

5 Now, were you at one time admitted to the  
6 Essex County Jail?

7 MISS HUNTER: Yes, I was.

8 CHAIRMAN IRVING: Do you remember the  
9 approximate date?

10 MISS HUNTER: I think it was December 14th.

11 CHAIRMAN IRVING: Of what year; was that  
12 1973?

13 MISS HUNTER: 1973.

14 CHAIRMAN IRVING: Now, at the time that  
15 you were admitted to the Essex County Jail, about  
16 mid December of 1973, did you indicate that you were  
17 not feeling well?

18 MISS HUNTER: Yes, I did.

19 CHAIRMAN IRVING: And to whom did you  
20 indicate that?

21 MISS HUNTER: To the officers.

22 CHAIRMAN IRVING: Correctional guards,  
23 do you mean?

24 MISS HUNTER: Right.

25 CHAIRMAN IRVING: Did you indicate why

1 you were not feeling well, what your problem was?

2 MISS HUNTER: Yes. I had told him that I  
3 had--missed my--

4 MISS HOWARD: Your monthly.

5 MISS HUNTER: Jesus.

6 CHAIRMAN IRVING: Did you have reason to  
7 believe you might be pregnant?

8 MISS HUNTER: Yes.

9 CHAIRMAN IRVING: Now, at the time, Miss  
10 Hunter, that you were admitted to the jail, were  
11 you denied bail?

12 MISS HUNTER: Yes, they had revoked my  
13 bail.

14 CHAIRMAN IRVING: They had revoked your  
15 bail? Did they tell you why?

16 MISS HUNTER: Because I had jumped bail.

17 CHAIRMAN IRVING: All right. Let's go on  
18 with your story. You told at least one correction  
19 guard that you weren't feeling well; that you thought  
20 you might be pregnant.

21 MISS HUNTER: Right.

22 CHAIRMAN IRVING: What did the guard do?

23 MISS HUNTER: She laughed at me.

24 CHAIRMAN IRVING: She laughed at you?

25 Were you admitted to a cell thereafter?

1 MISS HUNTER: Yes.

2 CHAIRMAN IRVING: Now, before you were ad-  
3 mitted to a cell, was there any physical examination  
4 done?

5 MISS HUNTER: No, there wasn't.

6 CHAIRMAN IRVING: Did you see a doctor?

7 MISS HUNTER: No.

8 CHAIRMAN IRVING: Did you ask to see a  
9 doctor?

10 MISS HUNTER: Yes.

11 CHAIRMAN IRVING: What were you told when  
12 you were asked to see a doctor?

13 MISS HUNTER: Put my name down on sick call.

14 CHAIRMAN IRVING: All right. Were you feel-  
15 ing ill at the time?

16 MISS HUNTER: No, I wasn't. I just wanted  
17 to make sure that I was pregnant, because I hadn't  
18 been examined, and I wanted to be examined by the  
19 doctor, but I never did get the chance to see him.

20 CHAIRMAN IRVING: Do I understand then,  
21 that the following morning, you put your name on  
22 sick call?

23 MISS HUNTER: I kept my name on sick call  
24 for about three weeks.

25 CHAIRMAN IRVING: And during that three

1 week period, did you see any doctor?

2 MISS HUNTER: No, I didn't.

3 CHAIRMAN IRVING: Did you indicate when  
4 you put your name on sick call that you wanted to  
5 see the doctor?

6 MISS HUNTER: Yes. I even put down that  
7 I thought I was pregnant, and they told me that  
8 wasn't good enough. I put down I had female trouble.  
9 That wasn't good enough. I put down I thought I  
10 was going to have an appendicitis attack. That  
11 didn't work. I put down I had a knot in my breast.  
12 That didn't work. So--

13 CHAIRMAN IRVING: All right. So for three  
14 weeks, you asked to be on sick call.

15 MISS HUNTER: Right.

16 CHAIRMAN IRVING: Now, after three weeks,  
17 did you finally see a doctor?

18 MISS HUNTER: No. I didn't see the doctor  
19 until I left out that night.

20 CHAIRMAN IRVING: All right. Now, when  
21 you requested to be on sick call, were you given  
22 any medicines?

23 MISS HUNTER: Yes, I was on medication.

24 CHAIRMAN IRVING: What kind of medication,  
25 do you know?

1           MISS HUNTER: I was getting three hundred  
2 milligrams of Thorazine, plus sleeping medication.

3           CHAIRMAN IRVING: Who gave you the Thora-  
4 zine, do you know? If it was not a doctor--

5           MISS HUNTER: It was recommended by the  
6 doctor.

7           CHAIRMAN IRVING: It was recommended by  
8 the doctor and was given to you by a guard or a  
9 nurse?

10          MISS HUNTER: No, a male nurse.

11          CHAIRMAN IRVING: A male nurse gave you  
12 the Thorazine? Did he tell you what the purpose  
13 of the Thorazine was?

14          MISS HUNTER: For my nerves.

15          CHAIRMAN IRVING: Now, during the night,  
16 did you ever complain that you needed medical care?

17          MISS HUNTER: Yes.

18          CHAIRMAN IRVING: And what would happen  
19 when you made such a complaint?

20          MISS HUNTER: They told me they was doing  
21 paper work.

22          CHAIRMAN IRVING: I'm sorry?

23          MISS HUNTER: They told me they couldn't  
24 come see me because they were doing paper work.

25          CHAIRMAN IRVING: So your statement, Miss

1 Hunter, is that from the day you were admitted to  
2 the Essex County Jail, mid-December, until you were  
3 taken out, you saw no doctor?

4 MISS HUNTER: No. Only but the nurses.

5 CHAIRMAN IRVING: Did you later find that  
6 you were pregnant?

7 MISS HUNTER: Yes.

8 CHAIRMAN IRVING: And did you come to  
9 the fulfillment of the child development while you  
10 were in the jail?

11 MISS HUNTER: Yes, I was eight months,  
12 and fifteen days pregnant.

13 CHAIRMAN IRVING: All right. Now, what  
14 finally happened, as the pregnancy advanced?

15 I mean to say, were you taken out and  
16 was there a baby delivered?

17 MISS HUNTER: I never had a child before,  
18 so I didn't know, you know, the feeling you got when  
19 you went into labor, because I'm used to, you know,  
20 having pains in my stomach, because I suffer with  
21 female trouble, right, so when I started having  
22 pains, I thought I was having female trouble, so  
23 I started complaining to the officers. So the  
24 officers must have told it to the nurse, and the  
25 nurse brought me down something for pain. That was

1 the first day, right, and then, also, I was getting  
2 my own medication, the sleeping medication and the  
3 Thorazine, right? And then, the second day, I  
4 still was complaining about the pain, and they brought  
5 me down medication, right? Now, they bring me down  
6 all this medication, but I haven't seen no doctor,  
7 but I'm still getting medication, right? So that  
8 third day, when I started bleeding, I called to one  
9 of the girls, right, and then the girl called to  
10 the officer and had the officer to slide my door,  
11 and when they slide my door and they slide a few  
12 more girls' doors, they come in and--

13 CHAIRMAN IRVING: Excuse me, just a minute.  
14 Can you tell me when this was? Was this January?

15 MISS HUNTER: January 14th.

16 CHAIRMAN IRVING: January 14th. Was it  
17 the middle of the night or--

18 MISS HUNTER: Just before bedtime.

19 MISS HOWARD: Just before bedtime.

20 CHAIRMAN IRVING: Before bedtime. Will  
21 you go on, then?

22 MISS HUNTER: Yeah. Well, the night  
23 before then, I had tried to get in contact with  
24 the officer, right, and I kept calling him and calling  
25 him and calling him, and being that I was hurting so

1 bad, I can only but call but so loud, I couldn't  
2 really yell for her to hear me. So the girls called  
3 for me, and when they asked her to come see me, she  
4 told them that she couldn't, because she was doing  
5 paper work. Now, I'm dizzy and getting ready to  
6 fall out, you know, and she going to tell them that  
7 she can't see what's the matter with me because her  
8 paper work is more important, right? So that next  
9 day, that's when I started bleeding, what have you,  
10 right? So when they went to give me some medica-  
11 tion, you know, I refused it, right, and I said I  
12 wanted to see the doctor. So I didn't get the  
13 doctor there by myself, I got the doctor there  
14 through the girls, because they was bitching--they  
15 was--

16 CHAIRMAN IRVING: They were trying to  
17 help you, I take it.

18 MISS HUNTER: Right.

19 CHAIRMAN IRVING: Do I understand you to  
20 say that in order to give you some help, and I'm  
21 not trying to put words in your mouth, that women  
22 were released from other cells; the doors were  
23 open so they could come in and tend to you?

24 MISS HUNTER: Not at first, though.

25 CHAIRMAN IRVING: This was the night of

1 the bleeding?

2 MISS HUNTER: This was after.

3 CHAIRMAN IRVING: The night of the bleed-  
4 ing, they were released, they were allowed to come  
5 in to you?

6 MISS HUNTER: Right.

7 CHAIRMAN IRVING: Now, is your associate  
8 here, Gale Howard, one of the woman who was in a  
9 cell next to you?

10 MISS HUNTER: Yes.

11 CHAIRMAN IRVING: And when the bleeding  
12 began, she was allowed to come in?

13 MISS HUNTER: Yes.

14 CHAIRMAN IRVING: And when Miss Howard came  
15 in, what did you say to her? What did she say to  
16 you?

17 MISS HUNTER: I told her that I was scared,  
18 because I didn't know what was happening to me,  
19 you know. All of a sudden, I'm bleeding, you know.  
20 Then they started banging on the walls, and stuff  
21 and telling the officer to call the doctor, and  
22 they told me that the doctor lives in East Orange  
23 and they couldn't call the doctor, you know?

24 CHAIRMAN IRVING: By "they" you mean  
25 correctional guards?

1 MISS HUNTER: Yeah. Yes.

2 CHAIRMAN IRVING: Now, Miss Hunter, when  
3 Miss Howard came in to attend to you, what did she  
4 say when she saw that you were bleeding, if any-  
5 thing?

6 MISS HUNTER: She said she think I was  
7 having a miscarriage.

8 CHAIRMAN IRVING: She thought you were  
9 having a miscarriage, and did you then tell the  
10 correctional guards you thought you might be having  
11 a miscarriage?

12 MISS HUNTER: I had been telling them  
13 that for seven weeks, that I was pregnant, but they  
14 wouldn't believe me.

15 CHAIRMAN IRVING: All right, then what  
16 happened, when the women began banging on the walls  
17 for attention?

18 MISS HUNTER: Finally, they got her to  
19 call a doctor, right, and when the doctor came  
20 in, that was when I seen him. He came in and he  
21 felt my stomach, and he said, damn it, bitch, you  
22 know, you know, I was going into labor.

23 CHAIRMAN IRVING: Is that what he said:  
24 Damn it, bitch?

25 MISS HUNTER: He called me a bitch.

1 the bleeding?

2 MISS HUNTER: This was after.

3 CHAIRMAN IRVING: The night of the bleed-  
4 ing, they were released, they were allowed to come  
5 in to you?

6 MISS HUNTER: Right.

7 CHAIRMAN IRVING: Now, is your associate  
8 here, Gale Howard, one of the woman who was in a  
9 cell next to you?

10 MISS HUNTER: Yes.

11 CHAIRMAN IRVING: And when the bleeding  
12 began, she was allowed to come in?

13 MISS HUNTER: Yes.

14 CHAIRMAN IRVING: And when Miss Howard came  
15 in, what did you say to her? What did she say to  
16 you?

17 MISS HUNTER: I told her that I was scared,  
18 because I didn't know what was happening to me,  
19 you know. All of a sudden, I'm bleeding, you know.  
20 Then they started banging on the walls, and stuff  
21 and telling the officer to call the doctor, and  
22 they told me that the doctor lives in East Orange  
23 and they couldn't call the doctor, you know?

24 CHAIRMAN IRVING: By "they" you mean  
25 correctional guards?

1                   MISS HUNTER: Yeah. Yes.

2                   CHAIRMAN IRVING: Now, Miss Hunter, when  
3 Miss Howard came in to attend to you, what did she  
4 say when she saw that you were bleeding, if any-  
5 thing?

6                   MISS HUNTER: She said she think I was  
7 having a miscarriage.

8                   CHAIRMAN IRVING: She thought you were  
9 having a miscarriage, and did you then tell the  
10 correctional guards you thought you might be having  
11 a miscarriage?

12                  MISS HUNTER: I had been telling them  
13 that for seven weeks, that I was pregnant, but they  
14 wouldn't believe me.

15                  CHAIRMAN IRVING: All right, then what  
16 happened, when the women began banging on the walls  
17 for attention?

18                  MISS HUNTER: Finally, they got her to  
19 call a doctor, right, and when the doctor came  
20 in, that was when I seen him. He came in and he  
21 felt my stomach, and he said, damn it, bitch, you  
22 know, you know, I was going into labor.

23                  CHAIRMAN IRVING: Is that what he said:  
24 Damn it, bitch?

25                  MISS HUNTER: He called me a bitch.

1 CHAIRMAN IRVING: Did he say anything else  
2 to you?

3 MISS HUNTER: No. Just rushed me to the  
4 hospital.

5 CHAIRMAN IRVING: Do you know who this  
6 doctor was?

7 MISS HUNTER: Doctor Simms.

8 MISS HOWARD: Can I say something?

9 CHAIRMAN IRVING: Well, what I would like  
10 to do, Miss Howard, in order that we be clear, is  
11 ask Miss Hunter, first, to complete her story, then  
12 you may say whatever you want to say.

13 All right. What happened thereafter?  
14 Were you then taken out of the cell?

15 MISS HUNTER: Yes, into the hospital.

16 CHAIRMAN IRVING: All right. And were  
17 you conscious at the time?

18 MISS HUNTER: Yes.

19 CHAIRMAN IRVING: You were aware you were  
20 being taken? What happened at the hospital?

21 MISS HUNTER: I had my baby.

22 CHAIRMAN IRVING: And can you tell us  
23 whether the baby was healthy or was there a problem?

24 MISS HUNTER: As far as I can see, he was  
25 healthy, but the doctor say he was born a day and

1 a half dead.

2 CHAIRMAN IRVING: Miss Howard, would you  
3 like to add something to that?

4 MISS HOWARD: Well, all I can say is that  
5 before we got the attentions of the guard--when we  
6 did get the attentions of the guard, before they  
7 slid the doors for us to come to her aid, right,  
8 we were banging on the wall, we had to yell, this  
9 must have went on for a half hour. She would run  
10 back there and she'd say, I can't do nothing because  
11 there's no doctor here, and so they called the  
12 nurse, right? The nurse--this is before bedtime,  
13 right, and Rosetta had went in her room because her  
14 stomach was hurting, right, and I had told Rosetta  
15 while we was eating, because she couldn't keep  
16 nothing in her stomach, I said, Rosetta, you preg-  
17 nant, and she said, cut it out, you know, because  
18 she used to always talking about having a baby,  
19 and she wanted a baby so bad. So I told her she  
20 was pregnant, and she went into the room and started  
21 having pains, right? So she called out for one of  
22 the girls to call the correction officer to call  
23 a nurse, because her stomach was paining her, but  
24 then, when the nurse did come, he comes down and  
25 he--I helped Rosetta, me and another inmate helped

1 Rosetta out her room into a little room, what they  
2 call a hospital room, or the doctor's examination  
3 office, right across from the tier, and he goes  
4 in there and he give her an injection for pain.  
5 This is the nurse, right? So then she goes, lays  
6 down, and she goes to sleep for awhile. Then she  
7 wakes up again and this is when she finds herself  
8 bleeding. So we're banging again, and you know,  
9 we can't get no attention, so we start yelling  
10 and screaming and stuff. So when the guard comes,  
11 she says, nothing she can do. She said, you might  
12 as well just wait, because she was doing her paper  
13 work, right? So then I told her, I said, well,  
14 slide my door, I'll go in, sit with her until some-  
15 body comes, because the girl is in pain, right?  
16 So she opens the door, and meanwhile, they call a  
17 nurse down again and he give her another injection  
18 for pain, but it doesn't help her none because  
19 she's still hurting, and like she said, the pain  
20 was getting greater and greater. So by this time,  
21 it must be about--let me see, what, the 12 to 8  
22 was on, right? It had to be after 12, because the  
23 12 to 8 shift was on, right? It had to be after  
24 12, because the 12 to 8 shift was on. So by this  
25 time, she was really hurting, and she couldn't go

1 to sleep. So they called the doctor, and it must  
2 have taken him an hour, hour and a half to get there,  
3 and when he came, the statement she made, damn it,  
4 bitch, like that there, and then they took her out  
5 to the hospital, and when we heard the report that  
6 Rosetta had had a baby, everybody was happy, right,  
7 because she always wanted a baby. Then they said  
8 the baby was born dead, you know, and like, I know  
9 it took a lot out of her, and from the hospital,  
10 after all this time, you know, her being laying in  
11 the County Jail, they released her. I guess they  
12 didn't want to feel responsible, you know, for  
13 what happened.

14 CHAIRMAN IRVING: I would like to go into  
15 that in some detail.

16 Miss Hunter, do you recall how it happened--  
17 if you're not composed, we can wait until you are.

18 How did it happen that you were released  
19 from the hospital? Do you remember that?

20 MISS HUNTER: When I was trying to get my  
21 bail back, right, they denied me bail. They told  
22 me I couldn't make bail because I had a warrant.  
23 So when I finally got a bail on the warrant, they  
24 snatched my bail altogether, right? So this way,  
25 I can't get out, right? I have to stay there,

1 right? So after I had lost the baby, I get a  
2 paper saying, that whatever type of bail that I  
3 could make, write them, you know? I mean I--I  
4 was in there, trying to get out, they wouldn't  
5 let me out. They snatched my bail. My mother  
6 had the money to pay for my bail, but they denied  
7 it. Now, after I lost the baby, they going to  
8 send a letter telling me whatever type of bail I  
9 can make, write it, you know, write it down.

10 CHAIRMAN IRVING: This was told to you  
11 at the hospital, was it?

12 MISS HUNTER: Yeah, I got a letter.

13 CHAIRMAN IRVING: ~~That~~ you should pay what-  
14 ever part of the bill, whatever you were able to  
15 pay?

16 MISS HUNTER: No, write down what type of  
17 bail I could make.

18 CHAIRMAN IRVING: Bail, I'm sorry. What  
19 kind of bail you could make?

20 MISS HUNTER: Right.

21 CHAIRMAN IRVING: Was this a person at  
22 the hospital who told you this?

23 MISS HUNTER: No, this was a letter,  
24 County Jail.

25 MISS HOWARD: County Jail.

1           MISS HUNTER: And then I get another  
2 letter for a lawyer, right, and that one of my  
3 possessions had been dropped, right? You got to  
4 go to Court to get a possession dropped. I was in  
5 the hospital. I hadn't went nowhere. I was in the--  
6 all this is happening while I'm in the hospital,  
7 right? So the next time I see a piece of paper,  
8 this man come in with a piece of paper saying, Miss  
9 Hunter? I said yes? He said, would you mind sign-  
10 ing this, I said, if that's a new charge, you can  
11 forget about it. I wasn't going to sign it. And  
12 he said, no, you being released and I tell him,  
13 you know, don't play with me like that, right?  
14 So he said, no, seriously, you being released in  
15 your own recognizance, and I was shocked.

16           CHAIRMAN IRVING: Who was this person?  
17 Was he a doctor?

18           MISS HUNTER: He was a guard, a correction,  
19 a guard there at the Essex County Penitentiary.

20           CHAIRMAN IRVING: He was a guard at the  
21 Essex County Penitentiary?

22           MISS HOWARD: Essex County Jail.

23           CHAIRMAN IRVING: You mean the Essex  
24 County Jail?

25           MISS HUNTER: Jail.

1 CHAIRMAN IRVING: This conversation, however,  
2 occurred at the hospital? You were in the hospital  
3 bed when the guard came to you--

4 MISS HUNTER: Yes.

5 CHAIRMAN IRVING: --with the release form?

6 MISS HUNTER: Yes.

7 CHAIRMAN IRVING: And did you sign the  
8 release?

9 MISS HUNTER: Yes.

10 CHAIRMAN IRVING: Were you given a copy of  
11 that release?

12 MISS HUNTER: No. I just signed it and  
13 that was that.

14 CHAIRMAN IRVING: And did the guard explain  
15 to you how it happened that you were now released  
16 on your own recognizance?

17 MISS HUNTER: No. I asked him, and he  
18 said he didn't know.

19 CHAIRMAN IRVING: He didn't know, and then,  
20 when you were then physically able to, I take it  
21 you just released yourself from the hospital?

22 MISS HUNTER: Two weeks later.

23 CHAIRMAN IRVING: You stayed in the  
24 hospital for two weeks, and then you were released  
25 and were free.

1 MISS HUNTER: Right.

2 CHAIRMAN IRVING: Was there any reason  
3 concerned with your health why it took two weeks  
4 longer for you in the hospital to be released?

5 MISS HUNTER: Well--

6 CHAIRMAN IRVING: If you want to tell us.  
7 If you don't, it's not--

8 MISS HUNTER: I believe it was because  
9 my blood pressure kept going up.

10 CHAIRMAN IRVING: I see. Is there anything  
11 else that you want to tell us about this experience,  
12 or have you told us the full story, as you remember  
13 it?

14 MISS HUNTER: I, myself, believe that the  
15 only reason that they let me go was because maybe  
16 they figured I wouldn't come back to Court, because  
17 normally, when I be out on bail, I jumped bail, and  
18 I consider myself a bad risk to be on bail, because  
19 I don't like to go back to Court, you know, and  
20 this is what I believe, that they had the impression  
21 that I was going to do, not come to Court, and this  
22 is probably why they let me out.

23 CHAIRMAN IRVING: All right, thank you.

24 Miss Howard, do you have anything to add to  
25 this story?

1                   MISS HOWARD: About the jail?

2                   CHAIRMAN IRVING: Well, at the moment,  
3 we are just talking about the whole experience  
4 Miss Hunter had, first at the jail and then at  
5 the hospital, concerning the birth of the baby.

6                   MISS HOWARD: Well, all I can say is that  
7 I feel as though they're at fault, that a child is  
8 dead. I really do, due to the fact that, what you  
9 call it, malpractice? Injecting a woman without  
10 even an examination. They didn't even examine the  
11 woman, and when she complained about pains, anytime  
12 you complained about a pain, all they wanted to  
13 do is throw an aspirin in your mouth, you under-  
14 stand? When she took her medication and wouldn't  
15 stay down on her stomach, and half the time, they  
16 want to keep you all zombied up so you don't know  
17 what's going on, you know? I don't take no medi-  
18 cation, you know? I don't believe in that there.  
19 They not going to get me under that thing, you  
20 know. But what happened in this incident here,  
21 you know, I think it's just a disgrace, really.

22                   MISS HUNTER: If they had some kind of  
23 system there, like, not only me being pregnant,  
24 but a girl can come in there with syphilis, gonor-  
25 rhea, she can have spasm attacks or whatever, you

1 know, she can have high blood pressure, they  
2 wouldn't even know this, because they don't take  
3 no kind of physical examination of you at all.  
4 At all.

5 MISS HOWARD: You know what? When you  
6 come in the jail, they take you downstairs, they  
7 take your clothes off, give you a uniform. They got  
8 a piece of paper, diabetes, rabies, syphilis,  
9 gonorrhea and they ask you, do you have this, do  
10 you have this? Most people who have it don't know  
11 what it is, so evidently, they going to say no.  
12 You know? So they put a big cross and you just  
13 sign the bottom of it, and then they ask you, are  
14 you going through withdrawals? Like anybody can  
15 come in there and say--you don't even have to be  
16 a drug addict, and say, yeah, I'm going through  
17 withdrawals, you know? They really don't know how  
18 a drug addict actually look going through withdraw-  
19 als, and it's just a--it's just negligence on their  
20 part.

21 CHAIRMAN IRVING: Do I understand it, does  
22 the Commission understand that all of the story  
23 that you've told us about occurred in December of  
24 1973 and early January of 1974, at the Essex County  
25 Jail--

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MISS HUNTER: Yes.

CHAIRMAN IRVING: --except for the time that you were taken to Martland Hospital?

MISS HUNTER: Yes.

CHAIRMAN IRVING: Miss Hunter, are you pursuing, with PROD, an exploration of your legal rights?

MISS HUNTER: Yes.

CHAIRMAN IRVING: All right, thank you.

Does any member of the Commission have any questions?

Mrs. Hicks, first.

COMMISSIONER HICKS: Mrs. Hunter, when you were taken to the hospital, how many guards were assigned to guard you? Did they sign a guard there with you, or corrections officer?

MISS HUNTER: One.

COMMISSIONER HICKS: Were there other inmates in that particular wing of the hospital?

MISS HUNTER: Yes, there was, yes.

COMMISSIONER HICKS: Were there additional guards?

MISS HUNTER: No, just one.

COMMISSIONER HICKS: Thank you.

COMMISSIONER DE MARINO: Is that guard a

1 male or female?

2 MISS HUNTER: Female.

3 COMMISSIONER DE MARINO: And the time  
4 you were talking about, when you were having these  
5 pains, and you were at the jail; were they all female  
6 guards that you were talking to?

7 MISS HUNTER: No. Male and female.

8 COMMISSIONER DE MARINO: Male and female?

9 MISS HUNTER: Male nurses and female  
10 officers.

11 COMMISSIONER DE MARINO: All right, and  
12 you complained about these pains, prior to having  
13 the discharge of blood, to male and female person-  
14 ell?

15 MISS HUNTER: Yes.

16 COMMISSIONER DE MARINO: I see. You,  
17 I believe it's Miss Howard, you were there when  
18 the doctor made the statement calling her a damn  
19 bitch, am I correct?

20 MISS HUNTER: The officer was there, too.

21 MISS HOWARD: I was there through the whole  
22 thing.

23 COMMISSIONER DE MARINO: All right. Were  
24 either of you ever given any methadone while you  
25 were there?

1 MISS HOWARD: No, I wasn't.

2 MISS HUNTER: No.

3 COMMISSIONER DE MARINO: You don't have to  
4 answer this, it's just for my knowledge, and if you  
5 wish, if the question embarrasses you, just don't  
6 answer.

7 Were any indecent acts brought against  
8 either of you girls while you were there at the  
9 jail?

10 MISS HUNTER: No.

11 MISS HOWARD: What you--no.

12 COMMISSIONER DE MARINO: Thank you.

13 CHAIRMAN IRVING: Mr. Cornblatt?

14 COMMISSIONER CORNB�ATT: Miss Hunter,  
15 when did you go to Martland Hospital? When was  
16 it?

17 MISS HUNTER: February 14th.

18 COMMISSIONER CORNB�ATT: And you'd been  
19 in the jail at that time since December--

20 MISS HUNTER: You said Martland Medical  
21 Hospital?

22 COMMISSIONER CORNB�ATT: The hospital, yes.

23 MISS HUNTER: February 14th.

24 COMMISSIONER CORNB�ATT: And the incident  
25 occurred shortly after you got to the hospital, is

1 that so, and you'd been at the hospital at that  
2 time for two months, is that correct? You came in  
3 around December 14th, 1973?

