

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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April 6, 2009
Start: 10:10am
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HELD AT: Council Chambers
City Hall

B E F O R E:

PETER F. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:

Erik Martin Dilan
Melinda R. Katz
David Yassky
Daniel R. Garodnick
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A P P E A R A N C E S (CONTINUED)

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CHAIRPERSON VALLONE: Good morning and welcome to today's Committee on Public Safety hearing. Today we'll be discussing and analyzing the city's recent crime statistics. The focus will be on data collected from 2006 through 2008. Let me begin by saying I can not praise NYPD enough for the work that it's done to reduce crime in this city over the last seven years or even longer than that. Major felony crime is down 30% from 2001 and we continue to have record lows in almost all categories thanks to your hard work.

However despite these encouraging crime rates, we still have a way to go. There is still dangerous crime in this city. In the last week of March for instance, let me just pull one out by example, 355 robberies. That's a lot of robberies. I know there are over a million people but next week 355 of us will be robbed and that's not a number that we should sit by and allow to continue to happen. In fact as we know robberies last year as a whole went up. There were nine murders in that same week. That's an improvement but nine murders is nine murders too many.

Seven major felonies around the

city are down as a whole. However as we know, the world does not revolve around just seven major felonies there are a lot of other felonies out there. There are misdemeanors, there are quality of life crimes and those on a whole are going up. Last year in 2008, 517 murders, 24 murders more than 2007, 22,114 robberies, 530 more than 2007. In 2008, 163,588 felony complaints, 16,400 more than 2007, that's an 11% increase, misdemeanor complaints a 14% increase. These are numbers you don't hear about when you only talk about the seven major felony crimes.

Perhaps most importantly while crime has been going down constantly, again, thanks to the very hard work of the Police Department, it's been going down about 6% every year since I have been here as Public Safety Chair since 2002 and before that, 6% a year. Last year less than 3%. That's, as I've been saying, in large part due to the fact that we've got 5,000 less police officers than we've had at any time since 2001.

But now, as I've said before, now we're entering a perfect criminal storm. We have

1 less police officers than we've had since 9-11.
2 We have a faltering economy and now we have much,
3 much weaker laws thanks to Albany and that's the
4 purpose of this hearing, to examine trends so see
5 which way we're going. We're winning the war on
6 crime but for how long.
7

8 This committee has worked hard over
9 the last several years to support the NYPD. Just
10 last February we held a counter terrorism hearing.
11 We learned a lot at that hearing about your
12 efforts and we've worked hard here to make sure
13 the Police Academy class was not completely
14 canceled. As you know the administration had no
15 plans to have any recruits in January 2009 class
16 nor the July 2009. It was the City Council that
17 put 250 recruits into each of those classes.
18 Nowhere near enough, there was supposed to be
19 about 1,200 recruits. In fact it's still the
20 administration's plan at this point to have zero
21 police officers in the January 2010 class. We
22 look forward to hearing about how that's going to
23 effect operation and impact.

24 Again, despite everything I have
25 said, I think the Police Department has done an

1
2 amazing job take it the wrong way but it is our
3 job here to do oversight and to ensure that the
4 tremendous gains you've been able to make continue
5 to occur. We want to know everything we can do to
6 make sure that that happen. So I'm going to turn
7 now to Assistant Commissioner Phil McGuire who is
8 with the Programs and Policies and Crime Analysis
9 and Program Planning Section, didn't know we had
10 one, of the NYPD so thanks for coming. Assistant
11 Commissioner we look forward to hearing from you.
12 Who's with--as always Commissioner Sue Petito.
13 Thank you.

14 PHIL MCGUIRE: Good morning
15 Chairman, members of the Council. Thank you for
16 the opportunity to provide the Committee with an
17 update on New York City's crime trends. I'm
18 Assistant Commissioner Phil McGuire Commanding
19 Officer of the Crime Analysis and Program Planning
20 section of the Police Department's office of
21 Management Analysis and Planning. My office is
22 responsible for the crime reporting system and
23 ensuring its integrity. We also conduct analysis
24 of crime data, disseminate crime statistics within
25 and outside the Department. AS such, I serve as

1
2 the liaison to agencies representing every level
3 of government to fulfill our crime reporting
4 requirements.

5 To give you an idea of my
6 background, I've been a member PD for over 35
7 yeas, working in the areas of statistical analysis
8 reporting and planning. I have served as ()
9 Director and Director of the Crime Analysis
10 section. I'm currently Assistant Commissioner of
11 Programs and Policies and a member of America's
12 Statistical Association.

13 As the Police Commissioner
14 testified last week at the preliminary budget
15 hearing 2008 marked yet another year of crime
16 reduction in New York City. Major felony crime
17 continues to decline to levels not seen for
18 decades. We closed 2008 with more than 3%
19 reduction in the seven major felony crime
20 categories compared to 2007 and a 28% decline
21 compared to 2001. One consequence of these
22 historic low levels of crime is the difficult in
23 achieving dramatic declines year after year.
24 Nevertheless, so far this year the trend has
25 continued with a decline of nearly 14% compared to

the same period in 2008.

Keep in mind that these long term trends are evident in every patrol borough. The trends virtually include all 76 precincts, all transit districts and each of our housing service areas. These trends continue even as the population of the city has increased from 7.3 million in 1990 when murders reached an all time high of 2,245 to approximately 8.3 million in 2007 when, you may recall, murders dipped below 500 for the first time since the early 1960s. In 2008 the number of murders remained at an all time low vested only by the 2007 total.

The most impressive fact associated with these unprecedented crime reductions is that they are continued as the Police Department has had to do more with some 5,000 fewer officers. In fact, since 9-11 the Department has committed approximately 1,000 members of the service to full time intelligence gathering and counter terrorism duties. Notwithstanding these additional responsibilities and resource commitments, crime continues to fall.

Before I proceed with a more

1
2 detailed review of the most current crime
3 statistics, I'd like to give you some insight to
4 the Department's crime reporting process. Two
5 different reporting systems are used to report
6 crime. The first is based upon New York State
7 penal law and would be familiar to you in the form
8 of the CompStat preliminary statistics that are
9 used to report on the seven major felony crimes,
10 murder, rape, robbery, felonious assault,
11 burglary, grand larceny, grand larceny motor
12 vehicle. The New York State Penal law provides
13 the definitions for the operational crime
14 statistics used throughout our state's criminal
15 justice system.

16 The CompStat statistics are also
17 most often associated with a weekly process the
18 Department uses to manager our crime control and
19 quality of life efforts. By closely monitoring
20 the local precinct crime trends and patterns, the
21 Department can marshal and coordinate agency's
22 patrol and investigative resources to effectively
23 and successfully deal with them.

24 The second set of statistics we
25 will review are based upon the reporting

requirements of the Federal Bureau of Investigations Uniform Crime reporting system. These statistics are most often seen in the press and media when comparisons are made between regions and cities or when national crime strategy discussed. Maintaining the two reporting systems is a complex but necessary function that provides operational statistics for the Department and other criminal justice agencies as well as information for public dissemination and governmental deliberations.

As such, our reporting system must maintain high levels of reliability and accuracy as well as support the public dissemination and transparency. I'm pleased to report that the accuracy of our reporting system has been examined a number of times in recent years by outside audits and studies and found to be accurate, reliable and consistent. In 2007, the Department's UCR reporting procedures were examined by the FBI's audit team as part of an audit of New York State's reporting requirements and practices and found to be fully compliant with the Bureau's reporting standards.

In 2006 New York University examined the Department's own crime auditing practices and found them to be more stringent than current business auditing practices. These recent findings reconfirm the review of the Department's crime reporting system conducted in 2000 by the New York State Comptroller's Office that found the Department's crime data to be "accurate, complete and reliable".

In addition to our state and federal reporting requirements, our statistics are published and updated on the Department's public web site weekly, provided to the City Council quarterly and made available in the Mayor's Management report and on New York City's Citywide Performance Indicators web site. Crime trends, particularly those that will likely result in close scrutiny and enforcement intervention can be very dynamic and will fluctuate up and down around more prominent long term trends. Some of these variations will be dealt with successfully be refocusing operational attention on specific local problems and thereby eliminating a spike in criminal activity.

Others may emerge after changes in reporting practice mandated by changes to state law. On a case by case basis crime classification changes may also occur as a result of investigative follow up and may occur years after the fact such as the recently report reclassification of the 1960 shooting of William "Willie Wheelchair" Jenkins to homicide. In that case Mr. Jenkins, a 66 year old man who recently died was determined by the medical examiner to be a homicide victim as a result of a gunshot he receive when he was 18 years old. His injuries did not prevent him from being arrested on four separate occasions afterward for charges ranging from robbery to attempted murder. Thus some of the murders counted in recent years are a result of violence that occurred decades past.

In addition to the crime trends that we will be discussing, I'm aware of the Council's interest in the issue of quality of life enforcement and that the Police Commissioner has responded to your request for data about selected quality of life summonses and graffiti arrests. A particular note, the last two years are the

1
2 highest and second highest annual totals on record
3 for criminal court summonses issued. Criminal
4 court summons issuance is the most common
5 mechanism used to address quality of life
6 offenses.

7 With that introduction I would now
8 like to review our most recently felony crime
9 statistics for each of the seven major penal law
10 crimes, the CompStat indicators. As of March 29
11 the number of murders has declined more than 23%
12 compared to the same period last year. The number
13 of reported rapes has also declined more than 23%.
14 The number of reported robberies has fallen more
15 than 14%. The number of reported felonious
16 assaults has declined by almost 7%. Combined,
17 this represents a reduction of 12% in the major
18 violent felonies.

19 Also as of March 29, the number of
20 reported burglaries is down almost 15%. The
21 number of reported grand larcenies has also fallen
22 15%. And the number of reported grand larceny
23 auto complaints has declined 12%. Combined, this
24 represents a reduction in 14% in the major
25 property felonies.

While these reductions--

CHAIRPERSON VALLONE: [interposing]

Sir, excuse me. Just to be clear, those numbers represent the first three months of 2009.

MR. MCGUIRE: Well it's through the 19th of March.

CHAIRPERSON VALLONE: So from January to the 29th of March?

MR. MCGUIRE: Yes.

CHAIRPERSON VALLONE: Okay. Because those numbers we don't have so...

MR. MCGUIRE: Yes, they're not the numbers I spoke about. They're new numbers.

CHAIRPERSON VALLONE: Okay, thank you.

