

**E.A.C.'s New York City T.A.S.C.
E.A.C.'s Mental Health Programs
E.A.C.'s Stoplift and Anger Management**

TESTIMONY

PRESENTED TO

THE COUNCIL OF THE CITY OF NEW YORK

PUBLIC SAFETY COMMITTEE



Prepared by:

**EDUCATION & ASSISTANCE CORPORATION
(E.A.C., INC.)**

March 19, 2008

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**Statement on Behalf of E.A.C.'s New York City T.A.S.C., Mental
Heath Programs & Stoplift and Anger Management Programs to
the Council of the City of New York
Committee on Public Safety**

March 19, 2008

Honorable Chair, Council Members, Council Staff:

My name is Kenneth Linn and with me is Lauren D'Isselt. I am Vice President of E.A.C.'s, (Education and Assistance Corp.), New York City TASC and Mental Health Programs. Lauren D'Isselt is the Director of Mental Health Services in Brooklyn. New York City Council support has enabled TASC to become the most highly effective alternative to incarceration program in the State and in the Bronx we are one of the five Model Mental Health Courts in the entire United States, a teaching Court that will teach other Mental Health Courts how to develop to be Mental Health Court like ours or as much like ours as is possible based on the limitations of their funding. The competition was rigorous but Bronx TASC's Mental Health Court was one of the five selected. TASC provides case management to its drug abusing non-violent offenders who go into treatment programs in lieu of prison or jail but for the mentally ill ones we use licensed psychologists or psychiatrists to make an

accurate diagnosis and do rigorous risk assessments to insure to the highest degree possible that diversion is appropriate decision. Not only does TASC screen, assess and place these substance-abusing and mentally ill offenders, but also TASC monitors them for the Courts and the District Attorney's Offices for up to two (2) years and further it provides clinical case management through our staff of mental health professionals, an ingredient which is believed goes a long way to account for the high level of success and the readiness of our partner agencies to work with us.

These placements of our clients into treatment programs have come about through the trust and support that TASC receives from the Courts and the District Attorneys in the four counties where we operate. To show to you the level of trust that TASC has from the District Attorneys, the New York City TASC programs provide the screening, placement and case management for the District Attorney's DTAP (Drug Treatment Alternative to Prison) second felony offender programs in Brooklyn, Queens, Bronx and Richmond Counties. We are in fact the case management arm of the District Attorneys' in those counties.

This past calendar year, combining substance abusing defendants and mentally ill defendants, most of whom also abused drugs, we once again placed more than two thousand (2,000) substance abusing, criminal justice offenders into treatment programs and monitored their participation for the Courts. The biggest group of those placed were predicate felons, that is those who have a current felony drug charge and who have been convicted of at least one or more prior felonies within the last ten (10) years. Ordinarily, under the Rockefeller Drug Laws even as amended this group would have gone to state prison, but through a collaboration with the Courts and the District Attorneys, we have developed a mechanism to place them into drug treatment programs of up to two years duration, which allows them to be rehabilitated instead of incarcerated. This mechanism has been approved by our highest Court, the Court of Appeals in a unanimous decision with every member of the Court agreeing unanimously, 7-0 to treatment over jail or prison. Our success rates for the predicate felony offender population have been consistently maintained at a 70% completion level, with first time felons completing at a 65% rate.

Our current caseload exceeds three thousand five hundred (3,500) clients in TASC placed treatment programs. We supervise this number of clients for the Courts and guide them along to productive, drug free lifestyles.

The work of the New York City TASC Programs has net saved the City and State many, many millions of dollars. But besides the net monetary benefit that TASC brings to the criminal justice system, it pales besides the incalculable benefit that comes from rehabilitating criminal, drug addicts and helping to create from them productive, taxpaying members of society. Not only does this result in the individual rehabilitation of criminal, drug abusers, and thus safer streets, but in families being reunited, parents now able and willing to assume responsibility for their children and these children now having a parent present who is capable of undertaking their upbringing. We have achieved this goal for the more than ten thousand (13,000) clients who have graduated from our programs since 1991. Further support for our effectiveness is our TASC recidivism studies on our predicate felony population, which show that an average of 90% of our graduates have sustained a crime-free

lifestyle one year after completing the program. These are the figures that make us proud and sustain us in our efforts.

This past year, with increased costs for our every service and need, we have had great financial difficulties maintaining the levels of service that the Courts and District Attorneys have asked of us. This coming year however we will need a restoration of funding to cover expenses that are fixed to rise for us: rent, transporting our clients, telephone and other such expenses that drive up our costs. Without this, I am sorry to say that there will be some defendants who will not receive alternative to incarceration services or others who will have to wait in jail much longer before they receive them. Also, many clients will be denied the benefit of our TASC case management, which is a major factor in the high success rates and low recidivism rates that we have demonstrated through the years.

The fact that we net save the City and State enormous sums of money (a total net amount of almost seventeen million (\$17,000,000) dollars last year and the year before) and have been able to affect so many, many thousands of lives may not be able to be continued as it has for the past 15 years. However, it would be a shame if our City

lost the benefit of complete TASC services; services that through the years have rehabilitated so many drug offenders and clearly with thirteen thousand (13,000) client graduates has had a significant effect on making our communities safer. It could not be the police alone that has made our communities safer, but the cumulative effect of TASC and other effective rehabilitation programs that have helped make our streets safer. Arresting a drug abusing offender, putting him or her in jail or prison, only returns that offender back to the streets and back to drugs and crime after some period of time. It is the rehabilitation of these drug users and developing them into tax paying, productive citizens that is essential for the maintenance of safe streets and safe communities.

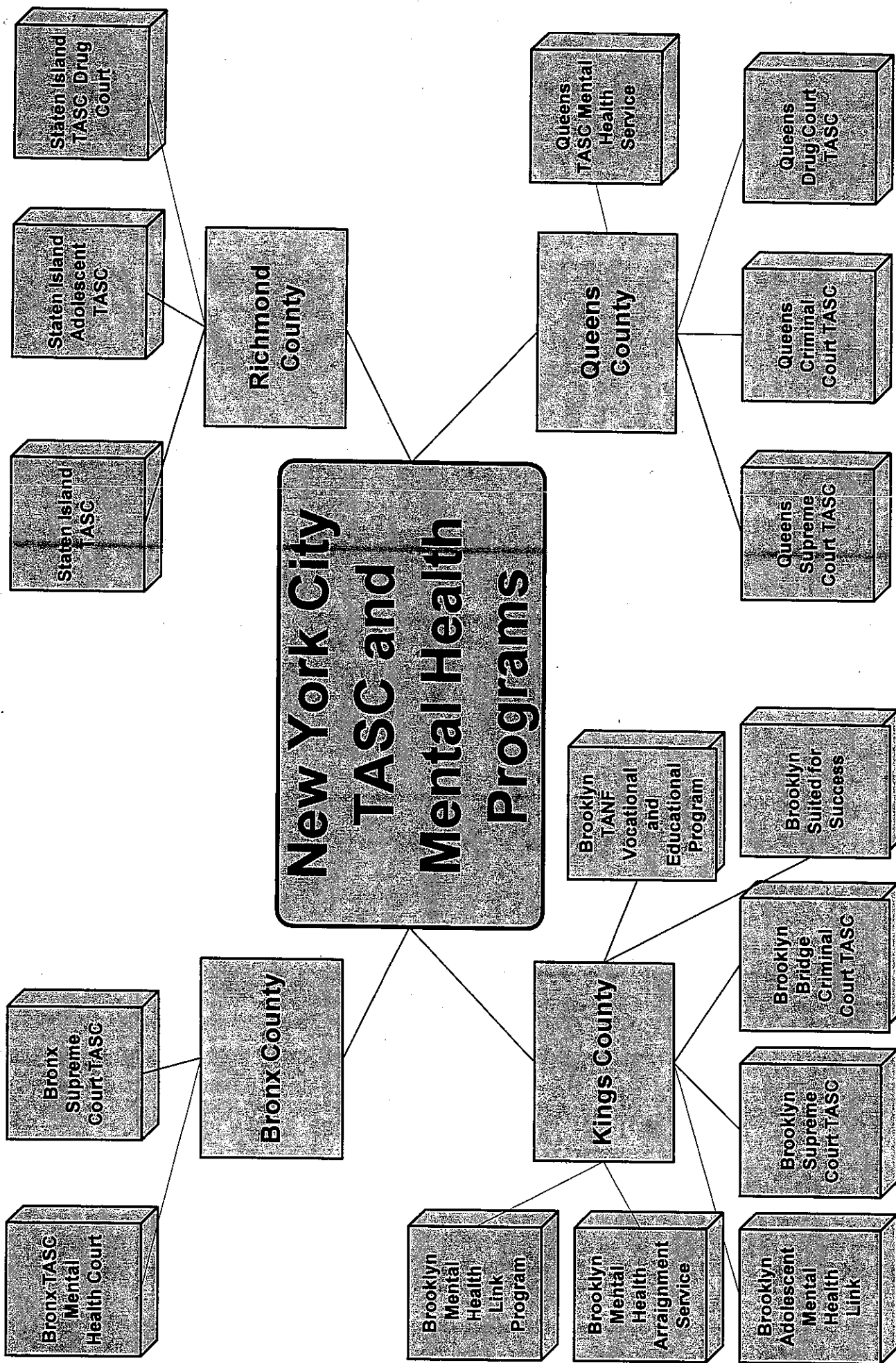
City Council funding of EAC's Stoplift and Anger Management Programs has proved remarkably successful again this year. These innovative programs that deal uniquely with shoplifters and low level property offenders as well as those whose anger manifested itself and resulted in a low level crime, give the Courts and District Attorneys, through utilization of these programs, the opportunity to intervene at an early stage of criminality to prevent the spiraling of these

offenders' behaviors into more serious criminal acts. With our effective work in this area, we add another level to our agency aim to provide services that enhance community safety.

I wish to extend my gratitude to the City Council for recognizing the value of EAC's programs and services to our communities year in and year out and to urge once again that you continue to support us this year. We guarantee that in the coming year, if you allow us, we will continue to produce the extraordinary results for which we are known and we will make you proud that you provided funding for us.

Respectfully submitted,

Kenneth Linn
Lauren D'Isselt



CENTER

FOR

COURT

INNOVATION

A Public/Private Partnership with the
New York State Unified Court System

Midtown Community Court | Red Hook Community Justice Center | Brooklyn Treatment Court | Brooklyn Domestic Violence Courts | Bronx Domestic Violence Courts | Red Hook Youth Court | Manhattan Family Treatment Court | Crown Heights Community Mediation Center | Harlem Community Justice Center | Harlem Parole Reentry Court | Harlem Youth Court | Brooklyn Mental Health Court | Bronx Juvenile Accountability Court | Queens Community Cleanup | Youth Justice Board | Bronx Community Solutions | Queens Engagement Strategies for Teens | Far Rockaway Youth Court | Center for Courts and the Community | Upstate Office, Syracuse

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Center for Court Innovation Testimony

New York City Council

Public Safety Committee

March 19, 2008

My name is Raye Barbieri and I am the Director of Implementation for the Center for Court Innovation. Thank you for this opportunity to speak.

We are here to urge the Public Safety Committee, as it is considering the mayor's proposed budget, to support funding to help the Center for Court Innovation, in conjunction with its court, community and government partners in New York City, promote the safety of the public and improve the quality of life for all New Yorkers.

Many of the most challenging problems facing the residents of our city find their way to the courts' doorstep. New York City criminal and civil courts are overwhelmed by cases that are fueled by drugs, mental illness, domestic violence, truancy and child abuse and neglect. Unfortunately, in these cases, the approach of conventional courts generally tackles only legal issues but often fails to address the underlying problems that bring people into the court system in the first place—and keep them coming back.

The Center for Court Innovation believes that courts, governments and communities, working together, can do a better job in addressing the problems of people who end up in court. The Center for Court Innovation works to reduce crime, aid victims, and strengthen neighborhoods by making courts more problem-solving and responsive to their constituents. Starting with the award-winning Midtown Community Court, the Center has created more than a dozen projects – drug courts, mental health courts, domestic violence courts, community courts, and others – that are making an impact on the safety and health of New York City's neighborhoods. Researchers have documented that our projects

have changed the behavior of offenders, improved perceptions of fairness, and enhanced public trust in justice.

The Center for Court Innovation has helped the city achieve measurable public safety gains while saving money. The Center helps promote cost-effective juvenile and criminal justice reform by reducing the use of ineffective short-term jail sentences for adults and creating alternatives to detention and state placement for juvenile offenders, by changing the behavior of offenders, by contributing hundreds of thousands of dollars in community service, and by leveraging the City Council's investment in our work to bring additional private and federal dollars to New York City. By promoting alternative sanctions, the Midtown Community Court, for example, saves the city over \$500,000 each year in jail costs. Initial findings show that Bronx Community Solutions, which brings our problem-solving approach to all misdemeanor crimes in the Bronx, has reduced the use of short-term jail sentences threefold.

Research has documented that the Brooklyn Treatment Court reduced re-offending among substance abusers by 30 percent and use of heroin and cocaine by 67 percent. These changes in behavior translate into over \$30 million in savings since the court opened in 1996. Similarly, the Brooklyn Felony Domestic Violence Court cut the probation violation rate to half the typical rate for this population. And by mandating offenders to community service, the Red Hook Community Justice Center contributes \$371,000 in restitution projects each year.

This kind of success doesn't happen without the involvement of dozens of partners. Each of our projects is structured as a public-private partnership, involving collaborations among the courts, prosecutors, defense, police, probation, providers, communities and funders. For each dollar the City gives us, we leverage an additional six dollars in private, state and federal support.

I am here today to ask the members of the Fire and Criminal Justice Services Committee to continue to support this critical work. Last year, the Center received funding in the amount of \$758,000 from the Council. We are deeply grateful for the Council's support—it has been invaluable to the success of the Center for Court Innovation, helping us maintain core operations and launch new initiatives at our problem-solving courts throughout the city—courts that serve over 60,000 New Yorkers every year.

City Council funding in the last year allowed the Center to:

- Complete planning on a Queens juvenile mental health project that will keep young people out of detention facilities;
- Open the Far Rockaway Youth Court to address the growing concern over teenage crime in the area;
- Launch the Harlem Custody and Visitation Court to prioritize the needs of children and defuse the negative impact of parental conflict in these highly adversarial cases;
- Tackle teenage dating violence in the Brooklyn and Bronx Youthful Offender Domestic Violence Courts; and
- Begin implementing the proposals of the Youth Justice Board to strengthen the participation of foster youth in their court cases.

This year we are asking the Council for \$1 million to continue this work and to introduce several new programs designed to improve the city's quality of life while saving money. We ask for a continuation of last year's level of support (\$758,000), supplemented by a budget enhancement of \$242,000 that will enable the Center to launch several new projects. In Queens, the Center will launch a pioneering juvenile mental health project in Queens that will, for the first time, put in place systematic procedures for identifying, assessing and creating treatment plans for the large number of young people arrested for delinquency who have mental health disorders. The juvenile mental health project will link young people and their families to court-monitored, community-based treatment rather than confining them in costly and ineffective residential detention and placement facilities. The Center will expand the Bronx Community Solutions project (which brings a problem-solving approach to misdemeanor offenders throughout the Bronx) by screening misdemeanants for mental health issues and linking them to intensive mental health services. Council funding will also support attendance courts in Harlem and Red Hook that take an innovative, pro-active approach to the challenges facing young people with chronic truancy problems and a project to strengthen the monitoring of sex offenders in Brooklyn.

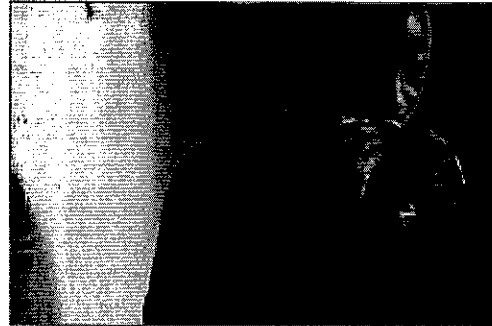
The Center for Court Innovation looks forward to continuing to work with the New York City Council to improve the justice system's response to the city's pressing problems. We urge you to support our work and the work of other organizations and government agencies who are improving how courts and their partners tackle the social problems driving the huge caseloads in today's courts. Thank you again. I would be happy to answer any questions you may have.



December 20, 2007



Damon Fuseyamore, age 45, is seen at home with his son Shucre, and stepson Shamar Arnold-Carter. Fuseyamore chose a drug treatment program over two to seven years in prison for selling crack, and celebrated 10 years of sobriety in June.



By Jennifer S. Altman for USA TODAY

Fuseyamore kisses the medallion he was given when he graduated from the Brooklyn treatment court program.

"What this approach seems to reach is what's left of the humanity of the drug addict."

—Stearns County attorney Janelle Kendall

Drug courts offer offenders alternatives

By David Unze, USA TODAY

Damon Fuseyamore vividly recalls smoking "my last nickel of crack" on June 16, 1997, while sitting on the steps outside his New York City residence. He said he owed loan sharks money and had been arrested two weeks before "with six nickels of crack and a bunch of money."

He was charged with selling crack and was looking at 2-to-7 years in prison. But he had another option.

"I had a choice of doing jail time or changing my life and going through treatment," he said. "If you have a choice between doing 2-to-7 or going through the program and going into treatment, any smart person would take the program."

Fuseyamore, 45, and the father of a 10-year-old son, celebrated 10 years of sobriety in June and has been a mechanic for the New York City Fire Department for six years, according to Dennis Reilly, former director of the Brooklyn Treatment Court. Fuseyamore's story is one of thousands touted by supporters of alternative drug courts.

The courts, which are multiplying across the USA, began 18 years ago as an experiment to attack a

growing crack cocaine epidemic in Miami. They rely on treatment, rigorous supervision and accountability as a way to help, for the most part, non-violent drug users rather than sending them to prison.

There are now 2,016 drug courts in about 1,100 counties, according to the National Drug Court Institute. That number, the institute says, is up from 1,048 five years ago and is nearly 1,800 more than existed 10 years ago.

According to West Huddleston, CEO of the institute, a 2005 study — the most recent available — showed 70% of drug court participants graduate from the program and reoffend at a rate of 17% on average, compared to the 66% recidivism rate of drug offenders who do time in prison.

That study also showed the annual average cost of a drug court participant is \$3,500, compared to annual prison costs that range from \$13,000 to \$44,000 per inmate, Huddleston said.

Alternative drug courts are funded by a combination of federal, state and charitable dollars. There is \$15.2 million for the Department of Justice Drug Court Discretionary Grant Program in the 2008 budget that awaits President Bush's signature. In addition, the federal Substance Abuse and Mental Health Services Administration has \$10.2 million in the 2008 budget to add treatment beds within operational drug courts.

Supporters say more is needed.

"We're scratching the surface. I think it's critical that a drug court is in every county in America," said Huddleston, who estimates that 120,000 people are served annually by drug court alternatives, but potentially four million more people could benefit by such programs. The program is mocked by some as adult day care or handholding for addicts, Huddleston said.

Eric Miller, an assistant professor of law at Saint Louis University is among the unconvinced. He said the drug court program takes away the adversarial design and uses the judge to engage the defendant in a 12-step style program.

"That's not what judges do," he said.

Miller questions whether there is enough thought to weeding out the people the drug court doesn't suit.

"A lot of thought has to be given to the types of people it best works for," he said. "I'm not saying it doesn't work at all. But I think there needs to be more thought about who it works for."

Stearns County (Minn.) attorney Janelle Kendall admits she was skeptical about drug courts.

"Our drug court was certainly not the prosecutors' idea," she said. "It still isn't for violent offenders. ... What this approach seems to reach is what's left of the humanity of the drug addict."

Among the areas of growth:

- **Missouri**, which had eight drug courts in 1998, has added 100 courts since then, according to Ann Wilson, coordinator of Missouri's drug courts. Missouri has more drug courts per capita than any state and as of Sept. 1 boasted 108 operational drug court programs, Wilson said. Of those, 75 are adult programs, 19 are for juveniles and 14 are family programs.