4 MISS HUNTER: No, no, no. I wasn't in  
5 the hospital for two months.

6 COMMISSIONER CORNBLATT: I'm sorry, in the  
7 jail.

8 MISS HUNTER: I was in Essex County Jail  
9 for a month and two weeks, and I was in the hospital  
10 for, say, around 14 days.

11 MISS HOWARD: You went to the hospital in  
12 January. He said February.

13 COMMISSIONER CORNBLATT: You went to  
14 the Martland Hospital on February 14?

15 MISS HUNTER: No, January. Martin Luther  
16 King's birthday was January 15. That's the day I  
17 had my baby.

18 COMMISSIONER CORNBLATT: And on January  
19 14th of 1974, you went to the hospital, which was  
20 about a month after you'd been admitted to the  
21 Essex County Jail, is that so? Possibly six weeks?

22 MISS HUNTER: Around six weeks.

23 COMMISSIONER CORNBLATT: Possibly six  
24 weeks, you'd indicated before, that you had spent  
25 in jail. When was the last time you'd seen a

1 doctor before you went to the jail?

2 MISS HUNTER: Well, me and my parole officer  
3 had made an appointment to Martland Medical Center,  
4 to the pediatrics ward--

5 COMMISSIONER CORNBLATT: Pediatrics?

6 MISS HUNTER: Well, whatever you call it,  
7 where you go to find out if you're pregnant or not,  
8 and I don't know the name of it, but we went there.  
9 The first time we went there, and we sat for around  
10 8:00 in the morning--no, 9:00 in the morning, to  
11 something to four, and we couldn't get in.

12 COMMISSIONER CORNBLATT: This was when,  
13 now? About when was this?

14 MISS HUNTER: This was before I got  
15 arrested, around two weeks before I got arrested.

16 COMMISSIONER CORNBLATT: Would that have  
17 been about the beginning, then, of December of  
18 1973?

19 MISS HUNTER: Around the beginning of it.

20 COMMISSIONER CORNBLATT: You went to  
21 the clinic with your parole officer?

22 MISS HUNTER: Yes.

23 COMMISSIONER CORNBLATT: Did you have  
24 an appointment?

25 MISS HUNTER: Yes.

1 COMMISSIONER CORNBLATT: Did you see  
2 the doctor at all on that occasion?

3 MISS HUNTER: No.

4 COMMISSIONER CORNBLATT: When prior than--  
5 when had you last seen a doctor?

6 MISS HUNTER: I hadn't seen one.

7 COMMISSIONER CORNBLATT: Well, had you seen  
8 a doctor in the preceding twelve months?

9 MISS HUNTER: Before--what?

10 COMMISSIONER CORNBLATT: Going back 12  
11 months before you were arrested, had you seen a  
12 doctor at all?

13 MISS HUNTER: Yes.

14 COMMISSIONER CORNBLATT: When?

15 MISS HUNTER: March--I think it was  
16 March 16th, I think.

17 COMMISSIONER CORNBLATT: Of what year?

18 MISS HUNTER: In '73.

19 COMMISSIONER CORNBLATT: And what doctor  
20 was that?

21 MISS HUNTER: I don't know his name.

22 COMMISSIONER CORNBLATT: Where did you  
23 see him?

24 MISS HUNTER: Martland Medical Center.

25 COMMISSIONER CORNBLATT: I have nothing

1 further.

2 CHAIRMAN IRVING: I think, now, what we  
3 would like to do, Miss Mosston, can you give the  
4 Commission now, some corroborating evidence from  
5 Martland Hospital, verifying the stillborn delivery?

6 MISS MOSSTON: If I have Miss Hunter's  
7 permission to show them to the Commission.

8 I have your records here from Martland  
9 Medical Center. Is it all right to show them to  
10 the Commission?

11 MISS HUNTER: It's all right.

12 CHAIRMAN IRVING: Miss Hunter, I want  
13 you to understand what we're doing. We're obtaining  
14 your permission to see your medical records from  
15 Martland, to see if the records support your  
16 story, and I take it your agreeable?

17 MISS HUNTER: Support my story that I  
18 had a baby?

19 CHAIRMAN IRVING: Yes.

20 MISS HUNTER: Okay.

21 CHAIRMAN IRVING: It's difficult to  
22 perceive how lawyer's work. But the most we know  
23 about this, the better.

24 MISS MOSSTON: I have here the medical  
25 records. As you see here, Miss Hunter's name, the

1 bill--

2 CHAIRMAN IRVING: May I offer it to the--  
3 I have been presented by Miss Mosston with a  
4 series of stapled papers, which are identified,  
5 upper left hand corner, "College of Medicine and  
6 Dentistry of New Jersey, Newark, New Jersey, Admis-  
7 sion and Discharge Record." To the right of that  
8 appears, "Specimen of Patient's Signature, Rosetta  
9 Hunter." The resident's signature is dated 1/24/1974.  
10 This is identified further as medical records copy.  
11 It appears to be a true copy of records of the  
12 Martland Medical Center.

13 All right, then. Would you please tell  
14 the Commission and the people who are here what  
15 this indicates?

16 MISS MOSSTON: Well, first, it identifies  
17 her as a current resident of Essex County Jail in  
18 that, in the portion which it says, send bill,  
19 they give her home address, her residence and so  
20 on. It says, send bill to Rosetta Hunter, and it  
21 has a rubber stamp which has Essex County Jail,  
22 New Jersey.

23 Okay. It describes an instantaneous  
24 pregnancy, delivered stillborn male; abruptio pla-  
25 centae, which is a condition which our doctor has

1 analyzed, and it's a parting, a breaking of the  
2 placental wall from the uterus. It was described,  
3 normal vaginal delivery, and it further explains  
4 that the child had been dead in uterus for more  
5 than a day.

6 CHAIRMAN IRVING: Could you read us the  
7 exact language, not only in terms of the stillborn,  
8 but your last reference.

9 MISS MOSSTON: It says--I can give you the  
10 first--I just finished going through these papers,  
11 and the handwritings are something else.

12 The diagnosis says: "Intrauterine pregnancy  
13 delivered stillborn male," and then it says, "Abrup-  
14 tio placentae.

15 CHAIRMAN IRVING: Is there any date for  
16 that delivery?

17 MISS MOSSTON: There is, later on.  
18 It describes the procedures again, repeating, "De-  
19 livered stillborn male for abruptio placentae; brought  
20 by ambulance; stating that she has adominal pain  
21 and vaginal bleeding," and, signed on the bottom  
22 of this page, "clothing brought home by friend",  
23 and signed "Officer C. MyKalo, I think from, I  
24 presume, a corrections guard.

25 Here we have notes and comments, and

1 additional comments. "Admission". It says, in  
2 one place, "Seven months pregnant" and in another  
3 place, it says here, "eight months pregnant." I  
4 must say, there is discrepancy in their records.  
5 It says, "No previous medical problems except  
6 drug addiction. Sent here for abdominal pain and  
7 vaginal bleeding in the jail this early morning"--  
8 and that's it. Initially, I assume, by a physician.

9 We have here, 2/15/74, labor began 12:00  
10 a.m.--I'm sorry, "January 15, 1974, began dilation  
11 11:45 a.m.; born January 15, 1974; 12:02 p.m.,  
12 placenta delivered; 12:08, bleeding started. The  
13 entire procedure, they defined as follows: eleven  
14 hours minimum, the first stage of pregnancy; seven-  
15 teen minutes, the second stage; six minutes, the  
16 third stage; eleven hours, twenty-three minutes  
17 total labor, and then they say seven hours 02 rup-  
18 tured membranes. Now, that, to me, as a woman who  
19 has given birth, once that membrane ruptures, you're  
20 in labor. In a labor where there's a --and our  
21 doctor supports this--where the child is in critical  
22 condition, once the amniotic fluid drains from a  
23 pierced placenta, that child is literally suffoca-  
24 ting to death if he is not removed. Again, he  
25 told us that that is a baby who would have lived if

1 it had not been dried out in utero through this  
2 seven hour period after the membrane ruptured.

3 CHAIRMAN IRVING: Is there anything else  
4 that's pertinent in the statement that will be-  
5 come part of the record, so we can study it in  
6 detail later?

7 MISS MOSSTON: Yes, you will have all  
8 of this.

9 Again, the gentleman has asked me to  
10 obtain your permission to give the Commission  
11 the total hospital record. I would ask you, Miss  
12 Hunter, for your specific permission, if I may  
13 give them a copy of your medical record, to keep  
14 for review by the Commission.

15 MISS HUNTER: Okay.

16 MISS MOSSTON: I think you will find more  
17 corroboration as to the duration of time and so  
18 forth. The handwriting is difficult, but it's  
19 legible and supports, clearly, Miss Hunter's state-  
20 ment.

21 Let me say to you, also, about using  
22 Miss Hunter's own words, she considers herself a  
23 poor bail risk, and the fact is that Miss Hunter  
24 came to us a day before she was due to go back to  
25 be sentenced, where she was ultimately sentenced to

1 Clinton Reformatory, where she is now. Those  
2 last days, she had a freedom which is literally--  
3 she knew very well where she was going. She told  
4 us, you can reach me at Clinton. She did not jump.  
5 I mean, the pain and suffering that she endured,  
6 as a woman, as a human being was such that she  
7 didn't do what she may have done in the past.

8 MISS HUNTER: Right.

9 MISS MOSSTON: She didn't jump. She  
10 said, okay, I'm going to take care of this, and  
11 that's what she did do and went to Court the next  
12 day, and now she's here.

13 HEARING OFFICER GINSBERG: I'm going to  
14 mark this as Exhibit-4 for the record.

15 CHAIRMAN IRVING: If there are no more  
16 questions, Miss Hunter and Miss Howard, I do want  
17 to thank you on behalf of the Commission, on be-  
18 half of the State of New Jersey, to thank you  
19 both for coming, and also to thank the guard who  
20 came with you from Clinton for coming down, and  
21 we wish you the best.

22 (Witness excused.)

23 CHAIRMAN IRVING: Is Mr. Philip Showell  
24 in the audience?

25 Yes. May I mention to the members of

1 the Commission and to those that are in the aud-  
2 ience, that Mr. Showell has asked to talk to us  
3 this morning because of a scheduled conflict, and  
4 we've agreed to allow him to do that. I know that  
5 Mr. Showell is conscious of our enormous time  
6 problem. We hope to be able to get back to you  
7 many times, as the Commission meets outside of  
8 the public hearings.

9 Before I introduce you, sir, let me  
10 explain to those others who want to testify that  
11 we will try to get to all of you today. We will  
12 not be able to get to anyone else until after  
13 the luncheon period. Immediately following luncheon,  
14 we have the officials from the Essex County Correc-  
15 tional Center, and we've assured them that they can  
16 talk immediately after luncheon. There are two  
17 inmates from the Essex County Correctional Center  
18 that will talk and then we will try to get everybody  
19 else in who has indicated to our good secretary  
20 here on our extreme right, Mr. Cook, that he wants  
21 to speak or that she wants to speak today.

22 All right. Mr. Showell, would you identify  
23 yourself?

24 MR. PHILIP SHOWELL: Yes. My name is  
25 Philip Showell. I am Executive Director of the

1 New Jersey Association of Corrections, which is  
2 located in New Brunswick.

3 I will be brief, and I want to thank you  
4 for adjusting your schedule to help me to adjust  
5 mine, and I'm afraid what I have to say is going to  
6 seem to be somewhat other-worldly from what I've  
7 heard this morning and what I learned of the  
8 testimony last week.

9 I want to commend the Commission and express  
10 our complete confidence in your ability to elicit  
11 the facts and circumstances of jail administration  
12 and county penal administration in this and any  
13 other county. The data is there for you to con-  
14 sider. My concern is that in the midst of all this,  
15 we get very much involved, as the Commission needs  
16 to, to build a strong set of recommendations for  
17 better county penal administration. On the other-  
18 hand, in getting embroiled heavily with what is,  
19 we may tend to forget that we have additional  
20 problems ahead of us in designing what ought to be.

21 We have some current conditions that  
22 clearly need substantial remedying, and I want to  
23 propose one suggestion that I think will offer  
24 a fundamental beginning point. I don't think you  
25 can ignore, certainly, anything that has been

1 developed here this morning. On the otherhand,  
2 if we tend to look at the county correctional  
3 system, or the county penal system as simply being  
4 comprised of county jail, the county penitentiary,  
5 the youth house, and the children's shelter, we've  
6 ignored, particularly in Essex County, a tremendous  
7 number of elements that should and must be properly  
8 considered to be part of a correctional system.  
9 These programs run all the way, and I'll just mention  
10 a few, and I'm sure you're aware of many of them.  
11 Juvenile programs, Alternatives to Conventional  
12 Incarceration; Victory House; Vindicate Society;  
13 programs operated out of the Y.M. and Y.W.C.A.s  
14 in Essex County. We have, in addition, on the adult  
15 side, Newark Defendant Employment Project, a pre-  
16 trial intervention project that has been operating  
17 for about three years in Essex County; we have  
18 volunteers and probation programs; we have a man-  
19 to-man, women-to-women volunteer sponsor program.  
20 These are funded, all of them, with a combination  
21 of tax and private funding, but have a tie through  
22 the County Board of Freeholders. So we have a vast,  
23 really quite a substantial array of new kinds of  
24 programs to provide alternatives to incarceration,  
25 to provide opportunity for law enforcement and

1 prosecution authorities to assist certain kinds of  
2 offenders, suspend prosecution and place them in  
3 community treatment or rehabilitation programs.

4 We have, in Essex County, a peculiarly  
5 balkanized corrections system, even if we take the  
6 conventional view of it as being comprised of  
7 county jail, county penitentiary, and youth house  
8 and shelter. The administration of the county  
9 penitentiary in North Caldwell, the corrections  
10 center at Caldwell is under an acting warden.

11 I can further elucidate on that from hearing from  
12 Arthur Magnusson, this afternoon, who reports  
13 directly to the County Board of Freeholders. You  
14 have the Essex County Jail, which reports to the  
15 Sheriff's Office. You have the Youth House, which  
16 is responsible to a Board of Trustees appointed by  
17 the Freeholders.

18 Now, as we move on and look ahead to  
19 some of the things that are going to be happening  
20 that will, in terms of sentencing and legislation,  
21 have a profound effect upon who goes to a County  
22 institution, be it detention or for sentencing, to  
23 fulfil a sentence requirement, you have changes  
24 in sentencing that may come about, changes that  
25 will allow for diversions of certain kinds of

1 offenders--Bill number A-1075 is now in the assembly  
2 which would provide prosecutors the discretion to  
3 divert certain kinds of first offenders to treat-  
4 ment programs in the community. You have another  
5 bill, A-613, which would provide for medical rather  
6 than penal treatment of drunkenness offenders, and  
7 that's just to suggest a few of the kinds of things  
8 that will be moving toward fulfillment as the  
9 Commission addresses itself and hopefully brings  
10 some remedy to some of the day to day problems in  
11 the institutions, as they exist.

12 Now, we've got a balkanized system; we've  
13 certainly got a politicized system, top to bottom  
14 and inside out, and how we expect to address the  
15 kind of problems that Miss Hunter just laid out  
16 for us, again, the kind of situation that pertains  
17 to job security and political pressures that are  
18 exerted upon the people who are meant to have  
19 a proper, humane custodian care of these inmates  
20 is beyond me. So that one simple kind of recommenda-  
21 tion that is simple to make and politically diffi-  
22 cult to achieve, I would nonetheless like to  
23 recommend at this point and maybe again and again  
24 and again to the Commission, as you work your way  
25 forward, is simply to recommend that in the State of

1 New Jersey, we place all county correctional respon-  
2 sibility in the hands of a County Department of  
3 Corrections, staffed by professionals with a five  
4 year Civil Service term that will span any change  
5 in political office by sheriff, freeholder, or  
6 whomever. I think until you do that, you simply  
7 will not have the kind of professional focus in  
8 any one of these institutions that will enable them  
9 to make proper relationships between alternative,  
10 diversionary programs, the courts, institutional  
11 kinds of relationships that often can and should  
12 be made in dealing with detentions, bail or parole  
13 revocation and so forth. I think until we move to  
14 this kind of approach and to begin to take our  
15 responsibilities in the corrections area seriously,  
16 both in terms of the inmates in the care of the  
17 State--and in this regard, the County is an arm of  
18 the State, since all of these people are being sen-  
19 tenced under State Statutes--I think money is going  
20 to be wasted, lives, literally, as we have heard,  
21 are going to be wasted; people working in institutions  
22 are going to suffer from low morale, a lack of ful-  
23 fillment or any kind of completeness in a sense of  
24 doing a job for which they were hired.

25 Now, that's really all I wanted to say.

1 It's kind of a basic recommendation that's easy  
2 to make. It is underway in Morris County, it has  
3 been done in Mercer County; Atlantic County has  
4 addressed that issue. I think it should be addressed  
5 statewide, and I think you may find, as you  
6 proceed to hearings in other counties, that similar  
7 kinds of conditions, similar kinds of bulkanization  
8 and political influence in the running of these  
9 institutions is endemic. It may be at its highest  
10 level here. It is evident in most other counties.

11 I'd just like to say one other thing,  
12 because we are a citizens' association, and it may  
13 sound gratuitous--the question of a Grand Jury  
14 investigation of conditions at the County Jail,  
15 which I happen to think is appropriate, and I'm  
16 sure I can speak for the association on that, as  
17 not really been fully resolved. At least, I'm  
18 not aware that it has. Nonetheless, and this may  
19 be gratuitous, I would certainly like to urge upon  
20 this Commission, when they have completed the  
21 review, particularly not only the testimony that  
22 I heard today, but of testimony that was offered  
23 and evidence that was offered last week, I would  
24 hope that that testimony in evidence, once you have  
25 had a chance to review it, will be submitted to the

1 Essex County Prosecutor, whether or not his office  
2 has determined to begin a Grand Jury investigation,  
3 because if he does not understand the need for such  
4 an investigation now, he may better understand it  
5 when he has had a chance to personally review  
6 your testimony and evidence.

7 CHAIRMAN IRVING: Mr. Showell, I have just  
8 one question I'd like to propose to you. The  
9 mandate to the Commission tells us to look at  
10 State-County relationships. Now, as I understand  
11 at the moment, New Jersey has three employees, three  
12 State employees in Institutions and Agencies who  
13 periodically will come in and inspect the jail and  
14 correctional center, but as I understand it, there's  
15 not the staff capability, nor is there any specific  
16 authority to move beyond that, and I have--

17 MR. SHOWELL: That's true.

18 CHAIRMAN IRVING: And I want to sketch off  
19 of you, very, very briefly, some of what I myself  
20 have been thinking of--and I speak only for myself--  
21 that is, I would raise the question and ask you  
22 to answer whether the State doesn't have a role,  
23 and, indeed, a responsibility to do more than peri-  
24 odically inspect, and if so, what followup do you  
25 see that we perhaps ought to recommend, in terms of

1 an active and continuing role by the State in its  
2 relationship with the County.

3 MR. SHOWELL: I think you have the oppor-  
4 tunity--and again, this is easy to lay upon you  
5 and difficult for you and the Commission and its  
6 staff to perhaps produce--I think you have the oppor-  
7 tunity, because I do agree with you that the State has  
8 a far greater responsibility up to and conceivably  
9 including the very difficult question about a  
10 State takeover, completely, of county correctional  
11 facilities. Nonetheless, it seems to me that this  
12 Commission has both the opportunity and conceivably  
13 the obligation, because of the opportunities presen-  
14 ted by the testimony you're hearing, to develop  
15 appropriate standards for both administration, in-  
16 mates' rights and responsibilities, guards' rights  
17 and responsibilities, administrative guidelines,  
18 without adherence to which, a county institution  
19 could, in fact, be subject to closure or takeover  
20 on a temporary basis until such standards were  
21 met. Now, clearly, the Division of Correction  
22 and Parole, in providing three staff members to run  
23 their clipboard checks and file reports that vary  
24 greatly in detail, only to have those reports  
25 addressed as a given administrator may choose, filed

1 when he chooses, and just flagrantly and publicly  
2 torn up, as has happened in some South Jersey  
3 Counties, I think is outrageous. So that I  
4 think that you do have that opportunity. Their  
5 existing model standards for rights of inmates,  
6 they do not exist; I haven't seen any model stan-  
7 dards that I'm aware of that would spell out rights  
8 and responsibilities of the custodial staff, and I  
9 think that is most appropriate, because there's  
10 one thing that's true, and I think it's clear, even,  
11 again, from the testimony this morning--if you're in  
12 the jail as an inmate, or if you're in there as a  
13 member of the staff, to a certain extent, everybody  
14 is in jail, and the same thing is true as to the  
15 penitentiary and the youth house; they're all living  
16 under a high pressure environment that needs some  
17 clarification as to who has what right and who has  
18 what duty, and everybody inside should know. The  
19 inmates should know what the guards' rights and  
20 responsibilities are, as well as the guards know-  
21 ing what the inmates' rights and responsibilities  
22 are. As a matter of fact, it would be ideal if  
23 you could sit them all down in small groups to-  
24 gether to review those periodically, and whereafter,  
25 the same thing on the State level, too.

1 CHAIRMAN IRVING: May I see if there are  
2 any more questions? Mrs. Hicks?

3 COMMISSIONER HICKS: No.

4 CHAIRMAN IRVING: All right. Warden  
5 Brown?

6 COMMISSIONER BROWN: Mr. Showell, did I  
7 understand you correctly when you stated that you  
8 are recommending a State takeover of the County  
9 institutions? Is that one of your recommendations?

10 MR. SHOWELL: That was not my recommendation,  
11 No. I'm aware that many people expect that that is  
12 one of the issues that would be before this  
13 Commission. I happen to think that while a greater  
14 State role and financial responsibility is appropriate here, I am not yet persuaded, because of  
15 some problems in shifting of responsibility and  
16 the nature of correction establishments at the  
17 State level, whether, within your time frame,  
18 that question could be addressed. I think there  
19 is a great deal of logic of law and proper administration to suggest that it would be appropriate;  
20 on the otherhand, I'm trying to be a political  
21 realist, too, and with the Botter implementation  
22 for us--and that's no reason for you not to  
23 recommend it as a condition. If you approve, it  
24  
25

1 just simply begins with one of a number of competing  
2 priorities. I think we do have some severe locations  
3 here that are, at best, imminent: When Trenton State  
4 Prison has recently been full up and bulging--I  
5 think I know, because I was in Al Gray's office when  
6 Sheriff De Marino was appealing that sort of closed,  
7 bar-the-door injection from the State Prison. Clear-  
8 ly, there are difficulties that obtain here in the  
9 transferring of inmates from a hold status to the  
10 State Prison, and vice-versa, and although, in terms  
11 of inmates, who are qualified for work release, who  
12 will be released, for instance, to either Middlesex  
13 County or to your County, conceivably down the  
14 road, it would be more appropriate that that in-  
15 mate from a State institution actually be placed  
16 under custody at the County level where he's closer  
17 to his home community. There are questions like  
18 that, as we move more toward a community-based  
19 approach--not fast enough to suit me, but we are  
20 moving that way--that strongly suggest, at least  
21 administratively, that there might be some very  
22 positive gains here.

23 COMMISSIONER BROWN: Well then, actually,  
24 your answer was quite lengthy and went into a bit  
25 of detail, but in essence, what you're actually

1 saying, at this particular point in time, now is  
2 not the time for the State to take it over.

3 MR. SHOWELL: No, I'm saying that I think  
4 it has to be very carefully examined, and I don't  
5 know, within the short time frame that you have  
6 set for yourself, whether such complexities as I  
7 was addressing could be adequately dealt with.  
8 I think even apart from that, though, just in the  
9 structure of State Government, and just by following  
10 good rules of administration, the same arguments  
11 that apply for State takeover of courts at the  
12 County level, I think, are applicable. Since County  
13 jails, at least, serve those same courts, may of  
14 those same arguments on a basic political level,  
15 you've still got to attain.

16 COMMISSIONER BROWN: Your answer still is,  
17 you know, it's still a little ambiguous. My ques-  
18 tion and your answer was probably not meant to be  
19 as detailed as you related. I kind of wonder if--  
20 and you've been around a bit, you know the score--  
21 I'm wondering if you really, truly feel--and you  
22 have to give a personal opinion on this--that the  
23 State is any better off than some of the testimony  
24 we've heard today; that the same deficiencies aren't  
25 applied in some of the State jobs, in relation to

1 correction--not only in correction, but in other  
2 areas, where there's ticket selling and where there's  
3 people asked to make corrections, and where people  
4 are appointed on a temporary basis in State Govern-  
5 ment. My question, in leading up to the ground  
6 work of this, is, actually, is the State any better  
7 off than any of the County systems we've spoken  
8 about?

9 MR. SHOWELL: Yes, in some respects, I  
10 think I'd have to say that some of the State institu-  
11 tions--for instance, as bad as medical attention is  
12 at Trenton State Prison, I can't conceive --or at  
13 Clinton--the New Jersey College of Medicine and  
14 Dentistry made a survey over a year ago that wrapped  
15 it up very simply by declaring that the medical  
16 and psychological services available in the State  
17 system were deplorable, and that wrapped up a lot.  
18 Now, I think in terms of administration, I think  
19 there's a higher degree of professionalism, which  
20 doesn't mean that I or the association agrees with  
21 everything that's done by way of administration;  
22 I think there are qualifications, I think there is  
23 less manipulation of both political appointment and  
24 Civil Service game playing in the staffing, which  
25 is not to say I think the State has a well quali-

1 fied, top notch administrative capacity in the  
2 operation of their institutions. I don't believe  
3 that you will find the degree of political influ-  
4 ence, the degree and number of temporary appoint-  
5 ments, the total absence of appropriate training.  
6 I think they're a little bit better off. I wouldn't  
7 say one is as bad as the other, no.