MR. MCGUIRE: While these reductions are a welcome result of the difficult challenges successfully faced by the NYPD uniformed and civilian staff. They are also a result of the agency's ability since the return of Commissioner Kelly in 2002, to maintain and improve its crime control and momentum in spite of the new terrorism challenges confronting the agency.

Crime has declined in New York City in every year since 1988, two decades of crime reductions. Reductions of this magnitude and sustained duration are unparalleled in the United States. A particular note is the decline in crime each year since 2001, following the attacks of 9-11 many believed the city will not be able to successfully continue its crime control efforts and continue its counter terrorism responsibilities. Instead the opposite occurred; crime continued to decline.

During the past two years, New York City has enjoyed its lowest murder levels in almost 40 years. Additionally four precincts, the 6 in the West Village, the 668 in Bay Ridge, the 111 in Bayside and Central Park did not experience a single murder in 2008. Ten additional precincts reported one murder each. Notable reductions in murder also occurred in a number of other precincts, 44th Precinct in the High Bridge section of the Bronx reported 20 murders in 2008, more than 35% lower than the 31 murders recorded in 2001. The 75 precinct, which covers East New York and Brooklyn reported 16 murders in 2008,

more than 54% lower than the 35 recorded in 2001. And the 33rd and 34th precincts in Washington Heights combined reported five murders in 2008, almost 67% lower than the 15 recorded in 2001.

In 2008 the number of recorded murders, 523, was more than 20% lower than the 649 recorded in 2001 and almost 77% lower compared to the peak year for murder, 1990 when there were 2,245 reported murders. The number of rapes recorded in 2008 was 1,280 and in 2001, 1,930, almost a 34% reduction since 2001. The number of robberies in 2008 was 22,174 and in 2001, 27,873, more than a 20% reduction since 2001.

Felonious assaults in 2008 were 15,983, 23,020 in 2001, almost a 30% reduction. Burglaries recorded a 37% reduction since 2001, falling from over 32,000 to 20,500. The number of grand larcenies recorded in 2008 was 43,858 and in 2001, 46,000, more than a 5% reduction since 2001. And grand larceny motor vehicle in 2008 was only 12,499, in 2001 it was almost 30,000, that's a 58% reduction since 2001.

How far New York City has come in terms of public safety and security is most

1
2 evident in a comparison of criminal activity
3 between 2008 and the peak years since 1970. As I
4 mentioned before, the murders in 1990, the highest
5 year were 2,245, that's 4.3 times as many as
6 recorded in 2008. I'll leave some of the other
7 ones for your own inspection. But I just want to
8 point out a couple. Grand larceny motor vehicle
9 there were 12 times as many grand larceny motor
10 vehicles in 1990 as there were in 2008. And in
11 terms of robbery, there were almost five times as
12 many in 1981 the peak year, as it were recorded in
13 2008.

14 Comparable reductions are being
15 recorded virtually everywhere in the city, the
16 transit system is no exception. In the transit
17 system as of March 29, major felonies excluding
18 GLAs have fallen more than 5% compared to the same
19 period in 2008. To put these statistics in proper
20 perspective I want to remind you that the daily,
21 weekday MTA transit ridership has continued to
22 increase. In 2001 ridership was almost 4.6
23 million people a day. In 2008 the ridership had
24 increased to 5.2 million, an increase of more than
25 12%. As ridership has increased between 2001 and

2008, major felony crime fell 39% over the same period.

In 2001, an average of more than ten felony crimes were recoded each day within the system and more than two felony crimes per million riders per day. In 2008, an average of six felony crimes were committed each day during the system's 229 miles of lines and stations or slightly more than one felony crime per one million riders daily. While even six crimes per day are still too many, the crimes trends within the system are good news for the city straphangers.

A particular note on the reductions of robbery and grand larceny, the crimes that consistently make up over 90% of the major felonies recorded in the system, the number of robberies reported in the system fell from 1,200 in 2001 to 823 in 2008, a reduction of 31%. The number of grand larcenies reported in the system fell from 2,242 in 2001 to 1,283 in 2008, a reduction of almost 43%.

The more than 400,000 residents of our city's housing development properties, have also benefited from the sustained reductions in

1
2 crime. Major felony crime has fallen over 21%
3 through March 29 of this year compared to the same
4 period in 2008. Since 2001, reductions have been
5 even more pronounced. There were 78 murders
6 recorded from housing development properties in
7 2008, a reduction of 17% from the 94 murders
8 reported in 2001. There were 150 rapes reported
9 in 2008, a reduction of 25% from the 200 rapes
10 reported in 2001. There were 1,250 robberies
11 reported in 2008 a reduction of more than 23% of
12 the 1,636 robberies reported in 2001. There were
13 1,587 felonious assaults reported in 2008, a
14 reduction of almost 26% from the 2,155 felonious
15 assaults reported in 2001.

16 There were 315 burglaries reported
17 in 2008, a reduction of almost 49% of the 613
18 burglaries reported in 2001. There were 939 grand
19 larcenies reported in 2008, a reduction of almost
20 54% from the 610 grand larcenies reported in 2001.
21 There were 319 grand larceny auto complaints
22 reported in 2008, a reduction in 53% from the 689
23 GLA complaints reported in 2001.

24 The New York City Police Department
25 also records reported crimes according to

1
2 classification and scoring rules required by the
3 FBI for submission to the National Uniform Crime
4 Reporting Program. That reporting system's
5 objective is to provide the federal government
6 with an accurate, consistent and comparable set of
7 national crime statistics across the many state
8 penal laws whose organization and definitions of
9 criminal offenses differ from one another.

10 The FBI's Uniform Crime Reporting
11 System also monitors seven crime categories as
12 contributing index crime components, referred to
13 as Part 1 offenses. The seven categories are
14 murder and non negligent manslaughter, forcible
15 rape, robbery, aggravated assault, burglary,
16 larceny theft and motor vehicle theft. Five of
17 the seven crime reporting categories used by the
18 FBI's UCR system are defined differently than the
19 similarly named New York State penal law
20 categories.

21 Murder and non negligent
22 manslaughter and robbery are, however, defined in
23 an identical manner in both reporting systems.
24 The remaining UCR crime categories are defined
25 differently. Forcible rape includes only New York

State penal law first degree rape and attempted first degree rape. Aggravated assault includes all felonious assaults plus other selected assaulted crimes, reckless endangerment, menacing, selected simple assaults are some of those that are included.

The UCR category of burglary differs from the identically names New York State penal law category by excluding truck burglaries and adding grand larceny into larceny theft. The UCR larceny theft category, while including truck burglaries, excludes specific New York State penal law grand larcenies that are committed by credit card use, by dishonest employees, by appropriation of lost property and by false promise but includes all New York State penal law petty larcenies. Lastly the UCR category of motor vehicle theft includes both New York State petit law grand larceny and petit larceny auto theft.

Because of these definitional differences, the gross count of UC index crimes will be larger than the number of the total of the seven major penal law crime categories. The New York City Police Department submits crime reports

1
2 through the New York State Division of Criminal
3 Justice Services and they submit to the FBI's UCR
4 program.

5 The FBI after collecting reports
6 from police agencies across the country, publish
7 preliminary reports for the half calendar year and
8 the full calendar year and a final report for each
9 full calendar year statistics entitled Crime in
10 the United States. The annual report contains
11 crime statistics, counts of reported crimes from
12 various jurisdictions and population statistics
13 for these jurisdictions. These statistics can be
14 combined to produce crimes per 100,000 population
15 rates for the index crimes that can be used as
16 normalized indicators of crime to compare
17 jurisdictions.

18 While these comparative indicators
19 do not explain the complex interplay between the
20 factors that influence the occurrence of crime in
21 any specific jurisdiction, they do provide basic
22 per capita rates of crime for most jurisdictions
23 and aggregations of jurisdictions across the
24 country.

25 According to the data published in

these reports, New York City remains the safest large city in the United States of America. Using the data contained in the latest preliminary Uniform Crime Reporting published by the FBI reporting on the first six months of 2008, New York City has the lowest rate of index crimes per 100,000 people out of the ten largest cities in the nation reporting for that period.

Additionally, New York has the lowest index crime rate among the 25 largest city in the country reported for that period. Finally among the 240 cities with a population of 100,000 or more submitting reports to the FBI covering the first six months of 2008, New York City ranked 226 out of 240. The city that is ranked first had the highest crime ate per 100,000 people.

The preliminary report for the full year of 2008 is expected to be published in May of 2009. New York's index crime trends generally parallel the trends recorded for the major felony crimes even though the index crime category contains more crimes than the compilation of the major felony crimes.

Of course, the trends for murder

1
2 and robbery are identical to the trends I
3 previously provided for the major felony
4 categories. Murders fell from 356 to 252 reported
5 incidents when comparing the first six months of
6 2001 with 2008, a reduction of over 29%. And 2002
7 was the first year New York City experienced fewer
8 than 600 murders since 1963.

9 Every year after we have continued
10 this unprecedented decline with fewer than 600
11 murders recorded in each and every year. In one
12 year the murder rate even dipped below 500.
13 Robberies fell from 13, 192 50 10,205 reported
14 incidents when comparing the first six months of
15 2001 with 2008, a reduction of almost 23%.
16 Furthermore robbery has fallen over 80% over the
17 peak year.

18 Forcible rape fell from 788 to 484
19 reported incidents when comparing the first six
20 months of 2001 to the first six months of 2008, a
21 reduction of almost 39%. Furthermore forcible
22 rape has fallen almost 76% from the first six
23 months of 1974, the peak year for forcible rape.
24 Aggravated assault fell from 19,099 to 12,615
25 incidents when comparing the first six months of

2001 with the six months of 2008, a reduction of almost 34%. Additionally aggravated assault has fallen 63% from the first six months of 1988, the peak year for aggravated assault.

Burglary fell from 14,738 to 9,051 during the first six months of 2001 compared to the first six months of 2008, a reduction of almost 39%. Furthermore burglary has fallen 91% from the first six months of 1980, the peak year for burglary. Larceny theft fell from 64,550 to 55,636 reported incidents comparing again the first six months of 2001 with 2008, a reduction of almost 14%. Furthermore larceny theft fell almost 62% from the first six months of 1988, the peak year. Motor vehicle theft has fallen from 14,969 to 5,682 reported incidents when comparing 2001 and 2008 for the first six months of each period, a reduction of more than 59%. Further, motor vehicle theft has fallen almost 92% from the first six months of 1990, the peak year.