- **New York**, which has a drug court in each of its 62 counties and has integrated its funding into its overall judicial budget, according to Drug Court Institute research

•**Oklahoma**, where a Department of Mental Health and Substance Abuse Services report shows that from July 2005 to July 2006, the most recent period for which data was available, prison population expansion was slowed by 2,300 inmates because those offenders were admitted into drug court. The report shows that there are 52 drug courts in 59 counties. It lists the annual cost for a drug court participant as \$5,000, compared to at least \$16,000 annually for a prison inmate.

•**Florida**, where the first drug court was created in 1989, now has more than 109 active drug courts and six more in the works, according to Jennifer Grandal, court operations consultant in the office of state courts administrator.

Unze reports for the St. Cloud (Minn.) Times.



Seeing justice being done

Jack Straw. Secretary of State for Justice, United Kingdom

February 16, 2008 12:00 PM

http://commentisfree.guardian.co.uk/jack_straw/2008/02/seeing_justice_being_done.html

When it comes to punishing criminals, those of us with a duty to do our best to protect the law-abiding majority must always consider the punishment that is most effective. For many offenders - especially those at the most serious end of the criminal spectrum - there is no alternative to custody. Prison is the proper place for these people.

But there are many others - especially those at the less serious end of the spectrum - for whom alternatives to custody are potentially more challenging, more likely to lead to rehabilitation and, most importantly, most effective. This isn't a question of "tough" versus "soft", the level to which the debate over how to deal with offenders is so often reduced. Even in America, home of the supermax jail and the "three strikes" rule decried by European prison reformers, there has been a realisation that prison is not only the wrong option for some, but it is the soft option for some, both jailers and jailed.

This week, I have been in New York to visit the Red Hook Community Justice Center. This was the United States' first community court seeking to solve neighbourhood problems like drugs, crime and domestic violence not as separate problems, but as one. The centre has done much to increase people's confidence in criminal justice, from just 12% of residents feeling confident about their court before the centre opened in 2000, to 71% in 2001.

These are impressive statistics, hard to ignore. We're lucky in the United Kingdom that we have so much in our justice system of which we should be proud. Our magistrates and judges operate to the highest standards of independence and probity. They inspire confidence at home, and envy abroad.

But we should not be so proud that we are unable to learn lessons from others. In New York, they have recognised that the courts cannot do it alone. Without the cooperation of the community, many offenders simply repeat the cycle of offending and detention.

In 2005, we opened our own version of Red Hook, the community justice centre in north Liverpool. We also set up a community court in Salford. There are now 11 new

community justice courts across England and Wales, building on the Liverpool and Salford models.

By no stretch of the imagination could New York - or Liverpool or Salford - be described as soft cities. Nor could community courts or community penalties be described as the soft option. Community justice works by making courts more responsive to the priorities of local people. By strengthening the links between the courts and the community, I believe people's confidence in the work of the court will rise and the community will feel more confident about tackling offending behaviour.

In community courts, judges come out from behind the bench to hold community surgeries and attend local events. Offenders are ordered to carry out unpaid work as part of a sentence on projects nominated by residents. In this way, justice really is seen to be done.

The courts aim to break the cycle of reoffending - and doing so is always the top priority of such courts - by tackling some of the underlying causes of crime such as drug and alcohol addiction, housing, education or debt problems. Sentences aim to include programmes to help solve these problems. Offenders are often young men leading chaotic lives, ill-equipped to deal with the complexities of providing for themselves.

The work of community courts doesn't stop at sentencing. They are able to order people back to court at any time during a community order, to check on their progress but also to support and encourage them when they are doing well. Research with offenders suggests the problem-solving approach improves compliance with their sentence and helps them avoid reoffending in the future.

In addition to the community justice courts, we have also established two drug courts in magistrates' courts, at Leeds and west London. These target people committing lower level crime to fund drug addiction. The same judge or panel of magistrates deals with an offender each time they come to court, from conviction through sentence and beyond, as part of a review of progress on a drug rehabilitation order. I now want to take this work forward to other courts across England and Wales.

I want the public to see their courts as an accessible and vital part of their community. Courts that make a visible difference to the day-to-day lives of everyone who lives there, including offenders.

Print this page

City Limits WEEKLY
 Week of: June 25, 2007
 Number: 593

FOSTER TEENS GRAB REINS OF PLANS FOR THEIR LIVES

A group of young people says more of their own participation would improve the process of finding them permanent homes. > *By Eileen Markey*

Before a standing room only crowd gathered in the stately law library of New York Family Court in Manhattan last Thursday afternoon, a group of teenagers reported that youth in foster care would be better served if they were more involved in the process aimed at finding them a permanent home.

The speakers, part of the 15-member Youth Justice Board (YJB), presented a new report on improving the family court system's permanency planning process to children's advocates, court personnel and foster care professionals. The board, a project of the Center for Court Innovation, is made up of New York City teens who study juvenile justice issues and propose policy solutions to make the courts, foster care and detention system more responsive to the needs of the children they serve. After the presentation last week, adults said they were impressed with the quality of the youth people's work and eager to see many of their ideas implemented.

Called "Step Up, Step Out," the report finds many youth in foster care don't understand how the family court system works, have little contact with the legal guardians who argue on their behalf in court, and are unaware that they can attend court proceedings or petition the judge who oversees their case.

"The youth are at the core of the whole situation. They are the center. If the youth is not being heard, how are they going to be served?" asked Theresa, 17, a YJB member from Brooklyn who is in foster care. (The Center for Court Innovation keeps YJB members' last names and school affiliations private.)

Under the current system, young people's voices are rarely heard in the courtroom or judge's chambers where adults determine who they live with, whether they're reunited with parents, if they can visit siblings, and when they will leave the foster care system. But not all the young people under the court's supervision are too young to advocate for themselves. More than 50 percent of the youth in foster care are 13 or older, according to the report. But they are often caught in the tide of other people's decisions at an age when they need to be developing control and defining themselves.

"Step Up, Step Out" argues that those older children should have a say in their cases, particularly as they come closer to aging out of the foster care system at 21.

The report's recommendations cover three areas: helping to prepare youth to take an active role in their cases, fostering stronger partnerships between law guardians, caseworkers and youth, and creating a court environment that welcomes and supports youth involvement.

According to YJB, the Administration for Children's Services (ACS), which is the city agency handling foster care, should provide youth with information on the permanency planning process and their rights in foster care, and conduct peer-led workshops to prepare youth in care to participate in their hearings.

Among the other recommendations:

- Communication between youth and law guardians should be strengthened to ensure the youth understand what's going on in their cases.
- Caseworkers should help youth surmount obstacles that prevent them from attending hearings.
- ACS should help caseworkers get permanency planning reports done and help them communicate better with their clients.
- New York City Family Court should create an advisory board of youth.
- Teens should be able to avoid unwanted encounters with family in the courthouse.
- The courthouse should have more private places for law guardians and youth to discuss their case.
- Hearings should be scheduled at times youth can attend.

Family court chief clerk James Kenny listened intently as board members made their presentation. "I support

their work and their efforts. They should be participating in the process that affects their lives," Kenny said afterwards.

The report garnered praise from the Citizens' Committee for Children as well. "I think people in this system are very enthusiastic to hear from the youth," said Stephanie Jill Gendell, a CCC senior policy associate who attended Thursday's presentation. "Some of these ideas have been said before, but coming from the youth really gives them credibility."

YJB youth coordinator Dory Hack acknowledged change will come slowly in a system as complex and overburdened as New York's family court. "We've been really impressed to learn how eager our audience is to hear these recommendations. There is a real sincere interest in hearing from youth themselves," Hack said. ACS was unable to comment on the report's recommendations by press time. However, the YJB got positive feedback from staff in ACS's Office of Youth Development who saw a preview of "Step Up, Step Out," Hack said.

Students on the board conducted six months of research for the report, including more than 40 interviews with judges, legal guardians, caseworkers, ACS personnel and discussions with young people in the foster care system. They came up with 75 ideas on how to improve the family court system, then whittled them down to the 14 recommendations in the report, said Michael, a 19-year-old board member from the Bronx who is in foster care.

"I hope our recommendations will be put into consideration and looked over for the youth after us," Michael said. Several board members echoed his motivation to improve the family court and foster care system for the children who will come after them.

"I was in the system, and I felt that it wasn't doing good, and I wanted to change it for other kids," said Kevin, a soft-spoken 18-year-old from Queens.

Phyllis, 16, from Brooklyn, did not have first-hand experience being in care, but its effects are all around her, she said. "I wanted to be more informed about the foster care system and how it works because a lot of my friends and family are part of the system," she said. "I wanted to be able to educate them."

The Youth Justice Board was created in 2004 to provide a voice for young people in the debates and discussions on criminal justice in New York City. Its parent Center for Court Innovation is a nonprofit think tank founded as a public-private partnership between the New York State Unified Court System and the Fund for the City of New York.

The YJB consists of young people between age 15 and 19 who hear about the board from caseworkers, social service providers, school guidance counselors or teachers and write a letter explaining why they are interested in its work. Hack, the project coordinator, stressed that students are not selected based on their academic success, but rather on their passion for juvenile justice matters. The board meets two afternoons a week and provides a small stipend and subway fare from school.

Members of YJB plan to present their findings to ACS Commissioner John Mattingly next month.

For more on Family Court, see Child Welfare Watch: A Matter of Judgement: Deciding the Future of Family Court in NYC.

- Eileen Markey

New York Law Journal

Youths Offer Views on Family Court

06-22-2007



Rick Kopstein/New York Law Journal

Nadica of Manhattan, 18, yesterday offers suggestions on how the New York City's Family Court can encourage participation by young people in its permanency planning process. She was among members of the Center for Court Innovation's Youth Justice Board who presented to Judge Joseph M. Lauria ([See Profile](#)), the court's administrative judge, the results of a yearlong study they conducted on improving the Family Court. Many of the board's members are or have been foster children.

VOICE OF THE CONSUMER

Tell It to the Judge!

Youth Recommend Family Court Improvements

"Many youth in care believe that they don't have any say in what goes on in their Family Court cases... Youth are completely affected by the court system and most don't even know it. Their lives are often planned out in the courtroom and though they will be the ones living out the decisions made in court, they are not always part of the planning."

That was the finding of a year-long study of the Family Court system by 15 New York City teens working as part of the Center for Court Innovation's Youth Justice Board (YJB). The teens presented their study, along with 14 specific recommendations for improving the court process, to Judge Joseph M. Lauria, Administrative Judge of the New York City Family Court system, on June 21st.

"The Youth Justice Board is comprised of a terrific group of young people with whom we've been pleased to work during these past few months," stated Judge Lauria. "They have made insightful recommendations about Family Court. These young people want to be a part of the Family Court process—both to advocate for themselves and to help Family Court create an environment that is more accessible to youth."

The Youth Justice Board is an after-school youth development project overseen by the Center for Court Innovation, a public/private partnership that seeks to promote public confidence in justice. The Board released the report after 12 months of interviewing judges, case workers, legal guardians, experts and youth involved in the New York City Family Court, as well as several days of court observation in the New York, Bronx and Kings County courthouses.

"Youth want to get involved, but they're often left in the dark," said Youth Justice Board member Michael. "They might have a better shot at finding a permanent home if they were better looped in," he continued.

The report found that youth are often assigned to marginal roles and are given little preparation and encouragement to participate. There is often poor communication between youth, caseworkers and law guardians. As a result, youth in foster care often:

- Do not know they are part of a formal court process and that they are allowed to attend hearings;
- Do not know how to behave, dress, or arrange transportation for hearings, nor how to accommodate attendance at hearings into their schedules; and
- Find that caseworkers and law guardians provide insufficient or contradictory information about their cases, hearings and available services.

The Youth Justice Board report, *Stand Up, Stand Out: Recommendations for Improving Youth Participation in New York City's Permanency Planning Process*, offers an action plan for how Family Court and child welfare practitioners can prepare youth for their child protection cases; strengthen partnerships between law guardians, caseworkers and youth; assistance and education for young people to encourage active participation in their court cases; and create a court environment that promotes active youth involvement in permanency hearings.

The report calls for mandatory peer-led workshops to prepare youth for their hearings, with the coordinating help of legal service organizations and youth development staff. Workshops should cover what happens at a permanency planning hearing, how to cope with traumatic experiences in court, how to speak in court and to judges, youth rights and the proper channels for youth to advocate on their own behalf.

The report also recommends launching an ad campaign through the web, print publications and an active foster care hotline to provide information and encourage youth attendance at permanency hearings.

"In general, more information about the process and our rights would really help," said Youth Justice Board member Nadica. "Instead of showing up to court and being made to feel we've done something wrong, these programs will give us the support to play an active role," she stated.

The Youth Justice Board report urges stricter guidelines and timetables for law guardians and caseworkers for keeping youth informed of their cases.

"There needs to be a regular practice of checking in with youth before, during and after hearings so that youth understand what's going on with their court case and permanency planning goals," said YJB member Renée.

The report suggests courthouse modifications – including youth friendly waiting areas and private spaces for youth and law guardians to meet – that would also make the court experience more positive.

"Courts can be chaotic and alienating for teens, and they're often left out of the decision-making process. This report asks why – and finds ways to increase youth responsibility for their own foster care cases," said Dory Hack, the Project Coordinator of the Youth Justice Board.

Hack facilitated the group, which met twice-weekly – two hours every Tuesday and Thursday – for a full year. Teens were recruited through child welfare agencies, youth programs and local schools. During their first two months, the teens went through a training phase. "They learned teamwork skills, the history of NYC's child welfare system and research skills – how to design interview questions and conduct an interview," says Hack. The group then conducted over 40 interviews with various participants in the Family Court process, facilitated focus groups and observed Family Court hearings. An initial 120 findings ultimately were boiled down to the 14 recommendations presented in the final report.

There has been a strong and positive response to the YJB report. "We are fielding interest from a range of child welfare practitioners to have the youth present to their staff," says Hack. "We were also asked to send over a hundred copies of the report to the New York State Judicial Institute— they will be distributed to New York State judges at the 2007 Summer Judicial Seminars."

The YJB project received funding from The Surdna Foundation, W. Clement & Jessie V. Stone Foundation, W.T. Grant Foundation,



Teens from the Center for Court Innovation's Youth Justice Board presented their findings and 14 specific recommendations for improvements after a year-long study of New York City's family court process.

Helena Rubinstein Foundation, U.S. Department of Justice, Bureau of Justice Assistance, and New York City Council.

Hack believes that it has been valuable to both the participants and the system.

"While young people can be very jaded about the systems that are meant to serve them, they also have a strong sense of justice," she says. "If you can tap into that, you have ac-

cess to a pretty passionate group of people who can talk about issues from their own personal experience. All of them gained a lot of confidence in their own abilities. It is a very empowering to young people when an adult is sincere in saying they want to hear what they have to say."

For a copy of the YJB report, visit www.courtinnovation.org.

Brooklyn Criminal Court 'Empowering Youth'

Law Day Celebration
Honors Red Hook
Youth Court

SCHERMERHORN STREET — Junior jurists from the Red Hook Community Youth Court made a special presentation and toured the Brooklyn Criminal Court at 120 Schermerhorn St. on Tuesday. The program was part of a national Law Day celebration with the theme, "Liberty Under the Law: Empowering Youth, Assuring Democracy."

Eleven teenage members of the Youth Court made three- to five-minute presentations about how their court functions and the sanctions it imposes, what they have learned about restorative justice, and how participating on the court has affected them. They received a standing ovation from the judges and court personnel who attended the event, and Supervising Judge William Miller presented them with certificates.

The Red Hook Youth Court, a project of the Center for Court Innovation, was established in the late 1990s as an alternative to traditional procedures for handling disputes and quality-of-life crimes by youth in the community. The crimes range from truancy to assault and possession of illegal substances. Twenty students participate in the court, where each plays a rotating role as judge, lawyer, juror and bailiff. To be accepted to the program, a student must pass a 10-week training course that culminates in a "bar exam."



Members of the Red Hook Youth Court. Standing, from left to right: Elizabeth Bender, program coordinator; students Stacey-Ann Chambers, Amber Curry, Kalanne Logan, Michael Nelson, Germaine Lambson and Roanda Vatel; Amy Roza, program director and Chante Martin, youth coordinator. Seated, from left to right: students Patrice Denman, Charisma Dupree, Dymond Nixon, Shaneequa McPherson, Cathy Huang and C. Jean-Louis.

Photos by Fred Stelson

Youth Court sanctions may include assigned essays, community service, a written letter of apology and sometimes counseling. Although its sentences lack the teeth of stiffer penalties, Youth Court sanctions have an 81 percent compliance rate — higher than the criminal court.

Cathy Huang, a senior at Edward R. Murrow High School who has served on the Youth Court for almost two years, said the program teaches objectivity and active listening.

"The Youth Court members must then be able to set aside personal feelings in order to provide the offenders with a fair trial," Huang told judges and court personnel in her Law Day presentation. "Active listening is just as crucial; members must listen carefully and absorb all the information provided in a hearing to give the proper sanctions."

Huang said she's learned many skills and lessons from participating in the Youth Court and its training sessions. "I learned about the importance of second chances, and how all actions have consequences. RHYC has opened my eyes to a different type of justice system and has inspired me to work in the law field in the near future," she said.

Many youth involved in the Red Hook program are interested in legal careers and listened closely while Supervising Judge Miller identified the different types of jobs available in the court system. Judges Eileen Nadelson and Betty Williams, both former educators, also talked with the students.

Supervising Court Attorney Hiram Bell led a tour of the courthouse that included Judge Joseph Gubbay's spe-

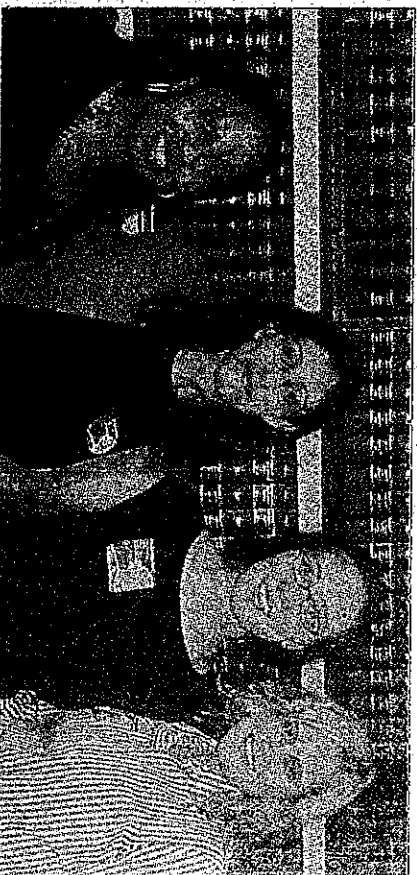


Supervising Judge William Miller, Brooklyn Criminal Court, presents a certificate to Amber Curry, a member of the Red Hook Youth Court who participated in Tuesday's Law Day program.

cial drug court, the state's first Screening & Treatment Enhancement Part (STEP). Judge Gubbay explained his role in screening criminal defendants to identify those eligible for substance abuse treatment as an alternative to prison. Youth Coordinator Elizabeth Bender said the students were particularly impressed by this alternative justice program operating in the Criminal Court.

After Tuesday's Law Day activities, some predicted that members of the Red Hook Community Youth Court could soon graduate to membership in the state bar and the court system.

—Elizabeth Stull
Brooklyn Daily Eagle



Shante Martin, youth coordinator; Melissa Gelber, coordinator of Operations at the Red Hook Community Justice Center; Amy Roza, director of Youth and Family Services and Elizabeth Bender, coordinator of Youth and Community Programs.

Help them hold Crown Heights together

The Crown Heights Community Mediation Center on Kingston Ave. sits quietly perched in the middle of an urban war zone, dispensing peace, nurturing, learning and common sense in a neighborhood that desperately needs more of it.

The center, created in the wake of the 1991 riots between black and Jewish residents, specializes in teaching people to resolve problems with words rather than fists, blades or bullets.

