

**STATEMENT OF POLICE COMMISSIONER
RAYMOND W. KELLY
BEFORE THE NEW YORK CITY COUNCIL'S PUBLIC SAFETY COMMITTEE
ON THE PRELIMINARY BUDGET FOR FISCAL YEAR 2010
MARCH 31, 2009**

Good morning. Thank you for the opportunity to discuss the Mayor's Preliminary Budget for the 2010 Fiscal Year.

To begin, I am pleased to report that major felony crime in New York City continues to decline to new, historic lows. We finished 2008 with a decrease of more than three percent in crime from the prior year, and a 28% drop since 2001. This year crime is down by 14% compared to last year, with decreases in every major felony crime category including murder. You'll recall that in 2007, New York experienced a historic low in homicides of 496. While murders were up last year compared to that benchmark, 2008 still marked the second lowest homicide total in modern history. And in 2009, murders are down by 23% compared to last year.

In fact, we are likely to end this first quarter of the year with the fewest number of major crimes reported since the early 1960s. This achievement is all the more striking when you consider the City has over a half million more residents living here today than at that time.

Similarly, crime in the subway system is the lowest in memory when ridership is at its highest. In 2008 there was an average of 6 crimes a day in the subways, compared to 12 in 2000 and 48 crimes per day in 1990, when there were 2 million fewer passengers using the system.

New York remains the safest big city in America, and even among the safest when you count much smaller cities too. According to data from the Federal Bureau of Investigation's most recent Uniform Crime Report for the first six months of 2008, New York ranked twenty-fifth out of the twenty-five largest U.S. cities with the lowest rate of index crime per 100,000 people. Out of 240 cities with a population of 100,000 or more, New York ranked 226th, near the bottom among those places with the lowest rates of crime.

Despite the challenging fiscal climate, and reductions in the overall number of uniformed personnel, we remain committed to our signature crime-fighting program, Operation Impact. At the beginning of the year, we doubled the size of Impact, keeping all of our existing Impact officers in place while assigning the members of the newest Police Academy class to the program. Impact continues to be one of our most effective initiatives. During the last six months of 2008, we recorded a 16% drop in major felony crime in the impact zones to which new officers are assigned. So far in 2009, major felony crime has decreased by 22% in these zones.

It's not only the heightened presence of police officers that has generated these results. It is also their vigilant work, guided by experienced supervisors, to identify persistent criminal

activity and arrest perpetrators. In 2008, Impact officers made over 4,000 felony arrests and 18,000 misdemeanor arrests. They issued approximately 66,000 summonses for quality of life offenses, made over 4,000 arrests of individuals with outstanding warrants, and seized 76 firearms.

We have also expanded the use of our larger Impact Response Teams. There are currently four of these teams deployed in Manhattan, Brooklyn, and Staten Island. IRT teams are assigned as a group to specific neighborhoods in response to changing crime conditions. Once these areas are stabilized they can be redeployed to new locations.

In public housing we are applying new approaches like our Juvenile Robbery Intervention Program to break the cycle of recidivism among young offenders. We structured a program around home visits and parental involvement. We offer referrals to social services and educational and job-training opportunities. The program was one of the reasons crime was down another 3% last year in public housing, and by a dramatic 21% so far this year.

We remain focused on quality of life enforcement. 2007 and 2008 represented the highest and second highest years, respectively, for the issuing of criminal summonses in our history. Over 500,000 of them were issued each of the last two years, compared to the 169,000 summonses issued in 1995. That shows our relentless attention to this crucial area of law enforcement, whether it's our renewed emphasis on fare evasion in the subways or catching graffiti vandals.

We also continue to adapt the most successful elements of our crime-fighting strategies to city schools. Under the Impact for Schools program, in partnership with the Department of Education, we have seen major felony crime in those schools that have been designated for additional resources fall by 44% during the current school year. Major felony crime and criminal activity are down throughout the entire school system by 9% this year and by 34% from the 2000-2001 school year. Other types of criminal incidents, such as assault and weapons possession, are down by 18% this year.

Removing illegal firearms from the streets of New York City continues to be a major priority for the Department. We employ a variety of methods to accomplish this, and to arrest those who illegally carry weapons.

In 2008 police officers made 6,387 gun arrests. We have also expanded our programs with the public to recover illegal guns. While the Police Department has operated a "Cash for Guns" program since 2002 in which members of the public can surrender a weapon no questions asked at any local precinct for \$100, this year we worked with the City's District Attorneys and religious leaders to hold a series of gun buy-backs in houses of worship. We also increased the amount paid for an illegal weapon to \$200. The response exceeded our expectations. With the help and support of our partners in the clergy, who did a remarkable job hosting and publicizing these events, we have recovered 3,551 firearms to date in our buy-backs, 51% of which were handguns.

We've also extended the search for new and innovative methods to stem domestic violence. Toward the end of 2008, we launched a pilot program called the Automated Risk Assessment System, or ARAS. The system grades various categories of information gathered about domestic violence offenders and victims, and assigns them a weighted value. Using specially-designed software, ARAS is able to provide precinct domestic violence officers with a computerized score that helps them to evaluate the potential risk for future domestic incidents.

In 2008, police officers responded to nearly 215,000 radio runs involving incidents of domestic violence. They made more than 28,000 domestic violence-related arrests and more than 72,000 follow-up visits to homes where incidents of domestic violence have previously occurred, in an attempt to prevent it from happening again. These efforts contributed to a 33% reduction in domestic violence-related major felony crime in 2008.

In addition to our core mission of crime-fighting, we remain vigilant about the threat of international terrorism, especially after the attacks last November in Mumbai, India. This was a different approach from what we've seen in the past, with a shift from suicide bombs to sustained, commando-style attacks. In response to that incident, we sent three of our overseas liaisons to Mumbai just days after the siege ended to study the tactics used by the terrorists. We compiled what we learned in a report we shared with the FBI and 400 members of private security at a special meeting we convened of our NYPD Shield program. The report also served as the basis for a number of measures we've taken to defend New York City against a similar attack.

For example, we began a program of heavy weapons training for a cadre of officers from the Organized Crime Control Bureau. Their job will be to supplement the 400 members of our Emergency Service Unit, who already have this skill, in the event of a sustained, Mumbai-style attack. We have reallocated \$650,000 of Homeland Security funds to purchase specialized bullet-resistant vests and helmets and to conduct a portion of the training on overtime. We intend to train up to 1,500 officers in all.

We also launched a program of heavy weapons familiarization for all our recruit classes beginning with the one that graduated last December. In addition, we conducted table top exercises for our commanders based on Mumbai and live drills in which our ESU officers stormed a building occupied by terrorists.

Over and above the steps taken after Mumbai, we continue to devote the full-time equivalent of 1,000 police officers to intelligence and counterterrorism duties. We are sustaining the protection of critical infrastructure and iconic locations through Operation Atlas. That includes visits by our Hercules Teams, daily critical response vehicle surges and train order maintenance sweeps, all of which are based on real-time intelligence.

We've also made significant progress in our work to secure the sensitive area of Lower Manhattan through the Lower Manhattan Security Initiative, or LMSI. As you recall, LMSI integrates the resources of the private sector and the Department to build an extensive network of cameras, license plate recognition readers, and other advanced

technology that will help us monitor and protect downtown. All of this data feeds into our Lower Manhattan Coordination Center, which became operational last fall. This week, we will formally welcome the private stakeholders who will lend their expertise to this initiative into the center. We will also invite staff from other government agencies who play a key role in first response.

Because this model of cooperation holds such promise, we are looking to extend it to other areas of the City. We've requested federal funding to advance the first phase of the Midtown Manhattan Security Initiative, which will create a similar network of cameras and LPRs we can monitor from the Coordination Center downtown. It will give us a comprehensive and real-time view of Midtown, offering us the best possible coverage while avoiding redundancies. This initiative will leverage the same tools and technology we will be applying in our defense of lower Manhattan, including video analytics software and a network of radiation and bioterrorism detectors.

Obviously, these kinds of critical programs require sustained financial support from the federal government.

The Police Department continues to seek federal counterterrorism funding to enhance our capacity to protect vital assets including the Financial District, the transit system, bridges, tunnels, and ports. From federal fiscal years 2003 through 2008, \$1.6 billion in DHS pass-through grant funding was received by New York State, of which approximately \$884 million, or 55%, was allocated to New York City. Of that amount, \$462 million or 52% was allocated to the NYPD. To date, including grant funds that did not pass through the State, the Department has received a total of \$515 million in counterterrorism funds from both DHS and Department of Justice appropriations.

Earlier this month, OMB submitted the City's funding proposals to the State Office of Homeland Security for inclusion in the Federal Fiscal Year 2009 Homeland Security Grant Program. For the Police Department, the requests total \$75 million and are comprised of the following items:

- Midtown Manhattan Security Initiative - \$21 million
- Recruit Training and Personal Protective Equipment-- \$20 million
- Response, Mitigation, Rescue Equipment and Training - \$9.8 million
- Joint Operations Center and Emergency Operations Center Integration and Equipment - \$5.5 million
- Critical Infrastructure Protection Programs -- \$7.4 million
- \$3.7 million for the purchase of new cameras to expand the Argus wireless CCTV system. We anticipate adding another 500 cameras citywide in addition to the 500 cameras already installed

- **Joint Terrorist Task Force Overtime (JTTF) – \$6.0 million, and**
- **Intelligence Division Analysts - \$1.8 million**

Awards should be announced in June; however, it takes some time for the State to receive the official award documentation from FEMA and for the funding decisions to filter down to each City agency.

The Department has also submitted an application for \$19.7 million under the FFY09 Transit Security Grant Program and is currently preparing the application for the FFY09 Port Security Grant Program. The Department received both of these grants for the first time in Federal Fiscal Year 2007 after persistent lobbying and stressing the importance of our inclusion in these critical programs. Both programs stress regional collaboration and emphasize those projects that most effectively manage risk in the metropolitan area.

The Department is also an active participant with the DHS Domestic Nuclear Detection Office in the “Securing the Cities Initiative,” which is being piloted in New York City. The program is aimed at detecting and deterring any attempt to smuggle a nuclear or “dirty bomb” into the region. This program involves not just the NYPD but also a network of some 200 regional law enforcement partners and first responders whom we train and drill with on a regular basis. The Department of Homeland Security has awarded the Department \$3.25 million in Federal Fiscal Year 2007 for the advancement of this program. This funding will be used specifically to purchase radiological detection and interdiction equipment. In Federal Fiscal Year 2008, the City received \$29.5 million of the \$50 million nationwide appropriation under this program. The Police Department will continue to serve as the lead agency in this project, and work with regional law enforcement partners to purchase the appropriate equipment and implement associated training requirements.

The American Recovery and Reinvestment Act of 2009 was enacted by the United States Congress and signed into law by President Barack Obama on February 17, 2009. Based largely on broad proposals made by President Obama, the Act is intended to provide a stimulus to the U.S. economy in the wake of the Country’s economic downturn. The Act includes numerous grant programs, with an emphasis on efficiency and job creation.

To date, there are three programs with new or increased funding potentially available for the NYPD as follows: the COPS Hiring Recovery Program, the Justice Assistance Grant, and the Port Security Grant Program. The Department is working with OMB and the Criminal Justice Coordinator’s Office regarding the application and allocation processes for COPS Hiring Recovery Program and the Justice Assistance Grant.

The COPS Hiring Recovery Program is a competitive grant program designed to address the full-time sworn officer needs of state, local, and tribal law enforcement agencies nationwide. Funding will be provided directly to law enforcement agencies to hire new and/or rehire career law enforcement officers. Up to \$1 billion in grant funding was appropriated for this initiative. However, grants will be awarded using a population split

philosophy – 50% of the appropriation will go to jurisdictions with a population of 150,000 or greater and 50% will be awarded to the jurisdictions with a population of less than 150,000.

All state, local, and tribal law enforcement agencies that have primary law enforcement authority are eligible to apply, and applications are due on April 14, 2009. Grants awards are anticipated by mid-summer and will be based on a competitive application process and a fiscal distress assessment that includes a review of budget gaps, service cuts, layoffs, and similar indicators. The grant will provide 100 percent funding for approved entry-level salaries and fringe benefits of full-time officers for 36 months of grant funding. There is no local match requirement. However, all sworn officer positions awarded under this grant must be maintained for a minimum of 12 months following the 36-month grant period. Since there is no limit on the amount of our application, we plan to apply for funds to replace the recent uniformed staffing losses – roughly 2,000 positions since November. However, this grant process will be highly competitive and will likely result in an award of funds to support hundreds of new officers, not thousands, based on past allocations to the City.

With regard to the Justice Assistance Grant, the City is expecting to receive additional funding, but many City agencies will receive a portion of the allocation. The Criminal Justice Coordinator's Office submits the application on behalf of the City after consultation with the applicable City agencies and OMB. This grant replaced the Local Law Enforcement Block Grants, which were eliminated during the Bush Administration. The majority of the funding allocated to the Police Department is used to pay for the salaries of Police Communications Technicians, but the funds awarded to the Department have declined over the last few years. The FFY08 awards have not been determined to date, and the guidance for FFY09 has not yet been released. JAG grants are usually 48 months in length.

For the Port Security Grant Program, the Department submitted a capital project to the Port Authority of New York and New Jersey, the fiduciary agent for the PSGP. Solicitations were for construction projects that are not currently funded with grant and/or City tax levy funds were requested. The proposal the Department submitted was to rebuild the Harbor Adam docking area, which was built in 1965, and had collapsed. Since it is a construction project, it would stimulate the economy by creating jobs.

We will continue to lobby Congress, the Department of Homeland Security, and FEMA, to provide the City with the appropriate funding needed to adequately defend itself from ongoing terrorist threats. This includes pursuing appropriate funding opportunities that are part of the Stimulus Bill.

Regarding the January Financial Plan and its impact on the Police Department:

The Department's FY'10 budget is \$4.37 billion, of which 94% is allocated for Personal Services and 6% for Other-Than-Personal-Services. The FY'10 budget is \$158 million lower than this year's budget of \$4.52 billion. This amount reflects several changes to the Department's budget, most notably the impact of gap-closing programs. In addition,

throughout the course of the year, federal, state, and private funds will further increase the FY'10 budget.

During the January Plan, all City agencies were required to submit budget reduction proposals for FY'10, with recurring reductions in subsequent fiscal years.

The reductions included in this plan total \$92.7 million in FY'10, \$106.6 million in FY'11, \$90.0 million in FY'12 and \$97.5 million in FY'13 and thereafter.

A summary of the gap-closing program is as follows:

- The January Plan originally called for the elimination of the January 2009 police officer class and a reduction of 1,000 police officers beginning in FY'10. However, during the plan, the Mayor and City Council subsequently agreed to restore funding to hire 250 police officers in January and reduce the July 2009 class to 250. The effect of these changes on the uniformed staffing levels is as follows:
 - With a class of 275 police officers hired in January 2009, the actual officer staffing level reached approximately 36,100.
 - The projected June 30, 2009 year-end headcount is 35,457.
 - With a class of 250 in July 2009, we anticipate reaching an actual peak of 35,707.
 - The January 2010 class has been eliminated. Therefore, the Department will reach a peak headcount once next year, in July 2009 only.
 - The projected headcount level in January 2010 is 34,822 and 34,117 for June 2010.
 - The permanent reduction of 1,000 uniformed positions starting in FY'11 is still in effect. This reduction further reduces the uniformed staffing level implemented in the past November Financial Plan.
 - The Budgeted Peak Headcount for the out-years, which was 37,838 in the prior Executive Plan, is as follows: 35,663 in FY'11, 36,556 in FY'12, and 36,838 in FY'13 and beyond.
- Civilian staffing has also been further reduced in the January Plan by 342 positions starting in FY'10, which is to be realized through attrition. This reduction is in addition to the 361 positions eliminated during the November Plan. Including the reduction of 573 positions during last year's financial plan, the total decrease to the number of civilian positions beginning in FY'10 is 1,276. The titles affected by these cuts are primarily clerical, administrative, and custodial, and will exclude public

safety related titles such as School Safety Agents, Traffic Enforcement Agents, and Police Communications Technicians.

- The uniformed and civilian staffing decreases during the November and January Financial Plans will reduce City costs by \$156 million in FY'10, \$183.5 million in FY'11, \$149.5 million in FY'12 and by \$161.2 million beginning in FY'13.
- The vehicle budget was reduced by \$6.1 million in FY'10. This will reduce the Department's vehicle purchasing plan by approximately 245 vehicles in FY'10 which represents 3.1% of the Department's expense funded fleet, or 18% of the FY'10 lifecycle replacement plan. This reduction is in addition to the Mayor's directive to City agencies, which calls for a 15% fleet reduction in FY'10 with annual savings of \$4.6 million in FY'10 and \$564,000 beginning in FY'11. It is anticipated that the 15% reduction will be implemented in the next Financial Plan. This plan includes the procurement of more environmentally sound vehicles, from 71 in 2008 to 929 in 2011, a twelve-fold increase in our hybrid and electric fleet.
- In FY'10, the Department of Information Technology and Telecommunications will become financially responsible for the annual maintenance and support cost of the E911 System. Funding allocated in the Department's budget for this expense, in the amount of \$6.5 million, will be transferred to DoITT.
- One million dollars previously provided in the January 2008 Financial Plan for steroid testing has been eliminated. To alleviate the impact of this reduction, the Department will discontinue the current practice of steroid testing 50% of all police officer candidates prior to hire. However, all newly hired officers will continue to be tested prior to the end of their probationary period. Also, annual random drug tests currently include a steroid test for 50% of the officers selected. We will reduce the steroid testing component to about 37% of this group. Lastly, as a result of contract negotiations with vendors performing steroid testing, the cost of each test has been reduced by more than half.

Given the City's financial condition, the January Financial Plan only added funds to cover recent labor agreements for uniformed and civilian personnel.

Our FY'09 overtime spending projection is \$484.4 million, which is similar to the FY'08 costs after adjusting for collective bargaining increases. Approximately \$54 million of the FY'09 overtime costs will be reimbursed through grants and other revenue. The current FY'09 overtime budget plus expected revenues will total \$390.2 million, which leaves an unfunded balance of \$94.2 million. We expect to cover much of this amount with PS surplus funds.

The FY'10 overtime budget of \$374.1 million is \$15.5 million lower than the current FY'09 budget. The difference is due mainly to non-City overtime-funded programs that are not yet included in the FY'10 budget.

As always, we will work to achieve savings in overtime wherever possible. Since Calendar Year 2002, our uniformed deployment to planned events has been reduced, thanks to careful management efforts. As a result, overtime costs for Planned Events decreased by a cumulative total of \$131.7 million through Calendar Year 2008.

On January 30th, the FY'10 Preliminary Capital Budget and Commitment Plan was also released. It totals \$1.68 billion for the Police Department and covers Fiscal Years 2009 to 2013.

The plan required the Department to self-fund any new needs. After evaluating the capital budget, it was necessary to reallocate approximately \$40 million in capital funding from the new 120th Precinct construction project to fully fund other critical new needs. As a result, the construction of a new 120th Precinct has been eliminated until City economic forecasts improve and funding becomes available.

The following projects will be funded by the \$40 million reallocation:

- \$19.4 million for the construction of a new 121st Precinct on Staten Island,
- \$5.6 million for the renovation of the Central Park Precinct,
- \$9 million for the renovation of Randall's Island and Harbor George Docks,
- \$1.3 million for the renovation of the Brooklyn Court Section,
- \$4.3 million for the construction lump sum for facility repairs, and
- \$360,000 in additional funding for the Joint Operations Center adjacent to One Police Plaza.

The FY'09 to FY'13 capital plan maintains funding for the following precinct construction and rehabilitation projects:

- Design and Construction of a new Police Academy facility, budgeted at \$950 million, which supplements \$50 million budgeted in the prior fiscal year. This project is currently in the design process.
- Design and Construction of a new facility for the 121st Precinct, budgeted at \$53.2 million which supplements \$3.7 million budgeted in prior fiscal years. On March 20th the construction documents went out to bid, and the bid opening will begin on May 15th. We expect to award a construction contract in June 2009 with construction to start in July. It is estimated that construction will be completed in December 2011.
- The restoration and renovation of the landmark Central Park Precinct, budgeted at \$9.9 million, which supplements \$43.8 million budgeted in prior fiscal years. Construction started in September 2007, with an estimated completion date of March 2010.

There are four other precinct replacement projects that are included in the out-years of the Capital Plan, and their status is as follows:

- For the new 40th Precinct, property is acquired and approvals have been obtained for a site located on East 149th Street and Saint Ann's Avenue in the Bronx.
- For the new 66th Precinct, due to the unavailability of a suitable and affordable site, the Department plans to re-construct the new command on the current site and temporarily relocate command personnel during the demolition and construction process.
- For the new 70th Precinct, a privately owned site has been identified at 1326 Ocean Avenue in Brooklyn, and the Department has started the Eminent Domain process.
- For the new 110th Precinct, the search for a suitable site is ongoing with no site yet determined.

Each of these four precincts is budgeted for \$30 million in the out-years of the Capital Plan beginning in fiscal year 2013. When the projects reach the 50% Design Development phase, a joint value engineering review will be conducted with OMB concerning the scope of work, specific requirements, and prevailing construction costs. At the conclusion of this review, the budget for each of these precincts will need to be adjusted. It is estimated that an additional \$32 to \$42 million will be required to complete each of these precincts in the years currently funded.

It should be noted that, on March 3rd, the Department received budget instructions for the FY'10 Executive Budget and Ten-Year Capital Strategy, which includes targets that reduce the capital budget annually by 30% beginning in fiscal year 2010. The Department's cumulative 10-year reduction target is \$285.9 million for fiscal years 2010 to 2019.

The Department's Ten-Year Plan submission is currently under review by OMB; therefore, the status of the capital program highlighted above is uncertain pending final decisions regarding the citywide implementation of the 30% capital reductions.

I thank you for the opportunity to discuss these issues with you. At this time, I will be pleased to answer any questions you may have.

**Testimony of Eddie Rodriguez
President, Local 1549
District Council 37, AFSCME, AFL-CIO
Before the Public Safety Committee
March 31, 2009**

FOR THE RECORD

Good afternoon Chair Vallone and members of the Public Safety Committee. My name is Eddie Rodriguez and I am the President of Local 1549, District Council 37 (DC 37). Thank you for the opportunity to testify before you today on the status of the civilianization efforts regarding three uniformed positions under the jurisdiction of the New York City Police Department (NYPD), Traffic Enforcement Agents (TEAs) and School Safety Agents.

As the City continues to grapple with budgetary issues of a magnitude and scope beyond prediction, it is incumbent upon responsible leaders of the City Council to shine a light on one key issue that will only help the people of the City of New York, and that is the policy of civilianization. This issue is a critical one because the Mayor in the proposed budget calls for a reduction of 342 Civilian positions via attrition at the NYPD - precisely the wrong prescription in these difficult economic times. Since civilianization saves the city money, this reduction is counterproductive.

Civilianization as we all understand is the process by which able bodied officers are returned to their crime fighting and policing responsibilities, and replaced by trained and tested civil servants who then provide the required clerical/administrative support. This ensures the most productive deployment of the entire workforce. There is no logical argument for permitting the NYPD to direct trained, able-bodied officers, earning twice the salary of clericals (when fringe benefits are included) to

regularly perform clerical duties on a full-time basis, especially now when civil service lists exist to do clerical work.

As far back as 1975, the NYPD has been criticized for its failure to civilianize. In October of 1990, the NYPD in its own report entitled, "Staffing needs of the N.Y.C.P.D." (commonly called the "Staffing Needs Report") frankly admitted that 1,626 police jobs could be civilianized.

In 1999, the then City Comptroller, Alan G. Hevesi, did an audit of the NYPD and issued a report entitled "Audit Report on the Opportunities for Savings through Civilianization in the N.Y.P.D." The report was based on the 1996 figures of 39, 579 uniformed police and 7,588 civilians. The Comptroller came to the same conclusion - \$32.2 million could be obtained by civilianizing 1,257 non-enforcement positions.

On May 31, 2002, Comptroller William C. Thompson issued a Follow-Up Audit Report on the Opportunities for Savings in Administrative Units through Civilianization in the NYCPD.

The Comptroller's recommendations were:

1. The Police Department should review and civilianize the 831 positions identified in this report that are non-enforcement in nature and held by uniformed officers in administrative units.
2. The Police Department should conduct a comprehensive review of all its administrative (and enforcement) units to identify additional civilianizable positions that would generate cost savings.

It should be noted that the 831 positions referred to concerned uniformed officers in administrative units and that the uniformed officers performing civilian work in the precincts and other enforcement units were not included.

