

**STATEMENT OF
POLICE COMMISSIONER RAYMOND W. KELLY**

**BEFORE THE NEW YORK CITY COUNCIL
PUBLIC SAFETY AND FINANCE COMMITTEES
THURSDAY, MAY 17, 2012**

Good morning and thank you for this opportunity to discuss the Mayor's Executive Budget for Fiscal Year 2013. Last Friday, in a ceremony at Police Headquarters, the Department added to our Memorial Wall the names of 15 more officers who've died in the line of duty. Thirteen died as a result of illnesses they contracted after performing 9/11 rescue and recovery work. Two were killed last year by violent perpetrators. In the last six months, eight police officers have been shot and five stabbed while performing police duties. In several of those instances, officers narrowly escaped with their lives. One of them was Police Officer Eder Loor, who was stabbed in the head by an emotionally disturbed man on April 17th. The knife grazed his middle cerebral artery and came within an inch of his temporal lobe. Two weeks ago Officer Loor left the hospital. He has a long road of rehabilitation ahead of him, but we're immensely grateful that he survived and for his courage.

Every day, police officers like him put themselves in harm's way to protect the public. It is thanks to their efforts that murders of all kinds in New York City have fallen to a new record low so far this year and are on track to beat the record low established in 2009. There have been 36 fewer murders recorded this year compared to the same period last year: 132 down from 168. That's a rate of less than one murder per day. We also benefited greatly from the graduation of 1,600 new officers from the Police Academy in January, the vast majority of whom were assigned to Operation Impact. That same month we hired another class of 900 officers who are scheduled to graduate in July.

Our attack on crime is comprehensive. We constantly assess changing crime conditions and devise new strategies to address them. One area we're focusing on is the theft of cell phones and other electronic hand-held devices. In 2002, this type of crime represented just 8% of all robberies and grand larcenies in the City. Now it represents 40%. That's because as devices have become more complex and expensive, they've become an inviting target for thieves and their fences. As I mentioned in my testimony in March, we've developed a citywide strategy to combat the problem. We assigned 243 new officers from the most recent Police Academy class to the Transit Bureau to patrol the subways. We also use decoy operations against thieves and stings aimed at fences, and we use the devices' own tracking technology to apprehend suspects after the fact. One promising new development is the recent agreement by cell phone carriers and the FCC to remotely disable stolen smartphones, turning them from highly prized stolen property to worthless chunks of plastic. In Europe, this strategy was successfully implemented a few years ago. We're confident it will have a significant impact here. In addition, we're exploring a new Crimestoppers reward program that would offer up to \$250 for information leading to the

arrest of anyone responsible for the theft of property from a person. This would provide further incentive to the public to help us combat electronics theft.

Another key front is domestic violence. The Police Department recently instituted a number of measures that we believe will strengthen our work in this sensitive and critically important area. For one, we're emphasizing the need to preserve electronic evidence, such as e-mails and voice messages, before they can be destroyed. This way, even if the victim is reluctant to prosecute, the District Attorney has the evidence prosecutors need. In addition, we've bolstered staffing in this important area, dedicating an additional 32 sergeants to domestic violence prevention. We've updated and will distribute to our Patrol and Housing Bureaus a new training video on domestic violence issues. We're also providing victims with a notebook and pamphlet. The domestic violence prevention officer will sit down with victims and instruct them on how to create a safety plan, recording in the notebook places to go in an emergency, important phone numbers and a code word for friends and family to recognize in an emergency, among other things. The officers will use this journal during home visits. Last year we conducted 73,000 successful home visits to domestic violence victims, often deterring another attack by an abusive partner. We reinstated "Dom-Stat," modeled after CompStat, to track how well we are combating domestic violence. And we established an inspections unit to do follow-up visits to make sure domestic violence calls were handled properly. We now have a checklist to standardize how home visits are conducted, which helps us in assessing how effective they are. We believe that, taken together, these changes will result in a fairer system and a better experience for victims with the courage to come forward. Already this year, domestic violence murders are down by 46% from 41 at this time last year to 22 now.

Human trafficking is another crime we're combating from every angle. Last year, the Department created a new detective squad within our Organized Crime Control Bureau. It's dedicated exclusively to investigating cases of human trafficking. The members of the squad report directly to the Commanding Officer of the Vice Major Case Squad, ensuring that their investigations receive high-level attention. The creation of the squad grew out of our meetings with advocates for and victims of human trafficking. Another result of those meetings was a decision to increase enforcement efforts on the demand side by arresting more johns. Earlier this year, we held two major take downs, one in January and another in February. In all we arrested 360 johns and seized 102 vehicles. Along with the investigations we conduct, these initiatives, which we call Operation Losing Proposition, represent another strategy we're using to combat prostitution and the devastating crime of human trafficking which helps to fuel the industry.

We're continuing our proactive work to take illegal guns off City streets. Right now, in neighborhoods across the City, we have officers working undercover, infiltrating criminal networks, making buys, and helping to build cases against those who traffic in illegal guns. It's some of the most perilous work that a person can do. We also rely on a policy of engagement. We utilize the long-established right of the police to stop and question individuals about whom we have reasonable suspicion. We realize the sensitivity

involved in stops, which is why we place a great emphasis on it in officer training. We must preserve the trust and support of the communities we serve and conduct stops with courtesy and professionalism. I've held a number of discussions with Mayor Bloomberg and Speaker Quinn about this issue and I want to outline a series of steps the Police Department has taken.

As I mentioned in March, an independent study by the highly respected RAND Corporation has shown that stops by race in New York City comport with crime-suspect descriptions and the racial distribution of arrestees. Nonetheless, to protect against even the possibility of bias in the use of this tactic, we republished the Department order that specifically prohibits racial profiling and will incorporate it into ongoing training sessions for all of our personnel.

Second, we've tasked the Executive Officer in each Precinct, Housing Police Service Area, and Transit District to review the worksheets every officer must fill out after conducting a stop, thereby elevating this responsibility to the rank of captain or above. This activity will be carried out on an ongoing basis as part of the existing self-inspection program and completed in accordance with guidelines set forth by our Quality Assurance Division.

Third, the Deputy Commissioner of Training has completed a review of our curriculum regarding stop, question and frisk encounters. We established a new course that is currently being taught at the Department's Outdoor Range. It provides police officers with an additional level of instruction in when and how to conduct a lawful stop. This training will first be provided to the 1,500 officers who are currently assigned to Operation Impact.

Fourth, we're now completing a series of five training videos about street encounters that will outline the methods a police officer should use when conducting a stop. We want to be sure there is mutual understanding between the officer and the person who was stopped.

Fifth, the Department has expanded outreach to youth by creating a new pilot program to teach them business-related computer skills. The course is being taught by police officers and has been implemented in two commands: Manhattan's 32nd Precinct and Brooklyn's 77th Precinct. It is designed to last eight weeks and to provide 32 hours of instruction.

I also want to tell you about a promising new federal grant proposal we've submitted with the Mayor's Office of the Criminal Justice Coordinator. We're seeking \$1.5 million from the Office of Juvenile Justice and Delinquency Prevention to implement the Brownsville Violence Prevention Program. This is an adaptation of Project Safe Neighborhoods, which was piloted by Yale Law School professor Tracey Mears in Chicago. It focuses on the typically small group of people within a community or neighborhood who are responsible for the majority of violent crime. The program requires criminal justice

agencies to identify these individuals, to engage them constructively by providing them with guidance and social services, and to work with the community to promote non-violence and lawful behavior. This program will be administered by the NYPD and planned and led by the Center for Court Innovation, a public-private partnership between the New York State Unified Court System and the Fund for the City of New York. Our partners will also include the Kings County District Attorney's Office, the U.S. Attorney's Office, the New York City Department of Probation, the New York State Department of Corrections and Community Supervision, and multiple faith-based and community-based partners. Together, we'll track various key indicators of street violence and recidivism among participants in central Brooklyn. As you know, this area is already host to one of our most promising community partnerships: the Brooklyn Clergy Coalition, a group of more than two dozen religious leaders. They support us by giving their congregations information about crime patterns, reaching out to gang leaders to discourage criminal activity, and hosting gun buy-back events, among other activities. Due in part to this relationship, murders in Brooklyn North fell by 13% last year, more than three times the citywide rate of decline. Among African-American men between the ages of 16 and 37 the decrease was even more dramatic: 28%. This is very encouraging, given the disproportionate share of victims of violent crime who come from this group.

We must also remain vigilant against the terrorist threat to New York City. We need look no further than the recently foiled plot by al Qaeda in the Arabian Peninsula, or AQAP, to bomb a U.S.-bound airplane with an explosive designed to evade security screenings. We see in this incident further evidence of the determined efforts by al Qaeda and its affiliates to strike the United States, and we see their continued experimentation with new tactics. The case also shows that with good cooperation, dangerous plots and dangerous perpetrators can be stopped. We saw another example of this in the conviction two weeks ago of Adis Medunjanin who, along with two accomplices, plotted to bomb three New York City subways in September 2009, in a plot modeled after the London Transit bombing. His trial opened a window on how three men from Flushing, Queens could fall under Al Qaeda's spell and nearly succeed in killing untold numbers of innocent New Yorkers. The testimony, in all its chilling detail, also laid bare how the NYPD was falsely accused in the media by anonymous sources of compromising the investigation. Hopefully, this experience will diminish if not end the destructive practice of giving anonymous sources with bad information a platform with which to undermine the truth.

In March I updated you on our efforts to harden the City through the Lower and Midtown Manhattan Security Initiatives. In addition to monitoring a network of 2,700 cameras, we've established ten radiation sensors on the roofs of precincts to check for the possible presence of radiological weapons. These instruments send readings and alerts in real-time to the Lower Manhattan Security Coordination Center. We also place highly sophisticated radiological sensors in boats and vans.

When I last appeared before the Council, I mentioned an initiative to integrate portions of our citywide Argus camera network into LMSI, and the fact that we had already completed the addition of all Argus cameras located in Manhattan. Since then,

we've also finished adding the feeds from every Argus camera in the Bronx, and we've just started to work on Queens. We're also working very closely with the MTA to obtain camera feeds from bridges and tunnels. We recently acquired the feeds from cameras at the Verrazano Bridge and we'll be doing the same shortly for the Queens Midtown Tunnel. We plan to add more bridge and tunnel cameras in the near future. In addition, we're working with the Department of Citywide Administrative Services to monitor feeds from cameras around the Municipal Building, and with the City Department of Transportation to integrate feeds from its Traffic Management Center.

Turning to the Mayor's Executive Budget for Fiscal Year 2013, I'd first like to acknowledge the difficult challenges faced by the Administration in crafting a City budget in this tough fiscal environment. In this context, we are very appreciative of the Mayor's commitment to maintaining the strength of the Department so that we can keep crime at record lows and protect New York from terrorist threats.

We continue to apply for and obtain federal assistance to protect members of the public and vital assets, including the Financial District, the transit system, bridges, tunnels, and ports. As of today, from Federal Fiscal Year 2003 through 2012, \$3.4 billion in counterterrorism grant funding was allocated to New York State, of which approximately \$1.9 billion or 56% was allocated to New York City. Of that amount, \$1.1 billion, or nearly 58% of the funds received by the City, was allocated to the NYPD.

The Federal Fiscal Year 2012 Department of Homeland Security preparedness grants total \$1.4 billion nationally, which represents a reduction of nearly \$1 billion from the Federal Fiscal Year 2011 appropriation and is \$1.5 billion below the President's Federal Fiscal Year 2012 request.

A summary of the funding levels and the current status for each of the major grants under the Federal Fiscal Year 2012 are as follows:

The nationwide allocation for the Urban Areas Security Initiative grant was reduced by \$172 million or 26%, from \$663 million allocated in 2011 to \$490 million in 2012. Fortunately, the New York State and New York City 2012 allocations, which are \$152 million and \$121 million, respectively, will remain the same as last year, though they have not been officially awarded as of yet.

As for the State Homeland Security Program, the nationwide allocation was reduced by \$233 million or 44%, from \$527 million allocated in 2011 to \$294 million in 2012. New York State and the City were not spared from cuts. The New York State allocation was reduced by \$36 million or 39%, from \$91 million in 2011 to \$55 million in 2012. Likewise, New York City's allocation decreased by \$18 million or 39%, from \$44 million in 2011 to \$26 million in 2012.

Last month we submitted project proposals totaling \$99 million to City OMB under the aforementioned programs for the continuation and expansion of various

counterterrorism projects and initiatives. These include the continuing build-out of the Lower and Midtown Manhattan Security Initiative, the purchase of critical explosive detection, response, and personal protective equipment, salaries of Intelligence Research Analysts, overtime for counterterrorism training and the Joint Terrorism Task Force, and continued maintenance and support for projects and equipment previously funded with Homeland Security Grant Programs.

Under the Transit Security Grant Program, the nationwide allocation was reduced by \$112 million or 56%, from \$200 million in 2011 to \$88 million in 2012. The City's allocation will not be known until September but we expect reduced funding. The Department submitted a funding application this month for \$11 million.

Under the Port Security Grant Program, the nationwide allocation was reduced by \$137 million or 59%, from \$235 million in 2011 to \$98 million in 2012, which includes \$58 million for Group 1 port areas comprised of New York, New Jersey, Texas, Washington, Pennsylvania, Delaware, California, and Louisiana. The City's allocation will not be known until September but we expect reduced funding. The Department submitted a funding application this month for \$6 million.

The nationwide allocation under the Securing the Cities grant increased by \$2 million, from \$20 million in 2011 to \$22 million in 2012, all of which is provided to the NYPD to manage and to allocate funds to other jurisdictions in the region. The Department is currently developing an application for submission under this grant.

The Department will benefit from new policies issued by FEMA under the Federal Fiscal Year 2012 Department of Homeland Security preparedness grants. These policies allow for continued support of active and on-going projects. In past years, continued funding of transit anti-terrorism teams was contingent on a waiver approval by DHS to utilize grant funds in subsequent fiscal years.

Under the Federal Fiscal Year 2012 Transit Security Grant Program, there is an automatic waiver without a request. Furthermore, there is pending legislation, sponsored by Congressman Turner of New York and supported by Congressman Peter T. King, Chairman of the House Committee on Homeland Security, to make this waiver permanent for future grant programs.

Last week, the House Appropriations Subcommittee prepared the Federal Fiscal Year 2013 Homeland Security Program spending bill and it is anticipated that the full House Appropriations Committee will consider the Subcommittee bill as early as this week. The Senate Appropriations Committee also may begin work this week on a proposed DHS funding bill.

The proposed bill by the House Subcommittee increases appropriations under the 2013 Homeland Security budget for border patrol, cyber-security and first responder programs. FEMA would receive \$1.8 billion nationwide for state and local grant

programs, an increase of \$484 million over the 2012 appropriation of \$1.4 billion, and \$393 million less than proposed in the President's 2013 budget.

The Subcommittee panel has rejected the Department of Homeland Security's proposed National Preparedness Grant Program, which would have combined 16 separate grant programs including four of the major grant programs, UASI, SHSG, Transit, and Port grants received by the Department, into one grant. The proposed DHS program would have utilized factors for terrorist threats, along with many other weather-related and geological hazards, in assessing the allocation of funds, instead of a strong focus on prevention of, and response to, risks associated with terrorist acts, as we have now with the current grant guidelines. The Subcommittee bill would retain all four separate programs, which more clearly define the importance of funding for high-risk areas.

Now more than ever, it is important for us to advocate with the Congress, including New York's own Congressional delegation, and the Department of Homeland Security for the funds necessary to defend the City and surrounding areas against a terrorist threat. We must constantly monitor budget cuts and shifting policies in Washington in order to preserve the resources required for this vital aspect of our mission.

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

The Department's Fiscal Year 2013 budget is \$4.6 billion, of which 94% is allocated for Personal Services and 6% for OTPS. The Fiscal Year 2013 budget is \$330 million lower than this year's budget of \$4.95 billion. This decrease reflects non-City funds not yet added to the Fiscal Year 2013 budget as well as an amount for gap-closing programs.

There were no expense reduction proposals and none of our new needs requests were funded during this Plan. However, there were a few technical adjustments as follows:

- \$3 million in Fiscal Year 2013 and \$2 million beginning in Fiscal Year 2014 was provided for lease cost adjustments, utility and fuel costs.
- City funds were decreased by \$90,000 beginning in Fiscal Year 2012 and the out-years as a result of a Citywide contractual cost savings program for paper purchases.
- \$368,000 was provided beginning in Fiscal Year 2012 and annually thereafter as part of the final resolution under the DC37 2008 to 2010 collective bargaining agreement for assignment, longevity, service increments and uniform allowance pay rates.

Prior year PEG cuts have reduced the number of full-time civilian positions by 1,475 in Fiscal Year 2012 and the out-years. These civilian reductions have affected all Department functions, especially clerical and administrative, and the City's continued hiring freeze has limited the Department's ability to fill vacancies in technology, trade and other professional titles. The number of funded full-time civilian positions is 14,431 in Fiscal Year 2012, 14,107 in Fiscal Year 2013 and 14,105 beginning in Fiscal Year 2014.

Since Fiscal Year 2008, the civilian part-time staffing has been reduced by 571 positions including 547 Cadet Positions. The part-time budget currently funds 2,580 positions annually, consisting of School Crossing Guards, Cadets, and College Aides.

There were no changes to the uniformed staffing levels in Fiscal Year 2012 and in the out-years under the current plan. The uniformed authorized headcount and projected recruit classes are as follows:

- The budgeted peak headcount remains at 35,367 in FY 2012 and FY 2013, but decreases to 35,263 in FY 2014 due to the expiration of ARRA “stimulus” funds under the Federal Fiscal Year 2009 Transit Security Grant Program for 104 officers assigned to protect the NYC transit system.
- The July 2011 Police Officer class size was 1,631 recruits, of which 1,519 graduated in December. The January 2012 Police Officer class size was 898 recruits.
- We anticipate hiring approximately 970 police recruits, plus backfill for Academy attrition, in July 2012. In addition, we anticipate hiring a class of 1,055 recruits in January 2013.
- The FY 2012 average headcount is estimated to be 34,865 which represents an increase of 34 positions as compared to the FY 2011 average headcount of 34,831. The FY 2013 projected average uniformed headcount is 34,817.
- The projected attrition is approximately 1,847 in FY 2012 and 1,811 in FY 2013. The size of police classes is based on the funded peak headcount and the replacement of attrition that has occurred since the previous class.

Overtime costs in FY 2012 are projected to total \$604 million, which is \$53 million more than the FY 2011 actual expenditures of \$551 million. This increase is mainly due to a projected overtime increase of \$40 million for unplanned events, which includes a \$30 million cost for Occupy Wall Street and \$7 million for Hurricane Irene. Collective bargaining adjustments and civilian overtime account for the remaining increase in overtime costs.

The current FY 2012 overtime budget will total approximately \$586 million. Although OMB provided additional overtime funding in the November Plan, it will not cover all of the increase in overtime categories just mentioned, resulting in a projected overtime deficit of approximately \$18 million. Grants and other reimbursements in FY 2012 will cover approximately \$103 million of the anticipated overtime costs.

The FY 2013 overtime budget of \$495 million is \$91 million lower than the current FY 2012 budget of \$586 million. The decrease is mainly due to non-City overtime funds

not being included yet in the FY 2013 budget and to the \$47 million overtime PEG that OMB included in the November 2011 Financial Plan.

As always, we will work to achieve overtime savings wherever possible. Since 2002, our uniformed deployment to Planned Events has been reduced due to careful management efforts. As a result, overtime costs for this category decreased by a cumulative total of \$205 million through Calendar Year 2011. We expect to continue saving approximately \$21 million each year when compared to the amount spent in 2002 for these same events.