8 COMMISSIONER BROWN: All right, thank  
9 you.

10 CHAIRMAN IRVING: Sheriff?

11 COMMISSIONER DE MARINO: I only have  
12 two or three questions, and perhaps I may offend  
13 some of my colleagues throughout the State, and  
14 with all due respects to my friend, the warden,  
15 next to me, it would seem to me I would have to  
16 agree to the statement made that institutions,  
17 whether they be on the lower level or the State  
18 level, must be removed from the political author-  
19 ities, whether it be sheriffs, freeholders, unless--  
20 and this is what happens--we tend to try to get  
21 somebody within that field with any experience.  
22 Unless we can, and that's pot luck at best, unless  
23 we get people within these institutions that are  
24 well trained and well educated within the field  
25 of penalogy, but the system, as it stands today,

1 I know even in my own county, fortunately enough,  
2 I was brought up through the ranks of police work,  
3 public defender and prosecution and sheriff; however,  
4 I am far from an authority, and the jail responsi-  
5 bility, I live with practically fourteen to sixteen  
6 hours a day, and it seems to me that unless we strike  
7 out somewhere on all levels, and on all levels, I'm  
8 not only talking about the county level, I'm talking  
9 about the political appointments of institutions  
10 and agencies by political people, rather than  
11 people of penalogy backgrounds or educational back-  
12 grounds, or backgrounds along the fields of correc-  
13 tions, and thank God for the experience of men like  
14 Art Brown, who is serving here on this Commission,  
15 and those throughout the State, that we're holding  
16 together a system that's so antiquated by shoe-  
17 strings, just by the fact that there are some  
18 people within the system that are hanging on with  
19 all odds against them. However, I'm going to have  
20 to disagree with the State takeover at this time,  
21 certainly, because if you looked at Trenton, Rah-  
22 way, or any of our State institutions, anything  
23 you heard here is not different, not new, no more,  
24 no less on the State level. I believe that the  
25 State institutions perhaps, even go two steps

1 beyond what you would possibly see on a county  
2 level, as far as indecent acts performed on inmates,  
3 either by inmates or by correctional officers upon  
4 inmates, or acts of violence, or bodily harm, I  
5 should say.

6 However, if I may, you mentioned that  
7 the bill--is it Senate Bill 614?

8 MR. SHOWELL: Bill 1075, Prosecutor's  
9 Discretion.

10 COMMISSIONER DE MARINO: I would like  
11 Carl Moore, who is here now, can you record that,  
12 Carl, that number at least?

13 COMMISSIONER BROWN: Is that the Assembly?

14 MR. SHOWELL: I believe it's in Tom  
15 Deverin's committee.

16 MR. CARL MOORE: All right.

17 MR. SHOWELL: A-1075, Prosecutor's Dis-  
18 cretion Bill.

19 COMMISSIONER DE MARINO: Carl, would you  
20 get copies of those and see that we get copies of  
21 them so that we have the benefit of the bills that  
22 are already active?

23 I said earlier, just to jump back and  
24 forth, I wanted to get these numbers correct about  
25 the State takeover. However, I do agree, whether

1 you agree with me or not, that on a State level or  
2 even County institutions on a County level, one of  
3 the perhaps biggest problems we have that there is  
4 not a uniform set of rules and regulations that  
5 can apply clear across the State. I don't, that  
6 we should have 21 different--I believe that the  
7 institutions should stay there on a County level,  
8 where most of your inmates are housed or live,  
9 or lived most of their lives. However, I believe  
10 that, administratively, there should be a set of  
11 rules for education of all corrections officers,  
12 whether they work on a County or State level; also,  
13 a set of rules clear across the State setting up  
14 educational programs both for the inmate and for  
15 the correction personnel, and the educational facil-  
16 ities must be set up clear across the State.

17 That's the only comments I want to make.

18 CHAIRMAN IRVING: Mr. Cornblatt, do you  
19 have any questions?

20 COMMISSIONER CORNBLETT: Very, very briefly:  
21 Mr. Showell, is your full time occupation the Execu-  
22 tive Director of the New Jersey Association of  
23 Corrections?

24 MR. SHOWELL: It is.

25 COMMISSIONER CORNBLETT: What is the

1 membership of this association?

2 MR. SHOWELL: Approximately 500.

3 COMMISSIONER CORNBLATT: And what is  
4 your background, training and experience to be  
5 its Executive Director, or to make recommendations  
6 to this Commission?

7 MR. SHOWELL: Judicial reporting for ten  
8 years, much of it in the criminal justice area.  
9 Graduate study in the area--

10 COMMISSIONER CORNBLATT: Where?

11 MR. SHOWELL: Woodrow Wilson School, at  
12 Princeton.

13 COMMISSIONER CORNBLATT: For how long?

14 MR. SHOWELL: A year.

15 COMMISSIONER CORNBLATT: All right.

16 MR. SHOWELL: And picking up again, now,  
17 I am currently studying there. And beyond that,  
18 involvement in juvenile justice programs here in  
19 Essex County, a couple of which I have set up,  
20 and frankly, I have no degrees in criminology; I  
21 don't pretend to expertise. It's a case of trying  
22 to assemble data and apply common sense with the  
23 assistance of a Board and Executive Committee that  
24 is comprised of people from various elements of  
25 the correctional system, County, State, and lawyers

1 and ex-inmates.

2 COMMISSIONER CORNBLATT: I have no further  
3 questions.

4 CHAIRMAN IRVING: All right. It is now  
5 ten minutes to one. We will reconvene as close to  
6 2:00 as we possibly can.

7 Thank you, Mr. Showell, very much.

8 (Recess for luncheon.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CHAIRMAN IRVING: Let us go back on the  
2 record. We're reconvening the second day of public  
3 hearing of the County Penal System Study Commission,  
4 which is a Commission created by the State to look  
5 officially at the status of the jails, workhouses,  
6 and correctional institutions in New Jersey, and  
7 to make such recommendations or introduce or offer  
8 such legislation as may appear to us to be proper.

9 We have accepted the request of Warden  
10 Magnusson, Essex County Correctional Center, to talk  
11 to us this afternoon.

12 Warden, would you please come forward?  
13 If you want any of your staff people to come with  
14 you, that's perfectly all right.

15 MR. ARTHUR W. MAGNUSSON: Captain Frey?

16 CHAIRMAN IRVING: Let me first welcome  
17 you, Warden, and ask you, if you would, to give us  
18 your name, a mailing address, and to introduce  
19 your associate.

20 MR. MAGNUSSON: My name is Arthur W.  
21 Magnusson, Chief Administrator, the Essex County  
22 Corrections Center, Elm Road, Caldwell, New Jersey,  
23 and my associate is Captain Michael Frey.

24 CHAIRMAN IRVING: Now, does the Commission  
25 understand that you are, at present, the Warden

1 at the Correctional Center?

2 MR. MAGNUSSON: My title is Chief Adminis-  
3 trator, and I have been acting in that capacity for  
4 the past 17 months.

5 CHAIRMAN IRVING: All right. But in any  
6 event, you are the top executive officer from the  
7 Correctional Center?

8 MR. MAGNUSSON: Yes, I am.

9 CHAIRMAN IRVING: Are you responsible directly  
10 to the Freeholders?

11 MR. MAGNUSSON: Directly to the County  
12 Board of Freeholders, and a penal committee, and  
13 Joseph Ianuzzi is our current penal chairman.

14 CHAIRMAN IRVING: Do you have a statement  
15 you'd like to read, or would you like to make  
16 some comments before we ask you anything?

17 MR. MAGNUSSON: I would just like to,  
18 for the benefit of the Committee, state that I  
19 believe that we are the fourth largest penal insti-  
20 tution in the State of New Jersey. Currently, we  
21 have a population of 570 persons, 47 of which are  
22 women. Ours is a minimum security institution,  
23 and we receive inmates for a period of not in  
24 excess of 18 months out of our County and Superior  
25 Courts, and we also act as a recipient of cases

1 that are committed from the municipalities in  
2 Essex County by our municipal court judges. Our  
3 average daily stay runs approximately 94 days per  
4 inmate, and our per diem rate is in the neighbor-  
5 hood of \$16 per day.

6 CHAIRMAN IRVING: Thank you. Would you  
7 like to identify any areas that we, as a State  
8 Commission want to be concerned about, in terms of  
9 the needs of that correctional center, as you see  
10 them, either in terms of services or inmates or  
11 needs that the center has from the State of New  
12 Jersey?

13 MR. MAGNUSSON: Well, I would like to  
14 say that, in the past seventeen months, or roughly  
15 the past year and a half, there has been a definite  
16 change in the policy and administrations of the  
17 County Correctional facilities, and I would like to,  
18 if I may, run off some of the more energetic pro-  
19 grams that we have into effect now that, in part or  
20 whole, have been subsidized by Federal monies, either  
21 in the form of S.L.E.P.A. grants, or that which is  
22 called Impact; High Impact, as it is known here in  
23 the City of Newark. These organizations have sup-  
24 plied a service to us that's just unbelievable,  
25 and have allowed us to operate that institution

1 as a correctional facility.

2 In its wisdom, several years ago, the  
3 County Board of Freeholders changed the name of  
4 the institution from a penitentiary to a corrections  
5 center, and I can represent to this committee today  
6 that we are, in effect, well on our way as a correc-  
7 tional facility, though we do have shortcomings in  
8 many areas, and all of it can be attributed to the  
9 lack of funds. However, we hope that, with the  
10 policies that we have pursued, the programs that  
11 we do have--and I would like to name just a few  
12 of them. We do have a narcotic program at our  
13 institution that encompasses both male and female,  
14 and for the first time, we have mingled both sexes  
15 together in what we call narcotic therapy, or help-  
16 ing them on the road to rehabilitation. We have  
17 established liaison with an outside agency, the  
18 Mount Carmel Guild, which provides for post release.  
19 I would like to see our programs expanded, but we  
20 are active, we are functional and operating. We have  
21 incorporated, also, we have a strong Alcoholics  
22 Anonymous program at our institution, in addition  
23 to narcotics; we also have what we call G.A., Gamblers  
24 Anonymous, that is very effective and functional;  
25 we have music therapy, art therapy for both male and

1 female; we have an auto mechanics shop; we have  
2 an auto body shop; we have auto transmission school;  
3 we have a major appliance school; we have a general  
4 maintenance school; we have a landscaping school;  
5 we have a G.E.D. education; we have English as a  
6 second language; we have a G.E.D. which is supple-  
7 mented by a teaching corporation; we have an A.B.E.  
8 program which is supplemented, also by a teaching  
9 corporation; we have a welding school; a small  
10 diesel engine school; a truck and auto air condi-  
11 tioning school; and we have a strong and effective  
12 work release program. I might say at the present  
13 time, we have forty-seven people who are out on  
14 work release, and as I understand, our percentages  
15 are possibly the highest in the State of New Jersey.  
16 This is one of the strongest areas of our institution,  
17 and for the benefit of the Committee, I would just  
18 like to maybe explain in detail how it works, and  
19 I'm sure many of you are familiar with it, but we  
20 have men who are committed to our institution who  
21 make application, either through the administration  
22 or to the court, for work release. They go out on  
23 regular jobs during the day and return in the even-  
24 ing, and they change from a free atmosphere in  
25 the working condition back into a prison atmosphere.

1 At the end of the week, we, at the institution,  
2 collect \$3.00 a day for room and board, which is  
3 a net to us somewhere in the neighborhood right  
4 now of \$50,000 a year that's turned back to the  
5 County. But the significant factor here is that  
6 when a man is working on the outside, the balance  
7 of his pay, after we take our money and, of course,  
8 he has paid his federal taxes, the balance of the  
9 money will go to his family. Even if they are  
10 welfare recipients, the amount of monies that are  
11 contributed will cut down on the welfare for the  
12 public assistance, and the men, in many cases,  
13 sustain their own families while they're incarcerated.  
14 The hot project of this program is that we show  
15 a recidivism rate of about two percent, or a failure  
16 rate. Now, I think this is quite significant, and  
17 we hope by the end of this year that we will be  
18 able to expand this program to include almost  
19 one hundred people. This is our target for 1974:  
20 to have one hundred people out working in the  
21 community while paying their so-called debt to  
22 society.

23 Now, all these programs that we do have,  
24 some, we sustain ourselves. We have the usual  
25 institutional type of functional operations. We

1 maintain, of course, our own mess hall, we have  
2 a tailor shop, we have a shoe shop, and I can  
3 represent to you today, that 94 percent of our  
4 inmate population is engaged in some type of  
5 productive work of rehabilitated or rehabilitative  
6 form in the institution.

7           Now, in our female division, while we  
8 encompass all of these programs here, we have at  
9 the present time, nothing really direct or concrete  
10 other than maybe as a seamstress or sewing, or the  
11 general operation of that particular division. We  
12 do, however, have--we have tried, and I think this  
13 is important--we have tried, and we put in a clerical  
14 skills program which was sponsored by the M.P.D.A.,  
15 which is the Manpower Training Development Act, for  
16 clerical skills. We found a conflict because of  
17 the requirements that were imposed upon us by the  
18 supporting agency. So we have geared all of our  
19 programs to suit the needs of the institution, as  
20 opposed to being dictated to by a well meaning or-  
21 ganization, but having to live to their standards.  
22 In other words, it broke down to this: That they  
23 required us to have a certain number of females  
24 for a certain number of weeks, maybe 26 or 28. Since  
25 our population is flexible and fluent and transient,

1 of course, we can't adhere to those specifications.  
2 So any programs that we do develop, we think in terms  
3 of the institution first and how it works for the  
4 betterment of the individuals that will be involved.  
5 However, we do have one program which I think is  
6 the best that has ever been composed for the female  
7 division, and we call it the Essex County Correction-  
8 al Center Women's Self Development Program. Now,  
9 this program will encompass--it's almost a re-educ-  
10 tion of an adult, particularly in the area of females.  
11 It includes personal development, assets and liabili-  
12 ties, self-awareness, grooming, cosmetics, cleaning,  
13 body care, figure control, diet, and so on down  
14 the line. I will leave a copy of this with the  
15 Committee. Now, we feel the consensus of the people  
16 we have running our institutions is that this program  
17 is a prerequisite to any other. You take a girl  
18 and make her into a clerk typist, you may teach  
19 her how to do this particular job, but if her hair  
20 grooming is not perfect, or maybe her dentures or  
21 her other physical appearance isn't just so, it  
22 would be more difficult to obtain a job and even  
23 harder to hold one. So with this self-development  
24 program, I think this is a basis for anything that  
25 could come beyond this particular point.

1           Now, we were a little acquiescent in  
2 the area of our women, because we dropped or we  
3 had a population as low as 28, and then it increased  
4 to 30. Now, for the past six or seven months, we  
5 find it has been pretty constant at 46, 47, and we've  
6 even hit over 50. So, projected on the last six  
7 months, of course, we can hope to solicit and incor-  
8 porate additional programs in our overall procedure.

9           COMMISSIONER IRVING: Warden, may I ask  
10 a question? You and I talked about it briefly when  
11 we had a visit to the correctional center. Despite  
12 all of these programs that you have going, in your  
13 opinion, is the corrections system working? Is it  
14 correcting?

15           MR. MAGNUSSON: Unfortunately, I'm not  
16 in a position, now, to give a--what you would call  
17 a concrete or a good answer. We can only base,  
18 now, with the incorporation of another organization  
19 called M-two, or man-to-man project or woman-to-  
20 woman project, that this is the first time that  
21 we're going to have a followup. In other words,  
22 when we give the facilities that we have, that a  
23 person on the date of discharge will be turned over  
24 to the M-two, these are people who come in, inter-  
25 view our residents, and when they're about ready

1 to be released, they take them out of the institution,  
2 literally pick them up in a car, either take them  
3 to a home or a job that's waiting and follow through.  
4 Now, until the statistical data can be compiled,  
5 we won't know the fruits of our efforts and benefits  
6 until we can statistically put it down in black and  
7 white, such as we can with our work release program.  
8 I might say I'm fortunate to have one of the best  
9 work release administrators in the country. The  
10 job that this little division does is just fantas-  
11 tic. But in all jobs that we have, we have dedica-  
12 ted, we have qualified, and we have professional  
13 people, and of course, this has been the biggest  
14 asset to all of these things being successful. We  
15 know we're operating successfully; however, we can't  
16 look at the goal until we have the statistical data.

17 CHAIRMAN IRVING: I think, although you  
18 were not here last week, you might be interested  
19 to know that we did put in the record, following  
20 our visit to the correctional center in Caldwell,  
21 that many of us had a ray of hope that we could  
22 build in Essex County a first rate correctional  
23 program around what you are presently doing. So  
24 we are very supportive of your efforts and of  
25 Captain Frey's efforts, but do I understand, Warden,

1 what you are saying is that, although it costs  
2 \$16 per day per inmate, at the moment, there's  
3 no hard data that we can look to which says that  
4 what we do with these inmates really does correct?

5 MR. MAGNUSSON: I could not represent  
6 that to you at this time.

7 CHAIRMAN IRVING: All right.

8 MR. MAGNUSSON: I'm optimistic. I can  
9 give--assume, but I could not factually tell you,  
10 and I think that's what the committee is interested  
11 in.

12 CHAIRMAN IRVING: You would be quite a  
13 genius if you had solved the problem of rehabilita-  
14 ting human beings because nobody really has.

15 MR. MAGNUSSON: Right.

16 CHAIRMAN IRVING: The problem is for us,  
17 as a Commission, that it costs so much per inmate,  
18 and that the role of the State has to be explored  
19 and developed.

20 Might I ask, Mr. Cook, if you would give  
21 the Warden a copy of this budget--you may not have  
22 this, and I'd like to discuss with you this budget,  
23 and I have some copies with me for the Commission,  
24 and there are some copies here, if anyone is inter-  
25 ested in following among the public. You might

1 pass those out.

2 Do you recognize this form, Warden?

3 MR. MAGNUSSON: Yes, I do.

4 CHAIRMAN IRVING: Let me say also to you  
5 that you and your staff people were very open to  
6 us and gave us all of this information freely, and  
7 we appreciate having it.

8 What I am referring to, for purposes of  
9 the record, is a two-page stapled form which is  
10 labeled "Department of Finance, Financial Statement,  
11 Corrections Center, February 28, 1974."

12 Now, I see in the third column from the  
13 left, 1974 budget appropriations, in the bottom  
14 line of that 1974 appropriation for the Essex  
15 County Correctional Center, I see, is 3.8 million  
16 dollars.

17 MR. MAGNUSSON: That's correct.

18 CHAIRMAN IRVING: Now, I see a breakdown  
19 of figures; for example, the second from the bottom,  
20 arms and ammunition. The correctional center is  
21 allocated \$13,000 this year for guns and bullets.  
22 Now, the figure above that is the one that I really  
23 want to talk to you about. \$2000 for education.  
24 Do I take it that that means, and correct me if  
25 I'm wrong, that of 3.8 million dollars for the

1 present budget of the correctional center, \$2000  
2 is budgeted for the correction, for the training  
3 and education of the inmates?

4 MR. MAGNUSSON: No, sir. It would be a  
5 little deceptive here to look at it this way. The  
6 \$2000 is what has been allocated to us to buy books,  
7 pencils, paper, related things that go with our  
8 educational courses. Our teachers' salaries, our  
9 teaching corps would not be incorporated in that.  
10 So the \$2000 is just for what we would say educational  
11 aids.

12 CHAIRMAN IRVING: Now, I notice on the  
13 first column on the left of the 1973 budget approp-  
14 riation, that same figure, that same line item  
15 was \$2800, and I take it from the figures on the  
16 second page that there has been some three or four  
17 percent increase in the number of inmates.

18 MR. MAGNUSSON: Yes.

19 CHAIRMAN IRVING: So although the inmates  
20 are increasing, however slowly, the budget for  
21 training materials has dropped in that period of  
22 time from 1973 to 1974 by some \$800.

23 MR. MAGNUSSON: Right, and I can give  
24 you of course, one general explanation on our  
25 budget. The other would be that with the incor-

1 poration of all of the shops and programs that  
2 are supported in consort with S.L.E.P.A. and  
3 Impact, much of the materials that we need, we  
4 have the monies that handle that. Now, when we  
5 get down to basic education, of course, you're  
6 talking about paper, pencils, stationary, books.  
7 We do get a lot of donations and things of that  
8 nature, but I have to say, in reference to this  
9 entire budget--and I think it's a fair statement to  
10 make that with our Board of Freeholders, who are our  
11 County Administrators, that there are a group of  
12 mayors in Essex County, and they have a Mayor's  
13 council now, that come down and they're constantly  
14 harping on the tax rate and the allocations that  
15 are made. Now, what I have suffered, and I'm sure  
16 what other institutions have suffered is decrease.  
17 We have asked for more money, even in the \$2000,  
18 but when we go before the budget hearings, these  
19 figures were cut, and of course, the Freeholders  
20 are responsible for the citizens of the County; the  
21 Mayors are very forceful and very adamant in cutting  
22 down on costs. So we are victimized, as well as  
23 probably the hospital center or other agencies.  
24 It's just a fair assumption that no one is getting  
25 the money t hey need. Even the courts could prob-

1 ably use more; it takes an Act of Congress to get  
2 lawyers, diaries and things of that nature.

3 So the Freeholders, in trying to be prudent  
4 and keeping within the concept of the tax rates,  
5 and with the additional pressures of the County  
6 Mayors, the Mayors throughout this county, we all  
7 suffered. The budget is not what I would like; we  
8 wish we had more money, but we're using another door.  
9 We're going through the back door, applying for  
10 Federal funds, and particularly in the area of  
11 corrections. I understand when S.L.E.P.A. phases  
12 out, there's a new organization popping up called  
13 C.E.T.A., and this money coming through, channelling  
14 through the Federal Government will be just for  
15 correctional facilities, and we hope to alleviate  
16 the cumbersome cost of our institution by applying  
17 more and more for Federal aid and Federal Agencies  
18 to come in and help us out, and with the way we  
19 are operating, with the projects we have, I could  
20 tell you and represent to all of the Committee that  
21 I think we could have one of the finest correctional  
22 facilities in the United States by the end of 1974.

23 CHAIRMAN IRVING: It's my understanding,  
24 Warden Magnusson, having worked with the War on  
25 Crime Commission, that money now identified by you

1 as S.L.E.P.A. money should not be used and cannot  
2 properly be used to replace local money, but that  
3 the Federal money for the War on Crime and Corrections  
4 is supposed to give a new capability to a facility.

5 MR. MAGNUSSON: Yes, right.

6 CHAIRMAN IRVING: And I think what you're  
7 saying here is that at the very time the nation  
8 is moving forcefully into corrections reform, the  
9 County, for whatever reason, has been reducing its  
10 money for training aids.

11 MR. MAGNUSSON: Absolutely.

12 CHAIRMAN IRVING: Could you identify me in  
13 the budget where one might find the salaries of  
14 the people who offer the training programs, educa-  
15 tional programs?

16 MR. MAGNUSSON: That's not in our budget,  
17 sir, and we should have made a copy available to  
18 you. I wish I had our entire budget, because on  
19 the back, we must incorporate all the monies that  
20 we received from S.L.E.P.A. or Impact, and it be-  
21 comes part of our budget package. But for dollars  
22 and cents and the physical setup of the County,  
23 they only put on here what the County is spending  
24 as far as taxpayers' money that is going through  
25 the correctional center. I would say we're in

1 the neighborhood of an additional half a million  
2 dollars, on top of this money here to support and  
3 substantiate our programs.

4 CHAIRMAN IRVING: Well then, the picture  
5 that I get, as Chairman of the State Commission,  
6 is that the County of Essex is providing the  
7 correctional center with a budget which provides  
8 for bread and butter stuff, but that the whole  
9 thrust of corrections--that is, the rehabilitative  
10 programs, are underwritten by these year to year  
11 Federal grants.

12 MR. MAGNUSSON: Yes, sir.

13 CHAIRMAN IRVING: So that it's possible  
14 that if the Congress changes this whole program  
15 next year, that--

16 MR. MAGNUSSON: We'd be in a panic.

17 CHAIRMAN IRVING: Yes.

18 Is there anything else you'd like to say  
19 about this budget, Warden? I just mentioned the  
20 one item.

21 MR. MAGNUSSON: Well, Chairman Irving,  
22 you did mention arms and ammunitions, \$13,000.  
23 By way of explanation, that any correction offi-  
24 cer--and I might say that in our institution,  
25 that in my opening remarks, I may not have incor-

1     porated, while we are a minimum security institu-  
2     tion, there is roughly about 12 percent of our  
3     people who arrive there under sentence only to be  
4     followed by other detainers or warrants from other  
5     institutions, and there is a daily influx or output  
6     from our institutions to various courts, both in  
7     Essex County, Federal Courts, Municipal Courts. It's  
8     a normal thing. Now, to send these people out, they  
9     must be qualified. No one in our institution is  
10    permitted to carry a sidearm unless he is qualified  
11    twice a year on our range. We have our own facili-  
12    ties, we rebuilt them, and every man who carries  
13    a weapon is qualified to have it. We have a quali-  
14    fied instructor, both under the Federal and State  
15    standards, and this is followed through. So while--  
16    I didn't want anyone to get the wrong impression.  
17    We're not up there for target practice. If you're  
18    going to give a man such a lethal weapon as a gun,  
19    one prerequisite we must have is that he be quali-  
20    fied even before he puts it on, and that's why it's  
21    a lot of money, but it's a necessity, and it's a  
22    requirement by law.

23           CHAIRMAN IRVING: I have just one other  
24    question, and then we'll see if other members of  
25    the Commission or our Hearing Officer want to pose

1 anything to you.

2 Are you at the moment fully staffed, or  
3 are you understaffed?

4 MR. MAGNUSSON: Well, I would probably  
5 be known as a spendthrift, but I have a philosophy,  
6 and as long as I'm sitting in a position such as I  
7 am, I would--to answer the question, I would have  
8 to tell you my philosophy. For every area where  
9 we can drop the security--in other words, we're  
10 a minimum security institution--where we expand  
11 this to where we have a more comfortable atmosphere  
12 with both the residents and the correctional people  
13 that we do have, we need more men, and today, in  
14 corrections, the manpower is the key, and without  
15 the manpower, you just cannot stand. The same way  
16 with penal reform; we just can't worry and concern  
17 ourselves about the residents, which is very impor-  
18 tant, but we must have equal concern for our correc-  
19 tional people today, who are in the post difficult  
20 kind of work, and to keep and retain the people  
21 we have. We have a mortality rate of every ten  
22 men we get off a list, four quit. It's really  
23 appalling. So I would say, as far as I'm concerned,  
24 I could use another 50 men. I know this is imprac-  
25 tical and it's a half a million dollars, but I

1 would have them there, because if I had that  
2 money, that's much more I can do for the entire  
3 correctional procedures. From a practical standpoint,  
4 if we had another 10, 12 men, we could do very well  
5 this year, based on what we have. With any further  
6 expansion in 1974, likewise, we would have more  
7 personnel.

