

CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS

Minutes of Meeting of January 27, 1983

Attendance: Robert Kor, David Pels, Pat Landau, Bettina Edelstein, Raphael Podolsky, William Curtis, Marie Langan, Bruce Batts, Frank Baez, Ed Murtha, Frank Murphy, Linda Bantell, Bill Boardman, Gerry Maine, Glenn Coe.

Bob Kor opened the meeting and "amended" the agenda to focus the meeting on Glenn Coe. Glenn is on an interim appointment by the State's Attorney's office and is charged with studying and reporting on the problem of inadequate criminal prosecution in the Housing Court.

Mr. Coe stated that the State's Attorney is especially concerned with the public perception of ineffectiveness in the Housing Court prosecutor's office. After meeting with code enforcement officials, court staff and the present prosecutor, Coe was able to make some observations and policy suggestions.

He stated his view that the prosecutor does not have authority to decline to prosecute a whole class of violations. Where a complaint is received, a 14-day notice has been sent without results, and probable cause can be shown, the charges should be filed. Coe noted that this would not rule out nolles, but would end the practice of continuing cases repeatedly and dropping them prior to the official bringing of charges. Code enforcement agencies may still issue warnings encouraging compliance prior to referral for prosecution, but Coe plans to minimize the negotiation of cases after they come to the prosecutor's office.

Coe emphasized the need for cooperation between the prosecutor and code enforcement officials. He would ask inspectors to provide more detailed reports initially, including information on the defendant's response to requests for compliance, and to keep field notebooks for reference if court testimony is needed. Code enforcement staff would also play a vital role in monitoring compliance with court orders. Several CAC members questioned the reliability of this approach to monitoring, and suggested that the prosecutor's office itself may need to perform this function. Mr. Curtis agreed with Ms. Bantell's suggestion that a file be kept by landlord's name so each individual's record could be quickly reviewed.

Coe envisions the use of accelerated rehabilitation or other forms of probation. Compliance would be required as a condition of probation and housing code officials would act as probation officers.

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When complainants are unable to secure assistance from police or housing code officials, the prosecutor's office will accept their complaints directly, take affidavits, etc.

Coe has no plans to involve victims beyond their participation as witnesses at trial.

Discussion was cut off when the court closed at 5:00 p.m., and no other business was transacted.

Submitted by:

Bruce J. Batts