Fast forward to the year 2004, DC 37 won an arbitrator's decision directing the NYPD to immediately cease and desist from assigning the duties of clerical administrative personnel to police personnel of various ranks. And here we are in March

2009, five years later, facing budgetary short falls, diminished police classes, layoffs, and cuts in essential public services and the NYPD still continues to use more than a thousand trained police officers in non-enforcement clerical/administrative positions.

The civilianization situation at the NYPD regarding uniformed Traffic Enforcement Agents doing full time clerical work on a regular basis is equally disturbing. On October 12, 2007, the Union won another arbitration award directing the City and Police Department to cease and desist assigning Traffic Enforcement Agents to clerical positions, and further to assign appropriate clerical titles to perform such work. As of today there is no progress on this issue. This is particularly troubling in this time of budgetary cutbacks, where some 200 TEAs are at desks in offices or garages, where they are not issuing any tickets, are not towing any cars and are not generating any revenue. TEAs need to be out of offices and on the streets and roads of our city, doing the work that they were hired to perform, not the clerical jobs that they have been illegally assigned.

The third and final example of the NYPD's failure to civilianize is reflected in an Arbitrator's decision dated June 25, 2008, where the police department was directed to immediately cease assigning School Safety Agents to perform clerical jobs, and those jobs were to be re-assigned to the appropriate clerical staff. The NYPD was given nine months to accomplish the task, and the award stated, "In no event should there remain any School Safety Agents performing designated clerical functions after nine months from the date of the decision". Nine months have come and gone and the School Safety Agents remain at work in clerical capacities. Our children deserve all the protection they can get and what that means is deploying School Safety Agents in their enforcement capacity - not as clericals.

Whether it is Police officers, Traffic Enforcement Agents or School Safety Agents, the NYPD is failing to serve and protect the people of the City of New York with its refusal to use our limited resources in the safest and most effective manner.

Once again, thank you for the opportunity to testify before you today and I will be happy to answer any questions you may have.



NEW YORK CITY OFFICE OF EMERGENCY MANAGEMENT

TESTIMONY OF JOSEPH F. BRUNO

COMMISSIONER OF THE

NEW YORK CITY OFFICE OF EMERGENCY MANAGEMENT

Before the New York City Council Committee on Public Safety

March 31, 2009

Good afternoon Chairman Vallone and members of the Committee on Public Safety. I am Joseph Bruno, Commissioner of the New York City Office of Emergency Management (OEM). I am pleased to be testifying before you today about OEM's fiscal year 2010 budget.

With **183** staff members, including **79** assigned from **18** different City and state agencies, we continue to ensure that New York City is one of the most prepared cities in the world. Before we get to the specifics of our 2010 funding, I would like to share with you some of our programs and accomplishments from the past year. As you are well aware, we are in the midst of a major financial crisis. With the public's attention focused on the economy, we know that their first thought is not emergency preparedness. It can be challenging to convince people to focus on the unknown – to purchase the supplies for a Go Bag or Emergency Supply Kit, for example – when they are concerned about losing their house, but our staff members are dedicated to keeping this city prepared and helping citizens prepare themselves.

Part of our mission involves **planning** for emergencies. This can mean thinking outside the norm when devising hazard mitigation plans, stockpiling goods to be deployed to shelters prior to a hurricane, working with our regional partners on expanded regional preparedness, and ensuring that City agencies have also planned for a disaster.

- NYC OEM has been involved in the Regional Catastrophic Preparedness Grant Program (RCPGP) since February 2008. This program, funded by the U.S. Department of Homeland Security, enhances regional catastrophic preparedness and continuity of operations in ten high-risk metropolitan areas. The New York/ New Jersey RCPGP site includes 30 counties and 21 principal cities that span western Connecticut, northern New Jersey, southeastern New York and northeastern Pennsylvania. The region includes nearly one out of 14 Americans. NYC OEM is co-chair of the NY-NJ-CT-PA Regional Catastrophic Planning Team (RCPT), a 13 member group that oversees the grant program in the region.

The RCPGP is a planning grant and only funds planning activities. For FY'08, the RCPT received over nine million dollars for nine planning projects. These regional projects include plans for evacuation, sheltering, disaster housing, debris management, improvised explosive devices and logistics. To build the plans, the RCPT will establish a Regional Integration Center, with a mix of full time staff and subject matter expert consultants. For FY '09, the RCPT is eligible for over seven million dollars and will propose additional regional projects to continue enhancing the region's security and resilience.

- Over the past year, we worked closely with over 30 agencies and various stakeholders throughout the city to develop the **New York City Natural Hazard Mitigation Plan (HMP)**. This FEMA-mandated plan contains geographic and demographic information, together with a citywide risk assessment and vulnerability assessment. Most importantly, it outlines a mitigation strategy, which includes goals, objectives, and an array of specific tasks or actions to address natural hazards impact on the City's population and infrastructure. The Plan, which has been approved by SEMO and FEMA and formally

adopted by the Mayor, will support mitigation planning at agencies across the City and also enable us to apply for federal mitigation grants to support specific projects.

- Now in its second year, the **Continuity of Operations Planning program (COOP)** is an important program of citywide emergency planning. Supported by Executive Order 107, we have been charged with ensuring that 43 City agencies create, catalogue, and implement continuity plans by December 2009. COOP planning enables agencies to continue essential services the public depends upon when emergencies threaten or disrupt those services; over 150 essential services have been identified by the 43 agencies as critical. Plans build contingencies around these essential services, mitigate the impact of disruptions to services, and enhance the ability of agencies to provide CIMS operations, social services, and government operations for all-hazard situations.

As part of the program, we have trained almost 200 city employees from 43 city agencies in COOP methodology and software use. This cadre of experts throughout the City will assist in creating a culture of continuity planning as the plans take root in their agencies and are tested and maintained over time. We conduct monthly Interagency COOP Working Groups to facilitate this culture of continuity and we are hosting a COOP Symposium in June 2009 that will provide a forum for cities, states and international organizations to exchange information and operational best practices for effective continuity planning, fostering a culture of preparedness.

The planning we are doing is vital to the City's ability to hold up its responsibility in an emergency. However, as you all know, it is up to the citizens to do their part as well. OEM has been a leader in **citizen preparedness** for years, and we continue to fulfill our mission of public preparedness education on many fronts in new and original ways.

- Our Ready New York program continues to grow as we find new and innovative ways to prepare New Yorkers for emergencies. To date, OEM has distributed over 6.5 million preparedness guides since the programs inception in 2003. In 2008 alone, OEM held **148 presentations** and attended **103 fairs** providing information and distributing over **383,000 guides citywide**. While we continue to offer ten preparedness guides, we also now have an 11-minute DVD that outlines the steps we all need to take to be prepared for an emergency.
- In 2008 we started a new **Incident Based Distribution** program. In this program, Ready New York staff members keep a close eye on the emergencies taking place throughout the city on a daily basis, especially water main breaks, building evacuations, power outages and non-lethal fires. OEM then targets buildings in the affected area by mailing a letter and Ready New York guides which we ask building owners or superintendents to distribute to residents. For lethal fires, FDNY manages community outreach.
- OEM also revised its **Ready New York guide for Seniors and People with Disabilities** to include seven languages and through the launch distributed over **45,000 copies** to seniors centers, City agencies and other partners.

- In spring 2009, in partnership with the Department of Health and Mental Hygiene, we will release a new Ready New York guide on pandemic flu preparedness.
- The **Ready New York for Kids** program is the newest outreach component of the agency's Ready New York preparedness campaign. In fall 2007, the Mayor, OEM, and DOE launched the Ready New York for Kids preparedness program where we distributed over 1.1 million Ready New York preparedness guides in nine languages to children in the Department of Education. In 2008, we distributed over 100,000 guides to students in grades kindergarten, first and sixth city-wide via Parent Coordinators and the Office for Family Engagement & Advocacy. This was a huge undertaking and a significant accomplishment for our agency. In our second phase of the Ready New York for Kids program, we have created two new education programs with fun games, family activity worksheets and other support materials targeting two different age groups, younger children (grades K-5) and teens (grades 6-12) to teach emergency preparedness basics at assemblies and classroom presentations in the schools. The pilot phase of the program, which runs from January to April 2009, will target all 46 schools in Brooklyn's District 13. Upon completion of the pilot, OEM will work with DOE to create additional opportunities for the program to run city-wide.
- The **NYC Citizen Corps Council**, which is chaired by OEM, is part of a federal initiative to increase preparedness among residents through interagency coordination. Council membership includes some of our regions most active not-for-profit organizations, faith community, City government, and national representatives. The Council has four standing Taskforces (Youth, Special Needs, Immigrant and Limited English Proficient, and Volunteer Development) whose mission is to create a culture of preparedness among New York City's most vulnerable populations. The Council serves as a broker for organizations and individuals to take part in family and community preparedness through public education and outreach, training opportunities, and volunteer programs. Using the resources available through the Council's members, volunteers work to ensure that all New Yorkers are prepared through sharing best practices, delivering a unified message about preparedness, and building diverse outreach campaigns.
- The **Community Emergency Response Team (CERT)** program continues to grow, and I am very pleased to report that the City now has 55 active CERT teams with coverage of 81% of the City. These well-trained and managed volunteers provide a great service to their communities, whether by educating them in preparedness or in response to emergencies. In the last year they have responded to events like the two crane collapses in Manhattan, assisted residents in response to major fires, helped open warming center due to the loss of heat in apartment buildings, and assisted in identifying areas of the City experiencing that mysterious maple syrup smell. This innovative use of our community volunteers helped OEM's GIS unit in tracking down the source of the smell. In February we graduated a class of 168 new volunteers who will serve on many of the existing CERTs as well as five new community-based teams.

The CERT curriculum continues to be updated to more accurately reflect pre-defined roles and responsibilities that CERT members assume during emergencies. The deployment protocols and standard operating guidelines have added structure and improved our response agencies ability to deploy the volunteers. We have increased post-training and hands-on drill and exercise opportunities to keep the teams engaged throughout the year. To help with the management of our teams the CERT program is instituting a borough based structure that will allow the program to be better managed by OEM but also provide the volunteers with management and growth opportunities within the program.

We are currently in a new cycle with seven new classes currently in training. We project that by the end of 2009, we will have full coverage throughout the City with some communities having more than one team based on their size, demographics, and need. As you are well aware, it can be difficult to secure funding for this important program, so I would also like to take a moment to urge you and your fellow council members to consider providing funding to support your local CERTs and to thank those of you who have already shown your support for this wonderful program.

With all of our planning and preparedness ongoing, we are also of course continuing to support and coordinate multi-agency emergency response in the field. While we are on-scene at the larger events that get the most attention in the media, our Citywide Incident Commanders also respond on a daily basis to more localized emergencies such as water main breaks and construction accidents.

- In January 2009, **US Airways Flight 1549** performed an emergency landing on the Hudson River after a collision with a flock of birds destroyed the aircraft's engines. OEM responders were on-scene and at the NY Waterways pier when the first ferry pulled in with 22 survivors on board. While OEM responders boarded police boats to confer with first responders and send information back to OEM, at headquarters the Emergency Operations Center staff coordinated with local hospitals, requested a barge and crane from the Army Corps of Engineers to recover the plane, and established a Family Assistance Center (FAC) at the Crown Plaza La Guardia Hotel. OEM's Human Services Unit staffed the FAC for two days alongside representatives from US Airways to ensure that every passenger received the practical and emotional assistance they required.
- Our daily focus is on emergencies in New York City, but at times there occurs elsewhere a disaster of such magnitude that OEM is compelled to assist. Just as we helped in the past with Hurricane Katrina and the California wildfires, this past year we sent a three-person team from OEM to Harris County to help, arriving three days after Hurricane Ike, at which time half the county was without power. During their time in Texas, staff assisted with logistics operations and resource management as well as helping local responders develop a housing damage estimate plan to determine how much of the local housing stock had been lost. In addition to helping our Texan friends, we in turn learned lessons on assessment and restoring utilities, as well as human resiliency. We also worked with our friends in Florida, providing staff assistance in both the state Emergency Operations Center and the state Logistics Response Center in anticipation of Hurricane

Ike. While Hurricane Ike mostly missed Florida, our two staff members were able assist in the efforts to recover from Hurricane Fay, and in returned gained some valuable insight that we are applying to our own emergency operations.

- As promised by Mayor Bloomberg, this past year saw the launch of **Notify NYC**, a multi-agency collaborative public communications program. Currently in its pilot stage, Notify NYC allows anyone to sign up for emails and either text messages or phone calls to learn about emergencies in four pilot districts located throughout the City. Current registration has exceeded **10,000** for the program. A citywide expansion of the pilot will soon be released offering greater customization of notifications and allowing enrollment to everyone.

As you can see, we are a small agency with a big mission, and we continue to look ahead to find new ways to prepare the City, and our citizens, for the next emergency. With that, let me now provide a snapshot of our **budget** for next year, which will allow us to continue our important work:

OEM's projected Total Fiscal Year '10 expense budget is \$6.612 million.

OEM has been fortunate to receive grant funding to support many of the core programs we have mentioned here today. However, we must still rely on our CTL expense budget to support the majority of our Administrative and Operational costs. In Fiscal Year 2009 alone, OEM has taken four PEGS, resulting in reductions of \$1.593 million total dollars. In Fiscal Year 2010, our PEG will rise to a total of \$1.888 million, which will then be our baseline going forward. Since we are such a small agency we do not have personnel accruals or smaller programs that can be cut to achieve the mandated savings. The result is that our CTL budget is stretched incredibly thin, and it will be very difficult for us to absorb additional budget cuts. However, we do realize the difficult financial circumstances the City faces, and we will continue to do our part by actively pursuing outside funding sources to support our agency's need.

The projected FY '10 Personnel Services (PS) budget is \$2.455 million, which supports the employees paid directly through OEM personnel lines. In FY10 the PS budget was reduced by \$961K. To support our staff, we continue to rely on grant funds and on assignments from multiple City and State agencies. Drawing on the expertise and talent of these diverse entities supports OEM's interdisciplinary approach to emergency management.

OEM's projected Fiscal Year '10 Other Than Personnel Services (OTPS) budget is \$4.157 million, which must cover all agency operating and administrative costs. Of this amount, \$3 million is committed for the warehouse lease, utilities, and telecommunications costs, and \$1.1 million is needed to support our agency headquarters and our Emergency Operations Center (EOC) – the City's central planning and coordination point during an emergency event – and our back-up EOC. This funding must also support our fleet, including mobile assets that are deployed to major field responses and emergency activations.

In the past year, OEM successfully secured \$26.226 million in federal, state, and private funding. To supplement our City funding, OEM is always actively involved in pursuing outside support in order to sustain our agency's mission. This outside funding is vital to our ability to

run some of our finest initiatives, including the Ready New York public education program, Community Emergency Response Team (CERT) program, Continuity of Operations Program (COOP), Geographic Information Systems (GIS) and Regional Catastrophic Planning. With this in mind, we continue to work hard to support our programs and **additional grant applications** are currently under consideration by federal, state and private grantors or in the process of being submitted.

Thank you for the opportunity to testify today. I am happy to answer any questions.

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

March 31, 2009

Chair Vallone and members of the Public Safety 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 preliminary budget for fiscal year 2010 and its projected impact on the operations of the CCRB. Today I will speak briefly about the CCRB's budget history, and then discuss some of the specific challenges we foresee for next year. In this testimony, all references to years are to fiscal years.

Budgetary History

From 2004 to 2007, the City Council provided us with supplemental funding in the amount of approximately \$1,000,000 per year so as to prevent cuts in our investigative staff. In 2008 the Administration incorporated this additional amount in the executive budget, rendering it unnecessary for us to seek supplemental funding in the adopted budget. In that year we had an authorized headcount of 192 full-time positions, of which 157, or 82%, were dedicated to the core mission of the agency, namely, resolution of complaints by investigation or mediation.

A total of \$863,518 was cut from the agency's 2009 budget through the administration's PEG actions, of which \$668,962 was recurring for 2010 and the out-years. This resulted in the loss of 12 positions, reducing our authorized headcount to 180, of which 145 positions, or 81%, are devoted to core functions. Absent restoration, actions taken in this year's financial plan will impose

additional cuts of \$1,131,469. In addition to other reductions, these cuts are projected to result in the loss of additional 16 investigative and two administrative positions, reducing our authorized headcount to 162, of which 129, or 80%, will be devoted to core functions. In short, the current 2010 financial plan for the CCRB shows a loss of \$1,800,431 and 30 positions.

Effects of the Proposed Budgetary Reductions

For a small agency such as ours, the cuts which have already been made, and the proposed cuts for 2010, are major cuts. The effects of the existing cuts are already being felt, and those of the proposed cuts can be predicted. In the case of 2009 we are able to extrapolate from year-to-date figures. For 2010, as Mr. Donlon has mentioned, we expect new complaint filings to again be approximately 7,500 and we have made our projections based on that figure.

I would like to draw your attention to three indicators: the number of open cases, the number of cases per investigator, and the time taken to complete an investigation.

In round figures, the average number of open cases was 3,600 in 2008, is on track to be 4,300 in 2009 and is predicted to be 5,600 in 2010. This figure is an indicator of the size of the task faced by the agency's investigative staff at any point in time: the higher the number, the more work there is to be done.

The average open docket per investigator was 28 in 2008, is on track to be 33 in 2009 and is predicted to be 57 in 2010. Of course, the higher the number, the greater the challenge for an investigator to complete all investigative steps in a timely way.

The average number of days which it takes for an investigator to complete a full investigation was 306 in 2008, is on track to be 333 in 2009 and is predicted

to be 404 in 2010. This figure is important to the complainant, the police officer, the officer's supervisors, and to others within the department who may be considering such officer for transfer or promotion, because a decision as to transfer or promotion may be delayed until the results of an open investigation are known.

It is also important to the department advocate's office, who have told us that the older the case, the more difficult it is to prosecute. In fact they have said that to have enough time to review our substantiated cases they need to receive them no later than 15 months after the incident date. This is because, in normal circumstances, charges must be brought against an officer within 18 months of the incident date, and they need a certain amount of time to evaluate our substantiated cases.

Of cases substantiated in 2008, 34 out of 170 (20%) were closed more than 15 months after the incident date. The year-to-date figure for 2009 is 29 out of 87 cases (33%). We project that the percentage for 2010 will be 50%.

We are of course continually looking for ways to streamline our operations, but we believe that we are already conducting such operations very efficiently in a difficult environment. Precisely because we have already cut so many non-investigative positions over the years, we are forced to cut investigative positions when facing cuts of the magnitude which are now proposed.

Mr. Donlon has already spoken about the value to complainants, police officers, the police department, and our city as a whole, of having an effective, independent CCRB. As he has said, the benefits which a properly funded CCRB can provide include the thorough and timely resolution of civilian complaints, through investigation or mediation; accountability, to the actions of police officers; transparency and, through the statistics gleaned from our investigations,

improvements in policing practices; and an increased level of public trust in our police department. I share Mr. Donlon's belief that these benefits are worth the cost of providing them.

Of course, the budget process is far from complete, and we continue to have productive conversations with the administration about our situation. However, unless the funds proposed to be cut from our budget are restored as a result of our conversations with OMB we expect to ask you to restore them.

Thank you for your time. Mr. Donlon and I will be happy to answer any questions you may have.

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

March 31, 2009

Chair Vallone, and members of the Public Safety committee, my name is James Donlon and I am the Staten Island City Council representative on the Civilian Complaint Review Board. With me is the agency's executive director, Joan Thompson, who will also give testimony. We will be available to answer your questions after Ms. Thompson's testimony.

Mission

The mission of the CCRB is set out in the New York City Charter. It is to investigate allegations of misconduct by New York City police officers in a complete, thorough and impartial manner; and to conduct such investigations so that the public and the police department have confidence in the investigative process and outcome.

High quality, timely investigations are of value in a number of ways. Officers are held accountable for past misconduct and may be deterred from future misconduct. Investigative records are an important source of information not just about an officer or an incident, but about patterns or policies within the department as a whole and may lead to improvements in policing practices. Transparent public reporting of statistics gleaned through the investigation of individual complaints provide the public with important information, and facilitates informed public debate about policing in our city.

Many years prior to the establishment of the CCRB as an independent

entity, the police department had itself recognized the importance of investigating allegations of police misconduct, and had set up a separate unit within the department to do just that. The City Council agreed with the department that the investigation of civilian allegations against police officers was important to the department and to the public at large; and it determined that public faith in the process by which civilian complaints were investigated could best be secured if such investigations were carried out by a body wholly independent of the police department. In 1993, at the initiative of the City Council, the CCRB was established as a non-mayoral agency, completely independent of the police department.

However, institutions are only effective if they are adequately funded. Independent oversight without adequate funding is oversight in name only. Only with adequate resources can the CCRB make itself properly known to the public, conduct thorough investigations, and through its statistical reports and policy recommendations bring transparency to policing in our city. Standards of policing in our city can be expected to decline and public trust in the department to erode if the CCRB's mission is thwarted due to inadequate resources.

During the almost 16 years since it has been independent from the police department, the CCRB has earned respect for the integrity of its staff and the quality of its investigations. At this point we are very concerned that successive budget cuts have placed the achievement of the objectives for which the CCRB was established in serious jeopardy.

Complaint Increases

The number of complaints received by the CCRB has skyrocketed during the first part of the current decade, increasing from 4,116 in 2000 to 7,663 in 2006. Since then they have held steady, numbering 7,548 in 2007 and 7,405 in 2008. So far in 2009 we are on target to receive over 7,500 complaints.

CCRB Response

The CCRB has coped with this sustained increase in complaint activity by introducing a number of efficiency initiatives. These have resulted in an agency which is lean and performance driven, and in which more has been achieved with less.

Committee members will be aware from previous testimony of the progressive elimination of clerical positions and their replacement with additional investigative lines. As a result, 81% of our staff are now dedicated to the core mission of the agency, namely, investigation and mediation, compared with 69% a few years ago.

Such testimony has also included reference to the extensive use which the agency makes of our advanced computerized complaint tracking system (CTS) which represents a powerful tool to ensure that investigations are carried out efficiently. CTS is an entirely paperless case filing system and database that allows the CCRB to quickly and efficiently access, organize and analyze our complaint data. This system has been used as a model by other city agencies and has attracted considerable interest from other police oversight agencies, both in the US and abroad.

We are now expanding the effectiveness and efficiency of our computer system by the use of new digital recording equipment for civilian and police officer interviews, and telephone conversations. This will save a considerable amount of staff time and add significantly to our efficiency. It will enable us to eliminate many of the steps involved in keeping and transcribing analog tapes. It will also save resources when we must provide copies in response to requests or orders from civil and criminal court judges, district attorneys or the law department.

Additionally, the agency recently implemented a program that provides other government agencies, such as the law department, electronic access to copies of certain closed cases needed by such agencies in the performance of their public functions. This will enable the CCRB to respond more quickly to document requests and save significant amounts of staff time, copying and other costs.

Current Situation

The CCRB has received three significant budget reductions in the last two fiscal years. The cuts for the current Fiscal 2009 already had a serious effect on the operations of the agency. The projected effect of the November 2008 and January 2009 PEG cuts for Fiscal 2010 is much more severe, both in its magnitude and because it comes on top of the Fiscal 2009 cuts. Executive Director Joan Thompson will shortly describe the effects which the existing cuts have had on our agency and the effects which we expect the proposed cuts to have.

As the committees will appreciate, the CCRB is only able to keep up with complaints received if it is adequately staffed: to achieve our mission we need to be adequately funded. In our view, the present level of funding is seriously short of what we need to enable us to fulfill our mission.

We have voiced our concerns to OMB about our level of funding in the preliminary budget and we are currently in discussions with them. We have told them that we are concerned about the long-term effects that the proposed 2010 budget cuts would have on our investigations. OMB is aware of the situation we face and we are working with them to try to find ways if possible in which our funding needs can be met.

In past years we have approached the City Council for help and you have been extremely responsive to our requests, for which we are very grateful. We anticipate that we may have to ask for your support again this year if our discussions with OMB do not result in an adequate level of funding.

I am grateful for the opportunity to alert you today to our budgetary concerns. CCRB executive director Joan Thompson will speak now in more detail about the operational matters I have mentioned. She and I will then be happy to answer your questions.

**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 2009-12 FINANCIAL PLAN (EXPENSE)**

MARCH 31, 2009

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

MARCH 31, 2009

Chairman Vallone, Committee Members:

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

Once again, we ask our Council members to advocate for 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.

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

Since our last appeal to the Public Safety Committee, Local 372 conducted a citywide survey of the assignment of School Crossing Guards in SY2008/09. (Attachment 1 - Part 2).