In a city that had its priorities straight, the place would be flush with cash and looking to expand. But the center, a division of the Center for Court Innovation, a public-private partnership affiliated with the state court system, has to scrap for every bit of its \$400,000 annual budget or risk seeing the doors close.

Thousands have been through the center's mediation sessions led by the center's directors, Amy Ellenbogen and Ife-Sharon Charles. Blacks and Jews, landlords and tenants, students and teachers, residents and storeowners and angry neighbors all learn to work through their differences rather than go to war.

Above all, the center works because it's there. "We're open, we're accessible. People don't need appointments," says Ellenbogen. "We get the pulse of what the community needs are."

This beacon of calm sanity is only blocks from where Yankele Rosenbaum was stabbed to death

by an enraged mob in 1991 after a Hasidic driver struck and killed a 7-year-old black boy, Gavin Cato.

The storefront is around the corner from the spot on Lincoln Place where Benny Lyde, a 21-year-old student at Long Island University, was killed with a bullet to the head in front of his home in 2005, a still-unsolved murder.

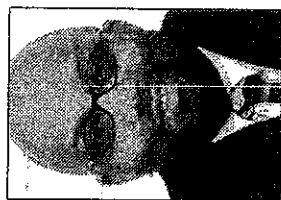
And it's only a few doors from the spot where the strangled body of 15-year-old Chanel Petro-Nixon was found last June in another unsolved murder.

This section of the city has remained mired in violence even as the brass at One Police Plaza trumpet ever-falling citywide crime statistics.

The two precincts that cover Crown Heights, the 71st and 77th, recorded a combined 24 murders in 1998. That number rose to 33 in 2001 and 41 in 2006 — a 71% increase over the last eight years.

But the women running the community mediation center don't need statistics to tell them what's going on.

"A couple of months ago, I heard five shots go off," says Charles. "I dropped to the floor and had to feel myself, to make sure I wasn't shot. I hear people who have a window chipped by bullets, or clients talking about someone getting shot."



Errol Louis

The group is designing an anti-gun-violence initiative aimed at young people, and participates in a growing movement among Crown Heights neighborhood organizations to help cops combat drug dealing and street crime.

Right now, the group is seeking donations from local residents to match a \$25,000 challenge grant from the Independence Community Foundation. Those wishing to contribute should call (718) 773-6886 to find out how.

Charles and Ellenbogen are fighting the good fight against inner-city violence and the anger that fuels it. We all need for them to succeed.

★ ★ ★

Today, at last, the price of accepting collect calls from inmates in state prisons drops by 57%, thanks to a recent executive order issued by Gov. Spitzer.

That takes New York out of the immoral business of charging the highest prison call rates in America and splitting the profits with MCI — a controversial practice that put \$175 million into the state coffers since 1996, nearly all of it paid by low-income New York families with the misfortune to have a family member behind bars.

elouis@nydailynews.com

SOCIETIES FOR PROTECTION OF CONSTITUTIONAL AND CIVIL RIGHTS FOR

FOR THE RECORD

THE JEWISH COMMUNITIES OF WILLIAMSBURG

Administrative office: Tel. 9174023855 Fax. 347-673-7977 P.O.Box 110161 Brooklyn N.Y. 11211

January 25, 2008

The Honorable Raymond W. Kelly
Police Commissioner
Police dept City Of New York
Room 1400
1 Police Plaza
N.Y. N.Y. 10038

Dear: Commissioner Kelly

- 1) We the members of an established community based organization/ religious group in the 90th police precinct are asking you to conduct an investigation and remove sergeant David Wadler from the police commissioners liasion unit.
- 2) For the past 3 years or so there has broken out a civil war in the Hassidic Jewish Community who for the most part live in residences located in the confines of the 90th precinct and also in the 79th and 88th police precincts. This disagreement stems from the erection of an ERUV in the community which permitts the carrying of items & pushing baby carriages on the SABBATH and JEWISH HOLIDAYS.
- 3) There are two factions involved in this religious question. In one faction Mr. Abraham Friedman who is your official N.Y.P.D liaison in the 90th precinct, who resides in 52 Broadway, apt 2A, Brooklyn N.Y., and whose cell phone number is 917-608-8890. Mr. Friedman who is against the carrying of the sabbath has orchestrated attacks on members of the community who carry on the sabbath and then prevents the 90th precinct from taking any actions.
- 4) When we contact sergeant David Wadler of your liasion unit for assistance he shows a blind eye and a lackluster attitude. He tells us I will help you, I will look into it but nothing happens. Since he is controlled by and in the "POCKET" of Abraham Friedman and doesn't do anything to hurt his friend Mr. Abraham Friedman.
- 5) Commissioner Kelly what kind of liasion do you have in sergeant David Wadler who takes a one sided approach to "assist" the community?. Sergeant Wadler's favorite expression is leave a message and we will talk later. This is all lies and disgrace. Sergeant Wadler is too weak and a piece of milk toast.
- 6) He lets Abraham Friedman control him and walk all over him. In addition there is evidence that Abraham Friedman gives Sergeant Wadler gifts and controls his mindset.

SOCIETIES FOR PROTECTION OF CONSTITUTIONAL AND CIVIL RIGHTS FOR
THE JEWISH COMMUNITIES OF WILLIAMSBURG

Administrative office: Tel. 9174023855 Fax. 347-673-7977 P.O. Box 110161 Brooklyn N.Y. 11211

continued 6)

Commissioner Kelly, Sergeant Wadler is a disgrace to your office and will only bring shame and embarrassment to your office.

7) Sergeant Wadler should be suspended and transferred for his actions, Abraham Friedman should be curtailed in his powers and influence.

8) Is there a precinct council executive board member or a citizens police academy graduate who has as much power as Mr. Abraham Friedman?.

9) Commissioner Kelly protect and enhance your reputation. Transfer Sergeant Wadler and remove Abraham Friedman.

10) Please act on this immediately for your own benefit.

Sincerely Yours
Mr. Jacob

CC; Chief of Staff Joseph Wuensch-P.C.O.
Assistant Chief Stahl P.C.O.
First Deputy Commissioner Grasso
Chief of Internal Affairs Campisi
C.O. Group #1 Internal Affairs Bureau
Assistant Chief Crawley Internal Affairs S.

C.O. Command/Complaint Center-Internal Affairs Bureau
Mayors Commission on Police Corruption
All other Appropriate Agencies as Deemed Necessary

**Testimony of Joan Thompson, Executive Director
Civilian Complaint Review Board
Before the Public Safety and Finance Committees
of the New York City Council**

March 19, 2008

Councilman Vallone and members of the committee, my name is Joan Thompson and I am the Executive Director of the Civilian Complaint Review Board. I want to thank you for giving us the opportunity to testify today about the budgetary issues our agency is facing in the 2009 Fiscal year. Today I will speak briefly about the history of the CCRB's budgetary issues, then discuss some of the specific needs we foresee.

As Commissioner Donlon testified, while we received slightly fewer complaints in 2007 than in 2006, complaint filings remain at historically high levels. While Commissioner Donlon identified some of the reasons for the complaint increase, one fact remains clear: more complaints means more work for our agency investigators. Over the past five years we have managed to dramatically improve our operations – in 2002 the average investigator submitted 37 cases a year for closure, while by 2007 this number had risen to 52. While we continue to look for ways to streamline our operations further, we believe we are now conducting extremely efficient investigations.

From 2002 through 2006, the CCRB faced continuing uncertainty in its budget process. The CCRB had 24 more investigators on staff than the administration's budget specified, because each year you on the council provided us with supplemental funding in the adopted budget process to keep these investigators. Each year, as we were faced with losing the investigative heads, we came to you, and each year you protected our mission and augmented the budget of the CCRB. While the situation created anxiety, we had

significant cooperation from the administration in terms of approving new hires quickly, even during the periods when it was uncertain how long the funding would last. The situation was far from ideal, since the agency could not make long-term plans with the assumption that the supplemental funding would always be available, but it allowed us to maintain the high standards that the Independent Budget and the New York City Comptroller offices found during 2002 and 2006 reports and audits.

Last year saw a substantial increase to the CCRB's budget in the Mayor's Executive Plan. While the increase included funding for our new attorneys, who conduct legal analysis on our investigations; for microfilming of cases, which will be a cost savings in the long term; and for a Director of Recruitment and Training, who has already successfully broadened our recruitment efforts, the majority of the funding baselined the investigative heads that had been cut and restored each year in the agency's out-year budgets, providing us with long-term security. As a result, the agency's final Fiscal Year 2008 budget stood at \$11,958,265.

This year, two rounds of proposed cuts have put us in a very similar position to the one we were in before the increase last year. In the January plan, the CCRB's cut is \$513,837 for Fiscal Year 2009; earlier this month, a further cut of \$343,000 was proposed. This could result in a total cut of over eight hundred thousand dollars from the Fiscal Year 2009 budget. While our staff attorneys and our Director of Recruitment will remain, the current proposed budget contemplates cutting most or all of the investigator positions that had been baselined into our operations only last year. With the improvements we have made to the efficiency of our operations over the past few years,

there is little chance that we will be able to meet the cuts without losing these investigative heads.

A lower investigative headcount, of course, means higher caseloads and longer case completion times, jeopardizing the progress the CCRB has made over the years in improving the timeliness and quality of its investigations. As a result, more investigations will approach or even pass our statute of limitations, which will prevent officers who we have found committed misconduct from being disciplined at all. While we currently are seriously concerned about the discipline issue, as Commissioner Donlon stated, we could see even less discipline should the CCRB find itself unable to close a substantial number of cases before the eighteen-month statute expires.

Perhaps even more importantly, the CCRB is currently embarking on new initiatives to improve performance further, and these may take money. Commissioner Donlon mentioned one, the Administrative Prosecution Unit, but I would like to discuss another. One of the long-term issues with the CCRB has been its high turnover rate among investigators – currently investigator tenures are relatively short, as investigators parlay the extraordinary experience they receive at the CCRB into better-paying positions or move on to law school or other graduate education. We believe that if we were to implement a career track at the CCRB, where the most productive investigators could find more opportunity within the agency, we would see fewer separations and keep our most outstanding employees. As a result, investigators with longer tenures, who are the most productive, would remain, and we would spend fewer resources training new investigators, who usually need over a year to attain productivity levels that match their peers.

Of course, the budget process is far from complete, and we continue to have productive conversations with the administration about our situation. At this point, it would be premature to quantify our needs exactly. We understand, of course, that in the current economic climate everyone in the city will have to make do with less, and we will be able to withstand some cuts. However, we do anticipate coming to you in the spring with specifics on the costs of either replenishing our investigator headcount or instituting our career path, or both.

Thank you for your time and I would be happy to answer any questions.

**Testimony of James Donlon, Member
Civilian Complaint Review Board
Before the Public Safety and Finance Committees
of the New York City Council**

March 19, 2008

Chairman Vallone and members of the Public Safety and Finance Committees—good afternoon. My name is James Donlon and I am the Staten Island City Council representative on the Civilian Complaint Review Board. With me is Joan Thompson, the CCRB's executive director. I will discuss some of the policy issues that currently face the CCRB, and Ms. Thompson will discuss budgetary matters in greater detail. We will both be happy to answer any questions you have when we are done. Before I begin, I want to give you on the City Council special thanks. We are particularly aware that in the four years from 2003-2006 when our budgetary situation was extremely dire, you provided funding in the adopted budget that helped us cope with an enormous increase in complaints.

Last year the Mayor provided the CCRB substantial support, allowing for agency attorneys and investigators, and we did not require funding from you in May to maintain our staffing levels. This year, with signs of financial distress in the city and the nation, we understand that we will have to find a way to operate with fewer resources. Still, the CCRB's mission, both in terms of investigating complaints and examining long-term trends and policy issues, is vital to a safe and effective New York, and ought to be prioritized.

In 2007, the dramatic increase in complaint filings showed signs of tapering off—the agency received 7,559 complaints, slightly fewer than the 7,662 it received in 2006. The decrease was minor, however, and complaint rates remain at record highs. In 2000, the

last year before the complaint rate began to increase, the agency received 4,116 complaints. By 2007 our workload had therefore increased by 83%. As we have told the Council before, the CCRB has implemented significant initiatives in order to continue to perform effectively while our caseload increases. At the end of the day, however, more complaints means an increased workload for the agency.

The agency has made major improvements in its operations over the past five years, increasing the percentage of its staff working in the investigations division and reducing the costs of investigations. We continue to pursue efficiency in cooperation with the police department, and have had some recent success. This year, for example, we have seen significant improvement in the rate at which officers arrive for scheduled interviews. In addition, we currently obtain documents from the police department more quickly than in past years. Improved efficiencies such as these will affect both our budget and our performance, since investigations completed more quickly will be stronger and will cost less.

The board also continues to look for efficiencies in its case processing and case review. We have discussed at our last two public meetings whether it is feasible for the board to close truncated cases without extensive board review. Truncated cases are those in which the civilian withdraws a complaint, cannot be found, or refuses to provide an interview. Over the past five years, the board reviewed nearly 19,000 of these cases, and reversed the staff recommendation fewer than one time per year. An argument can be made that by delegating the authority to close these cases to the agency, as I understand the board did from 1993 through 1997, the board could save resources and time with no noticeable impact on the disposition of our cases. While the board is still debating the

issue, we have sought the opinion of corporation counsel as to whether the city charter and the board's rules permit such a change.

There has been significant discussion about the reason our complaints have risen, and I want to share with you some of the CCRB's findings. While it is true that the 311 system appears to have played a significant role, it does not account for the size or the duration of the increase. We studied a number of other city agencies who also receive complaints from 311, and found that while many saw a spike just after the system was launched in 2003, none matched the CCRB's sustained increase in complaint activity from 2001-2006.

We saw over that period that complaints of abuse of authority, such as stops, frisks, and searches, rose at a much higher rate than other complaints. It is also important to note that we find misconduct when we investigate these allegations at a higher rate than in other allegations. While the rate at which we substantiate all allegations is fairly low—about 7%—we substantiate allegations of improper stops 10% of the time they are investigated and of frisks 15% of the time. The CCRB continues to follow policy trends and issues of import to the city, such as the current focus on stop and frisk practices – these cases make up a large portion of our caseload.

In the past year, we have seen a change in police department disciplinary action in those cases where we substantiate misconduct. In 2006, we saw that many complaints of the type that used to receive more serious discipline were being resolved by instructions. In 2007, we saw a dramatic increase in the rate at which the Police Department chose not to prosecute these substantiated cases at all. While the police department declined to

prosecute an average of 3% of our substantiated cases in the years from 2002-2006, in 2007 it chose not to prosecute 36% of these cases.

We continue to discuss this issue with the police department, and look forward to progress, but we continue to have legal and factual disagreements about our cases. We have a knowledgeable and experienced board, and thanks to the increase in funding last year, we now have four additional attorneys on our staff who are experienced both in criminal law and misconduct investigations. We believe that the cases we substantiate are those in which we have found actual misconduct.

The board has recently been considering whether to again seek responsibility for the administrative prosecution of our cases, as was proposed by the mayor and police commissioner in 1999. We recognize that the power to delegate this prosecutorial authority belongs to the police commissioner. We also recognize that the cases would still be heard before the police department administrative judges, and the police commissioner would retain discretion to discipline officers as he saw fit. However, as many others have noted, giving the CCRB the power to administratively prosecute its own cases could improve the process. Regardless of the budgetary process, we may be coming to you to update you on the status of this ongoing discussion between ourselves and the NYPD.

Since this is after all a budget hearing, I do want to discuss our financial situation in broad strokes before Ms. Thompson gives the details. From 2002-2006, the CCRB found itself in a continually precarious situation. Our budget would be cut in the November and January plans, only to be restored in the adoptive process by your generous support. Last year, the administration gave us substantial support, which meant we did not need supplemental funding from you. This year, unfortunately, the January plan and the

additional cuts recently announced mean we are back to the position we were in from 2002-2006. We will continue to seek additional funds from the administration, but if we are unsuccessful, we will be in the same situation in May that we have been in past years—without funding to conduct our core mission, let alone the new initiatives we would so like to pursue. Our productivity and effectiveness will suffer.

I'd like now to introduce Joan Thompson, who will be giving you more details on the budgetary needs our agency faces.



ROBERT M. MORGENTHAU
DISTRICT ATTORNEY

New York County District Attorney's Office

Testimony

before the

City Council Public Safety Committee

FY 2008-2009

March 19, 2008

**TESTIMONY OF
ROBERT M. MORGENTHAU**

BEFORE THE

**CITY COUNCIL
PUBLIC SAFETY COMMITTEE
MARCH 19, 2008**

Thank you for the opportunity to speak before you today to address the Mayor's Proposed Fiscal Year 2009 Preliminary Budget and its impact on the New York County District Attorney's Office. We are grateful for the commitment City Council has made in the past, providing this office with funds that are vital to accomplishing our mission. This support is even more critical in light of huge city budget cuts totaling 8 percent that the city has informed us we will face in Fiscal Year 2009. These cuts are on top of the \$7.2 million cuts in Fiscal Years 2002-2004 that we have already been forced to absorb.

Without doubt, these cuts will force us to terminate some important programs and severely curtail others, hampering our ability to provide the level of prosecutorial services to which the people of New York are entitled. The proposed cuts will also make it impossible for us to pursue worthwhile initiatives for which the city provided additional funding only last year, in the critically important areas of gun crimes, child abuse and internet crimes. The cuts will not only lessen our ability to prosecute crimes, they will also adversely affect the amount of revenue that we can return to the city -- we will not be able to conduct many of our most complex and important white collar crime investigations, which produce millions of dollars in fines, taxes and other payments for the city treasury every year.

The proposed budget cuts will also adversely impact our ability to recruit the best new attorneys and retain experienced prosecutors.

It is particularly important in a time of economic uncertainty, for the city to support the city's prosecutors in their efforts to reduce crime and thereby maintain the city's economic health. The reduction in crime over the last decade has been the foundation for the economic renaissance in the City of New York. While other cities have faltered, seeing their crime rates rise and their economic activity decline, New York has kept crime down and continued its economic success. This is due, in no small part, to the efforts of the city's prosecutors. In addition to working with the police to fight violent crime, we play a vital role in helping to ensure honesty and fair-dealing in business and labor practices, and in maintaining the integrity of the financial markets. It would be extremely short-sighted -- especially in these troubled economic times -- for the city to impose further cuts on the budgets of offices that are such a vital part of the success of New York.

We need look only to news reports from the not-so-distant past to find a New York which appeared to have no hope of reducing crime and stemming the loss of population. In the 1980's and 1990's, there was a steady escalation of crime that the public saw as unstoppable. Homicides had risen to unprecedented levels. After a long-term effort on the part of police and prosecutors, the outlook for the city changed completely. The city has made a near miraculous recovery and residents, tourists, and businesses feel safe in the city. The economy has responded more favorably than anyone could have expected. It is simply wrong for the city to jeopardize these hard-won gains against crime by imposing new and burdensome cuts on the city's prosecutors.

Effects of the Proposed Cuts

It is clear that cuts of the magnitude proposed, over \$5.7 million for the New York County District Attorney's Office alone, will greatly affect our ability to perform core functions. Our workload has been increasing even as our budgets have been severely reduced. Arrests are up 11 percent since 2003, with an 8 percent increase since last year. Cuts in our budget in light of caseload increases will no doubt result in increased arrest to arraignment times, longer pre-trial city jail delays, and increased police overtime as prosecutors are forced to reduce staff throughout the office, including many of those responsible for handling and processing new arrests. Additional cuts will cost the city millions in additional police and corrections expenses and risk the release of dangerous arrestees, who, because of delays in arraignment, may be eligible for judicial release. These increased costs will amount to many multiples of the money saved by the \$5.7 million budget reduction proposed for the Manhattan District Attorney's Office.

In addition to meeting our responsibilities to prosecute violent crime, we are obligated to investigate numerous matters beyond street crime. For example, our intensive investigation into the deaths of two firefighters at the Deutsche Bank fire has required a tremendous investment in office resources. Yet, while proposing cuts to our budget, the City and State has spent over \$2 million in legal fees to hire private counsel to deal with the Deutsche Bank fire investigation that we are conducting. Spending at a rate of \$200,000 a month for private legal fees, while cutting the budget of the office investigating the matter, is not a defensible allocation of taxpayer funds.