8 CHAIRMAN IRVING: All right. May I ask  
9 Mr. Ginsberg to pursue some other areas?

10 MR. MAGNUSSON: Yes, sir.

11 HEARING OFFICER GINSBERG: First of all,  
12 I'd like to make a statement that when we visited  
13 you at your institution, I was quite impressed--

14 MR. MAGNUSSON: Thank you.

15 HEARING OFFICER GINSBERG: --and it was one  
16 of the few rays of sunshine, glimpses of sunshine  
17 that we saw during our entire prehearing investiga-  
18 tion.

19 I'd like to go into some specific areas,  
20 and this is not directed at you or your institution  
21 directly. I'm just looking at the budget. I see  
22 some problems, and I'd like to have them settled  
23 in my own mind, and that's why I'm directing these  
24 questions toward you.

25 Last week, we heard some testimony from

1 a corrections officer who indicated that the  
2 job turnover of employees, corrections officer  
3 turnover at the Essex County Jail was very low,  
4 and for those reasons, he would recommend that  
5 a good number of dollars be spent for training,  
6 because those dollars would not be wasted. Now,  
7 you seem to indicate today that a 40 percent turn-  
8 over was what you normally anticipate. Could you  
9 clarify that, or expand on it?

10 MR. MAGNUSSON: Yes. When we get new  
11 men--first, let me go back away, I guess almost  
12 12 months ago, when myself, Sheriff Cryan and the  
13 Personnel Director of this County went down before  
14 the Civil Service Commission and we asked them to  
15 revise their standards and revise their qualifica-  
16 tions for a correctional officer; that if they  
17 would incorporate some psychological aspects into  
18 an examination, that possibly, many of the candidates  
19 who would come to us would be receptive to this  
20 kind of work. We asked them further if they would  
21 even be interested in creating a position that I  
22 was interested in of Senior Correction Officer, so  
23 that a man who was in charge, particularly that  
24 works in the wings, the direct contact with inmates,  
25 not in shops or other specializations, if they

1 could incorporate this. We also asked for the  
2 possibility that, because of the recruitment prob-  
3 lem, that even establishing correctional aides to  
4 find men or young men we could bring into the job,  
5 and maybe as a correctional aide with an indefinite  
6 type of employment, if they made the grade after two  
7 or three years, they'd reach a plateau and they  
8 could become a correctional officer.

9 Now, the statement that was made at the  
10 jail may be true; I can't answer for the jail. I  
11 can only represent to you that I think it's even  
12 a little bit higher, maybe in some cases. I think  
13 one list, we lost seven out of ten men. That was  
14 the first one since I was there. A couple of men  
15 we didn't even want to hire, but for the sake of  
16 bodies that were sorely needed, we did hire--nat-  
17 urally, one is gone, another is involved in some  
18 legal problems. That's two, but as an average  
19 now, and I base it on the current fifteen men I  
20 received, six out of ten leave the job, and we  
21 don't let them leave easily. We call them in, we  
22 talk to them, we try to make some sort of adjust-  
23 ment, if it's a thing affecting their families,  
24 particularly if you have some talented men. I  
25 had a terrific guy, he had a terrific education,

1 and he said, Warden, I'm on tranquilizers, this is  
2 not my cup of tea. The only way we're holding the  
3 men we have, Essex is a pioneer in salaries, and I  
4 don't think the salaries are in Essex even enough  
5 for the correctional officer, because in any spec-  
6 trum of the law enforcement agency today, it's our  
7 correctional officer that should be given a little  
8 more distinguished treatment, both in his training,  
9 remuneration, benefits, to really make something  
10 out him, because we have proved it does work. We've  
11 sent a lot of men down to Skillman who have gradu-  
12 ated from there. We have some 78 men who have re-  
13 ceived specialized training, and it does work, and  
14 we've seen the change in the people, the ideas  
15 and the concepts before they go to these schools,  
16 and what they have afterwards.

17 Now, I know that's a long answer to a  
18 short question, but I would stick to that six out  
19 of ten, out of ten will leave us.

20 HEARING OFFICER GINSBERG: Now, you  
21 mentioned that nerves, I guess the tension on the  
22 job, the pressure that one is under is one of the  
23 main reasons, and you mentioned salary as another  
24 main reason. Could you point out, perhaps, some  
25 more reasons?

1 MR. MAGNUSSON: Yes. It's kind of embarrass-  
2 sing to me to ask to bring men into an institution  
3 without having them trained. I think it's wrong.  
4 There should be no man who can pick up a key or work  
5 in an institution unless he's had this training  
6 prior to his entry. Now, we have a law on the books,  
7 that, to be a police officer, you must go to an  
8 academy and qualify and graduate after a period of  
9 90 days, or possibly it could be 14 weeks. I think  
10 the same law should be in effect for a correctional  
11 officer, and I feel by that this specialized training,  
12 whether it be nine weeks or ten weeks, that he'll  
13 know before he even arrives at your institution  
14 whether or not this is the life that he wants. He's  
15 going to know what inmates' rights are; he's going  
16 to know what the law is; he's going to know what  
17 the correctional philosophy is. These are the things  
18 that have to be taught to the man before he is  
19 brought in as a raw recruit. When you're working  
20 in an institution that's straddled like we are,  
21 we're dealing with overtime, which is, again, the  
22 taxpayers' money, and when we get men, we have to  
23 do the best we can with in-service training to put  
24 them on the job. The people we do have, even if  
25 they're there five or six years, we send them

1 down to Skillman to get new ideas, new concepts to  
2 see what's going on, and I would say in our institu-  
3 tions--as I say, I'm a product of twenty-five years  
4 of this County, and I started as a jail officer in  
5 the Essex County Correctional Center--right now, we  
6 have the best caliber of officers that I've seen in  
7 a long while. I'm not saying anything derogatory  
8 about any other organization or group, but--

9 (Applause)

10 MR. MAGNUSSON: --but by putting these  
11 men and these people in the areas of specialization,  
12 they have risen to the occasion. It's just fantastic.  
13 The success that we enjoyed is not because of I, as  
14 an administrator, but it's because of the adminis-  
15 tration that I had around me who have taken respon-  
16 sibility and done a job, and the only way I can  
17 reward them is my individual promotion or by their  
18 assignments. So this, I feel is mandatory; that this  
19 training should be a prerequisite before a man  
20 actually takes over and goes on the job.

21 HEARING OFFICER GINSBERG: I see another  
22 item on the budget that disturbs me a bit, and that's  
23 the overtime figure. It seems that the 1973 budget  
24 appropriation for overtime was \$75,000, and you  
25 actually expended about \$621,000. That scares me

1 a bit, because it would seem that a guard would be  
2 encouraged to create an unsavory condition in the  
3 institution, because if there was one that existed,  
4 he would be called in for emergency time, and would  
5 actually earn money because of it. Now, could you  
6 clarify exactly why that occurred, and why, if my  
7 description or my allocation is not true, why it  
8 is not true?

9 MR. MAGNUSSON: Yes, I can. Prior to my  
10 going to that institution in November of 1972, it  
11 was plagued with problems. There were sit-ins,  
12 demonstrations, uprisings; there were a great deal  
13 of problems, so much so that the incumbents resigned  
14 their positions and left, and there was a great  
15 deal of turmoil and there was a traumatic period of  
16 time until we sort of got the ship on the water and  
17 got it sailing properly. Now, in order to expand,  
18 when I went there, there were 106 correction offi-  
19 cers. You couldn't just run an institution with  
20 106 correction officers, even for the good of the  
21 inmates. It was just not enough. Even now, we  
22 have, I think, one hundred seventeen correction  
23 officers, but I do have more supervisory personnel,  
24 and I believe in supervisory personnel. If there's  
25 responsibility in the certain area, and the man

1 works independently, alone, the only way you  
2 can reward him is making him a sergeant, and by  
3 giving this man a piece of the action, a little  
4 authority, he helps you do the job. We're cutting  
5 other overtime drastically, because now, we have  
6 41 new men, and we have 10 more we're picking up  
7 the 1st of May; we are interviewing them now, and  
8 it seems much more practical to pay new men top  
9 rate to keep the institution functional and opera-  
10 tive, and do what has to be done. There are a lot  
11 of things being done now that were never done be-  
12 fore, and when you expand, of course, it's going to  
13 cost more money, and today, the name of the game is  
14 that you need personnel in order to implement what  
15 you have. You just can't start new things, new  
16 programs, be kind of revolutionary, unless you have  
17 the support of manpower. So part of that money was  
18 part of an emergent situation, and I feel it's  
19 much better to spend that money to run a place right  
20 and have it done without any riots or uproars or  
21 anything else. It's a lot cheaper. When there  
22 is a riot or trouble, you can spend some \$90,000,  
23 and nobody seems to be concerned about it because,  
24 well, it's a riot, it's one of those things. Why  
25 not spend that money to better use in the form of

1 salaries and get a lot more done, and in the long  
2 run, it's a lot less expensive, even though it looks  
3 bad on the books.

4 HEARING OFFICER GINSBERG: Another question,  
5 and that is, when we were at your institution, we  
6 had a little discussion in your office and you  
7 indicated to us that there were certain educational  
8 institutions in the Essex County area that already  
9 offered or volunteered free instruction in different  
10 areas. That would be conducive to the sort of thing  
11 we'd like to see some inmates acquire, some knowl-  
12 edge we'd like to see them acquire. Could you  
13 expand on that a little bit?

14 MR. MAGNUSSON: We have had, I won't men-  
15 tion the organizations by name, but we have opera-  
16 ted under an open door policy that any organiza-  
17 tion, regardless of who they are, how many they  
18 are and their number, we welcomed them there, they  
19 were permitted to go through the institution to  
20 talk both to inmates and to officers. We invited  
21 Grand Juries and even, as I say, we were happy to  
22 have the assignment judge of Essex County tour our  
23 facility and make a first hand observation. Now,  
24 there are plenty of agencies, particularly here  
25 in the County, such as our vocational school system,

1 that can be utilized on an evening basis. There's  
2 nothing wrong with guys going out maybe two or  
3 three hours to use the same school facilities that  
4 are used during the day for the regular population.  
5 All you need is the manpower, all the facilities  
6 are there, and we're going at such a pace, I hope  
7 we don't trip on ourselves, because, again, you  
8 need the people for the movement. But the movement  
9 is there, and we have gotten the support of independ-  
10 ent organizations and associations. It's just been  
11 terrific.

12 HEARING OFFICER GINSBERG: Now, you men-  
13 tioned Essex County College, I remember, as one,  
14 and of course, one or two others.

15 MR. MAGNUSSON: We currently have two  
16 men that are enrolled in Essex County College. We  
17 have on the books a program, that the school be  
18 coming in to anyone who wants to engage in a college  
19 course while he's incarcerated, that inmate will be  
20 permitted to do so. We also have a college course  
21 for our officers right on the premises, and we have  
22 an enrollment of over 72 officers, which is a pretty  
23 good--it's over 60 percent, which shows the initia-  
24 tive of the type of individual for more education,  
25 for more experience, and it makes for, naturally,

1 a better organization.

2 HEARING OFFICER GINSBERG: One more question.  
3 You say that your men qualify for their firearms  
4 before they're able to use them, before they're  
5 issued a firearm, a piece, and able to use it.  
6 Last week, we discovered that qualification at the  
7 Essex County Jail might mean three or four hours, three  
8 hundred rounds of shooting, maybe. What exactly  
9 do you consider qualification?

10 MR. MAGNUSSON: Well, it's at least one  
11 full day on the range, firing at least three hundred  
12 rounds. Now, again, some men who are more adept  
13 will qualify. We have maybe five or six men that,  
14 because of shyness of either noise or just gun shy  
15 are not permitted to carry a firearm, so they need  
16 additional requirements. It's mandatory now, that,  
17 in our institution, that twice a year, they must  
18 qualify on the range.

19 HEARING OFFICER GINSBERG: That would be  
20 getting a certain score at target shooting?

21 MR. MAGNUSSON: Absolutely, absolutely.

22 HEARING OFFICER GINSBERG: And making them  
23 shoot an adequate number of times?

24 MR. MAGNUSSON: Yes.

25 HEARING OFFICER GINSBERG: Do you feel

1 that's adequate?

2 MR. MAGNUSSON: Yes, under a qualified  
3 instructor, and he gives me a list of names and  
4 says, this man is qualified. Now, let us remember  
5 that no one in our institution carries a gun, either  
6 inside or outside. The only time a gun is used,  
7 is for the transportation for security purposes from  
8 our institution maybe to a court or a clinic or  
9 things of that nature. That we don't carry them is  
10 a matter of policy.

11 HEARING OFFICER GINSBERG: The hospital,  
12 also?

13 MR. MAGNUSSON: Or the hospital, if a man  
14 is assigned down there. But if a man is not quali-  
15 fied to carry a firearm, he's not permitted that  
16 type of assignment.

17 HEARING OFFICER GINSBERG: You see, we  
18 heard some testimony last week that indicated cer-  
19 tain guards at the Essex County Jail did not even  
20 load their firearms, because they were afraid that  
21 it might be used against them, and my feeling is  
22 that one day on the firing range, shooting at a  
23 still target, without having any training as far  
24 as physical defense, or being instructed as to when  
25 a gun can be used or when it cannot be used, in the

1 absense of that, they're not qualified to use any  
2 firearms. I just disagree with you there.

3 That's all my questions.

4 CHAIRMAN IRVING: Mrs. Hicks, do you have  
5 any questions you want to ask the warden?

6 COMMISSIONER HICKS: I'd like to ask  
7 the warden, why is it that when an inmate becomes  
8 ill in your institution, he's brought all the way  
9 to Newark, to Martland, rather than to Overlook  
10 and Summit, which is very close to Caldwell?

11 MR. MAGNUSSON: Well, what I can say is  
12 this: That if there is an emergent situation and  
13 a doctor is not in attendance or he can't be reached,  
14 we'll take him to the closest hospital to our insti-  
15 tution, and that usually is Mountainside. If it's  
16 an emergent situation, we don't go to Newark. Now,  
17 on all of our clinic trips, our correctional center  
18 physician is here--and I might say he's a very fine  
19 doctor, I know him--if there are any questions that  
20 the Commission would like to extend on this point,  
21 medical wise, I'm sure he'll be more than happy to  
22 answer them. But an emergent situation goes to  
23 the closest hospital. Anything in the realm of  
24 a regular doctor visit, maybe if it's involving  
25 a female or a male, it would be put on the clinic

1 trip to go to maybe Martland Medical Center or  
2 maybe the receiving hospital in Cedar Grove. But  
3 the emergents are given immediate attention at the  
4 closest hospital.

5 COMMISSIONER HICKS: All right. I asked  
6 the question because you're using manpower when  
7 you're bringing down inmates, and we heard some  
8 testimony relevant to that last week, and I just  
9 wondered why, being a County Correctional facility,  
10 why would you come all the way to Bergen Street  
11 in Newark, using manpower, keeping guards there  
12 and this sort of thing, as opposed to going to  
13 the nearest hospital.

14 MR. MAGNUSSON: This is a monthly report  
15 that we have. In the month of March, we had two  
16 hundred fifty inmates transported to one hundred  
17 fifteen clinics requiring the services of two  
18 hundred eleven officers, for a total of 449 hours.  
19 This is expensive.

20 COMMISSIONER HICKS: I know.

21 MR. MAGNUSSON: This is expensive. Now,  
22 in all fairness, I have to say that for the past  
23 year, that the Board of Freeholders, the County  
24 Sheriff and myself have been trying every possible  
25 angle to work up something where there could be

1 a central hospital center to service both the  
2 needs of the correctional center and of the county  
3 jail. We've explored a lot of avenues; a lot of  
4 work has went into it. Unfortunately, we don't  
5 have it. With the College of Dentistry and Medicine,  
6 I don't know how long we're going to be able to  
7 enjoy their services, because they're currently  
8 suing the County for over one half million dollars,  
9 and this is where we are. They don't turn us away,  
10 though, they don't deny us; they take care of the  
11 correctional center like we're one of their annexes.  
12 Those people are great to us, and we get great  
13 service from them.

14 COMMISSIONER HICKS: Your music therapy  
15 and your art therapy; is that currently being im-  
16 plemented in the female unit?

17 MR. MAGNUSSON: No, we don't have the--  
18 the art therapy, we have in the male division. I  
19 have applied for the hiring of a part time art  
20 therapy for the female division. Now, we did have  
21 a lady come up from Montclair part time; we had  
22 some contributions, volunteers who came up and tried  
23 to help, and we just haven't had too much success.  
24 So that's an area that we have to give a little  
25 more concerted effort to, and I might say that it

1 became necessary for me, in the past month, with  
2 the womens' division, to appoint a female supervisor,  
3 a woman who has twenty years of experience. She is  
4 currently a sergeant, but the woman, not only with  
5 her experience, but she reflects the philosophy of  
6 this administration, and now since she's been put  
7 into this post as a supervisor of that Division,  
8 we've taken on another new course over there, and  
9 it is given top priority or my priority, and any-  
10 thing that she needs.

11 COMMISSIONER HICKS: Is that your social  
12 and development program?

13 MR. MAGNUSSON: Well, with that coming in,  
14 I think this will be one of the greatest things that  
15 we've ever had, because this is the basis for all  
16 things. As I said before, to train somebody to  
17 become a typist or some other form of employment,  
18 if they don't have the rest of the ingredients,  
19 they're going to strike out, and maybe they'll be-  
20 come more inhibited, or maybe it will have a reac-  
21 tion on them. So I think if we get this thing going  
22 here, and again, too, we do consult the female  
23 residents that we have before we put programs into  
24 effect; ask them what would be most conducive to  
25 them, what would they like to do. I'm just sorry

1 we haven't moved as fast as we would like to,  
2 particularly in the area of the women's division,  
3 but I think this year, we will.

4 COMMISSIONER HICKS: Well, are you aware  
5 of the fact that the female inmates have expressed  
6 desire for a sort of an updated library?

7 MR. MAGNUSSON: Well, we have--not to  
8 cut off your question. Over seven months ago,  
9 we brought in the people from the Newark Public  
10 Library, came up and looked at our setup, not  
11 only in the men's division but the women's division.  
12 They wrote a fine proposal. The proposal is laying  
13 on someone's desk in Washington, D.C., and at the  
14 stroke of a pen, it will become a reality--one of  
15 the finest libraries in the county for both the  
16 men and women's division. We haven't left any  
17 stone unturned in any particular division. The  
18 bureaucracy we have to go through, it's laborsome,  
19 it's tough. We have it in motion, now we hope  
20 we can get this thing off the floor. But that is  
21 built in, and it's the same type of library that  
22 was put in the youth house, and if you're familiar  
23 with that one, it's quite adequate. It's really  
24 great--

25 COMMISSIONER HICKS: Well, as you know,

1 we're a fact-finding body, and we are also looking  
2 for some immediate relief in certain areas. We  
3 feel that this study will be able to accomplish this,  
4 and I was gearing my question to programs that  
5 might be implemented immediately, and this is why  
6 I asked that question.

7 Well, what presently do you have going  
8 for female inmates?

9 MR. MAGNUSSON: Well, there is not a  
10 great deal. There is another little ray of light  
11 that we do have on our 4 to 12 shift; another  
12 female sergeant who is also a practical nurse, and  
13 she, working through the administration or myself,  
14 has been able to put on a series of little programs  
15 for the women. The most recent course is a red  
16 cross nursing graduation ceremony that was put on  
17 the other night. She has given a course in how  
18 to care for poor people, people who have nothing;  
19 a course on how to make tables out of cardboard  
20 boxes, how to make slippers out of paper. These  
21 are little things that have been contributed by  
22 an employee, by a female correctional sergeant  
23 that has taken up some of the slack and void that  
24 possibly the institution should be motivating.  
25 But by me, at least, allowing her to go to these

1 various schools and getting these certificates,  
2 she in her time, working, in addition to running  
3 the place, has implemented these programs. I know  
4 it isn't a great deal, but I think it's something,  
5 and we are trying.

6 COMMISSIONER HICKS: But also for the male,  
7 they are given time off in your Work Release Program.  
8 Is this true with the female inmate?

9 MR. MAGNUSSON: Yes. They get--when  
10 you're on Work Release, the credits you can give is  
11 one day, or every four days of work on Work Release.  
12 We also have two other standards; one, if a person  
13 works five days a week in the institution, even if  
14 they go to school, we give them credit. To give  
15 a for instance, we had a little problem in the  
16 beginning to get people into our programs; they'd  
17 rather be in a job where they could get work time  
18 credit. So if they even go to school, the Work  
19 Program plus the G.E.D. training, we give them a  
20 credit for one for every five days. In some week-  
21 ends, where there's homework involved, we can give  
22 them credit for one out of seven days.

23 COMMISSIONER HICKS: How many women do  
24 you have on the Work Release Program?

25 MR. MAGNUSSON: Seven. It took us a long

1 time to get them going.

2 CHAIRMAN IRVING: Sheriff?

3 COMMISSIONER DE MARINO: Warden, I think  
4 you've made an excellent presentation here, and I  
5 only have a few questions I'd like to ask.

6 Well, all these programs that you have;  
7 would it be a fair statement for me to say that  
8 they're all Federally funded programs? I'm talking  
9 about all the shops you have and all these educa-  
10 tional programs. Or are they out of the County  
11 budgets?

12 MR. MAGNUSSON: No. Now, most of the  
13 programs that I have enumerated here, such as the  
14 auto transmission, major appliance, general main-  
15 tenance, landscaping, they're Federally funded.  
16 We have our own institutional programs; we do have  
17 a tailor shop. These are more functional, but  
18 they're manned by institutional trade instructors.

19 COMMISSIONER DE MARINO: Those that  
20 are Federally funded, are they on a digressed  
21 system, where they're fully funded the first year,  
22 three quarters next, and--

23 MR. MAGNUSSON: No, we have to produce  
24 what is called an in-kind. They're funding 40  
25 percent now. Our in-kind could be our electricity,

1 our heat, our manpower. So actually, we're not  
2 putting up dollar one except what we're contributing  
3 in the way of facilities.

4 COMMISSIONER DE MARINO: Is there any  
5 chance of those funds being curtailed or stopped  
6 totally?

7 MR. MAGNUSSON: Sheriff, I would profess,  
8 from what I've read--and I don't profess to be  
9 a penalogist, but I've been in the system for  
10 twenty-five years--that there is no way conceivable  
11 for Federal Funds to be cut off today, particular-  
12 ly in the area of corrections. Your Committee is  
13 going to highlight that feature. If we can get  
14 more Federal Funds into this problem, this is the  
15 only way the crime rate is going to stop. It has  
16 to be adjudicated somewhere, and it apparently  
17 hasn't been done right. So be proving statistical-  
18 ly in a year or two, now, to show that this money  
19 was well spent, this money will come forth.

20 COMMISSIONER DE MARINO: The people that  
21 are skilled for those particular jobs, general jobs  
22 like tailor and so forth; I'm talking about the  
23 auto making and educational programs that you have  
24 that are federally funded. Are they taught by  
25 people in the particular fields?

1 MR. MAGNUSSON: No, sir.

2 COMMISSIONER DE MARINO: They are not  
3 inmates or--

4 MR. MAGNUSSON: We have enjoyed the  
5 luxury of getting the finest qualified people that  
6 come to us, and we do our own hiring, and I think  
7 this for any Government is a big thing, to let you  
8 pick the best qualified people, and I would invite  
9 your Committee to come up. If possible, if you  
10 can squeeze in your time, just spend a day with  
11 these men. I've never seen a caliber of dedicated  
12 guys like we have. It is truly amazing.

13 COMMISSIONER DE MARINO: In other words,  
14 in the educational facilities, you have trained  
15 teachers?

16 MR. MAGNUSSON: Trained teachers, qualified  
17 teachers.

18 COMMISSIONER DE MARINO: And in the auto-  
19 making--

20 MR. MAGNUSSON: Absolutely.

21 COMMISSIONER DE MARINO: That's what I  
22 want to bring out. Is there Civil Service where  
23 you are?

24 MR. MAGNUSSON: Yes, sir, absolutely.

25 COMMISSIONER DE MARINO: So you abide by

1 the Civil Service--

2 MR. MAGNUSSON: Yes, with the exception  
3 of hiring these teachers, because they're on a yearly  
4 basis.

5 COMMISSIONER DE MARINO: Are all your men  
6 schooled presently? Are all your men trained in  
7 the field of correction, and I think the only  
8 school, and correct me if I'm wrong, is the Skillman  
9 School that we have right now.

10 MR. MAGNUSSON: Well, Skillman--has been  
11 our little guiding light.

12 COMMISSIONER DE MARINO: We might diminish  
13 within a couple of months.

14 MR. MAGNUSSON: And it would be a sorry  
15 thing.

16 COMMISSIONER DE MARINO: The funds may  
17 stop.

18 MR. MAGNUSSON: It should be expanded.  
19 The only other hope, I put so much hope in education,  
20 because the Captain who is assigned as a training  
21 officer, he has one officer works for him, and his  
22 job is to seek out any course that he can possibly  
23 squeeze any of the other men into, even into the  
24 cardio-pulmonary resuscitation unit. We have quali-  
25 fied men who can ride on ambulances now, who can

1 act, which is a requirement under the law. We have  
2 85 men who have had this kind of training in the  
3 general correctional field out of possibly 127  
4 candidates. We have some 62 men who have received  
5 either an advanced or basic correctional thing from  
6 an outside agency, and of course, we have had some  
7 implementation of an in-service. It is not as much  
8 as we would like, but with the showing of the films  
9 that we have, we are doing some in-training to  
10 expand on it.

11 COMMISSIONER DE MARINO: So the training  
12 that your men are getting, that is different from  
13 where there is a designed school, and you're doing  
14 it in-service through communication through the mail  
15 or whatnot to various schools, and trying to maneu-  
16 ver people around so that there is no, per se,  
17 similarity to the police academy or the New Jersey  
18 Training Commission.

19 MR. MAGNUSSON: Right.

20 COMMISSIONER DE MARINO: We were talking  
21 about weapons, Warden. It's a fact that they  
22 don't carry the weapons either around on the job  
23 or off the job, those that work in the penitentiary  
24 there where you're at. However, all personnel,  
25 you would agree with me, I'm certain, have to be

1 trained in weapons.

2 MR. MAGNUSSON: Absolutely.

3 COMMISSIONER DE MARINO: And I think what  
4 Mr. Ginsberg was relating to was the fact that a  
5 statement was made by the previous witness last  
6 week, that three hundred rounds is all they fire.  
7 Now, won't --three hundred rounds or two hundred  
8 rounds, once a man is properly trained--now, the  
9 proper training that I'm talking about is the  
10 velocity of the weapon, or the nomenclature of the  
11 weapon, the distance it travelled, the weight of  
12 the weapon, the dismantling and construction of  
13 the weapon--that type of training. Do any of  
14 your people receive that?