There has been an accounting change in student register since last year, which makes it more difficult to arrive at an accurate student to School Crossing Guard ratio for the 2008-2009 school year.

The SY 2008-2009 registers are available to the public, not by borough, and not in their entirety. We were able to acquire registers by school district, add districts together to derive borough totals and calculate ratios.

However, the students registered in Citywide Districts #75, #79 and # 84 are not included in the figures within each borough. Therefore, there are 52,418 pupils for whom we have no Student to School Crossing Guard ratio. This disparity will surely increase the numbers of students served by each school Crossing Guard in each of the 5 boroughs.

We ask that you keep the disparity in actual borough-wide registers in mind as you review our findings, noting that our figures are therefore more conservative than they would be with complete and transparent accounting of pupil registers.

The chart shown in Attachment 2 shows our recommended increases in School Crossing Guard assignments by borough to reach an interim Student to School Crossing Guard Ratio of 460 to 1.

As you can see on the chart, three of the five boroughs still fall far short of what would be considered a safer ratio of students to School Crossing Guards.

For your quick reference, we also included the Community Boards' requests from the Fiscal Year 2010 Budget Register (Attachment 3).

An additional 160 School Crossing Guards are needed to meet an interim ratio of 460 Students to 1 School Crossing Guard.

(See Attachment 2.)

In Manhattan, to achieve the Interim Ratio of Students to School Crossing Guard, we project the need for at least 25 additional School Crossing Guards. *(not accounting for the citywide district registers)*

In the Bronx, to achieve the Interim Ratio of Students to School Crossing Guard, we project the need for at least 103 additional School Crossing Guards. *(not accounting for the citywide district registers)*

In Queens, to achieve the Interim Ratio of Students to School Crossing Guard, we project the need for at least 32 additional School Crossing Guards. *(not accounting for the citywide district registers)*

In Brooklyn, the student to School Crossing Guard ratio is 344 to 1. *(not accounting for the citywide district registers)*

In Staten Island, the student to School Crossing Guard ratio is 375 to 1. *(not accounting for the citywide district registers)*

The City continues the unconscionable practice of saving money by not annualizing School Crossing Guards.

The Mayor continues to choose to save money by not annualizing School Crossing Guards - a 12-month necessity. As we reported to the Public Safety Committee each year, 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.

As in the past, we must wait to the bitter end of the school year to find out if there has been adequate assignment of School Crossing Guards to Summer School 2009 and summer feeding sites. Every year, most School Crossing Guards are laid off at the end of the school year and many summer positions, still do not provide fully funded health insurance.

In past 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 an ongoing expensive administrative nightmare for the union, the NYPD and the NYC Office of Labor Relations.

It is unconscionable, particularly in these tough economic times, 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 once again have provided for the committee 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. For our school children, additional hours of coverage by School Crossing Guards could be the difference between life and death.

**Additional School Crossing Guards will be needed
for Summer School 2009 and Summer Feeding Sites.**

It is critical that we maintain effective 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 2009 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 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.

We urge our Council Members to advocate for our Local 372 unsung heroes in this budget process, for the safety of the 1.1 million children in our City's schools.

School Crossing Guards Assigned In 2008/9 School Year

Borough	Student Population	No of Precincts	No of SCG	Ratio of SCG to Students
Manhattan	148,135	21	297	499 to 1
Bronx	203,011	12	338	600 to 1
Brooklyn	291,484	23	847	344 to 1
Queens	258,417	16	530	488 to 1
Staten Island	58,163	3	155	375 to 1
Totals	959,210	75	2167	
Citywide Districts (Breakdown by borough not available)				
D 75	20,921			
D 79	9,919			
D 84	21,578			
Citywide Total	1,011,628			

**School Crossing Guards Needed For Interim Ratio of 460 to 1
(School Year 2008/9)**

Borough	Student Population	No of SCG	Ratio SCG to Students	SCG Needed
Manhattan	148,135	297	499 to 1	25
Bronx	203,011	338	600 to 1	103
Brooklyn	291,484	847	344 to 1	0
Queens	258,417	530	488 to 1	32
Staten Island	58,163	155	375 to 1	0
Totals	959,210	2167		160 Additional SCG Needed
Citywide Districts (Breakdown by borough not available)				
D 75	20,921			
D 79	9,919			
D 84	21,578			
Citywide Total	1,011,628			

Fiscal Year 2010 Executive Budget Register

BRONX

Community District 04

Request: Provide Funding for Additional School Crossing Guards.

Explanation: Fund the total number of slots of School Crossing Guards available to community district 4. And with the advent of the new Education Campus Complex the safety of our children is of paramount concern to the residents of Community District 4.

Responsible Agency: Police Department

NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget Process.

Community District 06

Request: Hire additional police personnel including uniform officers, narcotics enforcement officers, school crossing guards and clerical/administrative personnel

Explanation: The hiring of additional police personnel is needed in order to maintain and improve upon recent decreases in criminal activities within our district. As our district's population continues to grow in number, additional police personnel, including uniformed and plain clothes officers and specialize units (i.e. narcotic enforcement) is needed to keep pace with our changing demographics. Additional clerical/administrative personnel is needed to relieve uniform officers of clerical/desk functions that can be perform more inexpensively by civilians and which take officers away from more direct law enforcement duties such as street patrol and crime prevention. Additional school crossing guards are needed to ensure our students' safe travel to and from school.

Responsible Agency: Police Department

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 12

Request: Provide additional school crossing guards to be assigned to schools. Explanation: Assign additional crossing guards to schools, specifically the three newly constructed schools in Community Board 12, The Bronx (Bronxwood Avenue, Boston Road and Reeds Mill Lane)

Responsible Agency: Police Department

NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

BROOKLYN

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

NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

Manhattan

Community District 01

Request: Provide two crossing guards for PS/IS 89 at West/Chambers Street 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

NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

Supported by: Manhattan Youth Recreation and Resources PS IS 89

QUEENS

Community District 03

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

Additional NYPD resources for this project are unavailable at this time due to funding constraints. However, the program will continue to operate within current funding levels.

Community District 04

Request: Hire Additional School Crossing Guards. Increase School Crossing Guard Quota

Explanation: In FY 2009 the 110Pct. had a quota of 25 crossing guards. 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 Q 307. 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

NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

Community District 05

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 6 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, which in many schools is insufficient.

Responsible Agency: Police Department

NYPD funding is currently available to maintain both the School Crossing Guards and School Safety Agents headcounts. There is no funding available to increase these staffing levels. The Department is unable at this time to increase the headcount of civilian personnel assigned as Traffic Control Agents. The availability of future funding depends on decisions made in the Preliminary and Executive budget process.

Community District 06

Request: Recruit & Retain Local Precinct Crossing Guards.

Explanation: Additional crossing guards are necessary to ensure safety.

Responsible Agency: Police Department

NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

Community District 07

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

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 08

Request: Provide funds to hire School Crossing Guards.

Explanation: School Crossing Guards need to be hired.

Responsible Agency: Police Department

NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

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 532.18 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 167.45 X 9 weeks = \$1,507.05

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

HIP Prime HMO \$175.75 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 SUMMER 2006 HEALTH PLAN COVERAGE

Total Employee Contributions Required for 5 Bi-Weekly Periods

INDIVIDUAL COVERAGE				FAMILY COVERAGE			
	Contributions for			Contributions for			
	Basic Health Insurance	Optional Rider Benefits	Grand Total	Basic Health Insurance	Optional Rider Benefits	Grand Total	
	(A)	(B)	(A) + (B)	(C)	(D)	(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	75.75	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



ROBERT M. MORGENTHAU
DISTRICT ATTORNEY

New York County District Attorney's Office

Testimony

before the

City Council Public Safety Committee

FY 2009-2010

March 31, 2009

**TESTIMONY OF
ROBERT M. MORGENTHAU**

BEFORE THE

**CITY COUNCIL
PUBLIC SAFETY COMMITTEE**

MARCH 31, 2009

Thank you for the opportunity to address the Mayor's Proposed Fiscal Year 2010 Preliminary Budget and its impact on the New York County District Attorney's Office. We are grateful for the commitment City Council has made to this office, providing us in this fiscal year with \$1,100,400 in funds that are vital to accomplishing our mission. This support is even more critical in light of a city budget cut totaling \$2.65 million that this office will face in Fiscal Year 2010, which is on top of a \$7.2 million in cuts that began in Fiscal Year 2003. Also looming is \$4.8 million in cuts that the city has proposed to defer while we initiate, without additional funding, cost saving programs.

Maintaining the low crime rate during the current economic downturn is crucial to achieving a strong recovery. As the New York Times recently reported "If a shrinking economy, soaring jobless claims and a troubled financial sector are not angst-producing enough, the threat of increased crime is leading many conversations toward a nagging and persistent question: Will the bad old days of record numbers of murders and ubiquitous street mugging be far behind?...People have this longtime misconception that crime came down in New York City because the economy has improved, and I have been telling people that it is just the reverse – the economy improved after crime went down. Hotel occupancy went up after crime went down, airport arrivals went up after crime went down. Employment went up after crime went down."¹

Thus far, Manhattan's overall decline in crime over the past two decades remains intact, but a 6 per cent upswing in shooting incidents in 2008 compared to 2007 is troubling. According to the New York Police Department CompStat report, from January 1, 2009 through March 15, 2009, burglary arrests are up 60.25 per cent in New York County when compared to the same period last year. Grand Larceny arrests are up 9.66 percent during the same period. This greatly increased volume of arrests means additional work that this office must handle.

However, despite our best efforts to work with the city in creating efficiencies to reduce expenses, increased arrests will result in increased arrest to arraignment times, longer pre-trial city jail delays, and police overtime, if not accompanied by a stable and reliable budget for this office. While we applaud the city's recognition that this office

¹ Baker, Al, "As Hard Times Loom, Will New York's Streets Get Meaner?" *New York Times*, 3/01/09, p. B1

can play an important role in contributing to a more efficient system, we could play an even more valuable role if we had not sustained cuts to our base budget.

Despite past cuts, this office continues to initiate many important cases concerning white collar crime which if left unchecked, can lead to terrorist acts. In Fiscal Year 2009 alone, we returned \$180 million to the city— more than twice our budget, as well as handled the high volume of street crime cases that appear in our Complaint Room each day. In addition, we are struggling to keep up with our important initiatives in prosecuting gun crimes, child abuse, and identity theft, while undertaking new programs delivering important community services.

In light of the crucial role that crime reduction plays in maintaining the economic health of the city, it is simply wrong and imprudent for the city to jeopardize these hard-won gains against crime by imposing new and burdensome cuts on the city's prosecutors.

Because Manhattan's pre-eminent role in the city's economy, maintaining these hard fought gains is vitally important to New York City as a whole. Manhattan accounted for 66.3 percent of New York City's personal income tax and 81.8 percent of the wages disbursed in New York City in 2008. Manhattan contributes 79.4 percent of New York City's corporate tax collections and 86.2 percent of the city's financial corporate taxes. Overall, Manhattan alone was responsible for 66.6 percent of all taxes collected by New York City last year.

There are several areas that we regard as crucial if we are to maintain a lower crime rate and an improved environment for business and residents to flourish. They include:

Gun Crimes:

This office is dedicated to the investigation and prosecution of gun crime. These cases are handled by senior assistant district attorneys in the Trial Division, as well as by the senior legal and investigative staff in the specialized Firearms Trafficking Unit and Homicide Investigation Unit. In recognition of the intricate linkage between gun and drug crimes, members of these Units pursue complex, labor-intensive investigations. Collaboration with local, regional, and national agencies is also essential to uncovering some of the largest, most pervasive gun trafficking schemes with roots or peripheral activities in Manhattan.

These investigations are expensive, as they require a staff composed of legal, investigative, and analytical experts to thoroughly investigate a criminal case. The investigative work can be directly credited for a stunning decline in the number of homicides and for a reduction of violence in Manhattan. In 2008, Manhattan was second only to Staten Island in the lowest number of homicides, and had the lowest number for the County since 1937, when statistics were first kept. In one recent example of the benefits of these investigations, the Firearms Trafficking Unit developed a confidential informant who revealed details about planned armed robbery of a commercial

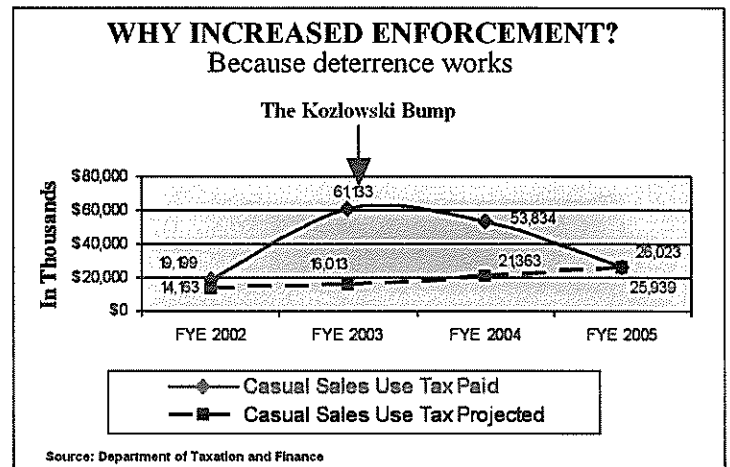
establishment. Before the criminals were able to execute the planned robbery, the NYPD arrested them and recovered numerous firearms, thus permanently removing these weapons from circulation in New York's neighborhoods. This office's work in the area of gun crimes directly ensures the prevention of violent activities and is thus fundamental to public safety in New York City.

White Collar, Financial and Money Laundering Crimes:

This office continues to play a major role in ensuring the integrity of the financial sector. This is even more important now as the economy has faltered and investor and consumer confidence becomes even more crucial. For example, in January 2009 this office settled a matter involving international bank fraud (Lloyds TSB Bank), which resulted in \$66 million in revenue to the city. This remains a bold example of how sophisticated financial investigation can yield substantial revenue to the city. We urge the city to continue to offer financial support to these types of investigations.

Other examples in the recent past include:

- February 10, 2009 – The New York State Department of Finance calculates that an additional \$75 million of tax revenue (referred to by Finance as the “Kozlowski bump”) was generated as a result of the work of this office. The Kozlowski bump also affects funds that are returned to the city.
- December 22, 2008 – The investigation into the Deutsche Bank fire resulted in the indictments of three individuals and one company for manslaughter, criminally negligent homicide and reckless endangerment in the deaths of the firefighters. The City and Bovis Lend Lease LMB, Inc agreed to institute major remedial safety measures.
- December 17, 2008 - Former sales manager pleaded guilty to stealing over \$2 million from a retail foreign exchange and business payment specialist in the Financial District.
- November 20, 2008 – New York attorney pleaded guilty for falsifying his personal tax return. He has paid a total of \$4.75 million in taxes, penalties and interest to settle the charges.
- November 19, 2008 – Defendant was sentenced to 3 ½ - 10 ½ years in state prison for stealing \$1.5 million and attempting to steal another \$10.7 million from wealthy Americans through the identity theft ring that the defendant ran.



- November 18, 2008 – A former Bank of Montreal (BMO) natural gas trader pleaded guilty to intentionally mismarking his trading book, resulting in one of the largest fraud-related trading losses of over \$800 million from a trading desk in Manhattan. This was part of a joint investigation with the United States Attorney's Office for the Southern District of New York and the FBI. The defendant agreed to forfeit up to \$4,410,000 as proceeds of his illegal conduct.

Money Laundering: Large-scale criminal enterprises cannot make use of the proceeds from their illicit activity without obscuring the origin of their funds. Often these organizations are engaged in illegal conduct including, widespread sale of firearms or drugs, and prostitution or gambling. Money laundering is the vehicle by which illicitly-obtained funds are made legitimate by processing them through depository institutions.

The 2005 U.S. Money Laundering Threat Assessment—the first and most recent government-wide analysis of money laundering in the United States—indicates that New York State receives the second-highest number of suspicious activity reports (SARs) from depository institutions in the country; over 48 percent these filings cite suspected money laundering activity.² New York State also receives the most SARs from U.S. money service businesses—17 percent of all SAR filings from these entities.³ As Manhattan is home to the vast majority of banks and money service businesses in the state, the New York County District Attorney's Office plays a vital role in investigating and prosecuting money laundering crimes.

The Office's Money Laundering Unit investigates and prosecutes sophisticated financial crimes in which multi-million dollar transactions are laundered on a domestic and international scope. The Unit restores revenues and ill-gotten gains through restitution, criminal fines and forfeiture proceedings. Investigations conducted by the Unit are often proactive and employ both traditional and innovative techniques.

*

*

*

The office's demonstrated ability to handle complex white collar criminal cases, as well as the benefits realized by the city's economy and the business community, call for a financial commitment to this office's white collar prosecutions, so that we can continue to conduct expansive, labor intensive investigations that can be a cornerstone of the city's economic recovery, as well as return needed revenues to our cash-strapped budget.

² U.S. Money Laundering Working Group. (Dec. 2005). U.S. Money Laundering Threat Assessment: Page 6. Accessed at: <http://www.ustreas.gov/offices/enforcement/pdf/mlta.pdf>

³ U.S. Money Laundering Working Group. (Dec. 2005). U.S. Money Laundering Threat Assessment: Page 9. Accessed at: <http://www.ustreas.gov/offices/enforcement/pdf/mlta.pdf>

IMPORTANT NEW PROGRAMS AT RISK

New Initiatives

More than ever, this office's commitment to public safety extends beyond the courtroom. Through the establishment of numerous specialized units, this office has recognized the importance of coordination across the criminal justice system, as well as with agencies, service providers, and residents from throughout the community. Our Community Affairs Unit responds directly to residents regarding specific crime concerns; our Witness Aid Services Unit directly counsels crime victims and also connects them to resources; our Drug Treatment Alternative to Prison (DTAP) program screens and diverts repeat offenders who are abusing drugs into community treatment programs.

In this spirit, DANY has recently developed a new set of initiatives to address major crime problems and service gaps, including re-entry services, immigrant affairs, and organized gang crime. These new initiatives, established with existing limited resources, will be at risk of termination if our budget cuts are not restored.

Immigrant Affairs

DANY has also increased its involvement in the very sensitive and timely issue of immigrant affairs. The Manhattan District Attorney's Immigrant Affairs Advisory Council led in 2007, to the creation of a dedicated Immigrant Affairs Program. An Attorney-in-Charge coordinates with elected officials, government agencies, and community-based non-profit organizations that work with different immigrant groups in New York. The goal of this collaboration is to determine how best this office can address criminal justice related issues that confront the immigrant community in New York. Attorneys assigned to the program engage in outreach to aid victims and witnesses who fear cooperation with law enforcement because of their immigration status. These attorneys also prosecute cases related to a diverse set of frauds perpetrated against immigrants, as well as to fraudulent construction industry safety and employment practices. The program's major legal achievements includes a conviction for a multi-million dollar pyramid scheme that preyed on Dominican communities in Manhattan, several corrupt minority labor coalitions, and numerous prevailing wage cases.

Re-Entry Services

Each year, over 25,000 individuals are released from New York State prisons. Over 75 percent return to New York City, and more people return to Manhattan than to any other borough. Regrettably, this office sees many of these released prisoners back in the court system facing new criminal charges.

In February 2008, this office launched its *Fair Chance Initiative*, an effort to address re-entry issues for Manhattan offenders. This Initiative's major finding was a need for better coordination between the law enforcement and service providers. Consequently, we hired an in-house Re-Entry Coordinator. The Coordinator works with ADAs in our office to identify offenders who may be well-suited for rehabilitative services in lieu of prison, and then coordinates services with providers in Manhattan. The Coordinator ensures that the appropriate plea is offered and that the offender completes the program to which he is sentenced.

This office also believes that if prisoners are engaged immediately after release and connected with appropriate social services, we can prevent the re-incarceration of non-violent offenders. Thus, the office is also pursuing formal partnership opportunities with providers such as the Doe Fund, whose well established re-entry service program offers an important model of early intervention.

Organized Gang Crime

A great portion of violent crime in Manhattan is the result of gang activity and gun and drug trafficking that can pervade and overwhelm the borough's residential neighborhoods. Our ongoing gun, drug, and gang investigations produce information about the gang members, traffickers, and other actors responsible for this violence. In early 2007, for example, a group of ADAs successfully prosecuted several major crime rings by analyzing previously gathered intelligence, and identifying links among various incidents prosecuted across the office. This experience revealed the usefulness of centralizing investigative information collected throughout the office's Investigative and Trial Bureaus. As a result, a group of ADAs have created an enhanced information-sharing database, "DANY Resource." This is an electronic repository of information related to defendants involved in gang and drug-related violence, as well as other related violent crime. The database tracks offender details not typically conveyed in individuals' criminal records, such as gang associations and memberships, hierarchies in drug organizations, and the identities of individuals committing violent crimes for their own benefit, or at the request of others. This database enables ADAs to focus their investigations on those defendants who are most responsible for violent crime within Manhattan's neighborhoods. Just a year old, over 43 individuals within the office now use this database regularly, including ADAs, paralegals, and analysts who continuously update the database to reflect the ever-evolving nature of violent criminal activity.

FUNDING FOR NEW NEEDS

In addition to our fight against violent crime, crimes against property, and white collar crime, this office commits important resources to programs that are also vitally important to the residents of Manhattan.

I. Child Abuse/Child Advocacy Center

\$195,000

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.

Enhancing these efforts is the newly established Child Advocacy Center (CAC), the first in Manhattan. This office was integral in the collaborative establishment of the CAC, which opened last year under the management of Safe Horizon. ADAs from our Child Abuse Bureau and counselors from our Victim Services Unit continue to be involved in cases originating from the CAC. The Center is instrumental in building cases, because it provides child-friendly interview rooms to make information-gathering more comfortable. Its on-site forensic specialists help expedite case development by performing on-the-spot assessments of evidence.

This office is staffing the facility using existing agency resources, without any targeted funding. We are currently only able to assign one victim specialist for one day each week, and ADAs from our Child Abuse Bureau are available only on a case-by-case basis. Diversion of staff from our main office on a full-time basis would diminish our capacity to prosecute and investigate our existing caseload. We are thus unable to capitalize on this wonderful new facility. Additional resources would allow us to assign a full-time ADA and victim specialist to work on the CAC premises, thus providing immediate services and legal information to victims, as well as working with DANY's array of legal, investigative, and victim-oriented resources at its headquarters.

II. Identity Theft

\$635,000

This office is requesting \$635,000 to restore funding that was previously provided by the Edward R. Byrne JAG Enhanced Prosecution funding to our Identity Theft Unit. Replacement monies will allow this office to maintain the progress that has been made in investigating and prosecuting identity theft over the last several years.

In 2007, complaints from New Yorkers to the Identity Theft Data Clearinghouse rose by 17 percent over the previous year, from 16,452 to 19,319⁴. A 2007 study found that New York State has the highest rate of identity fraud among states, with New York City leading among metropolitan areas⁵. Not surprisingly, the Identity Theft Unit's caseload has increased significantly over the years. In 2008, it has handled an average of 273 cases per month (up from 200 per month in 2007), of which about 70 percent are felonies. In total, the Unit has information on and is currently tracking 11,109 cases in its specially-designed case tracking database. Additionally, the Unit forensically analyzes approximately 65 computers each year, and devotes considerable resources to the education of the public about the nature and prevention of identity theft.

The unit collaborates with a wide array of local, regional, and national organizations, including the Cyber Fraud Working Group, the Mayor's Identity Theft/White Collar Crimes Task Force, the New York City Police Department Grand Larceny Initiative, the United States Secret Service's Electronics Crimes Task Force (USSS), and the International Association of Financial Crimes Investigators (IAFCI),

By assigning specially trained ADAs and investigators to the Unit, the identity theft staff develops expertise in the latest crime patterns. The development of this specialized knowledge is especially important with identity theft crimes, which are ever changing and require a sophisticated understanding of computer forensics, monetary transactions, and technology. This effort is costly because it requires the services of senior ADAs, investigative and paralegal staff, as well as sophisticated forensic analysts.

Past grant funding through the Byrne JAG program, which has now expired, enabled the Unit to hire a forensic examiner and to equip him with the hardware and software necessary to create a small computer forensic lab. The lab has greatly enhanced this office's investigative capabilities since this in-house forensic capacity is essential to the development of a solid criminal case against identity thieves.

One of the goals of the Identity Theft Unit is to educate the public on steps that can be taken to prevent becoming the victim of identity theft, and to assess and limit the damage if one is a victim. To that end, the Unit has its own Identity Theft Hotline, which victims can use to contact the unit 24 hours a day in either English or Spanish. Through its presentations to various school and community groups, and the distribution of a "Protecting Yourself from Identity Theft" brochure, the Identity Theft Unit also provides important information on these crimes to the community.