There are also a number of important trends in specific sub categories of criminal activity that I would like to discuss because of the continuing interest in these areas.

1
2 The first is domestic violence, NYPD officers
3 responded to nearly 215,000 radio runs involving
4 domestic violence incidents and effected over
5 28,000 domestic violence related arrests to 2008.
6 We have also made almost 73,000 follow up visits
7 to victims' homes to prevent future violence.

8 As the police commissioner stated
9 in his testimony last week, toward the end of 2008
10 we launched a pilot program called the Automated
11 Risk Assessment System or ARAS. The system grades
12 various categories of information gathered about
13 domestic violence vendors and victims and assigns
14 them a weighted value. Using specially designed
15 software, ARAS is able to provide a precinct
16 domestic violence officer with a computerized
17 score which helps them evaluate the potential risk
18 for future domestic incidents. The combination of
19 these efforts has contributed to a 33% education
20 in domestic violence related major felony crimes
21 since 2001.

22 When we discuss crime trends, we
23 have to be mindful of any changes in legislation
24 that may have had an impact on year to year
25 comparisons. For instance, last year Govenor

Patterson signed into law a bill, S8665, which expanded the definition of a domestic violence victim and thereby increase the number of circumstances warranting mandatory arrests.

The new law amends the Family Court Act and the criminal procedure law to define as within the same family or household "persons who are not related by affinity and who are or have been in an intimate relationship whether such persons had lived together at any time." In this context, overall crime counts would not change but domestic violence related felony crime counts may certainly be affected as more persons may now be categorized as victims of domestic violence.

In another crime sub category of great interest to city residents, shooting incidents are down through March 29th as well. Specifically the number of shooting incidents has fallen 10.2% compared to the same period last year. In 2009 year to date gun arrests have increase 17% compared to the same period last year. In 2008 our efforts resulted in 6,387 arrests involving firearm charges.

We have also expanded our efforts

1
2 to recover firearms from the public before crime
3 occurs. While the Police Department has operated
4 a gun buy back program for the last several years,
5 we have enhanced the program with an innovative
6 strategy partnering with members of the faith
7 based community and the officers of the city
8 district attorneys. The program, which began in
9 July of 2008, allows anyone to surrender firearms
10 anonymously inside places of worship in exchange
11 for cash cards. So far the program has netted an
12 additional 3,551 firearms, the majority of which
13 are handguns.

14 In partnership with the Department
15 of Education, we have continued to successfully
16 address incidents of crime within the public
17 school system. Major felony crime in our schools
18 is 8% lower in 2009 year to date through March
19 29th as compared to the same period last year.
20 Major felony crime is 34% lower than in the 2000-
21 2001 school year. Our success with the Impact for
22 Schools program is even more impressive. Among
23 the schools participating in this program, major
24 felony crime has fallen 45% through March 29th
25 comparing the current school year with the

1
2 previous school year.

3 I want to thank you for the
4 opportunity to discuss the full scope of our
5 Department's crime data collection efforts and
6 reporting obligations. I'd be pleased to answer
7 any questions you may have.

8 CHAIRPERSON VALLONE: Thank you.
9 We've been joined by COUNCIL MEMBER Garodnick. We
10 ask that you repeat all that testimony please for
11 his sake. I almost knocked the spit out of him.

12 MR. MCGUIRE: Let me just take
13 another drink.

14 CHAIRPERSON VALLONE: You have
15 every right to boast. You spent a lot of time
16 comparing present crime rates to 2001, to 1990.
17 Comparing New York City to other large cities.
18 All of those statistics are useful to us and truly
19 remarkable. However, you did allude to the
20 difficulty in keeping up crime reduction numbers
21 like this. And that happens to be the focus of
22 this hearing and I didn't hear one comparison
23 between 2008 and 2007 and that's what's alarming
24 and that's what concerns us and that's what I'm
25 going to focus on.

1
2 Again, every right to be very proud
3 of all of these accomplishments, as am I. But our
4 concern here is whether or not that trend that
5 you've discussed is nearing an end, not because of
6 any of the work that you're doing but because of
7 outside influences like fewer cops, a bad economy
8 and much weaker laws. So let's begin with how you
9 measure the crime.

10 You discussed seven major felonies
11 and that's the information we get and that's the
12 information the press gets and the public gets.
13 Why those seven major felonies? How did they ever
14 get picked and why do we only track those?

15 MR. MCGUIRE: I think over the
16 years police agencies have realized that those
17 seven are perhaps the most worry provoking amongst
18 the communities. It includes the major violent
19 crimes; rape, robbery, murder; and it also
20 includes a good deal of the property crimes. It
21 was best to focus on sort of a manageable number
22 of serious crime that in fact gave a good profile
23 of what was going on in the community.

24 CHAIRPERSON VALLONE: I don't
25 disagree. I just wanted to know the criteria.

1
2 And what other major crimes would be out there for
3 the public that would not be included in those
4 numbers, for example? Are drug crimes not
5 included in those numbers?

6 MR. MCGUIRE: No, because to a
7 certain extent that's a proactive. The complaint
8 side is generated essentially by the arrest
9 activity.

10 CHAIRPERSON VALLONE: Any other
11 crimes that might be included in that--

12 MR. MCGUIRE: [interposing] Well
13 you have to remember, too as I mentioned, the
14 index crimes does expand the base somewhat. It
15 includes simple assaults which picks up a lot of
16 assault activity. It also includes petit larceny.
17 Once you get outside of those categories in terms
18 of volume, you don't have the same volumes either
19 that the other crimes have, again, the ones that
20 aren't proactive.

21 CHAIRPERSON VALLONE: When we
22 discussed those seven crimes, between 2007 and
23 2008, they all went down and as I said they went
24 down less than 3% as opposed to 6% in past years.
25 In fact, two of those, murder and robbery, have

1
2 increased in 2008. I know you spent a lot of time
3 giving us some 2009 numbers and those are very
4 encouraging but those are basically three months
5 of numbers so we're going to discuss 2008 and
6 2007.

7 Murder is the one crime where
8 nobody can play with the numbers, not the Police
9 Department, not the people who criticize the
10 Police Department. Those complaints are going to
11 happen in every case and there's no fudging those
12 numbers. Why would you explain, as the person in
13 charge of crime analysis, the fact that crime has
14 gone down less in 2008 than in the ten previous
15 years and the fact that robberies and murder went
16 up?

17 MR. MCGUIRE: I don't mean to stray
18 away from the way you pointed your question, but I
19 think the 2009 statistics are a case in point.
20 What we have found over the years when looking at
21 the CompStat process, there will always be spikes
22 in crime because we're not suit sayers, we can't
23 tell the future exactly. We can ply by trying to
24 have the most innovative strategies and tactics in
25 place and a process to apply them. But at any

1
2 given point in time you will get spikes in crime,
3 it will go up short periods of time. This has
4 been the experience of CompStat. 2009 I think is
5 a good case in point that even though there were
6 some increases in 2008, things have come more
7 favorable in our favor right now in 2009. So
8 that's the essence of the CompStat process of sort
9 of keeping your eye on the ball all of the time
10 and watching these statistics and watching them at
11 a very local level.

12 CHAIRPERSON VALLONE: But what
13 things came in your favor in 2009 that did not go
14 in your favor in 2008? What explains the 2008
15 numbers? Are you arguing they're just a blip or
16 is there any trend that you've seen?

17 MR. MCGUIRE: I think some of it
18 comes from refocusing impact areas, refocusing
19 various programs and strategies within the
20 Department. It doesn't go necessarily to the
21 details of any specific strategy; it's like the
22 group of them together can produce results that
23 are different from time period to time period.
24 Just because you ride these on top of the longer
25 term trends and then once you get down to much

1
2 lower numbers, like the murders, you can get wide
3 fluctuations day to today, week to week just as a
4 result of one or two incidents. It's not the kind
5 of science that had the same predictability that
6 others do.

7 CHAIRPERSON VALLONE: You just
8 discussed strategies, were there any different
9 strategies in 2008 than you had in 2007 that may
10 not have worked as well? Or is it due to outside
11 circumstances, which resulted in less of a crime
12 decrease?

13 MR. MCGUIRE: The reduction overall
14 was still the 3% decrease so in 2008 it just
15 demonstrated that there probably were a few
16 commands that may have gotten bigger spikes than
17 usually and thrown the statistics a little bit
18 higher. But again, speaking about 2009 it's come
19 back down again and that's the more proof of the
20 process than anything else is this ability to stay
21 on top of the statistics to keep doing the right
22 thing and sort of work out of a slump, if you want
23 to call one that's a 3% decrease a slump.

24 CHAIRPERSON VALLONE: Well, it's
25 not just a few precincts that caused this. We

1
2 keep hearing crime is down but in fact overall
3 crime complaints, overall felony complaints,
4 overall misdemeanors, overall summonses are all
5 up, not just the two felony crimes that we
6 discussed but overall complaints in general. So
7 how do you differentiate between crime and crime
8 complaints? And why do you say crime is down when
9 overall complaints in every category are up?

10 MR. MCGUIRE: I don't understand
11 the reference. The overall, the total seven
12 majors was down 3% in 2008 and it's down 13.5% to
13 date in 2009.

14 CHAIRPERSON VALLONE: Let me be
15 clearer. The seven major crime categories, crime
16 complaints are down but when you look at all
17 felony crime categories, crime complaints are up.
18 When you look at misdemeanors, crime complaints
19 are up. And even in some instances are up to an
20 all time high. So other than those five of seven
21 categories crime complaints are actually up, not
22 just in 2008 but it's been for the last few years.
23 So how do you explain that?

24 MR. MCGUIRE: Some of those when
25 you move into the misdemeanors and other felonies

1
2 you can get increases that are essentially due to
3 enforcement activities. Some of the increase in
4 felonies will be in the drug crimes. If we have
5 interjected more drug crime, we create a complaint
6 when we produce either one or more arrests so you
7 can drive up complaints on those sides. Again, in
8 the misdemeanor categories you're talking about
9 some of the quality of life, the more serious
10 quality of life categories, you can get increases
11 by enforcement activity of catching people in the
12 act of doing those crimes and arresting them. So
13 to a certain extent, it also reflects enforcement
14 activities and one hopes as one goes along that
15 the effectiveness of enforcement will, over time,
16 reduce some of the complaint activity in many of
17 the more serious crimes.