On May 3rd, the Mayor also released the FY 2013 Executive Capital Budget and Commitment Plan. It totals \$529 million for the Police Department covering Fiscal Years 2012 to 2016.

There were no significant changes to this plan since February, however several internal budget reallocations were approved in the Capital Plan to address funding priorities.

As mentioned at the March budget hearing, the FY 2012 to FY 2016 Capital Plan maintains funding for the following major facility projects:

- Design and construction of the new Police Academy is budgeted at \$40 million in FY 2012 and in FY 2013 which supplements \$711 million budgeted in prior fiscal years. Construction of the new facility has begun and is scheduled for completion in December 2013.
- Construction of a new Tow Pound in Queens is budgeted at \$5 million in FY 2012 which supplements \$23 million budgeted in prior fiscal years. Construction started in September 2009, was completed in December 2011, and became operational on January 24, 2012.
- Design and construction of the new 121st Precinct is budgeted at \$1 million in FY 2012 and \$4 million in FY 2013 which supplements \$61 million budgeted in prior fiscal years. Construction of the new facility has begun and project completion is scheduled for December of 2012.
- The restoration and renovation of the landmark Central Park Precinct is budgeted at \$640,000 in FY 2012 and \$284,000 in FY 2013 which supplements \$57 million budgeted in prior fiscal years. Construction started in September 2007 and is substantially complete. Precinct personnel moved into the facility in January 2012. The remaining site work and demolition of the temporary facility is scheduled for completion in August 2012.

This concludes my prepared statement. At this time, I'll be pleased to answer any questions you might have.

Remarks of D.A. Charles J. Hynes
Hearing on the Proposed Executive Expense,
Revenue, Capital & Contract Budgets
@ City Hall – Council Chambers – 2nd Floor
Thursday, May 17, 2012 – 12:00 PM

Good afternoon. First, I want to thank you for your constant support of my Office and of my Colleagues. We were very pleased to learn that the workload analysis money which, in my case, is \$2.59 million dollars, was added to our baseline budget for FY 13. I very much appreciate your efforts to force a workload analysis by the City which led to the baseline increase for my Office and for the Offices of the Bronx, Queens and Staten Island. Unfortunately, while the money which you demanded for my FY 12 Budget was allocated, OMB deducted budget money in some 50 or so different programs. The net effect was an increase of \$370,000 dollars as our baseline rather than the \$2.59 million dollars you negotiated for FY 12. Unless this money is restored, my Office will be in a \$4 million dollar deficit as we close out FY 12. And, of course, nothing currently exists to prevent OMB from doing the exact same thing for FY 13.

Despite all the past implemented cuts, we continue to expedite the transfer of incarcerated State sentenced prisoners to the State Department of Correction. In addition, we continue to encourage video teleconferencing which substantially reduces the number of inmates transported to Court by the City's Department of

Corrections. The annual net savings of these two programs is more than \$3 million dollars.

Brooklyn's workload continues to be a resource problem. Annually, we average 10,000 more arrests than the next highest County. In order to deal with this increased caseload, we continue to augment our staff with dozens of "pro bono" lawyers and lawyers on loan from major law firms who pay their salaries.

We are very proud of our programs designed to maintain increases in public safety through recidivism reduction. For example, our Family Justice Center, which has been replicated in both the Bronx and Queens and is planned for New York County, provides many services for victims of Domestic Violence and their surviving children. The data suggests that children living the nightmare of Domestic Violence who are not counseled often commit crimes of violence as a result of pent-up rage. It is the reason why, thanks to Joe Torre's "Safe at Home" Foundation, we have resources to hire child therapists to begin a healing process. Since our Family Justice Center opened in July of 2005, 8,859 children have received counseling – something long-term which will reduce recidivism. Just a few months ago, we celebrated the 100,000 client visit to our Center.

Still another unique program we have to reduce recidivism is called Safe Surrender. The program was suggested to me by the great Rev. Dr. Johnny Ray

Youngblood. It responded to the fact that more than 200,000 of Brooklyn citizens fail to appear in Court after receiving a C Summons for having an open container of alcohol, being in a Park after curfew or riding a bike on the sidewalk. As a result, an arrest warrant is issued which is far more serious than the C Summons. The effect is that someone wanted for an arrest cannot apply for a job where fingerprinting is required. Some whose job opportunities are therefore diminished may be tempted to commit a crime. Safe Surrender, with the help of the Office of Court Administration, sets up a Court Part in a Church which is staffed by Clerks and Court Officers and has a sitting Judge. A total of four Safe Surrender programs have been established leading to the clearing of arrest warrants for 1,562 citizens. Our next Safe Surrender program will be in November. The result is to discourage citizens from turning to criminal activity.

Our contribution to taking guns off the streets as another way of reducing recidivism is a highly successful gun buyback in partnership with members of the Clergy, the NYPD and a number of elected officials from the City Council, Congressman Ed Towns, as well as State Assembly Members and State Senators. This past year, we had four buybacks in Brooklyn Churches. Since we commenced this program in 2008, we recovered 2,267 guns. The program has been replicated by District Attorneys in the City and elsewhere.

Continuing our program to reduce sex trafficking, begun in 2010, we have convinced Grand Juries to indict 35 alleged pimps. We currently have ten convictions with prison sentences.

We have received assistance from radio personality and weatherman, Mr. G., to promote information about our Domestic Violence programs.

Our crime reduction strategies include presentations at public and private schools about sexual predators on the Internet. In addition, our staff outreaches to Not for Profit Organizations, Civic Associations, Senior Citizen Centers, Community Boards, Police Precinct Councils, Adult Learning Centers, ACS Meetings and Health Care Institutions – these presentations, in addition to Internet/Cyber Safety, Sexting, Bullying, Gang Information, ID Theft/Fraud, Real Estate Fraud and Computer Crimes.

During the 2010-2011 academic year, my staff made 242 presentations to more than 20,000 parents, teachers, students and community groups. My Gang Chief, Executive Assistant District Attorney Deanna Rodriguez, who is present, runs a program called "Project Redirect" to encourage gang members to leave gang life. Of the nine who graduated in 2011, three are in college, two have full-time jobs, two are in high school and two others are working and getting their GED.

Last year, we began the process of establishing Brooklyn's Second Community Court in Brownsville. We hope to achieve the unparalleled success of

Red Hook which, with the help of its Court, went from one of City's most dangerous neighborhoods to today, as one of our safest. Our project called Brownsville Back on Track includes services for youngsters formerly incarcerated in juvenile detention centers and a program for problem truants. The truant program, Re-Start, has been particularly successful with 17 students with an 89 percent attendance rate and with a GPA of between 75 and 80. Our program, to deal with the 77 percent recidivism rate for returning juvenile detainees, has reduced recidivism to 18 percent. Our Youth and Congregations in Partnership, begun in 1997, for teenagers at risk for prison is a faith-based initiative. Partnering with many Brooklyn Churches, we have reduced recidivism from 77 percent to 15.15 percent.

Our Prison Re-entry program for the formerly incarcerated continues to be an academically validated success story. The program is overseen by my Counsel, Lance Ogiste, with me today. Harvard University, in 2007, found that our program reduced recidivism for this population by more than half. Instead of the national average of six of ten detainees rearrested within three years and more than half being returned to prison, only two of ten in our program are rearrested within the same period.

Of course, if we had the funding that City has so far withheld in this fiscal year, all of these programs would be expanded. And every one of these programs,

including a 20 year old program of residential drug treatment, saves the City millions of dollars. The City's decision to ignore its agreement with the Council is shortsighted. I hope you will do something about this and restore our money.

Thank you.

**Testimony of Bishop Mitchell G. Taylor, Board Member,
Civilian Complaint Review Board
Before Finance and Public Safety Committees
of the New York City Council**

May 17, 2012

Chairs Recchia and Vallone, members of the Finance and Public Safety Committees, my name is Bishop Mitchell G. Taylor. I am the City Council designee from the borough of Queens to the Civilian Complaint Review Board. With me today are the agency's Executive Director, Joan M. Thompson, and members of our executive and senior staff. Ms. Thompson and I will be available to answer your questions at the conclusion of my testimony.

The CCRB is an independent board that investigates and mediates police misconduct complaints involving excessive force, abuse of authority, discourtesy, and use of offensive language (or, FADO). The board also conducts public outreach as well as public reporting on the information we gather.

With the agreement between Mayor Bloomberg, City Council Speaker Quinn, the Police Department, and the CCRB, the board was granted prosecutorial authority over all substantiated police misconduct cases in which the board has recommended Charges and Specifications. Under the agreement, the CCRB will establish a unit, known as the Administrative Prosecution Unit (or, APU).

The APU will consist of a chief prosecutor who will serve as the unit head; a deputy chief prosecutor; 10 attorneys who will be handling the cases; five investigators to assist the attorneys with trial and witness preparation; one

clerical staffer; and a programmer and a policy analyst to manage a new database and produce regular reports that increases transparency with respect to prosecution of misconduct complaints.

The 2013 budget stands at \$10,549,398. It authorizes a headcount of 164 full-time positions, of which 20 positions will be in the APU.

I will now outline two issues that the board wants to bring to the attention of the committees. The first is the status of the new prosecution unit and the second is an update on the high vacancy rate affecting the Investigations Division.

The Administrative Prosecution Unit

On April 2, 2012, the APU agreement between the mayor and the speaker was formalized in a Memorandum of Understanding between the Police Department and the CCRB. The agency then submitted a "New Need" request to the Office of Management and Budget. In that memorandum, we requested funding for 18 positions in addition to the two that were already funded through the pilot program. We also made a one-time capital budget request to upgrade our Complaint Tracking System.

On May 3, 2012, Mayor Bloomberg included a portion of our new need request into the Executive Budget for 2013. Although the Executive Budget authorizes the APU positions the CCRB requested, it only contains half the recurring funding the board requested to pay for these positions. The board requested a recurring funding of \$1,561,449 and the Executive Budget included half the funding requested. It included \$799,755 for fiscal 2013 and \$780,725 for fiscal 2014 and the out-years.

We understand that the administration and the City Council are committed to ensuring that all the resources needed for the CCRB to carry out the APU's responsibilities will be reflected in the Adopted Budget. The board appreciates the commitment of the speaker and the council to the mission of the CCRB.

In addition, the Capital Budget provides the CCRB with \$700,000 to pay for a one-time upgrade to the CCRB's complaint tracking system. The database update will facilitate management of, and public reporting on, the cases that the APU handles. It will also update a 12-year old database that has served the agency well but requires some necessary upgrading.

The actual transfer of prosecutorial power will occur after the CCRB and the NYPD amend their respective rules. The rules take effect 30 days after they are published in the City Record.

The gap between authorized and actual headcount in the CCRB's Division of Investigations

I would now like to discuss with you how the hiring restrictions enacted since September 2010 have had an adverse impact on the agency's investigative operations. I want to bring to your attention that our situation is critical, particularly in light of the implementation of the APU. The success of the APU rests on the strength of our Investigations Division and, as I will show, our high vacancy rate is having a detrimental effect on our ability to thoroughly and timely investigate complaints.

Since the start of fiscal 2012, the CCRB's vacancy rate has been over 10%. In March, with a vacancy rate over 20%, the CCRB received authorization

from City Hall to hire 20 investigators. Fifteen investigators have been hired and five additional investigators are scheduled to start on June 4, 2012.

As of May 1, 2012, the authorized headcount was 142 positions but we had an actual headcount of 123. This is a 13% vacancy rate. Given our normal double-digit attrition rate, we are concerned that the vacancy rate will continue to increase. Last year we lost 20 investigators from May to September and the year before that we lost 27 within the same timeframe.

Our data shows that, to close as many cases as we currently receive, we need 93 line investigators with no vacancies. We currently have 75 on staff while the authorized headcount for fiscal 2013 stands at 92.

The effect of the hiring restrictions is already noticeable in our fiscal 2012 performance. The high vacancy rate has resulted in a 32% increase in the open docket of the Investigations Division, from 1,551 cases in July 2011 to 2,051 cases at the end of April 2012.

The increase in the open docket has resulted in an increase in the average number of days it takes the agency to investigate a substantiated complaint. The average number of days is now 373, which is 36 days longer than at the end of fiscal 2011 – an 11% increase. As a result, the percentage of substantiated cases referred to the Police Department for discipline that were 15 months or older has increased from 14% to 29%. The Statute of Limitations is 18 months and the concern of the Board is that investigative delays may make the prosecution of police officers who commit misconduct ever more difficult because of the time constraints associated with our investigations.

In summary, we are seeking your support to ensure that the APU is fully funded. The board respectfully requests that the council restore to the CCRB's fiscal 2013 budget that portion of the APU funding not included in the Executive Budget. Specifically, the amount of restoration for the APU we seek is \$799,755 in fiscal 2013. In addition, we also ask the council to discuss the matter of our vacancy rate with the administration. The goal is to receive authorization to hire investigators at the authorized headcount level at the same time we are staffing the prosecution unit.

Thank you for your time and continued support. Ms. Thompson and I will be happy to answer any questions you may have.

Testimony of

New York County District Attorney

Cyrus R. Vance, Jr.



Before the

City Council Public Safety Committee

May 17, 2012

TESTIMONY OF
CYRUS R. VANCE, JR.

**TESTIMONY OF THE
DISTRICT ATTORNEY OF
NEW YORK COUNTY**

BEFORE THE

**CITY COUNCIL
PUBLIC SAFETY COMMITTEE**

MAY 17, 2012

Thank you for the opportunity to speak with you today regarding the Mayor's Fiscal Year 2013 Executive Budget and its impact on the New York County District Attorney's Office. I also wish to thank the City Council for your continued support of our mission, which is essential to the safety of our streets and the vibrancy of our markets.

When we last met in March, I mentioned how the recent decline in City funding for our office— nearly \$9 million since Fiscal Year 2009 – has challenged our ability to respond to our steady docket of criminal cases, particularly new and more complex types of criminal cases. The Mayor's Fiscal Year 2013 Executive Budget includes no restoration of funding to the District Attorney's Office. Indeed, the unprecedented cuts that our Office has sustained from the City in recent years have forced us to reassess the resources dedicated to the investigation and prosecution of criminal activity.

Support for all District Attorney Offices must be maintained if we are to effectively support the City's efforts to enhance public safety. Maintaining low crime rates is essential to attracting people to reside, work in and visit our City, and to contribute to its economic well being. I am especially proud of the role that my Office has played in bringing about a remarkable decline in crime. The total number of index crime complaints in Manhattan declined 24 percent from 2006 to 2011, and 7 percent just within the last 2 years. Violent felony crime arrests in Manhattan have fallen 24 percent in that last 5 years, from 1,360 in 2006 to 1,028 in 2011. And over the last three years, our Office has maintained a 90 percent indictment conviction rate in prosecuting violent offenses.

But, despite this continued decline in serious crime, news accounts remind us every day that crime is a constant in our City, and we must remain vigilant if we are to maintain hard-earned gains in safety. This remains a great challenge in Manhattan, where we are confronted with over 100,000 arrests per year, and where we take on countless investigations that rival those of any prosecutor's office in the country in both complexity and impact. Crime prevention, community outreach, collaboration with our law enforcement partners, and prosecutorial innovation must remain top priorities.

Our Office faces several challenges stemming from unique characteristics of our borough. New York County is the most densely populated county in the United States. With over 69,000 people per square mile, Manhattan has almost twice as many people per square mile as any other county. In addition, Manhattan makes up roughly two thirds of the City's property value and a significant percentage of the City's finance, insurance, real estate, and business services. As a result, the District Attorney is responsible for the prosecution and investigation of crimes in the County responsible for a significant portion of the City's tax base. And of course, New York City is home to the economic markets of our nation and beyond, and my office plays an integral role in safeguarding their integrity and policing them against fraud.

Financial/Investigative

In light of the substantial contribution Manhattan businesses make to the City's economy as a whole, our Office must continue to aggressively identify and prosecute fraudulent activities that threaten law-abiding businesses and their clients. Furthermore, our enforcement efforts help to ensure that Manhattan retains its integral role in promoting national economic development and policing global financial markets. We conduct investigative work and provide local expertise alongside partnering Federal, State, and City agencies to target individuals and entities who abuse our financial institutions, or whose conduct undermines the integrity and stability of our markets. International money laundering, investment and securities fraud schemes, frauds perpetrated on markets, and cyber-crime threats are a few such areas.

We continue to aggressively pursue those who violate the trust of investors by committing fraud and falsifying records. In November 2011, our Office announced the indictment of a hedge fund manager who used a Ponzi scheme to steal approximately \$6 million from 45 investors. Our Office must ensure that major economic crimes like this are prosecuted effectively, and that affected victims receive compensation. Our prosecutorial and investigative efforts to combat these crimes set important precedents and instill confidence in the operations of the US and global economy.

Our white collar crime enforcement efforts have the ancillary benefit of allowing us to make substantial financial contributions to the City during these difficult fiscal times. Since the beginning of 2009 alone, this Office has returned to the New York City Treasury more than \$400 million, over five times our annual City funding. We strongly believe that the resources we invest in complex white-collar cases are well worth the benefits they return to the taxpayers in the form of justice, public safety, and revenue. However, we need the City Council's continued support in ensuring that we have the funds necessary to continue our work.

Cybercrime and Identity Theft Work

In recent years, advances in technology have paved the way for the emergence of new types of crime, such as malware attacks, computer hacking, and sophisticated cyber-frauds. These crimes require us to develop innovative strategies for identifying investigating and prosecuting offenders. A critical part of our efforts on this front has been the partnerships we have developed with the NYPD and federal investigators, which allow us to proactively investigate and pursue 21st century criminals. For example, our Cybercrime and Identity Theft Bureau uses a cutting edge computer forensics lab and cybercrime expertise to supervise as many as 400 new identity theft cases per month. We track these cases and find important links among them, which can be an invaluable tool in discerning criminal patterns and typologies, and in identifying criminal organizations that would otherwise go undetected.

Immigrant Affairs

All residents deserve to be served and protected, regardless of immigration status. Our Immigrant Affairs Department specializes in addressing issues of fraud that often plague the immigrant population in Manhattan. This department uses its experience in dealing with vulnerable groups to reach out to this “hidden” population. By assisting and encouraging victims and witnesses to come forward, we can better protect Manhattan immigrants from predatory criminals.

Crime Prevention Initiatives

In addition to effective prosecution, crime prevention efforts must be a key part of any comprehensive strategy to reduce violence. In February of this year, our Office participated in a program called *Respect For All Week*, which educated youth at 12 Manhattan schools about how to detect and prevent cyber-bullying. By working alongside community members and participating in educational programs that bring attention to cybercrimes, we hope to decrease the number of people subjected to digital harassment and potentially dangerous threats.

Our Office, working with the Police Athletic League, the NYPD, Pro Hoops Inc. and various community-based organizations, has also established basketball training camps, known as “Friday & Saturday Night Lights.” Currently, about 300 youths participate in these camps in West Harlem, East Harlem, and the Lower East Side. We are planning on expanding this initiative to include academic counseling and support, as well as other sports. Our goal is to provide a safe, fun, healthy alternative for at-risk teens.

Conclusion

Over the past five years, violent crime arrests in Manhattan have fallen 24 percent, from 1287 arrests in 2006 to 1062 in 2010. I am especially proud of the role that my office has played in bringing about this remarkable decline in crime, but lowered crime rates should not be seen as an opportunity to divest from our offices and put our hard won public safety gains at risk.