*

*

*

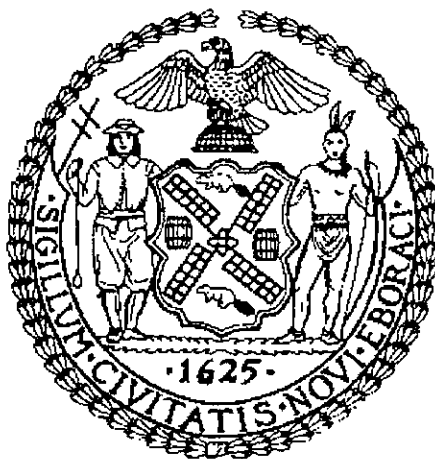
⁴ Fed. Trade Comm'n, Identity Theft Victim Complaint Data: New York 5 (2007); Fed. Trade Comm'n, Consumer Fraud and Identity Theft Complaint Data: January-December 2007 19 (2008).

⁵ ID Analytics, Inc., US Identity Fraud Rates by Geography 2 (2007).

In sum, we seek your help in eliminating the 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 continue providing this office with funding from the City Council that help this office continue our important work, fighting street crime and economic crime, as well as support our new programs vital to the communities we serve.

Office of the District Attorney Bronx County

Fiscal Year 2010 Preliminary Budget



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

March 31, 2009

Robert T. Johnson, District Attorney

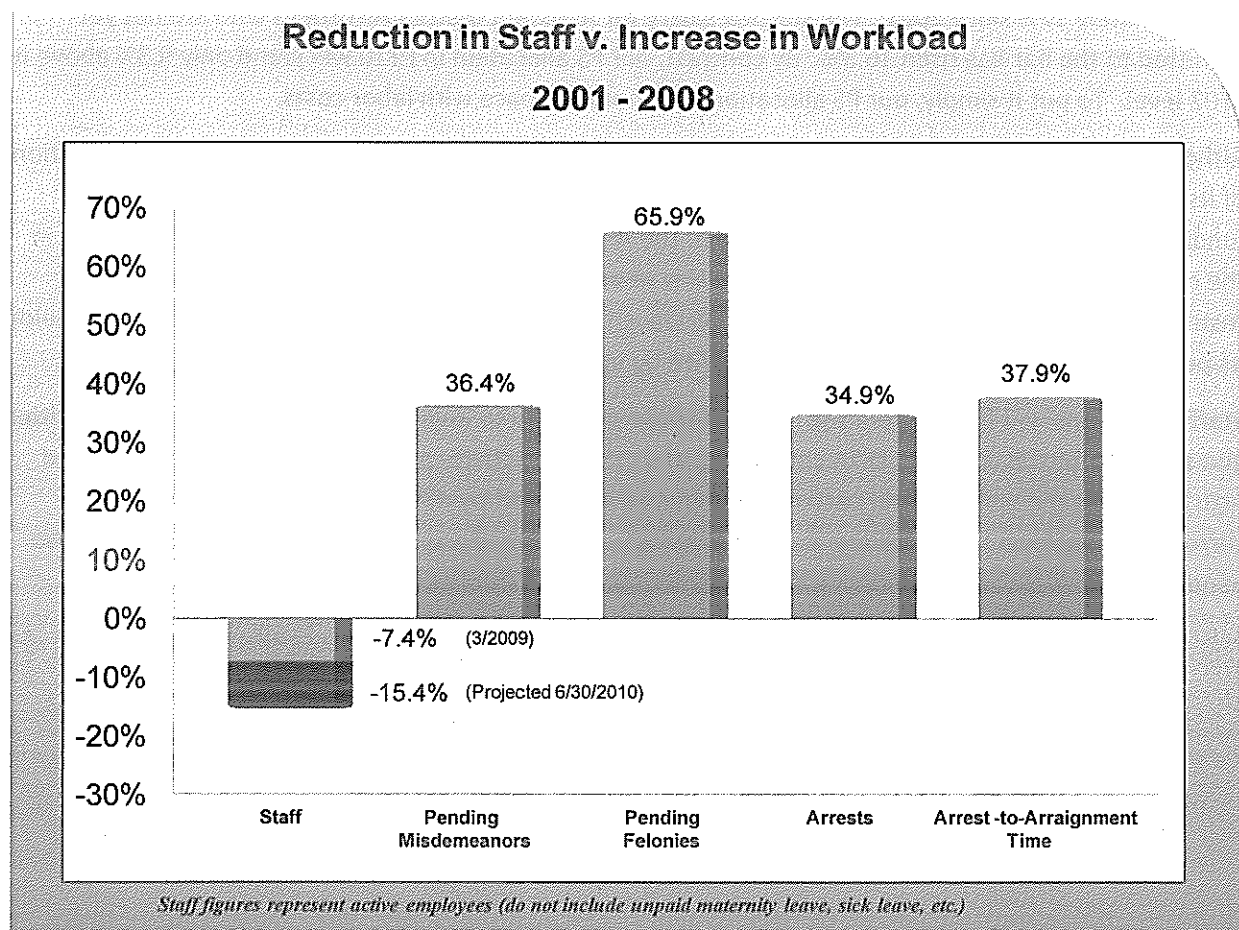
Table of Contents

IMPACT OF FY10 JANUARY PLAN	1
FY10 Personal Services Funding	2
Reductions in OTPS	3
FY10 Fiscal Outlook	5
ADDITIONAL NEEDS	7
Case Processing	7
Financial Fraud	8
Gang Prosecution	8
Rikers Island	9
FISCAL YEAR 2010 BUDGET REQUEST	10
CRIME OVERVIEW	11
CONTINUING INITIATIVES	13
Court Merger	13
Bronx Mental Health Court	13
Drug Treatment Alternative to Prison	14
Bronx Community Solutions	15
Operation Weed & Seed	15
Domestic Violence	16
Urban High Crime Neighborhood Initiative	17
Auto Crime Initiatives	18
Elder Abuse	19
Project Safe Neighborhoods	20
Child Abuse Response Unit	21
Joint Training Program with the NYPD	21

IMPACT OF FY10 JANUARY PLAN

In his January 2009 State of the City address, Mayor Bloomberg described public safety as “the bedrock” of prosperity in New York City. He cautioned that we must protect the “quality of life in every neighborhood” by extending the crime reductions of recent years, “so recession does not lead to disinvestment and abandonment.” While we recognize that the City’s FY10 Preliminary Budget defers further cuts for the Bronx District Attorney’s Office, the proposed level of funding is insufficient to meet the Mayor’s priorities.

This office remains under severe fiscal strain. In the face of record high arrests, this office now operates with 64 fewer staff than it did at peak staffing in 2001, and attrition may extend this loss to as many as 135 positions by June 30, 2010. Although the office has attempted to hire only the most critical positions, we may soon reach a point when even these posts cannot be filled.



FY10 Personal Services Funding

While we will continue to meet the challenge to do more with less, staff reductions will affect all facets of the office. Pending cases have increased dramatically since 2001, with felonies up 65.9% and misdemeanors up 36.4%. There is no sign that this caseload will diminish. Arrests in 2008 matched the record of almost 100,000 in 2007, a 35% increase since calendar year 2001. Arrests this year appear on track to match the last two years.

The FY10 January Plan proposes a budget which the New York Law Journal (2/4/09) has reported as an increase of 0.9%. However, when the effects of collective bargaining, City Council funding and other non base-lined items are removed, the FY10 budget is flat compared with FY09.

The current PS budget is inadequate to maintain current staff levels due to rising wages. For example, mandated DC37 salaries, which account for the largest portion of our support payroll, have risen by approximately 17% since 2001. The starting salary for Assistant District Attorneys who are not yet admitted to the bar has risen 16.3%. By contrast, our PS allocation in FY10 will stand only 9.3% above its FY02 level. To put it simply, our PS allocations has not kept pace with labor costs.

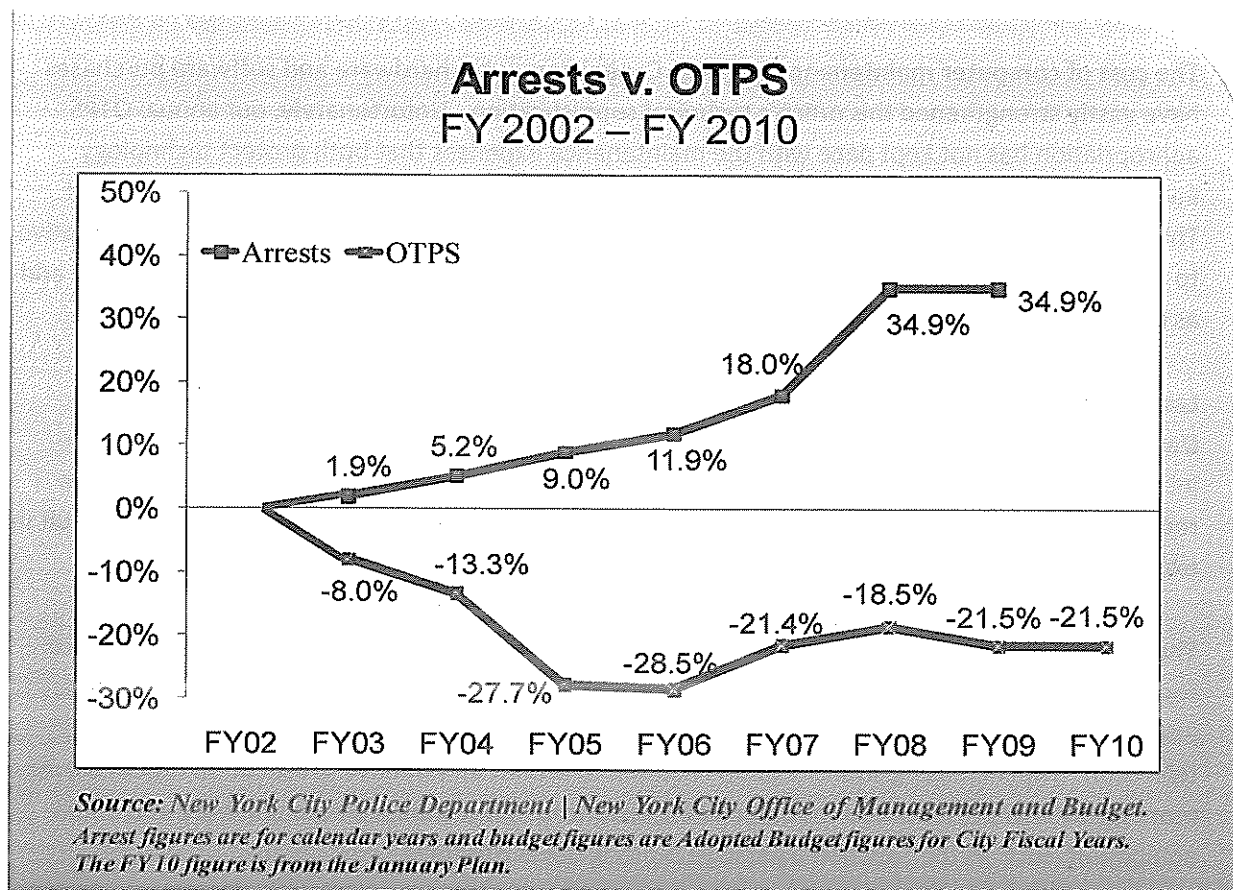
Although layoffs will not be necessary at this time, this office will be forced to attrit a significant portion of its staff by the end of FY10 to keep expenditures within the proposed budget. Under the current funding proposal, we plan to replace only 10 of the Assistant District Attorneys who leave the office in the coming year, typically about 56, for a net loss of approximately 46 ADAs. Paired with severely restricted support staff hiring, these losses will leave the office approximately 135 active positions below its peak staffing in FY01 and will shrink the office by up to 71 positions (8.9%) in only one fiscal year.

Staff reductions will further thin the ranks of those available to investigate child abuse, gang activities, gun sales, domestic violence, DNA cold cases, and criminal activity at Rikers Island. With continued high levels of gang violence and narcotics activity, as illustrated by 479 shooting victims in 2008, the current funding level threatens the long-term gains we have made against crime in the Bronx and also handicaps our response to emerging crime trends. (See additional needs, p.7.)

Reductions in Other Than Personal Services (OTPS) Funding

By maintaining this office's Other Than Personal Services (OTPS) appropriation at the same level as FY09, OMB has halted a long term decline in this appropriation. Unfortunately, funding remains inadequate.

This office's OTPS appropriation was severely under-funded even prior to the budget cuts after 9/11. In 16 of the last 20 fiscal years, we have been forced to transfer funds totaling approximately \$5 million from our PS to our OTPS appropriation. In FY02 the City provided \$2,555,200 for OTPS. For FY10, the City proposes \$2,006,903, a reduction of 21.5% before considering the impact of inflation.



A substantial portion of the OTPS expense budget is non-discretionary. We devote most City funds to basic operating expenses such as equipment, vehicle and software maintenance, office machine rentals, postage, legal reference materials, telephones, vehicle fuel and office supplies. We also draw on this appropriation for 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 eight 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 rate; per diem interpreters 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.

- **New technology presents a large and growing area of office expense.** Technological change creates constant pressure to update costly surveillance, Information Technology (IT) and communications equipment. We have frequently brought several individual items to the City's attention, such as the unfunded costs associated with the CALEA wire tap system operated by the NYPD, including a non-discretionary annual maintenance expense of \$133,000. The City has not yet responded with additional funding.
- **The cost of computer maintenance is rising.** Capital computer hardware and software purchases have vastly strengthened this office's technical sophistication. Unfortunately, our annual OTPS appropriation has not kept pace with the maintenance expenses that both protect technology investments, and also spread IT costs over several years through updates and technical support. This office projects a 17% escalation in maintenance costs between FY07 and FY10. The alternative to adequate maintenance funding is large, periodic capital requests for new software that may add as much as 20% to overall costs.
- **Long term investigations and covert operations conducted by the Investigations Division and Detective Investigators also require increasingly more advanced technological tools.** With the increased sophistication of criminals, from car thieves to white collar embezzlers, investigations require ever greater investments of time and money. One complex phone surveillance can result in exorbitant costs for information and technical assistance.
- **The cost of trial presentation continues to rise with juror expectations.** The drive for ever more sophisticated evidence is also influenced by the frequently mentioned "CSI effect" - the tendency for jurors to expect real life trials to resemble the fancifully technical investigations they see on television. The increasing sophistication required to mount an effective prosecution requires ever more costly trial presentation tools, including advanced video enhancement software and audio equipment, such as the *Sanction II* package, among other products.

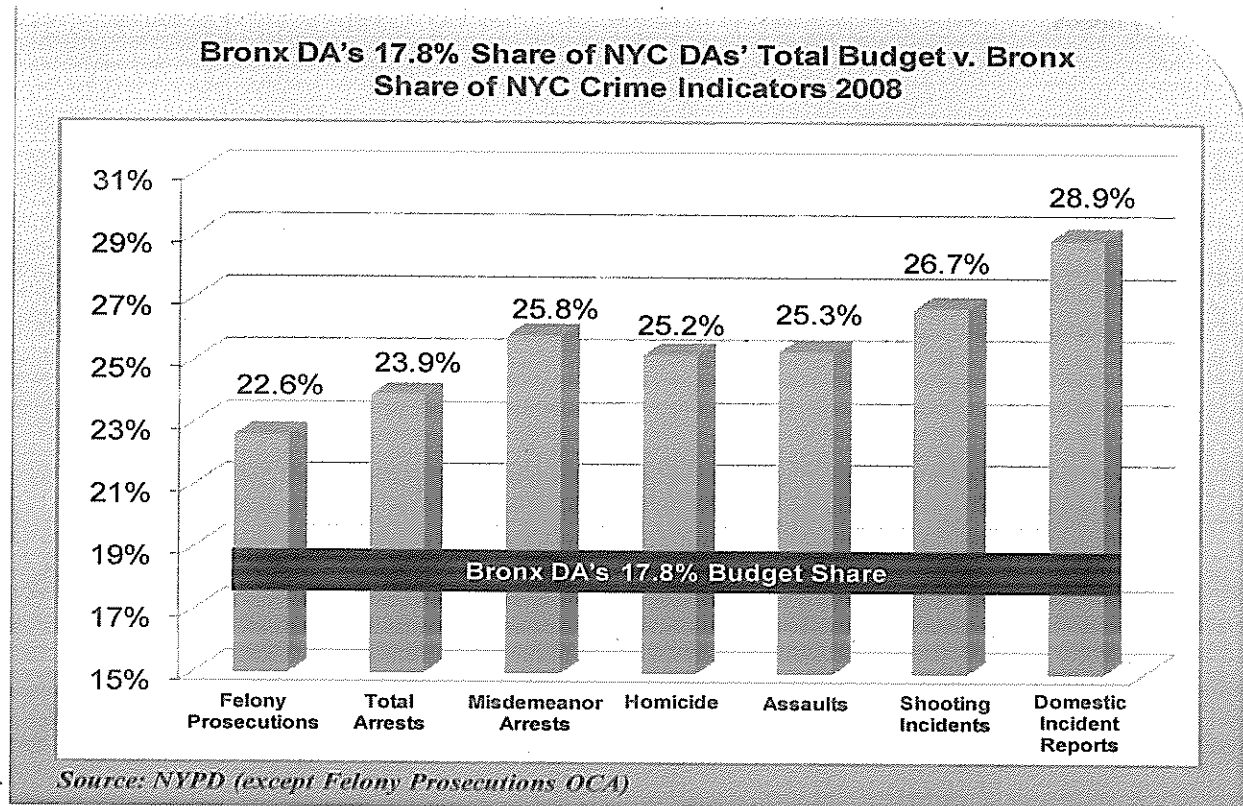
Increased demands for expert testimony further drain OTPS funds. Many felony cases require the testimony of expert witnesses ranging from psychiatrists to handwriting specialists to DNA analysts. This Office must fund professional fees, as well as related travel and lodging expenses. We expect these unavoidable costs to continue to grow, both in terms of the number of experts retained, and the hourly fees charged.

- **This office continues to struggle with inadequate funding for witness protection and crime victims assistance.** Witnesses/crime victims must frequently be protected – sometimes immediately – through relocation. Long ago, reductions in federal HUD and City housing funds eliminated no-cost safe houses. While this Office has used OTPS funds to save lives by assisting with witness lodging and transportation costs, limited funds do not allow us to provide the maximum level of protection.

FY 10 Fiscal Outlook

The Preliminary Budget extends a history of under-funding for this office. Although the level of FY10 City funding is essentially unchanged from the Adopted FY09 Budget, it will stand at 0.5% below the Adopted FY08 level. After several years of static funding and substantial collective bargaining increases, our staff level continues to drop.

This under-funding jeopardizes the safety of Bronx residents, who experience the highest per capita rate of major crimes in the five boroughs with the exception of burglary (where the Bronx ranks second). Despite suffering 22.6% to 28.9% of citywide major crimes, this office will receive only 17.8% of citywide District Attorney funding in FY10, a reduction from FY09's already insufficient 18.3%.



Funding for this office in the January Plan contrasts sharply with that for the NYPD. The Plan anticipates that NYPD will lose only 4.8% of its total headcount (49,768 to 47,365) in FY10, compared to the 8% attrition this office will be forced to undergo. While it is important to support the NYPD's efforts to keep NYC the "safest big city in America," the story does not end with an arrest. District Attorneys must have adequate resources to evaluate, investigate and, where appropriate, prosecute each case. At the current funding levels we are losing ground against record arrests.

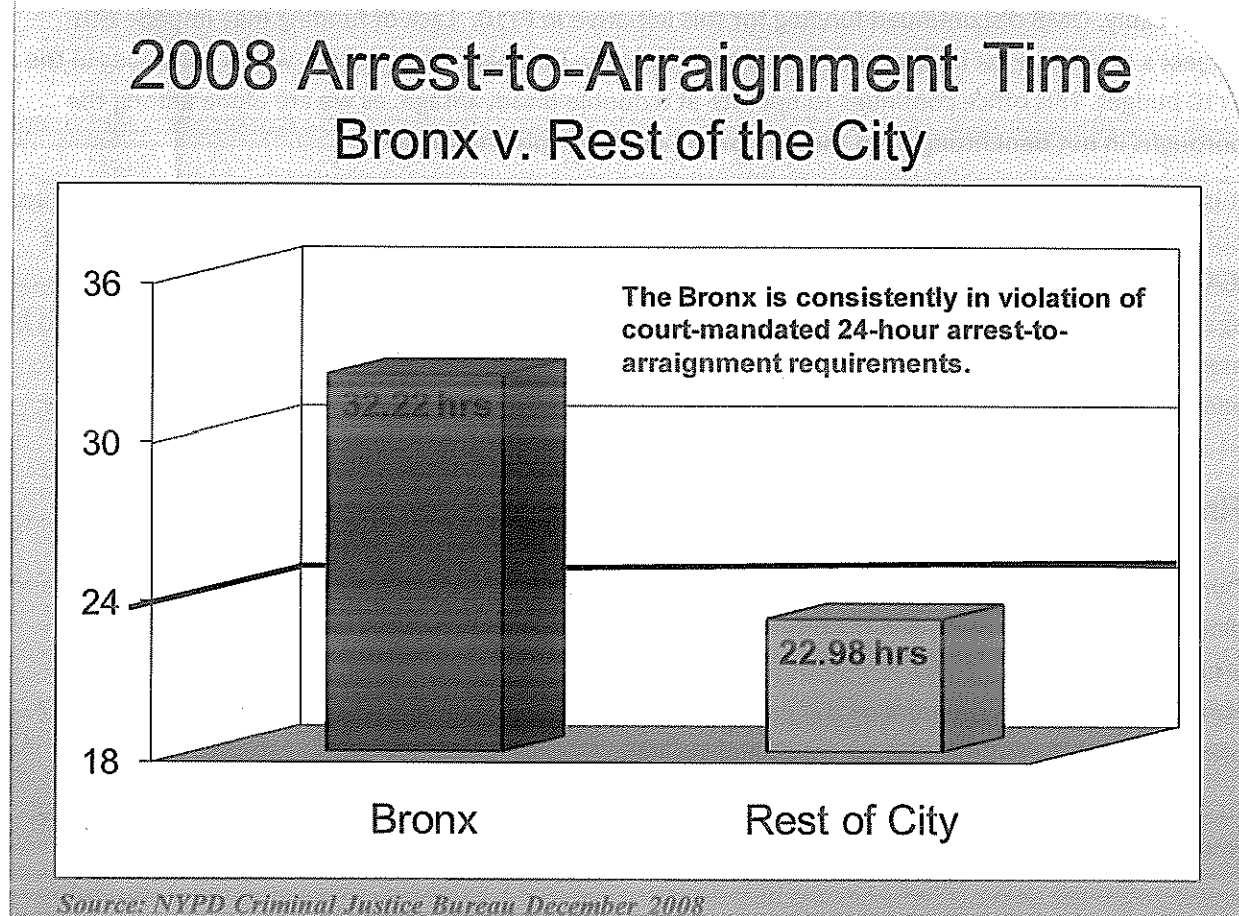
The office continues to cooperate with the Mayor on an array of important, although routinely unfunded or under-funded initiatives. We have also shouldered responsibilities that lighten the load of other Mayoral agencies, such as assigning detective investigators to locate and protect witnesses and to investigate child abuse hotline calls.

At this time we are not aware of substantial new grant funding. Several years of reductions in federal and state law enforcement aid programs, most notably the Byrne JAG (federal) and Aid to Prosecution (state) grants have left this office with fewer resources to accomplish its mission. Last year Aid to Prosecution stood 15.6% below its 2002 level and sustained an additional 2% cut this year. While this office is hopeful that the recent national economic stimulus bill will channel additional federal funding to District Attorneys' offices, we have no information at this time about specific grants or their timing.

This office asks for the City Council's support in our effort to obtain additional budget support from OMB for on-going and joint initiatives with CJC. We also request that the City Council renew its annual grant of \$640,900. This essential funding will not allow us to pursue new initiatives, but it will stem some of the staff losses that we anticipate in the coming fiscal year. The following sections detail additional budgetary needs.

ADDITIONAL NEEDS

Case Processing



Unlike agencies that have some ability to shape their caseloads and the level of public services they provide, this office must respond to each case brought before it. The office must independently evaluate each arrest to determine if 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, obtain and review relevant 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 with an appropriate bail recommendation to the arraignment court. The court mandates that this must be accomplished within 24 hours of the defendant's arrest. However, during 2008 average arrest-to-arraignment time in the Bronx was 32.22 hours, compared with 22.98 in the rest of the City. This is the result of underfunding of this office's Intake staff coupled with a lack of appropriately staffed cell space. Within the last few weeks, this office narrowly avoided writs of habeas corpus for cases exceeding the 24-hour arrest-to-arraignment court mandate.