In addition, this office is further required to investigate other construction related incidents, such as the recent tragic crane collapse on the east side of Manhattan, which resulted in the deaths of seven and injury of many others. These cases are expensive to undertake, involving the hiring of engineering and construction experts. In such cases, we have no discretion as to whether to investigate. The proposed cuts undermine our ability to professionally undertake this crucial work.

Manhattan's Role in the Economic Fortunes of the City

Manhattan plays a dominant role in the economy of the city. For example, Manhattan accounted for 79.8 percent of the payroll earnings in the city, and 89.8 percent of the total city personal income tax in 2005. Manhattan also generates 63.6 percent of New York City's total tax revenue. Manhattan will continue to play an essential role in city's economy in the case of an economic downturn and will, inevitably, take the lead in the recovery.

Mindful that Manhattan is the heart and soul of the economy of the city, the Manhattan District Attorney's Office has worked effectively to create an environment that is welcoming to residents, tourists, and businesses. In addition to our continued efforts to reduce violent crime, the office commits substantial resources to the prosecution of white collar crimes, organized crime and corruption in labor and management.

Bringing these complex white collar crime cases, the office plays a crucial role, unique among the city's prosecutors, in maintaining the integrity of the financial markets and ensuring honesty and fair dealing in business and labor practices. In addition, these cases return substantial revenues to the city. Since Fiscal Year 2004, this office has returned nearly \$98.5 million to the city as a result of these investigations. Budget cuts will force this office to reduce the resources devoted to prosecuting white collar crime disproportionately, affecting financial markets and business development in the city and ultimately reducing revenue returned to the city. In fact, the amount of revenue that the city will lose as a result of reducing the investigations that we can bring will be many times greater than the amount of city cuts to our budget.

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In sum, we ask your help in eliminating the enormous budget cuts that the city has planned for next year and restoring the funds that have been lost to our baseline budget over the years. We also ask that you keep providing this office with funding from the City Council. Without this funding, our offices cannot continue our important work, fighting street crime and economic crime, at a level which will ensure safety and well-being of all residents, workers, and visitors to New York and promote the continued economic strength of New York City and the metropolitan area.

Important Programs at Risk

This office commits major resources to fighting violent crime and crimes against personal property. Further, we commit resources to the investigation and prosecution of white collar crime. Cuts of the magnitude proposed will affect these efforts. In addition, cuts will also destroy our office's ability to carry out the Mayor's mandate to enhance programs in the areas of child abuse, internet crime, and gun prosecutions.

The following are among the programs that will be affected by the city's cuts:

Gun crimes: Recent cases demonstrate the success of the office in investigating and prosecuting perpetrators of gun crime. Guns and drugs are frequently linked together in criminal activity as demonstrated by another case in which 25 individuals were arrested stemming from two separate year-long investigations into crack-cocaine and heroin dealing in and around the Polo Grounds Towers housing development in Harlem. Fifteen of the defendants, most of whom reside within the Polo Grounds and some of whom are members of "The Best Out" Bloods gang set, were indicted on charges of criminal sale of a controlled substance. Twelve others were arrested and charged in Criminal Court complaints with various counts of criminal possession of a weapon, criminal possession of a controlled substance, criminally using drug paraphernalia, and unlawful possession of marijuana.

The stunning decline in the number of homicides and in the level of violence illustrates the excellent work done by the police and prosecutors. The drop in murders has been particularly dramatic in Manhattan. The work of senior assistant district attorneys in the Trial Division and specialized programs in this office, such as the Firearms Trafficking Unit and the Homicide Investigation Unit, have played a major role in lowering the number of homicides and violent crime in Manhattan. Labor intensive investigations using senior investigative legal staff are expensive and are at risk given the magnitude of the proposed cuts.

Identity Theft: In recognition of the growing threat posed by identity theft, this office established a unit dedicated solely to the investigation and prosecution of this type of crime. Believed to be the first and largest of its kind, the unit was established in response to the marked rise in complaints from individual and corporate victims in our jurisdiction, as well as to the growing sophistication of the criminals perpetrating these crimes. The cases include everything from simple credit card theft to complex international criminal rings engaged in the highest levels of fraud.¹

¹ This office has an Edward R. Byrne federal grant for the investigation and prosecution of identity theft. This grant is currently in peril, as there are plans to reduce federal expenditures for crime fighting. If we lose this federal funding and it is not replaced by the city or state, it will have a devastating impact on our identity theft investigations.

In one notable case, this office investigated and prosecuted two defendants who, in just five months, stole over \$1 million dollars. Using stolen identity information, the defendants siphoned money from the victims' bank accounts by transferring funds into other accounts they had fraudulently established. In addition, the defendants deposited a number of forged checks, thereby stealing from several local corporations. The defendants were convicted at trial and sentenced to 15-30 and 12-36 years in state prison respectively.

In another case, seventeen individuals and one corporation were indicted on charges related to global trafficking in stolen credit card numbers, cybercrime, and identity theft. This indictment marks the second major phase in a joint two-year investigation by our Identity Theft Unit and the United States Secret Service. The 173-count indictment charges that from 2001 through 2007, the defendants participated in a multi-national, internet-based criminal enterprise -- the "Western Express Cybercrime Group" -- dedicated to trafficking in stolen credit card numbers and other personal identifiers. The group realized millions in illicit profits from the sale and fraudulent use of this personal data, with some members of the enterprise laundering these profits in a variety of high-tech ways.

Child Abuse: Recognizing that child abuse cases are best managed by specially trained attorneys and support staff, the office created its Child Abuse Unit in 1989, which is now part of an expanded Family Violence and Child Abuse Bureau. The Unit has developed a highly effective, multidisciplinary approach to investigating and prosecuting child abuse cases. In the development of these cases, the office uses the services of staff and consultants, including social workers, psychologists, and physicians.

The office's approach to these cases has proven highly effective, but they are also time and labor intensive. In 2005, over 6,800 serious reports of child abuse and neglect were made to the State Central Registry from Manhattan, leading to over 1,000 criminal prosecutions through our office.² In 2006, we initiated an interagency task force with the goal of developing and opening a co-located child advocacy center in Manhattan. The task force now includes representatives from the Mayor's Office, the New York Police Department (NYPD), the Administration for Children's Services (ACS), Safe Horizon, and the five child medical centers in Manhattan. The group has designed a model for a Manhattan Child Advocacy Center that makes the best use of the world-class medical and social services available throughout the borough and the strong collaborative relationships already in place between these service providers and this office.

This office is also a member of the Mayor's Task Force on Internet Crime which includes members of various law enforcement agencies, including the five prosecutors' offices and the New York City Police Department. We meet regularly to develop approaches to the ever increasing problem of internet exploitation of children. Another initiative is a Department of Justice program that is aimed at preventing the sexual abuse

² In 2005, the New York State Central Registry logged 6,819 "Instant Response Team" (IRT) cases from Manhattan. Reports requiring an immediate response are classified as IRT, as opposed to "Oral Report Transmission" (ORT) cases, which are deemed less serious.

and exploitation of children through the internet. Representatives from federal, state and local law enforcement work together to coordinate the investigation and prosecution of internet crimes against children.

White Collar Crimes: This office has prosecuted major cases involving racketeering, kickbacks, and other anti-competitive practices. Several of our recent cases illustrate the importance of our investigations.

Construction Industry Corruption:

Despite all of the positive developments in construction in New York, the sheer volume of construction creates a fertile environment for corruption. Corruption in the construction industry costs New Yorkers hundreds of millions of dollars each year in the form of lost tax revenue and inflated direct and indirect construction costs. Kickbacks, bribes, embezzlement, and other illegal activity permeate all levels of the industry, from the agents to the general contractors, from the sub-contractors to the unions. This criminality creates tremendous obstacles to businesses in New York City and hampers growth.

Corruption enters the construction industry through mechanisms including bribery, bid rigging, and kickbacks. However, the complex and diffuse nature of construction fraud hinders the investigation of corrupt practices. Long-standing relationships between corrupt producers and contractors facilitate covert business dealings that siphon funds from property owners to corrupt personnel. In addition, “sweetheart contracts” can make price gouging difficult to determine. Many developers and builders prove reluctant to discuss known fraud for fear of retribution. Therefore, most fraud is left undetected by all but the most focused and sophisticated surveillance efforts and investigative personnel.

The New York County District Attorney’s Construction Industry Strike Force has developed expertise in the investigation and prosecution of corrupt practices in the Manhattan construction industry. The unit targets construction companies, labor unions in the construction trades, and organized crime figures who influence and control those companies and unions. However, elimination of the fraud that permeates the construction industry requires the unit to conduct long term investigations involving complex surveillance, the use of informants, and the expertise of financial investigators and accountants. Our experience shows that long-term dedication of resources is the only way to uncover construction industry corruption. These investigations are labor-intensive and expensive, and more funds are needed if we are to handle even more of these cases.

Racketeering/Extortion:

This February, the office announced the indictment of two leaders of an organization called the "Committee on Contract Compliance" on racketeering and extortion charges. The investigation revealed that the defendants used the organization -- as a mechanism to extort money from building contractors throughout the City by threatening to report fake violations at job sites. In addition to the inconvenience and increased costs to contractors caused by the defendants, hundreds of fake complaints were lodged with various city and federal agencies.

Fraud:

In February, the office announced the sentencing of two physicians who participated in a criminal enterprise run out of medical clinics, which stole millions of dollars by defrauding no-fault insurance companies as well as the New York City Transit Authority.

Money Laundering:

This past September, Meir Efargan was convicted of using several shell companies to launder over \$20 million in proceeds from a prostitution ring. Efargan pled guilty to the top charge of Money Laundering in the 2nd degree and was sentenced to 5 years probation. Mr. Efargan and an associate had been laundering money for several years, transmitting the proceeds to bank accounts in Israel. After a lengthy investigation, in which an undercover police officer spoke to prostitutes and monitored bank account activity, it was revealed that Mr. Efargan operated several escort services and websites, laundering the proceeds through limousine, concierge, and catering companies.

Tax Crimes:

In December a well-known Tribeca restaurant pled guilty to stealing \$1.1 million in taxes from New York State. As a result of his plea, he will be sentenced to jail and be required to sign a restitution order for the entire \$1.1 million as well as be responsible for all accrued interest and penalties that may total an additional \$1 million.

Cuts of the magnitude proposed by the city will jeopardize the work in these critical areas of gun crimes; child abuse; identity theft; internet crimes; and white collar crimes. These areas of great importance only last year, are placed in jeopardy by the proposed cuts. It is critical that we receive the necessary funding to maintain vital initiatives, and ensure the safety of all the residents, businesses, and visitors to the city.

Costs to the System Resulting from the Eight Percent Cut

1. City Jail Costs

In 2007, the Office filed 4,808 defendant indictments in Supreme Court.³ Estimates are that the City spends \$164 per day on each inmate in City jail.⁴ An 8 percent reduction in the Office's personnel budget could easily slow the system down enough to result in one extra adjournment per felony case. A single adjournment can increase a case's time to disposition by two weeks, meaning that the defendant spends more time in City jail. If there is even one extra adjournment for every indictment filed next year, it could result in a cost to the city of as much as \$11 million.

2. Arrest to Arraignment

Since 2003, arrests have increased by 11 percent, yet arrest to arraignment times have improved to 21.71 hours. This is because the office has devoted additional resources including additional legal and non-legal staff to processing these cases and increased hours of the arrest processing operation (known as Early Case Assessment Bureau or ECAB). Our lawyers typically work until 1:00 am, often later. Because of statutory requirements and police overtime concerns, the office must continue to process cases in a timely fashion. The prospect of an 8 percent cut occurring simultaneously with an increase in arrests could lead to a perilous condition for arrest to arraignment times. Reducing the numbers of ADAs and other critical staff by 8 percent, in conjunction with the increased volume, would mean a 17.4 percent increase in workflow in ECAB. This would translate into approximately 3.8 extra hours in processing time, to an average of 25.5 hours per defendant, considerably over the statutory requirement. It would also mean increased police overtime at greatly increased cost to the city. The expenses incurred would likely be more than the 8 percent cut to this office itself.

3. Police Overtime

The New York City Independent Budget Office (IBO) tracks police department overtime. A recent report released by IBO, entitled "Police Overtime: Tracking the Big Growth in Spending," analyzed a concept called "operational overtime," which causes unavoidable overtime when an officer is required to work extended hours to process an arrest made late in a tour of duty. Since the majority of police officers use the second half of their shifts to process arrests, an increase in the average arrest-to-arraignment time is bound to affect the amount of operational overtime. The largest source of overtime spending was considered to be "new arrest overtime" when an officer must remain available during the process by which a criminal complaint is sworn. IBO estimates that for every percentage increase in new arrest processing time, police overtime per arrest increased approximately 1.4 percent. Our estimate is that a 17.4 percent increase in processing time (as noted above) could increase police overtime per arrest by 24 percent in 2008. Since police overtime per arrest averaged \$184, an increase

³ DANY Monthly Report of Operations, Term 13 2007.

⁴ The Correctional Association of New York, Basic Prison & Jail Fact Sheet, March 2006.

of this magnitude would translate to \$5.2 million extra in overtime expenditures.

The increased city expenditures occasioned by the proposed cuts would be far greater than the \$5.7 million cut to our office, on top of increasing the inefficiencies in the criminal justice system we have all worked so hard to overcome.



RICHMOND COUNTY DISTRICT ATTORNEY

Daniel M. Donovan, Jr.
District Attorney

FISCAL YEAR 2009 CITY COUNCIL PRELIMINARY BUDGET HEARINGS

March 19, 2008

OFFICE OF THE RICHMOND COUNTY DISTRICT ATTORNEY

Members of the Committee on Public Safety of the New York City Council:

Good afternoon and thank you for the invitation to address the Committee on Public Safety regarding the Fiscal Year 2009 Preliminary Budget. Listed below are funding issues that need to be addressed.

Budget Cuts

The Preliminary Budget contained a 5% reduction to our budget that totaled \$364,380. Subsequently, an additional 3% (\$209,000) cut has recently been proposed. For our office, the combined cuts total \$573,380. In order to reach a reduction of this magnitude, staff cuts will be necessary. We estimate that eight (8) Assistant District Attorney (ADA) positions would have to be eliminated, as well as not filling some mandated and critical non-legal positions by July 1, 2008. That ADA reduction alone is more than half of the total number of legal staff assigned to our Criminal Court Bureau. It also represents a 17% reduction to the 46 prosecutors which comprise the entire legal staff of the office.

By reducing the size of the legal staff, other areas would be at risk. In the FY 2006 budget, the Mayor provided all of the District Attorneys with \$300,000 in funds to reduce arrest processing time. The intent of this initiative was to drastically shorten arrest to arraignment time with the ultimate goal of reducing NYPD arrest overtime. These goals have been met. Cutting the budget at this time will result in a decrease in manpower for this initiative. The very same NYPD overtime expenses which were supposed to be eliminated will again resurface. Here are two real examples of funding cutback ramifications:

- We could be faced with the possibility of eliminating night time Complaint Room coverage. This will have an adverse effect on arrest to arraignment time. With no Richmond County DA manpower for this initiative, an officer making an arrest at night will have to wait until the following morning to meet with an ADA to sign a complaint rather than go home at the end of his or her tour.
- The other at risk area will involve the staffing of weekend court. The Richmond County District Attorney's Office shifted resources to staff weekend court, but the associated increased expenditures have been absorbed into our budget without the benefit of additional funding. The demand for added coverage has further stretched the resources of an already understaffed office. The 8% budget cut and the associated staff reductions, would also lend the possibility of eliminating the necessary manpower for this initiative as well. The end result would be the reappearance of the very same overtime expenses which we all worked at so very hard to eliminate, a decrease in patrol strength and a severe backlog at both Brooklyn and Staten Island courts.

Assistant District Attorney Salaries

For several years, the Office of the Richmond County District Attorney has been experiencing a pattern of losing an alarming number of veteran prosecutors and replacing them with entry level Assistant District Attorneys (ADAs). This occurrence is most disturbing since most of our newer ADAs start in the Criminal Court Bureau where the daily caseload is barely manageable and the majority of the attorneys have less than one year of experience. The more seasoned prosecutors are assigned to Supreme Court where it is necessary to possess several years of trial experience in the prosecution of felony crimes. Due to an overall shortage of funds, it has been impossible to hire or even retain the sufficient number of veteran ADAs needed to adequately staff these areas.

Most positions in City government have unions that negotiate on their behalf. Teachers, Police Officers, Firefighters, Sanitation Workers, as well as clerical and various other professional titles, all have structured ways of dealing with salary issues. ADAs do not have that luxury. In the City's five District Attorney's offices, the District Attorney has become the main advocate for the ADAs. Unfortunately, however, we do not get the opportunity to participate in collective bargaining sessions to lobby for guaranteed salary increases the way other positions in the City do. Because of this, ADA salaries have fallen behind in determining fair compensation for the value of their work.

Other Than Personal Services (OTPS) Funding

Our baseline OTPS budget has long standing inherent problems which needs immediate attention and correction. For the past several years, it has been necessary to maintain vacancies in our Personal Services (PS) budget in order to transfer accruals to an under-funded OTPS budget simply to meet basic operating expenses. Last year, we transferred \$150,000 from PS to OTPS. This year we plan on doing at least the same, if not more. This practice has become an annual ritual and is necessary in order to pay for extraditions, buy money, wiretaps, surveillance expenses and expert witnesses. It also pays for basic operating expenses like the ability to obtain medical records for victims, paper for all case-related documents, transcripts of court proceedings, line-up costs, online legal research for cases, computer maintenance, copier rentals and telephone costs. This built-in OTPS shortfall has limited our ability to fill vacancies. It has also prevented me from paying ADA salaries comparable to salaries earned by attorneys working for other government agencies in the City of New York. Further baseline cuts to our budget will only compound this problem.

DNA Evidence Collection

The New York City Police Department has instituted a policy of collecting DNA samples from all crime scenes where forensic evidence is available. The Office of the Richmond County District Attorney fully supports this practice. DNA has become an essential tool

in indentifying suspects and has proven to be irrefutable evidence for the prosecution during trials. However, the management of the paper trail for the collection, identification and classification of the DNA has become a tremendous task for our office. Since all DNA collected may at some time be used as evidence in the future, our office has been saddled with the responsibility of maintaining files for DNA collection record keeping. As opposed to cutting back positions, we need additional staff to support this important initiative.

Detective Investigators

“Pursuant to Article 13, section 13 of the State Constitution, District Attorneys are constitutional officers elected every four years. Section 927 of the County Law imposes upon District Attorneys the duty to protect the public by investigating and prosecuting criminal conduct in the counties in which they hold office.”

Detective Investigators are essential to the investigation of all sensitive and confidential cases in the District Attorney's Office. They are responsible for overseeing our Witness Protection Program. Detective Investigators locate and interview witnesses and gather evidence in all major cases, especially murders and robberies. Seven Detective Investigators are currently on the staff of the Richmond County District Attorney's Office; six of those positions are grant funded. One of the seven Detective Investigators is not on the payroll. This Detective Investigator is paid as a consultant from under-funded Other Than Personal Services (OTPS) funding. Being a former Detective Investigator myself, I know how valuable their work is. Below is a detail of the areas of the District Attorney's Office where Detective Investigators are needed:

- Additional Detective Investigators would augment the short-staffed NYPD Detective Squad, making the full complement of staff necessary to maintain optimal investigatory capability. The NYPD Detective Squad assigned to our office currently has 12 NYPD Detective vacancies in a 17 member Squad. All remaining members are eligible to retire. If that were to happen, their responsibilities would be shifted to a short staffed Detective Investigator Squad.
- The Special Case Unit of the Investigations Bureau investigates crimes of bias, official misconduct and incidents that involve the NYPD. Detective Investigators are needed especially in this unit where it is inappropriate for the NYPD to be involved in most of the investigations.
- Community Outreach. Detective Investigators take a proactive role in confrontational incidents involving the community and the police. In such cases, Detective Investigators contact community leaders and witnesses, assuring them that they do not represent the police. Detective Investigators also investigate these matters.