18 CHAIRPERSON VALLONE: I don't
19 disagree. I'm a former prosecutor and I know that
20 one week if you do a prostitution sweep or a fare
21 beat sweep, you're going to have a lot more cases
22 than the next week when you're not doing that
23 sweep. However, when I hear the Police Department
24 questioned about a decrease in complaints they say
25 that's because crime is down and when there's an

1
2 increase of complaints they say that's because
3 enforcement is up so it's hard for us to know what
4 is actually happening. That's, again, one of the
5 purposes of this hearing.

6 We've been joined by COUNCIL MEMBER
7 Katz and Dilan has joined the Press Corps
8 apparently. Oh, he's coming back.

9 When Ray Kelly was questioned
10 recently about the rise in robbery and shoplifting
11 in 2008 he said that it was likely due to the
12 troubled economy and that's from a Post article on
13 December 24th. Do you agree and are there any
14 other outside forces that are affecting the crime
15 rate or did affect the crime rate in 2008 as
16 opposed to 2007?

17 MR. MCGUIRE: Again, there are
18 isolated instances where crime has been up such as
19 shoplifting. Whether one associates that with the
20 economy or not, I think even the academic
21 community is kind of divided on that. And again,
22 some of the robbery factors that were up were cell
23 phone robberies. There were also in murder I
24 believe there was an increase in domestic murders
25 but there was a comparable decrease in firearm

1
2 related murders. So the picture that was
3 presented in 2008 was not as clear, again, because
4 the increase wasn't that widespread; it was
5 overall the crimes were down 3%.

6 CHAIRPERSON VALLONE: Overall with
7 this seven major felonies of which five went down,
8 overall complaints are actually up. I said in my
9 opening statement that we have perhaps 350 to 400
10 robberies per week in the city. We continue to
11 say how safe this city is, and it is remarkable
12 safe compared to other big cities, but that's a
13 heck of a lot of robberies. You mentioned, again,
14 at some point it's hard to continue to make the
15 gains you've made in the past. Is that a number
16 that you think is the minimum that we are going to
17 have to endure every week or are we going to be
18 able to bring that number down next year and the
19 year following? And is there a point that you
20 believe we're going to reach that you can't bring
21 robbery or any other crimes down any further?

22 MR. MCGUIRE: I think our
23 experience with CompStat so far has shown that we
24 can continue to bring it down; it just may be that
25 the marginal decrease as it gets lower and lower

1
2 may prevent some level from being reached. But I
3 don't know that anybody knows what that level is.
4 I think the function of the CompStat management
5 system is that any number is too many and one
6 brings to bear, again, the strategies, tactics and
7 resources that you have on the problems that
8 you've been able to identify in that period. You
9 attempt to be as successful as you can in dealing
10 with those problems.

11 That system so far has held up in
12 good standing over this period of time. I think
13 we can try and develop more new innovative
14 tactics. If we see new specific types of crime
15 evolving, that is the very nature of what the
16 CompStat system is all about.

17 CHAIRPERSON VALLONE: I believe you
18 said in your statement that some incidents are at
19 an all time high for the last two years, quality
20 of life summonses. Can you tell us a little bit
21 more about those summonses, what types of crimes
22 they're for, why? And why enforcement is at an
23 all time high? Or why the numbers are at an all
24 time high? I'm assuming you're going to say
25 enforcement as opposed to there's more quality of

1
2 life crime but let's not assume a fact not
3 evidenced.

4 MR. MCGUIRE: I think I have some
5 material here on this. If you can bear with me
6 just for a moment. The most frequently issued
7 quality of life summonses are for public
8 consumption of alcohol, disorderly conduct,
9 trespass, marijuana possession, urination in
10 public, noise, littering and dumping.

11 CHAIRPERSON VALLONE: Have you
12 noticed any trends in those? I'm taking a look
13 and strangely enough urinating in public is down
14 almost half in 2008 than it was in 2007. Who
15 knew? But why would something like that be
16 occurring? And I see noise is also down a little
17 bit from 2007 but down half from 2006, noise
18 complaints. How would those type of trends be
19 explained?

20 SUSAN PETITO: Mr. Chairman, for
21 the noise issue I think your staff was vey helpful
22 in identifying we may have a problem with that
23 number. WE'RE double checking it. I think that
24 that number is probably not accurate in the
25 response to the letter because noise is a funny

1
2 category. There is unreasonable noise, which is
3 the listing in the MMR, but that might have
4 actually included all the types of noise
5 violations, including decibel level violations.
6 But there's a technical administrative code
7 section labels Unreasonable Noise, I think that
8 might explain the difference but we're going to
9 clarify that for you. Actually the number of
10 noise summonses is much higher.

11 CHAIRPERSON VALLONE: We'll skip
12 noise for now. But in general as you said
13 summonses for the last tow years, 2007 and 2008,
14 were much higher than any year before that. How
15 do you explain that? Even though you have 5,000
16 less police officers, how do you explain that?

17 MR. MCGUIRE: I think that it's,
18 again, it goes back to the CompStat process. The
19 underlying theory behind this is two pronged. One
20 is you certainly must deal with all of the major
21 crimes but then you deal with the quality of life
22 crimes that are in the areas in which usually the
23 major crimes occur. So as you refocus personnel
24 from area to area, you may get from time to time
25 differences in volume of enforcement that will be

1
2 coordinated along with their efforts against the
3 major felonies.

4 So they will go into an area where
5 the major felonies are up, perhaps robbery,
6 firearms, shootings and they will employ some of
7 the quality of life enforcement activity to send a
8 message in that area, to look at the incidents of
9 violations of all of these petty offenses. Which
10 goes back to the broken windows to theories that
11 at least part of CompStat is based on is that to
12 clear up those kind of offenses, it also has an
13 effect on the major crimes.

14 CHAIRPERSON VALLONE: Continuing
15 our exploration of crime numbers that have gone up
16 despite the fact that crime is down, a cause dear
17 to my heart, graffiti arrests. They are also up
18 from 2,600 in 2006, 3,500 in 2007, 4,000 in 2008.
19 In the letter I received from Ray Kelly he said
20 that there are more arrests despite being less
21 complaints. Although in 2007 he testified there
22 were actually more complaints apparently due to a
23 new system of police officers actually having to
24 make the complaints. So can you tell us about the
25 trends in graffiti arrests and graffiti

1
2 complaints.

3 MS. PETITO: Mr. Chairman, I think
4 that you're aware, we've had a couple of hearings
5 on this that there's a sustained an intense focus
6 on graffiti headed by the Executive Officer of our
7 Chief of Departments Office, Assist Chief Ed
8 Young. There's a lot of very sustained attention.
9 There's actually graffiti stack, which I know
10 we've chatted about before, where the police
11 officers are absolutely held accountable for their
12 efforts in dealing with graffiti and they're
13 supported by the citywide vandalism task force
14 whose mission is to address graffiti crime. So,
15 again, graffiti is an extremely enforcement
16 oriented number.

17 As you discussed, one of the
18 initiatives was to actually document graffiti much
19 better and have police officers make a 61, a
20 complaint report when they observe a graffiti
21 crime rather than just making a note of it because
22 it needed to be documented. But I think that in
23 the Commissioner's letter to you he pointed out
24 that combined 9-1-1 and 3-1-1 calls complaining of
25 graffiti has actually gone down if I remember

1
2 correctly.

3 CHAIRPERSON VALLONE: Yes, it's
4 tough to tell when that actually happened, if
5 those are the 2009 numbers again or the 2008
6 numbers. Again arrests have gone up tremendously
7 from 2006 to 2007 and 2008 as did complaints. I
8 would argue and I would disagree with you on
9 graffiti being an enforcement driven crime as
10 opposed to fare beating and things like those.
11 Graffiti is out there and I believe as well as
12 every community group and most agencies that sat
13 in that seats other than the Police Department
14 that it is on the rise. Your arrests have almost
15 doubled since 2006 and you deserve credit for the
16 amount of attention you've paid to graffiti. But
17 do you believe based on these numbers that
18 graffiti citywide is on the rise?

19 MS. PETITO: No. We understand the
20 increase in the arrests to be a function of the
21 sustained new focus on the apprehension of the
22 people doing the graffiti but I don't think that
23 we see an increase in the actual incidents of
24 graffiti. Of course it's a repetitive crime so
25 once you catch somebody who does it, you're going

1 to be able to decrease the incidents of the crime.

2 What we're hoping is that that
3 continues forward. Certainly new people come into
4 the mix all the time, but again, we've developed a
5 very significant database having the tags in it so
6 that our enforcement personnel know who they are
7 looking for a lot of the time.

8 CHAIRPERSON VALLONE: Well I
9 couldn't disagree more about whether or not
10 graffiti is up. But I understand the job you're
11 doing with limited resources. Let's move on to
12 ways that you have used to decrease crime over the
13 past year that have been extremely successful like
14 Operation Impact. Was there any change in
15 Operation Impact in 2008 as opposed to 2007 that
16 might explain the decrease in crime being less
17 than it had been anytime in the previous ten
18 years.

19 MR. MCGUIRE: In the basic
20 functioning of Impact, no. Every six months the
21 Impact formulas are reformulated and they're
22 readdressed and that was done at the half yea and
23 at the year end. Again, one might argue that
24 maybe one cycle might have been a little bit less
25

1
2 productive than another but the very nature of the
3 CompStat process, once we started January 2009 the
4 areas were readjusted again. The good results
5 we've had so far this year have come from the most
6 recent reallocation of the Impact.

7 CHAIRPERSON VALLONE: Were there
8 less officers in Impact in 2008 than there were in
9 2007?

10 MS. PETITO: I don't think we have
11 an answer to that. I don't' think so but we can
12 check that for you.

13 MR. MCGUIRE: Yes, we'll get back
14 to you.

15 CHAIRPERSON VALLONE: Okay. Well
16 Impact officers come, from the most part, from the
17 academy. There are normally about 1,200 officers
18 coming out of an academy and for the next two
19 classes there will be 250 officers and January of
20 2010 there will be zero officers. Do you expect
21 that to have an impact on Impact and on crime
22 rates in 2009 and 2010?

23 MR. MCGUIRE: I would expect that,
24 yes, because there certainly will be less officers
25 available for Impact.

1
2 MS. PETITO: But Mr. Chairman if I
3 could remind you that the police commissioner
4 talked about this at the budget hearing and he
5 also mentioned the possibility of doing different
6 things in order to keep Impact going such as using
7 more operational overtime.