Rather, we must maintain our vigilance and invest in new and innovative crime fighting strategies. With dwindling funding available for policing and correctional services, the role of the District Attorney Offices is even more critical as we take on a greater number of investigations and develop innovative prosecutorial methods that can slow the costly revolving door of the criminal justice system. Without long-term, stable funding support from the City, our ability to meet these challenges is greatly threatened.

History has shown that low crime rates have been a key contributor to the economic well being of New York. We need the City Council's support to ensure that we have the funds necessary to continue our work. We look forward to working with members of the City Council, the administration, and community groups to ensure that public safety continues unabated despite the changing face of crime.

It is in the City's best interest to appropriately fund this and other prosecutor's offices in order to ensure that the economic recovery underway is supported by public safety initiatives and policing efforts to maintain confidence in global markets. I urge City Council's continued support in ensuring that New York City prosecutors have the funding we need to keep our streets safe and our markets just.



RICHMOND COUNTY DISTRICT ATTORNEY

Daniel M. Donovan, Jr.
District Attorney

FISCAL YEAR 2013
CITY COUNCIL EXECUTIVE
BUDGET HEARINGS

May 17, 2012

OFFICE OF THE RICHMOND COUNTY DISTRICT ATTORNEY

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

Good afternoon and thank you for the opportunity to address the Committee on Public Safety and the Finance Committee regarding the Fiscal Year 2013 Executive Budget. Several issues remain a concern, but there is one in particular that affects my office and the Staten Island community at large which I am asking for City Council support.

Listed below are the issues that need to be addressed.

DRUG TREATMENT COURT

The Treatment Alternatives for Safer Communities (TASC) is a very successful alternative to incarceration program that performs required drug tests for defendants and manages most of the cases for Staten Island Drug Treatment Court. The TASC program in my borough is unfunded beginning July 1st and is once again in jeopardy of closing.

Our drug treatment court places non-violent addicted criminals into treatment instead of jail. This not only allows for the greater possibility of rehabilitating these individuals, but results in significant cost savings for the City of New York. TASC keeps track of the progress of these defendants by performing drug tests, follow-up interviews and monitoring court appearances. In 2011, TASC conducted 4,459 drug tests and placed 118 new defendants in drug treatment programs. Additionally, 103 non-violent defendants successfully completed court-mandated treatment programs on Staten Island last year.

Last year, the Education and Assistance Corporation (EAC), the organization that operates TASC on Staten Island, proposed to shutdown the program. EAC suffered a cut in State funding and decided to simply eliminate the program on Staten Island to absorb the reduction. The decision by EAC was not without controversy since similar programs it operated in Brooklyn, Queens and the Bronx continued to be funded and remained open. Further complicating the problem was that the City Council had traditionally allocated \$1 million to cover TASC funding shortfalls in those other boroughs, but none of that money was ever earmarked for Staten Island. After considering the potential consequences from letting TASC close, the City Council was able to provide \$250,000 in the Fiscal Year 2012 Adopted Budget to keep the program operating. I would like to

thank Speaker Quinn, Chairman Vallone, Chairman Recchia, the Staten Island Council delegation and the entire New York City Council for allocating these funds. We are once again at a crossroad since that money was allocated for the current fiscal year only.

As I have stated in the past, without TASC, proper monitoring will no longer be performed and defendants, as opposed to being placed in treatment programs, will be sentenced to jail or probation. Sadly, the possibility of rehabilitating these individuals so that they may develop job skills will decrease and the likelihood of them becoming predicate felons will rise.

Allowing TASC to shut down the Staten Island program will undoubtedly have negative repercussions as recidivism rates among addicted offenders are certain to rise. Prescription drug abuse has become a national epidemic. Statistics show that Staten Island has the highest rates of prescription drug overdose deaths in the New York City, at 7.4 per 100,000 people. Additionally, 11.2% of Staten Island students between 7th and 12th grade have admitted to abusing prescription opiates - higher than any other borough. We simply cannot afford to lose a program as vital as TASC or this epidemic will undoubtedly grow even worse.

Furthermore, the difference in expenses associated with treatment versus incarceration is startling. Incarcerating a prisoner in a City jail costs \$76,000 per year. Conversely, inpatient program costs for individuals are \$20,000 per year and shrinks even further to \$7,500 per year in an outpatient program. Perhaps even more significant is that the City does not bear any treatment costs since these are paid for by the defendant's family, Medicaid or private insurance. Putting this in perspective, the \$250,000 investment made by the City Council allowed 103 individuals to successfully complete Staten Island Drug Court treatment programs in 2011 which saved the City \$7.8 million.

The statistics alone regarding overdose deaths and abuse rates are alarming enough to justify keeping this program open. Staten Island has been operating one of the most successful Drug Treatment Court programs in New York State for several years now, one that is also a cost savings initiative. When considering these dramatically high numbers, along with the savings to the City of New York, closing this program makes absolutely no sense.

I am again asking the New York City Council to make the \$250,000 available in this upcoming budget, so that Staten Island gets its fair share of the discretionary funding for alternatives to incarceration.

ASSISTANT DISTRICT ATTORNEY SALARIES

Assistant District Attorneys (ADAs) pay continues to lag behind the salaries of lawyers and other positions working in other agencies throughout the City of New York. Most positions in City government have unions that negotiate on their behalf. Teachers, Police Officers, Firefighters, Sanitation Workers, as well as clerical and various other professional titles, all have structured ways of dealing with salary issues. ADAs do not have that luxury. In the City's five District Attorney's offices, the District Attorney has become the main advocate for the ADAs. As District Attorney, I am the only voice for the ADAs in my office. Unfortunately, we do not get the opportunity to participate in collective bargaining sessions to lobby for guaranteed salary increases the way other positions in the City do. Due to this factor, ADA salaries have fallen behind in determining fair compensation for the value of their work.

The ADA position is quite unique in that it requires a law degree and a successful passing of the bar exam in order to qualify for the job. The cost of undergraduate school and law school has become so exorbitant that it is not unusual for young ADAs to have well over \$100,000 in outstanding loans after they complete law school. A major portion of their paychecks is spent on paying off those loans and little is left over for basic living expenses. The cost of living has risen while the prosecutors' salaries have remained the same. Rents in particular have been steadily rising as the housing market crawls along. Many ADAs cannot even afford their own apartment and are forced to share housing, especially those who have relocated from outside of the City. Others must continue to live in their parent's homes if they are from the area. In one instance, one of our ADAs was actually living in a Single Room Occupancy (SRO) hotel because he could not afford anything else. He eventually had to leave after a search warrant was issued for the same building for a wanted felon. To make matters worse, the economic picture does not look very promising. While the federal government is claiming the inflation rate to be 3.1%, the American Institute of Economic Research sees matters differently. They have developed an *Everyday Price Index* (EPI) which measures the costs of items that consumers routinely purchase, such as groceries, prescription medicines and telephone and cable television bills and excludes big ticket purchases such as homes and automobiles. Using the EPI, the true inflation rate is a much higher 8.1% annual rate.

There is no equity for salaries of our mid level to senior ADAs; in particular when compared to other positions in the City. The lack of bargaining power and a structured tiered progressive salary path is the main reason for that. For example, a Police Officer after 5.5 years of service achieves top pay and earns \$90,289 in total pay according to the NYPD website. Those earnings increase if the police officer is required to work overtime. Conversely, an ADA in my office with the same years of experience is paid \$62,192. Additionally, that same ADA routinely works well over 35 hours per week, but receives no overtime as compensation. This makes for quite an interesting comparison. A typical day for both might involve that same police officer meeting with that ADA

working together on a case. Yet, the Police Officer is earning significantly more money, even though they are both equally contributing. The salary discrepancy exists with other criminal justice agencies as well. A New York City Correction Officer earns \$80,999 after 5.5 years of service. While not as much as a Police Officer, it is still a considerable amount more than an ADA with comparable years of service. These three positions are integral players in the criminal justice process, but clearly, one is not being fairly compensated and that one has the greatest educational costs to repay. As an example, one of our ADAs graduated from Duke University and Georgetown Law School. Both are very prestigious institutions, but also very expensive. The Police Officer and the Correction Officer require only 2 years of college education. The ADA is required to have 7 years of education and consequently more outstanding loans makes substantially less salary. The Police Officer and the Correction Officer both deserve the salaries they are making. Assistant District Attorneys should also be fairly compensated for their contribution to the safety of our residents, but are not.

WORKLOAD

Since December 2001, my borough has experienced an increase in arrests, an increase in case filings and a 51% increase in indictments and Superior Court Informations (SCIs). During that same period, the number of ADAs decreased by 16%, while the number of non-legal support staff has been reduced by 14%. While my office will never neglect the victims of crimes, the additional workload is putting a tremendous burden on our existing resources. For example, Criminal Court caseloads on Staten Island have increased from 150 – 175 cases per ADA to 225 – 250 cases per ADA at any given time. Annually, these ADAs carry over 800 cases each. Once again, this raises the issue of equity. Legal Aid criminal defense attorneys have an annual limit of 400 misdemeanor or 150 felony criminal defense caseloads. Assistant District Attorneys have no such limit.

Furthermore, Staten Island continues to be the fastest growing county in the City and the second fastest growing county in the State. Since 2001, our population has increased from 443,000 to nearly 500,000 in 2011, a 13% increase. Coinciding with that population increase, we are now investigating other newly prevalent crimes. Complaints related to mortgage frauds and predatory lending, as well as identify theft and welfare frauds are on the rise and they are extremely labor-intensive cases.

ECONOMY AND GRANT FUNDING

The budget for my office totals nearly \$8 million. Of that amount, approximately \$1 million is supported by State and Federal grants. My office has come to depend on these outside resources, but the failing economy has taken its toll in this area as well. Our

programs associated with *Aid to Prosecution, Motor Vehicle Theft and Insurance Fraud, Violence Against Women, Project Safe Neighborhood* and *Drug Treatment Diversion* grants have all suffered funding reductions.

My overall office staff consists of 49 prosecutors and 58 employees in non-legal support functions (which includes my Detective Investigator's Squad). Of the 49 ADAs, 16 are at least partially grant-funded while 13 non-legal positions in support functions are in some measure funded by grants. If these outside funding sources provided to our office were to be eliminated, we would have to cut a substantial number of those positions.

Most significant however is the loss of federal stimulus funding. My office has received \$149,000 in each of the last two years. Those resources which support the salaries of three members of my staff will not be available after Fiscal Year 2012 ends.

As the economy continues to falter with no white knight on the horizon, we would have to logically assume that grant funding will continue to decrease as well.

COST EFFECTIVE INITIATIVES

While the City is in the midst of a financial crisis, my office is doing its part to help deal with these difficult times through the following cost effective initiatives.

STATEN ISLAND'S 10 MOST WANTED

Last year, my office established a hotline for citizens to call in with information regarding the whereabouts of those whom I consider to be the ten most wanted fugitives in Richmond County. Tipsters can remain anonymous and will receive a \$1,000 reward for any tip that leads to an arrest. These rewards will be paid from forfeiture funds, not City dollars. It will be no cost to taxpayers. In February, 2011, the *Staten Island Advance* ran a story featuring the 10 fugitives and since then, my office has received numerous tips regarding the suspects on the list that has resulted in the apprehension of two of the fugitives.

One of the 10 fugitives, Travis Jones, who shot another man over the score of a basketball game in the Rosebank section of Staten Island in 2008, surrendered at my office in March 2011. He was arraigned on attempted murder and other charges. A second fugitive, Emmanuel Parker, has been wanted on rape charges since 2010 and was arrested last month at a traffic stop in Minnesota, a year after his name was also listed in the *Staten Island Advance* as one of Staten Island's 10 most wanted fugitives. The trooper who arrested Mr. Parker discovered an outstanding warrant for his arrest issued

by my office after he checked his information through the National Crime Information Center, a federal law enforcement database. Mr. Parker was transported back to Staten Island and has since been arraigned on charges of rape in the first degree.

The arrests of Mr. Jones and Mr. Parker represent a great cooperative effort between our local newspaper, the *Staten Island Advance* and law enforcement and were made without the benefit of receiving any additional funding from the City of New York.

WITNESS PROTECTION

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

In January 2004, my office started a formal witness protection program. Our goal was to assure any potential witnesses that we will take the necessary steps to ensure their own and their family's safety. Since I became District Attorney, my office has spent over \$630,000 for witness protection costs. We believe that this money is well spent. We further believe that our successful witness protection program is in part responsible for the fact that Staten Island has lead the City in the rate of felony convictions from 2004 to 2011. Witness protection has become one of our greatest expenses, yet my office has not received any additional resources from the City for assistance. These expenses are also supported with forfeiture funds which have relieved the City of yet another financial burden.

DOMESTIC VIOLENCE ACT OF 2012

In March 2010, I travelled to Albany to meet with legislators to call for the adoption of my *Domestic Violence Act*. Additionally, I introduced this proposed legislation to the City Council during last year's budget hearings and just this past March in Albany, the bill was re-introduced for the third time. The primary purpose of my proposal is to establish the crime of domestic abuse in the New York State Criminal Law. One of the

other components of my proposal relates to the recovery of outstanding payments owed by deadbeat parents to custodial parents to support their children.

Each year in New York City, custodial parents have millions of dollars in outstanding claims for child support. When a non-custodial parent fails to pay child support, it often leaves the custodial parent with no option but to file for public assistance from the government so that they can support their families. These expenses should be paid by the deadbeat parent, but they have become a financial liability for the City of New York. Under current law, the burden of proof in determining if the non-custodial parent has the financial means to make child support payments, lies with the prosecution. My proposed legislation would shift that burden of proof to the non-custodial parent. This change would enhance child support enforcement dramatically. It would give all of the District Attorneys greater power to prosecute the delinquent parents and will address two important issues. First, it will ensure that non-custodial parents fulfill their financial obligations to their families and second, it will relieve the City of New York of a tremendous financial burden.

Changing the law is not the only component needed to make this work. While it will encourage more victims to come forward to report crimes, workloads will undoubtedly increase. My office needs to have the resources as well. The Sex Crimes/ Special Victims Bureau, in my office, needs Assistant District Attorneys and non-legal administrative staff to address this issue which is begging for attention. Our current staffing levels need to be maintained so that we can undertake this initiative which can potentially result in significant cost savings for the City of New York.

I am asking for support from the entire City Council to help with this extremely important and vital proposed legislation.

NON BASELINE FUNDING

FAMILY JUSTICE CENTER

Family Justice Centers were established to reduce the burden of domestic violence victims by providing comprehensive services for them in one location. Counselors at the centers provide culturally and linguistically appropriate assistance, as well as increased coordination among services providers. Additionally, the centers provide a safe and caring environment with one-on-one counselor victim interaction. Among the services offered are advocacy career counseling, childcare, dental assistance, forensic documentation of injuries, legal assistance, medical services, and information regarding

public benefits. As a result of the City's focus on this issue, since inception, family-related homicides have declined significantly Citywide and thousands of victims have had access to services when they have needed them the most.

Kings County District Attorney Charles Hynes has led the effort in the fight against Domestic Violence when he opened the first family Justice Center in New York State. Since then, two other centers have opened in the City, one in Queens and one in the Bronx. My office, however, runs a **virtual** Family Justice Center, managed by one staff member, a Domestic Violence (DV) Coordinator; a position I filled without the assistance of additional City funds. The position is paid for in part by the federal *Violence Against Women* grant. In 2011, our DV Coordinator alone had 4,104 victim contacts for Domestic Violence and Integrated Domestic Violence cases. Expanding our current virtual center is a top priority for me. The expansion would not require the same level of financial resources committed to the centers in Queens, Brooklyn and the Bronx, but at the same time it would allow for DV victims in Staten Island to receive comparable services as DV victims in the other boroughs. Space requirements would be considerably less and not require major start-up costs. Salaries for staff and operating funds for the center are required, but also significantly less than the funds needed to run the City's three other centers.

I remain fully committed to reducing domestic violence on Staten Island and ask that victims here on Staten Island be given the same consideration as other victims throughout the City.

CONCLUSION

The first responsibility of government is the safety of its residents. I ask that the City Council work with the Mayor to find a way to address my concerns particularly with the issues related to TASC.

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



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MEMORANDUM

May 17, 2012

To: The Chairpersons and Members of the Committees on Finance and Public Safety
of the New York City Council

From: Queens County District Attorney Richard A. Brown

Re: Mayor's FY 2013 Executive Budget

Thank you for the opportunity to discuss with you the Mayor's proposed Executive Budget for Fiscal Year 2013 and some of the recent developments in our budgetary situation since we last appeared before the Public Safety Committee this past March.

* * * *

At the outset, I want to express my sincere appreciation to Speaker Quinn, Chairperson Recchia, Chairperson Vallone, and your colleagues for your extraordinary support through the years and for your recognition of the important role that New York City's prosecutors play in the criminal justice system.

In short, I am pleased to say that, after nearly a decade of devastating budget challenges, it appears that we are finally seeing some significant progress in the City's proposed plan for the coming fiscal year. And I can assure you that the many efforts you made on our behalf to help make this happen are very much appreciated.

I have already provided you all with a booklet and materials, as I do each year, that provides a brief overview of some of our most recent accomplishments.

But now let me turn to the issue at hand and fill you in on how we see our budget outlook for Fiscal 2013 and beyond.

* * * *

As you know, the last time we appeared before the Council, we testified that we were indeed gratified that, with your support, the City had added \$1.66 million in base lined funding to Queens' budget for Fiscal 2012 as a result of a new workload formula the City had devised to address chronic under-funding for Queens and for three other of our colleague offices.

But we also expressed deep concerns at that time because that same workload formula also contemplated two additional installments of base lined funding in Fiscal 2013 and 2014 to help make us whole for our current workload -- for areas such as arrest and prosecution caseload, number of investigations initiated, number of electronic eavesdropping orders and wiretaps, search warrants, CBQ interviews, fugitive enforcement initiatives, arrest to arraignment efforts, Child Advocacy Center joint interviews and State Registry referrals, alternative sentencing programs, lineup responses, and many more ongoing efforts we handle each day. But at that time these additional monies simply had not appeared in the Mayor's January plan.

* * * *

I am very pleased to say today, however, that the City's proposed Executive Budget for Fiscal 2013 and 2014 does now indeed add those additional monies to our proposed budgets. For Queens, that will mean an additional \$1.66 million in base lined funds in FY2013 and an additional base lined infusion of \$1.66 million for FY2014 and beyond.

This is simply great news and provides us for the first time in many long years of fiscal uncertainty and repeated budget reductions -- unrestored cuts totaling about \$7.0 million dollars or close to 20% since 9/11 -- the ability to stabilize our budget situation, to plan, and to make intelligent, thoughtful decisions as to where best to direct our resources.

* * * *

That said, I do have to note that while there is substantial cause for celebration today, we also still have a long road ahead of us as we begin the process of re-building our operations back to peak levels.

First, the new monies that are now being proposed in the Executive Budget are being phased in over the next two years. This means it will take us a number of years before we even begin to have sufficient funding for all the work we are currently doing.

Second, we anticipate that a good portion of Fiscal 2013 funding we will be receiving will unfortunately first need to be used to address a projected structural deficit we are facing next year.

This is due to many factors including the long term impact of the budget reductions we have taken over the years; the continued loss of other available outside federal, state and local funding or grant streams to cover the gaps; the re-deployment of existing resources away from core mission to many new initiatives at the request of the City -- including specialized efforts to target misdemeanor recidivists; community-based juvenile crime prevention efforts; new programs to target revenue crimes; mental health and drug court initiatives; and a host of cost savings efforts, including expedited case intake processing and conviction to sentence times , amongst many others; and rising OTPS costs.