15 MR. MAGNUSSON: Very limited, no.

16 It's mainly in the use of the firearm, and it  
17 starts off with a film of the things that you've  
18 outlined, the nomenclature and all of that is given.  
19 But then the actual going down to the range, of  
20 course, is where the qualifications are set in.  
21 Now, these men, of course, are accepted under  
22 the New Jersey State Training School and by the  
23 Federal Government as qualified instructors.

24 COMMISSIONER DE MARINO: I agree. However,  
25 I would say that we have a--maybe you won't agree

1 with me, you don't have to, but I'm going to ask  
2 you, don't you feel that we have, with the handling  
3 of weapons by corrections officer, police, and all  
4 agencies who have to carry weapons as part of their  
5 duties, that we have a cram session? In other words,  
6 a man gets hired on the streets. If we don't have  
7 time to educate him and we know it's a fact he  
8 has to carry a weapon, what we're really doing is  
9 this: Here is the weapon, let's go down to the  
10 range, there's a trainer who shows you a film of  
11 how to carry it, or when to use it and when not to  
12 use it; maybe the film consists of twenty minutes  
13 to a half hour at most, and then he takes you and  
14 he teaches you in the next half hour or hour the  
15 safety on the range, and then, at that time, under  
16 their direct supervision, meaning that you're on a  
17 line, you're on an ideal situation with a fixed  
18 target, and there's a man behind the line telling  
19 you, put your weapon down range, so on and so forth--  
20 this is the type of training, I'm certain, no  
21 different than what my department was receiving  
22 prior to me coming. That's the only type of  
23 training?

24 MR. MAGNUSSON: That's correct.

25 COMMISSIONER DE MARINO: I just wanted to

1 clear it up so Mr. Ginsberg understood.

2 So there's no real nomenclature, weapon  
3 studies and that, done by your people?

4 MR. MAGNUSSON: No, sir.

5 COMMISSIONER DE MARINO: In fact, it would  
6 be safe to say that none of your people broke down  
7 a weapon that they've been carrying?

8 MR. MAGNUSSON: Well, there are a lot  
9 of military men, fellows that served in the service  
10 that have done it, but in the main, your point, I  
11 would agree with you, yes.

12 COMMISSIONER DE MARINO: All right.  
13 So that it's safe to say that three hundred rounds  
14 is okay to fire; once you're familiar with the  
15 weapon, once you're trained with the weapon, you  
16 can go to the range and fire fifty rounds a year.  
17 The amount of rounds doesn't mean a thing; it's  
18 the steps--just like going to college. The three  
19 years mean nothing, you have to go four to get  
20 the diploma. The same situation with the weapons.  
21 So the amount of rounds doesn't make the difference;  
22 the important factor is the training that is needed  
23 from, let's take military service. Those that are  
24 familiar with the M-1 rifle know that you live with  
25 it for approximately three months, dismantling it,

1 putting it together every day. That is not done,  
2 and that's the point I want to bring out as far  
3 as the weapons.

4 CHAIRMAN IRVING: And cleaning it.

5 COMMISSIONER DE MARINO: And cleaning it,  
6 right.

7 Don't you feel--and judging by your  
8 figures here and the statement you made when you  
9 answered the question, you do feel that by spending--  
10 you mentioned the amount of men it took to transport  
11 the amount of prisoners to the various locations in  
12 the County. The problem that you had, you, as ad-  
13 ministrator; don't you feel that you can sit down  
14 with whoever is in authority you would have to sit  
15 down with and just a common sense factor, if you  
16 take these figures, you could build a portable  
17 hospital on any county property and bring your in-  
18 mates there? Am I right?

19 MR. MAGNUSSON: Yes, sir.

20 COMMISSIONER DE MARINO: Instead of paying  
21 the overtime rate, with a portable, I don't know  
22 how much property they have in Essex, but I'm sure  
23 they have some lands--

24 MR. MAGNUSSON: 97 acres.

25 COMMISSIONER DE MARINO: Perhaps within

1 your institution confines, perhaps where you  
2 would have a staff at that place, maybe 12 or  
3 14 men to give minimum security there, and have  
4 everybody funnelled into that area.

5 MR. MAGNUSSON: Absolutely.

6 COMMISSIONER DE MARINO: Let me ask  
7 you this, too, and I'm only asking you because  
8 these are problems that I've come across in my  
9 County. Don't you also feel that it would be wise  
10 for someone in Essex County, instead of you trans-  
11 porting prisoners--and let's make it an example  
12 so everyone can understand. You take inmates out  
13 of your institution and bring them to various in-  
14 firmaries. The jail must do the same thing with  
15 theres.

16 MR. MAGNUSSON: Not as--I don't think  
17 they have the--you see, we have what--

18 COMMISSIONER DE MARINO: I mean those--

19 MR. MAGNUSSON: That's a holding situa-  
20 tion. They have more emergent situations. But  
21 we have a population that's living there, and con-  
22 sequently, we have more physical problems. But I  
23 think we have more trips.

24 COMMISSIONER DE MARINO: All right, and  
25 I assume there's also trips made by some correction

1 authority; I don't know the makeup of this County  
2 that well, whether it's yourself, whether it's the  
3 Sheriff's, or whether it's a hospital detail or  
4 what, that it perhaps would pay if someone took  
5 the combined figures to have a set up transportation  
6 division somewhere in Essex County who would handle  
7 all these transports.

8 MR. MAGNUSSON: Well, you could even go  
9 further than that. Why not have, in the County of  
10 Essex, over one million people, why not have a  
11 Department of Corrections? If we had a Department  
12 of Corrections under one agency, all of these things  
13 would then become paramount, and would, in effect,  
14 save a great amount of money.

15 COMMISSIONER DE MARINO: Of which, one  
16 division of the Department of Corrections would be  
17 the Department of Transportation?

18 MR. MAGNUSSON: Absolutely. Absolutely.

19 COMMISSIONER DE MARINO: That's all.

20 CHAIRMAN IRVING: Warden, are you saying,  
21 in effect, then, Essex County can get better correc-  
22 tion services for less money?

23 MR. MAGNUSSON: I would have to say yes.  
24 I don't want to do anybody out of a job, now.

25 CHAIRMAN IRVING: I understand.

1                   COMMISSIONER DE MARINO: Let me say this:  
2 If not for less money, by the better deployment--

3                   MR. MAGNUSSON: Right, top drawer, pro-  
4 fessional department.

5                   CHAIRMAN IRVING: Mr. Cornblatt?

6                   COMMISSIONER CORNB�ATT: Briefly, what  
7 medical and dental facilities do you have present  
8 at your institution?

9                   MR. MAGNUSSON: Well, I'd have to answer  
10 you, sir, and say right out, we have none. We  
11 have a dentist. Now, when he comes up on the  
12 examinations as reported through our medical  
13 department, I have appointed a medical direction  
14 to coordinate all of this. He will take them to--  
15 we're using, currently, the facilities at the  
16 Cedar Grove Hospital, the receiving hospital. If  
17 it requires dental surgery, then of course, an  
18 appointment is made at the College of Dentistry  
19 and Medicine in Newark.

20                   COMMISSIONER CORNB�ATT: That, again,  
21 involves having someone transport these people?

22                   MR. MAGNUSSON: Yes, sir.

23                   COMMISSIONER CORNB�ATT: Do you have  
24 any statistics at all to indicate the recidivism  
25 rate for the persons that have passed through your

1 institution in the past seventeen months?

2 MR. MAGNUSSON: No. The last figure that  
3 I knew that was given to me was almost as high  
4 as 60 percent.

5 COMMISSIONER CORNBLATT: Was that before  
6 or after you implemented the programs that have  
7 come in?

8 MR. MAGNUSSON: That was before, prior.  
9 We're hoping to gather the statistical data to  
10 get--in fact, by the end of this year. It's being  
11 done now by a team from Impact who came up--again,  
12 we didn't have the manpower, but they're going to  
13 come up and try a data retrieval system so he can  
14 have statistical things, so when we talk, we can  
15 talk with more intelligence.

16 COMMISSIONER CORNBLATT: The social develop-  
17 ment programs, you limit to females. Do you have  
18 any equivalent for your male prisoners?

19 MR. MAGNUSSON: Not in the same, hygiene--  
20 I have had some people tell me that they would like  
21 to come up and talk about individual things, prob-  
22 lems, insurance as it might relate to them, but I  
23 don't have it. The only thing I have, I have  
24 obtained the services of the Essex County Legal Aid  
25 Society, with, again, somebody picking up the tab.

1 We're going to have one of them stationed at our  
2 institution at all times. I've always put in for--  
3 tried to obtain a Public Defender full time by support  
4 of Federal Funds to coordinate all of the activities  
5 with the Assignment Court and with our Judicial  
6 System, which would make for a more orderly operation.

7 COMMISSIONER CORNBLETT: I have nothing fur-  
8 ther.

9 CHAIRMAN IRVING: Now, Warden, I understand  
10 that through your cooperation, which meant that we  
11 did not have to use any subpoena power, you have  
12 made available to us two women from the Correctional  
13 Center. Do I understand that one of the women who  
14 is here was selected by the other women to speak  
15 for them?

16 MR. MAGNUSSON: Yes. She's what we call  
17 a representative.

18 CHAIRMAN IRVING: Well, I think the  
19 Commission would like to hear from them.

20 COMMISSIONER BROWN: Warden, you mentioned  
21 twenty-five years. I wonder if you could just  
22 briefly give a thumbnail sketch of your background,  
23 how you got started, how you got into being a  
24 Warden.

25 MR. MAGNUSSON: Right. I started out

1 as a jail officer at the Essex County Jail when it  
2 was known as the Old Newark Street Jail. It actually  
3 was, of course, the Essex County Jail. After I  
4 was there for two and a half years, I placed first  
5 under the Civil Service Examination, I became the  
6 Chief Jail Officer, and I stayed at the jail for  
7 a period of seven years. I took another examination  
8 and went down to the Sheriff's office and worked in  
9 the County Courts, the Superior Courts; I was a  
10 Sergeant-at-arms in the Essex County County Juvenile  
11 Court; I was a Sergeant-at-arms in the Essex County  
12 Court, which had the visiting judges in Essex.  
13 I worked for some fourteen years in the investiga-  
14 tive division in the Sheriff's Office. During that  
15 one time, I served as Chief Investigator for a  
16 Legislative Commission in Trenton for a period of  
17 one year. I have been involved in, particularly,  
18 public relations and community service work, which  
19 I specialized in for the three or four years pre-  
20 ceding to taking the job as the Acting Chief Adminis-  
21 trator at the Essex County Corrections Center.

22 COMMISSIONER BROWN: During this period,  
23 how many years do you estimate you actually worked  
24 for the Sheriff's Department and--

25 MR. MAGNUSSON: Twenty-five.

1 COMMISSIONER BROWN: Twenty-five for the  
2 Sheriff's Department--

3 MR. MAGNUSSON: Well, twenty-four, and my  
4 time here, my seventeen months up here.

5 COMMISSIONER BROWN: Well, in actuality,  
6 you have worked for the Sheriff, then, for approxi-  
7 mately twenty-four years.

8 MR. MAGNUSSON: Yes.

9 COMMISSIONER BROWN: During this period,  
10 is it my recollection that you were Chief Investi-  
11 gator or an investigator in the Narcotics Division,  
12 assigned to the Essex County Narcotics Squad?

13 MR. MAGNUSSON: I worked in Narcotics Divi-  
14 sion. I'm a graduate of the Federal Bureau of  
15 Narcotics Training School in Washington, D.C..  
16 I've given lectures and talks on narcotics, but  
17 I was not in charge of Narcotics Division. I speci-  
18 alized in another field of enforcement.

19 COMMISSIONER BROWN: I see, thank you.

20 CHAIRMAN IRVING: Sheriff?

21 COMMISSIONER DE MARINO: Warden, in addi-  
22 tion to the question Commissioner Brown asked  
23 you, most of the schooling that you had was not  
24 mandated schooling; it was schooling you sought on  
25 your own, is that correct?

1 MR. MAGNUSSON: Yes, I did, yes.

2 COMMISSIONER DE MARINO: Was the schooling,  
3 the majority of the time, at your own expense, too?

4 MR. MAGNUSSON: I attended Seton Hall  
5 University, and took courses in police sciences,  
6 other schools. Our Essex County Police School.

7 COMMISSIONER DE MARINO: You are the type  
8 of people that are just about holding the system  
9 together, because of your time and initiative on  
10 your own part.

11 MR. MAGNUSSON: Thank you, sir.

12 COMMISSIONER DE MARINO: Let me ask you  
13 this: What percentage of men are not trained at  
14 all?

15 MR. MAGNUSSON: Our officers?

16 COMMISSIONER DE MARINO: Yes.

17 MR. MAGNUSSON: Well, it--I would say  
18 roughly twenty percent, right now. But these are  
19 more senior men, more seasoned men, who have had  
20 at least seven years, up to twenty years service.  
21 We tried to give them priority to the newer men.

22 COMMISSIONER DE MARINO: Let me ask you  
23 this: You said that there is a turnover of about  
24 four out of ten. Would you have--and of course,  
25 you say you put a lot of effort into trying to

1 hold these people. I'm certain that during those  
2 interviews, when you try to hold them, they must  
3 tell you where they're going. What percentage  
4 would you say go to either other jobs for better  
5 money or do they go to police fields, or where  
6 would they go from there?

7 MR. MAGNUSSON: Well, there's a lot of  
8 pirating among police fields. A man may want to  
9 get into investigative work and may go to the  
10 Prosecutor's Office, or possibly the Sheriff's  
11 Office, or maybe take a job--I have one fellow  
12 who wants to become an ABC agent. I don't want to  
13 lose him, but he feels that he would like to do  
14 this kind of work. This is in addition to that,  
15 you know, the four out of ten. But we have talked  
16 a few of the men into staying there, particularly  
17 based on the advantages of the job, and under  
18 predication that the job is going to be better; that  
19 the area for the correction officer is just starting  
20 to hit its stride, and if he's going into any area  
21 to be a professional, now, this is the area that  
22 he's going into, as a corrections officer. Just this  
23 group here is highlighting the drastic change, the  
24 radical change in the area of corrections and  
25 penalogy that's taking place. So those guys that

1 have persistence will hang on and suffer some of  
2 the things they don't like, anticipating that it  
3 will be much better, that there will be more  
4 specialization, that it's nice if he can tell a  
5 guy that, look even if you're not handling a cer-  
6 tain detail or if you're not a specialist, you're  
7 not counseling in narcotics or something else,  
8 we can offer you maybe a Senior Corrections Offi-  
9 cer, even though you may work in the wing, where  
10 you have the direct contact with an inmate. We  
11 can compensate you for your talents by making you  
12 a Senior Corrections Officer. These are the type  
13 of things that I see coming, and I think they will  
14 come.

15 COMMISSIONER DE MARINO: Would you agree--  
16 I know I have the problem, and certainly you have--  
17 your decision making means that you have to work  
18 around rules and regulations that are against your  
19 grain, simply because you try to hold men on, mean-  
20 ing you adjust them to shifts or get them other  
21 jobs, so you hold them in your possession.

22 MR. MAGNUSSON: There's a bit of that,  
23 sure.

24 COMMISSIONER DE MARINO: One more thing.  
25 Are you on leave of absence from the Sheriff's

1 Department?

2 MR. MAGNUSSON: Yes.

3 COMMISSIONER DE MARINO: All right.

4 MR. MAGNUSSON: I could be returned to-  
5 morrow.

6 COMMISSIONER BROWN: How long do you  
7 anticipate being on leave?

8 MR. MAGNUSSON: Maybe until Monday, I  
9 don't know. I don't know what these fellows are  
10 writing in this paper here!

11 No, I look at it this way. If I should  
12 leave there, I take more out of it than I put into  
13 it. It's been a terrific experience for me, but  
14 it's been more of an experience to work with the  
15 type of guys I have worked with, really. Those  
16 guys have been fantastic, and they've really done  
17 the job. All they need is somebody to carry the  
18 ball for them, and the talent is up there. I have  
19 a lot of talented people, and by utilizing them in  
20 the right spot, why we've got tremendous lifts.

21 COMMISSIONER DE MARINO: Thank you,  
22 Warden.

23 CHAIRMAN IRVING: Warden, I think you  
24 have our expression of support. I think the Govern-  
25 ment recognizes they don't want to lose a good man,

1 and I hope you will be there for many years so  
2 we can build around you. I will not underestimate  
3 the deficiencies that we have discussed with you;  
4 nevertheless, we are impressed by your testimony.

5 Now, will you tell us the name of the  
6 inmate who will speak for the rest of the inmates?

7 MR. MAGNUSSON: Yes. Mrs. Gant, my  
8 Supervisor, will introduce the women.

9 OFFICER WINNIE GANTT-DAVIS: We have two  
10 of the ladies.

11 CHAIRMAN IRVING: Thank you. Before we  
12 ask the witnesses to identify themselves, let me  
13 point out what I think the schedule is for the  
14 balance of the afternoon, in terms of what we can  
15 accomplish. We have these two women. There is also  
16 a Vincent Salvato, who is waiting, and we'll get to  
17 him before the end of the day, because I promised  
18 him we would. There are a couple of affidavits we  
19 want to read into the record. Reverend Frank  
20 Gibson is here, and he's been waiting patiently to  
21 talk. We will accomplish that, at least, this  
22 afternoon.

23 The representatives of the Essex County  
24 Jail who are here, would it not be better all around  
25 if we scheduled another day that Doctor Simms, the

1 dentist from the jail and some other people, the  
2 officers who are here, and they will then be able  
3 to testify? We're receptive to that, and we will  
4 schedule a day, as soon as we can, to hear from  
5 those men and from anybody else in Essex County who  
6 is unable to be heard today. Thank you.

7 Now, Maude Jackson, will you identify  
8 yourself?

9 MISS MAUDE JACKSON: My name is Maude  
10 Jackson; I'm an inmate at E.C.C., Essex County  
11 Corrections Center.

12 CHAIRMAN IRVING: Do they both seem to  
13 be the same place to you?

14 MISS JACKSON: They both call them E.C.C..

15 CHAIRMAN IRVING: I see. Miss Jackson, do  
16 you understand you can refuse to answer any ques-  
17 tions we ask? You come voluntarily, do you not?

18 MISS JACKSON: Yes.

19 CHAIRMAN IRVING: May I ask how you were  
20 selected to come here today?

21 MISS JACKSON: Well, the girls voted me  
22 in to be representative of the women's wing in  
23 November, because we were having trouble, static  
24 between the officers and the girls. So they voted  
25 me in.

1           CHAIRMAN IRVING: All right. Now, do  
2 you understand, Miss Jackson, that the only area  
3 that we are looking at today is the Essex County  
4 situation, and we want to talk to you about the  
5 Essex County Correctional Center.

6           MISS JACKSON: Right.

7           CHAIRMAN IRVING: And we welcome any  
8 thoughts you have about the needs there, or the  
9 remedies.

10          MISS JACKSON: Right.

11          CHAIRMAN IRVING: Now, I think it might  
12 be helpful if you would tell us how you, if you  
13 are typical of the women at the correctional center,  
14 how you spend your day, from the time you awaken  
15 in the morning.

16          MISS JACKSON: The girls wake up at 5:30,  
17 take showers. Breakfast is about 6:30. You come  
18 after breakfast, you come and get locked back in.  
19 You come out at 8:00. Girls that have jobs, they  
20 do their jobs, you know, like cleaning the tier or  
21 whatever. After that, you do nothing.

22          CHAIRMAN IRVING: After that, you do  
23 nothing?

24          MISS JACKSON: Yeah. If you don't watch  
25 television, if you don't play cards, if you're not

1 in a general education class, there's nothing.

2 CHAIRMAN IRVING: What do you mean by a  
3 general education class?

4 MISS JACKSON: The G.E.D.. We have a teach-  
5 er that's there. If you're not in that class, other  
6 than that --

7 CHAIRMAN IRVING: Does she come every day?

8 MISS JACKSON: Yes.

9 CHAIRMAN IRVING: How many people can get  
10 into that class?

11 MISS JACKSON: Anybody can get into it.

12 CHAIRMAN IRVING: So that if all 47 women  
13 wanted to, they could participate?

14 MISS JACKSON: They could. They ready you  
15 to take a G.E.D. test, if you haven't finished high  
16 school.

17 CHAIRMAN IRVING: And how many do you think  
18 are taking that course?

19 MISS JACKSON: She has three girls getting  
20 ready now. We just had four take it. I've taken  
21 it since I've been there, too.

22 CHAIRMAN IRVING: Is there any reason  
23 why more of the women do not take the course?

24 MISS JACKSON: They're not interested.

25 CHAIRMAN IRVING: Do you know why they're

1 not interested?

2 MISS JACKSON: They don't care.

3 CHAIRMAN IRVING: Is there another kind  
4 of training that they would be interested in?

5 MISS JACKSON: When they're asked, nobody  
6 has nothing to say. But we still don't have any-  
7 thing going. Like this other program was supposed  
8 to come in January, they came and spoke to the girls,  
9 but we never heard anything about that until we read  
10 it in the paper again. We don't even know about  
11 that program.

12 CHAIRMAN IRVING: I see. Do I take it what  
13 you're saying is that except for this high school  
14 remedial program, there is nothing else at the  
15 moment that the women can participate in?

16 MISS JACKSON: Nothing.

17 CHAIRMAN IRVING: Now, the day that I  
18 visited the correctional center with Miss Hicks  
19 and some of our staff people, my impression was  
20 that many of the women spend hour after hour in that  
21 one large room--

22 MISS JACKSON: We're locked in five times.  
23 It's five doors, and then you lock on the tier.

24 CHAIRMAN IRVING: Well, now, the day that  
25 I was there was a very beautiful springlike day,

1 surprisingly enough. Are you able to get out  
2 at all?

3 MISS JACKSON: Not until May. Then they  
4 start going outside. When you go outside, then  
5 you can't have no baseball bats or nothing. You  
6 know, they don't want you to have nothing. If you  
7 go outside, it's too hot, and when it gets too hot,  
8 because I was there last summer. It's too hot, the  
9 bugs eat you up, they don't want you to have nothing.

10 CHAIRMAN IRVING: Now, we heard earlier  
11 that seven of the girls are on work release?

12 MISS JACKSON: That started last week.

13 CHAIRMAN IRVING: That only began last  
14 week?

15 MISS JACKSON: Last week.

16 CHAIRMAN IRVING: You mean until last week  
17 there was no work release--

18 MISS JACKSON: We had one girl going out  
19 on work release, and the only reason she was going  
20 on work release, the judge sent it up with her  
21 papers.

22 CHAIRMAN IRVING: Do you know why not  
23 more than seven women are out on work release?

24 MISS JACKSON: Miss James, she's supposed  
25 to be head of the Work Release Program. Before,

1 when we only had one girl going out, we asked  
2 her to go over and speak with the Work Release  
3 Program. She had a couple of girls that she wrote  
4 to the Judge for to see if they could go out on  
5 Work Release. She said the Judge said they can't  
6 go out on Work Release because of their charges,  
7 which was assault and batteries. But we got a  
8 girl going out on Work Release now, she shot her  
9 husband. You know, and like, really, we don't  
10 even know what--how the Work Release Program runs  
11 or anything. She don't come and talk to the girl,  
12 she don't run it. When they got them girls out on  
13 Work Release, she just popped out one day, and the  
14 next day, they went to work.

15 CHAIRMAN IRVING: Let me ask you this,  
16 Miss Jackson, and again, you don't have to answer  
17 it: When you are released from the Correctional  
18 Center, do you believe you have any skills so you  
19 can get a job?

20 MISS JACKSON: Yeah. I worked before I  
21 got busted. Factory job, but since I been in the  
22 institution, I've taken by G.E.D., I've taken a  
23 nurse's course, you know.

24 CHAIRMAN IRVING: Yes. Well, would you  
25 be interested in seeing the institution offer

1 programs in beauty culture, so that--and I use that  
2 only as an example, my thought being, Miss Jackson,  
3 and maybe I'm completely wrong, that it may be that  
4 you could develop skills in the correctional center  
5 which would get you better employment when you got  
6 out.

7 MISS JACKSON: Right.

8 CHAIRMAN IRVING: Because I take it that  
9 that is not a skilled position that you have.

10 MISS JACKSON: Not really.

11 CHAIRMAN IRVING: So you're not getting  
12 any skill at all--

13 MISS JACKSON: No.

14 CHAIRMAN IRVING: --while you're in the  
15 correctional institution?

16 MISS JACKSON: The only time, when I had  
17 the typing program, when I had gotten that, but  
18 they just pulled that right out.

19 CHAIRMAN IRVING: How long ago was that?

20 MISS JACKSON: That came in October. They  
21 pulled it out in November.

22 CHAIRMAN IRVING: Did they say why they  
23 pulled it out?

24 MISS JACKSON: I don't know why. The  
25 teacher just came in one day and they said they

1 coming to get the typewriters this afternoon, no  
2 more typing class. You know. I don't know why.

3 CHAIRMAN IRVING: Do any organizations  
4 come and visit with the women, put on any programs  
5 to help relieve the monotony of your day?

6 MISS JACKSON: No.

7 CHAIRMAN IRVING: None of the church-related,  
8 temple-related charities come?

9 MISS JACKSON: The only one that comes  
10 that brings--well, what you would call entertain-  
11 ment on Sunday is Reverend Saltis. He brings a  
12 choir, you know, like a different church, if you  
13 go to church. But other than that, if the girls  
14 don't entertain yourself--we have an officer now,  
15 she has some girls together that's doing plays and  
16 some things like that, and Mrs. Davis, she's  
17 the one that gives the nurse's courses at night,  
18 the 4 to 12 shift. But other than that, nothing.

19 CHAIRMAN IRVING: Do you want to say any-  
20 thing to us about the books that are there; the  
21 library that you have?

22 MISS JACKSON: Oh, I don't know what to  
23 say about them, really. They're old. We don't  
24 have any law books at all. They're just old novels,  
25 you know, and dusty.

1           CHAIRMAN IRVING: Do you have the impres-  
2 sion that the County is trying to help you correct  
3 yourself? Let me rephrase that, because I think  
4 that was offensive, I'm sorry.

5           Do you think that the County is interested  
6 in helping you improve your situation, so that  
7 you can get gainful employment when you leave?

8           MISS JACKSON: No.

9           CHAIRMAN IRVING: You think the County  
10 is not interested.

11          MISS JACKSON: Because if I don't do it,  
12 they're not trying to help me, either, you know.  
13 Like I said, we only have a few officers that are  
14 interested in the girls, and to try to teach them  
15 something. To other officers, it's just a job.  
16 We don't even have any rules and regulations.  
17 You know, they don't have none, we don't have none.

18          CHAIRMAN IRVING: What would you say,  
19 may I ask, your attitude is to government?  
20 Is it to support government? Are you hostile?  
21 Are you angry?

