



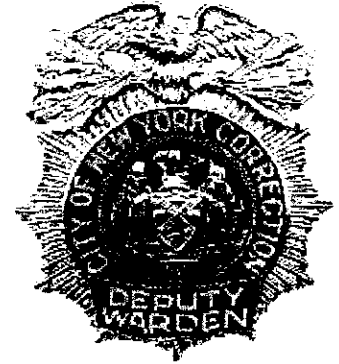
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**New York City Board of Correction
Tuesday, April 17, 2007**

**TESTIMONY AT PUBLIC HEARING
PROPOSED AMENDMENTS
TO THE MINIMUM STANDARDS
FOR NEW YORK CORRECTIONAL FACILITIES**

Executive Director Wolf and Board Members,

My name is Sidney Schwartzbaum, and I am the President of the Assistant Deputy Wardens - Deputy Wardens Association. Our union represents second and third line supervisory personnel within the New York City Department of Correction. These supervisors are the equivalent in rank structure, responsibilities, and salaries to the N.Y.P.D. Lieutenants and Captains. I testify before you today as a twenty-eight year veteran, commenting on the proposed amendments to the minimum standards, after scrutinizing their contents, their immediate implications, and the potential ramifications if ratified.

I will focus my testimony on three proposed amendments - two of which I support, and one which I am opposed to. Thank you for affording me this opportunity to express my views.

PROPOSAL: Section 1-04(c) *OVERCROWDING*
(Multiple-occupancy)

- I *oppose* any adjustment to increasing the number of detainees that the Department of Correction can confine to its dormitory housing areas, by minimizing the number of square feet *from* 60-feet *to* 50-feet per inmate. Increasing the number of detainees by 10 for each side of dormitories increases the levels of tension amongst inmates and staff, and delays access to telephones and personal hygiene units. In addition, it also increases the number of inmates mandated to be searched upon entering and exiting these housing areas, further delaying access to programs and support areas.
- Officers assigned to these housing units must be alert for specific “tell-tale” indicators as to changes in an inmates’ mental health status; increasing the number of inmates under custodial staff supervision diminishes that quality of supervision. Increasing the number of inmates into a reduced living space also increases the likelihood of spreading air-borne diseases.
- Let us not forget that the conditions of overcrowding were the major contributing factor in the 1970’s riots. It was these disturbances that led to the much-needed reforms brought about by these minimum standards.

PROPOSED AMENDMENTS TO MINIMUM STANDARDS

Sidney Schwartzbaum - President (A.D.W. - D.W. Association)

Page 3 of 4

PROPOSAL: Section 1-03(g) *PERSONAL HYGIENE* (Clothing)

- I *support* the requirement that detainee prisoners must wear institutional clothing because it enhances security by
 - expediting living area searches,
 - reducing inmate on inmate thefts,
 - minimizing the “flying” of gang colors,
 - reducing the personal concealment of contraband,
 - and quickly identifying an inmate attempting to escape from custody

- The requirement for institutional clothing would also eliminate a legal “Catch-22” situation for promoting prison contraband. Currently, civilian visitors who leave packages of clothing in which contraband drugs and/or weapons are secreted are detained and placed under arrest by the Department of Correction staff. However, the various County District Attorneys inevitably declines to prosecute these individuals, citing insufficient evidence to prove complicity. Thus, the whole arrest process is a waste of taxpayer’s money, a transparent façade in the prevention of dangerous contraband into our correctional facilities.

PROPOSED AMENDMENTS TO MINIMUM STANDARDS

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Page 4 of 4

PROPOSAL: Section 1-10(h) *TELEPHONE CALLS*
(Supervision of telephone calls)

- I *support* the proposed amendment that will allow the Department of Correction (with notice to the inmate) to listen to and/or monitor inmate telephone calls. I believe that this monitoring will be a viable tool in thwarting criminal activity within correctional facilities (smuggling of contraband, escape plots, insurrections, etc.), along with conspiracy to commit criminal activity outside of that environment (witness tampering, murder conspiracies, etc.).
- One of the most infamous murders in this City's history was plotted over the inmate telephone located on the 10th Floor Maximum Security "B" wing of the Brooklyn House of Detention for Men during the crack-fueled reign of lawlessness of the 80's. The events that set this tragedy in motion began in Queens in 1988, when a resident complained to police about the brazen and open crack cocaine sales outside their home by a 20-member drug gang run by "Fat Cat" Nichols and his underling Howard "Pappy" Mason. When Mason was arrested, he was placed into the Maximum Security Area at Bk.H.D.M. Using the inmate telephone, he communicated with Nichols, and they conspired together to murder a cop - any cop - to "send a message." Two days later, members of the drug gang snuck up on the patrol car of Officer Edward Byrne, a 22-year old rookie fresh out of the Police Academy, who was guarding the home of the citizen who made the complaint. David McClary then pumped 5 bullets into Byrne's head. His murder was a watershed event in changing public and government reaction to the drug wars. Today, "Pappy" Mason is serving life in prison for ordering the murder of police officer Edward Byrne. Perhaps if inmate telephone calls were monitored back then, this cold-blooded slaying might have never occurred.

Sidney Schwartzbaum
President
ADW - DW Association