Over the past few months this office has partnered with OMB and CJC to develop a new case intake system to reduce case processing time. The office has already adapted the software currently used in the Queens County ICAPS system, with training and roll out planned in Bronx County in 2009 - 2010. The purpose of ICAPS is to reduce arrest to arraignment time, thereby reducing police overtime costs.

Inexplicably, OMB discontinued funding for this initiative in FY10. Lack of funding may impede this project's success. Past budget cuts forced a reduction in Complaint Room staff, which continues in the FY10 budget. This office continues to operate at a double disadvantage, as we are alone among the boroughs in not benefitting from the support of a police typist contingent.

It is important to note that while the ICAPS system is intended to shorten the intake process and reduce police overtime, it will not address continuing staff pressures for District Attorney intake units. In fact ICAPS will require additional 24-hour intake staff to fully realize its cost-saving potential. This office again requests that OMB and CJC invest in the success of this project by arranging for police typists to be assigned to Bronx County or by providing additional funding. We still require baseline funding for 16 additional Assistant District Attorneys and 12 support staff to process arrests, at an estimated cost of \$1.223 million.

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.

As recent press reports illustrate, commercial tax evasion prosecutions can result in substantial savings to the city. OMB provided \$100,000 in FY09 to fund a forensic accountant to assist in the growing number of these cases. Prior to a new hire this year, the office employed only two forensic accountants, a staffing level insufficient to meet the rapidly increasing number and complexity of our revenue crime prosecutions. During the first half of the current fiscal year alone (through 12/31/08), the office has obtained tax-related judgments totaling \$208,965. The Mayor's Criminal Justice Coordinator has asked us to make these investigations a priority because they recover revenue for the City, in addition to punishing criminal behavior and deterring others.

Regrettably, the Preliminary FY10 budget discontinued funding for the forensic accountant. Although this office will work to retain staff in this area using its current resources, financial fraud cases also require investigative and support staff, not only forensic accounting professionals. Accordingly, we restate our need for three Detective Investigators, a support staff member, and the renewal of funding for the forensic accountant (\$260,300).

Gang Prosecution

According to the NYPD, in 2008 there were 1,236 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. In 2007, in response to a series of violent assaults and shootings in the Castle Hill/Soundview area, the Bronx District Attorney's Office launched an investigation into a violent narcotics organization operating from the Castle Hill Housing Development. The District Attorney's Office was assisted in the investigation by the NYPD, US Drug Enforcement Administration, and the US Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

The assaults and shootings resulted from drug turf battles between rival gangs, primarily the Bloods and the Crips. The investigation was initiated after intelligence gathered by members of the Bronx District Attorney's Detective Squad indicated that a series of shootings appeared to involve a criminal organization known locally as the "King of Castle" (KOC) Organization. This criminal organization was a "Blood" organization, which included members of other Blood sets, including the "Sex, Money, Murder" (SMM) gang. The SMM gang was based primarily in the Castle Hill Housing Development and the Soundview Housing Development. In September 2008, nineteen reputed members of the KOC gang were arrested and indicted on charges including conspiracy to sell narcotics, murder, robbery, and other offenses.

Such complex investigations require funding for three Assistant District Attorneys. These investigations require sophisticated surveillance equipment to track gang activity. We also need additional funding for witness protection and relocation expenses (\$462,500).

Rikers Island

While all of the NYC District Attorneys conduct complex and time-consuming investigations, Rikers Island poses a unique drain on our resources, as it serves as the City's main correctional facility. OMB has never recognized with specific funding this office's responsibility over Rikers Island.

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 2008, the Office of the Bronx District Attorney handled more than 1,000 cases involving crimes committed at Rikers Island by inmates, visitors and even staff members.

Many Rikers investigations require substantial resources. Prosecutions involving use of force, sexual assault and staff misconduct, often face particularly difficult practical impediments to interviewing witnesses, examining crime scenes and assessing credibility.

On October 18, 2008, inmate Christopher Robinson was found dead in his cell at Rikers Island, the victim of an obviously violent assault. The Corrections Liaison and a Senior Assistant District Attorney worked on this investigation for four months, interviewing scores of witnesses, reviewing hundreds of documents and coordinating efforts with NYPD homicide detectives, D.O.I. investigators and D.O.C. investigative staff. After two months of presenting evidence to a Special Grand Jury, the District Attorney's Office unsealed a 58-count indictment charging both staff and inmates with a serious and far-reaching pattern of criminal conduct. Two officers and five inmates were charged with Enterprise

Corruption, the New York State racketeering statute, whereby they were alleged to have collectively run a violent extortion scheme against Rikers inmates.

We have documented for OMB the considerable baseline costs associated with Rikers Island prosecutions. In addition to assistant district attorneys located in various bureaus who are assigned to prosecute Rikers cases, this Office dedicates a full-time ADA 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 still require additional funding for five Trial Bureau assistants (\$310,200) to partially offset the staffing costs associated with these resource-intensive prosecutions.

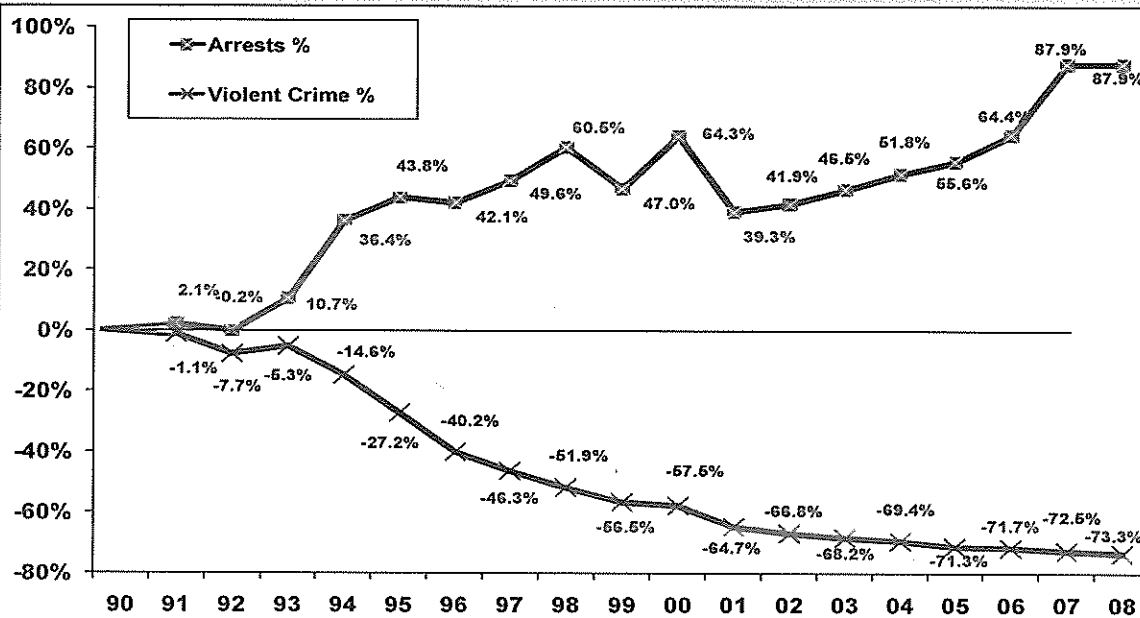
FISCAL YEAR 2010 BUDGET REQUEST

• Continuation of City Council Grant	\$640,900
• Gang Prosecution	\$462,500
• Rikers Island	\$310,200
• Joint Initiatives with the Criminal Justice Coordinator	
○ Assign 10 Police Typists to Bronx District Attorney Intake Unit or funding for additional staff	\$280,500
○ Case Processing	\$1,223,000
○ Financial Fraud	\$260,300

CRIME OVERVIEW

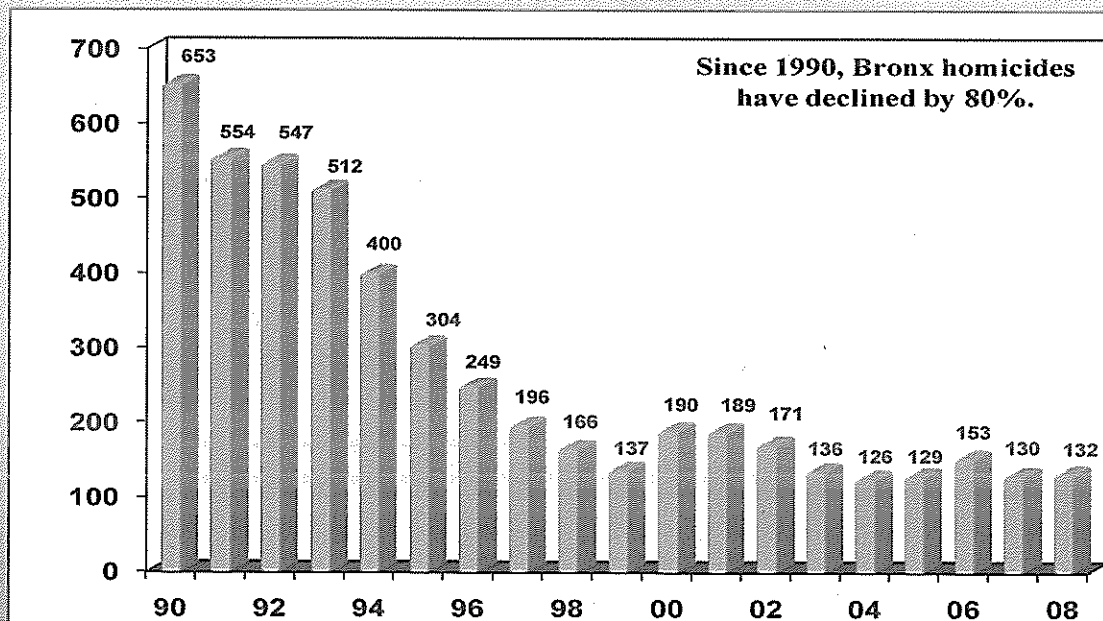
Working with the NYPD to combat violent crime, this Office prosecuted a near record number of arrests in 2008, contributing to long-term progress against crime in Bronx County.

Bronx Reduction in Violent Crime v. Increase in Arrests
Percentage Change from 1990-2008



Source: New York City Police Department

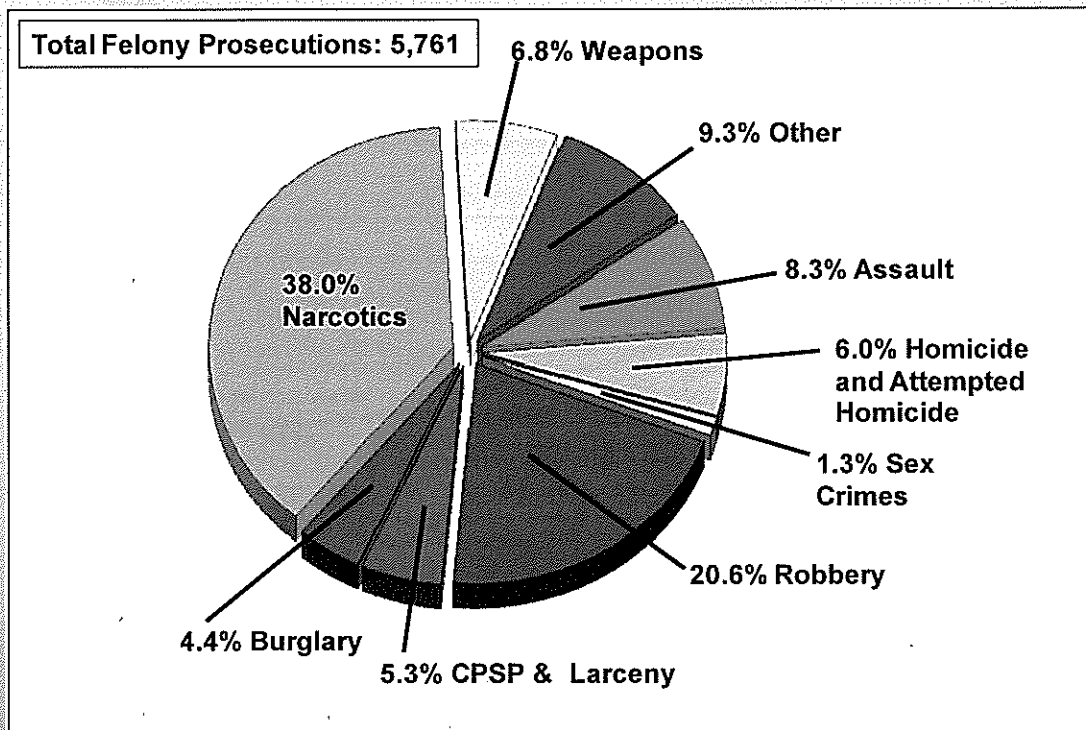
Homicides 1990 – 2008



Source: New York City Police Department

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 2008, the 132 murders in the Bronx constituted more than 25% of the citywide total. In addition, more than one in four of the City's felony assaults and nearly one in four rapes occurred in the Bronx.

Bronx District Attorney's Office Felony Prosecutions: 2008



Source: Bronx District Attorney's Office

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 Bronx Criminal 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 2008, however, there were 8,557, an increase of over 66%. 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, and 4,203 in 2008, an increase of 53% between 2003 and 2008.

- **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 89 defendants for placement in treatment in 2008. 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 2008, nearly 12,700 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 2008, the Office placed 3,046 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 – 2008

PROGRAM	1993 - 2005	2006	2007	2008	TOTAL
DTAP	2,277	241	281	247	3,046
BX Treatment Court	1,307	116	86	79	1,588
Extended Willard	240	19	14	8	281
Mental Health Court	497	156	105	89	847
BX Treatment Misd. Court	108	342	247	158	855
Other Residential	3,663	122	157	137	4,079
Other	1,554	163	145	138	2,000
TOTAL	9,646	1,159	1,035	856	12,696

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 “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 launched two new initiatives in 2008. One was aimed at working with defendants charged with driving while intoxicated, and the other was designed to provide mental health assessments and specialized services to defendants.

In 2008, Bronx Community Solutions handled about 12,000 misdemeanor cases. Seventy percent of participants were compliant with community service and social service mandates. Community service crews performed numerous restitution projects, including graffiti removal, sorting donated food for a faith-based charity, street sweeping and maintaining local parks. In addition, Bronx Community Solutions provided services such as job training and drug treatment. A total of 72,000 hours of community service were completed in 2008. 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 reached the maximum number of funded years 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, South Bronx Overall Development Corporation, and Phipps Houses.

Federal funding for Weed and Seed sites is limited and the requirements for establishing new sites are becoming more restrictive. Congress reduced the Weed and Seed appropriation by 35% for Federal Fiscal Year (FFY) 2008, and additional cuts are planned for FFY 2009. The Soundview/Bruckner site will reach the end of its funding eligibility in FY 09. This Office has applied for Weed and Seed funding for a Parkchester site to begin on July 1, 2009. If awarded, first year funding under this grant will be 43% lower than the first year funding awarded in the past.

- **Domestic Violence**

In 2008 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 56,000 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 arrests 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 needs.

• 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.

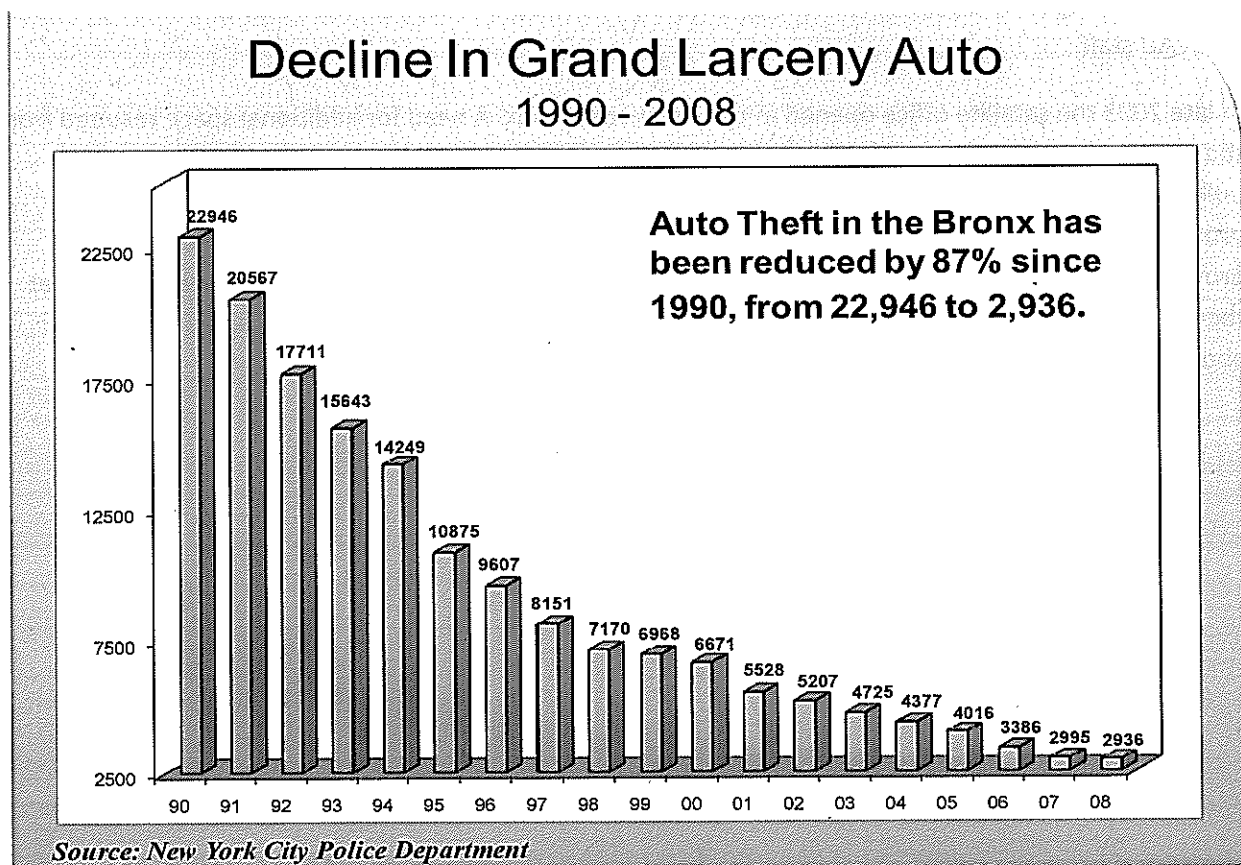
In September 2002, we received a one-year planning grant from the federal government for an innovative project to bring services closer to crime victims in the Northeast Bronx. We received three additional grants in 2003, 2004 and 2005 which supported the program's implementation. Under this Urban High Crime Neighborhood Initiative, this office worked 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 Northeast Bronx. A need for additional space resulted from the program's expansion. Consequently, the program now occupies the renovated third floor in the building which houses Community Board 12. This space was donated by the City, rent-free, and staff provide services similar to those offered at the District Attorney's main office. During 2008 staff provided 1,223 services to clients at the satellite office and 121 new crime victims received services at the Satellite Office. These clients were victims of crimes such as domestic violence, assault, and elder abuse.

- **Auto Crime Initiatives**

The Office of the Bronx District Attorney has operated the Bronx Anti-Auto Theft Program since 1995. In 2008 alone this Office recovered 486 stolen vehicles (for return to their rightful owners). These cars were valued at \$5,829,662. The Anti-Auto Theft 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.

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.



The Bronx District Attorney's Office owns two bait cars. Working jointly with precincts that experience an increase in car theft, the bait cars are positioned in high crime areas, with plainclothes police officers stationed nearby. After a suspect breaks into the car and removes property, the police move in to make an arrest. Break-ins in a given area are often committed by relatively few people. Removing these car thieves from the streets can greatly reduce a neighborhood's auto damage and petit larceny numbers.

There have been numerous arrests in the last year based on the use of the bait cars, and this Office continues to deploy them around the county in an ongoing effort to reduce break-ins.

In 1999, we included night-time surveillance and investigations of auto-related crimes. In the last eight years, we expanded the program to include document fraud and insurance fraud. This expansion was made possible through grants from the New York State Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) Board, which provides funds for equipment which 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. In January 2008, using MVTIFP grant funds, the Office purchased an additional LPR. In 2008 use of the LPRs resulted in a total of 50 arrests, 94 summonses issued, and 303 stolen vehicles recovered.

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 184 calls in 2008 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.

During National Crime Victims' Rights Week, the Bronx District Attorney's Office participated in the second annual senior information fair at Capital One Bank (formerly NorthFork Bank). Assistant district attorneys arranged and presented a comprehensive two-session elder abuse training program titled "A Multi-Disciplinary Approach to Elder Exploitation and Fraud: Recognition, Prevention and Intervention." This program was presented to the Bronx branches of major banks and will be presented to additional banks in 2009.

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 work 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 2008, the program made 25 CASE presentations at senior centers, community centers, tenant associations, tax payer community associations, council members' offices, senior housing complexes, churches, and banks. 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 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 NYC Housing Authority 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 funding for both components of PSN; however, this Office continues to carry out the programs that were previously supported with PSN funds.

- **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 2008 there were 218 joint interviews.

In 2008 the CARU screened 3,476 cases, assigning 1,968 of them to support staff for follow up with ACS. Another 1,185 of the screened cases involved the NYPD. In these 1,185 cases, the police were either already involved at the time we received the report, or we referred the case to them. CARU referred 44 of the screened cases, which had no prior NYPD involvement, to detective investigators. CARU needs more resources to respond to its caseload.

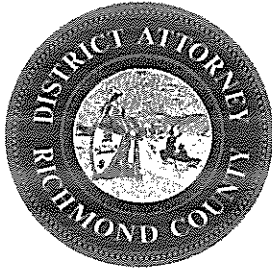
- **Joint Training Program with the NYPD**

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 10 assistant district attorneys. Between 2002 and 2007, approximately 350 assistant district attorneys and 1,000 police officers and detectives received this training. In 2008, seventy-six assistant district attorneys and 139 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.



RICHMOND COUNTY DISTRICT ATTORNEY

Daniel M. Donovan, Jr.
District Attorney

FISCAL YEAR 2010 CITY COUNCIL PRELIMINARY BUDGET HEARINGS

March 31, 2009

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 2010 Preliminary Budget. Listed below are funding and other issues that need to be addressed.

Public Safety and Revenue to the City

There is a direct correlation in New York City between public safety and revenue to the City. In recent years, New York City has benefitted from an upsurge in the number of tourists who have visited here. According to New York City statistics (nycgo.com), the number of visitors to New York City has steadily risen each year starting in 1998 when 33.1 million people visited the City to 46 million in 2007. The associated economic impact is startling. In 2007, visitors spent \$28.9 billion; total wages generated by tourism was \$17 billion; the number of jobs supported by visitors spending was 353,536 and the spending by visitors generated \$6.5 billion in taxes. In addition to providing relief to the City's budget at a time when cuts have been necessary, this economic windfall has helped local businesses even as the national economy continues slowing down. This good news story will only get better with time as Mayor Bloomberg has stated that the City is closing in on its goal of having 50 million annual visitors by the year 2015. By using the same statistics cited for the year 2007, it is projected that 50 million visitors would generate \$7.1 billion in tax revenue.

New York City lures tourists here every year for a myriad of reasons. There are countless places to visit and numerous events taking place every day. The dramatic reduction in crime has been well publicized and arguably is the single most contributing factor for the surge in tourism. If people did not feel safe here, they would not visit. In the early 1990's, crime was much higher and tourism was significantly lower. In 1990, in particular, there were 2,262 murders committed, an all time high for New York City. The following year, only 23 million tourists visited the City compared to 46 million that visited in 2007 when there were 496 murders. In 2008, 47 million people visited the City and spent \$30 billion. Clearly, there is a direct correlation between the level of tourism, revenue and the level of crime.

New York City, as a whole, continues to experience a reduction in crime and remains the safest big city in the country. The investment in public safety is

crucial, not only in fighting crime, but for the economic gains that are achieved because of it. Public safety also provides a boost to businesses other than tourism. As crime increases, non tourist-related business also suffers. Funding reductions to law enforcement agencies seems somewhat shortsighted when considering the financial impact that the perception of public safety has on the economy.