22          MISS JACKSON: No.

23          CHAIRMAN IRVING: You have no feelings  
24 for or against?

25          MISS JACKSON: Neutral.

1           CHAIRMAN IRVING: Is there anything else  
2 that you want to tell us about the existance of  
3 the women at the correctional center that you think  
4 we ought to know about?

5           MISS JACKSON: Yeah. The main thing is  
6 the medical department. Right? On the weekends,  
7 we have nobody there. The girls get sick, by the  
8 time they do get somebody, it's an hour or two hours,  
9 and then by the time somebody gets there with a car,  
10 they come all the way down to Martland Medical  
11 Center. They have to come way down there. I was  
12 pregnant while I was up there, and I had a baby.  
13 It took them an hour and a half to get me to the  
14 hospital, in labor, and one time I had false labor,  
15 they took me to Mountainside, and they just refused  
16 me, you know, and there's no kind of medical aid  
17 at all for girls. You know, like they do have a  
18 lot of junkies coming in and out, they have girls  
19 that come in that's kicking off methadone, they  
20 don't have no kind of medication to give them. They  
21 don't give no physical checkups to the women coming  
22 in there. We've had women come in there with the  
23 crabs, and they're just put in the population with  
24 us, you know, things like that.

25           CHAIRMAN IRVING: Do you know of your

1 own knowledge whether any women have caught any  
2 contagious rashes and diseases from being thrown  
3 in with other inmates?

4 MISS JACKSON: No, not that I know of.

5 CHAIRMAN IRVING: All right. May I go  
6 back to one reference you made, because I think  
7 it's important. You were in forced labor at one  
8 time, and you were refused admittance to a hospital?

9 MISS JACKSON: Yes.

10 CHAIRMAN IRVING: Was that your testimony?

11 MISS JACKSON: Yes.

12 CHAIRMAN IRVING: When was that?

13 MISS JACKSON: It was in November.

14 CHAIRMAN IRVING: November of 1973?

15 MISS JACKSON: Yes.

16 CHAIRMAN IRVING: Did the hospital indi-  
17 cate why you were refused admittance?

18 MISS JACKSON: They said--a doctor examined  
19 me. He said, the officer asked, he said, well,  
20 is she in labor? He said, yes, but you'll have  
21 time enough to get to Martland.

22 CHAIRMAN IRVING: What hospital was this?

23 MISS JACKSON: Mountainside, in Montclair.

24 CHAIRMAN IRVING: And when you got to--

25 MISS JACKSON: They had to call--after the

1 --the ambulance took me there, a voluntary ambulance,  
2 right? After they took me there, they felt that  
3 they might keep me, they left. So when they had  
4 to take me to City Hospital, they had to call all  
5 the way to Glen Ridge to get an ambulance to come  
6 to Montclair to take me to Martland.

7 CHAIRMAN IRVING: I almost hesitate to  
8 ask, but I do hope the birth was successful.

9 MISS JACKSON: I didn't even have the  
10 baby after all that. Til after. I was in false  
11 labor.

12 CHAIRMAN IRVING: Oh, false labor, I'm  
13 sorry. I didn't understand.

14 Is there anything else about the medical  
15 program that you want to tell us of? We have a  
16 special interest in dental care, because the day  
17 we visited, we thought there was some people who  
18 needed dental care. We wondered about that.

19 MISS JACKSON: They do--we have a dentist,  
20 but he's at Overlook, and we have to go once a week,  
21 and like I said, we have a lot of junkies there,  
22 and they get toothaches. If I get a toothache today,  
23 I have to wait until next week, or if you get sick  
24 over the weekend, you have to wait until Monday  
25 til the doctor comes. You have to wait. They make

1 appointments a week ahead of time, you know. Or  
2 if you're not there when they call your name for  
3 the doctor that Monday, you blow it until next  
4 week.

5 CHAIRMAN IRVING: They call your name,  
6 do they, in the morning, after breakfast for sick  
7 call?

8 MISS JACKSON: Yeah, like the nurse come  
9 around to your house, she say, you want to see the  
10 doctor? She'll put your name down. If they call  
11 your name and you might not be around and he don't  
12 see you, you have to wait until the next week.

13 CHAIRMAN IRVING: But suppose a woman had  
14 a need that was an emergency?

15 MISS HUNTEN: It's too bad.

16 MISS JACKSON: Well, it's--we've had them  
17 like that.

18 CHAIRMAN IRVING: And what happened to  
19 those?

20 MISS JACKSON: And then we have to nag  
21 the officers to get someone to take them down  
22 Martland Medical.

23 CHAIRMAN IRVING: Do you know whether  
24 any woman's illness was seriously aggravated be-  
25 cause she couldn't get prompt medical care?

1                   MISS JACKSON: One girl. She's not there  
2 now.

3                   CHAIRMAN IRVING: What happened to her?

4                   MISS JACKSON: She had a hernia, right  
5 here, and it was strangling her, and I had to ask  
6 the Warden, get permission to have her sent to  
7 the hospital right away. They operated on her  
8 the same day.

9                   CHAIRMAN IRVING: Are you saying to us  
10 that if she had gotten medical care earlier--

11                  MISS JACKSON: She had the other doctor  
12 they had there, Doctor Garrett, who had made a  
13 note to Doctor Ionne, he's the head doctor there,  
14 that she should be sent to the clinic right away.  
15 You could see it, it was so big.

16                  CHAIRMAN IRVING: How long since--

17                  MISS JACKSON: It took three weeks.

18                  CHAIRMAN IRVING: --since the note indi-  
19 cated that the woman needed a doctor?

20                  MISS JACKSON: And it took three weeks.

21                  CHAIRMAN IRVING: It took three weeks,  
22 and are you saying that by that time, the hernia  
23 had become aggravated?

24                  MISS JACKSON: Yes.

25                  CHAIRMAN IRVING: So it was now a far

1 more serious medical matter.

2 MISS JACKSON: Yeah.

3 CHAIRMAN IRVING: All right. Is there  
4 anything else you want to tell us that you think  
5 might be of help?

6 MISS JACKSON: Oh, the cars that they  
7 use for transporting the inmates back and forth  
8 to the hospital and the jail or whatever? They're  
9 terrible.

10 CHAIRMAN IRVING: The automobiles are  
11 in a poor condition, are they?

12 MISS JACKSON: They're all in terrible  
13 condition, and an inmate is cuffed, and no handles  
14 on the door. If she should have an accident, the  
15 inmate is cold in trouble.

16 CHAIRMAN IRVING: You mean that the inmate  
17 could not get out of the car?

18 MISS JACKSON: No. There's no handles  
19 on the door, plus, you're handcuffed.

20 CHAIRMAN IRVING: But I wonder if there  
21 are no handles on the door as a security measure.

22 MISS JACKSON: I know this, but I'm  
23 saying, the condition of the cars, you know?  
24 They're in such poor condition, you know, that  
25 you really shouldn't ride in them, being for real.

1           CHAIRMAN IRVING: Are you saying that  
2 because the cars are so old and in such poor  
3 condition, the chance of accident is worse?

4           MISS JACKSON: No, because I rode in enough  
5 of them going back and forth to the clinic. They've  
6 broken down and everything else.

7           Like, they say, they changed the name  
8 from penitentiary to Essex County Corrections Center,  
9 and we're locked like we're in solitary confinement.

10          MISS HUNTEN: It's maximum security.

11          CHAIRMAN IRVING: It is maximum security?

12          MISS HUNTEN: Yes, sir.

13          MISS JACKSON: It sure is. Fort Knox don't  
14 have nothing on us. That's right.

15          CHAIRMAN IRVING: Let us ask if any other  
16 members of the panel want to talk with you, Miss  
17 Jackson, and then we'll ask Miss Hunter if she  
18 wants to add anything to it?

19          Mr. Cornblatt?

20          COMMISSIONER CORNBLATT: Are you suggesting,  
21 Miss Jackson, that it shouldn't be a maximum secur-  
22 ity institution?

23          MISS JACKSON: If they changed the name  
24 to a center.

25          COMMISSIONER CORNBLATT: Whatever the name

1 is, are you suggesting there shouldn't be locks  
2 on the door?

3 MISS JACKSON: I'm not saying there shouldn't  
4 be locks.

5 COMMISSIONER CORNBLATT: Do you really  
6 think the prisoners, the people who are locked up,  
7 are the people to decide what doors should be locked?

8 MISS JACKSON: No, I don't, but we're  
9 human beings, too.

10 COMMISSIONER CORNBLATT: I understand that,  
11 but--

12 MISS JACKSON: What I'm saying is, the way  
13 they have us locked on those tiers, like we're wild  
14 animals.

15 COMMISSIONER CORNBLATT: What do you think  
16 would make sense? How would you change it?

17 MISS JACKSON: The way it was before, there  
18 was a door that was open, you could walk from one  
19 side of the tier to the other.

20 COMMISSIONER CORNBLATT: And they don't  
21 do that anymore?

22 MISS JACKSON: Everything is locked.

23 COMMISSIONER CORNBLATT: Do you know why?

24 MISS JACKSON: I don't know why. Because  
25 there hasn't been any trouble, if you ask them, they

1 talk about something that happened in 1950. This  
2 is '74.

3 COMMISSIONER CORNBLATT: What happened in  
4 1950?

5 MISS JACKSON: I don't know. That's what  
6 they always talking about, what happened then.

7 COMMISSIONER CORNBLATT: Well, what do they  
8 tell you happened then?

9 MISS JACKSON: Well, so and so, we caught  
10 so and so doing this, and--you know, that time.

11 COMMISSIONER CORNBLATT: You said there was  
12 a program at that time in January; you said nothing  
13 happened, but you read about it in the newspapers.

14 MISS JACKSON: About the one the Warden  
15 was talking about, the personal grooming and--

16 COMMISSIONER CORNBLATT: That program has  
17 not been implemented?

18 MISS JACKSON: No.

19 COMMISSIONER CORNBLATT: That's the Social  
20 Development Program. That does not exist, to your  
21 knowledge?

22 MISS JACKSON: No, it doesn't.

23 COMMISSIONER CORNBLATT: And there's no  
24 one teaching that.

25 You said that when you went outside, you

1       said you could not have baseball bats, and I  
2       wasn't sure I followed that. Are you suggesting  
3       that--

4               MISS JACKSON: Girls like to play baseball.

5               COMMISSIONER CORNBLATT: You understand  
6       why they wouldn't want you to have baseball bats?

7               MISS JACKSON: We got chairs, if you want  
8       to hit somebody.

9               COMMISSIONER CORNBLATT: You said--and I  
10      think I'm quoting you accurately--they don't want  
11      you to have nothing. I don't know what that means.  
12      What I'm trying to get to, ultimately, Miss Jackson,  
13      what changes you would like to make in that institu-  
14      tion, keeping in mind you're locked up.

15              MISS JACKSON: I realize I'm being there,  
16      I'm being punished and like that, but I feel I  
17      can handle myself. What I was saying was that we  
18      can't have nothing when we go outside, as I said,  
19      like the baseball bats and things. Now, we was  
20      promised a pool table. The fellows been had theirs  
21      up. They didn't put up none for us. We were  
22      supposed to get one. Girls play pool. They play  
23      basketball, too. They got a basketball team, the  
24      men.

25              COMMISSIONER CORNBLATT: What are you doing?

1 You've been there for awhile, I gather--

2 MISS JACKSON: Eleven months.

3 COMMISSIONER CORNBLATT: And how much  
4 of that time have you done?

5 MISS JACKSON: Eleven months.

6 COMMISSIONER CORNBLATT: You're getting  
7 ready to get out, then?

8 MISS JACKSON: Next month.

9 COMMISSIONER CORNBLATT: In that eleven  
10 months, what have you done--

11 MISS JACKSON: I got a G.E.D., I'm gradu-  
12 ated from the nurse's course.

13 COMMISSIONER CORNBLATT: Because there  
14 are things you can do while you're in an institution--

15 MISS JACKSON: If you want to.

16 COMMISSIONER CORNBLATT: If you want to,  
17 and what can you suggest that might make some more  
18 of the ladies in the institution do what you've done?

19 MISS JACKSON: Other than that, there's  
20 nothing else, you see. Everybody's not interested  
21 in those things.

22 COMMISSIONER CORNBLATT: I understand that,  
23 but what programs could be put into this institu-  
24 tion so you won't have--

25 MISS JACKSON: Arts and crafts, like arts

1 and crafts. The women already crochet. I knew  
2 how to do that already before I got there. You  
3 know? Things like that. Paint or whatever.

4 COMMISSIONER CORNBLATT: All right, thank  
5 you.

6 CHAIRMAN IRVING: Mr. Ginsberg?

7 HEARING OFFICER GINSBERG: I have nothing.

8 CHAIRMAN IRVING: Mrs. Hicks?

9 COMMISSIONER HICKS: Yes. I'd like to ask,  
10 you mentioned getting busted.

11 MISS JACKSON: Yes.

12 COMMISSIONER HICKS: This is an assumption  
13 I'm making. Have you been attending narcotics  
14 therapy classes?

15 MISS JACKSON: No. They don't have them.

16 COMMISSIONER HICKS: Okay. Have you  
17 been informed of methods whereby you can participate  
18 in a Work Release? Have you made this request?

19 MISS JACKSON: The Work Release?

20 COMMISSIONER HICKS: Yes.

21 MISS JACKSON: I was one of the first  
22 girls that they wanted to go on the Work Release,  
23 but, my Judge had said he would consider, but they  
24 had already had papers, and I told him I didn't  
25 want it. I've been there all this time, they

1 didn't try to get me no Work Release before this,  
2 and I'm not paying them to keep me in jail.

3 COMMISSIONER HICKS: When you first entered  
4 Caldwell, did you tell anyone of your medical  
5 history, or were you asked about your medical history,  
6 or --

7 MISS JACKSON: No. The only thing they  
8 ask is what kind of scars --if you have any scars  
9 on your body, if you had operations. The officers  
10 ask you that.

11 COMMISSIONER HICKS: Well, during the  
12 day of our visit, you mentioned something about  
13 the inmates being quite tense. Can you describe  
14 that for me, because I talked to you first, then  
15 I went over to talk to the other girls.

16 MISS JACKSON: Because everything is so  
17 tight. You know, you get sick of looking at each  
18 other.

19 COMMISSIONER HICKS: But during the  
20 more frustrating moments, do you have someone that  
21 you can talk to? Is there someone in any way--

22 MISS JACKSON: Each other.

23 COMMISSIONER HICKS: I notice that you  
24 have a psychiatrist at the institution.

25 MISS JACKSON: I don't know.

1           COMMISSIONER HICKS: Have you been permit-  
2       ted to talk to him?

3           MISS JACKSON: I don't know about him. I've  
4       never seen him.

5           COMMISSIONER HICKS: Are drugs available  
6       there at the correction center?

7           MISS JACKSON: No.

8           COMMISSIONER HICKS: They're not. Do  
9       they have a methadone program?

10          MISS JACKSON: No. The only methadone  
11       is if a girl comes in that's on methadone maintenance  
12       program, and she has 30 days, they bring her her  
13       methadone every day. Other than that, they don't  
14       have none of that.

15          COMMISSIONER HICKS: Who do you look for  
16       for the dispensing of drugs; for instance, for a  
17       headache, disorder.

18          MISS JACKSON: I don't know. I don't  
19       take no pills.

20          COMMISSIONER HICKS: Well, are drugs  
21       dispensed to you--

22          MISS JACKSON: Doctor prescribes--

23          COMMISSIONER HICKS: The doctor is the  
24       one. Okay. Thank you.

25          CHAIRMAN IRVING: Warden Brown?

1           COMMISSIONER BROWN: You indicated that  
2 you feel that this is not a minimum security institu-  
3 tion. You intimated that it's more or less of a  
4 maximum security institution.

5           MISS JACKSON: It is.

6           COMMISSIONER BROWN: How do you make your  
7 comparison? Where have you been--

8           MISS JACKSON: I've been to Clinton.  
9 Newark Street, the new jail over there.

10          COMMISSIONER BROWN: I'm sorry, you're  
11 getting ahead of me. Clinton and where?

12          MISS JACKSON: Newark Street, the old  
13 Newark Street.

14          COMMISSIONER BROWN: The old Newark Street,  
15 and any other places?

16          MISS JACKSON: No.

17          COMMISSIONER BROWN: Now, in Clinton,  
18 do you consider that a maximum security institution?

19          MISS JACKSON: No.

20          COMMISSIONER BROWN: It's Clinton State  
21 Home for Girls, is that what they call it?

22          MISS JACKSON: No, Clinton Reformatory  
23 for Women.

24          COMMISSIONER BROWN: In the Newark Street  
25 Jail, is that maximum security?

1                   MISS JACKSON: The new jail?

2                   COMMISSIONER BROWN: No. You said you  
3 were in the--

4                   MISS JACKSON: The old jail?

5                   COMMISSIONER BROWN: You said you were  
6 in Newark Jail. That's the old jail?

7                   MISS JACKSON: I've been in both of them.  
8 Which one are you talking about?

9                   COMMISSIONER BROWN: Let's take them one  
10 at a time. Is Newark Street Jail a maximum security?

11                  MISS JACKSON: Yeah.

12                  COMMISSIONER BROWN: It is.

13                  MISS JACKSON: Yeah.

14                  COMMISSIONER BROWN: Is the new jail a  
15 maximum?

16                  MISS JACKSON: Yeah.

17                  COMMISSIONER BROWN: In your experience  
18 in being in these jails, how do you classify maxi-  
19 mum from minimum; just the fact you don't have an  
20 open house and can roam around? I mean, how do  
21 we derive this classification of one--I heard the  
22 Warden say he runs a minimum security institution--

23                  MISS JACKSON: That's on the men's side.

24                  COMMISSIONER BROWN: You mean the women's  
25 side is run differently than the men's side?

1                   MISS JACKSON: Yeah, right.

2                   COMMISSIONER BROWN: They have two  
3 different sets of standards?

4                   MISS JACKSON: Right.

5                   COMMISSIONER BROWN: And you, you're  
6 familiar with the men's side. How are you familiar  
7 with the men's side?

8                   MISS JACKSON: Well, when they started  
9 coed rap sessions, I was one of the first women  
10 to go over there, and I spoke with the fellows and  
11 everything. Like, their houses are left open, they  
12 go to bed when they get ready, you know. The doors  
13 are not slid, the doors are left open. They go  
14 to bed when they get ready. They play pool, you  
15 know, things like that.

16                  COMMISSIONER BROWN: Is there another  
17 women's section besides your section, that can  
18 be considered a women's section that would be  
19 minimum?

20                  MISS JACKSON: So.

21                  COMMISSIONER BROWN: In other words,  
22 it's just one section for the women, and you  
23 classify this as maximum security?

24                  MISS JACKSON: It's not like just one  
25 section, it's two sides, right? There's a side

1 over here with the three tiers, there's a side  
2 over here with three tiers. Each side has a gate.

3 COMMISSIONER BROWN: And both sides you  
4 consider maximum?

5 MISS JACKSON: Yeah, because they could  
6 leave the catwalk open. They have.

7 COMMISSIONER BROWN: What would be the  
8 purpose of that?

9 MISS JACKSON: To keep the officers  
10 from running, opening the doors with the keys  
11 all day and night.

12 COMMISSIONER BROWN: Why would the  
13 officers open the door at night?

14 MISS JACKSON: Because you go from one  
15 side to the other.

16 COMMISSIONER BROWN: Why would the  
17 officers open the door at night, because I assume  
18 they have regulations at, at a certain time, you  
19 go to bed.

20 MISS JACKSON: I'm not talking about  
21 going to bed. I mean during our recreation peri-  
22 od, it's what you call it.

23 COMMISSIONER BROWN: Are you allowed to  
24 go into the other tier during your recreation  
25 period?

1 MISS JACKSON: Yes.

2 COMMISSIONER BROWN: But after that is  
3 over, you have to go back to your own tier?

4 MISS JACKSON: No.

5 COMMISSIONER BROWN: You said there were  
6 two sections.

7 MISS JACKSON: It's two sides. It's two  
8 sides, they got A and B, like that.

9 COMMISSIONER BROWN: During your recrea-  
10 tion period, are you allowed to go over to B, if  
11 you're in A?

12 MISS JACKSON: Yeah.

13 COMMISSIONER BROWN: Are you allowed to  
14 stay there for awhile?

15 MISS JACKSON: No. You have to stay  
16 there until they get ready to open the door.

17 COMMISSIONER BROWN: How long is that?

18 MISS JACKSON: At night? 7:30. They  
19 make a 7:30 call, after supper, and we go to bed.  
20 10, 10:00, everybody goes to bed at 10.

21 COMMISSIONER BROWN: So in other words,  
22 there is an amount of freedom that you are allowed  
23 over there at certain intervals?

24 MISS HUNTEN: What is he talking about?

25 MISS JACKSON: About, you know, being

1 locked.

2 COMMISSIONER BROWN: Well, I think that  
3 rather than pursue this--I think I understand what  
4 you're saying.

5 How old are you?

6 MISS JACKSON: Thirty-one.

7 COMMISSIONER BROWN: And you indicated  
8 you've been in Clinton Reformatory, you've been  
9 in Newark, the old jail, and Newark, the new jail.  
10 Have you been in any other places?

11 MISS JACKSON: No.

12 COMMISSIONER BROWN: And you told Mrs.  
13 Hicks you were busted, and yet, Mrs. Hicks asked  
14 you if you had any drugs available to you in the  
15 Caldwell Penitentiary.

16 MISS JACKSON: Well, I don't.

17 COMMISSIONER BROWN: You don't. But  
18 were you busted, in fact, for drugs? For drug use?

19 MISS JACKSON: What I am up there now for  
20 is a violation.

21 COMMISSIONER BROWN: A violation of  
22 probation?

23 MISS JACKSON: Yes.

24 COMMISSIONER BROWN: And the fact that  
25 you were using or selling--

1           MISS JACKSON: I have a possession.

2           COMMISSIONER BROWN: Possession, and the  
3 fact that you had possession, I have to assume  
4 that you were using.

5           MISS JACKSON: No.

6           COMMISSIONER BROWN: No? Okay. Then  
7 you say that there are drugs available up there,  
8 but you haven't--

9           MISS JACKSON: I didn't say drugs, I  
10 said the doctor prescribes the medication.

11          COMMISSIONER BROWN: Now, I'm trying to  
12 bring something out for the Commission. I'm trying  
13 to find out whether or not there are drugs, in fact,  
14 available to you--

15          MISS JACKSON: Not to my knowledge, no.

16          COMMISSIONER BROWN: Okay. That's what  
17 I wanted to find out. Thank you.

18          COMMISSIONER DE MARINO: Miss Jackson,  
19 let me ask you this: If there were drugs available,  
20 and you did have knowledge, wouldn't you answer  
21 the say way; not to your knowledge? In other words,  
22 let me put it this way. You feel--

23          MISS JACKSON: If I knew there was some-  
24 thing around, I'd say the same things, yes.

25          COMMISSIONER DE MARINO: Thank you very

1 much. That's the point I wanted to bring out,  
2 and let's approach it from here, and you don't  
3 have to answer unless you want to, okay?

4 Isn't it a fact that female prisoners,  
5 just like male prisoners, palm medication?

6 MISS JACKSON: They what?

7 COMMISSIONER DE MARINO: In other words,  
8 if you're given aspirins, they will accumulate them?

9 MISS JACKSON: Save them? I don't know,  
10 because I don't take medication.

11 COMMISSIONER DE MARINO: Miss Hunter,  
12 you are there. Do you understand what I mean by  
13 palming medication?

14 MISS HUNTER: Yes.

15 COMMISSIONER DE MARINO: Where you accumu-  
16 lated, and you have enough to do--

17 MISS HUNTER: Some of them did it and got  
18 away without taking them, and now, most--not all,  
19 but most of the officers will watch you while you  
20 swallow it.

21 COMMISSIONER DE MARINO: So there is a  
22 chance that they are not watched. Now, is it a  
23 fact that methadone is dispersed there? I'm not  
24 saying you take it, I'm not saying you have ever  
25 had it, but do you have any knowledge that it is

1 dispersed?

2 MISS HUNTER: Only to those who are on  
3 methadone maintenance.

4 COMMISSIONER DE MARINO: Let me ask you  
5 this: Have you ever witnessed any females at the  
6 correction center that may have been high from too  
7 much methadone?

8 MISS JACKSON: Yeah.

9 MISS HUNTER: If you're on methadone mainten-  
10 ance, you automatically get high.

11 COMMISSIONER DE MARINO: Did you ever  
12 get any methadone?

13 MISS HUNTER: Me?

14 COMMISSIONER DE MARINO: Yes.

15 MISS HUNTER: Not in the correctional  
16 center.

17 COMMISSIONER DE MARINO: Neither one of  
18 you? All right. How about at Clinton?

19 MISS HUNTER: I've never been there.

20 COMMISSIONER DE MARINO: All right. Let  
21 me probe the drug problem. You told the Warden  
22 here, Commissioner Brown, you were incarcerated  
23 for possession of--

24 MISS JACKSON: This charge?

25 COMMISSIONER DE MARINO: This charge,

1 violation of probation.

2 MISS JACKSON: I'm up on a violation of  
3 an old possession of '71.

4 COMMISSIONER DE MARINO: Did you, in fact,  
5 ever use drugs?

6 MISS JACKSON: Yeah.

7 COMMISSIONER DE MARINO: Let me ask you  
8 this: You had no program there. All the time you  
9 were in, no drug program--

10 MISS JACKSON: Where?

11 COMMISSIONER DE MARINO: At the corrections  
12 center.

13 MISS JACKSON: This time?

14 COMMISSIONER DE MARINO: Yes.

15 MISS JACKSON: I wasn't shooting dope  
16 when I got locked up.

17 COMMISSIONER DE MARINO: I'm sorry?

18 MISS JACKSON: I wasn't shooting dope  
19 when I got locked up.

20 COMMISSIONER DE MARINO: But prior to  
21 your getting locked up, were you on drugs?

22 MISS JACKSON: No.

23 COMMISSIONER DE MARINO: So that you  
24 didn't need any drug program then.

25 MISS JACKSON: No.

1 COMMISSIONER DE MARINO: And there is--

2 MISS JACKSON: But I was in one from the  
3 street, though, just in Liberty Village.

4 COMMISSIONER DE MARINO: Well, Liberty  
5 Village--

6 MISS JACKSON: That's an out-patient.

7 COMMISSIONER DE MARINO: An out-patient  
8 institution?

9 MISS JACKSON: This was my stipulation  
10 for my probation.

11 COMMISSIONER DE MARINO: And then you  
12 violated that?

13 MISS JACKSON: No, I beat my probation  
14 officer up.

15 COMMISSIONER DE MARINO: You what? Did what?

16 MISS JACKSON: I beat her up.

17 COMMISSIONER DE MARINO: Now, for our  
18 benefit, the Commission--let me say, is there a  
19 possibility that when you get out, you will go back  
20 on drugs?