8 CHAIRPERSON VALLONE: Right. And
9 also mentioned keeping police officers in Impact
10 longer as opposed to putting them from Impact back
11 into the police precincts, which is a serious
12 problem with having that many fewer officers and
13 having to man the same amount of posts. When
14 you're talking about determining what precincts
15 are Impact it gets very confusing because some
16 precincts are Impact even though they have less
17 crime than other precincts. I happen to know
18 about two that are in my district the 114 and the
19 115. The 114 has always had more crime, more
20 crime complaints, never been in Impact, while the
21 115 with less crime is in Impact. So on what
22 basis is an area determined to be an Impact area.

23 MR. MCGUIRE: There's a lot of
24 factors that go into selection of an area as an
25 Impact area but it's focused on robberies and

1
2 shootings principally so particularly those crimes
3 driving it. And then you have to understand if
4 you look closely at the geographic dispersion of
5 crime, you may have a very concentrated areas of
6 crime in a relatively small area. One of the
7 police commissioner's objective was to make the
8 Impact areas manageable and small enough that a
9 large number of officers could be focused on a
10 continuing sort of hot spot, if you will.

11 CHAIRPERSON VALLONE: That's also
12 the explanation that I've heard in many areas and
13 I don't disagree with it. It just works to the
14 detriment of certain precincts when they have
15 higher overall crime but don't have any specific
16 few block area and they don't have as many police
17 officers as that other precinct does. We'll have
18 even fewer as precinct cops are kept out of the
19 precincts and in Operation Impact because there
20 are no more rookies. It's a vicious cycle.

21 What is an Impact Response Team?
22 This is a phrase I've been hearing in the press
23 recently.

24 MS. PETITO: My belief is that it's
25 kind of like a task force of Operation Impact that

1
2 moves along to different locations. But neither
3 one of us is an expert on that. That's my belief
4 but we can confirm that for you.

5 CHAIRPERSON VALLONE: We'll discuss
6 that. Many areas like Queens did see a overall
7 crime reduction in those five categories. However
8 shootings increased. In fact Queens South saw a
9 65% increase in murders and an increase in
10 shootings also while less actual gun arrests are
11 being made. I'd like you to discuss those
12 disturbing trends.

13 MR. MCGUIRE: Were those the
14 statistics again from 2008 Mr. Chairman?

15 CHAIRPERSON VALLONE: Yes.

16 MR. MCGUIRE: I think that it's
17 been improved somewhat in this period. And again,
18 when you monitor this as closely as we do you will
19 get periods where there are increases due to
20 increases in several precincts within a borough
21 command that will push them up for a period. But
22 generally once you focus on to these using the
23 CompStat process, you're able to drive the numbers
24 back down again. At least that's been our
25 experience over the long run.

CHAIRPERSON VALLONE: I'm more concerned with the fact there are less gun arrests and more shootings. I've always defended the Police Department when it comes to stop and frisk with reasonable suspicion as using the best possible tactic to prevent shootings before they occur as opposed to after the drive by and trying to tack down who shot the 9-year old in the head. Get the gun off the street prior to that happening.

However, in Queens South again for example, shootings rose 32% from 152 in 2007 to 2,001 in 2008 but gun arrests went down 13% from 2007 to 2008. I happen to think there's a direct correlation between those two numbers and I'd like you to explain why that's going on and why there are less gun arrests and more shootings in Queens and the whole city.

MR. MCGUIRE: I think we'd have to get back to you with a more detailed analysis on that. We're not prepared to discuss things on that level of detail this morning.

CHAIRPERSON VALLONE: We look forward to hearing that. I note that there was a

1
2 Daily News article on the topic where it says the
3 Police Department did not respond to a request for
4 comment and now we're all on the same page. I
5 didn't get a response either.

6 I'm going to go now to some of my
7 colleagues before I come back. We'll go first to
8 COUNCIL MEMBER Erik Dilan.

9 COUNCIL MEMBER DILAN: Thank you
10 Mr. Chairman and I just have a few questions for
11 Mr. McGuire around the data concerning domestic
12 violence citywide. Just according to our reports
13 the first four months show a slight up tick in
14 domestic violence. My district has the 83rd and
15 75th precincts where incidents of domestic
16 violence are high. Is there anything that you can
17 use your data to derive from that could maybe help
18 me in my duties as an elected official and COUNCIL
19 MEMBER to just get the word out in my district in
20 terms of prevention? Is there also any data that
21 you see in terms of the precinct level breakdown
22 of this data that can give us a clearer picture of
23 higher incidences in certain neighborhood? Or is
24 the incidences of domestic violence pretty even
25 across the board in terms of the precinct level?

1
2 MR. MCGUIRE: I think like in most
3 crimes there are concentrations of domestic
4 violence; it does go by the density of population
5 to a certain extent in the city. So where you
6 have higher density areas and younger population,
7 you'll have more domestic violence incidents.
8 Within particular areas, I think it's the
9 Department's position certainly that reporting it
10 is important because of the processes that we have
11 in place to refer the victims to give them some
12 sense of safety, if they have to move.

13 The Health Department a while back
14 did a very detailed exploration of domestic
15 violence across the city that went into all the
16 background demographics. I think it helped focus
17 some of the city's attention on areas of the city
18 that needed crime prevention materials and
19 information spread to the population. They can
20 get information from the Health Department, they
21 can get information from the individual precincts,
22 Crime Prevention officers and other officers in
23 the precinct will do referrals. There are follow
24 up visits made. So I think all of these
25 things...the more aware your population can be of

1
2 these tools that are at their disposal the better
3 and the wider dissemination of those tools.

4 COUNCIL MEMBER DILAN: Okay. I
5 think I heard in your answer that the demographics
6 in terms of age seem to be higher at the younger
7 ages. Is that accurate?

8 MR. MCGUIRE: Well more than older.

9 COUNCIL MEMBER DILAN: More so than
10 older.

11 MR. MCGUIRE: So the late teens
12 through early 30s, that demographic, if you have
13 an area that has more younger people, young
14 marrieds, you're likely to have somewhat higher
15 domestic violence reporting.

16 COUNCIL MEMBER DILAN: Again,
17 according to our data there's a slight spike in
18 the first four months of this year as compared to
19 last year. What steps, if any, is the Department
20 taking to start to turn those numbers around and
21 have them decrease the way you're driving down the
22 numbers on rape and other crimes against women?

23 MR. MCGUIRE: I think once couples
24 have been identified as having that kind of a
25 violent relationship, once it becomes known to the

1
2 Police Department then there's follow up by the
3 domestic violence officers in the command.
4 Hopefully that activity and referrals and taking
5 the victim out of the situation that they're in,
6 if that's possible. All of those steps would go
7 towards lowering the number of domestic violence
8 incidents in the future.

9 Just like with any of the other
10 crimes, when you're dealing with week to week,
11 month to month, you'll get fluctuations, you'll
12 get spikes, you'll get a little bit more. But
13 when you have the processes in place to deal with
14 this, generally it's been our experience over time
15 that we'll be able to deal with this successfully
16 and the numbers will come back down again. Once
17 you've done these interventions and identified
18 these people that need assistance.

19 COUNCIL MEMBER DILAN: Mr.
20 Chairman, my final question you may not be able to
21 answer Mr. McGuire but I'll give it a shot. I
22 know in Brooklyn this is a priority for the
23 Brooklyn D.A. Charles Hines. How much do you know
24 in terms of the effort that the other district
25 attorneys in this city are given towards reducing

1
2 domestic violence and the number of prosecutions
3 that they may close during the year? Is that
4 something that you can answer?

5 MS. PETITO: COUNCIL MEMBER Dilan,
6 every district attorney's office has dedicated
7 personnel to domestic violence. I think they have
8 different names for their units but we work very
9 closely with them. But I think a couple of D.A.'s
10 offices will be testifying after us and so they
11 would best be able to answer that directly. We
12 work very closely with every district attorney has
13 special people dedicated to prosecution of
14 domestic violence.

15 I think one of the things that you
16 might be able to do is encourage people within
17 your district to stay with the process. Because I
18 think part of the problem is that the victims drop
19 out of prosecutions sometimes. It's very helpful
20 for them to have a successful prosecution for them
21 to have the cooperation of the victim. It's not
22 absolutely necessary in a lot of cases but it's
23 certainly best. So that would be another area
24 where I think we could ask for your help as well
25 to encourage the people who come to you to stay

1
2 with the process and to maintain their
3 participation in the prosecution.

4 COUNCIL MEMBER DILAN: I think
5 that's the biggest frustration is that people
6 won't come to me and I wouldn't expect them to
7 come to me. But it's clear, at least in areas
8 like mine and other areas like it, that the
9 services are needed. I find that there is a lack
10 of services. I'll leave it there Mr. Chairman.

11 I'd just like to ask in closing
12 that if you have any data in terms of the
13 breakdown by precinct, if you could get it to the
14 Chairman or the Committee, I'd like to review it.
15 Thank you.

16 CHAIRPERSON VALLONE: Thank you.
17 Thank you COUNCIL MEMBER Dilan. I'd like to
18 welcome to Lexington School for the Deaf in the
19 back.

20 COUNCIL MEMBER KATZ: From Queens.

21 CHAIRPERSON VALLONE: Thank you for
22 coming. This is a typical Public Safety hearing.
23 This is the Public Safety Committee, that's the
24 Police Department. We do oversight. Normally
25 people don't fall off their chairs in a typical

Public Safety hearing but thank you for coming down today.

COUNCIL MEMBER KATZ: The testimony was very exciting.

CHAIRPERSON VALLONE: We try but it doesn't always happen. COUNCIL MEMBER Katz. Thank you Mr. Chair. I actually wasn't going to ask a question but COUNCIL MEMBER Dilan led me to wondering about a few of the things with domestic violence. I was the borough president in Pearl Shulman's office for three years one of my jobs was to head up her domestic violence unit. I guess reach out into Queens. At the time the Police Department had pilot programs at three of the precincts for domestic violence. The pilot projects were to have a domestic violence officer at each precinct which at the time I think is the norm, I'm not sure it still is. I'd love to know that.

But also there were three precincts in Queens where the police officers were given pictures. I assume now it would be via computer, at the time it wasn't. Of all of the, I guess, arrestees because they weren't always convicted,

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2 of complaints that they have gotten for domestic
3 violence, homes that they have been called to
4 several times as opposed to just once. As they
5 were patrolling the neighborhood they always had
6 these pictures around in case they saw the
7 perpetrator. So I was wondering what happened to
8 that pilot project, if anything, and also what the
9 status is of the domestic violence officers at
10 each precinct.