- The Supreme Court Bureau screens all juvenile offender arrests. Gathering background information on 16 to 18 year old offenders is crucial in determining if they meet the criteria of adult criminal youthful offender status.
- The Seniors Unit of the Sex Crimes/ Special Victims Bureau investigates and prosecutes crimes, especially financial fraud, against seniors. These cases are labor and time intensive. They demand sensitivity from both the Assistant District Attorneys and the Detective Investigators toward senior crime victims they serve.
- The Domestic Violence Unit of the Sex Crimes/ Special Victims Bureau addresses the problem of domestic violence through enhanced prosecution. Similar to crimes against seniors, these cases also require lengthy investigations and repeated follow-up with victims.

Witness Protection

One of the major factors affecting successful witness cooperation in cases is witness protection. A person may have witnessed or have knowledge of a crime, yet will not cooperate. Lack of cooperation can extend from initially not even coming forward, coming forward but refusing to testify, to testifying, but only after lengthy interactions and reassurances from the District Attorney's Office. The lack of cooperation can have many causes: unfamiliarity or distrust of the system, fear of retaliation, or even outright witness intimidation. A contributing component of non-cooperation is the growing population of non-English speaking and undocumented residents on Staten Island. Non-English speakers are especially reluctant to come forward if they have witnessed or are the victim of a crime. Whatever the causes, the lack of witness cooperation has had an effect on the success of prosecutions and has put a strain on the resources of the District Attorney.

In January 2004, our office started a formal witness protection program. Our goal is to assure any potential witnesses that we will take the necessary steps to ensure their and their family's safety. Our costs have risen from \$49,000 in calendar year 2003 to over \$516,000 during the first four years of my administration. Since witness protection has become one of our OTPS expenses, our OTPS budget cannot continue to support these costs without having repercussions in other areas.

Through March 9, 2008, almost every category of violent crime in Staten Island has risen when compared to the same period last year (a 23% increase for the period). Rape, Robbery, Assault, Burglary, Grand Larceny and Grand Larceny Auto have all increased. It seems that an 8% budget reduction is not practical at a time when our resources should be increased.

The Richmond County District Attorney's Office is responsible for ensuring the safety and security of Staten Island residents by investigating crime, fairly and aggressively prosecuting those who violate the law and providing essential services to those impacted by crime. I remain committed to making life safer and better for the residents of Staten Island, but certain budget setbacks have made this task more difficult. Despite this, I remain focused on identifying sources of funding to help cover the budget shortfall.

Thank you again for your time and I look forward to working closely with the members of the New York City Council to help resolve these important issues.

FOR THE RECORD

**LOCAL 372
NEW YORK CITY BOARD OF EDUCATION EMPLOYEES
DISTRICT COUNCIL 37**

**AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
AFLCIO**

**NEW YORK CITY COUNCIL
PUBLIC SAFETY COMMITTEE
HEARING ON NYPD
FY 2008-12 FINANCIAL PLAN (EXPENSE)**

MARCH 19, 2008

**TESTIMONY SUBMITTED BY
VERONICA MONTGOMERY-COSTA
PRESIDENT - LOCAL 372 AND DC 37, AFSCME, AFL-CIO**

MARCH 19, 2008

Chairman Vallone, Committee Members:

Local 372 thanks the City Council Public Safety Committee for this opportunity to once again publicly speak on behalf of the nearly 2,200 Local 372 School Crossing Guards in our membership of 26,000 Board of Education Employees.

Each and every year, we have had to appeal to the City Council to rectify a Mayor's budget which failed to fulfill its responsibility to our City's 1.1 million school children.

Those budgets also failed those parents, grandparents and guardians of our City's public school children who endure extreme weather conditions in winter and summer and risk their lives every work day to keep our children safe - our Local 372 School Crossing Guards.

The January Financial Plan provides no breakdown by titles of the civilian personnel slated to be PEGs for the NYPD in the January Financial Plan. Local 372 wants to know how many of these PEGs will be School Crossing Guards. We also want to understand how budget makers could see School Crossing Guards as anything but indispensable. Our school children need more, not fewer School Crossing Guards.

Local 372's everyday heroes continue to risk their own lives because of unattended or poorly addressed traffic issues in intersections that have been proven hazardous or deadly.

We remind you of our hero, School Crossing Guard Betty Davis, who was killed in the line of duty before school opened on January 21, 2001—struck and thrown down to the pavement by a school minibus as she approached her post at the intersection of Linden Boulevard and Cross Island Parkway in Cambria Heights, Queens.

Near schools located by highways and major intersections, or in areas where traffic signs, signals and speed limits are frequently disregarded by drivers, children, parents and teachers have been needlessly injured or killed.

At an October 2007 hearing of the City Council Civil Service & Labor Committee and Public Safety Committee, Local 372 called for a mechanism to collect up-to-date and complete data from DOT, the NYPD and the DOE indicating at which of these pedestrian accident locations there was no School Crossing Guard assigned. After that hearing, a mechanism for combining accurate current data was put into place. We believe that the combined reporting can insure the assignment of School Crossing Guards with greater effectiveness, thus preventing tragic accidents. It has been our experience, however, that agency interest in the implementation of such improvements largely depends upon continued oversight and pressure by the City Council.

Local 372 continues to call for an improvement ratio of 460 to 1 to insure ideal safety conditions around our schools.

Local 372 conducted a citywide survey in SY 2006/07 of the assignment of School Crossing Guards. The final chart (*attachment 1*) shows our recommended increases in School Crossing Guard assignments by borough. We have also included the requests from the Fiscal Year 2008 Budget Register (*attachment 3*).

In SY 2006/07, three of the five boroughs fell far short of what would be considered a safer ratio of students to School Crossing Guards according to our survey. Currently in SY 2007/08, we have 45 additional School Crossing Guards citywide, which is a restoration to the 2006/07 school year, but still fails to come anywhere near a safer ratio.

For your quick reference, we also included a chart showing an interim ratio (*attachment 2*).

In Manhattan, 2 last year the student to School Crossing Guard ratio was at 518 to 1. We needed at least 50 additional School Crossing Guards in Manhattan.

In SY 2007/08, we lost 7 School Crossing Guards in Manhattan.

In the Bronx, last year the student to School Crossing Guard ratio was 684 to 1. A minimum of 160 additional School Crossing Guards were needed in the Bronx.

In SY 2007/08, only 4 School Crossing Guards were added in the Bronx.

In Queens, last year the student to School Crossing Guard ratio was 532 to 1. At least 100 additional School Crossing Guards should have been assigned in Queens.

In SY 2007/08, only 25 more School Crossing Guards were added in Queens.

In Brooklyn, last year the student to School Crossing Guard ratio was 371 to 1, the only borough which we consider to have an ideal safety ratio.

In SY 2007/08, we lost 42 School Crossing Guards in Brooklyn.

In Staten Island, last year the student to School Crossing Guard ratio was 431 to 1. Staten Island was one of two boroughs to meet the improved ratio.

In SY 2007/08, the ratio is unchanged in Staten Island.

**The City must not revisit the practice of saving money by
not annualizing School Crossing Guards.**

In past budget years, the Mayor chose to save money by not annualizing School Crossing Guards - a 12-month necessity. As we have reported to this committee before, our School Crossing Guards are still hourly employees limited to twenty hours of work per week at \$10.23 per hour. When schools are closed, they are not paid.

Although, the City agreed to a token increase in the number of summer

positions, with fully funded health insurance, most School Crossing Guards are still laid off at the end of the school year.

In past budget years, when Summer School is in session, about 580 School Crossing Guards were selected to work. The remaining 1,600 paid 10% of their own health insurance benefits while subsisting on unemployment insurance and sacrificing their own family's quality of life. The remaining 90% of the cost of these premiums was funded by employee contributions to our welfare fund. This continues to be an expensive administrative nightmare for the union, the NYPD and the NYC Office of Labor Relations.

It is unconscionable for the City to place the burden of paying for Health Coverage on our School Crossing Guards' whose on the job exposure to severe weather and dangerous traffic conditions place them at greater risk for illness or injury.

Local 372 estimates that the total cost to the City of providing health insurance to the 2,200 families involved is less than \$1.5 million. We have provided tables indicating the Cost Estimate of Annualization of Health Insurance. (*attachment 4*)

There Should Be No 4-hour Cap on SCGs Hours of Service.

The choice to withhold coverage of more than 4 hours per day is absolutely indefensible, when there is a real need for expanded hours of service, and for coverage throughout the calendar year. At schools which

will serve later meals, or which remain open for late afternoon recreation programs, children will be staying later, throughout the entire year. Additional hours of coverage by School Crossing Guards are vital.

**Additional School Crossing Guards will be needed
for Summer School 2008.**

It is also critical that there be better co-ordination between the DOE and the NYPD, to ensure that a full complement of School Crossing Guards is available to cover these programs, in public, private, parochial and charter schools. Local 372 is once again calling upon the City Council to urge the Mayor and Chancellor to identify the Summer School 2008 sites by June 1st to give guards adequate notice to plan for personal obligations during the summer.

In Conclusion:

Local 372 urges the City Council to continue the oversight of the assignment and benefits issues of School Crossing Guards to help ensure that our children travel to and from school unharmed and that those who risk their lives to protect them are properly compensated to improve the quality of life for their own families. These Local 372 unsung heroes are known to us proudly as SCGs - not PEGs.

School Crossing Guards Assigned In 2006/07 School Year

Borough	Student Population	No of Precincts	No of SCG	Ratio of SCG to Students
Manhattan	165,867	21	320	518 to 1
Bronx	223,803	12	327	684 to 1
Brooklyn	328,964	23	885	371 to 1
Queens	276,688	16	520	532 to 1
Staten Island	60,664	3	141	431 to 1
Totals	1,055,986	75	2193	

School Crossing Guards Assigned In 2007/08 School Year

Borough	No of SCG	Change	Ratio of SCG to Students
Manhattan	313	-7	540 to 1
Bronx	331	+4	676 to 1
Brooklyn	843	-42	390 to 1
Queens	545	+25	507 to 1
Staten Island	141	NC	141 to 1
Totals	2173	-20	

School Crossing Guards Needed For Interim Ratio of 460 to 1						
Borough	Student Population	No of Precincts	No of SCG	Additional SCG Needed	Adjusted Ratio of SCG to Students	
Manhattan	165,867	21	370	50	448 to 1	
Bronx	223,803	12	487	160	460 to 1	
Brooklyn	328,964	23	885	0	371 to 1	
Queens	276,688	16	620	100	446 to 1	
Staten Island	60,664	3	141	0	431 to 1	
Totals	1,055,986	75	2193	310 Additional SCG Needed		

Fiscal Year 2008 Executive Budget Register

http://www.nyc.gov/html/omb/pdf/cbrboro4_07.pdf

BRONX

Community District 4

Request: Provide Funding for Additional School Crossing Guards.

Explanation: Fund the total number of slots of School Crossing Guards available to Community District 4, at present, we are experiencing a deficiency of 6 unfilled slots.

Responsible Agency: Police Department

supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

Community District 6

Request: Provide Funds to Hire Additional School Crossing Guards.

Explanation: There is a strong need for additional school crossing guards. At present, some schools in our district lack crossing guards, others have to share their crossing guards with neighboring schools. We ask that sufficient funding be provided to hire additional crossing guards for our district so that every eligible school may be assigned at least one crossing guard.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

Community District 12

Request: Provide additional school crossing guards to be assigned to schools.

Explanation: Assign additional crossing guards to schools.

Responsible Agency: Police Department

OMB supports the agency's position as follows:

The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible

BROOKLYN

Community District 7

Request: Allocate Funds for Additional Crossing Guards.

Explanation: Many of our schools are located along truck routes, especially 4th Avenue. Larger vehicles and higher traffic volume (real and projected) require us to be proactive for children's safety.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

Community District 14

Request: Fund Additional Crossing Guards for 70th Precinct

Explanation: Fund additional crossing guards for 70th Precinct. Currently there are 26 crossing guards with an anticipated cutback of at least 50%. There is a critical need for crossing guards at each of the schools within community district 14.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

MANHATTAN

Community District 1

Request: Provide two crossing guards for PS/IS 89 at West/Chambers and West/Warren Streets.

Explanation: Many complaints from parents about the safety of crossing the streets especially with all of the construction going on and the excessive amount of traffic in this area.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

Supported by: Manhattan Youth Recreation and Resources

Community District 12

Request: Purchase cell phones for School Crossing Guards.

Explanation: Providing cell phones to School Crossing Guards and allowing them greater communication to local schools, Police Precincts, 911, and the City's 311 System, and will enhance public safety for thousands of Washington Heights-Inwood school-age children.

Responsible Agency: Police Department

The agency has not submitted a proposal to increase funding for this project. Therefore, OMB does not take any position.

Council Districts: 7, 10

QUEENS

Community District 3

Request: Hire Traffic Enforcement Agents.

Explanation: Additional Traffic Enforcements are urgently needed to address double parking on Astoria Blvd. from 96th - 104th Streets, speeding on Astoria Blvd., 31st Avenue, 32nd Avenue, Northern Boulevard, 34th Avenue and Ditmars Boulevard. Further, school crossing guards are required at both public and private schools.

Responsible Agency: Police Department

City funding was provided to hire 100 additional Traffic Enforcement Agents. Some personnel maybe allocated to accommodate your request.

Community District 4

Increase School Crossing Guard Quota

Explanation: In FY 2007 the 110Pct. has a quota of 25 crossing guards of which 22 are assigned. Within the last few years many of our schools have added additions, thus increasing student capacity. New schools have opened such as PS 28 and new schools are being constructed, such as PS/IS 260. For the safety of the students attending these schools the quota of crossing guards must be increased to reflect the actual student population. With the rapid population increase in CB #4Q comes more traffic making the crossing guards more of a necessity.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

Community District 5

Request: Hire Traffic Control Agents, School Crossing Guards and Additional School Safety Officers.

Explanation: The City should earmark funding to hire additional traffic control agents: (Traffic Enforcement Agents-Level II), so that heavily traveled Queens Intersections can be staffed. This will diminish the need to assign police officers, who are paid more. In consideration of dangerous traffic conditions, funding is needed to hire at least 5 additional school crossing guards for District 5, Queens schools. Most elementary schools have only 1 or 2 School Safety Officers; intermediate schools only have 3 officers.

Responsible Agency: Police Department

City funding was provided to hire 100 additional Traffic Enforcement Agents. Some personnel maybe allocated to accommodate your request.

Community District 6

Request: Recruit Local Precinct Crossing Guards.

Explanation: Additional crossing guards are necessary to ensure safety.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible

Community District 7

Request: Fund Additional Personnel For The 109th Precinct.

Explanation: Support funding for additional Police Officers to address Quality of Life complaints, maintain the DARE program (workshop on drug education for school children), additional civilian personnel to relieve officers assigned to the 109th Precinct, school crossing guards. Additional Traffic Enforcement Agents are needed to intensify enforcement coverage. In addition, the K-9 Unit dogs are capable of sniffing-out drugs and bombs.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The uniformed staffing level is dependent on the annual funding allocated and the availability of candidates to fill the funded positions. The deployment of uniformed personnel is scheduled by NYPD after graduation of Police classes from the Academy. City funding was provided to hire four hundred additional civilian personnel as part of the Civilianization Program. Some civilian clerical personnel may be allocated to accommodate your request.

Community District 8

Request: Provide Funds to Hire School Crossing Guards.

Explanation: School Crossing Guards need to be hired.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

Community District 10

Request: Assign Additional Uniformed Police Officers to the 106th Police Precinct, and Sufficient Off Street Parking for Additional Personnel. Increase Transit Police in District 23.

Explanation: Necessary when school crossing guards need help at major intersections; when enforcement of changed traffic patterns needs a uniformed presence; when traffic jams, double parkers, driveway obstructions, bus stop parkers, etc. know there will be no enforcement. Needed when many other quality of life conditions cannot be addressed, resulting in personal injury and property damage. Personnel are at an all time low and additional manpower is necessary to preserve our quality of life.

Responsible Agency: Police Department

OMB supports the agency's position as follows: NYPD total staffing levels depend on decisions made in the Preliminary and Executive budget process. Allocation of uniformed personnel is scheduled by the NYPD only after graduation of Police classes from the Academy. Availability of civilian personnel is limited due to recent reductions to the civilian headcount.

Community District 13

Request: Increase Funding for Additional School Crossing Guards (for 105 Pct.)

Explanation: This is an area of need.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

STATEN ISLAND

Community District 1

Request: Hire Additional Crossing Guards.

Explanation: To insure the safety of the school children due to the increased traffic on the North Shore.

Responsible Agency: Police Department:

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

Community District 2

Request: Increase the Number of Crossing Guards Hired City-Wide to Provide Additional Guards for Staten Island.

Explanation: Additional crossing guards are needed.

Responsible Agency: Police Department

OMB supports the agency's position as follows: The City Council has provided funding annually for additional school crossing guards. After the receipt of additional funding, the Patrol Services Bureau surveys precincts for the need of additional school crossing guards and those requests are met when possible.

Cost of Annualization of Health Benefits of School Crossing Guards

Average Annual Salary	\$ 9,709.60
Number of School Crossing Guards	2,172
*Number of School Crossing Guards selected to work for Summer '06	583
Number of SCGs in need of summer coverage	1,589
Number of weeks needed for year round health coverage (Summer)	9 weeks

****RATES FOR SUMMER HEALTH PLAN COVERAGE (see enclosed)**

Bi-weekly rates for SCGs with individual coverage

GHI -CBP / EBCBS \$64.35

HIP Prime HMO \$71.75

Bi-weekly rates for SCGs with family coverage

GHI -CBP / EBCBS \$167.45

HIP Prime HMO \$175.75

Estimated cost to the City to pay for summer health coverage

Number of SCGs with individual coverage (based on Summer '06) 512

Weekly Rates

GHI -CBP / EBCBS \$32.18 X 9 weeks = \$289.58

Total cost for 512 individuals if covered by GHI \$148,262

HIP Prime HMO \$35.88 X 9 weeks \$322.88

Total cost for 512 individuals if covered by GHI \$165,312

Number of SCGs with family coverage (based on Summer '06) 1,660

Weekly Rates

GHI -CBP / EBCBS \$83.73 X 9 weeks = \$753.53

Total cost for 1,660 families if covered by GHI \$1,250,852

HIP Prime HMO \$87.88 X 9 weeks \$790.88

Total cost for 1,660 families if covered by GHI \$1,312,853

Total cost to City for all SCGs (including 583 SCGs hired for Summer '06)

If covered by GHI \$1,399,114

If covered by HIP \$1,478,165

* SCGs selected to work for summer receive health coverage from City.