The failing economy could lead to an upsurge in criminal activity as more and more people become unemployed. Without income to pay for basic needs, people may resort to crime in order to support their families. According to an article in the NY Times; *"The last time stocks on Wall Street fell hard, in 1987, crime was exploding, and the city saw historic highs in murders in the following years. Before that, the fiscal crisis of the 1970s helped lead to the abandonment of neighborhoods, failing schools and startling crime rates: robberies built through those years to a high in 1981, when there were 107,495 of them, for an average of 294 a day. (Last year's total reported robberies 21,787, was the lowest figure in modern history.)"* The article went on to quote several subject matter experts;

"Every recession since the late '50s has been associated with an increase in crime and, in particular, property crime and robbery, which would be most responsive to changes in economic conditions, ... Typically there is a year lag between the economic change and crime rates."

Richard Rosenfeld, sociologist at the University of Missouri-St. Louis.

"You see a strong relationship between falling wages and higher unemployment rates for less educated men and crime rates that tend to go up"

Bruce A. Weinberg, an associate professor of economics at Ohio State University, who studied data from 1979 to 1997.

Thankfully, the City of New York has not yet seen an increase in crime as the economy continues to slip. However, the law enforcement community must remain on "stand-by" and be prepared because this could be a very real possibility. In order for us to continue do that, we will need to have our current level of resources maintained.

Budget Cuts

The Preliminary Budget contains an 8.64% funding reduction beginning July 1, 2010. Originally, the reduction for my office, which totals \$615,377 annually, was scheduled for FY 2009. However, the Mayor recognized that cutting the budget of the District Attorneys would yield negative results. Working with the Criminal Justice Coordinator and the Office of Management and Budget, the District Attorneys agreed to streamline and make more efficient the procedures for processing criminal cases in order to reduce other costs borne by the City. The District Attorneys also agreed that these reforms can be implemented without compromising public safety. By agreeing to these reforms, the City deferred the implementation of the reduction to FY 2011 and restored the funding to our FY 2010 budget which had been reduced in the November Financial Plan. I implore the members of the City Council to see that this restoration of funds is maintained. The annual reduction beginning the following year poses very critical challenges with extremely difficult decisions to be made. Without a permanent restoration of funds, the legal and non-legal staff will be reduced since the proposed cuts cannot be achieved without the elimination of positions.

Economy and Grant Funds

The budget for my office totals nearly \$8 million. Of that amount, \$1 million is supported by State and Federal grants. My office has come to depend on these outside resources, but the failing economy has taken its toll in this area as well. Our programs associated with *Aid to Prosecution*, *Motor Vehicle Theft and Insurance Fraud*, *Violence Against Women* and *Drug Treatment Diversion* grants have all suffered funding reductions.

Our overall staff consists of 44 prosecutors and 59 employees in support functions (which includes Detective Investigators). Of the 44 ADAs, 20 are at least partially grant-funded while 11 positions in support functions are funded by grants. If these outside funding sources provided to our office were to be eliminated, we would have to cut those 20 legal positions and the 11 support staff roles. On the legal side, the remaining 24 ADAs which are supported with tax levy funding, equate to only 55% of the total number of the current legal staff employees.

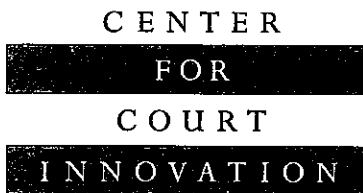
As the economy continues to falter with no white knight on the horizon, we would have to logically assume that grant funding will continue to decrease as well. With that thought in mind, it is even more imperative that our FY 2010 funding be maintained.

Conclusion

Government's most important responsibility is the public safety of its residents. I once again ask that the City Council ensure that the restoration of funds for FY 2010 remain intact. Additionally, please recognize that an 8.64% budget reduction beginning in FY 2011 is not practical. Our current level of funding must be maintained.

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.



A Project of the Fund for the City of New York

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

Greg Berman, director

520 Eighth Avenue New York, New York 10018 212.397.3050 fax 212.397.0985 www.courtinnovation.org

Center for Court Innovation Testimony

New York City Council

Public Safety Committee

March 31, 2009

My name is Alfred Siegel and I am the Deputy Director of 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, the courts and the community and government partners in New York City continue to reduce crime, aid victims and improve the quality of life for residents and businesses throughout the city.

Conventional courts typically approach cases by tackling only the legal issues, failing to adequately address the underlying problems contribute to people coming into the court system in the first place, issues like addiction, mental illness, homelessness, family dysfunction and unemployment.

The Center for Court Innovation believes that courts, governments and communities, working together, can better address these problems. The Center for Court Innovation seeks to reduce crime, aid victims, and improve public safety by encouraging courts to adopt problem-solving techniques in order to become more responsive to their constituents. Starting with the award-winning Midtown Community Court, the Center has created more than a dozen projects – drug courts, community courts, youth courts, alternative to detention programs and others – that make 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.

For example, by sentencing low-level offenders to pay back the neighborhood through community service, the Midtown Community Court saves the city over \$500,000 each year in jail costs. At the same time, the Court offers to help these offenders with problems that often underlie criminal behavior, working in partnership with local residents, businesses and social service agencies in order to organize community service projects and provide on-site social services, including drug treatment, mental health counseling, and job training. Independent studies have documented that Midtown's compliance rate of 75 percent for community service was the highest in the city. In conjunction with aggressive law enforcement and economic development efforts, the Court has had an impact on neighborhood crime: prostitution arrests dropped 56 percent and illegal vending was down 24 percent.

Additionally, the Midtown Community Court has expanded to hear all prostitution cases in the borough of Manhattan. Instead of cycling these women through the justice system and returning them to the streets, the Center has created the CHOICES program, New York City's only comprehensive alternative-to-detention program for women over the age of 21 who are arrested for prostitution. The project provides these women with intensive individual and group counseling, creative arts education, financial literacy instruction, and access to social service, with the goal of empowering them to end the cycle of arrest, exploitation, and abuse. To date, over 200 women have been served by CHOICES. 78% of those have graduated or are on track to successfully complete the program, and only 10% of those have been arrested for re-offense.

Based on the success of the Midtown Community Court, the Red Hook Community Justice Center seeks to reduce crime and improve the quality of life in southwest Brooklyn. The project has a demonstrated track record of improving public safety: once labeled one of the ten most crack-infested neighborhoods in the country, Red Hook's local police precinct is now the safest in Brooklyn. By reducing fear, the Justice Center has helped to promote economic development, encouraging

businesses to invest in a neighborhood that is home to one of New York City's largest public housing developments. And by mandating offenders to community service, the Red Hook Community Justice Center contributes \$500,000 in restitution projects each year.

In an effort to build on these successes, the Center for Court Innovation developed Bronx Community Solutions, an initiative that brings our problem-solving approach to all misdemeanor crimes in the Bronx. The project is the largest of its kind, and is the nation's most ambitious experiment in going to scale with problem-solving justice. The project has cut the use of jail for misdemeanor offenders by 40 percent, increased compliance with court orders by nearly 50%, and returned \$1.5 million in community service labor to local neighborhoods in the Bronx. Equally important, Bronx Community Solutions has worked to revitalize court-community relations, engaging citizens in "doing justice" through a community advisory board that helps select restitution projects. The U.S. Department of Justice named Bronx Community Solutions a national model.

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 request that the Council continue to support the Center's critical work. Last year, the Center received \$500,000 in funding from the Council. The Council's support 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, which collectively serve over 60,000 New Yorkers each year.

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

- Implement a juvenile mental health project—QUEST Futures—which uses systematic procedures for identifying, assessing and creating treatment plans for the large number of young people arrested for delinquency who have mental health disorders in Queens. The juvenile mental health project links young people and their families to court-monitored, community-based treatment rather than confining them in costly and ineffective residential detention and placement facilities;

- Provide support to 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, monitoring defendants' participation in a specialized teenage batterer program and providing services to ensure the ongoing safety of young victims;
- Launch Youth Courts in Staten Island and Greenpoint, providing both family and criminal court judges with an important and effective option to address the difficult challenges posed by low-level offending in the youth population; and
- Complete a set of recommendations proposed by the Youth Justice Board for youth in alternative-to-detention programs, to be published later this year. Last year, the Board published a similar report, *"Stand Up, Stand Out: Recommendations to Improve Youth Participation in New York City's Permanency Planning Process,"* offering concrete suggestions to strengthen the ability of foster youth to advocate for themselves in court. This year the Board is developing a set of protocols to expand and improve the City's alternative to detention programs, and Center staff is busy creating a toolkit to help other youth-oriented organizations replicate the work done by the Youth Justice Board.

This year we are asking the Council for \$750,000 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 (\$500,000), supplemented by a budget enhancement of \$250,000 that will enable the Center to launch several new projects. Among those projects are plans for the Center to 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 allow an alternative to detention program in Staten Island currently being planned to become a reality. Modeled after a successful pilot project of the Center in Queens, the Project READY alternative to detention program will serve the needs of young people in Staten Island and provide meaningful alternatives to detention to those in danger of becoming entangled in the justice system. 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.

CENTER FOR COURT INNOVATION: RESULTS

The Center for Court Innovation is a public-private partnership dedicated to reducing crime, aiding victims and promoting public confidence in justice. In New York, the Center functions as the state court system's independent research and development arm, developing demonstration projects that test new approaches to public safety problems. Nationally and internationally, the Center performs original research on topics of justice reform and provides consulting services to criminal justice innovators. Researchers have documented that the Center for Court Innovation has helped to enhance the fairness of the justice system, change the behavior of offenders, and improve safety in crime-plagued neighborhoods. Results include:

● Reducing Crime

Independent evaluators documented that prostitution arrests dropped by 56 percent after the Center's Midtown Community Court opened in Manhattan. New York City Mayor Michael Bloomberg has hailed the Midtown Community Court for helping to revive Times Square. In southwest Brooklyn, major crime has declined by nearly 50 percent since the opening of the Center's Red Hook Community Justice Center. Red Hook's local precinct was recently named the No. 1 precinct for crime reduction in the city.

● Repairing Disorder

Both the Midtown Community Court and Red Hook Community Justice Center sentence low-level offenders to repair conditions of disorder—fixing broken windows, cleaning local parks, painting over graffiti. Each year, the two projects contribute 75,000 hours of community service—more than \$600,000 worth of labor. Compliance rates for community service are consistently 50 percent higher than the national average.

● Improving Public Trust in Government

The Red Hook Community Justice Center has a 78 percent approval rating from local residents. Prior to the Justice Center's opening, only 12 percent of local residents approved of courts. Moreover, a survey of defendants found that 86 percent said that their case was handled fairly—a result that was consistent regardless of race, gender, or educational background. In a phone survey, two out of three Midtown residents said they would be willing to pay additional taxes to support a community court.

● Reducing Recidivism

Participants in the Center's Brooklyn Treatment Court, which offers judicially-monitored drug treatment instead of incarceration, re-offend at a rate that is 27 percent lower than offenders who go through conventional courts. Through training and technical assistance, the Center has helped spread the drug court model throughout New York State—over 50,000 New Yorkers have participated in 170 drug courts, which are located in every county of the state.

● **Improving Victim Safety**

New York's 75 domestic violence courts—based on a model created by the Center for Court Innovation—handle over 32,000 cases each year, linking victims to counseling, shelter, and other services while strengthening the monitoring of those accused of battering.

● **Promoting Reentry**

The Center's Harlem Community Justice Center helps parolees transition back to the neighborhood following incarceration by providing community-based services and intensive monitoring. Less than 25 percent of graduates are rearrested 12 months after leaving the program.

● **Enhancing Mental Health**

The Center's Brooklyn Mental Health Court, which offers long-term treatment to mentally-ill individuals instead of incarceration, has reduced both hospitalizations and re-arrests among participants.

● **Changing Sentencing Practice**

The Center's Bronx Community Solutions project, which seeks to combine punishment and help for misdemeanor offenders, has cut the use of jail by a third and doubled the use of community-based alternatives in the Bronx.

● **Replication**

Each year, the Center's demonstration projects are visited by more than 400 criminal justice officials from around the world. Many end up replicating, either in part or in whole, what they see. For example, there are six dozen community courts around the world based on the Center's model, including projects in England, Canada, New Zealand, Australia, and South Africa.

● **Research and Dissemination**

The Center has conducted much-cited studies on justice system reforms, including a randomized trial examining the effectiveness of batterer intervention programs and a multi-site analysis of the efficacy of judicially-monitored drug treatment. Authors from the Center wrote the first-ever book on problem-solving judicial reform—*Good Courts: The Case for Problem-Solving Justice* (The New Press). The Center's award-winning website, www.courtinnovation.org, receives 60,000 visitors each month; visitors download an average of 28,000 documents—research reports, how-to manuals, interviews with leading scholars and practitioners—each month.

● **Awards**

The Center for Court Innovation has received numerous awards for innovation, including national prizes from the American Bar Association, the National Criminal Justice Association, and the National Association for Court Management—as well as the Innovations in American Government Award from Harvard University and the Ford Foundation.

CENTER

FOR

COURT

INNOVATION

ANNUAL REPORT

CENTER

FOR

COURT

INNOVATION

MIDTOWN
COMMUNITY
COURT

2008

ANNUAL REPORT

2008

The Center for Court Innovation is a public-private partnership that seeks to help the justice system reduce crime, aid victims, and improve public trust in justice. It pursues these goals in a variety of ways: through demonstration projects in New York that measurably improve both the lives of participants and the quality of life of entire communities; through hands-on training and technical assistance with practitioners around the U.S. and the world; and through the dissemination of research and new ideas about how to reform the justice system. This report documents the Center's primary accomplishments in 2008.

COMMUNITY JUSTICE

The concept of community justice—the idea that courts should reach out to the public and focus on neighborhood crime in new ways—is at the heart of several of the Center for Court Innovation's projects, including the Red Hook Community Justice Center, Bronx Community Solutions, Midtown Community Court, and the Harlem Community Justice Center.

In 2008, the Center co-sponsored a breakfast briefing on community justice with the *New York Times*. The briefing, which featured then-New York State Chief Judge Judith S. Kaye and Louise Casey, the British government's neighborhood crime and justice advisor, explored the growth of community justice over the past 15 years, both locally and internationally. Attendees at the event included a cross-section of officials from federal, city, and state government, along with leaders from the worlds of philanthropy and the non-profit sector.

The growing interest in community justice was also documented by *USA Today*, which ran a story about the expansion of community courts as a response to chronic misdemeanor crime and the Open Society Foundation, which published the results of a survey, conducted by the Center for Court Innovation, of community courts around the world.

The Center for Court Innovation's community justice initiatives continued to attract international interest from criminal justice officials. Among the visitors in 2008 was Jack Straw, the United Kingdom's justice secretary and lord chancellor, who, following a visit to the Red Hook Community Justice Center in south Brooklyn,

endorsed efforts in his own country to foster court-community collaboration. In an opinion article in *The Guardian* published after his visit, Straw wrote that the Red Hook Community Justice Center “has done much to increase people’s confidence in criminal justice.... We should not be so proud that we are unable to learn lessons from others. In New York, they have recognized that the courts cannot do it alone.”

Earlier visits to the Justice Center by British officials inspired the creation in 2005 of the North Liverpool Community Justice Centre. The North Liverpool pilot has been followed by 12 other community court projects across England and Wales. The Center has also brought New York’s innovations to countries as diverse as Scotland (where planning is under way for a community court in Glasgow) and China (which is looking for new responses to low-level offending). There are now 75 community courts in operation or planning around the world.

In 2008, the National Criminal Justice Association honored the Red Hook Community Justice Center as an Outstanding Criminal Justice Program, citing it for “bringing the criminal justice system and the community together to respond more effectively to public safety problems.” The Justice Center was also credited with reducing crime in Red Hook by 30 percent by Brooklyn District Attorney Joe Hynes in an op-ed in the *New York Daily News*.

The Center’s Bronx Community Solutions is animated by the same principles as the Red Hook Community Justice Center but instead of focusing on one neighborhood it works with the entire borough. In 2008, Bronx Community Solutions handled 12,000 misdemeanor cases—in the process reducing the use of jail in arraignments by one third. Seventy percent of participants were fully compliant with community service and social service mandates, a significant improvement over the 50 percent rate reported before the project began. Community service crews performed numerous restitution projects, including removing litter and graffiti, sorting donated supplies for a faith-based charity, and helping rehabilitate and maintain community gardens and green spaces. In 2008, Bronx Community Solutions also launched two new initiatives, one aimed at working with defendants charged with driving while intoxicated and the second designed to provide mental health assessments and specialized services to misdemeanants.

The Midtown Community Court—the Center’s first demonstration project, located near Times Square—continued to test new approaches to improving case outcomes. For example, in 2008, in collaboration with the Manhattan District Attorney’s Office and the Legal Aid Society, the court helped create a network of mandated and voluntary alternatives-to-prostitution programs. The network’s goal is to guide participants towards law-abiding futures and to link them to quality social services. Over the course of the year, the network served over 250 people referred from the Midtown Community Court. In addition, in 2008 the court convened legal and social service partners on a bi-monthly basis to develop new responses to the problem of human trafficking.

Also in 2008, the Midtown Court’s volunteer executive board helped organize a benefit to raise awareness regarding support services for women who are survivors of violence and exploitation. The board created a “Go Bag” campaign, where donors contributed to health/safety kits for women seeking to leave their abusers. The

Midtown Court also crafted a new response to unlicensed street vendors, starting a Banking and Business 101 class to introduce street vendors to financial literacy and basic banking information.

How does the public view community justice? At the Harlem Community Justice Center, researchers compared the perceptions of self-represented tenants with tenants in the centralized Manhattan housing court. They found that Harlem tenants viewed the experience in more positive terms and were more likely to perceive the court process and outcome as fair. In addition to housing cases, the Harlem Community Justice Center also works with young people and parolees returning to the neighborhood following incarceration (see below).

YOUTH

In a typical year, over 1,000 young adults between the ages of 16 and 18 are arrested on misdemeanor charges on Staten Island, and nearly 400 juveniles under the age of 16 are arrested for delinquency. Because these young people are rarely linked to meaningful interventions, the Center for Court Innovation helped the New York State Unified Court System establish the Staten Island Youth Court.

The Staten Island Youth Court, which opened in December 2008, trains teenagers to serve as judges, jurors, and advocates, hearing actual cases involving peers who have been arrested on either delinquency or misdemeanor charges. With the consent of the Richmond County District Attorney's Office, eligible cases are referred to the youth court by judges in Family and Criminal Court. At the hearings, youth court members ask the respondents questions about the incident, focusing on the young person's family, educational situation, and involvement in the community. The jurors then deliberate and craft meaningful sanctions, emphasizing community restitution and links to services like tutoring and anger management.

In addition to Staten Island, the Center operates youth courts in Harlem and in Brooklyn (in the neighborhoods of Red Hook and Greenpoint), and is assisting with the planning of a youth court in Newark, New Jersey.

Youth courts are just one example of the Center creating new resources for at-risk youth. As part of a citywide initiative to rationalize and reduce the use of juvenile detention, the Center runs an alternative-to-detention program—Queens Engagement Strategies for Teens, or QUEST—located in the Jamaica, Queens. QUEST is an after-school program for youth who have open delinquency matters pending in Queens Family Court, holding participants accountable for their actions while offering them and their families meaningful support. In 2008, QUEST worked with 136 participants from 50 different schools, achieving a compliance rate of 84 percent. In 2009, the Center will replicate the QUEST model on Staten Island. Both of these projects, as well as sister projects run by other agencies in Manhattan, Brooklyn, and the Bronx, are supported by a state-of-the-art technology application devised by the Center.

In 2008, the Center's Youth Justice Board—an after-school program that engages teens in public policy debates—focused on the challenges faced by youth aging out of foster care. The participants designed, wrote, and facilitated peer-led workshops for youth in foster care and served as consultants in the creation of New York's first "Teen Space," a youth-friendly waiting area that opened in December in Queens Family Court. In

addition, the board's recommendations for improving teenagers' experiences in Family Court were featured in the New York *Daily News* and *City Limits*.

The Center's Youth Expanding Community Horizons by Organizing (also known as Youth ECHO) tests the idea that popular teenagers can help market an anti-crime message to their peers. Participants in Youth ECHO were identified using ethnographic research techniques in a public housing complex in Red Hook, Brooklyn. After several months of after-school training, Youth ECHO members met with guerilla marketing professionals to explore ways to develop and deliver a successful grassroots marketing effort. They designed a multi-faceted anti-drug campaign that included a block party, web site, documentary film, ring tone, and t-shirts—all designed to communicate the message, "Drug Dealing: It's Not Worth It."

By linking truant students to needed services, the Center's attendance courts seek to reduce delinquency among troubled teens in New York City middle schools. The attendance courts, which were conceived by the Center for Courts and the Community (a project of the Center for Court Innovation that seeks to improve civic education and judicial outreach efforts), are located in Isaac Newton Middle School in Harlem and Public School 27 in Red Hook, Brooklyn.

Finally in 2008, the Center for Court Innovation created a unique tool to help New York City Family Court judges. The Passport to Adulthood ensures that the complex issues faced by youth in foster care are addressed in a timely and thorough manner. With support from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, the Center is working with jurisdictions around the country, including Arizona, New Orleans, and Washington D.C., to help them adapt the Passport. In the days ahead, the Center for Court Innovation intends to continue its work in this area, helping New York City Family Court administrators use data to improve the permanency planning process.

DOMESTIC VIOLENCE/SEXUAL ASSAULT

Starting with the creation of the Brooklyn Domestic Violence Court in 1996, the Center for Court Innovation has encouraged courts to test innovative solutions to domestic violence. In 2008, staff from the Center worked with courts across the State of New York, conducting training programs in more than 20 jurisdictions on topics such as supervised visitation and children's exposure to intimate partner violence. With the help of funding from the U.S. Department of Justice, the Center also provided hands-on assistance to practitioners—from Hawaii to Ohio and from New Orleans to St. Cloud, Minnesota—interested in creating specialized domestic violence courts. The Center's expertise was also sought out by international reformers, including practitioners in Ghana and Australia.

The Center for Court Innovation helped to create and implement a partnership to address gender violence at Syracuse University. Staff from the Center trained fraternity and sorority members at the school, who in turn facilitated anti-violence workshops attended by their peers. An impact evaluation revealed that the curriculum was successful in decreasing sexism and increasing participants' sense that they could intervene to prevent gender violence.

With the Center's help, Suffolk County, N.Y., completed a countywide evaluation of sex offender management practices and issued recommendations to improve the response to these difficult cases. The Center also completed a process evaluation of a problem-solving matrimonial court in Nassau County, N.Y., and an in-depth examination (completed with the help of researchers from John Jay College of Criminal Justice) of the commercial sexual exploitation of children in New York City.

Finally, the Center's Child and Adolescent Witness Support Program provided counseling to victims of sex abuse and child witnesses to domestic violence in the Bronx. With support from the Avon Foundation, the Witness Support Program also convened special groups for child witnesses of homicide.

REENTRY

Approximately 2,200 formerly incarcerated individuals return to Upper Manhattan each year. In one section of East Harlem, according to the Justice Mapping Center, one in 20 males have been incarcerated, the highest such concentration in New York City.

The challenge of helping ex-offenders make a successful transition from incarceration to community life has been the focus of the Harlem Community Justice Center. Operated in partnership with the New York State Division of Parole, the Justice Center's reentry court provides parolees with both the support and structure they need to live crime- and drug-free lives. A recent analysis that followed graduates for 12 months documented a parole revocation rate of only 19 percent. In recognition of this work, the cable news channel NY1 in July named the initiative its "New Yorker of the Week."

In 2008, the Harlem Community Justice Center, in partnership with the New York City Mayor's Office, helped initiate a planning process to focus more resources on the issue of reentry. The Upper Manhattan Reentry Task Force engaged in a comprehensive needs assessment process, conducting individual interviews and focus groups with key stakeholders, making site visits to model reentry programs, and analyzing current data on crime and reentry in Upper Manhattan. In the days ahead, the Task Force will move from analysis to action, attempting to mobilize a coalition of government and community-based agencies in an effort to improve parolees' chances of finding jobs.

DRUG ABUSE

The Center for Court Innovation's work on substance abuse dates back to 1996 when it helped develop the Brooklyn Treatment Court, the first drug court in New York City and one of the largest felony drug courts in the country. Then, in 2003, in one of the most ambitious drug court studies to date, Center researchers found that New York's drug courts, which link drug-addicted offenders to treatment and provide strict judicial supervision to rigorously monitor their compliance, achieved statistically significant recidivism reductions, even over a three-year post-arrest period.

The Center currently helps support New York's 170 drug courts through the development of new programs, staff training, public education, and research. For example, the Center is working with the state court system to

implement a juvenile drug court that is expected to help troubled juveniles break the cycle of drugs, alcohol, and crime. The new court, which is based in Nassau County, is part of the Robert Wood Johnson Foundation's "Reclaiming Futures" initiative, and funded in part by the Office of Juvenile Justice and Delinquency Prevention.