11 MS. PETITO: There is at least one
12 domestic violence officer assigned to each
13 precinct and often many more. I don't know about
14 the status of that pilot project. We can get back
15 to you on that. That was in 2001--

16 COUNCIL MEMBER KATZ: [interposing]
17 I'm assuming that if you don't know about it, it
18 probably doesn't exist any more. I guess one of
19 the reasons I'm asking--

20 MS. PETITO: [interposing] Not
21 necessarily.

22 COUNCIL MEMBER KATZ: Okay.

23 MS. PETITO: We're not--

24 COUNCIL MEMBER KATZ: [interposing]
25 But one of the reasons I'm asking about it is

1
2 because at the time we were desperately looking
3 for more funding for it. I hate to tell you the
4 years because it would give away my age and how
5 long I've actually been in this business but it
6 would be 1998 to 2001 was the years of the
7 project. I think it started out at one precinct
8 in Queens and it went to three.

9 The precincts that it was in it
10 seemed to be working relatively well according to
11 the numbers. But as we all know funding happens
12 and things happen. But if those numbers are not
13 doing particularly well for the City of New York,
14 it might be something that we might want to
15 consider bringing back into the programs. It
16 doesn't seem to cost much to do, a little more
17 training. Now with the computer age you don't
18 even need a hard copy of pictures anymore. If you
19 have local cops patrolling the neighborhood, it is
20 helpful.

21 MS. PETITO: Thank you.

22 COUNCIL MEMBER KATZ: Thank you.

23 If you could give the Chairman the answer and he
24 would notify us that would be great.

25 CHAIRPERSON VALLONE: Thank you

1
2 COUNCIL MEMBER Katz. One more question before we
3 move on to the special narcotics prosecutor
4 Bridget Brennan and the Chief Assistant D.A. from
5 the Bronx with Alice Salanzo. I'd like to
6 acknowledge and ask for her last question, Letitia
7 James.

8 COUNCIL MEMBER JAMES: Good
9 morning.

10 MR. MCGUIRE: Good morning.

11 COUNCIL MEMBER JAMES: I apologize
12 for being late. Three areas of concern, Block
13 Watch. What is the status of Block Watch?

14 MS. PETITO: COUNCIL MEMBER that is
15 currently suspended because it's being rethought
16 by the Chief of Community Affairs and they're
17 looking at the whole program. Right now it's not
18 an active program.

19 COUNCIL MEMBER JAMES: We in my
20 district which is Fort Green, Clinton Hill,
21 Prospect Heights, Crown Heights, a little bit of
22 Dunbar and a little bit of Bedford Stuyvesant. We
23 set up our own Block Watch. We have a blog where
24 we post crimes in the neighborhood; we actually
25 flag them. And we are, in the district, we're

concerned particularly in Fort Green and Clinton Hill and in Crown Heights and Prospect Heights concern where there are targeted problems.

Unfortunately the local precincts have failed to share that information with us. They give us the stats that refer us to the web site but we really need to know where specific blocks are problems. I tend to know anecdotally and this web site helps us.

But obviously if the local precincts could be more open with their crime stats we'd greatly appreciate more specific. And if you could work obviously with my office in regards to Block Watch that would be greatly appreciated.

MS. PETITO: We would encourage your staff to attend precinct community council meetings.

COUNCIL MEMBER JAMES: And we do. It's just the precinct council meetings are wonderful and fabulous. We just need more specific information to be shared with the larger community.

Second issue is I put in last year

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2 some capital funds for some surveillance cameras.
3 I think they're caught up in bureaucracy for three
4 precincts in my district. I believe it was half a
5 million dollars, I believe. I just need to know
6 the status of that and we need to expedite that.

7 The last issue was one precinct in
8 particular, and this has nothing to do with crime
9 stats, it has to do with double parking of cars,
10 the 84th precinct parks on Tillery Street. It's
11 an eye sore. The 84th precinct was the subject of
12 litigation because the number of residents, in
13 order to go around the cars they have to go into
14 the street. I've continued to speak to the
15 commanding officer about removing the cars.

16 It's a major, major problem. It's
17 right on Tillery as soon as you get off the Hokum
18 Bridge and you make that left turn, all of those
19 double parked cars are owned, primarily, by
20 officers of the 84th precinct. I need to, again,
21 provide a safe passage way for the residents in
22 that community. We should not be in a position to
23 have to walk into the street to avoid the cars.

24 MS. PETITO: The police
25 commissioner received your letter on that issue

and it's being looked at right now.

COUNCIL MEMBER JAMES: Thank you.
I really appreciate it. Thank you Mr. Chair.

COUNCIL MEMBER KATZ: We thank you.
If there are no other questions, assistant
commissioners we thank you for your time today.
Next panel, Bridget Brennan, Special Narcotics
Prosecutor of Manhattan, Kristine Hawauu Executive
A.D.A., Special Narcotics Office, Odell Salanzo,
Bronx D.A.'s office; Chief assistant A.D.A. in the
Bronx. If we could start with Odell Salanzo that
would be terrific once everyone gets set up.
Thank you.

CHAIRPERSON VALLONE: Thank you all
for coming down. I know Bridgette Brennan does
not have prepared testimony. Is that Odell's?

BRIDGET BRENNAN: We provided
graphs that the committee wanted to have copies
of.

CHAIRPERSON VALLONE: Thank you.
I'd also like you to respond to a little bit about
what you heard because you were kind enough to
actually be here throughout the whole testimony so
thank you. You can begin. Thanks.

1
2 ODELL SALANZO: Good morning. My
3 name is Odell Salanzo. I'm the Chief Assistant at
4 the Bronx District Attorney's office with Robert
5 T. Johnson and with me is Anthony Shefus who is
6 the Executive Assistant D.A.. Mr. Shefus also
7 acts as liaison with the Police Department and for
8 many of you who know him, he is at every Bronx
9 CompStat so he is familiar with some of these
10 crime stats.

11 I do want to go back into some
12 statistics that are specific to the Bronx to give
13 the committee an idea of what we are handling in
14 our county. As Mr. Johnson testified last week
15 about, he had indicated that both in the year 2007
16 and 2008 we had ended the year with approximately
17 97,000 arrests. In one year it was 300 and change
18 and another year it was 400 and change so it was
19 basically flat. Those two years were record
20 breaking years for us.

21 In 2006, to give you an idea, we
22 had 85,000 arrests and the year before that was
23 close to 76,000 arrests. So for the last four
24 years we have been dealing with increasing numbers
25 of cases brought to us. Initially the break down

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2 is as such and then I'll go into how that effects
3 us.

4 In 2008 we saw a 4% reduction in
5 felony arrests, it was 24,595 but a slightly less
6 than 1% increase in misdemeanor arrests, 69,408.
7 We had very similar numbers in 2007. To break
8 that down a little further for the committee,
9 narcotics felony arrests were 9,864 in 2008; that
10 was a decline of 4.8%. But we had in misdemeanor
11 narcotics arrest 24,638, which was an increase of
12 1.1%.

13 Basically the crimes that do kind
14 of drive our office are the misdemeanor crimes,
15 although the seven index crimes, as the Police
16 Department indicated, are very important. Our
17 office has representatives at every precinct
18 council meeting and we hear repeatedly not just
19 about the violence that is ongoing in some of our
20 communities. But we also do hear often about the
21 quality of life crimes that affect residents on a
22 daily basis. Among them, a pet peeve of the
23 Chairman I understand, is graffiti but along with
24 that is prostitution and misdemeanor drug use in
25 these communities.

1
2 We have been handling this increase
3 mostly in misdemeanor crimes and quality of life
4 crimes with basically the same number of people in
5 our offices. Give or take 10 to 15 members. We
6 range, as the D.A. indicated to you, at around 390
7 or so and that number has not changed as far as
8 assistant district attorneys. But just as
9 important are support staff, which is around
10 another 400 that help support our assistants in
11 their mission, has fluctuated even more
12 dramatically from highs of 400 or so to less than
13 350.

14 What has become, again, of concern
15 to our office have been shootings. Consistently
16 over the last two years we have seen an increases.
17 Just to quote the CompStat numbers for the Bronx.
18 We ended 2008 with 479 shooting victims, which was
19 an increase of 4.1% over 2007 and it was increase
20 of 12.1% since 2001. That when coupled with the
21 decrease in gun arrests, just between 2008 and
22 2007 we saw a decrease of 13.2% in gun arrests.

23 It has created some concern for us.
24 It has also led our office to working with the
25 Police Department, become more proactive in

specific areas in the Bronx. Some of you may be familiar with the 47th precinct and the Eden Wald investigations and the 44th precinct Castle Hill investigations and in the 40th precincts Patterson Mellbrook Houses. All of these, unfortunately, have revolved around the housing developments that are within our community.

How do we handle this? If you took a snapshot at our office we also kind of live in a different kind of world than the other D.A.'s offices because we live in a merged court. And to give you a two minute kind of rendition on that is back in 2004 to address some of the increases in misdemeanor cases that were pending as well as some backlog in felony indictments, Judge Kay piloted merging both our supreme court and our criminal court in the Bronx. What it means is we had to realign our office basically to address how the court was realigning itself.

And in the Bronx you will have a supreme court judge who will hear both felony indictments as well as misdemeanor cases. It is tracked differently. There are three judges who just do narcotics felonies and misdemeanor and

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2 there are four up front parts that calendar what
3 is more typical felony, violent crime and non
4 violent crime as well as misdemeanor cases. As a
5 result we have assistants from first year
6 assistants to 20 or 30 year assistants who are
7 handling both misdemeanor and felony cases. Our
8 junior assistants are one and two year assistants
9 have case loads close to the hundreds, handling
10 misdemeanor cases.

11 So just to give you a snapshot, our
12 criminal court bureau presently has 75 individuals
13 in it and their average case load is 80 cases.
14 Not only do they try cases but they also cover our
15 complaint room, which is almost a 24 hour
16 operation. They handle that day, night and
17 weekends as well as arraignments, the up front
18 parts, go to trial and they handle everything from
19 non domestic violent assaults to the quality of
20 life cases that we just mentioned, graffiti,
21 trespass, et cetera. As a result of the merger,
22 our narcotics bureau, which is approximately 40
23 assistants, those assistants are anywhere from
24 three years and up, have approximately 40 to 50
25 indictments. But also handle a rotating number of

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2 about 1,200 misdemeanor cases that have
3 incrementally increased over these last three
4 years to give them an average of about 30 to 35
5 misdemeanor cases per assistant.