And third, the long-term impact of the budget reductions we sustained over time has simply been devastating and will take time to reverse. Over time, as you know, we were forced to make many adjustments to respond to cuts imposed and do more with less. We reduced staffing through attrition and reduced levels of hiring, while at the same time re-deploying staff to many new initiatives and responsibilities at the request of the City -- including specialized efforts to target misdemeanor recidivists; community-based juvenile crime prevention efforts; new programs to target revenue crimes; mental health and drug court initiatives; and a host of cost savings efforts, including expedited case intake processing and conviction to sentence times , amongst many others; We re-organized and re-aligned bureaus to double-up assignments and accommodate reduced staffing levels.

We long since closed down our Family Court program and reduced staffing for some of our community-based youth anti-violence, anti-gang initiatives. We restricted salaries and lost pace with colleagues such as the Law Department making it difficult to retain many of our middle level experiences assistants, investigators, paralegals and administrative staff. And we cut OTPS to the bone -- along the way slowing our pace of growth in critical technology and software development areas despite increasing demand.

So it will take substantial time and planning for us to begin to address all this. And there will be many critical decisions and choices we will need to make as to how best to direct resources to meet both the demands of and staffing needs of our core functions -- things such as case intake, hearings, trials, appellate litigation, and our highly specialized investigative initiatives -- as well as the challenges of emerging crime trends and the many new needs that have arisen over the past decade.

* * * *

A few other very important points and lessons to note. First, as I have said many times before, the District Attorneys are key partners in the criminal justice system along with police, probation and the courts. And if any one of these partners is hampered in doing its job the efficiency of the entire system is affected. I am pleased we are beginning to come out of this very long and challenging cycle but I think it is very important for us all to remember that going forward.

I also believe it is extremely important that we and all my fellow prosecutors here today are treated fairly and equitably in terms of budget dollars and that each County is given its proportional

share of the criminal justice and public safety dollars they need to do their jobs effectively.

There still remain varying ways as to how each of our budgets is being handled and how this translates into how monies may be distributed. Whether it be revenue plan monies or base lined adds, however, in the long run, it is critical, I believe, to avoid disparities, inequities, and separate tiers of funding amongst the Counties.

In the last analysis, the overall solution to the problem, I believe, is to ensure that the pot of money available to all prosecutors is large enough to compensate them fairly and predictably for all of the work that they do.

* * * *

Before I close, I also wanted to say once again how proud I am of my office and the talented men and women who work with me every day.

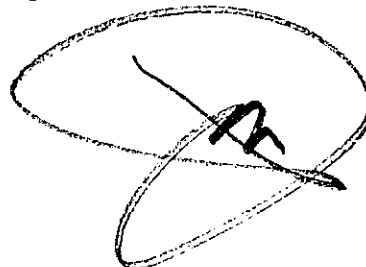
Last year we handled some 73,500 arrest cases here in Queens -- up over 73% since the early 90's. We convicted 22.7% of the City's violent felons; but, of all the City's convicted violent felons who go to State prison, 26.1% come from Queens County. Queens County once again last year had the best arrest to arraignment time in the City and the best arrest to sworn time. We have the highest percentage of cases arraigned within 24 hours, arraigning over 77.5% of our defendants within 24 hours last year. Our Domestic Violence Bureau has the highest conviction rate in the City and the lowest dismissal rate and takes more pre-indictment felony pleas than the rest of the City combined. And we remain aggressive in assisting police as they develop their cases. Last year, along those lines, our office drafted close to 1000 search warrants and our assistants attended and supervised 357 lineups in police precincts across the county. This office has also long been at the cutting edge of taking on new responsibilities and developing many new and innovative initiatives.

In short, we are a busy metropolitan prosecutors office committed to the highest level of professionalism and I think it is fair to say we have earned the respect of our law enforcement colleagues and the confidence of the 2.3 million residents of Queens County whom we represent.

* * * *

So once again, I am very pleased at the significant progress we see in the proposed Executive Budget. And I personally very much look forward to having the opportunity to use these resources and begin the process of re-building in the next few years ahead.

Again, I thank you for the opportunity to be here today. I very much appreciate your listening to our needs and for the continued support that you have given to this office -- and me personally -- over the years.

A handwritten signature in black ink, appearing to be 'R. E.', enclosed within a large, hand-drawn oval scribble.

Updated Budgetary Issues
May, 2012

City Funding Summary

- As of the FY 12 Adopted Plan, our Office sustained *\$7.0 million in baselined, unrestored budget cuts in City funding alone, between July 1, 2002 and July 1, 2011.*
- Our Office also received \$1.66 million in FY 12 for a workload formula adjustment calculated by the City and additional infusions of baselined work formula monies now appear in this year's Executive Budget for FY13 and FY 14.

Prior City Budget Cuts

Fiscal 2003	7.0%	baselined
Fiscal 2003	3.75%	baselined
Fiscal 2004	3.0%	baselined
Fiscal 2004	2.5%	baselined
Fiscal 2004	3.0%	baselined

These cuts totaled \$5.9 million. Even with some baselined restorations and new initiative funding since these cuts were enacted, *we are still down nearly \$2 million as a result of these cuts alone.*

Additional Baselined FY 2009 - FY 2012 Cuts

FY 2009

- 3.63% baselined \$1,466,900

FY 2011

- 7.84% baselined \$3.1 million*

* This cut was offset for FY 2011 only by a combination of one year, non-baselined restorations and non-baselined Revenue Plan monies. However, the impact of the \$3.1 million baselined cut recurred in full in FY 2012 and beyond.

FY 2012

- 1.2% baselined \$531,385
- In addition, the FY 12 Adopted Plan added \$1.66 million in baselined funding to reflect a new workload formula devised by the City.

FY 2013 Executive Budget

- The FY 2013 Executive Budget proposes \$1.66 million in baselined funding in FY 2013 and an additional \$1.66 million in FY 2014 as the second and third installments of workload formula adjustments calculated by the City.

State Funding Reductions

- Our Office has also sustained significant reductions to State grant funding over the last several years – facing over the last State fiscal year alone another \$310,000 in grant reductions, including:

State Aid: 8% - Totaling \$115,900

Drug Treatment Diversion: 8% - Totaling \$8,000

Points of Entry: No award for current year as of yet –
Totaling \$100,000

Enhanced Prosecution: 20% - Totaling \$86,300 (For the period of 7/1/11 to 6/30/12)

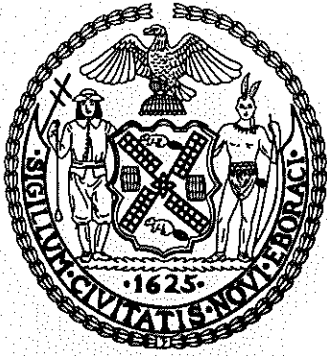
Historical Look at State Aid to Prosecution Cuts

1991 - 92	15%
1992 - 93	15%
1993 - 94	4.3%
2003 - 04	15%
2004 - 05	5.0%
2008 - 09	6.0%
2009 - 10	6.0%
2010 - 11	10.0%
2011 - 12	8%

Through Fiscal 2012, Queens DA has lost a total of \$1.89 million in funding over these years -- from \$3.16 million to \$1.27 million.

Other Funding Reductions

- Other available Federal and State funding streams are also rapidly diminishing.
- 10% reduction in Federal VAWA domestic violence grant funding from 2008 to current funding through 2012 – *a loss of \$110,000.*
- 51% decrease in Federal JAG funding passed through New York City from 2005 to 2012 – *a loss of over \$360,000 to date.*
- In addition, while in past years we received Congressionally-sponsored support for specialized Mortgage Fraud and Financial Exploitation of the Elderly initiatives, overall, available Federal funding streams seem to be diminishing.



Richard A. Brown
District Attorney

City Council Budget Presentation

Office of the Queens County District Attorney

Fiscal Year 2013

March 15, 2012



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 QUEENS COUNTY
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Richard A. Brown
 District Attorney

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MEMORANDUM

March 15, 2012

**To: The Chairperson and Members of the Committee on Public Safety
 of the New York City Council**

From: Queens County District Attorney Richard A. Brown

Re: Mayor's FY 2013 Preliminary Budget

Thank you for the opportunity to discuss with you the Mayor's Preliminary Budget for Fiscal Year 2013 and the continuing budgetary challenges that this office -- and the offices of my fellow District Attorneys -- once again face this year.

At the outset, I once again want to express my appreciation to Speaker Quinn, Chairperson Recchia, Chairperson Vallone, and your colleagues for your support through the years and your recognition of the important role that New York City's prosecutors play in the criminal justice system. We again very much need your continued support this year to stabilize our budgetary situation and ensure that we are provided the resources that we need to fulfill our constitutional and statutory obligations.

* * * *

Let me begin, though, as I do each year, by providing you with a brief overview of some of our most recent accomplishments.

* * * *

Last year was another eventful year for us in which we prosecuted many high profile cases, completed many significant long term investigations, and handled our growing caseload, I believe most people would agree, fairly, efficiently and professionally. And 2011 was another year in which

we once again made significant progress in our efforts to address criminal activity in our county and improve the quality of life for those who live and work here.

Overall, we have seen great success and much has changed since the early 90's when I first took office. Since 1993, index crimes in all categories have dramatically declined, with murders down 70.2%, rapes down 43.4%, robberies down 75.9%, felony assaults down 43.5%, burglaries down 79.1%, and grand larcenies down 54.3%.

And declines in criminal activity in Queens County continued in a number of index crime categories last year as well -- with homicides, for example, down from 100 in 2010 to 82 in 2011. To put that in perspective, homicides were at a high of 361 in 1992 when I became District Attorney, and have consistently declined since then, remaining at 100 or under for the last 7 years. Robberies were also down last year by close to another percentage point, and auto crime down to an amazing 3114 reported cars stolen last year -- from a high of 50,239 in 1990.

* * * *

Despite these successes, however, we have in fact seen some particularly troubling trends and increases in index crimes in the last year as well with an increase in rapes, felony assaults, burglaries and grand larcenies, gang activity and shooting incidents in a number of areas in the County. We are watching all of this very closely and continue to be especially vigilant at keeping up the pressure on violent crime and what we see as some of the major contributing factors to violence -- gang activity, drug trafficking and the proliferation of guns. Along those lines, we have dedicated a team of experienced trial and investigative attorneys to work closely with police and community leaders to more effectively monitor crime trends and mount a coordinated response to target repeat offenders whose criminal activity impacts significantly on the safety and security of our county.

* * * *

As I have said each year, I continue to be extremely proud of those with whom we work -- men and women who work extremely hard, oftentimes on nights and weekends without additional compensation, to keep this county a safe place in which to live and work. Significantly, over 50% of our assistants have been with us over 10 years, with 57% women. With our secretaries, paralegals and other support staff, we together are representative of the extraordinary diversity of our county.

Our Legal Affairs Division oversees the many training and continuing legal education programs that help our assistants hone their legal skills and keep us up to date on new developments in the law. Included within our Legal Affairs Division is our Appeals Bureau which provides legal

guidance to assistants throughout our office, defends our convictions in our state and federal courts and responds to a vast array of post-conviction motions and proceedings.

We have no appellate backlog and our office has argued in our appellate courts some of the most significant cases in the State. We are in the Federal Courts on a regular basis; we have argued before the United States Supreme Court -- and my former colleagues continue to praise our professionalism.

Our Trial Division is responsible for the vast majority of our office's prosecutions from the thousands of misdemeanors that we handle to felony gun cases, burglaries, robberies, gang violence, narcotics, and the prosecution of career criminals. Our Major Crimes Division includes our Homicide Investigations and Homicide Trials Bureaus, our Domestic Violence Bureau and our Special Victims Bureau, which handles prosecutions of sexual assaults, child physical and sexual abuse, and crimes against the elderly. The assistants assigned to both of these Divisions bring to their work great skill and talent, extraordinary dedication, and compassion and sensitivity for crime victims and their families.

Our plea policy -- which severely limits post indictment plea bargaining -- has significantly reduced case backlogs in the Supreme Court and has allowed us to engage in meaningful plea discussions with the defense bar early on.

And we continue to make a concerted effort to get involved in our cases as early in the process as possible. We continue to have in place, as you know, an extensive "riding" program which puts our assistants at all sorts of crime scenes to work alongside of our police officers. In addition, we are regulars in the police precincts working with police in enhancing investigations and prosecutions where we can. And we are out in the hospitals and in the homes of victims at all hours of the day and night.

And our Central Booking Interview Program -- which takes videotaped statements from individuals awaiting arraignment on felony charges -- has proven to be a great success, with close to 10,000 interviews conducted since the program began. We have been able to obtain statements from defendants who were never questioned by or who had not provided detailed statements to the police. In some cases, these statements have helped to quickly resolve cases. In others, they have allowed us to better assess the strength of our cases -- and to make appropriate plea offers. And in some instances they have helped us to quickly exonerate individuals who have been mistakenly arrested.

* * * *

Many of you are also familiar with the important work of our Special Prosecutions Division which runs a host of crime prevention, school based and community outreach programs and attends

all of our precinct council and community board meetings, provides speakers for schools, community groups and town hall meetings, coordinates our many advisory councils, and so much more.

* * * *

In addition, our Investigations Division continues to conduct intensive long term investigations utilizing court ordered electronic surveillance and other sophisticated investigative techniques -- investigations that have helped to dismantle many criminal enterprises that have been preying on Queens communities and which involve many areas, including organized crime, narcotics trafficking, gang violence, insurance fraud, crime at our airports, credit card fraud, identity theft, money laundering, financial exploitation of the elderly and all sorts of other types of criminal activity.

We are an office that works closely with our federal, state and local law enforcement partners -- sharing information and jointly investigating criminal activity.

Along those lines, in view of the fact that our county is home to two of our nation's busiest airports, we maintain an Airport Investigations Unit which works with our federal, state and local partners in investigating and prosecuting criminal activity at JFK and LaGuardia. And following the tragic events of September 11, 2001, we added a Counter Terrorism Unit which, among other things, shares on a daily basis vital information with our law enforcement colleagues and lends support in coordinating our efforts. We have a permanent seat on the Joint Terrorist Task Force and assist in gathering intelligence and investigating and prosecuting specific precursor crimes to terrorism including identity theft, money laundering, counterfeit trademarking and the forgery or illegal procurement of identification documents. As a result, we have been able to provide valuable information to both the NYPD's Intelligence Division and the Joint Terrorist Task Force and to work with them on significant classified investigations.

* * * *

And we are doing all of this at a time when the number of arrest cases that we handle each year continues to rise. Indeed, last year we handled some 73,500 arrest cases here in Queens -- up over 73% since the early 90's.

We continue to take particular pride in the expeditious fashion in which we process our cases. Queens County once again last year had the best arrest to arraignment time in the City -- 20.00 hours, with the citywide average at 24.94. Our arrest to sworn time is also equally impressive -- at 8.46 hours in Queens as opposed to 10.51 Citywide. We have the highest percentage of cases arraigned within 24 hours, arraigning over 77.5% of our defendants within 24 hours last year, as compared to the citywide average of 56%. That means that those accused of crime in Queens spend as little time

as possible in detention before they see a judge -- and that we get our police officers back out on the street more quickly to do their jobs rather than having them hanging out in courthouse corridors.

We also are very proud of the overall results of our efforts in these matters. Last year we convicted 22.7% of the City's violent felons; but, of all the City's convicted violent felons who go to State prison, 26.1% come from Queens County. Our Domestic Violence Bureau has the highest conviction rate in the City and the lowest dismissal rate and takes more pre-indictment felony pleas than the rest of the City combined. And we remain aggressive in assisting police as they develop their cases. Last year, along those lines, our office drafted close to 1000 search warrants and our assistants attended and supervised 357 lineups in police precincts across the county.

And finally, we continue to be a national leader in the number of court-authorized wiretaps that we do. According to the most recent federal wiretap report, Queens County had the largest number of wiretaps (261) in the entire country, representing nearly 13% of the national total. And, significantly, we have never had any one of our wires controverted.

* * * *

In short, we are a busy metropolitan prosecutors office committed to the highest level of professionalism. We are an office that I believe is among the best in the State -- indeed the best in the country -- an office that I think it is fair to say has the respect of our law enforcement colleagues and the confidence of the 2.3 million residents of Queens County whom we represent.

* * * *

I am also proud to say that, in addition to all of these efforts and despite the many fiscal challenges we have faced over recent years, this office has also long been at the cutting edge of taking on new responsibilities and developing new and innovative initiatives. And, significantly, in recent years, we have continued to implement and expand on many of these efforts.

We have, for example, a broad array of alternative sentencing programs which include our felony and misdemeanor Drug Treatment Courts and our Mental Health Court, with close to 3,000 defendants enrolled since they opened, as well as a Court which responds to the needs of our returning veterans.

The Queens DWI Treatment Court, which handles trials of those facing driving while intoxicated charges, was the first of its kind in New York City. We are pleased that the effectiveness of the court has been given high marks, with the court offering a successful alternative to prison for first time felony DWI offenders, and with offenders receiving intensive substance abuse treatment leading to an extremely low rate of recidivism.

To add even more teeth to our efforts, as of December 1, 2008, every felony DWI defendant that takes a treatment court plea in Queens County has been required, as part of his or her sentence, to wear a monitoring bracelet for a minimum of 90 days. The monitor, called SCRAM (Secure Continuous Remote Alcohol Monitor), checks whether an individual has elevated alcohol levels. In this important area, this office has also recently taken the responsibility of serving as the Citywide Ignition Interlock Monitor to assist in ensuring that important safety-related court conditions in

driving while intoxicated cases are complied with citywide.

With respect to juvenile and youthful offenders, we also have a wide variety of support, crime prevention and alternative sentencing programs available. Just this past year, for example, we established both a Supreme Court Youth Part and a Youth Diversion Program that specifically target young people who get themselves into trouble and which provides alternatives to incarceration in appropriate felony cases and supplements our Second Chance Program for first time misdemeanor offenders.

And in the area of domestic violence, one of the initiatives of which we continue to be most proud is our Family Justice Center which opened in July of 2008 and which offers a host of services and support to victims of domestic violence and their families. Our Domestic Violence Bureau, with a dedicated team of attorneys, paralegals and investigators, is now located in the Center, together with nineteen City and non-profit agencies that offer counseling and support services in one safe, comfortable and user friendly location -- making it easier for victims of domestic violence to get all of the support and assistance that they need in a welcoming and sensitive environment, which is multi-lingual and multi-cultural.

Our Queens Child Advocacy Center continues to be a great success as well. Through a collaborative effort of this office, NYPD, Safe Horizon, the Administration for Children's Services and NorthShore/LIJ Health System's Cohen Children's Medical Center of New York, comprehensive services are provided to victims of child physical and sexual abuse and their families, with the goal of providing a holistic and effective way to assist victims through offering counseling, police, prosecutorial, child welfare, and medical services in one child friendly location. Hundreds of joint interviews are now conducted each year at the Center, sparing physically or sexually abused children from numerous traumatic interviews by multiple agencies. Children and families in crises are guided to appropriate counseling and treatment services and strong cases are built for criminal prosecution with minimal trauma to abused children.

In the area of economic crimes, it is probably not surprising in light of our continuing economic crisis to see the rising problems of identity theft, mortgage and real estate fraud, and credit card fraud in our community. Our Economic Crimes Bureau has continued to be faced with many new cases and many of the victims of these scams unfortunately continue to be the elderly. All of these are difficult and complex cases that require a significant investment of time and effort and the volume is rising. In addition, other types of fraud and financial crimes have mushroomed in both number and scope. Among them are identity theft, financial exploitation of the elderly, telemarketing scams, credit card fraud, consumer frauds, counterfeit check fraud, trademark counterfeiting, and money laundering. So we are continuing to enhance efforts where we can to meet this growing problem as well.