** City subsidizes 90% of COBRA premiums for all SCGs in the summer

Prepared by Henry A. Garrido

NYC HEALTH BENEFITS PROGRAM

SCHOOL "X-ing" GUARD 2006 SUMMER HEALTH PLAN COVERAGE

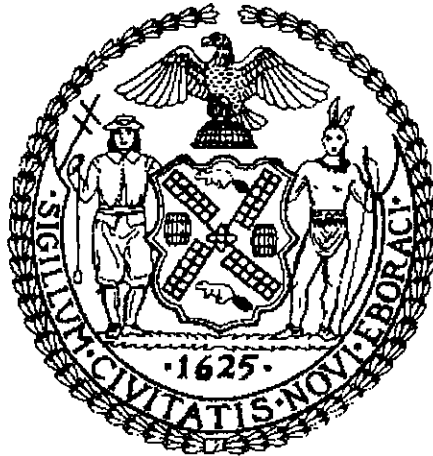
Total Employee Contributions Required for 5 Bi-Weekly Periods

	INDIVIDUAL COVERAGE			FAMILY COVERAGE		
	Contributions for			Contributions for		
	Basic Health Insurance (A)	Optional Rider Benefits (B)	Grand Total (A) + (B)	Basic Health Insurance (C)	Optional Rider Benefits (D)	Grand Total (C) + (D)
GHI - CBP / EBCBS	\$64.35	\$16.10	\$80.45	\$167.45	\$39.90	\$207.35
HIP Prime HMO	71.75	7.00	78.75	175.75	17.20	192.95
Aetna HMO	168.25	None	168.25	641.60	None	641.60
Aetna QPOS	929.30	None	929.30	2,269.40	None	2,269.40
CIGNA	358.55	None	358.55	1,079.40	None	1,079.40
Empire EPO	606.05	None	606.05	1,543.80	None	1,543.80
Empire HMO New Jersey	89.00	None	89.00	203.35	None	203.35
Empire HMO New York	179.50	None	179.50	563.50	None	563.50
GHI HMO	195.90	None	195.90	564.00	None	564.00
HealthNet	471.20	None	471.20	1,305.35	None	1,305.35
HIP Prime POS	259.30	None	259.30	635.50	None	635.50
Med Team	71.75		71.75	175.75		175.75
Metroplus	71.75	None	71.75	175.75	None	175.75
Vytra	221.25	None	221.25	705.10	None	705.10

= Optional rider not available with this plan

Office of the District Attorney Bronx County

Fiscal Year 2009 Preliminary Budget



**The Council of the City of New York
Committee on Public Safety**

March 19, 2008

Robert T. Johnson, District Attorney

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IMPACT OF 5% BUDGET CUT IN FY09 JANUARY PLAN

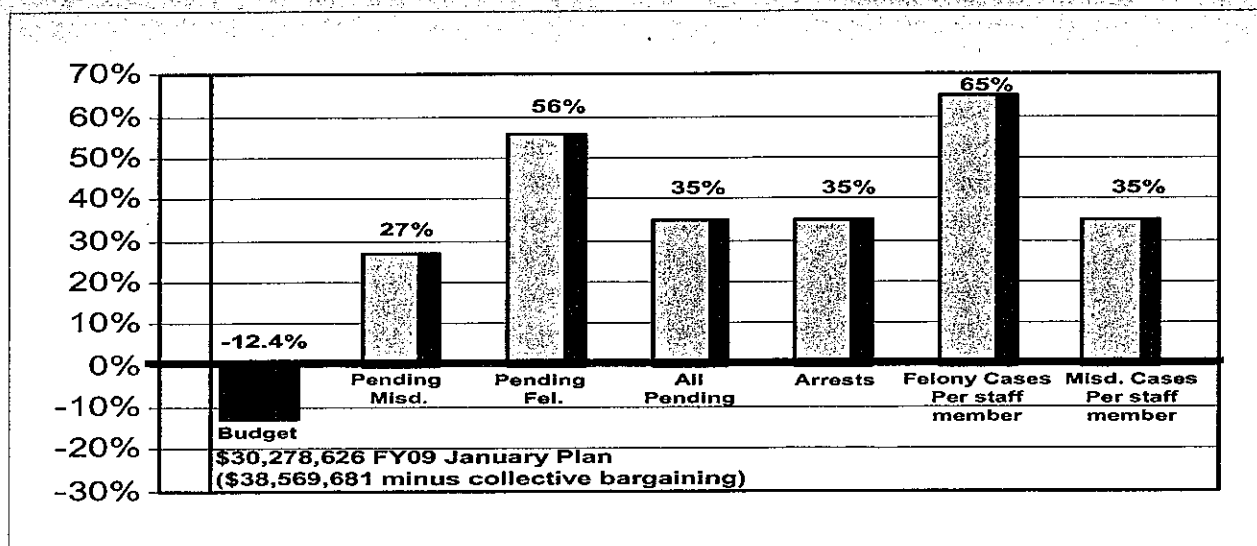
In calendar year 2007 arrests in the Bronx reached an all time high of almost 100,000, representing a 35% increase from 2001. Last year alone arrests jumped by 14.3% over 2006. Pending cases have increased by 42% in only two calendar years, and NYS Office of Court Administration Standards and Goals figures indicate that the number of felony cases pending for longer than six months has doubled since calendar year 2002.

Budget reductions since FY 02 have strained the core functions of this Office and hampered its ability to launch new initiatives as staffing pressures have worsened and our caseload has risen sharply. Despite creative redeployment of staff, all divisions, legal bureaus and units are understaffed.

If implemented, the further budget cuts proposed in the 2009 January Plan would dramatically intensify these continuing challenges by slashing this office's budget by an additional \$2.681 million, bringing FY 09 funding to the level of seven fiscal years ago (FY 02). OMB recently advised that they are seeking an additional 3% budget cut in FY 09. If implemented in the Adopted phase, any of these cuts will cause severe disruption and damage to our essential mission in the Bronx.

Reductions in Personal Services Funding

Bronx DA Change in PS Budget v. Workload Indicators
FY2002 - FY2009



The FY 09 January Plan proposes a PS budget of \$38,569,681, compared with \$37,490,036 in Adopted FY 02. When collective bargaining amounts in these budget years are excluded (\$8.3 million), the proposed FY 09 budget represents a 12.4% cut compared with the FY 02 Adopted funding levels. This cut will severely hamper our ability to address those areas that the Mayor and City Council have repeatedly identified as key public safety priorities.

-
- **The time required to process a case, especially from arrest to arraignment, has increased in part due to staff shortages.**

Under-staffing and increased arrests continue to hamper case processing. Bronx complaint sworn and arrest-to-arraignment times remain higher than those of the other boroughs. In 2002, it took 24.65 hours on average to process a case through arraignment. By 2006, the time lengthened to 28.52 hours, a 15.6% increase over 2002, and in 2007 it reached 29.8 hours, a 20.9% increase over 2002. Bronx arrest-to-arraignment time far exceeds the New York Court of Appeals mandate of 24 hours, which adversely affects defendants and drives increases in police overtime costs. During the first six months of FY08, NYPD Arrest Overtime in Bronx County rose by \$1,255,525 over the same period in FY07, an 18% increase (\$7,156,903 to \$8,412,428). In March 2007 defense attorneys brought writs of *habeas corpus* seeking release of several hundred detainees whose cases had not been arraigned within 24 hours. The proposed budget cuts would substantially worsen this problem.

- **Impact on Investigations**

The proposed budget cut would force staff reductions that would severely hamper our ability to conduct investigations of child abuse, gang activities, gun sales, domestic violence, DNA cold cases, criminal activity at Rikers Island and incidents of fraudulent building inspection, such as the recent case that involved a firefighter's death in the Bronx. With continued high levels of gang violence and narcotics activity, as illustrated by nearly 500 shooting victims in 2007, these cuts threaten both to squander the long term gains we have made against crime in the Bronx and also to handicap our response to emerging crime trends.

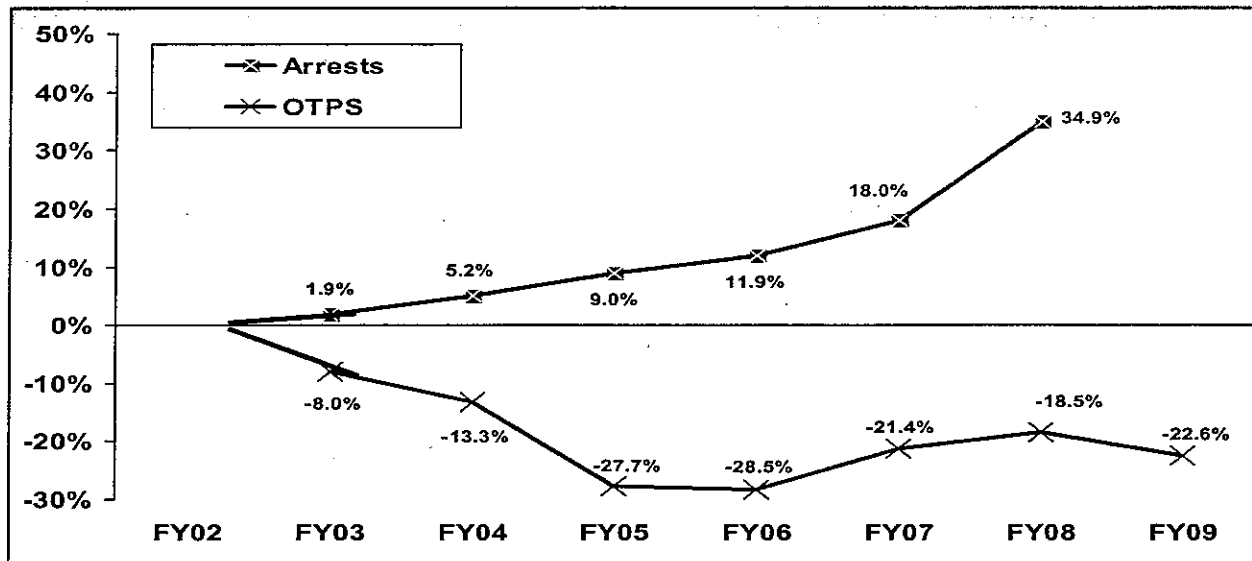
- **Retention of Legal Staff**

Our office has repeatedly cited the difficulty of attracting and retaining highly qualified ADAs within current budget constraints. Higher salary levels in the private sector and at the Law Department make it difficult to compete for legal talent. Recently, we have also begun to lose attorneys to the Department of Education, which offers \$15,000 per year more than we pay an attorney with three years experience. The drastic cut in personal service funding that has been proposed will significantly compound this problem.

Reductions in Other Than Personal Services (OTPS)

This Office's Other Than Personal Services (OTPS) appropriation was severely under-funded even prior to the budget cuts implemented after 9/11. In 15 of the last 19 fiscal years, we have been forced to transfer funds totaling approximately \$5 million from Personal Services to OTPS. In FY 02 the City provided \$2,555,200 for OTPS. For FY 09, the City proposes to provide only \$1,977,367, a reduction of \$577,833 or 22.6%, before considering the impact of inflation.

Arrests v. OTPS FY 2002 – FY 2009



Source: New York City Police Department | New York City Office of Management and Budget. Arrest figures are for calendar years and budget figures are Adopted Budget figures for City Fiscal Years. The FY 09 figure is from the January Plan.

A substantial portion of our OTPS expense budget is non-discretionary. We devote most City funding to basic operating expenses such as equipment, vehicle and software maintenance, office machine rentals, postage, legal reference materials, telephones, vehicle fuel costs and office supplies. Also included in this amount are case-driven professional fees for expert trial witnesses, court transcripts and per diem interpreters. Many of these expense items have seen dramatic price increases during the past seven fiscal years.

We continue to examine all areas of the Office for opportunities to economize. Requests for expert and professional services are carefully justified before funds are committed; orders for transcripts are timed to receive copies at the lowest possible rate; per diem interpreter services are engaged at half-day rates when possible to conserve funds; the Office continues to seek cost savings on all basic office supplies and services.

Despite efforts to conserve, we expect the overall pattern of OTPS expenses and cost increases to continue. Core operating expenses will consume the bulk of our expense budget, while the Office tries to set priorities for funding among a set of critical responsibilities.

- **Long-term investigations and covert operations conducted by the Investigations Division and Detective Investigators have been hampered.**

With the increased sophistication of criminals, from car thieves to white collar embezzlers, investigations require ever greater investments of time and money. A single complicated phone surveillance can result in exorbitant costs for information and technical assistance. Technological change also creates constant pressure to update costly

surveillance, IT and communications equipment. We have brought many of these individual items to the City's attention, such as the unfunded costs associated with the CALEA wire tap system operated by the NYPD, that include a non-discretionary annual maintenance expense of \$133,000. The City has not yet responded to requests for additional funding.

- **Protection of witnesses and crime victims is hampered by inadequate OTPS funding.**

Witnesses/crime victims must frequently be protected through relocation, which in some cases must be immediate. Long ago, reductions in HUD and City housing funds eliminated free safe houses. For a number of years, this Office has used OTPS funds to save lives by assisting with witness lodging and transportation costs, but the limited funds available leave us unable to provide optimum levels of protection.

- **Extradition and rendition of defendants must be prioritized.**

The costs of both local and out-of-state travel have increased dramatically in recent years. Apprehending fugitives and transporting prisoners requires air travel throughout the United States and, in certain cases, to foreign countries. Rising energy prices since FY 02 have led to substantially higher air fares and local fuel costs. Average NYC gasoline prices have nearly tripled since FY 02.

- **Increased demands for expert testimony further drain inadequate OTPS funding.**

Many felony cases require expert testimony, ranging from psychiatrists to handwriting specialists to DNA analysis. This Office must fund expenses related to professional fees, travel, and lodging for outside expert witnesses. We expect these essential expenses to continue to grow, both in terms of the number of experts retained, and the hourly fees charged.

- **Software Maintenance.**

Capital software purchases over the past three years have added substantial value to our technology assets. However, maintenance is required both to protect these investments and also to economically spread software costs over several years, through continuing updates and technical support. The cost of this maintenance is substantial. We project a 54% escalation in costs from FY 06 (\$125,653) to FY 09 (\$194,100). The alternative to funding these increases is exorbitant periodic capital requests for new software that may add as much as 20% to overall expenses.

FY 09 Fiscal Outlook

The 2009 January Plan proposes a 6.2% budget reduction in City funding from FY 08. The proposed cuts come just as Congress has gutted federal law enforcement aid programs, most notably the Byrne JAG grant. Beyond the 67% reduction in this program, other federal grants our office receives are expiring. Although we anticipate no change in next year's State Aid to

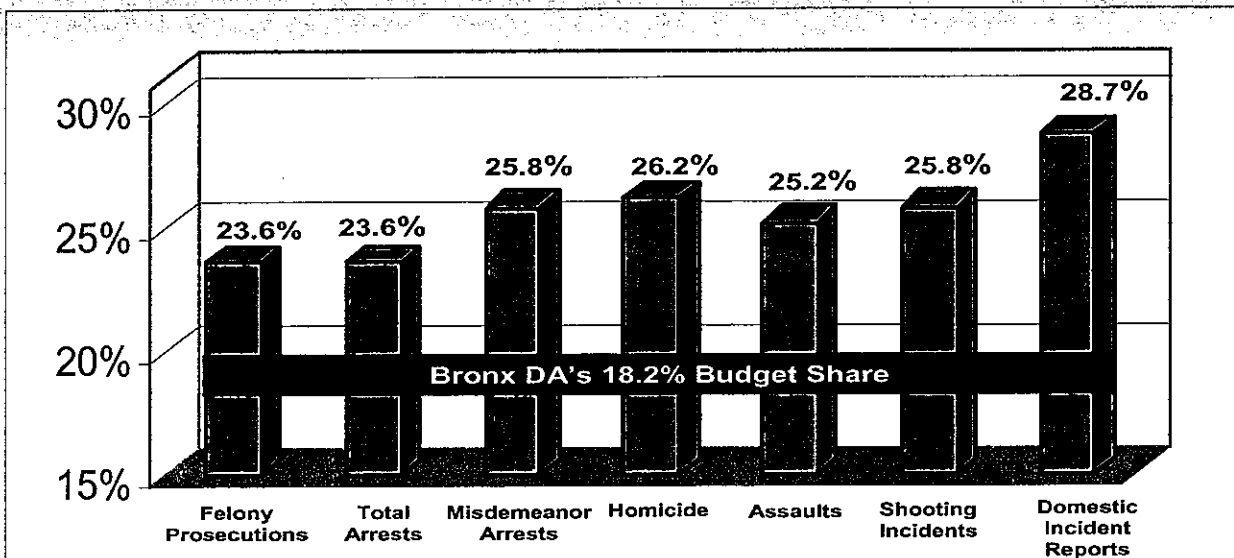
Prosecution funding, this amount remains 15.6% below the 2002 level. Grant funding comes with programmatic mandates and contract compliance becomes harder with diminishing headcounts and growing caseloads.

RESPONSE TO 5% BUDGET CUT

This office has cooperated with the Mayor on an array of important, but routinely un-funded or under-funded initiatives. The gun database, Operation Spotlight and IMPACT programs all consume substantial resources. We have also shouldered responsibilities that lighten the load of other Mayoral agencies, such as assigning detective investigators to locate and protect witnesses, and to investigate child abuse hotline calls.

Rising arrests and the Mayor's priorities have led us to repeatedly ask for resources to keep pace with operational demands in the Bronx. Among other items, we have requested funds to help reduce unacceptably high arrest-to-arraignment times and to relieve the unique operational challenges posed by Rikers Island. Despite the City's willingness to hear us out, those requests have not yet been met, and this office continues to receive inadequate funding relative to our share of citywide crime.

**FY08 Budget and 2007 Crime Indicators
Bronx v. All NYC DA's**



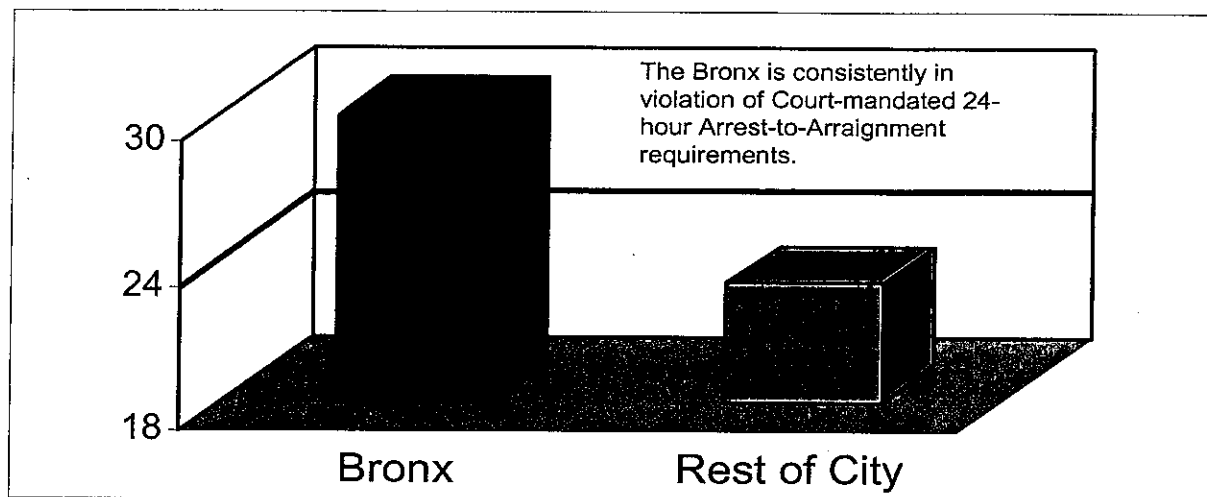
Source: NYPD (except Felony Prosecutions OCA)

This office has already notified OMB that there are no viable options to close the gap proposed in the 2009 January Plan. Any mix of attrition, overtime reductions and lay offs would severely damage our core public services and jeopardize the gains the office has made against crime in Bronx County.

In addition to a restoration of the 5% baseline budget cut proposed in FY 09, we require additional baseline funding simply to keep pace with the growth in core workload areas.

CASE PROCESSING

Arrest-to-Arraignment Time Bronx v. Rest of the City



Source: NYPD Criminal Justice Bureau December 2007

Unlike agencies that may have some ability to shape their caseloads and level of public services, this Office must respond to each case brought before it. The Office must independently evaluate each arrest to determine whether the person arrested should be charged, what charges should be brought, and whether the defendant should be held in custody or released.

This important process requires that we interview police and obtain and review relevant police documentation, and also interview and provide appropriate support for victims and witnesses. If a crime is to be charged, complaint room staff must draft a legally sufficient accusatory instrument, evaluate the defendant's criminal history and background and present the relevant facts and an appropriate bail recommendation to the arraignment court. This all must be accomplished within 24 hours of the defendant's arrest.

Past budget cuts to this Office forced a reduction in Complaint Room staff. The partial enhancements that followed have been inadequate to address record-breaking annual arrests that put increased pressure on already high complaint sworn times and NYPD's overtime costs.

To comply fully with court mandates, we require baseline funding for 16 additional assistant district attorneys and 12 support staff to process arrests, at a cost of \$1,224,000. We note that this amount is roughly equal to the \$1,255,525 increase in New Arrest Overtime that NYPD experienced in only the first six months of this fiscal year, as surging arrests have outstripped the ability of our current staff to keep pace.

