

Court Group Asked That Berkowitz, Having Job, Be Let Go Without Bail

By LEONARD BUDER

The day after David R. Berkowitz was arrested and accused of being the .44-caliber killer, a pretrial agency recommended that the 24-year-old postal worker be released without bail on his own recognizance because he had a permanent residence and a steady job.

The disclosure was made yesterday at a hastily called news conference by Mayor Beame, who said he was "infuriated" when he had learned of the recommendation earlier in the day. "This monu-

mental irony," he said, "underlines my contention that we must crack down on loopholes in the criminal-justice system."

The agency that made the recommendation, the Criminal Justice Agency Inc., recently named as its board chairman Nicholas Scoppetta, the Deputy Mayor for Criminal Justice. Although Mr. Scoppetta personally had nothing to do with formulating the recommendation, he informed the Mayor about it yesterday and said later it was the "apparently absurd result of a mechanical and literal interpretation by the agency of its criteria for recommending bail."

The nongovernmental public service corporation, which is supported by city and Federal funds, was known until Aug. 1 as the Pretrial Services Agency. As part of its reorganization, Mr. Scoppetta was elected a member of the board and named chairman by the other members.

The agency's interview report, made on Aug. 11, showed that it was aware that Mr. Berkowitz had been accused of being the notorious "Son of Sam," who had slain six young people and wounded seven others in eight attacks with a .44-caliber revolver over the last year. It used the phrase "A. K. As 'Son of Sam'"—meaning "also known as" Son of Sam.

Mr. Beame, in the news conference in the Blue Room at City Hall, said: "Obviously, no judge would accept such a recommendation in the 'Son of Sam' case, but it does make us wonder whether judges on other occasions, confronted with busy court calendars, are accepting recommendations that could permit dangerous criminals to walk the streets on little or no bail."

The Mayor said the agency had made

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its recommendation "on the basis of unverified information which takes into account the fact that he was a first offender and gainfully employed."

He said he had learned of the recommendation from Deputy Mayor Scoppetta and had asked him to "institute immediately an investigation of how this could have happened and to take steps to insure that such an absurd result could never happen again."

The Criminal Justice Agency interviews every criminal-justice defendant who appears before a judge in New York City. It does not consider the nature or seriousness of the charges, but only whether a defendant has family ties, a job or a permanent residence.

Automatic Recommendation

For those who have family ties, a job and a permanent residence, the agency automatically recommends that a defendant be released without bail in his own recognizance, that is, on his own promise to reappear in court when called.

The agency's choices after interviewing a defendant are limited. It either recommends release without bail or makes no recommendation.

In practice, judges in New York City's Criminal and Supreme Courts virtually always order that defendants accused of murder initially be held without bail.

Jeremy Travis, director of the agency, explained: "The court by statute must consider the defendant's character, mental condition, severity of possible sentence, employment, family ties and length of residence. We provide the last three."

In Mr. Berkowitz's case, Mr. Travis said, the recommendation was based upon "unverified community ties," because Mr. Berkowitz had asked the agency's interviewer, Harold Raines, not to contact anyone.

Mr. Scoppetta said that, despite the

"inappropriateness" of the agency's recommendation in this instance, it normally was "a very useful component of the criminal-justice system."

The interview report quoted Mr. Berkowitz as having said he had lived at 35 Pine Street in Yonkers, where he was arrested, for "one year, six months" and previously had lived in New Rochelle for "four months."

It also showed that he had worked as a "distribution clerk" for the last six months at the Bronx General Post Office and earned "\$375 biweekly."

In response to questions on a form asking "Are you on probation?" and "Are you on parole?" the interviewer, after hearing Mr. Berkowitz's response, checked boxes marked "no."

Mr. Berkowitz remained at Kings County Hospital, undergoing psychiatric tests to determine whether he is competent to stand trial for the fatal shooting on July 31 of Stacy Moskowitz and the blinding of her companion, Robert Violante.

Case Before Grand Juries

Meantime, the Queens and Bronx District Attorneys were pursuing other charges in the Son of Sam case.

A spokesman for the Bronx District Attorney, Mario Merola, said evidence was being presented to a grand jury in connection with two attacks that resulted in three deaths in that borough.

A spokesman for the Queens District Attorney, John J. Santucci, said his office had begun presenting evidence to a grand jury on Wednesday on five shootings that left two dead and five wounded. He declined to comment on whether any indictments had been returned.

However, Mr. Santucci directed his staff to begin researching the question of whether, in the event Mr. Berkowitz is indicted, he can be arraigned at the hospital in Brooklyn instead of being brought to Queens, with all the expense, manpower and what a spokesman called "circus atmosphere" that such a trip might entail.