And we have also continued to be very active in our ongoing efforts to combat human trafficking and internet crimes against children. In December, 2009, as you know, our office was the first to obtain a conviction in the State under New York's new human trafficking statute. Our office continues to use both the human trafficking and existing "promoting prostitution" statutes

aggressively to prosecute pimps, particularly those who utilize underage girls and we continued to lead the State last year in the number of prosecutions under the promoting prostitution statutes.

Those are just a few of the newer initiatives that we have implemented in the last few years. They join a host of other innovative programs that we have put in place over the years, including, for example, our felony gun court; Operation Spotlight which targets misdemeanor recidivists; our Elder Abuse Project which provides social service assistance to elderly crime victims and our Elder Fraud Unit which prosecutes crimes involving financial exploitation of the elderly; our felony and misdemeanor drug courts; our Crimes Against Revenue program; Operation Guardian which targets child exploitation; our fugitive enforcement program which targets bail jumpers; our STAR TRACK school anti-violence program and our other youth violence prevention initiatives; and our specialized DNA-based prosecutions for sex crimes, burglaries and other crimes.

* * * *

Now let me turn to the issue at hand -- our fiscal situation. We continue to be mindful of the extraordinary fiscal challenges that we have all faced together on the local, state and federal level in the post 9/11 years, and, as always, remain ready to do our fair share.

And we were pleased that the Mayor's January Plan now before you did not propose any additional budget reductions for the coming year. We also remain grateful for the \$1.6 million dollar baselined workload adjustment we received at the outset of Fiscal 2012, with your efforts and support.

That said, we still have extraordinarily critical budgetary issues that remain. As you are well aware, in the aftermath of 9/11, we have taken cuts year by year, and, within many years, sustained multiple budget reductions. As a result, we are now left with the long-term impact of these devastating series of budget reductions and simply do not have adequate funding to meet the needs for staffing and other expenses needed to operate the office at peak levels.

* * * *

This is where we are today. Over time, we made many adjustments to respond to the cuts imposed and to do more with less. We reduced costs in order to maintain our core functions -- things such as case intake, hearings, trials, appellate litigation and our highly specialized investigative initiatives. We re-organized and re-aligned staffing office-wide to streamline case processing and allow for peak efficiency. We cut OTPS that was in our control to the bone -- although with rising costs, particularly in the era of growing technology, we have been losing that battle in recent years as well.

We long since closed down our Family Court program and reduced staffing for some of our community-based youth anti-violence initiatives. We have restricted salaries and lost pace with colleagues such as the New York City Law Department -- in the process making it difficult to retain our middle level experienced assistants,

investigators, paralegals, and other support staff. And over the years, we reduced staffing through attrition and reduced levels of hiring.

We also worked incrementally with the City to take on new responsibilities and establish a network of cost savings and revenue producing initiatives to help offset a portion of these reductions -- all of which required substantial re-deployment of existing staff. This, unfortunately, had the effect of further drastically reducing the resources we had available for our core mission of processing and prosecuting the near 75,000 arrest cases we must handle each year. At the same time we needed to deal with the sheer loss of City funding dollars.

* * * *

Let me focus on just the baselined reductions we have taken.

First, in Fiscal Years 2003 and Fiscal Year 2004, we sustained budget reductions totaling \$5.9 million dollars. Even with some baselined restorations and new initiative funding since that time, we are still down \$2 million dollars as a result of these cuts alone. Then, compounding the problem, we began taking a series of additional baselined reductions between Fiscal Years 2009 and 2012 -- first, a 3.63% cut of \$1,466,900; followed by a 7.84%/\$3.1 million dollars enacted in FY11; and finally, an additional 1.2%/\$531,385 baselined cut in Fiscal Year 2012. This means that between Fiscal 2009 and the current year alone, we sustained an additional \$5.1 million dollar, or another 11% , in cuts of our total budget -- bringing the overall loss in City funding since 9/11 close to 20%

* * * *

Now to the impact of the Fiscal 2012 workload formula we received. The good news is that, with your support, the City did indeed add \$1.6 million in baselined funding to Queens budget as a result of a new workload formula they devised and applied to this and three of our colleague offices. We know that you all worked hard to begin to set a pattern for adequate funding of our budgets for our existing caseloads. And we are very grateful to you and the City for your efforts in that direction.

But, you should also know that, emphatically, the workload formula adjustment was not the panacea to our budget problems you might have initially thought. First, it was a response to chronic under-funding for work we currently do, and not a restoration of past cuts. And even taking this adjustment into account, overall this Office still remains down \$5.4 million dollars in baselined City cuts alone. The effect of that was further compounded by the simultaneous loss of an additional \$265,000 to \$540,000 in City Council funding we relied on each year, which was also completely eliminated.

The net effect was that, combined with that additional loss of City Council funding, the \$1.6 million workload formula add we received provided relief for only a small portion of the cuts we sustained over time. And this was at a time when other available federal and state funding streams were also drastically reduced or eliminated. So even with that Fiscal 2012 workload formula relief,

the FY 2013 numbers now projected still simply do not provide us with the funding we need to maintain the staffing levels to continue our ongoing operations.

* * * *

In fact, in adding those monies to our budget in 2012, we were told in conversations with the City that these monies were being added in recognition that four of our offices were greatly underfunded for current work we were doing -- things like arrest and prosecution caseload, as well as many new initiatives undertaken, the number of investigations initiated, number of electronic eavesdropping orders and wiretaps, search warrants, CBQ interviews, fugitive enforcement initiatives, arrest to arraignment efforts, Child Advocacy Center joint interviews and State Registry referrals, alternative sentencing programs, lineup responses, along with many more.

We also were told that in order to achieve the correct level of funding under that formula that there would need to be infusions of additional monies for all four of these offices in three installments over the next few fiscal years. For Queens, that would mean the \$1.6 million we received in Fiscal 2012, then an additional \$1.6 million in Fiscal 2013, followed by a third infusion of an additional \$1.6 million in Fiscal 2014.

But, as we testified last May, while there have been indications that this so-called "Year 2" and "Year 3" funding would come to help make us whole, there simply have been no guarantees to date in this regard and, in fact, no such funding appears in any OMB documents for Fiscal 2013 or the out-years. And our conversations with OMB to date have not shed any further light on this.

So we are deeply concerned by this and somewhat confused. We are indeed grateful that there was some movement and relief in the \$1.6 million in funding we received. But we are still significantly behind and that funding does nothing to further restore the earlier cuts we sustained. The result is that we still have significant budget challenges that continue to significantly impact on our core mission and day to day operations.

Over the years, we raised deep concerns with the impact of not knowing what monies we could rely on and of not being able to make intelligent, prudent fiscal decisions in the face of such uncertainty. This year, unfortunately, remains another prime example of the negative effect all this has on our operations.

This level of uncertainty cannot, I fear, but help to continue to undermine all of our efforts in maintaining public safety in our community. And I remain deeply concerned with the effect this lack of fiscal stability has on our core operations.

* * * *

And one other very important point. It is extremely important that we and all my fellow prosecutors here today all are treated fairly and equitably in terms of budget dollars and that each County is given its proportional share of the criminal justice and public safety dollars they need to do their jobs effectively. And I believe that we all remain a bit confused by the varying ways each of our budgets was handled in Fiscal 2012 and how this translates into how monies may be

distributed. While my colleagues in Manhattan and the Office of Special Narcotics Prosecutor, for example, may understandably be concerned that they have not been included in the baselined adds provided the other offices in Fiscal 2012, I think it also fair to say that we all also remain a bit concerned and confused as to the details of the revenue plan that affect their budgets -- and whether, in the long run, this will result in creating disparities, inequities, and separate tiers of funding amongst the Counties. And that is something that I believe very much needs to be avoided.

While we firmly believe that any changes in formula must be based on more than just the number of arrests processed and that a value must be assessed to additional workloads, the overall solution to the problem is, I believe, to ensure that the pot of money available to all prosecutors is large enough to compensate them fairly and predictably for all of the work that they do.

* * * *

And, so once again, we ask for your help. We need to stabilize our budget situation and maintain the level of resources we need to do the job. We need the "Year 2" and "Year 3" baselined workload formula adjustment and not have to live from year to year not knowing what monies we can rely on. We need baselined restorations of the cuts that we have suffered. And we need to have the ability to establish a stable budgetary plan so we can make intelligent decisions on hiring, staffing, salaries, and a host of other issues that affect us daily.

* * * *

We thank you for your support and, again, I thank you for the opportunity to be here today. I very much appreciate the continued support that you have given to this office -- and me personally -- over the years.

#

Budgetary Issues

Summary

City:

- As of the FY 12 Adopted Plan, our Office sustained *\$5.4 million in baselined, unrestored budget cuts in City funding alone, between July 1, 2002 and July 1, 2011.*

State:

- State budget reductions also continue to be significant. *In State Aid to Prosecution funding alone, we have lost \$1.89 million since the beginning of this Administration in the early 1990's.*

Other:

- Other available Federal and State funding streams are also rapidly diminishing.

Prior City Budget Cuts

Fiscal 2003	7.0%	baselined
Fiscal 2003	3.75%	baselined
Fiscal 2004	3.0%	baselined
Fiscal 2004	2.5%	baselined
Fiscal 2004	3.0%	baselined

These cuts totaled \$5.9 million. Even with some baselined restorations and new initiative funding since these cuts were enacted, *we are still down nearly \$2 million as a result of these cuts alone.*

Additional Baselined FY 2009 - FY 2012 Cuts

FY 2009

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- 7.84% baselined \$3.1 million*

* This cut was offset for FY 2011 only by a combination of one year, non-baselined restorations and non-baselined Revenue Plan monies. However, the impact of the \$3.1 million baselined cut recurred in full in FY 2012 and beyond.

FY 2012

- 1.2% baselined \$531,385
- In addition, the FY 12 Adopted Plan added \$1.66 million in baselined funding to reflect a new workload formula devised by the City.

City Cuts Overview

- *Overall, all these cuts mean that, even with the FY 12 workload formula adjustment, since Fiscal 2009 we have absorbed an additional \$3.4 million in baselined cuts.*

** * * **

This means a total loss of \$5.4 million in unrestored City cuts since FY 2003.

State Funding Reductions

- Our Office has also sustained significant reductions to State grant funding over the last several years – facing over the last State fiscal year alone another \$310,000 in grant reductions, including:

State Aid: 8% - Totaling \$115,900

Drug Treatment Diversion: 8% - Totaling \$8,000

Points of Entry: No award for current year as of yet –
Totaling \$100,000

Enhanced Prosecution: 20% - Totaling \$86,300 (For the
period of 7/1/11 to 6/30/12)

Historical Look at State Aid to Prosecution Cuts

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2009 - 10	6.0%
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2011 - 12	8%

Through Fiscal 2012, Queens DA has lost a total of \$1.89 million in funding over these years -- from \$3.16 million to \$1.27 million.

Other Funding Reductions

- 10% reduction in Federal VAWA domestic violence grant funding from 2008 to current funding through 2012 – *a loss of \$110,000.*
- 51% decrease in Federal JAG funding passed through New York City from 2005 to 2012 – *a loss of over \$360,000 to date.*
- In addition, while in past years we received Congressionally-sponsored support for specialized Mortgage Fraud and Financial Exploitation of the Elderly initiatives, overall, available Federal funding streams seem to be diminishing.

City Council Support

- Since FY 04, City Council support has been essential in helping offset these budget reductions with non-baselined funding.
- *City Council funding was eliminated in FY 12.*
- Restoration And Intervention to Obtain Additional Baseline Funding Remains Critical To Our Operations.

2011 STATISTICS

INDEX CRIMES ROSE IN CERTAIN AREAS AND FELL IN OTHERS

*In 2011 Index Crime in Queens rose by 2.6%
Compared to a 0.5% Increase for the City*

Highlights

Homicides, Robberies and Auto Theft all decreased between 2010 and 2011.

Rapes, Felony Assaults, Burglaries, Shooting Incidents and Grand Larcenies increased between 2010 and 2011

To view the historical trends in all of these Index Crimes, see the chart on the next page which compares index crimes in 2011 with index crimes in 1993

SOURCE: N.Y.P.D. COMPSTAT 2011

Index Crime Includes:

Murder, Rape, Robbery, Felony Assault, Grand Larceny, Grand Larceny Auto, and Burglary

AGGRESSIVELY FIGHTING VIOLENT CRIME

In 2011 Queens had 22% of the City's total violent felony arrests.

Queens indicted 18.2% of the City's violent felons.

Queens convicted 22.7% of the City's violent felons.

Queens sent 26.1% of the City's violent felons to prison.

SOURCE: STATE OF NEW YORK DIVISION OF CRIMINAL JUSTICE SERVICES 2011

**INDEX CRIME IN QUEENS HAS DROPPED
DRAMATICALLY SINCE 1993**

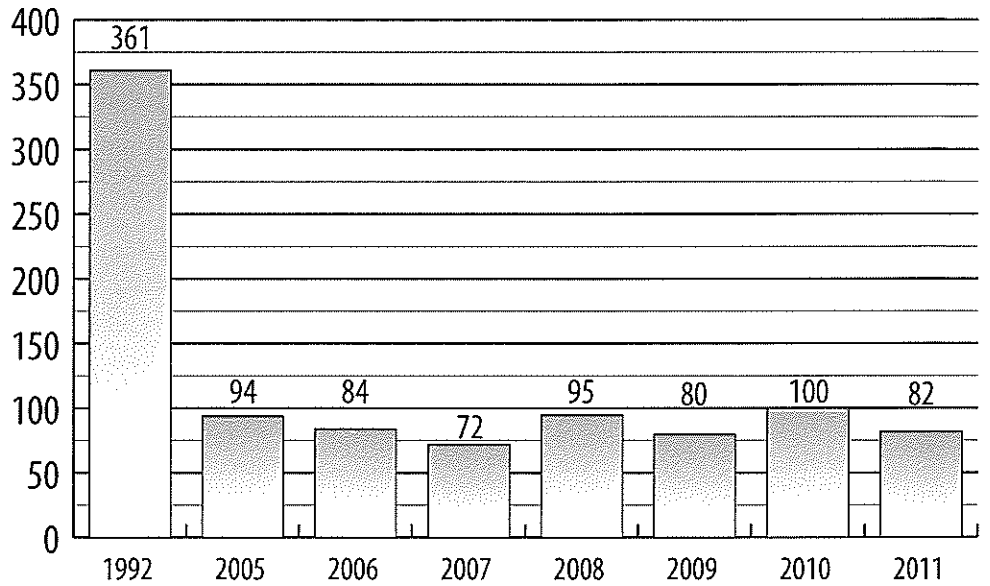
	1993	2011	Percentage Reduction
<i>Murder</i>	<i>275</i>	<i>82</i>	<i>70.2%</i>
<i>Rape</i>	<i>549</i>	<i>311</i>	<i>43.4%</i>
<i>Robbery</i>	<i>16,775</i>	<i>4,044</i>	<i>75.9%</i>
<i>Felony Assault</i>	<i>6,600</i>	<i>3,729</i>	<i>43.5%</i>
<i>Burglary</i>	<i>23,725</i>	<i>4,953</i>	<i>79.1%</i>
<i>Grand Larceny</i>	<i>16,250</i>	<i>7,428</i>	<i>54.3%</i>

*Homicides In Queens
Have Dropped More
Than 77% Since 1992.*

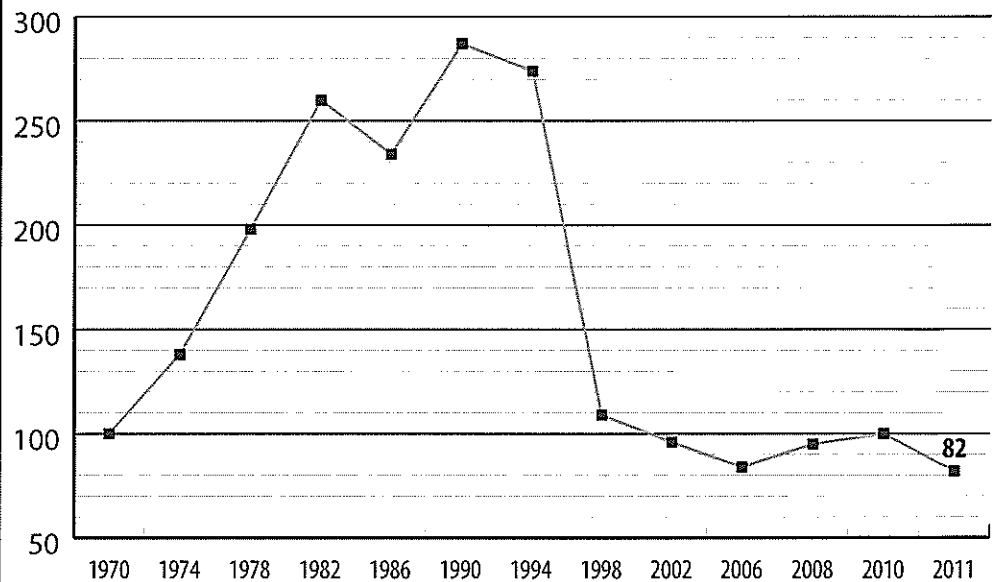
*Homicides In
Queens County Decreased
From 100 In 2010
To 82 In 2011.*

*Homicides in Queens
Decreased 18%
From 2010 To 2011.*

HOMICIDES

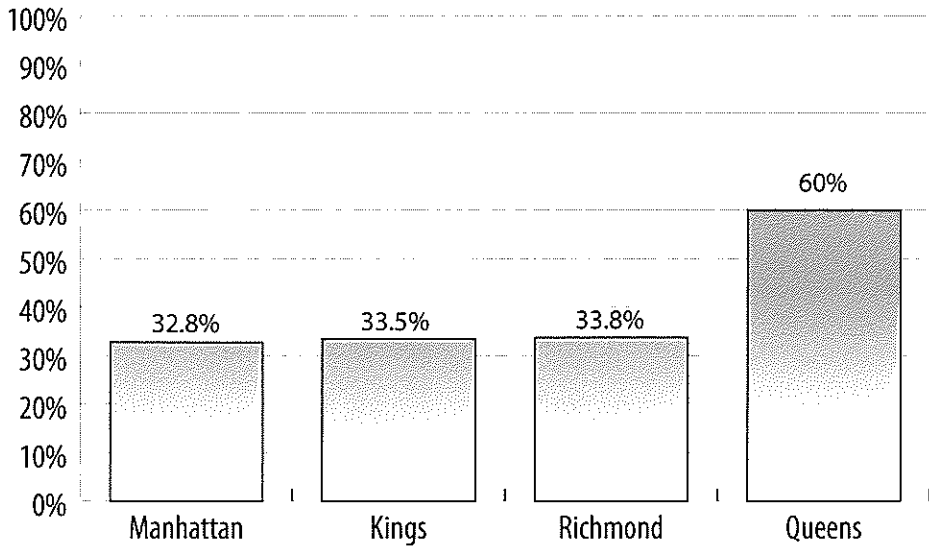


HISTORICAL MURDERS 1970-2011



Statistics- Domestic Violence

COMPARISON OF DOMESTIC VIOLENCE CONVICTION RATES CITYWIDE BY COUNTY

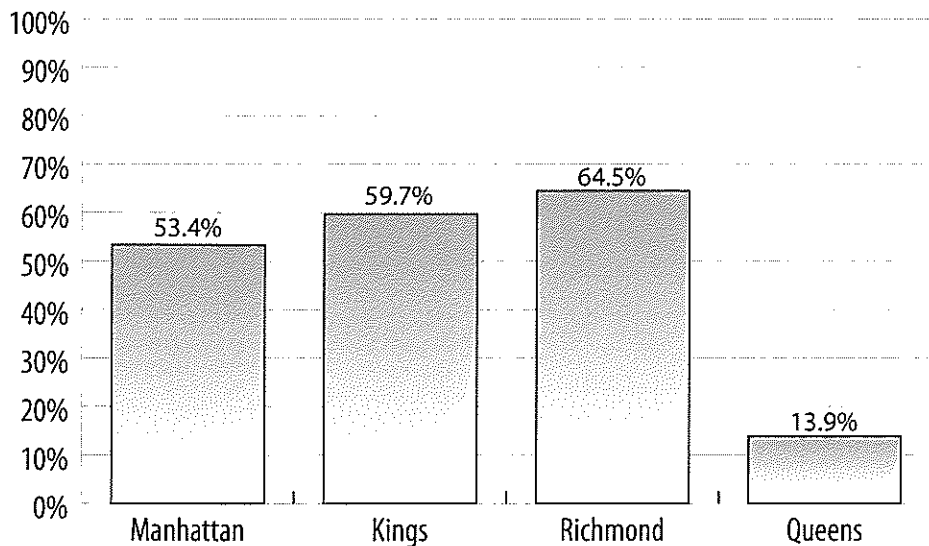


Source: Office of Court Administration Jan-Aug 14, 2011, Bronx Statistics not available due to court merger

Queens Has The Highest Domestic Violence Conviction Rate In New York City.