Working with the court system, staff from the Center provide regional training to drug courts across New York, including lessons on relapse prevention, vocational/educational programs, and post-traumatic stress disorders. The Center is also developing an on-line training program, a web-based multi-media learning system that will include streaming video presentations by national experts, downloadable documents, online quizzes, and a virtual tour of a drug court.

In 2008, the Center for Courts and the Community (<http://courtsandcommunity.org>) created a short curriculum to help educate youth about the important work of drug courts. The curriculum uses excerpts from *Drug Courts: Personal Stories*, a book that tells the stories—in their own words—of drug court participants. The Center for Court Innovation was also featured in a front page *New York Times* story on the national drug court movement.

Finally, in 2008 Center researchers completed a comprehensive process and impact evaluation of the Staten Island Treatment Court, finding that, among other things, the program led to a 46 percent reduction in re-arrests over one year.

OTHER AREAS OF INTEREST

The popularity of mental health courts, community courts, drug courts, and other problem-solving courts has brought new challenges, including the need for government to coordinate problem-solving courts on a statewide basis. To help guide states, the Center for Court Innovation, in collaboration with the U.S. Department of Justice's Bureau of Justice Assistance, brought together 18 policymakers, researchers, and practitioners in April 2008 for a roundtable to identify ways to support statewide coordination. Among other things, participants discussed strategies for finding resources in difficult economic conditions, promoting uniformity without stifling innovation, disseminating information about best practices, and setting statewide standards. The results were published in a report—the first ever publication on this topic—disseminated on the Bureau of Justice Assistance web site.

Researchers from the Center also surveyed more than 1,000 trial court judges concerning their attitudes and practices with respect to problem-solving. The results of the survey indicated broad support for problem-solving methods—more than three out of four judges expressed support for problem-solving justice—and offered encouraging news for those interested in integrating problem-solving court principles in conventional court settings. The Center's work on the topic of problem-solving justice was featured in *Miller-McCune* magazine in an article titled, "There's a problem with problem-solving courts: Taxpayers don't undersand how well they work."

With the support of the Bureau of Justice Assistance, the Center began a new venture to ensure that tribal communities have access to training and ongoing technical assistance about problem-solving principles and practices. The new initiative, which is called the Tribal Justice Exchange, offers a range of services including on-

site needs assessments to assist tribal communities in reforming their approach to justice, visits to the Center's demonstration projects, and information-sharing opportunities among tribal and non-tribal justice systems.

With the help of its partners at the Bureau of Justice Assistance, the Center for Court Innovation also continued its multi-faceted policy inquiry examining the lessons to be learned from failed criminal justice reform efforts of the past 25 years. The goal of this effort is to encourage innovation by acknowledging that it is impossible to have trial without error. To date, the Center's "failure" work has included interviews with dozens of leading practitioners and scholars, a roundtable, presentations before hundreds of criminal justice officials, and numerous publications, including contributions to the *National Law Journal*, *The Guardian*, *Court Manager* and *Executive Exchange* (the national publication of probation officials) and a report examining the Center's own operational errors.

SPREADING THE WORD

The Center directly affects tens of thousands of people a year through its demonstration projects and consulting work, but countless more are touched around the country and world as the Center disseminates its ideas.

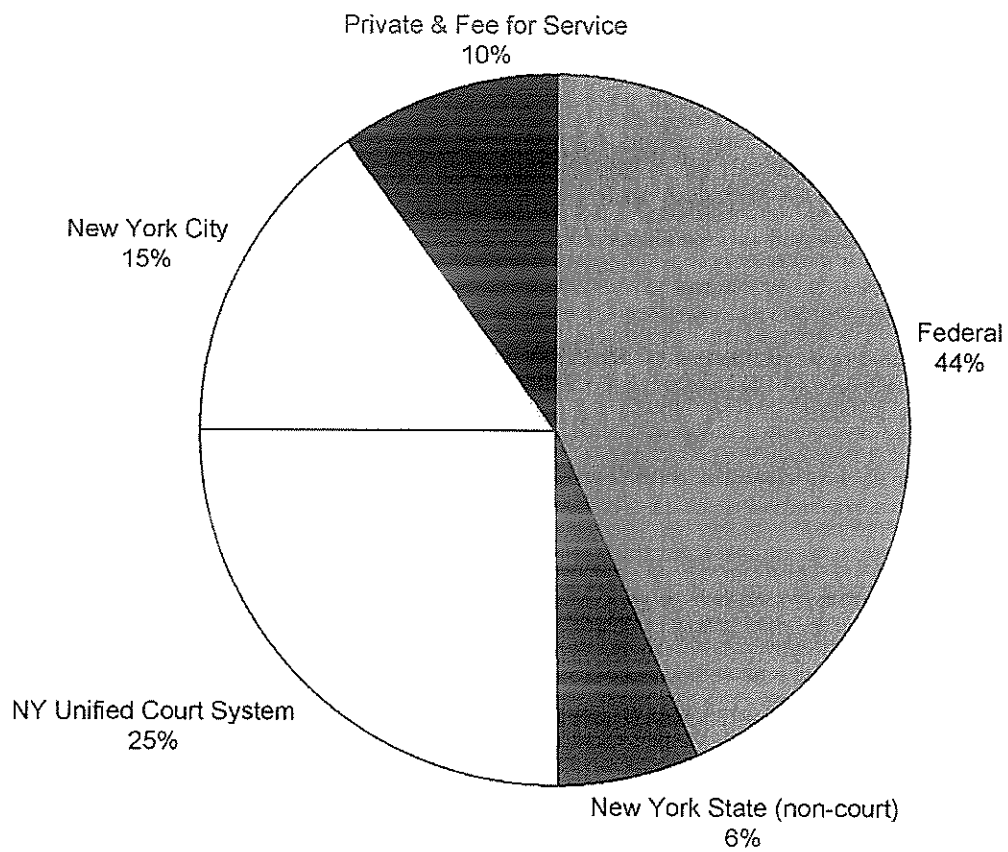
The Center's web site, www.courtinnovation.org, draws over 60,000 visits per month. Visitors download over 200,000 copies of Center publications every year. The web site offers interviews, original research, practical tools, and, in a new feature, podcasts that highlight the work of innovative justice leaders and policymakers. (The Center's podcast, "New Thinking," is a featured podcast on iTunes.) Justice Served named www.courtinnovation.org one of the Top 10 sites of 2008.

In 2008, the Center, in partnership with Pace Law School and the New York State Judicial Institute, launched the *Journal of Court Innovation* to spark new thinking about how courts work and the role they play in society. In an effort to bridge the worlds of theory and practice, the *Journal* includes in-depth examinations of provocative experiments, interviews with leading thinkers and practitioners, and book reviews that highlight cutting-edge scholarship. The most recent issue of the *Journal*, published at the end of 2008, was devoted to innovations in jury reform.

During the course of 2008, Center authors contributed chapters to a new book, *Resolving Family Conflicts* (Ashgate), which looks at new trends in family dispute resolution, and articles to *Judicature*, *Justice Quarterly*, *New York Law Journal*, *Government Law & Policy Journal*, *Violence Against Women*, *Court Manager*, *The Guardian*, *Family & Intimate Partner Violence Quarterly*, *International Review of Law, Computers, & Technology*, and *Court Review*, among other publications.

Center for Court Innovation
Fiscal Year 2008
Sources of Funding

Total Funding = \$17.1 Million

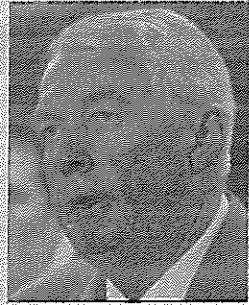


**Center for Court Innovation
Fiscal Year 2008
Statement of Expenditures**

Operations	
Bronx Community Solutions	1,193,000
Bronx Child Witness Support Program	95,000
Brooklyn Mental Health Court	421,000
Center for Courts & Community	335,000
Attendance Court	53,000
Crown Heights Community Mediation Center	356,000
Harlem Community Justice Center	1,091,000
Midtown Community Court	1,246,000
Queens Plaza Cleanup	277,000
QUEST	524,000
QUEST Futures	162,000
Youth Court	111,000
Red Hook Community Justice Center	2,069,000
Upstate Office (Syracuse)	147,000
Youth Justice Board	153,000
Subtotal Operations	8,233,000
Technical Assistance/Training	
Domestic Violence	1,825,000
Drug Courts	604,000
Community Courts	1,076,000
Subtotal Technical Assistance/Training	3,505,000
Administration	
Project Safe Neighborhoods (pass-thru)	1,164,000
Planning, Research, Technology & Administration	1,587,000
Center core (Indirect Costs @ 9%)	1,304,000
Subtotal Administration	4,055,000
Indirect Costs - FCNY Fee @ 9%	1,304,000
TOTAL	17,097,000

CENTER
FOR
COURT
INNOVATION

Center for Court Innovation
520 Eighth Avenue, 18th Floor
New York, New York 10018
212 397 3050 Fax 212 397 0985
www.courtinnovation.org



BE OUR GUEST: CHARLES HYNES, Kings County district attorney

Red Hook's Justice Center serves as a model to world

The Red Hook Community Justice Center is the first multi-jurisdictional community court in the nation. The Justice Center, a collaborative effort between the Kings County District Attorney's Office, the Center for Court Innovation and the Office of Court Administration, was developed as a response to tragically high levels of crime, unemployment and general community disorder that the Red Hook neighborhood experienced in the 1980s and early 1990s.

For me, the crisis facing Red Hook became particularly personal when, in 1990, Patrick Daly, the principal of the local elementary school, was killed in gang crossfire while searching the Red Hook Houses for a student who ran out of the school after a fight.

I successfully prosecuted Principal Daly's killers, and simultaneously made a personal commitment to creating solutions for this struggling community. When the Red Hook Community Justice Center opened in 2000, I was able to deliver on this special promise.

The Justice Center houses an innovative, problem-solving court. The Criminal Court alone adjudicates about 4,000 cases annually. Although physically located in Red Hook, the court covers the misdemeanor cases

arising in three police precincts — the 72nd, 76th and 78th. The cases range from such quality-of-life offenses as graffiti, trespass, and unreasonable noise to driving while intoxicated, prostitution, drug possession, assault and domestic violence.

Embracing the philosophy that public safety and crime reduction are not achieved by incarcerating nonviolent offenders, the prosecutors at Red Hook strive to administer justice with common sense and compassion.

Whenever possible and appropriate, they use rehabilitative, educational and preventive measures with an ultimate goal of reducing recidivism. The sentences can include drug, alcohol and mental health treatment, vocational counseling, GED classes, anger management, batterer's programs, performing community service, restitution, mediation, youth groups, groups specially designed for prostitutes

and those offenders who patronize them, defensive-driving classes and more.

When crafting sentences, prosecutors strive to address the needs of the victim, to recompense the community and to offer the defendant services that are likely to reduce the odds of reoffending. Therefore, sentencing often involves a combination of sanctions and services. Jail sentences are

sought for violent offenders and for career criminals who decline to accept alternative sentencing.

Another strategy employed at Red Hook is that each prosecutor is responsible for one of the three police precincts. The prosecutors attend community meetings and community events and learn about the particular concerns of residents in each neighborhood. These concerns are factored in to the equation when contemplating the resolution of cases.

The Justice Center serves as a model of community prosecution for jurisdictions all over the country and, indeed, all over the world. Almost every week, judges, lawyers, court administrators, political dignitaries and many others come to Red Hook to observe and learn from what we do. The Justice Center was first replicated in Liverpool, England. Now, community courts are opening all over the world.

Increasing public safety and reducing recidivism are ever-present, ongoing objectives, and both have been remarkably successful. Indeed, the crime rate in Red Hook has decreased by 30% over the last two years. The Justice Center is thriving and expanding its partnership. More importantly, the community is thriving.

Charles Hynes is the district attorney of Kings County.

'The Justice Center is thriving and expanding.'

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.

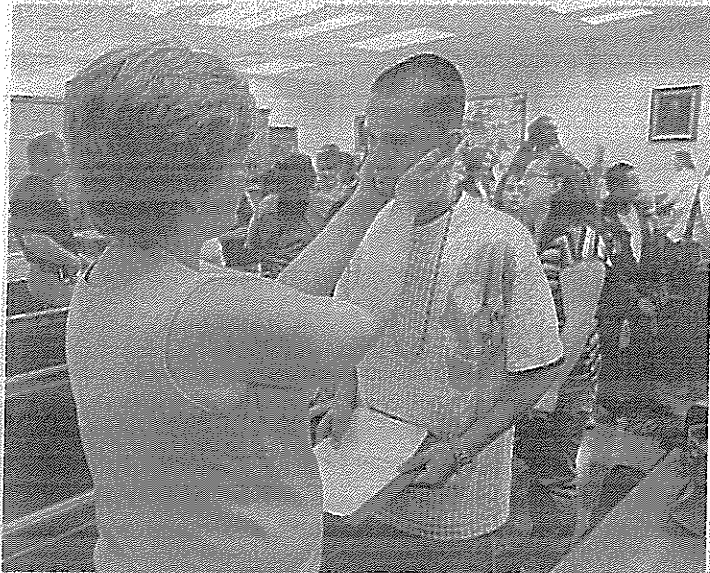
The courts aim to break the cycle of reoffending - and doing so is always the top priority of such courts - by tackling some of the underlying causes of crime such as drug and alcohol addiction, housing, education or debt problems. Sentences aim to include programmes to help solve these problems. Offenders 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.

Innovative Courts Give Some Addicts Chance to Straighten Out



STUART ISETT FOR THE NEW YORK TIMES

Scott Elkins was congratulated by his mother, Cathy Elkins, after he graduated from a court-administered antidrug program.

By ERIK ECKHOLM

SEATTLE — It was not your usual courtroom scene. For one thing, the judge choked up as he described one woman's struggle with opiate addiction after her arrest for forging prescriptions.

Over the last three years, she had repeatedly missed court-ordered therapy and hearings, and the judge, J. Wesley Saint Clair of the Drug Diversion Court, at first meted out mild punishments, like community service. But last winter, pushed past his forgiving limit, he jailed her briefly twice. The threat of more jail did the trick.

Now she was graduating — along with 23 other addicts who entered drug court instead of prison. Prosecutors and public defenders applauded when she was handed her certificate; a policewoman hugged her, and a

child shouted triumphantly, "Yeah, Mamma!"

In Seattle, as in drug courts across the country, the stern face of criminal justice is being redrawn, and emotions are often on the surface. Experts say drug courts have been the country's fastest-spreading innovation in criminal justice, giving arrested addicts a chance to avoid prison by agreeing to stringent oversight and addiction treatment. Recent studies show drug courts are one of the few initiatives that reduce recidivism — on average by 8 percent to 10 percent nationally and as high as 26 percent in New York State — and save taxpayer money.

Since Judge Saint Clair took

over the King County drug court here in 2005, the annual number of graduates — drug and alcohol free for at least six months — has more than doubled. His court has been cited by outside experts as one of the country's best, yet a state budget crisis is forcing a shrinkage in participants.

Since the first drug court began work, in Miami in 1989, the idea has spread to more than 2,100 courtrooms in every state, though they still take in only a small fraction of addicted criminals. Offenders, usually caught in low-level dealing or stealing to support their addictions, volunteer for 9 to 18 months or more of intrusive supervision by a judge, including random urine testing, group therapy and mandatory sobriety meetings. The intent is a personal transformation that many participants say is tougher than prison — and with the threat of prison if they drop out or are kicked out.

"I've waited 22 months for this day, and I never thought I'd make it," Scott Elkins, a 26-year-old hip-hop singer, told the Seattle audience in September. A cocaine user and dealer who had been clean for two years, Mr. Elkins had his felony charges dropped and has a job, his own music production company and marriage plans.

Nationwide, 70,000 offenders are in adult or juvenile drug

Some successes, but also some reservations about drug courts.

courts at any given time, with the number growing, said C. West Huddleston III, director of the National Association of Drug Court Professionals. The concept has been supported by the Clinton and Bush administrations.

"To find an intervention that works has generated great excitement in the criminal justice community," said Greg Berman, director of the Center for Court Innovation, a research group in New York, where Chief Judge Judith S. Kaye has been a strong advocate.

But some scholars say that, because of high up-front costs, the limited success of drug treatment and a shortage of judges with the required personal talents, drug courts are unlikely to make a significant dent in the prison population.

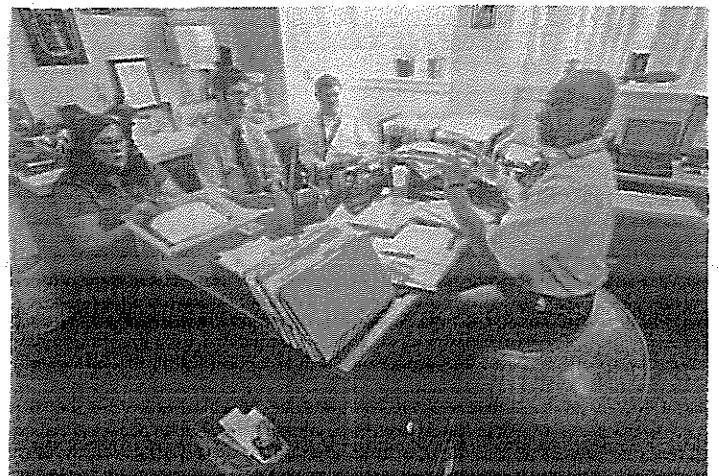
Some lawyers also say the courts can infringe on the rights of defendants given that offenders usually must acknowledge guilt to enter the court, or in some places have already agreed to a plea bargain and sentence.

Thus an addict might opt for drug court to avoid prison or with sincere intentions of going straight, but if treatment fails and he is expelled from the program, he must serve a sentence without having seriously fought the charges. His total time in court custody, between drug court and then prison, may be longer than it would have been otherwise. Advocates respond that such offenders are facing a plea-bargaining mill in any case, and are offered an invaluable chance for change.

Critics also worry that the courts can monopolize scarce drug-treatment slots at the expense of other addicts seeking help.

Clearly, the courts do not help everyone. One of the most successful programs is in New York State, where about 1,600 offenders are in adult drug courts. Studies found that while 40 percent dropped out of the program along the way, those who started it, including both dropouts and graduates, had 29 percent fewer new convictions over a three-year period than a control group with similar criminal histories and no contact with drug courts, Mr. Berman said.

In other regions, half or more of those who start the program do not finish. And recidivism



PHOTOGRAPHS BY STUART ISETT FOR THE NEW YORK TIMES

Judge J. Wesley Saint Clair met with staff members to discuss drug court cases. His court has been cited as one of the best.



Tyler Sims appeared before Judge Richard A. Strophy, who lectured him about commitment to the drug court program.

rates for participants are reduced by about 10 percent to 20 percent, depending upon the quality of the judges and treatment programs, said John Roman, a researcher at the Urban Institute, based on a recent study.

An earlier review of 57 "rigorous" drug court evaluations around the country, led by Steve Aos of the Washington State Institute for Public Policy, found that recidivism was reduced on average by only 8 percent, but with wide variation.

Yet even that modest reduction in crimes and prison yields cost benefits. The report this year by the Urban Institute found that, for 53,000 people in adult drug courts, the country spends about half a billion dollars a year in supervision and treatment but reaps more than \$1 billion in reduced law enforcement, prison and victim costs. A large expansion would yield similar benefits, the report argued.

But some scholars, like Mark A. R. Kleiman, director of the Drug Policy Analysis Program at the University of California, Los Angeles, remain skeptical about the potential and the achievements. He suggests, for example, that success rates of some courts may be inflated because they take in offenders who are not addicted and entered this track only

to avoid prison. Dr. Kleiman advocates a slimmed-down system that does not initially require costly treatment, as drug courts do, but simply demands that offenders stop using drugs, with the penalty of short stays in jail when they fail urine tests. Such an approach has shown promise with methamphetamine users in Hawaii, he said, and because it is far cheaper, it can be applied to far more offenders.

Still, several drug-court graduates in Seattle and Olympia, Wash., said the supervision of a judge, ready to praise or jail them depending on performance, was crucial to their success.

Allison Alexander, 26, had parents who were heroin addicts, and she had lived on the streets since age 14, using and selling methamphetamine.

"I couldn't have stopped on my own; I didn't know how," said Ms. Alexander, holding her 16-month-old daughter on graduation day.

"Drug court saved my life," she told the audience, tears welling up in the eyes of her grandparents and even the prosecutor, and she said she aims for a career in child counseling.

The Seattle court handles about 500 offenders at a time, though state budget cuts will reduce the number to 300 next year.

Judge Saint Clair, an animated 57-year-old, said this would cost society more in the long run. He also tried to dispel the notion that drug courts were a free ride.

"Drug courts work, and not because they're fuzzy — let me tell you, I can be a hard man to deal with," Judge Saint Clair said to the graduates, their families and friends. "For many of you, it would have been easier just to have taken your prison time."

In Seattle, most of the offenders are addicted to cocaine, heroin or prescription narcotics. Researchers have not established whether the courts are more effective with one type of drug user or another.

But more than two-thirds of the clients in Thurston County, Wash., south of Seattle, are methamphetamine users. The court there in Olympia is led by Judge Richard A. Strophy, who was recently considering the case of Pepper Johnston, 26, who had lost custody of her baby girl during the three years she was, in her words, "strung out." Now doing well after nine months in the program, Ms. Johnston meets her daughter after school and dreams of regaining custody.

But the judge told another woman who has missed therapy and urine tests that he might remove her from the program, and

had her handcuffed and taken to jail until he decided.

"With meth addicts, who are paranoid and oppositional, you've got to force them to change," Judge Strophy said. "Coerced treatment works."

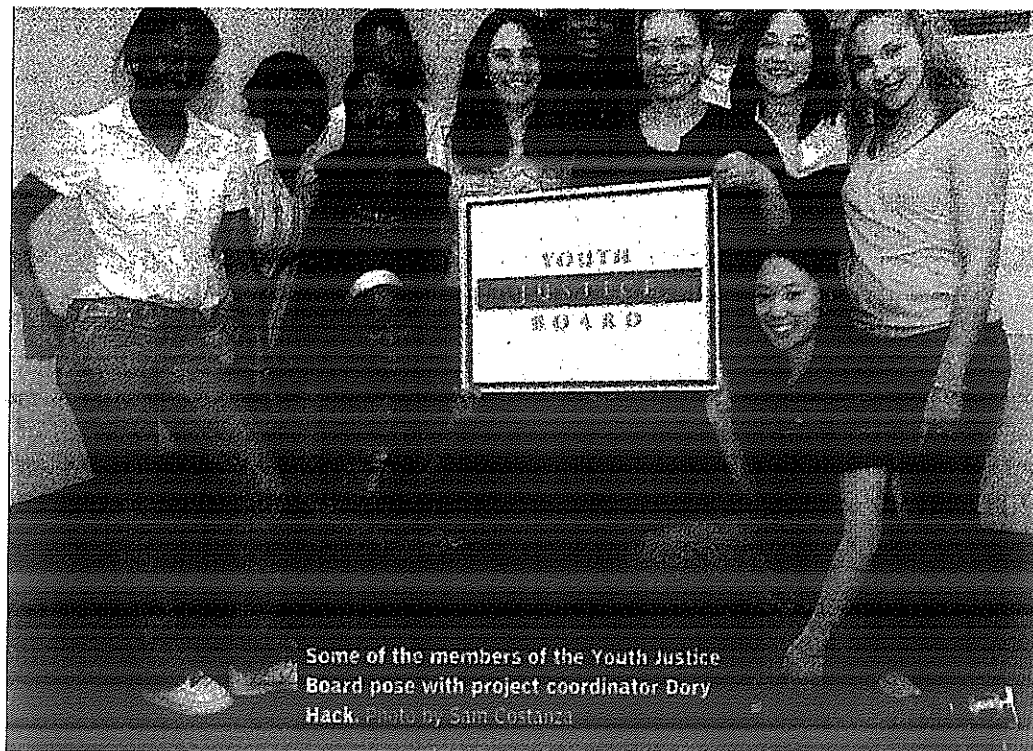
Offenders are referred to drug court by prosecutors but participation is voluntary, and some decline because they prefer brief sentences to a year or two under the thumb of a judge, with no guarantee that they will not fail and serve prison time anyway.

At a regular session of the Seattle court, Jennifer Paris, 36, sounded hopeful. She was six months clean, she said, after 22 years of heroin and cocaine use and stretches of homelessness and prostitution. She is in a methadone maintenance program — acceptable to many drug courts — and in therapy.