21 MISS JACKSON: No.

22 COMMISSIONER DE MARINO: You say no. No,  
23 because you kicked the habit yourself?

24 MISS JACKSON: I did.

25 COMMISSIONER DE MARINO: Or is it not be-

1 cause there's any program within the system to--

2 MISS JACKSON: Because I'm ready to stop.

3 MISS HUNTER: Ask me. Ask me.

4 COMMISSIONER DE MARINO: I assumed that.

5 CHAIRMAN IRVING: Yes. Either one may  
6 answer.

7 MISS HUNTER: I will.

8 COMMISSIONER DE MARINO: You will?

9 MISS HUNTER: I will, because I'm not  
10 getting any help out of there. I've been there  
11 five times.

12 COMMISSIONER DE MARINO: That's what I've  
13 been trying to get out of Miss Jackson.

14 MISS JACKSON: That's only my second time  
15 in ten years.

16 COMMISSIONER DE MARINO: You've been in  
17 the corrections center five times?

18 MISS HUNTER: Yes.

19 COMMISSIONER DE MARINO: And they're all  
20 drug related offenses?

21 MISS HUNTER: Some of them shoplifting be-  
22 cause of drugs.

23 COMMISSIONER DE MARINO: Were there any  
24 programs there for you?

25 MISS HUNTER: First of all, the drug

1 programs they had, they couldn't identify with me  
2 because they haven't been where I've been.

3 COMMISSIONER DE MARINO: In other words,  
4 you're talking about the degree of drugs they're  
5 instructing you upon--

6 MISS HUNTER: They're talking about  
7 drugs that they don't even know about.

8 COMMISSIONER DE MARINO: And who's talking  
9 about it?

10 MISS HUNTER: The ones they appoint as  
11 counselors.

12 COMMISSIONER DE MARINO: And who are  
13 these people? Are they counselors, corrections  
14 officers, or lay people?

15 MISS HUNTER: In '71, it was Mrs. James.

16 COMMISSIONER DE MARINO: Who's Mrs. James?  
17 Is she a corrections officer?

18 MISS HUNTER: She was. She's now head  
19 of Work Release.

20 COMMISSIONER DE MARINO: Let's stop right  
21 there. You, now, the drug user, and Mrs. James,  
22 the instructor; is that what you're saying?

23 MISS HUNTER: Yeah.

24 COMMISSIONER DE MARINO: In your opinion,  
25 how much knowledge would you say she had about

1 drugs?

2 MISS HUNTER: Only what we told her.

3 COMMISSIONER DE MARINO: You're saying  
4 she was educated by those within the institution?

5 MISS HUNTER: Right.

6 COMMISSIONER DE MARINO: You don't know  
7 for a fact that she had any formal education in  
8 the field of narcotics?

9 MISS HUNTER: No. You could tell the  
10 way she asked all the questions. She didn't know.

11 COMMISSIONER DE MARINO: Well, besides  
12 Mrs. James. were there any other people?

13 MISS HUNTER: Yes, they had another one,  
14 Mrs. Middleton.

15 COMMISSIONER DE MARINO: When you say  
16 Mrs., I think you're referring to the corrections  
17 officers, is that right?

18 MISS HUNTER: Yeah.

19 COMMISSIONER DE MARINO: She didn't know,  
20 either?

21 MISS HUNTER: No. She didn't know enough  
22 about drugs to be a drug counselor. She didn't know  
23 nothing about it.

24 COMMISSIONER DE MARINO: All right. What  
25 happens to--

1                   MISS HUNTER: She read books.

2                   COMMISSIONER DE MARINO: Let me ask  
3 this question. What happens to you, now, who  
4 is now a drug user, and you're confronted with  
5 someone who's instructing you about drugs, and  
6 you know more than they do? What happens to you,  
7 as a person enrolled in the drug program?

8                   MISS HUNTER: As a person, I feel like  
9 they can't tell me nothing. You know, they just  
10 can't tell me nothing about drugs, because I use  
11 them.

12                  COMMISSIONER DE MARINO: In other words,  
13 they can't sufficiently explain the whole turkey  
14 experience to you, because you've been there.

15                  MISS HUNTER: No. No.

16                  COMMISSIONER DE MARINO: Do they have  
17 any knowledge, reasonable knowledge--

18                  MISS HUNTER: Yeah, they seen girls kicking  
19 the habit.

20                  COMMISSIONER DE MARINO: With the exception  
21 of those two corrections officers, were there any  
22 skilled people enrolled in the drug rehabilitation  
23 program in this correction center while you were  
24 there?

25                  MISS HUNTER: I started--my first time was

1 '71, '72 and '73. Now, in '73, there have--they  
2 don't really have a drug program, but, you know,  
3 they have a person coming from the street from a  
4 drug program that knows, you know, he knows where  
5 it's at.

6 COMMISSIONER DE MARINO: How about that  
7 person? Do you attend his classes?

8 MISS HUNTER: Yeah.

9 COMMISSIONER DE MARINO: Do you gain any-  
10 thing from those, from him, from that instruction?

11 MISS HUNTER: No, because it has to come  
12 from here (pointing to her forehead).

13 COMMISSIONER DE MARINO: Meaning that you,  
14 the person--

15 MISS HUNTER: Like, I feel like, okay,  
16 being that I've been locked up five times, and I've  
17 used drugs every time, I feel like I want to try  
18 Meth, but I know that's one drug going to another.

19 COMMISSIONER DE MARINO: But yet, when  
20 you say you'll go out, you'll go back to drugs,  
21 meaning that regardless, even what the skilled  
22 people, the people that you had in '73, that you've  
23 made up your mind that you're not going to attempt  
24 to cure yourself?

25 MISS HUNTER: No.

1 COMMISSIONER DE MARINO: You haven't--

2 MISS HUNTER: My intentions are good.

3 COMMISSIONER DE MARINO: But your drive is  
4 what, negative?

5 MISS HUNTER: Right.

6 COMMISSIONER DE MARINO: Is there any  
7 way possible to get you off drugs by means of  
8 instruction?

9 MISS HUNTER: I went to one rap session  
10 with the man, you know, and I got a little some-  
11 thing out of that, but I only went to one session.

12 COMMISSIONER DE MARINO: Do you feel that  
13 the drug program is of value in the institutions?

14 MISS HUNTER: It's beneficial to some  
15 people.

16 COMMISSIONER DE MARINO: Let me ask  
17 you another question. You say that you have the  
18 coed rap sessions, meaning where the female and  
19 the male inmates get together. Are there any  
20 unusual sexual acts, either by female on female,  
21 male on male or--

22 MISS JACKSON: Homosexuality? Not at  
23 no rap sessions.

24 COMMISSIONER DE MARINO: No, not at the  
25 rap sessions. Other than a rap session.

1                   MISS JACKSON: Yeah, you know that.

2                   That's natural.

3                   COMMISSIONER DE MARINO: No, I'm sorry,  
4                   Mrs. Jackson. I have an idea, perhaps I never  
5                   actually viewed it, but I'm going to ask you. Do  
6                   you know?

7                   MISS JACKSON: Yeah, I know.

8                   COMMISSIONER DE MARINO: Here at the  
9                   corrections center?

10                  MISS JACKSON: Yeah.

11                  COMMISSIONER DE MARINO: Has anyone--  
12                  and you don't have to answer this, you can just  
13                  stay mute and don't answer--do you have direct  
14                  knowledge by participating, yourself, in homosexual--

15                  MISS JACKSON: Yeah.

16                  COMMISSIONER DE MARINO: You did answer.

17                  MISS JACKSON: Yeah.

18                  COMMISSIONER DE MARINO: Let me ask you  
19                  this: By another female or--

20                  MISS JACKSON: Yeah.

21                  COMMISSIONER DE MARINO: How about you,  
22                  Miss Hunter?

23                  MISS HUNTER: No.

24                  COMMISSIONER DE MARINO: Never?

25                  MISS HUNTER: Never.

1                   COMMISSIONER DE MARINO: No knowledge of  
2 it; never seen it.

3                   MISS HUNTER: I have knowledge of it.

4                   COMMISSIONER DE MARINO: Have you ever  
5 seen it?

6                   MISS HUNTER: Yeah.

7                   COMMISSIONER DE MARINO: All right. Now  
8 the question I want to ask both of you, have either  
9 of you ever seen an attempt by anyone in authority  
10 to discourage, stop, separate those partners in  
11 any way?

12                  MISS JACKSON: Yeah, they do.

13                  MISS HUNTER: Yes.

14                  COMMISSIONER DE MARINO: Both of you  
15 say yes, they do.

16                  I don't have any other questions.

17                  CHAIRMAN IRVING: May I pick up on what  
18 the Sheriff has been asking you?

19                  Miss Hunter, do you have any skills that  
20 you think will be useful to you in getting employ-  
21 ment when you leave the correctional center?

22                  MISS HUNTER: No, sir.

23                  CHAIRMAN IRVING: You have no skills.  
24 Have you ever asked, during your several visits,  
25 your stays at the correctional center, for any

1 skilled training?

2 MISS HUNTER: Have I asked?

3 CHAIRMAN IRVING: Yes.

4 MISS HUNTER: Did the wall ask? No, I'm  
5 not trying to be smart or anything, but if we  
6 were to ask, nothing would come of it. I would  
7 be just wasting my breath.

8 CHAIRMAN IRVING: If there was a program  
9 that would teach you, perhaps, to be a beautician  
10 or some other skill, would you possibly be interes-  
11 ted in learning?

12 MISS HUNTER: We spoke on several things,  
13 we've been promised several things, but nothing  
14 has been accomplished.

15 CHAIRMAN IRVING: Do you think that would  
16 be helpful, if you were able to develop such a skill?

17 MISS HUNTER: Yes, I do.

18 CHAIRMAN IRVING: So, then, am I right  
19 in assuming that what you're saying is that you  
20 are at a correctional center which is not giving  
21 you any help in changing your lifestyle?

22 MISS HUNTER: No. I feel as though if  
23 it really was, I wouldn't have been there the  
24 second and third and fourth and fifth times.

25 COMMISSIONER BROWN: I have one more

1 question.

2 CHAIRMAN IRVING: Warden? Yes, go ahead.

3 COMMISSIONER BROWN: Miss Hunter, have  
4 you been at Clinton Reformatory, also?

5 MISS HUNTER: No, sir.

6 COMMISSIONER BROWN: All right. So I'll  
7 have to ask Miss Jackson.

8 You have, Miss Jackson. Can you tell  
9 me, does Clinton Reformatory have any realistic  
10 drug rehabilitation programs?

11 MISS JACKSON: Well, I don't know, be-  
12 cause that's been six years ago. I don't know  
13 how they have it set up now. Then, they didn't  
14 have any, but I don't know how they do it now.

15 COMMISSIONER BROWN: All right. Thank  
16 you.

17 HEARING OFFICER GINSBERG: One question.  
18 I'd like to direct this question once to each of  
19 you women, and that is whether you read well.  
20 I'd like to know that first from Miss Hunter.

21 MISS HUNTER: Yes, I do.

22 HEARING OFFICER GINSBERG: You read well.  
23 So a remedial reading program wouldn't be terribly  
24 helpful to you.

25 MISS HUNTER: You know, like they said, you

1 never too old to learn? You can always use more  
2 knowledge.

3 HEARING OFFICER GINSBERG: What I'm saying  
4 is, many people in our society aren't successful  
5 because they don't have the basic skills to operate  
6 within it. I think reading is one of those  
7 basic skills. You just can't communicate with the  
8 world unless you're able to identify the written  
9 word on a piece of paper, either to read signs,  
10 or corrections, or anything, and I'm assuming now,  
11 from the fact that you tell me that you read  
12 well, that you don't suffer from that particular  
13 problem. Is that true?

14 MISS HUNTER: Right.

15 HEARING OFFICER GINSBERG: What about you,  
16 Miss Jackson?

17 MISS JACKSON: No, I don't have any  
18 problem.

19 HEARING OFFICER GINSBERG: You read well?

20 MISS JACKSON: Write well, too.

21 HEARING OFFICER GINSBERG: You read books?

22 MISS JACKSON: I read all the time.

23 HEARING OFFICER GINSBERG: What about  
24 most of the women? Could you generalize? Could  
25 you say most do or do not?

1           MISS JACKSON: The majority of the girls  
2 read, you know. The majority of the girls read.

3           HEARING OFFICER GINSBERG: So that you  
4 think a remedial reading program wouldn't be  
5 terribly helpful in that institution.

6           MISS JACKSON: Well, being for real, yeah,  
7 because some of them need it.

8           CHAIRMAN IRVING: There are no further  
9 questions.

10           I want on behalf of the Commission to  
11 thank you both for coming and talking voluntarily,  
12 and thank you, Officer Gant, for bringing the  
13 women. We wish you luck.

14           (Witnesses excused.)

15           CHAIRMAN IRVING: I'd like, now, to go  
16 back to Vincent Salvato.

17           (Off the record)

18           CHAIRMAN IRVING: All right. May we go  
19 back on the record and will you now, for the  
20 purposes of the record, indicate your correct  
21 name and mailing address?

22           MR. VINCENT SALVATO: My name is Vincent  
23 Salvato. I live at 18 Liberty Street, Bloomfield.

24           CHAIRMAN IRVING: Where are you employed,  
25 Mr. Salvato?

1 MR. SALVATO: Essex County Jail.

2 CHAIRMAN IRVING: And how long have you  
3 been there?

4 MR. SALVATO: About three years.

5 CHAIRMAN IRVING: Are you a temporary  
6 or permanent employee?

7 MR. SALVATO: I started as a temporary.  
8 I'm now a permanent officer.

9 CHAIRMAN IRVING: What is your work shift,  
10 may I ask?

11 MR. SALVATO: 4 to 12, Well, 4 to 12, and  
12 now, mostly, 2 to 10. It's like a shift within  
13 a shift. The 4 to 12 shift, from within that  
14 shift, we work 2 to 10, also.

15 CHAIRMAN IRVING: Now, you understand  
16 that this Commission has been looking into the  
17 general conditions, shortcomings, needs and programs  
18 of the Essex County Jail. Is there anything you  
19 would like to call to our attention by way of  
20 deficiencies, or anything positive you want to say?

21 MR. SALVATO: I would like to show that,  
22 I would say the majority of the officers, the morale  
23 is so low, the harassment, using the schedule and  
24 the shifts for weapons, and I'd like to show  
25 a specific incident. It started, as I believe

1 another officer said with the Sheriff's picnic  
2 of I believe it was 1972. I was a temporary offi-  
3 cer at the time, and all the temporaries were  
4 called across the street to Undersheriff Scanlon's  
5 office. We were expected to sell or put out the  
6 money ourselves for ten tickets, which would come  
7 to about \$85.

8 CHAIRMAN IRVING: May I stop you there,  
9 sir, and ask you to explain what you mean by  
10 expected to sell? What did somebody say to you?

11 MR. SALVATO: Well, that was quite awhile  
12 ago. I don't remember the exact words, but what  
13 took place was that Undersheriff Scanlon said,  
14 here's ten tickets to the Sheriff's picnic. Some-  
15 thing to the effect, see what you can do about  
16 selling them, and so forth. Now, I explained to  
17 him that I was shortly going into the hospital for  
18 an operation. I had no idea how long I would have  
19 to go without pay. I said I would be more than  
20 happy to try to sell these tickets. If I couldn't  
21 sell them, I couldn't afford to pay for them, be-  
22 ing that I would be without pay for whatever length  
23 of time it would be. He said to me that I was  
24 sure I'd find some way of selling them. Well,  
25 I couldn't sell any of these tickets, because I

1 had a cousin of mine that was getting married the  
2 same day of the affair, and that left out the family.  
3 Naturally, I couldn't sell them to the officers,  
4 because there was, at that time, I believe the  
5 temporary officers outnumbered the permanent offi-  
6 cers, and so I couldn't sell them to the officers  
7 in the jail, so I sold no tickets. I came back to  
8 work, and at that particular time--

9 CHAIRMAN IRVING: Excuse me. Let's  
10 see if we can pin the time down a bit. This is in  
11 the fall of 1972?

12 MR. SALVATO: Right.

13 CHAIRMAN IRVING: Do you think it may  
14 have been in October of '72?

15 MR. SALVATO: I believe the picnic was  
16 in October, if I'm not mistaken.

17 CHAIRMAN IRVING: So these incidents  
18 you're talking about occurred in October of '72,  
19 to the best of your knowledge?

20 MR. SALVATO: Right.

21 CHAIRMAN IRVING: Okay, thank you. Will  
22 you go on, then?

23 MR. SALVATO: Now, I came back to work  
24 after I came out of the hospital, and at that parti-  
25 cular time, I can't say whether there's anything

1 in our contract about job assignments as far  
2 as seniority, but at that particular time, the  
3 great majority of assignments were going along  
4 according to seniority. Now, I had built up enough  
5 seniority in as short a time as I was there to  
6 work at control room, literally every day. Now,  
7 at this point, when I came back to work, I was  
8 put in a wing every day. I was under the assump-  
9 tion that as a temporary, I didn't have too much  
10 to say about this, so I didn't say anything. So  
11 I took the test, I was certified, appointed, and  
12 I was doing my 90 days' probation.

13 At that time, I volunteered for the 6 to  
14 2 shift. When I came back on the regular 8 to 4  
15 shift as a permanent officer, I did not see how  
16 they could possibly put me in the wing with the  
17 seniority that I had. But, however, I was still  
18 working in the wing every day. Now, I started to  
19 write reports very politely and respectfully. I  
20 never got an answer. Now, I spoke verbally with  
21 my superiors, also--Captains, Deputy Warden--I  
22 never received an answer. Finally, I demanded to  
23 talk to the Deputy Warden about this problem.  
24 I was denied the opportunity, but I was locked  
25 in a room with a Captain for approximately an

1 hour and a half. I told him everything that  
2 had been going on, I asked him what I am supposed  
3 to do about this problem; I'm not getting anywhere,  
4 everyone I talk to, I never receive an answer. He  
5 told me that he would see what he could do about  
6 the problem, and so forth, and again, I got no  
7 answer. A short time later, I don't know exactly,  
8 a few days, I went up to this Captain, he seemed  
9 to be concerned, and I told him, Captain, this is  
10 nothing personal. I've written reports, I've ver-  
11 bally spoken to superiors; I don't know what else  
12 I can do. If I continue to assign to the wing, I'm  
13 not going to report to my post. He advised me  
14 against this and so forth, but the next day, on  
15 roll call, the Lieutenant read the lineup, I was  
16 assigned to the wing again. After roll call, I  
17 went up to the Lieutenant, and said again, Lieuten-  
18 ant, do you realize I've been here X amount of times,  
19 I'm a permanent officer, you have temporary offi-  
20 cers working in the gym and the elevator, above  
21 me; you have officers with less seniority than me  
22 working in the control room, et cetera. I was  
23 abused and he told me to report to my post. So  
24 I said that I would not report to my post unless  
25 I got a signed written order. He again told me

1 to report to my post, and then he asked, why do I  
2 have to give you a signed, written order? I said,  
3 well, Lieutenant, if I take this to Court, I would  
4 like to have something in front of me, because I  
5 know that you people deny everything that is happen-  
6 ing. Well, then, different superiors came out,  
7 a Lieutenant, a Captain; they told me different  
8 things, leave the building, wait outside for  
9 Scanlon to come in and so forth. I said, I'm  
10 not moving from this spot.

11 Now, when Undersheriff Scanlon came in,  
12 he called me in his office and we discussed the  
13 matter, and I explained the whole story to him.  
14 He pulled out the records for--I don't know how  
15 long, several months, I guess. There were a  
16 few lieutenants in the office when the records  
17 came out. According to the records, I was working  
18 in the record room, the control room, the elevator,  
19 and at this point, I didn't think I could be shocked,  
20 but that even shocked me. Now, I looked up at  
21 one of my lieutenants and I saw his--it looked like  
22 his blood vessels were going to pop, and the Under-  
23 sheriff asked him what did he have to say about  
24 this? The Lieutenant then said whatever the paper-  
25 work said is where I worked. Then I was suspended

1     for two days.

2                 When I came back to work, I was no longer  
3     in the wing, but I found that I had constant  
4     problems because of voicing my opinion and trying  
5     to get to the root of a problem. My morale is  
6     very low. I'm very sure when I say this that a  
7     lot of my fellow officers feel the same way.  
8     There are a lot of sick calls because of this, be-  
9     cause, I'll tell you the truth, I don't feel like  
10    coming to work on certain days. My morale is so  
11    low, we're harassed so much--I have also been sus-  
12    pended a second time for not reporting to work  
13    without calling in, which I admit that I am wrong,  
14    but because of past things, that I have done in  
15    trying to voice my opinion and understand my rights,  
16    I've been suspended for this. It happens every  
17    day, and I've never seen other officers be sus-  
18    pended or even punished in any way or form. The  
19    latest thing that happened to me was that I was  
20    told that if I was late one more time, if I was  
21    out without calling in sick, I would be put on  
22    the night shift, and if it happened again after  
23    that, I would be dismissed. Now, my understanding  
24    of the contract is, no permanent officer can be  
25    moved to another shift involuntarily unless it's

1 for the good of the institution. Now, about three  
2 days after this warning, I was out sick. Scanlon  
3 said I did not call in. He called me down to his  
4 office. I said, Mr. Scanlon, I did call in; I  
5 mentioned the officer's name that I had spoken to;  
6 I told him, I said, I think I'd have to be an  
7 idiot, after you warned me, three days later to stay  
8 out without calling in sick. Well, his explanation  
9 was that I had been working a few years, that this  
10 officer had been working there a few years; ob-  
11 viously, we were friends, and he's not even going  
12 to bother checking on the story, because being that  
13 us to were friends, he would vouch that I called in  
14 sick. So now I'm on the 4 to 12 shift.

15 Now, I am the only permanent officer that  
16 I know of that it's happened to. I've been sus-  
17 pended twice, as I've stated previously, I've been  
18 put on the 4 to 12 shift, and I'm just trying to  
19 point out how the superiors use the schedule and  
20 the shifts as weapons against us.

21 I'd like to bring out some additional  
22 points that happened to some other officers--I  
23 won't mention any names--that--

24 CHAIRMAN IRVING: Well, Officer, let me  
25 ask you this: Did these events that you're about

1 to relate occur in your presence? Do you have  
2 knowledge, or is it just what we call hearsay?

3 MR. SALVATO: Well, it's hearsay, but any-  
4 body who works in the jail would have to agree that  
5 these things are very possible. I couldn't swear  
6 that they happened, but like I say, if you worked  
7 there--

8 CHAIRMAN IRVING: Yes. Well, may I suggest  
9 to you that since several officers have testified,  
10 and we have their direct testimony, that I don't  
11 think hearsay is especially helpful. Not that we  
12 doubt you, you understand, but I think we would like  
13 to hear, in fairness to everybody, some of whom are  
14 not in the room, only what you have personal knowledge  
15 of.

16 At any rate, am I right, sir, in gathering,  
17 that the gist of your testimony is that you were be-  
18 ing treated poorly because of political reasons,  
19 rather than a lack of qualified work performance?

20 MR. SALVATO: Right. I was told by Under-  
21 sheriff Scanlon that he had no complaints about my  
22 performance as a corrections officer on several occa-  
23 sions, and like you say, it's strictly because of  
24 those contributions and similar circumstances.

25 CHAIRMAN IRVING: May I ask you this: Is

1       there such a things as a merit increase at the  
2       end of a year, at the end of a period of employment?

3               MR. SALVATO: No, there is not.

4               CHAIRMAN IRVING: There is not. Is there  
5       an increment, an annual increment?

6               MR. SALVATO: Well, we take--it takes us  
7       five years to reach our maximum. We get an incre-  
8       ment every January 1st, and if we have a new con-  
9       tract, we get that raise. But those are the  
10      only raises that we get, aside from promotional,  
11      such as Sergeant through Lieutenant, and so forth.

12              CHAIRMAN IRVING: All right. I have  
13      no other questions.

14              Sheriff?

15              COMMISSIONER DE MARINO: Are any of those  
16      increments ever withheld from you?

17              MR. SALVATO: Not to my knowledge, no.

18              COMMISSIONER DE MARINO: How many jobs have  
19      you held prior to holding a Sheriff's Officer's job?

20              MR. SALVATO: I held quite a few. I don't  
21      know, exactly.

22              COMMISSIONER DE MARINO: How old are  
23      you?

24              MR. SALVATO: Twenty-five.

25              COMMISSIONER DE MARINO: How many jobs

1 have you held? I have a reason for asking that  
2 question. You don't have to answer if you don't  
3 want to.

4 MR. SALVATO: No, I'll answer it.

5 I've held quite a few. I don't know how  
6 many.

7 COMMISSIONER DE MARINO: Six, eight, ten?

8 MR. SALVATO: I don't know. Six. Five,  
9 six.

10 COMMISSIONER DE MARINO: And would you  
11 say the six jobs averaged six months, a year each?

12 MR. SALVATO: No.

13 COMMISSIONER DE MARINO: Or did you work  
14 in one for five, five in one year, or what?

15 MR. SALVATO: No. As soon as I got out  
16 of high school, I worked at one place for two and  
17 a half years, and then, afterwards, I was waiting  
18 until I was twenty-one so I could take a Civil Service  
19 test. I had no trade or no--the field that I worked  
20 in after graduating high school was computers. I  
21 did not like the field. I had no other trade or  
22 training, so I had a few different jobs until I  
23 was able to take a Civil Service Test.

24 COMMISSIONER DE MARINO: For a corrections  
25 officer?

1 MR. SALVATO: Well, not specifically.  
2 That's the one I finally took, but--

3 COMMISSIONER DE MARINO: All right. So  
4 you then took a test for something that you weren't  
5 really interested in. The reason I asked this  
6 question is because I can detect in your answers  
7 that there's some insubordination on your part,  
8 just by what you're telling me. Now, just bear  
9 with me, if you can, and I can be totally wrong.  
10 This is just a feeling that I get, and I've seen  
11 this happen many, many times.

12 You've graduated high school approximately  
13 six or seven years ago; eight years ago, approximate-  
14 ly?

15 MR. SALVATO: Right.

16 COMMISSIONER DE MARINO: You're now twenty-  
17 five years old?

18 MR. SALVATO: Right.

19 COMMISSIONER DE MARINO: And you've held  
20 approximately six jobs.

21 Were you in the service?

22 MR. SALVATO: No.

23 COMMISSIONER DE MARINO: Never were in the  
24 service.

25 MR. SALVATO: No.

1                   COMMISSIONER DE MARINO: Now, you then  
2 applied for jobs, and you took many, or more than  
3 one Civil Service examination, am I right?