Queens Has More Pre-Indictment Domestic Violence Felony Pleas Than The Rest Of The City Combined.

COMPARISON OF DOMESTIC VIOLENCE DISMISSAL RATES CITYWIDE BY COUNTY

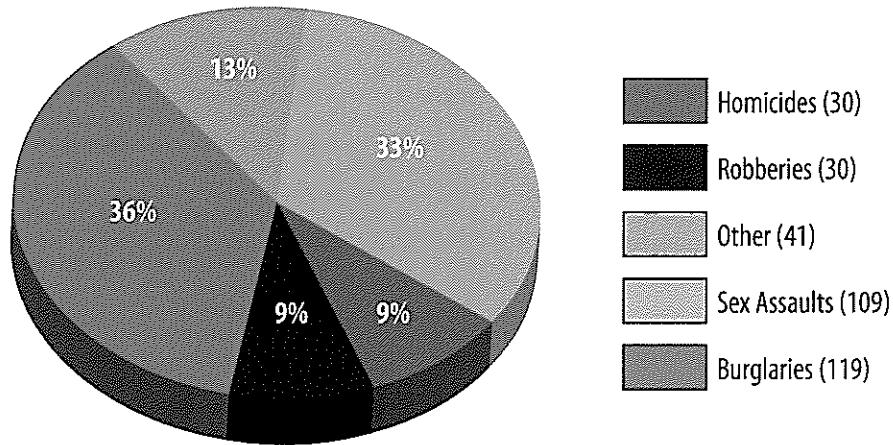


Source: Office of Court Administration Jan-Aug 14, 2011, Bronx Statistics not available due to court merger

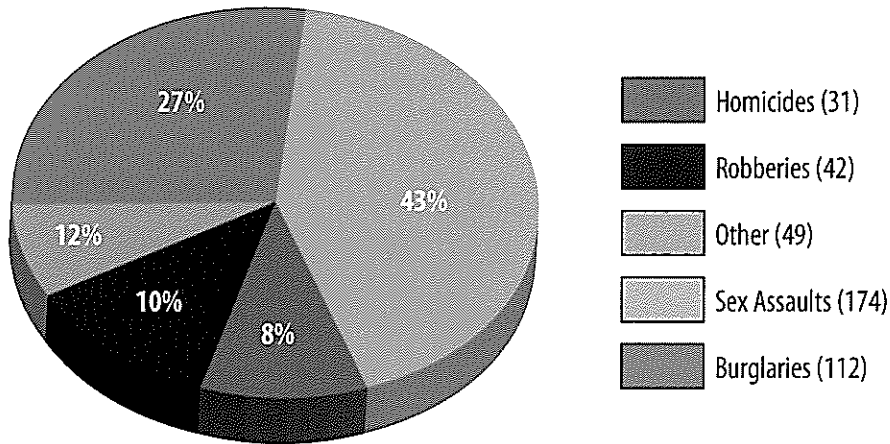
Queens Has The Lowest Domestic Violence Dismissal Rate In New York City.

DNA EXPANSION CONTINUES TO SOLVE VIOLENT CRIME

DNA FROM MISDEMEANOR TRESPASS CONVICTIONS YIELDS 329 HITS



DNA FROM MISDEMEANOR ASSAULTS CONVICTIONS YIELDS 408 HITS

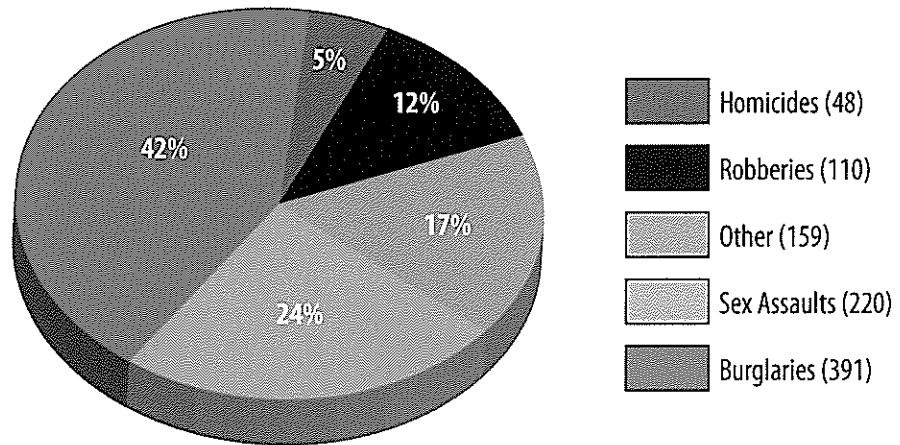


In 2006, New York added convictions for some low-level felonies and 35 misdemeanors that previously were not included in the DNA data bank. This expansion has produced

2963 hits

Source: State of New York Division of Criminal Justice Services from 6/23/06 through 11/9/11

DNA FROM MISDEMEANOR PETIT LARCENY CONVICTIONS YIELDS 928 HITS



**DNA SOLVES QUEENS BURGLARIES,
ROBBERIES, AND OTHER PROPERTY CRIMES**

FROM INCEPTION OF PROGRAM IN 2004 TO 2011

Total hits from 2004 to December 31, 2011	986
Total convictions to date	483
Defendants sentenced to state prison	396

DNA RECOVERED FROM CRIME SCENES WHEN A DEFENDANT

Left a flashlight at a burglary scene.

Bled on an interior door during a burglary.

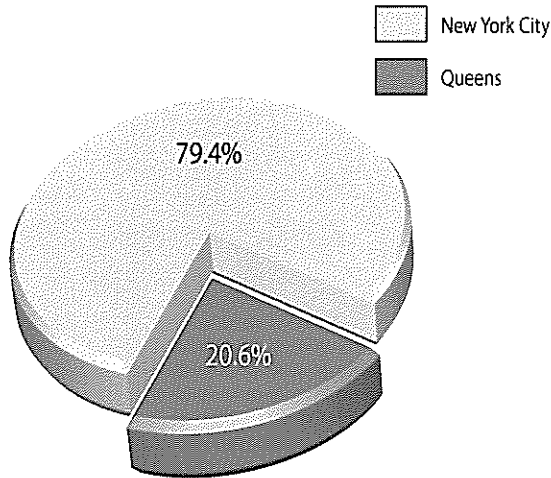
Cut himself on a bathroom window entering a home.

Drank from a cup during a home invasion.

Wore and disposed of his brother's glove at the scene of a robbery.

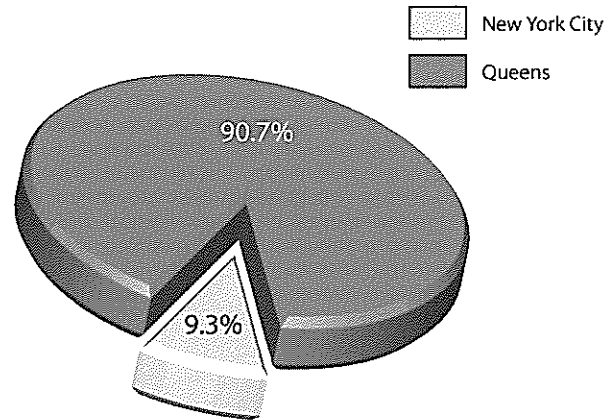
Statistics- Bail Jumping

FELONY BAIL JUMPING



Queens County brought 20.6% of New York City's Bail Jumping Indictments for 2011

MISDEMEANOR BAIL JUMPING



Queens County brought 90.7% of New York City's Bail Jumping Complaints for 2011

CONVICTIONS FOR BAIL JUMPING

SOURCE: STATE OF NEW YORK DIVISION OF CRIMINAL JUSTICE SERVICES

**INCLUDES FELONY AND MISDEMEANOR BAIL-JUMPING*

Year	New York City Total	Queens Total
2003	167	68
2004	198	94
2005	208	75
2006	229	125
2007	501	374
2008	573	452
2009	564	423
2010	491	335
2011	521	356

Statistics- CBQ Interview Program, Lineups Supervised, & Gun Prosecutions

CBQ INTERVIEW PROGRAM

On June 28, 2007, the Queens County District Attorney's Office began a program to videotape statements from defendants arrested for felonies in Queens County.

A Q.D.A. Detective and an Assistant District Attorney interview defendants prior to their arraignment regarding the case for which they were arrested.

Investigations conducted as a result of these interviews have resulted in some cases in the enhancement of charges in others in the modification of charges and in others the dismissal of charges against defendants.

Since the inception of the program, close to 10,000 defendants have been interviewed.

LINEUPS SUPERVISED

Year	Lineups
2004	690
2005	599
2006	656
2007	696
2008	702
2009	422
2010	555
2011	357

GUN PROSECUTIONS

DISPOSITION OF ARRESTS FOR CPW 2-2011

SOURCE: STATE OF NEW YORK DIVISION OF CRIMINAL JUSTICE SERVICES

County	Conviction	Incarceration
<i>Queens</i>	61.7%	59.8%
<i>New York</i>	65.4%	78.6%
<i>Kings</i>	50.1%	67.4%
<i>Bronx</i>	44.9%	59.7%
<i>Richmond</i>	48.4%	53.8%

*Queens Has The Second Highest Conviction Rate
For The Crime Of CPW-2 In New York City*

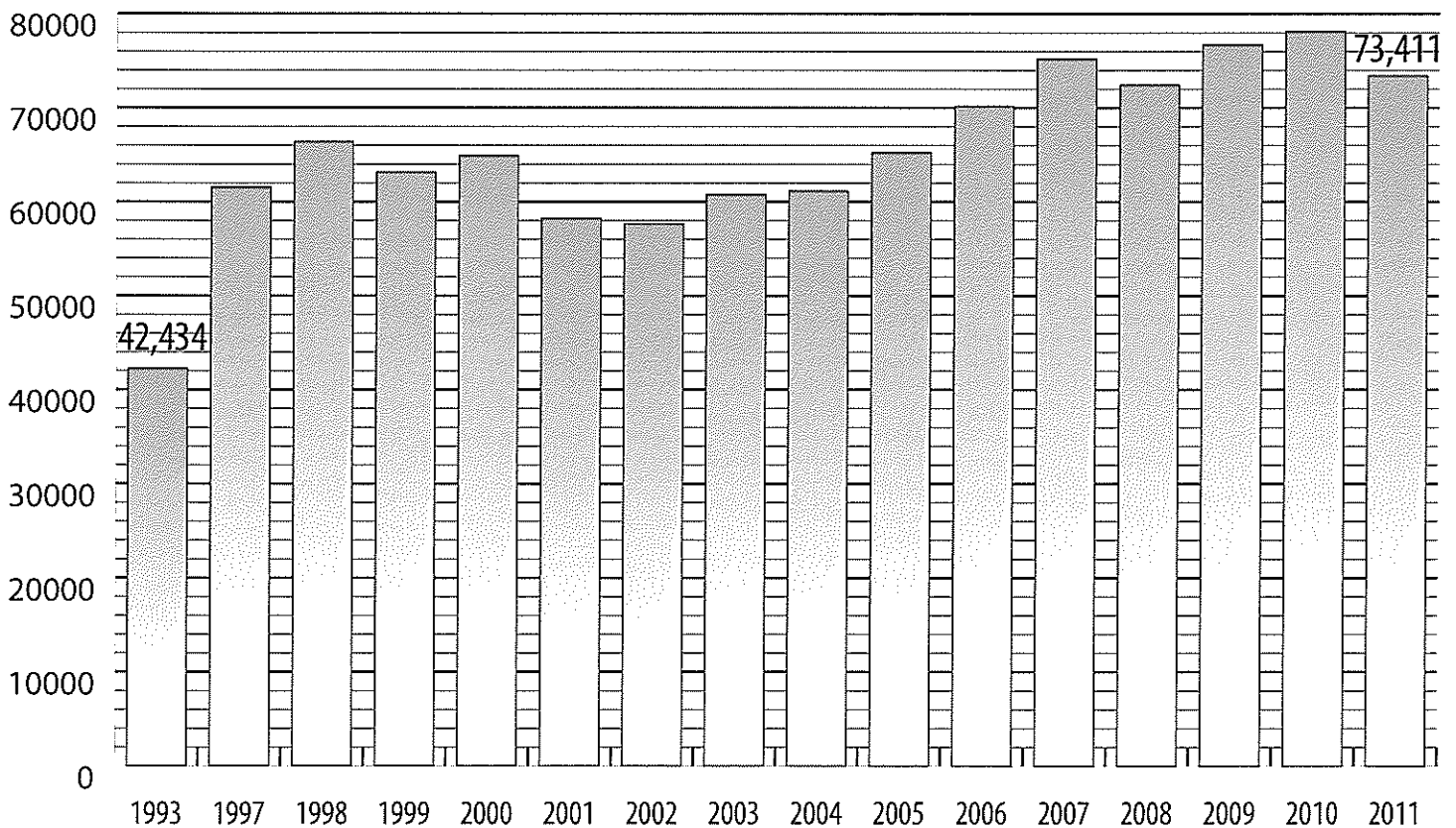
Statistics- Case Processing & Arrests

QUEENS IS MOST EFFICIENT IN CASE PROCESSING

SOURCE: 2011 NYPD CRIMINAL JUSTICE BUREAU

	Queens	Citywide
<i>Arrest To Arraignment Time</i>	<i>20.00 Hours</i>	<i>24.94 Hours</i>
<i>Arrest To Sworn Complaint Time</i>	<i>8.46 Hours</i>	<i>10.51 Hours</i>
<i>Percentage Of Cases Arraigned Within 24 Hours</i>	<i>77.53%</i>	<i>56.06%</i>

ARRESTS REMAIN HIGH

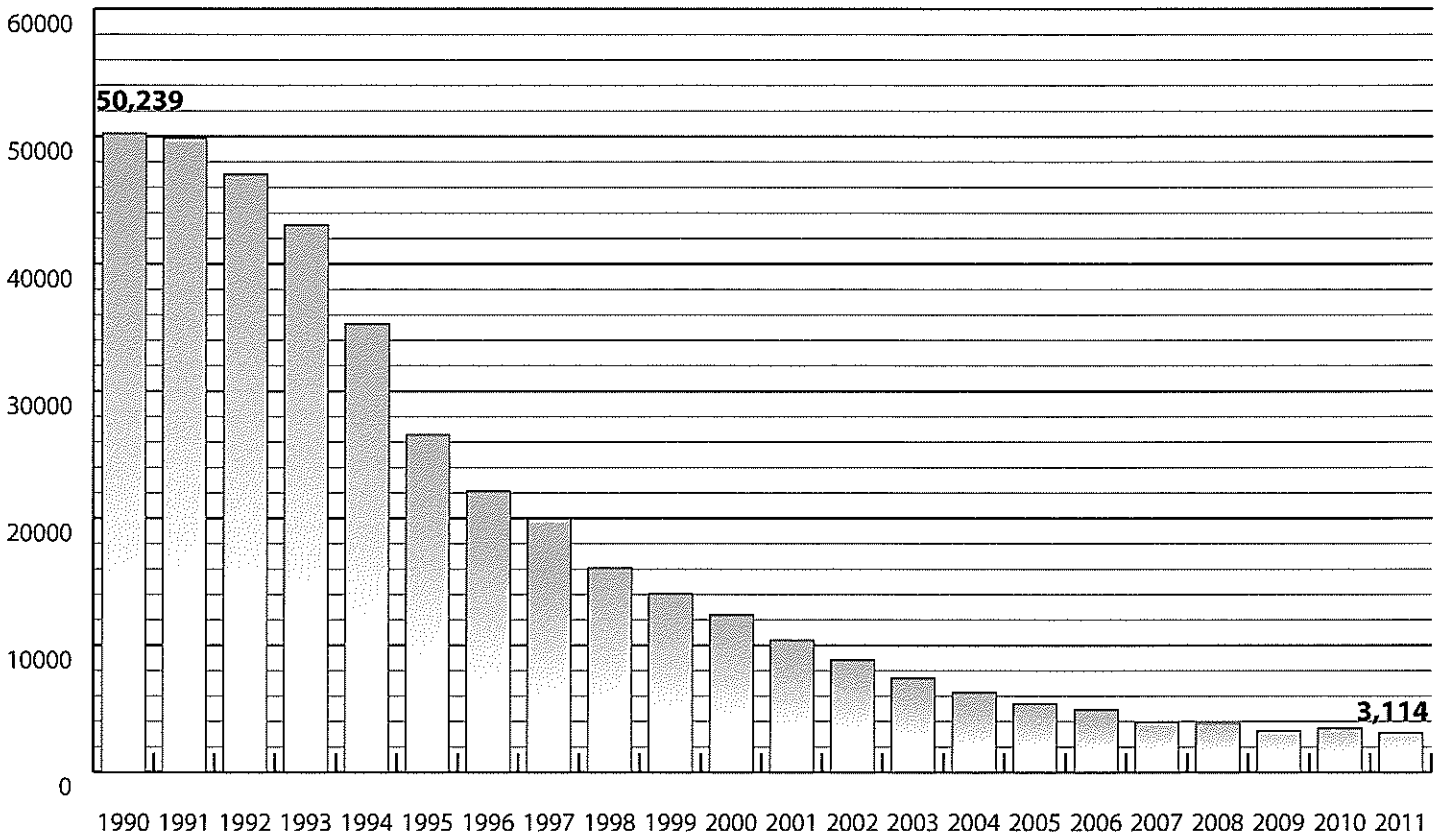


TOTAL ARRESTS HAVE INCREASED MORE THAN 73% SINCE 1993 (42,434 TO 73,411)