6 You asked about domestic violence.
7 We do have our own Domestic Violence Bureau. It's
8 a small bureau of approximately 25 assistants.
9 The vast majority of the cases that are handled
10 there are misdemeanor cases. The Bronx has seen
11 an increase in DIRs over the last couple of years.
12 I believe we have approximately 27% of the city's
13 domestic incident reports. That has in the last
14 two years increased the number of domestic
15 violence cases that are being handled by the
16 Bureau from about 1,100 or so to about 1,350
17 cases.

18 They also handle any felony case,
19 mostly homicide cases that do come in on a
20 domestic violence issue. Although the governor
21 did expand the definition of what is domestic
22 violence, we have for the last four years, along
23 with the Police Department in many situations
24 accepted that expansion of the definition and do
25 handle those cases in the Domestic Violence

Bureau.

Other crime trends that I do want to mention in the felony realm when we talk about robberies and grand larcenies what we now find in our office are many cell phone, Sidekick, iPod robberies generally committed by younger defendants. Many times committed by defendants who may not be considered adults. It's not just one person robbing an individual; it's multiple defendants also with young victims. We also see in the same grand larceny realm a huge increase in identity theft crimes. What I like to call computer type crimes; identity theft has morphed into sort of a computer crime where you can have someone sitting in Seattle and steal the identity of a resident in the Bronx and get a credit card and max that out within a couple of weeks. And they've never set foot anywhere near Yankee stadium. So that has required some technological training for our assistants. Those cases are handled by our Economic Crimes, Arson and Auto unit.

In addition to those type of crimes, we have the mortgage fraud, real estate

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2 fraud cases also. In many ways a computer is
3 involved in that type of crime. It has generated
4 a lot of investigative work. It also has kind of
5 made us experts in real estate to some extent. It
6 has not generated as many felony cases as we had
7 hoped but we have been able to help many victims
8 either with misdemeanor charges or working through
9 the civil process for them. Our goal is that
10 maybe through the civil process we may be able to
11 get information that will help us with our felony
12 prosecutions.

13 Along those lines we have also
14 endeavored to move into computer crimes that are
15 committed by pedophiles. We've expanded our work
16 in that area and have worked with Special Victims
17 and the NYPD Computer Crimes Unit to help us in
18 that goal.

19 Additionally, Nix Mary Brown, a
20 tragic case that came out of Brooklyn actually has
21 affected all the D.A.'s office in the reporting of
22 child abuse. We do have a specialty unit, our
23 Child Abuse, Sex Crimes Unit. That is a small
24 unit that had typically handled over the last two
25 years maybe a third of their cases were child

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2 abuse cases. We have had for the last ten years a
3 very small unit within that bureau that
4 communicates directly with ACS on every single
5 neglect and abuse petition. We have worked with
6 ACS and the Police Department with our own
7 detective investigators as well to supplement the
8 police looking into some of these complaints.

9 Since Nix Mary Brown, those
10 complaints have tripled from a typical year the
11 end of 2005 the beginning of 2006 of about 1,00
12 complaints to close to 4,000 complaints at the end
13 of 2008. That has then kind of changed that
14 bureau where two-thirds of the cases that are
15 being handled by the Child Abuse, Sex Crimes
16 assistants are child abuse investigations and
17 about half the indictments are child abuse
18 indictments.

19 That will now take me to quality of
20 life cases. Just to give you a synopsis we do a
21 lot of work both with the Police Department and
22 with the courts to handle the influx that comes
23 in. To give you an overall look, we do address
24 and respond to the community when it comes to
25 graffiti and prostitution and trespass cases and

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2 drug use. I would say our number one quality of
3 life arrest that was coming in was marijuana sale
4 and possession. The next one was misdemeanor
5 2203, which is the possession of small quantities
6 of narcotic drugs. And then after that I would
7 say it's anything from assaults, many of those are
8 domestic violence related, criminal trespass and
9 criminal mischief would round out your top five.

10 The vast majority of those quality
11 of life cases do go into the Criminal Court
12 Bureau. And because of the merged system, what
13 has happened is our criminal court bureau has
14 become a full fledged trial bureau. On any given
15 day you will have six to ten assistants giving
16 hearings, doing bench trials and jury trials.
17 They've become the fill in for the court. Our
18 felony trials take longer and many times our
19 judges--we're short staffed judges, basically.
20 But the judges are not sitting around not doing
21 anything so they will take a misdemeanor trial in
22 so there's a high probability that if you're in
23 criminal court, you're going to go to trial.

24 The same is true in domestic
25 violence cases. Those same cases go into the same

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2 funnel and then get sent out. So our assistants
3 are constantly prepping, constantly calling,
4 constantly help dealing with the Police
5 Department.

6 Separate and apart we do have
7 initiatives on graffiti. The D.A. has a very
8 strong policy on graffiti. After your first
9 arrest, any second arrest in the county requires
10 jail time. We have one supervisor in our Criminal
11 Court Bureau who specifically works with the
12 Vandal Squad to see if we can create cases.
13 Particular graffiti, I use "artists", but
14 particular graffiti defendants who have tagged
15 various locations. If we can keep track with the
16 Police Department and identify them and bring them
17 in. This is on a supervisory level and then it's
18 assigned to misdemeanor assistants to then move
19 forward with that.

20 CHAIRPERSON VALLONE: Can I just
21 ask you two quick questions before you move on?
22 You mentioned that felony arrests are down 4% in
23 2008. Is that total felon or is that the seven
24 index felonies?

25 MS. SALANZO: That's total felony

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arrests.

CHAIRPERSON VALLONE: What about complaints because total felony complaints citywide are up? Do you see that?

MS. SALANZO: Everything that I see is an indicator that they're flat. I don't see anything up. Actually I saw a slight downturn in 2008 and they were slightly up in 2007. I don't know why that is.

CHAIRPERSON VALLONE: Yeah, interesting. The numbers you gave regarding shootings and guns mirror almost exactly what happened in Queens. When shootings went up 4% but gun arrests went down about 13%. Do you see a correlation between those two?

MS. SALANZO: I do. What we've had to do internally--and the Police Department is correct when they say that a lot of the homicides that happened at the end of 2008 were not gun shootings. But we did have a large number of reported attempted murders, felonious assault cases.

Just to give you a little history, in 2006 we had a spike in homicides in the Bronx;

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2 we went up to 153. Then there was an all out push
3 with the Detective Bureau in our office, to focus
4 on particular areas where there were high
5 shootings that also resulted in homicides. Among
6 some of the precincts were the 47th precinct, the
7 44th precinct, basically working towards solving
8 and closing those cases with arrests. And that
9 resulted in last year actually having the, I
10 believe it was over 10% closure rate, arrest rate
11 on homicides.

12 They don't necessarily correlate,
13 however, that the homicide that's reported in 2008
14 is the homicide that is closed in 2008 with an
15 arrest. But it's actually a very high closure
16 rate and I think helped reduce first in 2007
17 homicides to 130 and then this year we closed the
18 year at 132. But we had to focus. We had to add
19 even our own investigators to that task force, so
20 to speak. We do have Detective Squad from the
21 NYPD that's assigned to our office. They also
22 assign detectives to that particular project.

23 CHAIRPERSON VALLONE: That's
24 robbery actually went up in 2008 and auto theft is
25 going along the trend of most crime by going down

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2 pretty substantially in years 2003, 2004, 2005,
3 2006 by 300 to 400 a year and only down 50 in
4 2008. Again, I use the word only in quotes
5 because it's a remarkable job by our Police
6 Department but the focus of this hearing is to see
7 if the trend is turning. Do you have a comment on
8 those two things?

9 MS. SALANZO: With the increase in
10 robbery complaints, we felt also a need to address
11 that we have an increased number of indictments on
12 robberies. A lot of those robberies are the cell
13 phone robberies that I--I call them the cell phone
14 robberies but sometimes it's iPods or Sidekicks,
15 iPhones. But we've kind of made a conscious
16 effort to kind of move to indict them as a way to
17 prevent them.

18 I think on the car side, I think
19 the most successful thing that the Police
20 Department has done and we've kind of hooked into
21 that using our own investigators is the plate
22 readers. These plate readers, you can read
23 hundreds and hundreds of plate with just going 20
24 minutes around a precinct. And pick up if there's
25 a car that's stolen or if there's even something

significant about that license plate.

 Last year we weren't, unfortunately, able to discover deceased individual in a car that was sitting in the 46th precinct for a number of months. He had been reported missing in that vehicle out of Manhattan. One of our investigators basically going into the 45th precinct is one of the precincts that has if a car theft problem. Read the plate, it was reported stolen and also had tagged to that report that the individual who was driving the car was missing as well. Unfortunately we found the individual in the vehicle deceased. But it has been a wonderful tool certainly in the area of preventing car theft. Because you can literally scan cars quickly. We own two thanks to insurance companies who have agreed that it's a good thing to have. The Police Department also has a number of them that they utilize.

 CHAIRPERSON VALLONE: But despite those, car thefts are only down a much smaller percentage than what car theft arrests, I guess. When you say decline in grand larceny auto, are you talking about arrests or complaints?

MS. SALANZO: Arrests.

CHAIRPERSON VALLONE: Arrests, so arrests are down 50 but you in your...it's down 300 or 400. Let me go to special narcotics prosecutor Brennan and then I'll have questions for the whole panel. Thanks.

BRIGETTE BRENNAN: Good morning and thank you for the opportunity to testify. I think what I'll do is zero in on the issues that you've raised during your discussions. As you know my office focuses on felony narcotics prosecutions citywide. So some of the information I have to offer doesn't exactly correlate with what you've been asking others about so I'm going to narrow myself to address the questions I anticipate.

With respect to citywide felony narcotics arrests, the NYPD arrests and I think you heard this earlier, down about 9% between 2007 to 2009. And the felony complaints that are drafted, that is the yellow backs as you recall Chairman Vallone.

CHAIRPERSON VALLONE: I hadn't heard that is so long, yellow backs.