4                   MR. SALVATO: No.

5                   COMMISSIONER DE MARINO: All right. Why  
6 did you say that you weren't interested in this  
7 job, but this was the test that came up, and you  
8 took?

9                   MR. SALVATO: Well, no, that's not alto-  
10 gether true. I really did not have an idea what  
11 a corrections officer was like.

12                   COMMISSIONER DE MARINO: All right. I  
13 get what you mean, now. You took this exam with  
14 the intention that you didn't really believe  
15 that you would be confined and exactly entitled  
16 in the institution as a jail guard?

17                   MR. SALVATO: No, that's not true.

18                   COMMISSIONER DE MARINO: Well, you explain  
19 to me.

20                   MR. SALVATO: I took this--first of all,  
21 let me explain that the first Civil Service exam  
22 that I took was for Newark police. I was on the  
23 Newark police list when I became a temporary offi-  
24 cer at the jail. When I took this job, I liked it  
25 right away, I thought the money was good--

1 COMMISSIONER DE MARINO: You said you were  
2 on the Newark police?

3 MR. SALVATO: I was on the list for Newark  
4 Police.

5 COMMISSIONER DE MARINO: Oh, the list.  
6 Okay.

7 MR. SALVATO: When I took this job as a  
8 temporary officer, I liked the job, the money was  
9 good. As opposed to the Newark police, it was  
10 straight shifts, which I liked--

11 COMMISSIONER DE MARINO: Wait. What was  
12 straight shifts?

13 MR. SALVATO: At the jail.

14 COMMISSIONER DE MARINO: The correction  
15 job was good money, you're saying, and straight  
16 day shifts?

17 MR. SALVATO: Not necessarily straight  
18 days. It was a straight shift, not necessarily a  
19 rotating shift.

20 I called my investigating officer at  
21 Newark police, I told him I would like to take the  
22 exam at the jail and I would like to stay and hope-  
23 fully become a permanent officer. Now, since that  
24 time, I had no intention of ever taking another  
25 Civil Service exam. I liked the job, basically.

1 Like I say, the money is good. That's involved  
2 in everybody's situation. I like the job, basically.  
3 It can be a good job. When I first started there,  
4 I don't think it was as bad as it is now, and that  
5 was only three years ago.

6 COMMISSIONER DE MARINO: Let me ask you  
7 a few questions, and I want to speed things up,  
8 because I know everybody has been here quite some  
9 time.

10 How long did you say you worked here at  
11 the corrections department?

12 MR. SALVATO: About three years.

13 COMMISSIONER DE MARINO: And for the  
14 first two years, or first year, how long or what  
15 period of the three years were you on a steady  
16 shift, and in a--not on a wing, but another job  
17 which was more to your liking?

18 MR. SALVATO: Well, the first question,  
19 about the steady shifts, everybody is on a steady  
20 shift. There's no rotating shifts. Whatever shift  
21 you're on, you're on for an indefinite period of  
22 time. As far as this second question about the  
23 wing, everybody that--well, most officers that  
24 start at the jail, start on a wing. There are some  
25 officers who start at the jail who almost literally

1 never see a wing. They're put in maybe a record  
2 room, processing--

3 COMMISSIONER DE MARINO: Is this a basis  
4 for your problem that you're here to tell us; that  
5 there were these people that you felt you had more  
6 seniority over, permanent as opposed to temp, and  
7 you should have been in the positions they were?

8 MR. SALVATO: I felt this way: The wing  
9 in some way I would rather work in, rather than  
10 the control room in some ways. But the fact that  
11 I'm in the wing for punishment, I mean, nobody  
12 likes to be stepped on. Anyone who is in a wing  
13 after they've had enough seniority to be in a  
14 control room or another position, if they worked  
15 the wing, they were there for punishment.

16 COMMISSIONER DE MARINO: Wait a minute.  
17 That's the point I'm trying to hit on. Are you  
18 telling me that the wing is a job of lesser interest  
19 than the job of what, as opposed to what you were  
20 doing, prior to being--

21 MR. SALVATO: Well, control room.

22 COMMISSIONER DE MARINO: Okay. Just so  
23 we can explain it, the control room houses the  
24 man that's sitting and watching the wings. He  
25 controls the doors, is that what he's doing?

1 MR.SALVATO: Well, he controls visits,  
2 you know.

3 COMMISSIONER DE MARINO: And the wing  
4 man is doing absolutely nothing but walking up  
5 and down the wing and--

6 MR. SALVATO: No, that's not true. The  
7 wing officer has a lot of other duties other than  
8 punching a clock and opening doors.

9 COMMISSIONER DE MARINO: Well, what does  
10 he do?

11 MR. SALVATO: Well, let's see. A wing  
12 officer has to get a man ready for court; he has  
13 to get an inmate his medication; he has to take  
14 care of an inmate's problems, such as maybe his  
15 money problems, there was a mistake on his store  
16 order; his medical problems. We have to inform  
17 a sergeant or the control room man that he has  
18 a specific problem, and really, a wing officer--

19 COMMISSIONER DE MARINO: Okay. What  
20 does the control room man do?

21 MR. SALVATO: A control room officer  
22 takes care of visits, calls a wing officer, tells  
23 him to get a specific inmate out for a visit; he  
24 handles certain problems given to him by a wing  
25 officer; he more or less functions as a man that is--

1                   COMMISSIONER DE MARINO: Is he any  
2 authority over the wing men?

3                   MR. SALVATO: In what--not really. We're  
4 kind of like on a --at least, the way it should be,  
5 in my opinion, kind of like on an equal basis.

6                   COMMISSIONER DE MARINO: Okay. Now,  
7 how can you tell me that two jobs on an equal basis,  
8 one can be used against the other as a measure of  
9 punishment? This is the point I'm trying to get  
10 out. You see, you're of the opinion that you  
11 were being punished by being placed on a wing job,  
12 and I'm trying to see the difference in between the  
13 two jobs that makes you consider it punishment.  
14 Are you saying that all guards working the wings  
15 are being punished?

16                  MR. SALVATO: No.

17                  COMMISSIONER DE MARINO: Is it not a vital  
18 job within the institution?

19                  MR. SALVATO: Yes, it is, but let me say  
20 this. If 90 or 95 percent of the officers are  
21 working through seniority, and you take a handful  
22 of officers that got some problems as far as  
23 contributions, or they don't like the way they  
24 part their hair and so forth, if they deviate from  
25 this seniority, take a handful of officers, you

1 tell me if it's not punishment.

2 COMMISSIONER DE MARINO: Okay. Now, if  
3 you're talking about not participating in contri-  
4 butions or the sale of tickets, or whatever, we  
5 understand, and this is what I got out of all your  
6 testimony, of all that you have said while you were  
7 before us, the Commission, and this is the opinion  
8 I've gotten: That because of that reason, you never  
9 made any attempt, I understand, to go through--and  
10 I don't know if you have any rules or regulations,  
11 I assume you don't, because I've asked other Essex  
12 officers--do you have rules and regulations you're  
13 bound by?

14 MR. SALVATO: Supposedly.

15 COMMISSIONER DE MARINO: Do you have grie-  
16 vance provisions, you're bound by?

17 MR. SALVATO: Supposedly. Let's put it  
18 that way.

19 COMMISSIONER DE MARINO: Let's put it  
20 this way: Are there rules, whether they're adhered  
21 to or not, that could be--

22 MR. SALVATO: Yes, there are rules.

23 COMMISSIONER DE MARINO: What I gather  
24 you're telling me, there are rules, but they're  
25 not being adhered to, because when you say supposed-

1 ly, I gather there are rules, but nobody is  
2 following them.

3 MR. SALVATO: Right.

4 COMMISSIONER DE MARINO: Okay. Now,  
5 would you not consider--and you were only approached  
6 one time, according to what you said earlier in  
7 your testimony; one time in the sale of tickets,  
8 and you feel that, because of one time, because of  
9 the sale--

10 MR. SALVATO: I was not approached only  
11 once.

12 COMMISSIONER DE MARINO: More than once?

13 MR. SALVATO: I was approached several  
14 times.

15 COMMISSIONER DE MARINO: Several times.  
16 When was the last time?

17 MR. SALVATO: I don't really know.

18 COMMISSIONER DE MARINO: Was it last  
19 election, or the election before?

20 MR. SALVATO: I was approached--there's  
21 major contributions, there is--

22 COMMISSIONER DE MARINO: I don't want to  
23 know what there is. I'm asking you the question,  
24 when were you approached, yourself, the last time?

25 MR. SALVATO: Recently, a few weeks ago.

1 COMMISSIONER DE MARINO: This year?

2 MR. SALVATO: Yes.

3 COMMISSIONER DE MARINO: All right, and  
4 as a result, you didn't participate, I assume,  
5 right?

6 MR. SALVATO: No, I did not.

7 COMMISSIONER DE MARINO: And you feel  
8 that you're being punished because of that reason;  
9 all your problems while you were there occurred  
10 because of that one factor. Am I correct?

11 MR. SALVATO: No.

12 COMMISSIONER DE MARINO: Well then, what  
13 other factors?

14 MR. SALVATO: It started with this, with  
15 this Sheriff's picnic thing. Like I said, after  
16 that, after I saw what happened to me for the next  
17 full year, my morale is low--I don't know how to  
18 put this. If I'm given an order, I'm trying to  
19 find a way to say this--

20 COMMISSIONER DE MARINO: Let me see if I  
21 can help you out, Mr. Salvato.

22 You were suspended two times--

23 MR. SALVATO: Right.

24 COMMISSIONER DE MARINO: --by your testi-  
25 mony, for a period of what, two days, each time and

1 two days one time, and how much the next?

2 MR. SALVATO: Two days each time.

3 COMMISSIONER DE MARINO: Two days each time.

4 MR. SALVATO: Which means I'm not entitled  
5 to a hearing.

6 COMMISSIONER DE MARINO: All right, you're  
7 not entitled to a hearing, but you are entitled to  
8 a grievance procedure, which is honored with the  
9 P.B.A., your bargaining unit. Have you brought it  
10 to them in any way?

11 MR. SALVATO: Yes, I have.

12 COMMISSIONER DE MARINO: Did you get any  
13 results there?

14 MR. SALVATO: Well, that's a matter of  
15 opinion. I was put on nights about approximately  
16 one week, two weeks previous to this time that  
17 I was put on nights. I went over to Undersheriff  
18 Scanlon's office with the P.B.A. President. I spoke  
19 to him, I had a few arguments, I asked to be put  
20 back on days. The P.B.A. President said a few  
21 words, I was put back on days, and then, like I  
22 said, another couple of weeks, later, I was put  
23 on nights and I remained on nights ever since.

24 COMMISSIONER DE MARINO: One more answer  
25 I'd like to hear from you. You said besides the

1 political donation, what other reason was there  
2 for you to refuse to do a certain duty and ordered  
3 to do so?

4 MR. SALVATO: Well, I don't feel because  
5 I'm a correction officer that I should have to  
6 be belittled as a person or a man. I don't  
7 feel that I should have to work in an area of the  
8 jail that I had already worked, had enough senior-  
9 ity to work in control rooms, had officers with  
10 less seniority than me in the control room on the  
11 same floor, and I knew it was a punishment measure.  
12 I don't feel that I should have to do this without  
13 having anything to say about it. I mean, what  
14 happens in this jail right now, our superiors and  
15 administration do what they want to do, and have  
16 no one to answer to. That's literally what it  
17 boils down to. They have to answer to no one.  
18 When I was suspended for two days each time, I  
19 was not entitled to a hearing. If I was entitled  
20 to a hearing and can speak to somebody with some  
21 kind of authority, I feel sure that these things  
22 could have been reversed.

23 COMMISSIONER DE MARINO: All right. Mr.  
24 Salvato, let me ask you this. You think the mere  
25 fact of seniority gives you the moral right to a

1 better position?

2 MR. SALVATO: Yes, I do. I think it's  
3 common sense that you have an officer that knows  
4 his job supposedly a little bit better than the next  
5 to work in--

6 COMMISSIONER DE MARINO: Hold it. What  
7 makes you say that? Does time tell you the man  
8 knows the job better? A man who has five years  
9 on the job as opposed to a man with four years  
10 on the job, does the man with five years know the  
11 job better.

12 MR. SALVATO: Not necessarily, but when  
13 you come down to six months and two years, yes.

14 COMMISSIONER DE MARINO: Now, you didn't  
15 state that. Six months is the man that worked  
16 your position, as opposed to your experience; is  
17 that correct? Is that the case?

18 MR. SALVATO: That happens all the time.

19 COMMISSIONER DE MARINO: Mr. Salvato,  
20 you're giving me a lot of generalities. I want  
21 to hear something in relation to the fact that you  
22 didn't participate in political donations. You  
23 only worked there three years, which you became  
24 permanent two years ago.

25 MR. SALVATO: I don't really know how

1 long it was ago.

2 COMMISSIONER DE MARINO: You worked temp  
3 when you were originally hired?

4 MR. SALVATO: Yes.

5 COMMISSIONER DE MARINO: So how many  
6 years are you permanent?

7 MR. SALVATO: I would guess about a year  
8 and a half, a year.

9 COMMISSIONER DE MARINO: Okay. Then  
10 you have a year and a half permanency, okay?  
11 Now, are you telling me that there's someone with  
12 six months who is in that job over you?

13 MR. SALVATO: Yes. Yes, definitely.

14 COMMISSIONER DE MARINO: That's the answer  
15 I was looking for. Thank you very much.

16 CHAIRMAN IRVING: Thank you. Warden?

17 COMMISSIONER BROWN: Mr. Salvato, I'd  
18 like to ask you, you're a member of the Fraternal  
19 Order of Police, or P.B.A. bargaining unit?

20 MR. SALVATO: No.

21 COMMISSIONER BROWN: You're not a member  
22 of the bargaining unit?

23 MR. SALVATO: No.

24 COMMISSIONER BROWN: In other words, you  
25 have a bargaining unit that you could belong to by

1 choice, but you don't choose to belong to the P.B.A.,  
2 is that correct?

3 MR. SALVATO: Yes.

4 COMMISSIONER BROWN: Under the contract  
5 of the P.B.A., to your knowledge, is there a contract  
6 stipulation that allows bidding of job elevations,  
7 such as wing officer, control officer, supply offi-  
8 cer, mail officer, elevator operator, or what have  
9 you?

10 MR. SALVATO: Not to my knowledge, sir.

11 COMMISSIONER BROWN: Well, then, your  
12 complaint, I would assume, looking at it from a  
13 reasonable standpoint--and this is my opinion, it  
14 may not be shared by the other members of the  
15 panel--would be that your claim for discrimination  
16 is something that's non-existent, because there  
17 isn't anything to compare it to; one job is equal  
18 to the other. That's all I can say.

19 MR. SALVATO: Well, can I answer that,  
20 please.

21 CHAIRMAN IRVING: Please, yes.

22 MR. SALVATO: Like I said before, if  
23 you have a precedent, where, whatever it is, 95  
24 or 99 percent of the officers are being assigned  
25 to jobs according to their seniority--in other

1 words, certain jobs are not given to any officers  
2 who are not there at any length of time, and this  
3 is holding true for like 95 or 99 percent of the  
4 officers, I don't see how you can say this is not  
5 discrimination.

6 COMMISSIONER BROWN: Well, I would say--  
7 and I think I'm entitled to answer this--I would  
8 say it was an important enough position so that I  
9 would think that P.B.A., in its wisdom, in its  
10 best interests of its employees, except the ones who  
11 do not choose to belong, and they would put it in  
12 the contract that someone with seniority should be  
13 able to bid for the wing officer's job or the con-  
14 trol job or whatever it is.

15 MR. SALVATO: Oh, my feelings exactly.  
16 I agree one hundred percent.

17 CHAIRMAN IRVING: I would ask you one  
18 more question, sir, before you leave. This morn-  
19 ing, we heard testimony that the collections of  
20 money or the sale of tickets for political events  
21 is done in a highly organized manner within the  
22 jail, with clearly designated bagmen. Is that  
23 your position?

24 MR. SALVATO: Yes.

25 CHAIRMAN IRVING: I have no further

1 questions.

2 COMMISSIONER CORNBLATT: This gentleman  
3 is busting a gut to say something over here. This  
4 gentleman just seems to have a great need to say  
5 something or another. I gather there's something  
6 that has to come out, and perhaps we might just  
7 take a moment, before we have coronaries out  
8 there.

9 MR. RODNEY BOTTONE: In trying to help  
10 the Committee and Mr. Salvato bring to a head his  
11 point, what I think he was trying to bring out--and  
12 if I'm wrong, Mr. Salvato, correct me--in the  
13 contract, it uses the word preference for seniority.  
14 Seniority will be given preference, and according  
15 to the latest legal opinion of that, which was  
16 yesterday, which I received from a lawyer, we do  
17 have seniority in job appointments, and what Mr.  
18 Salvato is saying is that, if you are going to give  
19 seniority to some who contribute, then you should  
20 give seniority to all, whether you contribute or  
21 not, and whether the reason is because you con-  
22 tribute or not is unimportant.

23 The purpose of his complaint seems to be  
24 that if a man comes in for political reasons into  
25 the institution and he's been there for two months,

1 he shouldn't have the right to supercede a pro-  
2 fessional's preference, which is written in the  
3 contract, whether you have a P.B.A. or not, because  
4 you have a legal right to grievance through the  
5 institution, aside from the P.B.A.. Now, the  
6 P.B.A. should be a good organization, and I agree  
7 that you should go through the P.B.A., but by  
8 the same token, if you're not in the P.B.A., the  
9 P.B.A. may not represent you, which is, also,  
10 according to my lawyer's opinion, a violation of  
11 the contract. They're supposed to represent you  
12 whether you're in the P.B.A. or not. So aside  
13 from professional jobs in the institution, we have  
14 our own problems dealing with the knowledge of  
15 what is what.

16 Now, what Mr. Salvato was saying is, that  
17 he was punitively punished because he wouldn't con-  
18 tribute politically, and that when he went to  
19 the superiors, they wouldn't hear his grievance;  
20 he wasn't given an answer, and that's not insubor-  
21 dination. Now he's taking a stance as a man.

22 MR. CESARE CAPRAO: How? What is this,  
23 an inquisition? This is a public hearing, fine,  
24 and I appreciate Mr. Bottone, who happens to be a  
25 good friend of mine, but let's all have a shot here.

1 MR. BOTTONE: Mr. Caprao, I was directing--

2 MR. CAPRAO: I don't appreciate anyone  
3 speaking for someone else. Not to say a speech.  
4 Say what you want to say and get off there.

5 MR. BOTTONE: Now, is this what you were  
6 trying to say, Mr. Salvato?

7 MR. SALVATO: Well, Ron, you have a better  
8 way with words than me.

9 He expressed what I feel, Cesare.

10 MR. CAPRAO: I am glad to hear that.

11 CHAIRMAN IRVING: We are under enormous  
12 pressure of time. We have two affidavits which  
13 were submitted today, which will be read into  
14 the record. We have Doctor Cronheim, who has  
15 come up from Princeton and has been waiting to  
16 testify. Is it possible that we could impose,  
17 in terms of Christian charity, on the Ecumenical  
18 Ministry, and --I know we've postponed it once--  
19 because we will have another hearing.

20 Now, there are several people who need  
21 to testify. I'm willing to stay all evening, but  
22 our Reporter needs to get back to Trenton, where  
23 he lives. Doctor Cronheim comes further than any  
24 of us, so I would like, if it's agreeable to you  
25 gentlemen, to put the affidavits into the record,

1 and then to ask Doctor Cronheim to talk as briefly  
2 as she can, and then we will adjourn for the day.  
3 All of you who wanted to testify--

4 MR. JOSEPH PALUMBO: (P.B.A. President)  
5 You know, I'd just like to say something, Mr.  
6 Chairman. I mean, I came here to testify, but I  
7 would like to clarify one thing.

8 CHAIRMAN IRVING: What's that, sir?

9 MR. PALUMBO: As far as P.B.A. goes, and  
10 I am the P.B.A. President that represents 153.  
11 Okay. If I don't have the time to speak, I will  
12 come back another time.

13 HEARING OFFICER GINSBERG: Fine. We wel-  
14 come that.

15 MR. PALUMBO: I will be back the next  
16 time.

17 CHAIRMAN IRVING: Fine. You understand,  
18 sir, that the last time, we had the P.B.A. President,  
19 Mr. Yacovaney here, and--

20 MR. PALUMBO: And I wish he was here today.

21 CHAIRMAN IRVING: We tried last week to  
22 get the P.B.A. viewpoint, and --

23 MR. MICHAEL CAMPANARO: Will you take  
24 a written statement?

25 CHAIRMAN IRVING: The Chairman will take

1 any statements.

2 MR. CAMPANARO: I was under the impression  
3 from a conversation that was held yesterday, that  
4 you would keep this meeting open until 9:00. There's  
5 a lot of people that have a lot of things to say  
6 here. I have a lot to say, all these officers  
7 have been here all day, since 9:00 this morning,  
8 and we were under the assumption by what you told  
9 me on the phone conversation that you would keep  
10 this meeting open until 9:00 at night.

11 CHAIRMAN IRVING: Let me respond, sir.  
12 I am willing to stay until 9:00. We have a problem  
13 in that this young man, our Court Reporter, unknown  
14 to me until today, needs to get back to Trenton.  
15 We have no way of knowing when we begin these  
16 hearings how long a witness will take. Now, in  
17 consideration and at the request of Doctor Simms,  
18 we have agreed to set a third day of meetings,  
19 okay? Now, if you are near Newark, it will be  
20 better for all of us, we will hear you when we are  
21 fresh. We're all exhausted now. So, my apologies.

22 The record should show that the Ecumeni-  
23 cal Ministry submitted a statement to us, and  
24 that a spokesman will appear at the next public  
25 hearing.

1 (Off the record discussion.)

2 CHAIRMAN IRVING: All right. May we go  
3 back on the record now, and have some order?

4 We will conclude after the reading into  
5 the record of these two affidavits. May we have  
6 your forbearance for just another moment?

7 Mr. Ginsberg?

8 HEARING OFFICER GINSBERG: Yes.

9 CHAIRMAN IRVING: The first one need not  
10 be confidential.

11 HEARING OFFICER GINSBERG: I'd like  
12 to preface this by stating that both these affida-  
13 vits were taken during the course of the day; they're  
14 both sworn to by the affiant, and they're attested  
15 to by an attorney at law of the State of New Jersey.

16 The first one need not be confidential in  
17 that the affiant has permitted us to use his name  
18 directly.

19 "I, Elwood M. Nolen being of full age do  
20 swear that:

21 "1. I am a Corrections Officer in the  
22 Essex County Jail in Newark, New Jersey.

23 "2. I was discriminated against because  
24 I am black. On or about October 1971 I was em-  
25 ployed as a temporary Corrections Officer in the

1 Essex County Jail. I passed the Civil Service  
2 Exam on or about May 1972. And was certified in  
3 June 1972.

4 "3. On November 17, 1972, while await-  
5 ing permanent appointment I was arrested, while in  
6 uniform and attempting to effect an arrest. I  
7 was charged with carrying a weapon. I was immediately  
8 terminated from my job. On October 25, 1973, I  
9 was cleared of all criminal charges relating to  
10 the above incident because as a Corrections Offi-  
11 cer, I was led to believe by my superior officers  
12 that I had the right to carry a weapon and effect-  
13 uate arrests. Judge Hayden said in acquitting me,  
14 I was being used by the Sheriff's Department as  
15 a scape-goat.

16 "4. The above mentioned job termination  
17 continued until December 19, 1973. A total of  
18 13 months and 2 days lost from work. I feel that  
19 this termination was based entirely on racial des-  
20 crimination because Angelo Vitiello, a white  
21 temporary officer, the same as I was at the time  
22 was found guilty of bookmaking. He was given a  
23 suspended sentence and put on probation. Angelo  
24 Vitiello lost no time from the job or salary  
25 because of the above conviction."

1           That's signed Elwood M. Nolen, and  
2           attested to by an attorney at law of the State of  
3           New Jersey.

4           The second affidavit, marked Exhibit-7,  
5           reads as follows:

6           "State of New Jersey, County of Essex,  
7           (blank) , and being of full age and being duly  
8           sworn according to law, on his oath states:

9           "1. I am currently employed as a perma-  
10          nent corrections officer at the Essex County Jail,  
11          Newark, New Jersey.

12          "2. That on or about November 6, 1972,  
13          I was employed as a corrections officer at the  
14          Essex County Jail on a temporary status.

15          "3. That on or about that date, I gave  
16          an envelope containing \$100 in cash to

17          "4. That it was my understanding that  
18          the money was to be used to defray the expenses of  
19          the Essex County Democratic Party.

20          "5. That at that time Officer                   also  
21          of the Essex County Jail, had in his possession  
22          a list of corrections officers on temporary status  
23          who had or had not contributed to the political  
24          campaigns.

25          "6. That I never received a thank you

1 letter or any acknowledgement of my contribution;  
2 that I further was informed that the contribution  
3 had to be in cash, not check or money order.

4 "7. That it was my understanding that  
5 unless I made a contribution of \$100 or more  
6 that I would lose my job as a temporary corrections  
7 officer.

8 "8. That I know personally of temporary of-  
9 ficers who have lost their jobs for failure to make  
10 political contributions.

11 "9. That I have been approached on sev-  
12 eral occasions to buy tickets for political affairs  
13 including a \$25.00 ticket for and a ticket for  
14 a \$100 per plate dinner for

15 "10. That I am giving this statement  
16 with the understanding that my name shall be  
17 revealed only to the chairman of the County  
18 Penal Study Commission or to a Grand Jury should  
19 one be empaneled to investigate the above  
20 allegations."

21 It's signed by the affiant, again attest-  
22 ed to by an attorney at law of the State of New  
23 Jersey.

24 Thank you.

25 CHAIRMAN IRVING: Thank you, gentlemen.

1 I believe this concludes today's hearing. We  
2 will set out a public notice indicating the date  
3 for the third hearing, the third day of hearings  
4 in Essex County.

5 Thank you all very much.

6 (The hearing was adjourned.)  
7

8 \* \* \* \* \*

9  
10 C E R T I F I C A T E  
11

12 I, Charles McGuire, do hereby certify  
13 that the foregoing is a true and correct transcript  
14 of testimony taken at the time and place herein-  
15 before mentioned.  
16

17 Charles McGuire  
18 CHARLES MC GUIRE  
19 CERTIFIED SHORTHAND REPORTER

20 DATE: 5/2/74  
21  
22  
23  
24  
25

BRODARI, INC.	Cat. No. 23-221

**BRODARI, INC.**

Cat. No. 23-221