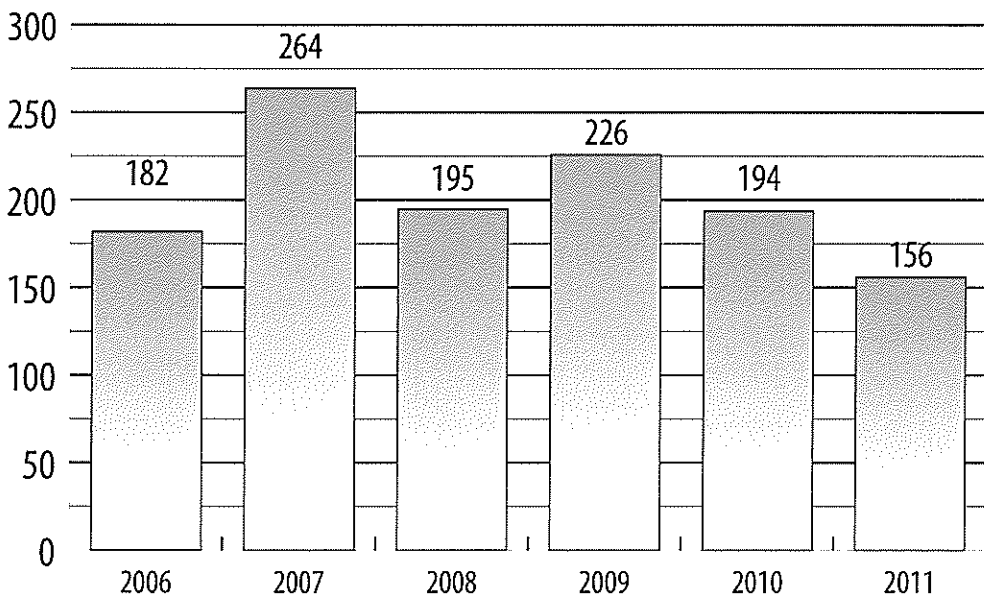
Statistics- Auto Theft & Mortgage Fraud

AUTO THEFT 1990-2011

Auto Theft in Queen County Decreased 93.8% Since 1990



MORTGAGE FRAUD COMPLAINTS



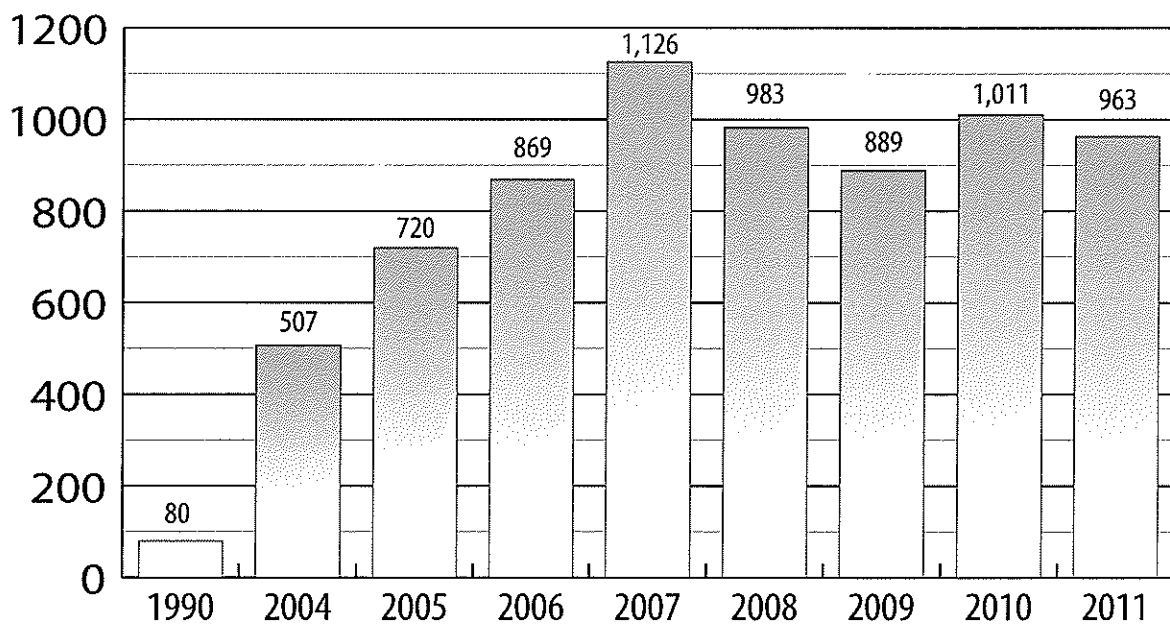
These are complaints that need to be investigated. These numbers only reflect complaints directly to our Office and not those which are brought to our attention by other agencies such as NYPD, FBI, Banking... etc. Also any one complaint may involve either a single property or numerous properties.

COURT ORDERED ELECTRONIC SURVEILLANCE AGAINST ORGANIZED CRIMINAL ENTERPRISES

- Once again, Queens County was a national leader in the use of court authorized electronic surveillance.
- Queens County had the largest number of wiretaps in the entire country (261).
- Our wiretaps exceeded those of Los Angeles County(206), whose DA's office has about five times the staff. Queens County's wiretaps represented nearly 13% of the national total.

STATISTICS FROM 2010 FEDERAL WIRETAP REPORT (THE MOST RECENT REPORT AVAILABLE)

SEARCH WARRANTS



QDA Office Wide 2011

Statistics- Evictions, Prostitution, Sex Trafficking

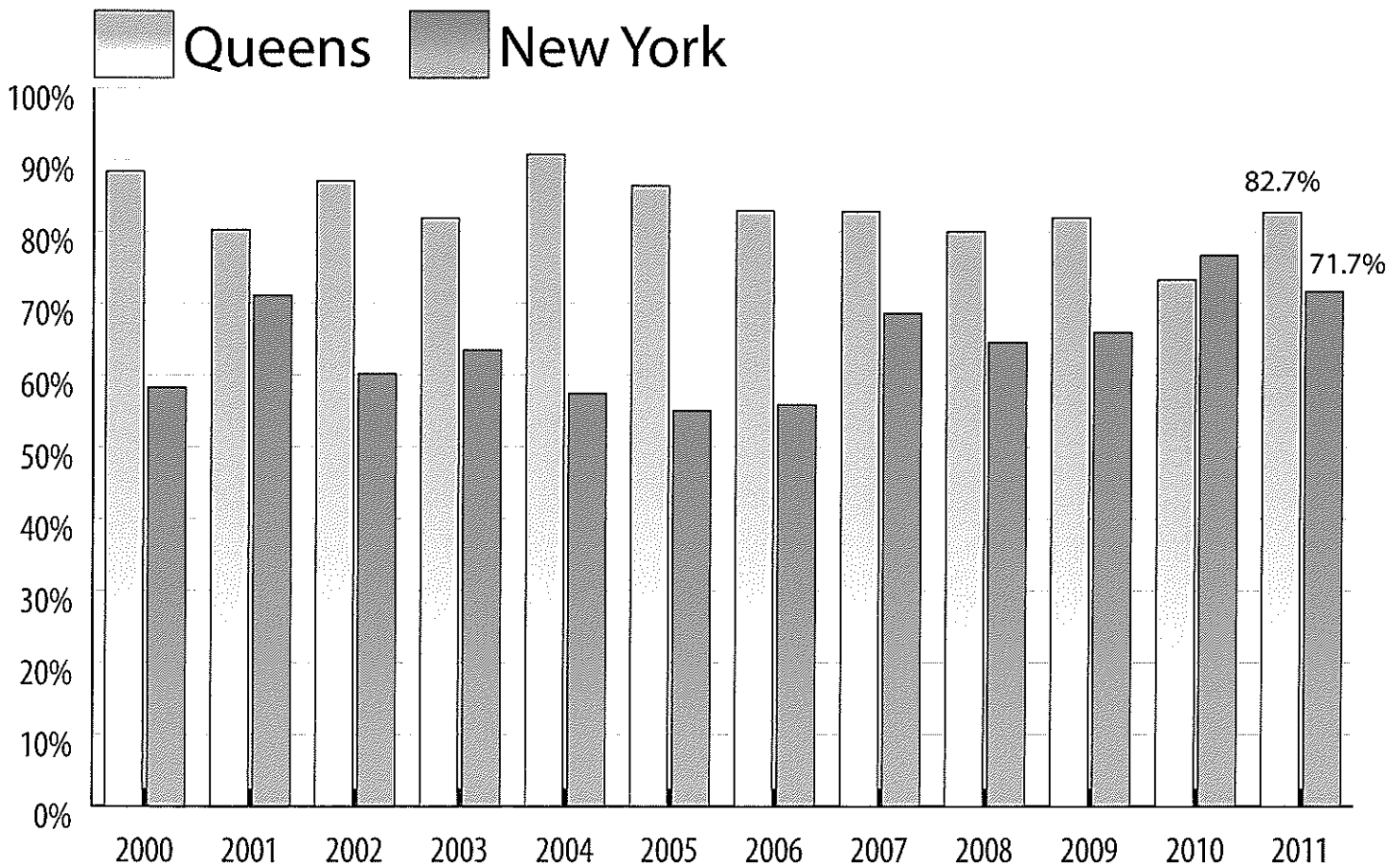
EVICIONS FOR CONDUCTING ILLEGAL BUSINESSES

63 successful evictions in 2011 pertaining to Prostitution, Drug Dealing, Gambling, and other crimes.

SEX TRAFFICKING CASES

4 B felony convictions to date.
6 additional defendants charged with Sex Trafficking.

QUEENS COUNTY LEADS CITY IN CONVICTIONS FOR PROMOTING PROSTITUTION



Queens Conviction Rate: 82.7%

NYC Conviction Rate: 71.7%

SAVING STATE AND CITY MONEY

Restitutions	
<i>Governmental restitutions</i>	<i>\$4,392,394.97</i>
<i>Non-governmental restitutions</i>	<i>\$1,093,260.95</i>
<i>Total restitution</i>	<i>\$5,485,655.92</i>

Confession of Judgments	
<i>Governmental Confession of Judgments</i>	<i>\$653,509.00</i>
<i>Non-governmental Confession of Judgments</i>	<i>\$1,752,057.15</i>
<i>Total Confession of Judgments</i>	<i>\$2,405,566.15</i>

Totals	
<i>Total Restitutions and Confession of Judgments</i>	<i>\$7,891,222.07</i>

**THE BENEFICIARIES OF RESTITUTIONS AND
CONFESSIONS OF JUDGMENT INCLUDE:**

NYS/ NYC Sales Tax
NYS/ NYC Personal Income Tax
NYS/ NYC Cigarette Tax
NYS Department Of Labor
NYC Human Resources Adm.
Businesses

NYS Liquor Authority
City of New York
NYC Housing Authority
NYS Insurance Fund
Individuals

2011 INITIATIVES

QUEENS CHILD ADVOCACY CENTER

112-25 Queens blvd.
Forest Hills, New York 11375
(718)575-1342

Child Advocacy Centers (CACs) are child-friendly, safe spaces that provide prevention, intervention, emotional support, and treatment services to physically and sexually abused children and their families by using a child-focused team approach.

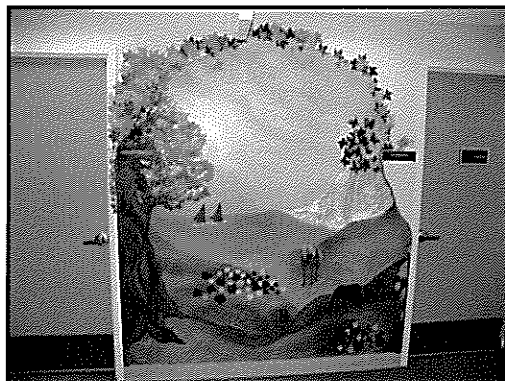
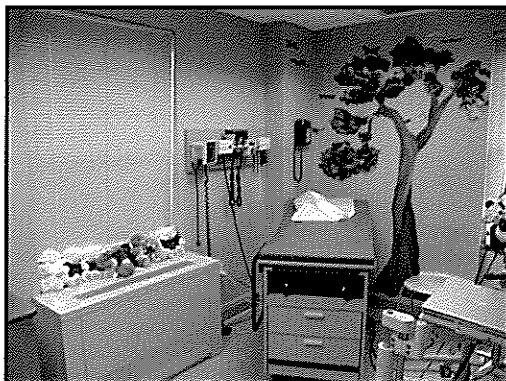
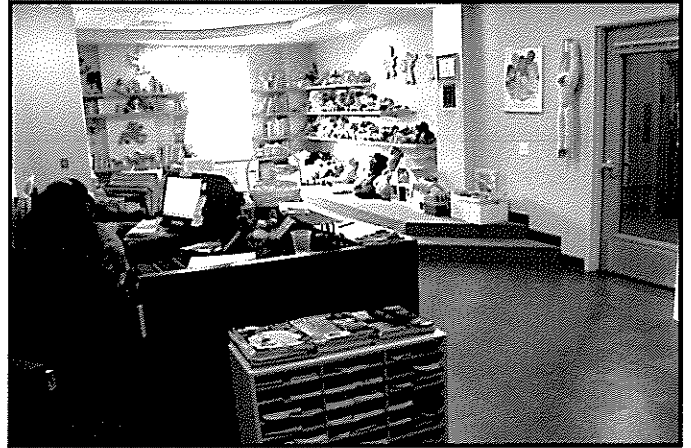
Child Advocacy Centers offer both healing and justice for child victims of abuse. At the Queens Child Advocacy Center, all the agencies that deal with child abuse cases work together, providing a unique collaboration of efforts on behalf of child victims.

Child Advocacy Centers work to prevent re-traumatization (further trauma of the child) and to ensure that a coordinated investigation is begun immediately. Counselors and clinicians work with law enforcement and legal representatives, medical service providers, and child protection agencies to provide a cooperative and coordinated approach to the investigation of child abuse cases and to build the strongest possible case against the abusers.

Our multidisciplinary teams at the Child Advocacy Centers represent:

- The Queens District Attorneys' Office
- Safe Horizon
- The New York City Administration for Children's Services
- The New York Police Department
- Medical Providers and Partnering Hospitals- Cohens Children's Hospital

In 2011, Queens prosecutors screened close to 4,000 reports of suspected child abuse for criminality.



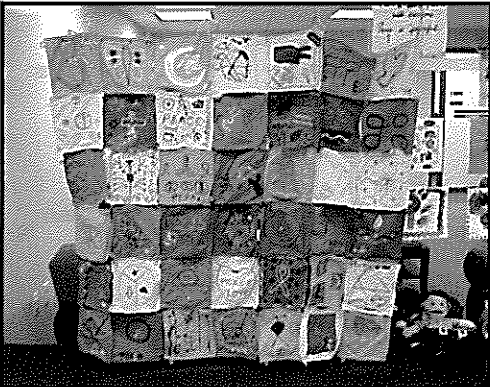
QUEENS FAMILY JUSTICE CENTER

126-02 82nd Ave
Kew Gardens, New York 11415
(718)575-4500

The Queens Family Justice Center (QFJC) is an integrated service center for domestic victims. It provides “one-stop shopping” for domestic violence survivors by placing lawyers, police, dedicated domestic violence prosecutors, counselors, clergy, and other service providers under one roof.

The New York Family Justice Center in Queens is a walk-in center for all domestic violence victims and their children. Many agencies are located at the Center. Services are free and available to all victims regardless of what language you speak.

The Center is a safe and caring environment with one-on-one services and support. On the first visit to the Center a client will meet with a specialist who will speak with her about what services she might need. The client specialist will then link the client to a case manager.



Initiatives- Alternative Sentencing

WHAT IS ALTERNATIVE SENTENCING?

The diversion of criminal defendants from a traditional sentencing structure toward mandatory treatment for drug abuse and other behavioral issues which motivate criminal behavior.

QUEENS D.A. YOUTH DIVERSION PROGRAM

- Males ages 14-19 years old- First felony arrest/minimal criminal history
- Intensive out patient treatment through the District Attorney's office
- Minimum one year participation with frequent court visits
- To date, 100% retention rate.

QTC - QUEENS TREATMENT COURT

- Designed in 1998 for first time non-violent felony offenders.
- To date, over 2,083 defendants have enrolled in the court.
- 75 % retention rate.
- Most successful Treatment Court in New York State.

SCRAM - SECURED CONTINUOUS REMOTE ALCOHOL MONITORING

- Provides monitoring 24/7
- Takes alcohol reading every 30 minutes
- \$11 dollars per day
- Required in all conditional DWI dispositions
- Research supports reduction in DWI's
- 535 participants, 445 graduates and a retention rate of 93%

IGNITION INTERLOCK DEVICE

- November 18, 2009 Governor signed Child Passenger Protection Act, also known as Leandra's Law.
- Leandra's Law took effect on December 18, 2009
- Ignition Interlock required as a sentence for any conviction for any misdemeanor or felony DWI.
- The Mandatory Ignition Interlock provision became effective on August 15, 2010.
- The Queens District Attorney's office is designated the monitor for all 5 counties.

SECOND CHANCE

- First time misdemeanor offenders.
- Participate in community based services.
- Participants are required to complete services.
- Panel develops and monitors defendants progress or lack thereof.

Initiatives- Alternative Sentencing

QMTC - QUEENS MISDEMEANOR TREATMENT COURT

- Targets non-violent defendants with at least 3 prior arrests.
- Participants must have a drug or alcohol diagnosis and agree to enter treatment for a minimum of 1 year.
- Since January 2002, over 1,003 defendants have enrolled in the program.

TASC - TREATMENT ALTERNATIVE TO STREET CRIME

- A not-for-profit criminal justice agency working with non-violent drug and alcohol addicted defendants in criminal and supreme courts.
- TASC screens, assesses, places and case manages defendants as an alternative to incarceration.
- Drug testing.
- Objective agency.

QMHC - QUEENS MENTAL HEALTH COURT

- Must have an Axis I diagnosis
- Extensive psychological support and wrap-around services
- Goal is medication compliance/maintenance
- 163 placements, 88 graduates and a retention rate of 82%

DTAP - DRUG TREATMENT ALTERNATIVE TO PRISON

- Non-violent drug addicted second felony offenders who seek drug treatment for a minimum of 12 months as a jail alternative.
- Since 1993, over 997 defendants have participated.
- More than 630 graduates.
- 251 defendants sentenced to jail.
- Upon completion, case is dismissed.
- The retention rate exceeds 75%, among the highest in the state.

DOMESTIC VIOLENCE CASES

- Batterers Intervention Program- Between 26 and 52 weeks
- Anger Management Treatment -1,5 and 12 sessions are available
- Parenting Classes- 12 Sessions
- Sexual offender treatment- 52-104 weeks
- Deferred sentencing model

COMMUNITY SERVICE

- Average 5-10 days of community service.
- Each year, more than 7,100 defendants participate.
- DOT, Queens Plaza clean up, Parks and NYC Transit.
- 70% retention rate.

CONVICTED DRUNK DRIVERS MUST INSTALL IGNITION INTERLOCK DEVICES TO MONITOR ALCOHOL USE

Car equipped with device will not start or operate if driver registers a Breath Alcohol Content (BAC) above .025 percent.

Alcohol is a factor in almost half of all traffic fatalities. Each year approximately 16,000 people in this country are killed in alcohol related crashes. One in three people will be involved in an alcohol-related crash in their lifetime.

A provision of Leandra's Law went into effect on August 15, 2010 that requires anyone convicted of misdemeanor or felony drunk driving charges in New York State to install at their own expense a device known as an ignition interlock device (IID) in any vehicle they own or operate. New York State is the 12th state to require such devices for people convicted of driving while impaired. The device must be installed for a minimum of six months, and can be ordered to be installed for the entire period of the convicted motorist's conditional discharge or probation supervision.

An ignition interlock device is essentially a car Breathalyzer that is installed on a vehicle's dashboard and connected to the ignition system. A vehicle equipped with such a device cannot be started or driven unless the driver passes the device's breath alcohol test. How this works is that a driver must breathe into the device, which will, in some cases, photograph the person using the device, and measure that person's Breath Alcohol Concentration (often referred to as BAC). In New York, a car equipped with such a device is programmed to "lock out" or "prevent start" if a driver registers a preset BAC of .025 percent or higher. If a driver's BAC exceeds .08 -- the state limit for driving while intoxicated -- the driver faces criminal charges.