"You guys are the first people to believe in me," Ms. Paris said.

"I'm full of gratitude for the opportunity and for you not kicking me out," she said, eyes sweeping from Judge Saint Clair to the prosecutor and her public defender.

"We're not done yet," Judge Saint Clair replied with a hint of a smile.



Some of the members of the Youth Justice Board pose with project coordinator Dory Hack. Photo by Sam Costanza

They're courting changes that would benefit fellow teenagers

They've studied recidivism among their just-released-from-prison peers, and school safety, to little effect.

Maybe the third time's the charm.

Next month, the 17 teenage members of the Youth Justice Board, a project of the Center for Court Innovation, will release their recommendations to improve the city's Family Court System.

Maybe this time they'll have more luck getting heard — Family Court Administrative Judge Joseph Lauria has promised to look at the group's recommendations, said Dory Hack, project coordinator for the Youth Justice Board.

Let's hope so. What Lauria will receive is a year-long look at Family Court and how it affects teens drawn into that system.

They know — several of the Youth Justice Board members themselves have been involved in the Family Court through foster care and other legal issues.

Because of that, and to protect their confidentiality, none of the board members' last names will be used here.

They include Pinida, 16, and Jessica, 18, both of Queens; Carrie, 17, of Harlem; Martin, 17, of the Bronx, and Brooklynites Rocina, Phyllis and Taquan, all 16, and Latanya and Theresa, both 17. They meet for two hours twice a week in the Center for Court Innovation's midtown offices near Penn Station.

And they want their hard work to make a difference.

"We're looking to change the foster care system," Jessica said.

Since July, the team has been researching the city's Family Court. It has interviewed judges, lawyers, social workers, agency heads and teenagers who come in contact with the system.

Some problems were easy to identify. The

court facilities were drab and intimidating, with hard, uncomfortable seats where teenagers often felt uncomfortable and unwelcome. "It's natural to be intimidated by a court when you walk into the place," Pinida said.

Teens in the system found little avenue to participate in their cases, Rocina noted, and sometimes were not even notified when they were scheduled to appear in court.

"We were shocked by the number of youths who never knew about their court date or never were in court to speak on their own behalf," Pinida said.

When they do appear, teens said, they often had to wait all day before seeing a judge — often a judge who never referred to them by name or asked them any direct questions.

"Young people also don't understand the judicial process, or their rights in the process," Theresa said.

Added Carrie, "When they go to court, they feel they don't have any value."

The team declined to share the remedies it has come up with so far, saying it had promised Lauria the first look at its report, which it expects to finish in the coming weeks.

"I am blown away by these kids," Hack said. "Teenagers aren't given enough credit in New York City. They observe more and see more than adults give them credit for."

Although they are optimistic about the possibility of their recommendations being adopted — Hack said none of the recommendations in the previous two board reports was adopted — several board members said they, at least, were changed by taking part in the process.

"We felt we could make a change," Taquan said. "I felt like we could do something good for our community."

crichardson@nydailynews.com

CITY BEAT

BY CLEM RICHARDSON

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 consigned 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 Sordna 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 access 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.

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 Yankel Rosenbaum was stabbed to death

by an enraged mob in 1991 after a Homicide 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.

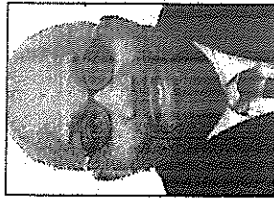
And it's only a few doors from the spot where the strangled body of 16-year-old Chanel Petro-Nixon was found last June in another unsolved murder.

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.

erlouis@nydailynews.com

Cops, teens join forces for riot act

BY JOYCE SHELBY

IN NEW YORK CITY, it's just not news that many teens hold police officers in less than high esteem.

"I've tried to avoid them, mostly because I hear how they'll put young kids like me in jail," said Kiki Duncan, 16, of Bedford-Stuyvesant.

So when teens not only get along with cops, but also team up with them to do comedy, that's something most people would have to see to believe.

A small group of spectators will get to do just that Thursday when four Brooklyn officers and seven borough teens appear at the Jalopy Theatre in Red Hook.

Group members will be demonstrating what they've learned so far in an improvisational workshop sponsored by the Falconworks Artists Group and the Red Hook Community Justice Center.

"We wanted to create a level playing field for the officers and the teens, one where both could communicate and build relationships they wouldn't have otherwise," said Amy Roza, director of youth services at the justice center.

Participating teens come from Red Hook, Park Slope, Bedford-Stuyvesant and Canarsie. The cops are from the 76th Precinct and the Police Department's Housing Bureau.

Initially, the teens did not know they were working with police officers. And neither group knew anything about improvisational theater.

"At first, I was expecting to

have a script," said Officer Lorraine Sanchez of Red Hook's 76th Precinct. Working with instructor Melissa Shaw, participants learned the basics of improvising. By last week, they could easily accept suggested topics from the audience.

Together, they extolled the joys of eating earthworms, and discussed creative ways to extract teeth and achieve rainbow-colored gums.

Laughs aside, both groups said the experience was a good thing.

"We've gotten to know the kids in a much more relaxed atmosphere," said Officer Gary Marchand of the Housing Bureau. "You hear what they talk about and what kind of music they listen to. It's much more personal," said Marchand, who has patrolled the Red Hook Houses for 13 years.

Precinct Officer Carl Bredy said,

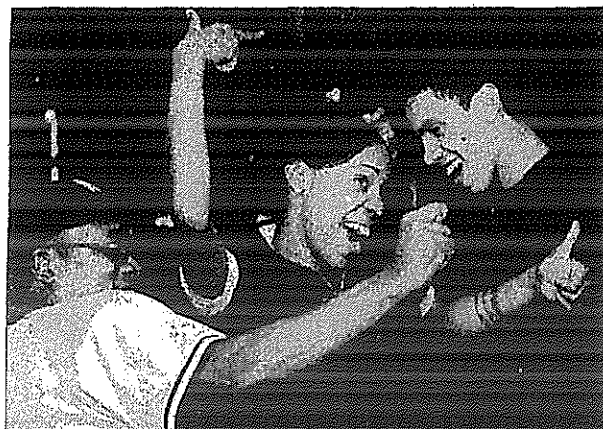
"Working with the kids has given me an opportunity to be a role model, to give them someone to talk to and look up to."

And the teens said their perceptions of cops had changed.

"Before this project, I really didn't like police," said Alisha Griggs, 17, of Red Hook. "I still have my perceptions of them, but I don't judge every cop in the same way. When one approaches me, I feel, maybe this one is a regular person."

The police and teens will perform for family, friends and colleagues Thursday night.

Community performances are planned for June.



Officer Carl Bredy (left) of the 76th Precinct practices improv comedy with teens Kiki Duncan (center) and Trevor Rosario.
Photo by James Monroe Adams IV

**'I don't
judge
every
cop in
the same
way'**

THE BACK PAGE

Friday, January 19, 2007

New York Law Journal

A decade later, Center for Court Innovation's research and development model is an international movement.

A 'Simple Concept' Goes Global

BY THOMAS ADCOCK

THE LAWYERS AND POLICY MAKERS who launched the Center for Court Innovation 10 years ago knew it would be a splendid idea to expand on the experimental Midtown Community Court and create a formal research and development program for the New York court system. But they had little inkling of how attractive the concept would be to judiciaries beyond the state, and beyond America's borders.



Chief Judge Kaye



Judge Lippman

Indeed, the Midtown court, established to deal with the plague of misdemeanors that vulgarized Manhattan in the recent bad old days, is now an international movement of settled logic. To deal effectively with low-level crime, courts must both punish the perpetrators and provide them a means of escaping their pathologies.

Before this formula found acceptance, however, a political divide of the era had to be somehow overcome—a problem that once seemed as intractable as rampant crime itself.

Greg Berman, executive director of the center, described the divide as “the midnight basketball crowd versus the three-strikes-and-you’re-out people.”

The solution lay in a structure prescribed by New York Chief Judge Judith S. Kaye, in concert with Chief Administrative Judge Jonathan Lippman and Deputy Chief Administrative Judge Judy Harris Kluger. While the center would work with the court system, the judges determined, it would be administered as a project of the Fund for the City of New York, a nonprofit, non-partisan operating foundation.

“We felt you had to get out of the daily travails,” Judge Lippman said, referring to a yearly statewide calendar of some 4 million cases. “We needed a vehicle to stand aside and figure out what the courts need



Judge Kluger



Greg Berman



Midtown Community Court
at 314 West 54th Street

Continued on page 19

Off the BACK PAGE

Community Court Effort Goes Global

Continued from page 20

and new ways of serving the public."

Chief Judge Kaye said it made "just plain good sense" to have established the center, initially staffed by 12 professionals and funded by \$1 million in combined grants from the state Office of Court Administration and the U.S. Department of Justice. Today's staff of 150 operates on an annual budget of \$15 million.

"Like any successful company, why shouldn't the courts have a research and development branch?" the chief judge said. "A place to think about the cases we handle, the social problems underlying them—problems that challenge us to find different solutions."

Next Thursday at the New York City Bar Association on West 44th Street, Chief Judge Kaye and Judge Lippman, along with Mr. Berman and others, will celebrate the center's decade of accomplishments on the occasion of its tenth anniversary—as well as its becoming a model for special courts and community programs throughout the country and beyond.

Exceeding Expectations

Locally, the center has established a dozen "problem-solving" courts, as they are called, including the Brooklyn Mental Health Court, the Harlem Community Justice Center and the Youth Domestic Violence Court.

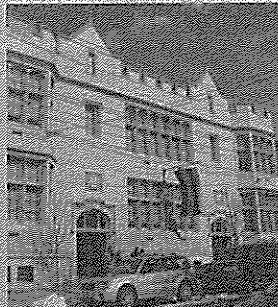
The Red Hook Community Justice Center, according to an internal study, has helped low-level crime drop 62 percent in its Brooklyn neighborhood and strengthened ties between police and residents. Bronx Community Solutions, the center's most recent program, has put more than 18,000 misdemeanor offenders into punishment-assistance programs monitored by the Bronx Criminal Court. In the space of two years, a center study found, social service compliance has increased by 20 percent.

"The center has exceeded everyone's expectations," said Mr. Berman, who worked with the Midtown court on a fellowship during its inception in 1993, and who was later hired as deputy director when the center was founded in 1996.

He added, "I remember the days when I'd hand out my business card and people would say, 'Court innovation? Isn't that an oxymoron?'"

John Feinblatt, the center's founding director who became New York City's criminal justice coordinator when Michael Bloomberg was inaugurated as mayor in 2002, said it was a "simple concept" to borrow the private sector tradition of research and development. The more difficult task, he said, was "how to institutionalize innovation in the public sector."

As a result, said Mr. Feinblatt, a former Legal Services attorney and freelance journalist, "The center operates



Red Hook Community Justice Center in Brooklyn

A Decade Of Accomplishment

NEXT THURSDAY, the New York City Bar Association is set to celebrate the tenth anniversary of the Center for Court Innovation. Developments over the past decade include:

- New York state operates, or has in final planning stages, 195 special drug courts, 29 integrated domestic violence courts, nine mental health courts, seven community courts and three sex-offender management courts.

- Nationally, there are more than 2,500 special community courts established on the New York model, which is endorsed by the Conference of Chief Justices, the Conference of State Court Administrators and the American Bar Association.

- More than a dozen community courts now operate in Britain and South Africa. With an eye toward establishing more such venues, the center's staff has worked with judicial administrators from Japan, Australia, New Zealand and Canada.

- Between 1996 and 2006, more than 1,800 lawyers, including those from 50 countries, have toured the pioneering Midtown Community Court and the Red Hook Community Justice Center in Brooklyn, as well as other venues for adjudicating low-level criminal cases.

- Independent studies show dramatic reduction in local street crime wherever special courts operate. For example, a 56 percent reduction in prostitution arrests in Manhattan, according to "Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court," released in 2000 by Harwood Academic Publishers of Amsterdam, Netherlands.

- Internal measures show similarly dramatic reductions in repeat offenses by defendants, highlighted by a 71 percent reduction in recidivism among "graduates" of its special drug courts.

- The center's Web site, which carries numerous research reports, attracts approximately 33,000 hits per month.

— Thomas Adcock

as a consultant with a single client. It's an independent organization with the intimacy of an insider and the perspective of an outsider."

"I'm not sure there's really anything comparable," said Judge Kluger. "That's one of the reasons so many jurisdictions around the country use the center's expertise."

Responsible for upstate court administration, Judge Kluger said further of the center, "It may have started in New York City, but very quickly there was a recognition that these problem-solving courts could work in suburban and rural districts. And by the way, New York City learns from the center's pilot programs in different parts of the state."

In particular, Judge Kluger cited integrated domestic violence courts—whereby one judge may hear criminal, family and matrimonial matters relating to one family where the underlying issue is domestic violence—that began in upstate counties as the model for all such venues run by the center.

Going forward, Judge Kluger said the center's research work would be "very important" as a means of "making sure the results we anticipate are happening."

New Directions

According to a 10-year retrospective to be distributed in booklet form next week at the city bar celebration, the center's researchers determined from interviews with judges, trial attorneys and representatives from probation departments and social service providers that "principles and practices" of special courts—namely judicial monitoring of offenders assigned to social service agencies—could be adapted in conventional courtrooms.

That study, conducted in cooperation with the Collaborative Justice Courts Advisory Committee of the Judicial Council of California, was published in *Judicature* and *The Justice System Journal*.

Mr. Feinblatt said the center would soon be contacted by Mayor Bloomberg, who in his State of the City address on Wednesday called for creating special truancy courts in Brooklyn and Manhattan to work with families at risk of "educational neglect."

As she nears the end of her tenure at the Court of Appeals, Chief Judge Kaye said, "One thing that's nagged at me is our inability to really connect with the public—not in a news item way, but really good civic education and public outreach. Should we fix the family courts? Yes. Families aren't like they were 20 years ago. And what about homelessness and evictions? So I've tossed this to the center and said to them, 'Just chew on it.'"

— Thomas Adcock can be contacted at tadcock@alm.com.

**New York City Council
Preliminary Budget Hearing**

**Public Safety Committee
Peter F. Vallone, Jr., Chair**

**ALTERNATIVE TO
INCARCERATION AND
REENTRY PROGRAMS**

[www.ati-ny.org]

March 20, 2009

Center for Alternative Sentencing and Employment Services (CASES)

Center for Community Alternatives (CCA)

Center for Employment Opportunities (CEO)

Fortune Society

Legal Action Center (LAC)

Osborne Association

Women's Prison Association (WPA)

Testimony Presented By

Joel Copperman

CEO / President

CASES

My name is Joel Copperman. I am the CEO and President of CASES, one of the seven organizations that make up the ATI Coalition. The Coalition includes the Center for Alternative Sentencing and Employment Services (CASES), Center for Community Alternatives (CCA), Center for Employment Opportunities (CEO), Fortune Society, Legal Action Center (LAC), Osborne Association and Women's Prison Association (WPA). I am here on behalf of the coalition and those organizations.

These seven programs provide alternative to incarceration and reentry services. Our ATI work takes us into the courts where, in cooperation with judges, prosecutors and the defense bar, a person's appropriateness for one of our programs is assessed and a determination is made whether to admit him or her to the program instead of incarceration. Our reentry work is at the back end of the system when individuals are released from incarceration and returning to their communities.

On behalf of the ATI Coalition, I want to thank the City Council for the assistance you have provided to our programs and to our clients. For over 10 years your support has allowed us to leverage that support many times over, all of which will allow the seven organizations that comprise the ATI coalition to serve over 17,000 clients this fiscal year.

We all know that this is a very difficult budget year and you are faced with difficult choices as you develop the City's budget. In that context it is crucial to note that savings achieved from our programs are immediate. The defendant who enters an ATI program is not being held in detention on Rikers (\$164 per day) or in a DJJ facility (a staggering \$551 per day). By comparison, our programs cost less than \$25 per day. We estimate that **the savings to the City and State correctional systems exceed \$100 million a year.**

There are other savings as well. City hospitals and emergency rooms, homeless shelters achieve additional savings. For defendants who enter CASES mental health program psychiatric hospitalizations are reduced by 56% during their time in the program. And finally, because we prepare our clients for work and help them find jobs, they pay taxes and child support. CEO has collected over one million dollars in child support payments.

We all know that crime affects each of New York City's communities – victims, the person committing the offense, families, community members, and taxpayers. Incarceration has long been the primary response to crime. Too often though, that response fails to improve public safety or prevent future crimes by people released to the community. Incarceration isolates young people and adults from needed supports; disrupts families and contributes to the cycle of poverty and recidivism.

Our programs provide effective services as an alternative to incarceration and for individuals just released from jail or prison. We work in the Criminal, Supreme and Family Courts in all five boroughs. Our offices and services are spread across the five boroughs as well. The maps in the Atlas attached to this testimony give a good picture of the breadth and the depth of our services across the City.

The work of the ATI Coalition is an integral part of the strategy that has enabled the City to reduce crime. We have made important contributions to the lower populations in the jails, prisons and juvenile detention facilities. The Coalition brings services to some of the City's most disadvantaged neighborhoods. As opposed to incarceration, our programs invest in people and their families and ultimately strengthen whole communities. Supporting the Coalition is a cost-effective way to reduce crime, help people change their lives for the better, strengthen communities, and save taxpayer dollars.

While all of our clients are involved in the criminal justice system, the range of the ATI Coalition's work stretches across the social services, housing and employment fields. Our work strengthens families, helps youth achieve their potential, provides relevant and appropriate services for women, connects people to stable employment, provides a home in the community, addresses the problems of substance abuse, and provides effective solutions for the mentally ill. Our work is part of a process to develop the skills and resources to avoid future criminal involvement.

ATI Coalition programs reduce recidivism.

- A program that serves young people charged with a felony: 80% of graduates not convicted of any new crime within 2 years
- A program that serves adults with serious and persistent mental illness charged with a felony: 97% reduction in conviction rate following intake into the ATI program
- A residential program for women who have committed felonies: 97% of graduates not convicted of a new crime within one year
- Findings from an independent random-assignment evaluation show that participation in CEO significantly decreases several measures of recidivism including a 40% reduction in re-incarceration for a new crime through two years of follow up.

The results go beyond recidivism. Not only do we keep our clients out of jail and prison, we help them make dramatic changes in their lives. And helping our clients helps communities.

ALTERNATIVE TO INCARCERATION AND REENTRY PROGRAMS HELP YOUTH ACHIEVE THEIR POTENTIAL

Participants in CEO's Young Adult program are 1.4 times more likely to be placed in a job and are 34% more likely to keep a job for a year, than young adults at CEO who do not join the program.

60% of CCA youth were truant from school at intake, none were truant at program graduation; 100% were promoted to the next grade level.

78% of the young people who had internship placements while in CASES youth program received a diploma or were working one year after graduating the program

74% of the students registered at the CASES-Department of Education High School earned high school credits.

91% of young people graduating from CASES youth program were employed, in school and/or receiving services in their community.

ALTERNATIVE TO INCARCERATION AND REENTRY PROGRAMS STRENGTHEN FAMILIES

Over 200 young fathers enroll in CEO's voluntary Responsible Fatherhood Program each year and attend classes on effective parenting; learn how to find and reconnect to their children; and get help meeting their child support obligations. CEO has collected over \$1 million in child support payments.

100% of the fathers who took Osborne's parenting course at Rikers Island showed improvement in their attitudes toward parenting.

ALTERNATIVE TO INCARCERATION AND REENTRY PROGRAMS PROVIDE RELEVANT AND APPROPRIATE SERVICES FOR WOMEN

Among the predominately homeless women participating in WPA's Hopper Home, 78% enrolled in an employment program; 92% improved housing post-completion; 85% obtained health care coverage, and 68% strengthened their family relationships by either regaining custody of their children or improving parenting skills.

WPA's Law Project helped 76 women and their families address family visitation and custodial concerns while helping to reduce Family Court system costs by expediting or eliminating the need for court proceedings in 68% of the cases.

88% of the clients receiving case management from WPA's Community Linkage Unit obtained identification necessary to obtain legal employment, housing, or benefits and 62% improved their housing situation.

75% of women in CCA's Crossroads program in need of family reunification services were reunited with their children and 100% were linked to health care.

50% of women entering CCA's Crossroads program were homeless; 85% of those women were living in stable housing at time of program completion.

None of the Crossroads women were employed at intake; 45% were employed at program completion.

ALTERNATIVE TO INCARCERATION AND REENTRY PROGRAMS CONNECT PEOPLE TO STABLE EMPLOYMENT

CEO made 1,226 placements in permanent jobs in 2008; wages averaged \$9/hour.

In 2007, 473 clients completed Fortune Society's job readiness program. Clients who were placed into employment averaged salaries of over \$9/hour and received two years of job retention services

Individuals with criminal records must overcome many barriers to jobs, housing, and government benefits including:

- errors on their rap sheets;
- ignorance about their own criminal record (they cannot accurately list or explain criminal convictions and are denied jobs because of inaccurate answers to job application questions);
- laws that make it virtually impossible to work in certain positions no matter how old the convictions or how unrelated to the work; and
- employers' ignorance of New York laws that prohibit discrimination and a fear that hiring individuals with criminal records will result in liability.

In 2008, the Legal Action Center helped 397 individuals overcome 443 legal problems related to their criminal records and overcome these barriers.

ALTERNATIVE TO INCARCERATION AND REENTRY PROGRAMS PROVIDE A HOME IN THE COMMUNITY

Since 2002, The Fortune Society's phased permanent housing has helped nearly 382 individuals find stable housing.

ALTERNATIVE TO INCARCERATION AND REENTRY PROGRAMS ADDRESS THE PROBLEM OF SUBSTANCE ABUSE

65% of the men and women enrolled in Osborne's drug treatment program in 2008 stopped using drugs; 100 % of Osborne graduates had either Medicaid or private health insurance; and 75% improved their employment or educational status.

In 2007, 88% of clients enrolled in The Fortune Society's substance abuse treatment services were substance free 12 months later.

ALTERNATIVE TO INCARCERATION AND REENTRY PROGRAMS PROVIDE EFFECTIVE SOLUTIONS FOR THE MENTALLY ILL

92% of clients were homeless at intake into CASES mental health program for individuals with serious and persistent mental illness; after one year all are in safe and secure housing and 61% of those are in long-term permanent housing

CASES mental health program reduced psychiatric hospitalizations by 56% during program participation

At admission none of the clients admitted to CASES mental health program were engaged in employment or education; during program participation over 30% became engaged in employment or education.

Thank you for your support. We look forward to continuing to work with the Council.



COALITION OF UNITED RESIDENTS FOR A SAFER COMMUNITY

95-08 43rd AVENUE
ELMHURST, NEW YORK 11373

(718) 426-6767



March 31, 2009

RE: NYC City Charter, Mayors 2010 Expense and Capital Budget, City Council Public Safety Committee

Dear Honorable Chairman Councilman Peter Vallone and Members of the Public Safety Committee,

Our organization strongly demands that the 110th Precinct remain at its present site 94-41 43rd. Avenue in Elmhurst, Queens. This Precinct is centrally located to serve all of the residents in Corona and Elmhurst. The Capital Budget set for 2013 to construct a new 110th Precinct should be done at the present site. The property at 94-41 43rd. Avenue is large enough and is wide enough to construct the New 110th Precinct and a Underground Parking Facility.

Police Commissioner Raymond Kelly stated last May in 2008 that he is in favor of relocating and constructing the New 110th Precinct near the boundaries of or in Flushing Meadow Corona Park. One suggestion was the Parking lot adjacent to the Hall of Science. If the 110th Precinct with their Patrol Units, Special Units, Vice Squads, Detective Units, Narcotics and more is relocated any where near the surrounding area of or in this Park it will not be able to get in or out during the peak seasons when all of the Mets Games, US Tennis Tournaments, Festivals, Olympic Size Pool Events, Playground for all Children Events and especially now the building of a New Community at Willets Point happens all at once. They will be held hostage. Trapped by the traffic that is created by these events. The Communities of Corona and Elmhurst will also be held hostage. 911 and 311 Calls will not be answered due to the fact that our Police Officers are battling traffic instead of crime. Flushing Meadow Corona Park should not precede before the Communities of Corona and Elmhurst. It is only opened from 9A.M. to 9 P.M.. A Precinct belongs in the heart of the Community. A Community that is alive and active 24 hours. It is essential that the 110th Precinct remain at its present site so as our Police Officers can respond to their duties efficiently and move swiftly through emergencies. These actions will Save All in Our Community.

Thank you,

Lucy Schilero, Director and Founder