

Jail and workhouse 'grossly inadequate'



FRANK PELLY
...his department



JOSEPH DE MARINO
... no comment on report

NEW BRUNSWICK—The basement of the Middlesex County Jail, where JoAnne Chesimard is being housed during her trial, is "musty," has ventilation that is "extremely poor" and natural light that is "practically nonexistent," according to a report issued yesterday.

The study, conducted by William G. Nagel of the American Foundation, Inc., Institute of Corrections, was designed as a top-to-bottom report to enable the county to improve its penal institutions.

In describing the "grossly inadequate" conditions at both the jail and the workhouse, Nagel mentioned the conditions in the county jail basement—where her attorneys have said Mrs. Chesimard's constitutional rights are being violated. Her attorneys have unsuccessfully sought to remove her to the county workhouse.

Mrs. Chesimard is being held in the county jail basement during her trial on charges resulting from a gun battle on the N.J. Turnpike in East Brunswick on May 2, 1973, in which she was wounded and Trooper Werner Foerster and Zayd Malik Shakur, a black revolutionary, were shot to death.

The charges against her include the murders of Foerster and Shakur and the wounding and attempted murder of Trooper James Harper.

"The jail falls short of accepted standards in 13 of 14 categories," Nagel wrote. "Of these it is grossly inadequate in eight of the 14 categories."

When he visited the basement—sometime during the past two to three months—Nagel wrote that one of the eight-man dormitories "was occupied by one woman under special security conditions." Freeholder Frank Pelly said yesterday that "one woman" was Mrs. Chesimard.

"Her dormitory was hidden from view from the rest of the basement by a ceiling to floor curtain," Nagel wrote.

"Each of the dormitories was approximately 1,000 square feet in area and each contained 10 double-deck bunks and two tables for writing and table games," Nagel wrote, describing the dormitories he could see. It was not clear if he could see into Mrs. Chesimard's living quarters.

"The dormitory area contains minimal showers, toilets and sinks," he wrote. "The basement area was musty, ventilation extremely poor and natural light practically nonexistent."

Pelly would not comment on Nagel's report of the basement, noting the Chesimard trial is still in progress.

Recently, Middlesex County Court Judge Joseph Bradshaw refused to remove Mrs. Chesimard to the workhouse in North Brunswick, citing technical problems with a hearing officer's report which did not "correctly or competently" arrive at a decision on the matter.

Sheriff Joseph DeMarino, contacted last night, would not comment about Nagel's description of the basement. He said he could not comment because "the case is in litigation."

The county jail as a whole, Nagel wrote in the study, "falls short of standards mandated by federal courts in several landmark decisions" related to two fundamentals.

They are, he said, that pretrial detainees are presumed to be innocent and are incarcerated solely to assure their appearance at court proceedings and that a person presumed to be innocent has a right to conditions while confined "that are not punitive and equal to or more benign than those provided to persons convicted of crimes."

— RON MISKOFF