FINANCIAL FRAUD

Our office has experienced rapid growth in crimes that involve financial fraud, including mortgage fraud, elder abuse, identity theft, and tax offenses. Criminals target the unaware and the unsophisticated, looting their life savings and sometimes causing victims of mortgage fraud to become homeless. Forensic accountants can unravel the paper trail of fraud and deceit and help us to make financial predators restore victims' homes, credit and savings. Unfortunately, our resources are insufficient to meet the rapid increase in the number and complexity of these cases. Our office currently employs only two forensic accountants. We need funding to respond to the growing number of cases with two additional Forensic Accountants, three Detective Investigators, and an additional support staff member, at a cost of \$320,000.

GANG PROSECUTION

According to the NYPD, in 2006 there were 1,359 incidents in the Bronx that were either gang-related or gang-motivated. Gang activities included weapons possession, shooting, slashing, stabbing, homicide, assault, robbery, burglary, larceny, harassment, criminal possession and criminal sale of a controlled substance, and criminal possession of marijuana. This gang activity contributes to the Bronx's disproportionate share of violent crime.

The Bronx District Attorney's Gang/Major Case Bureau assigns experienced prosecutors to investigate growing and increasingly violent gang activity in the Bronx. One recent investigation resulted in the conviction of a 25-year-old defendant for manslaughter and attempted murder under New York's terrorism statute. Such complex investigations require funding for investigators to develop confidential informants and to locate witnesses. These investigations require sophisticated surveillance equipment to track gang activity. We also need additional funding for witness protection and relocation and buy money for narcotics and guns.

The Gang/Major Case Bureau has benefited from significant funding for Assistant District Attorneys under the JAG/Edward Byrne Grant. This formula grant program was slashed by 67% in federal fiscal year (FFY) 08, following several prior years of cuts. Even before the proposed budget cuts, we require additional funding for four Assistants, one Detective Investigator, and two support staff to keep pace with the growth in gang-related crime, at a cost of \$400,000.

RIKERS ISLAND

While all of the NYC District Attorneys conduct complex and time-consuming investigations, Rikers Island represents a unique resource drain among our offices. OMB has acknowledged that our jurisdiction over the Island has never been recognized with specific funding.

With an average population of over 14,000 inmates, as many as 130,000 inmates pass through the facilities annually, where over 10,000 corrections personnel work. During 2007, the Office of the Bronx District Attorney prosecuted approximately 1,050 correction-related cases (an increase of 23% over 2006). These crimes range from visitors attempting to introduce contraband to inmate-on-inmate crimes involving sexual assault and manslaughter. Many cases, whether investigations into use of force, sexual assault cases, or staff misconduct, require substantial resources to prosecute effectively, because of practical impediments to interviewing witnesses, examining crime scenes and assessing credibility.

We have documented for OMB the considerable baseline costs associated with Rikers Island prosecutions. In addition to Assistants located in various bureaus who are assigned to prosecute Rikers cases, this Office dedicates a full-time assistant district attorney to serve as the District Attorney's liaison to the NYC Department of Correction. The liaison approves all correction-related arrests and oversees the prosecution of the resulting cases. In December 2005, the Department of Correction assigned an investigator to serve as its liaison to the District Attorney's Office. His responsibilities include assisting prosecutors in investigating, evaluating and prosecuting crimes committed on Rikers Island and at the Maritime Correctional Facility in Hunts Point. In addition to assistant district attorneys at all levels, these cases require the involvement of detective investigators and support staff throughout the Office.

We have previously requested funding totaling \$310,200 for five trial bureau assistants to partially offset the staffing costs associated with these resource-intensive prosecutions.

Fiscal Year 2009 Budget Request

- **Restoration of 5% budget cut** **\$2,681,000**

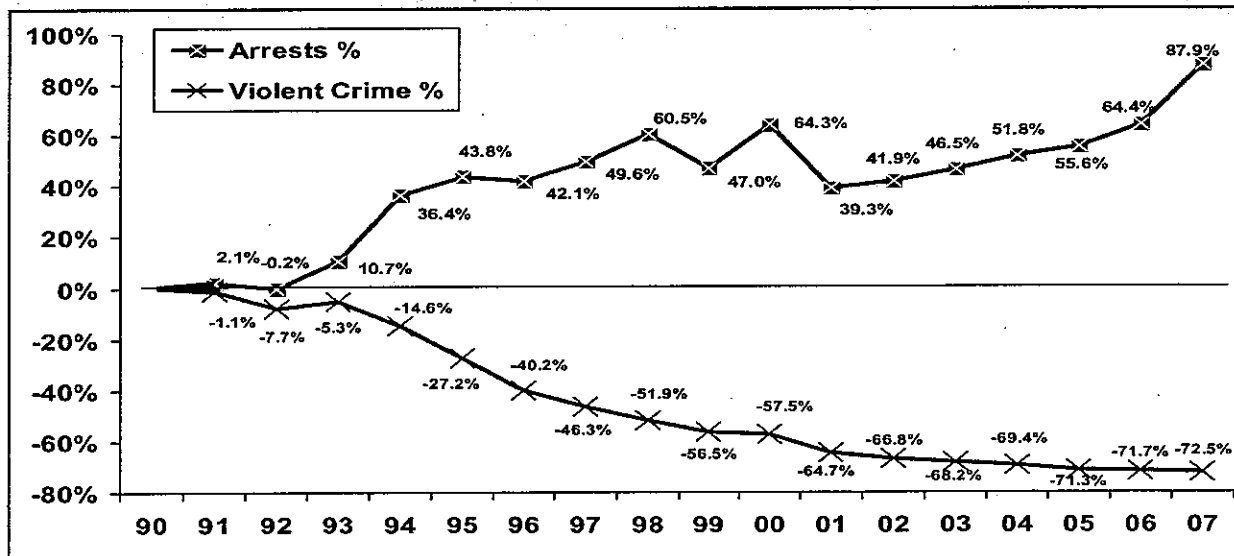
- **Additional baseline needs, as outlined above are Case Processing, Financial Fraud, Gang Prosecution, and Rikers Island.**

CRIME OVERVIEW

Violent Crime

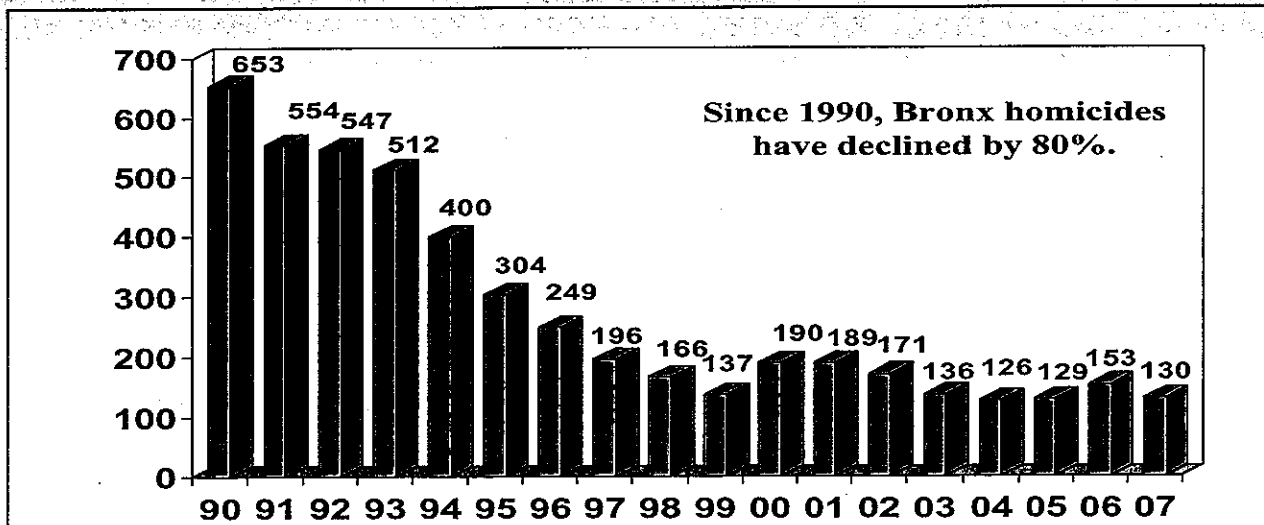
Working with the NYPD to combat violent crime, this Office prosecuted a record number of arrests in 2007, contributing to long-term progress against crime in Bronx County.

Bronx Reduction in Violent Crime v. Increase in Arrests
Percentage Change from 1990-2007



Source: New York City Police Department

Homicides 1990 – 2007



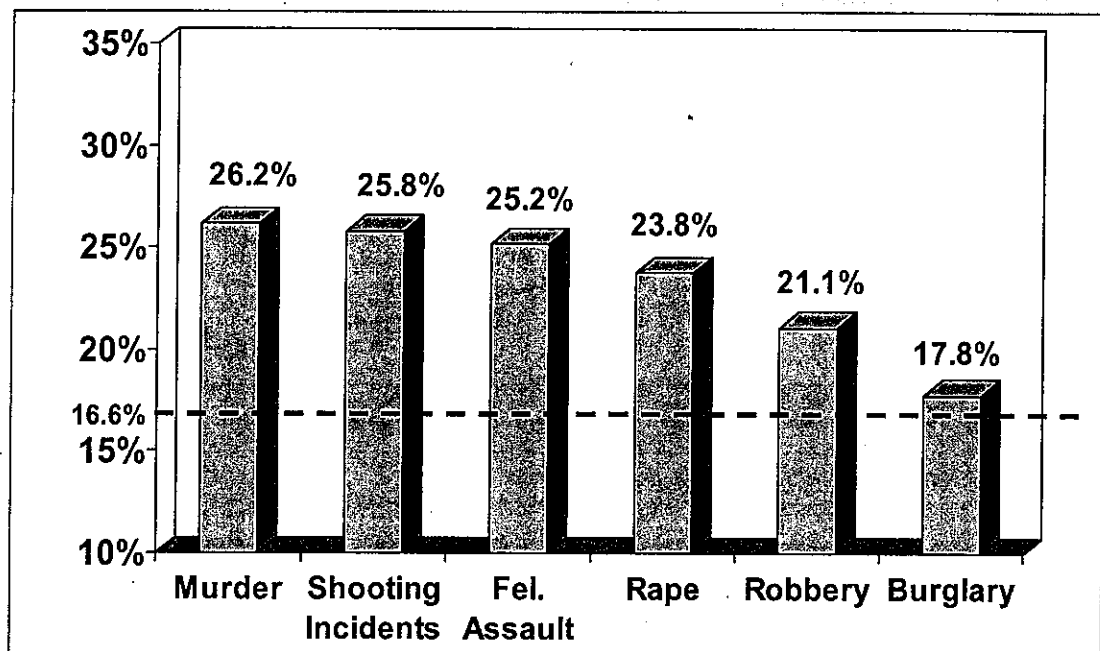
Source: New York City Police Department

Bronx County's Higher Proportion of Violent Crime

Despite the overall decrease in violent crime, the Bronx suffers the highest rates of murder, rape, robbery and felonious assault among the five counties comprising New York City. In 2007, the 130 murders in the Bronx constituted more than 26% of the citywide total. In addition, more than one in four of the City's felony assaults and more than one in five rapes occurred in the Bronx, well in excess of its 16.6% share of the City's population.

Bronx Violent Crime 2007
Percentage of Citywide Violent Crime v. Population

In every category, the Bronx's share of the City's violent crime exceeds its 16.6% share of the City's population.



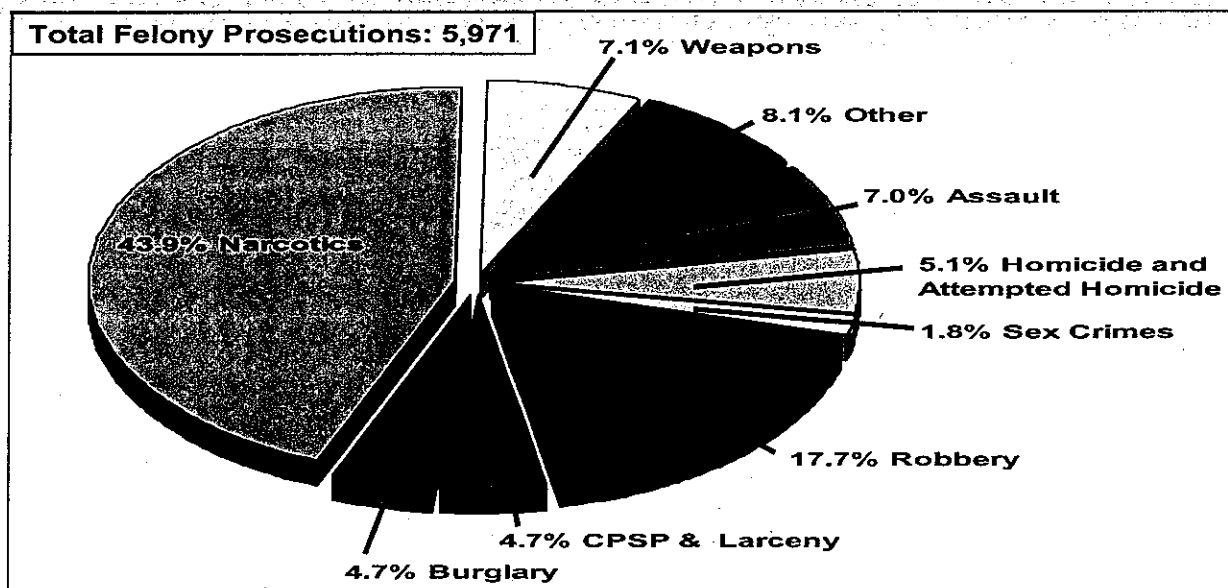
Source: New York City Police Department

We are particularly concerned that for the first two months of 2008, there are some alarming increases in crime. For the first time in many years, robbery has increased over the same period in 2007 (18.8%), and grand larceny auto has increased by 4.2%. As of March 16, 2008, the Bronx has the largest increase in homicides in the City, 29 compared with 19 in 2007.

Felony Prosecution

In the past five years, felony prosecutions in Bronx County have increased 10% to nearly 6,000.

Bronx District Attorney's Office Felony Prosecutions: 2007

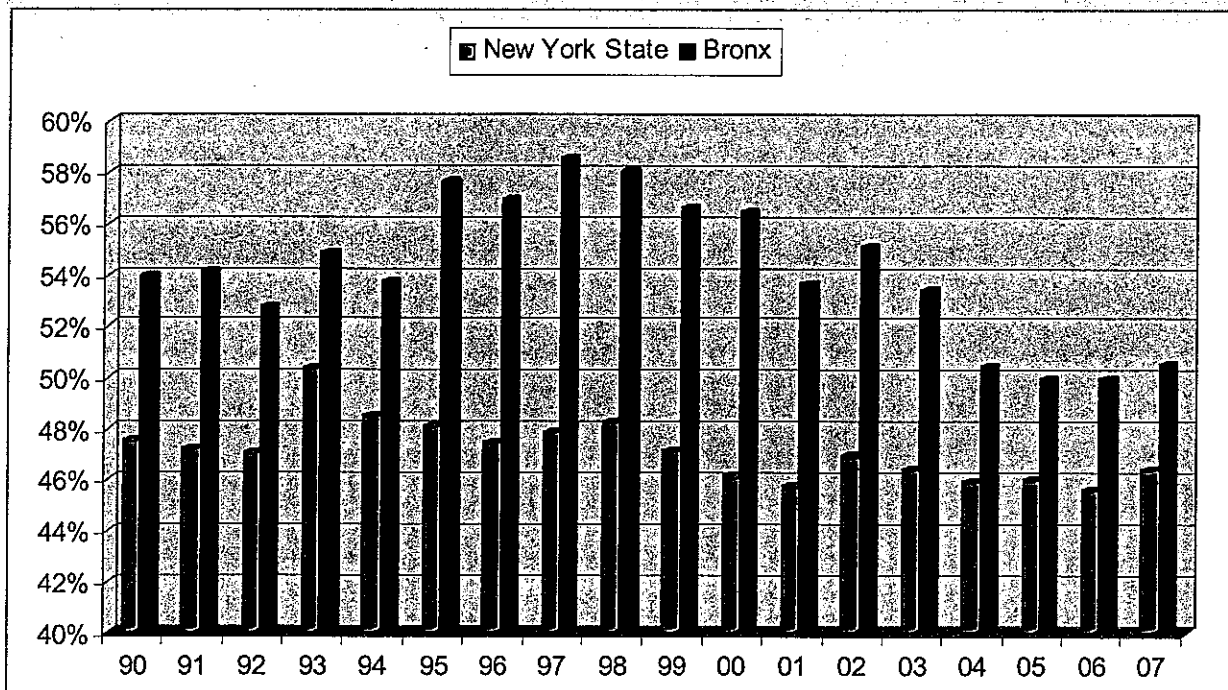


Source: Bronx District Attorney's Office

State Prison Sentences

Despite increasing caseloads and budget cuts, the Bronx District Attorney has continued to send a higher proportion of convicted felons to state prison than the statewide average.

Percentage of Convicted Felons Sentenced to State Prison New York State v. Bronx 1990-2007



Source: NYS Division of Criminal Justice Services
*Third Quarter 2007 data

CONTINUING INITIATIVES

The Bronx District Attorney's Office continues to support a variety of important criminal justice initiatives, despite an increasing workload and in many cases the loss of initial grant funding. These programs include alternatives to incarceration, community anti-crime programs and inter-agency collaborations that have played a key role in reducing crime in Bronx County.

- **Court Merger: Bronx County Criminal Division**

In November 2004 the New York State Office of Court Administration (OCA) implemented a court merger program to address the backlog of misdemeanor cases. This merger, the first in the state, created the Criminal Division of Supreme Court which handles felony and misdemeanor proceedings that were previously divided between Supreme Court and the New York City Criminal Court. This Office has cooperated fully with OCA, including reorganization of our Criminal Court Bureau, enabling the new Criminal Division to operate more efficiently.

Although the backlog of cases decreased initially, pending cases have begun to increase again, partially as a result of OCA transferring judges from the Criminal to the Civil Division. In December 2003 there were 8,639 pending misdemeanor cases. Following the court merger, in December 2005 the number of pending misdemeanor cases decreased to 5,147. By the end of 2007, however, there were 7,997, an increase of over 55%. Pending felony cases also decreased from 5,007 (in 1996) to 2,750 in 2003. Following the merger, pending felonies began a steady increase to 3,312 in 2005 and 3,765 in 2006, to 3,952 in 2007, an increase of 44% from 2003 to 2006.

- **Bronx Mental Health Court**

The Bronx District Attorney's Office has diverted defendants to drug treatment for many years and developed formal partnerships to do so in October 1992. Over time it became clear that some of these defendants were suffering from both drug dependency and mental illness. While staff always tried to place such non-violent defendants in treatment programs that were appropriate for persons with dual diagnoses, in 2002 we entered into a formal partnership with Treatment Alternatives for Safer Communities (TASC) and Research Triangle Institute to create the Bronx Mental Health Court. As the grantee, this Office administers the grants and sub-grants, monitors compliance with the terms of the grant and with sub-grantee letters of agreement, and provides staff to work in the part. Despite this high level of responsibility, the Bronx District Attorney's Office receives less than 20% of the grant funds.

In 2003, eligibility for diversion to the Bronx Mental Health Court was extended to defendants with serious mental illness (with or without drug dependency). In 2004, the court's capacity was further expanded to provide services for mentally ill defendants with HIV/AIDS. Using federal funds to provide mental health and drug dependence screening and assessment, placement and program evaluation, we recommended 105 defendants for placement in treatment in 2007. These defendants are subject to the same level of supervision and sanctions for failure to complete treatment as other diverted defendants.