MS. BRENNAN: Yellow backs are down

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2 about an equal percentage. You'd have to ask the
3 narcotics division exactly what that reflects but
4 I will tell you this, our work with the Narcotics
5 Division of the NYPD this past year has been
6 excellent. They've been focusing on problem areas
7 as Ms. Odell Salanzo identified in the housing
8 projects with some very comprehensive
9 investigations. Where they may not net out the
10 same numbers ultimately but they have strong cases
11 and they've identified very problematic
12 individuals within those communities. To they are
13 labor intensive cases where ultimately they may
14 not come out with the same numbers that they would
15 if they invested the amount of effort into buy and
16 bust cases. They are coming out with quality
17 cases.

18 With respect to those
19 investigations, one of the things that COUNCIL
20 MEMBER James mentioned earlier was the
21 surveillance cameras and a need for a greater
22 number of surveillance cameras. We've seen those
23 requests come in particularly in the housing
24 developments. They're extremely expensive and
25 they have to be monitored constantly in order to

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2 make them effective. It's been a recommendation
3 that we've had in some of the most problematic
4 locations but I don't foresee that as being
5 something that's really going to be feasible.

6 CHAIRPERSON VALLONE: Can I just
7 mention when I asked the police about drug arrests
8 being up or down, they said that drug arrests were
9 enforcement driven, arrest driven. And it's
10 interesting to hear from you that they're down 9%.
11 So even despite the fact that an enforcement
12 driven felony crime is down 9%, felony complaints
13 citywide are up. Just an interesting observation.

14 MS. BRENNAN: The numbers I'm
15 quoting you are strictly felony arrests and I
16 don't know if the numbers they were referring to
17 were both misdemeanor and felony arrests.
18 Because, as you know, I only have jurisdiction
19 over felony narcotics arrests. I think the issue
20 that as I understood it is that with felony
21 narcotics operations you can actually try to
22 prophylactically address violent crime. When you
23 see spike up in violent crime, understanding that
24 violent crime and drug crime are typically
25 related, the Police Department often will initiate

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2 a narcotics investigation in order to try to tamp
3 down the violent crime that's associated with the
4 narcotics crime.

5 In addition, that's really all I
6 have with respect to statically information. I
7 can tell you that citywide on our cases we've seen
8 an up surge in heroin seizures, both our heroin
9 and cocaine seizures are double what they were
10 last year. But the thing that's very striking is
11 the increase in our felony heroin cases. That
12 seems to be on the up surge; it's something we
13 haven't really seen spike up in about 25 years so
14 it's a matter of great concern to us.

15 CHAIRPERSON VALLONE: Why do you
16 think that's happening?

17 MS. BRENNAN: I think it's a
18 combination of factors. One of them being that
19 heroin is now being produced in Colombia, it's
20 being shipped up through Mexico and we're getting
21 more of it into the city so it's less expensive.
22 The heroin that we're seizing, the envelopes have
23 heroin, what the users are seeing is more potent
24 heroin. We're seeing more young users snorting
25 heroin beginning their usage of that drug in that

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2 way because they can get high since it's more
3 potent. And you don't have the deterrent of
4 having to shoot it up, which deters many young
5 people from beginning using it at all. So that's
6 part of the reason.

7 I think another reason is that it's
8 been about a generation since heroin was a huge
9 problem in New York City and I think people have
10 forgotten just how horrible that drug can be.
11 We've more recently seen crack epidemic, cocaine
12 surges but it's been some time since we've seen an
13 up tick in heroin usage and people have simply
14 forgotten, I'm afraid.

15 CHAIRPERSON VALLONE: It's not just
16 in New York, I've heard about it in Long Island--

17 MS. BRENNAN: [interposing] It's
18 absolutely not just in New York. There's a big
19 problem in Long Island. There's a big problem
20 upstate. One of the things we see with younger
21 people is that they begin to experiment with their
22 own medicine cabinets with opiate based drugs,
23 something like oxycodin in their medical cabinet.
24 Once they run out of that and they see how
25 expensive it is, they turn to heroin which is also

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2 an opiate drug but which may then be less
3 expensive.

4 CHAIRPERSON VALLONE: The main
5 reason we're doing this hearing obviously is to
6 look at crime trends through the last few years
7 and not last 10 or 20 years where we've been doing
8 amazing but recently where we haven't been doing
9 as well and into the future. We've discussed a
10 little bit the economy, the amount that we have
11 less cops and something that you're probably a
12 statewide expert in is the elimination of the
13 Rockefeller Drug Laws. How do you see especially
14 that, Ms. Brennan, affecting crime rates in the
15 near future?

16 MS. BRENNAN: The problem with the
17 statute that was enacted is that it rolls back
18 very significantly the minimum penalties for both
19 first time drug dealers who are selling drugs,
20 motivated merely by a profit. And it also reduces
21 penalties significantly for career drug dealers,
22 those who have been convicted more than once of
23 selling narcotic drugs.

24 CHAIRPERSON VALLONE: Because
25 they've been saying that there's some changes

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2 since we last discussed this, multiple offenders
3 are still eligible for the same probation they
4 were when we discussed this two weeks ago?

5 MS. BRENNAN: Multiple offenders if
6 they've sold a controlled substance, something
7 like methamphetamine and they've been convicted of
8 a felony offense more than once of selling
9 methamphetamine or another controlled substance,
10 they are facing a probationary sentence. For the
11 second time cocaine or heroin dealer, the penalty
12 has been rolled back today as we speak I think
13 it's still a minimum of three and a half years
14 penalty for the second time drug dealer. As soon
15 as the bill is signed the minimum penalty will be
16 rolled back to two years.

17 There are also additional decreases
18 allowing for knock offs in actual time served so
19 that you will see the dealers getting out of
20 prison sooner than they get out now. Our concern
21 is that it doesn't allow then a community to
22 rebuild. We've exerted a tremendous amount of
23 effort in many of our housing developments or in
24 vulnerable neighborhoods throughout this city and
25 one of the things you have to do is allow the

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2 community to rebuild. Keep the drug dealers out
3 long enough that the community can stabilize and
4 that the good citizens in the community can return
5 to a normal life and not feel intimidated, feel
6 like they own their neighborhood again. Our big
7 concern is of course if you see drug dealers
8 coming back out very quickly, that that just won't
9 happen.

10 But Chairman Vallone as I said last
11 week, New York City has the best Police Department
12 in the world as far as I'm concerned and is a
13 wonderful resilient city with many dedicated
14 people in law enforcement including many dedicated
15 smart prosecutors. And so I don't think the end
16 is near. We'll come up with great strategies.
17 I'm meeting with the Chief of the Narcotics
18 Division tomorrow to start strategizing with him
19 immediately about how we may alter our enforcement
20 techniques given the new state of the law.

21 CHAIRPERSON VALLONE: Another thing
22 I learned about this morning I wanted to ask both
23 of you was this cap that Albany passed which only
24 affects New York City on legal aid cases. I'm
25 begrudged on that but as usually the prosecutors

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2 were left out and as usual no one knew about it
3 until the day it happened. It was thrown into a
4 budget because that's the way Albany works. But
5 I'd like you to comment on the district attorneys
6 and whether they need a cap on case load.

7 MS. BRENNAN: Absolutely, the
8 prosecutors should have a cap on the case load.
9 Ultimately what this means is that there will be
10 more funds for legal aid for a public defender,
11 which is a great thing. But certainly the
12 prosecutors ought to be given equal treatment, put
13 on equal footing with the defense.

14 MS. SALANZO: I think, Mr. Chairman
15 you heard Mr. Johnson last time he was hear say we
16 don't really believe in caps. What this is really
17 about is providing the necessary funds to do the
18 job that you have to do either as a defense
19 attorney or as a prosecutor in the criminal
20 justice system here. So if you're capping legal
21 aid and they will get additional funds so they can
22 hire more attorneys, you know that we are not
23 getting any additional funds. In fact, we are now
24 participating in cost saving initiatives for the
25 city so that we can save some funds for the city

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2 and perhaps our budgets can remain stable.

3 It really should just be an
4 acknowledgement that money is needed in order to
5 do this job and to do it well.

6 CHAIRPERSON VALLONE: I couldn't
7 agree more.

8 MS. BRENNAN: Just for your
9 information Mr. Chair, our funds were cut by the
10 state this year. We were not given any additional
11 funding and actually, most significantly, all of
12 our treatment program funding was cut by the state
13 this year.

14 CHAIRPERSON VALLONE: I think both
15 of you were very comprehensive. I don't have any
16 other questions. Anything else you'd like to add
17 before we...

18 MS. SALANZO: Just in response to
19 gun arrests, I do want to say and mention that the
20 Bronx is going to be the last borough in the city
21 that actually participates in the gun buy back
22 program which is a collaboration of the New York
23 City Police Department. We have fixed the date as
24 April 25th where we've identified six churches in
25 high shooting precincts because that was the

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2 criteria for that, where individuals can come in,
3 no questions asked and can receive some money,
4 \$200, for every operable gun that they bring in,
5 \$20 for every maticion pistol or bee bee gun that
6 bring in.

7 The expectation on the part of the
8 Police Department based on our statistics and
9 theirs is that we might break all records. So
10 that may be a good thing, maybe not a good thing
11 but it would be good to get all those guns off the
12 streets.

13 MS. BRENNAN: And finally I would
14 like to thank you for holding this hearing and I
15 would also like to suggest that perhaps in another
16 six months we have the opportunity to come back
17 before you and discuss for example the impact of
18 the new drug laws. Some of the things we'll be
19 looking at of course is has crime gone up?

20 What's the impact of the new laws
21 on our most vulnerable communities? Have they
22 been plagued by open and notorious drug dealing,
23 have there been increased local costs here as a
24 result of that? And are the prosecutors on equal
25 footing with the defense attorneys if indeed it

comes to pass that the defense attorneys are given increased budgets and we are suffering from significant cuts?

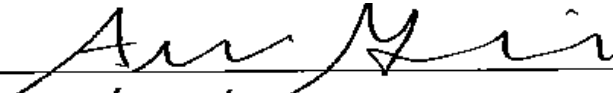
So again, thank you very much for your interest in this and we'll keep you apprised as we identify issues that we think you'd be concerned about.

CHAIRPERSON VALLONE: I know that I'll see you again in May for our budget hearing and D.A. Johnson is usually here but more than happy to come down and we'd like to hear from you again also. So thank you both, because it's very helpful to have your information to use along with the information we received earlier so that we can continue our analysis of crime trends. So thank you all. I believe there is no one else here looking to testify so with this we will adjourn our Public Safety Committee hearing.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature _____

_____
Date _____ April 24, 2009 _____
