

including (a) the failure of correction officers and superior officers to abide by the reporting provisions of Rule 5.12 of the Department of Correction's rules and regulations (either by failure to report use of force, or falsely reporting), and (b) the intimidation of inmates to prevent them from complaining about excessive use of force.

3. The prosecutions will be brought[†] speedily. The prosecutor will regularly apprise the Court and counsel of the progress of the investigation and prosecutions.

4. The prosecutor will disclose any evidence of misconduct rising to the level of criminal conduct to the District Attorney or other appropriate prosecuting authority.

B. Aids to the Prosecutor

5. The prosecutor will have at his disposal the Department of Correction's administrative subpoena power to assure his access to documents not introduced herein and to witness^{es} who may be unwilling to testify or otherwise unavailable.

6. The City will make available adequate investigatory and other staff as needed by the special prosecutor, including associate counsel. The personnel assigned to him should come from outside the Department of Correction. The City will bear all actual and necessary expenses, including those for transportation of witnesses and staff.

7. All available documents and transcripts herein shall be turned over to the prosecutor. No stipulation has been reached concerning payment for the untranscribed portion of the testimony herein.

C. Hearings

8. All charges of misconduct as defined in Par. 2, supra, will be prosecuted before an impartial hearing examiner, recommended by the Bar Association of the City of New York and acceptable to the Court and counsel.

9. All hearings will be held in a place or places readily accessible to the public and the City will give adequate public notice of the proceedings.

10. The hearing examiner will make specific findings of fact and recommendation as to punishment in each case. He will report his findings and recommendations to the Commissioner of Correction, the Court, and counsel. Nothing contained herein is intended to alter or affect the statutory power of the Commissioner to review the findings of the hearing officer and, in the Commissioner's discretion, to impose appropriate disciplinary sanctions.

Dated: New York, New York

March 24, 1972

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RALPH VALVANO, et al.,
Plaintiffs,

-against-

BENJAMIN J. MALCOLM, et al.,
Defendants

STIPULATION

J. LEE RANKIN,

Corporation Counsel,

Attorney for DEFENDANTS

Municipal Building,

New York, N. Y. 10007

*Due and timely service of a copy of the
within
is hereby admitted.*

New York, 19

Attorney for

To

Attorney for....., Esq.,