Drug Treatment Alternative to Prison (DTAP)

Bronx prosecutors have had substantial success in placing drug offenders in treatment programs. From 1993 through 2007, over 12,000 Bronx defendants were placed in various drug treatment programs as an alternative to incarceration. While the Office's initial experiment with ATI drug treatment focused on first-time offenders, treatment also seems appropriate for some second felony offenders. In late 1995 through the TASC program, this Office began placing offenders with prior non-violent felony convictions in alternative to incarceration programs and first received DTAP funding in 1998. From 1998 through 2007, the Office placed 2,799 defendants in drug treatment through DTAP. The DTAP model involves: (1) Identification of drug-involved offenders; (2) assessment of the offender's drug and alcohol treatment needs; (3) referral to appropriate treatment; and (4) continuous case management.

Bronx participants in the DTAP program are required to plead guilty to a class B felony. If they complete the program, their felony plea is set aside, and they are permitted to plead guilty to a misdemeanor. However, those who withdraw or fail to complete the program satisfactorily receive a sentence of three and one-half years in prison.

Drug Treatment Enrollment, 1993 – 2007

PROGRAM	1993 - 2004	2005	2006	2007	TOTAL
DTAP	1,979	298	241	281	2,799
BX Treatment Court	1,156	151	116	327	1,750
Extended Willard	223	17	19	14	273
Mental Health Court	301	196	156	105	758
BX Treatment Misd. Court	--	108	342	247	697
Other Residential	3,505	158	122	157	3,942
Other	1,533	21	163	145	1,862
TOTAL	8,697	949	1,159	1,276	12,081

Note: Drug Treatment Alternatives to Prison (DTAP) is for predicate offenders. Extended Willard Drug Treatment is also for predicate offenders but is operated by the New York State Department of Correctional Services in conjunction with the Division of Parole. "Other Residential" includes first-time offenders placed in residential programs. "Other" includes residential and outpatient programs and first-time and predicate defendants.

• Bronx Community Solutions

In 2004 we worked with the Center for Court Innovation to establish a Community Court, known as "Bronx Community Solutions," to enhance community service sentences and provide services to defendants. The goal of the project is to provide judges with more sentencing options for defendants convicted of non-violent, misdemeanor offenses such as marijuana possession, prostitution and shoplifting. By combining punishment with services, Bronx Community Solutions aims to hold offenders accountable while offering them the assistance they need to avoid further criminal conduct.

Bronx Community Solutions has provided over 35,000 sanctions to low-level offender including graffiti removal, street sweeping and maintaining local parks. In addition, Bronx Community Solutions has provided services such as job training and drug treatment. Twelve hundred

offenders completed 63,000 hours of community service in 2007. Community service is sometimes performed in partnership with community-based organizations.

- **Operation Weed & Seed**

Weed and Seed is a federally-funded strategy designed to “weed out” drug traffickers and violent gangs while “seeding” the community with federal, state and local resources to improve the quality of life. The law enforcement strategies that are part of this effort have combined federal and local resources to identify, target, arrest and prosecute narcotics traffickers, gang members and robbery perpetrators in the Weed and Seed area. The Bronx has been home to two Weed and Seed sites, one located in the Soundview/Bruckner neighborhood and the other in Mott Haven. Unfortunately, the Mott Haven site lost its funding eligibility in 2006 and is no longer in operation.

The Soundview/Bruckner Weed & Seed involves collaboration among the District Attorney’s Office, the U.S. Attorney for the Southern District of New York, the NYPD, other local, state and federal law enforcement agencies and the New York City Department of Education. Operation Weed and Seed/Soundview also relies on close working relationships with the Bronx Borough President’s Office, the Bronx YMCA, Kips Bay Boys and Girls Club, the Bronx Lions Club, Parkchester Kiwanis Club, clergy, elected officials, school-based parent organizations, other community-based organizations and community residents.

In July 2002 through a federally-funded grant, this office implemented a community prosecution program that linked the two Weed and Seed sites. As part of this program, we formed Law Enforcement Advisory Committees (LEACs) comprised of community members who live in the Weed and Seed neighborhoods. In 2004 Citizens for NYC provided customized leadership training for LEAC members. In addition, the NYPD Citizens Police Academy provided training regarding law enforcement. LEAC members now collaborate with the District Attorney’s Office to solve problems within the community.

An integral component of any Weed and Seed site is its “Safe Haven,” where programs for children and adults are offered. In the Bronx these include recreational programs such as *Junior Knicks* basketball, mentoring programs and crime prevention through the arts. Many of the individual programs rely on linkages with other organizations, including the Police Athletic League, Bronx Council on the Arts and Hostos Community College.

Federal funding for Weed and Seed sites is limited and the requirements for establishing new sites are becoming more restrictive. Congress has reduced the Weed and Seed appropriation for 35% for Federal Fiscal Year (FFY) 2008. The Mott Haven site lost its eligibility for funding in 2006, and the Soundview/Bruckner funding will end after FY 09.

- **Domestic Violence**

In 2007 the Bronx continued to have the highest rate of domestic violence reports per 100,000 population in New York City. The Bronx’s more than 57,000 Domestic Incident Reports represent 29% of the citywide total.

Beginning in 2002 this Office, in partnership with other City agencies and non-profit victim services providers, has received a series of domestic violence grants from the Office on Violence Against Women of the U.S. Department of Justice. With resources from these grants, the Borough President's Office formed an advisory committee that initiates domestic violence awareness projects. Grant funds have also been used for some of the District Attorney's staff in the Domestic Violence Court Parts, and to enable our non-profit partners to provide services to domestic violence victims.

DoVE. Beginning in FY 06 we have been privileged to receive funding from the New York City Council DoVE (Domestic Violence Empowerment) Initiative to support our efforts to provide domestic violence services. We have used DoVE funds to hire a crime victim advocate who is stationed in our Complaint Room during evening hours, when the highest volume of domestic violence arrest are made. DoVE funds also support a licensed clinical social worker who works in our Crime Victims Assistance Unit (CVAU). This social worker provides counseling, therapy and educational seminars on domestic violence to the Bronx community. She is bi-lingual and thus able to communicate with the Bronx's large Spanish-speaking population.

The DoVE project is a collaboration between CVAU and the Community Affairs Unit of the Bronx District Attorney's Office and provides a coordinated response to the problem of domestic violence. By continuing to link the education and outreach work of Community Affairs with the direct services provided by CVAU through an expert bilingual domestic violence counselor, our office is better equipped to assist domestic violence victims and to address their.

• **Urban High Crime Neighborhood Initiative**

The Bronx District Attorney's Crime Victims Assistance Unit provides comprehensive services to crime victims. The location of the unit, in the District Attorney's Office on 161st Street in the South Bronx, is generally convenient because of its proximity to the court. But for some crime victims who reside in the northern end of the county, transportation is a problem.

In September 2002, we received a one-year planning grant from the federal government for an innovative project to bring services closer to crime victims in the North Central Bronx. We received three additional grants in 2003, 2004 and 2005 which supported the program's implementation. Under this Urban High Crime Neighborhood Initiative, this Office works with an Advisory Committee composed of representatives from law enforcement, schools, hospitals, faith-based organizations, local media, local government, youth services, child welfare and community-based organizations to tailor the type of services and their delivery to the needs of the community. The Advisory Committee developed a referral network linking service providers in the community to clients for those services that cannot be provided by CVAU staff.

In late 2003 the satellite office opened in the community, and additional staff were hired in 2004. From this satellite office CVAU staff provide services similar to those offered at the District Attorney's main office. During 2007 staff provided 1,664 services to clients at the satellite office and 169 new crime victims received services at the Satellite Office. These clients were victims of crimes such as domestic violence, assault, and elder abuse.

A need for additional space resulted from the program's expansion. Consequently, in 2005 renovation began on unoccupied third floor space donated by the City, rent-free, in the building

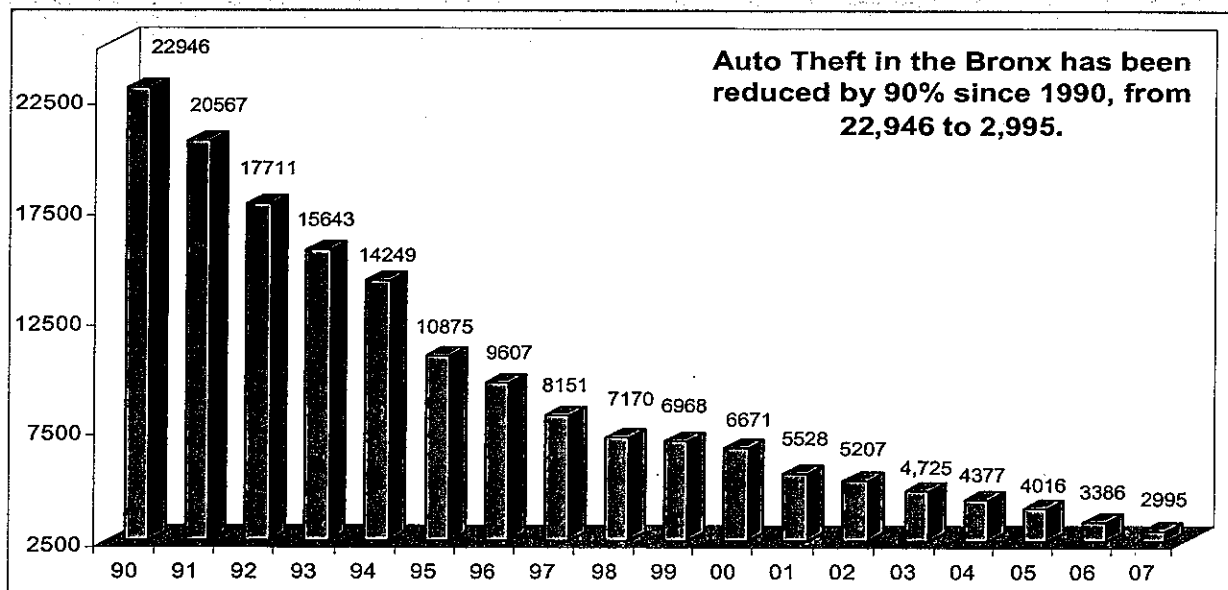
which houses Community Board 12. These renovations are complete and the entire third floor is furnished and occupied by the Satellite Office.

- **Auto Crime Initiatives**

The Office of the Bronx District Attorney has operated the Bronx Anti-Auto Theft Program since 1995. The program, which has been supported with resources provided by state grants, was designed to increase the number of successful prosecutions of defendants charged with grand larceny of a motor vehicle, criminal possession of stolen property, illegal possession of a vehicle identification number, auto stripping and/or unauthorized use of a vehicle. It was also expected to result in an increased number of stolen cars recovered pursuant to arrests made and/or search warrants executed. In 2007 this Office recovered 361 stolen vehicles valued at \$4,314,570.

Although, as is evident from the graph below, this program has been very successful, in 2005 (the most recent statistics available) auto theft in Bronx County remained at the highest rate per 100,000 registered vehicles in the state and second highest rate per 100,000 population.

Decline In Grand Larceny Auto 1990 - 2007



Source: New York City Police Department

In the last seven years, we expanded the program to include document fraud and insurance fraud. In 1999, we included night-time surveillance and investigations of auto-related crimes. This expansion was made possible through grants from the New York State Motor Vehicle Theft and Insurance Fraud Prevention Board, which provides funds for equipment that enables detectives to conduct surveillance operations at night (or in other low-light conditions).

Since September 2006, Bronx District Attorney's Office Detective Investigators have worked with NYPD precincts three to four days and three to four nights per week using a License Plate Reader (LPR) provided by the National Insurance Crime Bureau. LPR technology uses specialized cameras and computers to quickly capture large numbers of license plates, convert them to text and compare them to a large list of plates of interest. LPR systems can identify a target plate within seconds of contact with it, allowing law enforcement to identify target vehicles that might otherwise be overlooked. By the end of 2007, these collaborative efforts resulted in a total of 78 arrests, 537 summonses issued, and 189 stolen vehicles recovered.

In January 2008, using MVTIFP grant funds, the Office purchased its own LPR. On their first day in the field with this new equipment, the Detective Investigators scanned the license plate of a Lincoln Town Car parked in front of 634 Edison Avenue. An alert from the LPR unit, which is connected to the New York State Department of Motor Vehicles Data Bank, sounded. According to the alert the plates were registered to a car that had been reported stolen in Washington Heights in Manhattan on October 15, 2007. The license plates were also linked to a report of a 'missing person' that had been filed with the NYPD. The detectives approached the vehicle, noticed a foul odor, and notified the 45th precinct. NYPD Emergency Services Unit personnel forced open the trunk of the car and found a man's body in a duffle bag.

• Elder Abuse

"Elder abuse" can take many forms, including neglect or abuse of a physical, financial, psychological, emotional or sexual nature. Although anyone can be a victim of crime, age may render victims physically weak, physically or emotionally isolated or mentally disabled. These conditions increase the trauma of victimization and make the criminal justice system more difficult to negotiate. The Bronx District Attorney's Office hired an Elder Abuse Coordinator in 2000 to serve as a liaison among the bureaus and units of the office, obtain services from outside agencies and serve as a resource for educating the community. The Coordinator handled 239 calls in 2007 regarding suspected elder abuse and neglect and is often the first point of contact for elder abuse inquiries.

In 1998, the Bronx District Attorney formed an elder abuse committee to develop strategies to enhance prosecution in elder abuse cases and to increase the coordination of services to elderly victims. As an outgrowth of this committee, an Elder Abuse Multidisciplinary Task Force was created in 2001. The complexities of elder mistreatment and neglect necessitate a comprehensive, multidisciplinary approach. The Task Force is co-chaired by our Elder Abuse Coordinator and the Bronx Borough Director of Adult Protective Services. This bimonthly gathering of law enforcement, social service, healthcare, financial, business, governmental and private agencies enables the sharing of expertise and facilitates the coordination of efforts to prevent, investigate and remedy the abuse of our most vulnerable seniors.

In April 2007, the Satellite Office of the Bronx District Attorney's Office hosted its first senior information fair at a local bank as part of Nation Crime Victims' Rights Week. In May 2007, staff presented a workshop titled "Anatomy of an Elder Abuse Referral to a DA's Office" at the Adult Abuse Training Institute in Albany, NY.

The Bronx District Attorney's Office was selected in early 2006 to become a CASE ("Communities Against Senior Exploitation") Model Site. The CASE partnership is an elder fraud prevention and intervention program. The Bronx District Attorney's Office is one of over 20 sites across the country that are working with faith-based communities and senior centers to combat elder fraud and exploitation. As part of this program, staff from the District Attorney's Office conduct training in the community using CASE resource materials. During 2007, the program made 24 CASE presentations. This program is currently implemented without funding, staffed by volunteers from the Office.

- **Project Safe Neighborhoods**

Project Safe Neighborhoods (PSN) was introduced by the US Department of Justice in January 2002 as a national strategy designed to reduce gun violence in America through the combined efforts of local police and prosecutors, the US Attorney's Office and the federal Bureau of Alcohol, Tobacco and Firearms (ATF). Under this grant program, the Bronx District Attorney collaborates with the US Attorney for the Southern District of New York to try to reduce the number of illegal guns on the streets of the Bronx.

As part of this effort, we interview defendants charged with illegal sale or possession of guns. A detective investigator and an assistant district attorney debrief such defendants in an effort to obtain information to form the basis for long-term investigations of weapons trafficking and the issuance of search warrants for the seizure of weapons. Between April 2000 and March 2006, this effort was further enhanced with state funding which enabled us to conduct complex sting operations and purchase illegal guns.

In our efforts to eradicate gun violence, we will continue to cooperate with the US Attorney to determine whether a particular case is best prosecuted in state or federal court. Defendants who are over the age of 18 and either have entered the country illegally or have a prior felony conviction are eligible for federal prosecution in gun cases. Furthermore, if a gun has been defaced to thwart its identification, the defendant can be prosecuted federally even without a prior conviction. Under these conditions, when convicted in federal court, gun violators receive stiffer prison sentences than they would for the same conviction in state court. Although the New York gun law enacted in November 2006 provides for tougher sentences in state court, certain gun offenses, including guns possessed in a home or place of business, can still be more effectively prosecuted in federal court.

In 2006 the Department of Justice split the PSN funding into two separate programs: the original anti-gun program and a new anti-gang program. While this Office received funding under both programs, the total was substantially lower than that received in prior years for the gun program alone. The Bronx District Attorney's PSN Anti-Gang program was implemented in the Soundview/Bruckner Weed and Seed area and has both a prevention component and an enforcement component. The prevention portion involves the Explorers programs from the 43rd Precinct and Police Service Area (PSA) 8, which serves NYCHA developments in the area. PSN

funds were used to purchase uniforms and insurance required to participate in the Explorers and to purchase pressure washers and materials for removal of gang-related graffiti. In addition, this Office conducted a number of anti-gang workshops for children, youth and adults in the area.

The Bronx District Attorney's anti-gang enforcement strategy focuses on problems with a number of gangs in the area, including Crips, Bloods, and "Dominicans Don't Play," commonly known as DDPs. In addition to coordinating with federal and local partners, improving collection and sharing of gang-related intelligence, the Chief of the Bronx District Attorney's Gang Prosecutions Bureau has assigned an assistant district attorney to prosecute gang cases from this area. The Office also assigned a detective investigator to be dedicated to gang investigations in the 43rd and 40th Precincts. Cases from the area are reviewed by the Chief of the Bronx District Attorney's Gang Prosecutions Bureau and the detective investigator. In addition, this detective debriefs all defendants with suspected gang involvement who are arrested in the area.

Congress has eliminated both components of PSN for FFY 2008.

- **Child Abuse Response Unit**

The Bronx District Attorney's Child Abuse Response Unit (CARU), part of the Child Abuse/Sex Crimes Bureau, reviews and investigates alleged child abuse. CARU consists of a coordinating assistant district attorney, a supervising case manager and three detective investigators.

Cases begin with a report through the NYS Central Registry of suspected child abuse or neglect. The Administration for Children's Services (ACS) determines which reports merit review by the District Attorney's Office. The ACS Instant Response Team (IRT) notifies us of suspected felony sexual abuse and severe physical abuse. The member agencies of the Bronx Multidisciplinary Team - - Bronx hospitals, mental health service providers, school districts, the New York City Corporation Counsel, the NYPD and the Juvenile Rights Division of the Legal Aid Society - - respond with a coordinated, multidisciplinary interview and examination of the child at a child advocacy center. An assistant district attorney, usually the CARU Coordinator, participates in the joint interview. In non-IRT cases our Coordinator or case manager reviews the report, and support staff follow up with ACS, forwarding reports of more serious cases to NYPD's Bronx Special Victims Squad or to a Bronx District Attorney detective investigator for investigation. Whenever possible we coordinate joint interviews in these cases as well. In 2007 there were 239 joint interviews.

In 2007 the CARU screened 3,007 cases, assigning 1,611 to support staff for follow up with ACS. In another 1,253 cases, police were involved, but the nature of the involvement was unclear and, therefore, support staff followed up with the precinct. CARU referred 59 cases to detective investigators. CARU needs more resources to respond to its caseload.

- **Joint Training Program with the NYPD**

In January 2002 we launched the BXDA/NYPD Joint Training Program. This program is conducted regularly in the Litigation Training Unit of the Office of the Bronx District Attorney. The faculty is comprised of a group of experienced attorneys and NYPD supervisors designated to teach specific topics. During each session approximately 30 - 35 uniformed members of the New York City Police Department are trained together with approximately ten assistant district

attorneys. Between 2002 and 2006, approximately 300 assistant district attorneys and nearly 900 police officers and detectives received this training. In 2007, fifty-two assistant district attorneys and 101 police officers participated in six trainings.

The experience level of the police and attorneys vary. There are usually two patrol officers per precinct and two Bronx Task Force officers, plus officers from specialized units and a Precinct Training Sergeant. The attorneys are from various prosecution bureaus and usually have one to two and one-half years of experience.

The purpose of the program is to educate and promote an open discussion on criminal law and procedural issues and to keep communication open between the two law enforcement agencies. This will help both agencies to better serve the public and the criminal justice system.

The basic core of program topics is (1) New York Law, including search and seizure, identification evidence and statement evidence, (2) Complaint Room Procedures, (3) Domestic Violence Issues and (4) Case Preparation and Presentation.