A convicted motorist is responsible for paying for the cost of purchasing and installing the IDD, as well as a monthly

fee of between \$70 and \$100, depending on the actual device installed. The motorist must also provide proof of installation to the court and to the monitoring authority. Here, in New York City, the Department of Probation monitors compliance of those convicted motorists on probation, while the Queens District Attorney's Office is responsible for monitoring those individuals who are required to install the device as part of their being sentenced to a conditional discharge.

Once the vehicle's engine has been started, the driver is required to breathe into the device periodically to prove that he or she is not drinking and driving. If the driver does not provide a required breath sample or if the BAC is .025 percent or higher, a loud alarm will be activated (horn honking and/or lights flashing) until either the ignition is turned off or a clean breath sample is provided.

Every thirty days or so a driver is required to go to an IDD installer or service provider so that the IDD's usage history can be downloaded and provided to the appropriate monitoring authority. All uses of the vehicle are recorded by the device including any attempted circumvention, as well as failed start-up re-tests, failed rolling re-tests, or missed rolling re-tests.



The state's Vehicle and Traffic Law Section 1198 (9) has been amended to provide criminal sanctions for a convicted motorist who attempts to circumvent or tamper with an ignition interlock device installed on his or her vehicle(s) or requests or solicits another person to blow into the device or start a vehicle equipped with the device for the purpose of allowing the restricted driver to operate the vehicle.

It is also a criminal act for a person to blow into an ignition interlock device or start a vehicle equipped with an ignition interlock device for the purpose of providing an operable vehicle to a person who is required to only operate the vehicle equipped with such a device.

While it is too soon to determine the effectiveness of these devices in reducing alcohol traffic violations in New York, an Insurance Institute for Highway Safety-sponsored study has proven that they work -- showing a reduction of alcohol traffic violations by 64 percent during the first year in states in which these devices were required.

Since the law went into effect, the Queens District Attorney's Office has been monitoring more than 2,835 cases citywide. Of those cases, 804 cases are from Queens.



MAYOR AND DISTRICT ATTORNEYS ANNOUNCE NEW EFFORT TO USE DATA TO FIGHT FINANCIAL CRIME

New Use of City Data Will Provide Law Enforcement with Targeted Leads to Fight Fraud

“Mortgage fraud has quite literally stolen the American Dream of owning a home from many New Yorkers, especially in Southeast Queens which lies at the epicenter of what has become a national problem,” said District Attorney Brown at a City Hall press conference in February announcing that the City has developed a new way to mine existing City data to find “digital fingerprints” that lead to potential mortgage fraud cases to be investigated by prosecutors and law enforcement agencies.

The Mayor’s Financial Crimes Task Force had conducted an analysis of mortgage fraud in New York City and nationwide to identify common traits of fraud and had developed a search methodology to find fraud “digital fingerprints” in City data. The methodology was improved and refined with input from experienced mortgage fraud prosecutors from the City’s five District Attorney’s offices.

Strong indicators of fraud identified by the Mayor’s Financial Crimes Task Force included homes or properties that changed owners multiple times in a short period of time at varying sale prices; transfers of title at far below market prices; and properties sold at values just below thresholds for mandatory reporting or tax filings.

Using the new search methodology and applying it to ACRIS, the City’s public property records database, and drawing on information from other City databases, the Mayor’s Financial Crimes Task Force



can now compile Unusual Property Activity Reports for distribution to law



enforcement agencies for follow up.

As District Attorney Brown noted, “Mortgage fraud and related complaints to my office have quadrupled over the last five years – and that is only the tip of the iceberg. Many of these frauds are directed at the county’s elderly, immigrant and economically disadvantaged populations who are often less aware of the ever-increasing variety of scams that can befall them. While we have made some headway in prosecuting these cases, the programs which Mayor Bloomberg is unveiling today will

be useful weapons to add to our arsenal in the fight against those who prey upon

unsuspecting homeowners and lending institutions.”

Property Transaction Alerts

In order to help homeowners detect possible mortgage fraud involving their own homes, the Mayor’s Financial Crimes Task Force, working with the Department of Finance, has initiated a new program that will allow the City’s property owners to receive alerts when any transaction involving their property is entered into the City’s recording system for real estate transactions. The program allows property owners to receive an e-mail, text message, or letter by mail any time certain property related documents are filed with the City. If you register to receive notice, and someone uses your identity and files phony documents, you will be alerted. Homeowners can register at nyc.gov or by calling 311.

DISTRICT ATTORNEY BROWN ANNOUNCES NEW TAX REVENUE UNIT

*Twelve Individuals Arrested and Over 4,000 Cartons of Bootlegged Cigarettes
Seized As Result of New Initiative*

District Attorney Brown has formed a new unit within his office -- Crimes Against Revenue Unit (CARU) -- that will proactively investigate and prosecute individuals and businesses that deliberately fail to pay tax obligations associated with legal and illegal activities.

In making the announcement, District Attorney Brown was joined by federal and state officials to announce the arrest of a dozen individuals, the seizure of more than 4,000 cartons of untaxed cigarettes smuggled

into New York from overseas and out of state, and the seizure of 22,000 untaxed cigars and nearly \$400,000 in money and property over the last three months.

District Attorney Brown said, "Cigarette smuggling to evade state and local taxes is a multi-million dollar industry. It is a highly profitable tax-free cash business for those involved in it. However, it cheats taxpayers who must dip into their pockets to pay higher taxes. And it cheats the government as well by fueling an underground economy which does not pay much needed State and City taxes. In today's cases, it is estimated that the twelve defendants shortchanged New York State and New York City out of approximately \$270,000 in tax revenue."

The District Attorney continued, "The addition of the Crimes Against Revenue Unit will enhance ongoing specialized efforts begun by this office in 2005, targeting



tax evasion and other revenue and financial crimes, which has already returned to the State more than \$5 million in sorely needed revenues."

District Attorney Brown named Assistant District Attorney Andrew H. Kaufman as the head of the Crimes Against Revenue Unit, which consists of two assistant district attorneys, three financial analysts, five detective-investigators, one sergeant-investigator and one paralegal. The Unit is the result of state funding assistance provided to district attorneys' offices within the twenty-two counties that are participating in the program. The funding is designed to investigate and prosecute those who violate the law by failing to pay any type of tax obligations -- such as excise, sales and income -- associated with legal and illegal activities, such as cigarette smuggling.



2011 NEW YORK CITY ABUSIVE HEAD TRAUMA/SHAKEN BABY SYNDROME TRAINING CONFERENCE



Queens District Attorney Richard A. Brown and New York City Chief Medical Examiner Charles S. Hirsch, M.D., hosted the fifth annual New York City Abusive Head Trauma/Shaken Baby Syndrome (AHT/SBS) Training Conference on September 22 and September 23, 2011.

District Attorney Brown, in his welcoming remarks at the two-day event, said, "All too often children are affected by this devastating form of abuse. Each year more than 1,000

children, age two and under, experience severe or fatal head trauma as a result of violent, repetitive shaking. Shaken Baby Syndrome, a serious and often deadly form of Abusive Head Trauma, must be stopped, and I believe that specialized education and training in this complicated field will better equip the medical, social services and prosecutorial communities in our fight against this violent form of abuse. As in prior years this forum will bring together experts from around the nation to share their knowledge

and experience, as well as to gain a broader understanding of this tragic form of child abuse."

The conference was led by experts in the AHT/SBS field. The forum highlighted the ethics and necessity of investigative protocols utilized in prosecuting an AHT/SBS case, and provided a medical overview of the AHT/SBS diagnosis from the perspective of national experts in emergency pediatrics, pediatric ophthalmology and forensic pathology.

CASES OF INTEREST

GRAFFITI VANDAL CONVICTED IN SPRAY PAINTING SPREE

A 23-year-old Queens man was convicted in March of spray painting his tag throughout Queens County – including the neighborhoods of Glendale, Richmond Hill and Forest Hills – on more than 45 separate occasions between 2009 and 2011 – including spraying it on a marked police van – and causing thousands of dollars worth of property damage.

District Attorney Brown said, “This indictment is part of our continuing commitment to eradicate graffiti in Queens County. Far from being a victimless crime, graffiti encourages lawlessness, leads to a decrease in property values and is costly to its victims to remove. New York’s image as a graffiti-scarred city is a thing of the past and we must continue to enforce our laws against this serious vandalism to keep it at bay.”

According to the criminal charges, Matthew Young sprayed his tags, “SA” and “SA ONE” or “RIP ZIC” on more than 45 separate occasions between June 2009 and January 2011 in the neighborhoods of Glendale, Richmond Hill and Forest Hills. Young allegedly wrote his tag on buildings, light poles, traffic signs, railroad overpasses, a bus shelter and even a marked police van. It is alleged that Young used spray paint to write his tags in all instances but for two bus shelters in which he allegedly used acid to burn his tag.

VIOLENT HOME INVADER GETS 90 YEARS IN PRISON

*Assaulted Off-Duty Police Officer and Sexually Abused Pregnant Woman
During Home Invasions.*

At the sentence of home invader Kenneth Washington, Queens Supreme Court Justice Gregory L. Lasak noted “The defendant purposely waited for his victims to be home alone and then broke into their homes and viciously beat them and stole their property,” he said, “His actions clearly show that he is a threat to society and is deserving of the lengthy sentence imposed today by the court.”

At trial, NYPD Sgt. Cassandra Whitaker recounted how she was asleep inside her Queens residence when Washington entered her bedroom during the early morning hours of August 17, 2006. When Ms. Whitaker awoke and saw Washington going through her dresser, she attempted to retrieve her police-issued revolver from inside her night stand. A struggle ensued and Washington managed to grab the firearm, which he then used to severely beat Ms. Whitaker about the head. Thereafter, he stole her service revolver and police-issued shield, as well as jewelry and other personal property before fleeing.

Meanwhile, Ms. Whitaker managed to find her cell phone – despite being temporarily blinded as a result of her eyes being swollen shut – and call 911. She was transported to a local hospital and treated for numerous and serious head lacerations that required thirty staples to close. In

addition to the lacerations, she sustained prolonged and permanent head injuries. DNA testing of a bloody white shirt found a few blocks from the house revealed the presence of Ms. Whitaker’s blood and Washington’s DNA.

Four months later, on December 5, 2006, Washington forced open a rear window of the Bellerose residence belonging to Luisa Gonzalez, 44, while she was at work and stole jewelry and other property. A pair of gloves recovered from inside the house was submitted for DNA testing and matched the defendant’s DNA.

Finally, according to trial testimony, a 26-year-old female, six months pregnant, was sleeping inside her father’s St. Albans residence on the afternoon of July 15, 2007, when Washington broke into the house and sexually and physically assaulted her before robbing her of property. The victim managed to lock herself in the bathroom and escape by jumping approximately ten feet from the bathroom window to the ground and running to a neighbor’s house. The victim was admitted to a local Queens hospital for approximately one week in order to monitor her unborn baby.

An iced tea container which Washington drank from at the scene was swabbed for DNA and resulted in a positive match to the defendant.

QUEENS MAN SENTENCED TO 24 YEARS TO LIFE IN PRISON FOR FATAL SHOOTING OF TEENAGER

Rashawn Wingfield, 22, of Rosedale, Queens, who was convicted of second-degree murder and second-degree criminal possession of a weapon following a two-week jury trial, was sentenced in February 2011 to an indeterminate sentence of 24 years to life in prison for the murder of a childhood friend in Springfield Park in May 2007.

According to trial testimony, on May 26,

2007, Antoine Alvares, 19, of Springfield Gardens, was walking with friends in Springfield Park when Wingfield ran past Mr. Alvares, turned around and fired his .25 caliber semi-automatic handgun twice at the back of Mr. Alvares. Mr. Alvares fell to the ground wounded and Wingfield stood over the victim and fired a third shot into his back. The victim died at the scene.

MAN SENTENCED IN BRUTAL MURDER AND SEXUAL ASSAULT OF RECENT IMMIGRANT

Yu Yao, came to America from China in search of an education and a better life. She came alone, leaving behind her aging parents who had sacrificed and borrowed money to give their only child this opportunity to expand her horizons. In the two months since she moved here on a student visa to live with a distant uncle in Flushing, she found employment at a nail salon and was saving up money for college to pursue her dream of becoming a lawyer to help her poor rural village in China.

On Sunday, May 16, 2010, at 9:10 p.m., Yu Yao was walking toward Main Street, in downtown Flushing after delivering a package of food to a relative's home when Carlos Salazar Cruz approached her and struck her in the head with a metal pipe. He then grabbed the dazed woman by her hair and began dragging her into a nearby alley. A witness heard Yao's screams and called 911. Thereafter, another witness entered the alleyway and discovered Yu laying unconscious in a pool of blood, bleeding from the head and naked from the waist down. She had been brutally beaten and sexually assaulted. Yu was rushed to New York Hospital of Queens and admitted

to its intensive care unit in grave condition with a fractured skull, bleeding on the brain and trauma to her vaginal area.

Cruz was caught a few blocks away, his clothes blood-splattered from the vicious assault. A pipe believed to have been used in the attack was recovered approximately a block away from the crime scene. Cruz was arraigned in Queens Criminal Court two days after the incident on charges of second-degree attempted murder, first-degree assault, second-degree kidnapping, first-degree aggravated sexual abuse, tampering with physical evidence and fourth-degree criminal possession of a weapon.

Meanwhile, Queens lawmakers frantically tried to get in touch with Yu's parents half the world away to tell them what had happened and pressed federal officials to expedite the visa of Yu's mother, Guihua Yu, so that she could be at her daughter's side while she was still alive. Even with the assistance of government

officials pulling and cutting the red tape, Guihua Yu, 55, did not arrive at New York Hospital of Queens until eight days after the attack. Rushing into the hospital, she was unprepared as hospital staff told her that her daughter had been taken to the morgue. Diagnosed as brain dead, Yu had been taken off life support just three days earlier.

On February 14, 2011, Cruz entered a plea of guilty to one count of second-degree murder in satisfaction of the charges pending against him. He pleaded guilty to the ruthless murder of Yu Yao with the understanding that he would be sentenced to an indeterminate term of 22 years to life in state prison, after which, he would be deported.



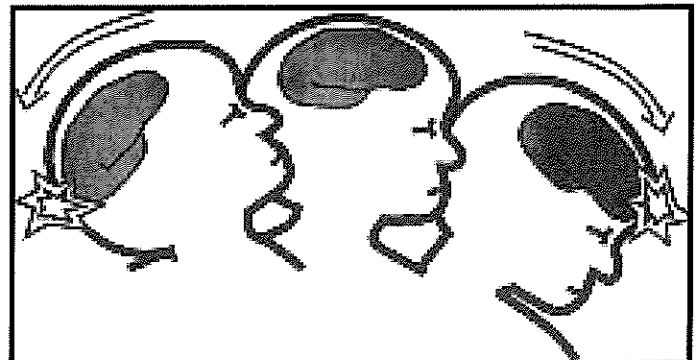
Cruz walking away from crime scene with pipe

QUEENS FATHER SENTENCED TO 18 YEARS IN PRISON FOR KILLING 8-MONTH-OLD SON BY VIOLENTLY SHAKING HIM

A 25-year-old Arverne man who admitted in May to violently shaking his crying infant son and causing his death has been sentenced to 18 years in prison. In pleading guilty to second-degree manslaughter and first-degree assault, Saul Cortez admitted that he was home alone with his eight-month-old son, Mario Patrice, and his two-year-old daughter, on the night of April 5, 2010, and that he became frustrated and angry because the baby was crying and repeatedly shook the baby and forcefully and repeatedly punched him in the back.

When his wife returned home, Cortez was on the phone calling for help and the baby was unresponsive, limp and not breathing. The eight-month-old baby was subsequently admitted to Schneider Children's Hospital (now Cohen Children's Medical Center) and diagnosed with Shaken Baby Syndrome when tests revealed subdural bleeding, brain injury,

retinal hemorrhages, laceration to the liver and healing and acute rib fractures.



Cases of Interest

QUEENS MAN SENTENCED TO UP TO 32 YEARS IN PRISON FOLLOWING HIS CONVICTION ON RAPE AND CONSPIRACY CHARGES FOR PLOTTING TO DISCREDIT VICTIM AND HAVING HER WRONGLY ARRESTED

Elaborate Ruse Led To Rape Victim Being Charged With Robbery And Jailed For Seven Months

A Queens man Jerry Ramrattan, has been sentenced to 27 1/3 to 32 years in prison for raping his former girlfriend and then concocting an elaborate scheme implicating her in a series of armed robberies so as to destroy her credibility on the witness stand when he went on trial for the rape.

The defendant's plot included having other individuals falsely report the armed robberies, planting fake evidence at an alleged crime scene and having the alleged robbery victims commit perjury before grand juries in Queens and Nassau Counties. As a result of the defendant's actions, the rape victim was arrested and spent more than seven months behind bars in Nassau County in lieu of \$1 million bond.

According to the trial testimony, although Ramrattan and his girlfriend had ended their relationship, Ramrattan continued to live in her basement. On the afternoon of March 8, 2009, the two were engaged in a heated verbal dispute

in the victim's upstairs apartment when Ramrattan, who was carrying a silver handgun in his waistband, restrained her with duct tape and dragged her downstairs to his apartment, where he locked the door and forcibly raped her.

Following his arrest on rape charges on March 11, 2009, Ramrattan conspired separately with three individuals to frame his former girlfriend in a series of false robbery allegations in Jamaica, Queens and Inwood, Long Island. Ramrattan secured the cooperation of the individuals either by offering them money or threatening them and their family members with deportation. As a result, each of the conspirators alleged to police that their vehicles had been pulled over and that they had been robbed at gunpoint by a male and female dressed as police officers. In each case, the alleged victims identified Ramrattan's former girlfriend as the female robber.

As part of the frame-up, Ramrattan placed a bullet on the ground at the alleged

crime scene in Queens and then had the alleged victim tell police that the female robber had a black handgun which she purportedly "racked" during the robbery, causing a bullet to fall to the ground. Police officers responding to the purported robbery location recovered the live round that Ramrattan had planted there. In another instance, Ramrattan showed one alleged victim photos of his former girlfriend and drove him to her residence to observe her Jeep Cherokee and license plate so that he could then accurately describe the vehicle and plate to the police.

Thereafter, based on the false police reports, the three alleged robbery victims were sworn as witnesses before grand juries in Queens and Nassau Counties and identified Ramrattan's former girlfriend as the one who committed the alleged robberies. As a result of their testimony, charges were filed in both Queens and Nassau Counties charging the former girlfriend with first-degree robbery and other charges.

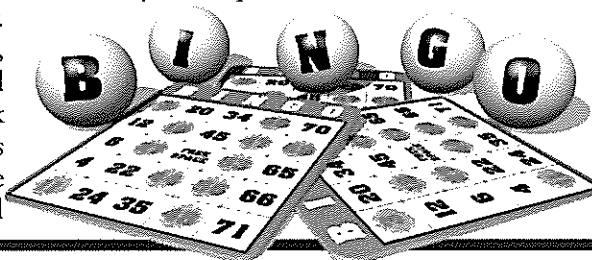
THREE ADMIT TO SIPHONING BINGO FUNDS SLATED FOR GREEK ORTHODOX CHURCH CHARITIES

Three individuals and a corporation who used a licensed church bingo hall in Queens as a front to steal approximately \$830,000 from Greek Orthodox Church charities have pleaded guilty in the case and will make full restitution to the Church.

The four defendants appeared in late February before Queens Supreme Court Justice Stephen A. Knopf and pleaded guilty to second degree grand larceny. As part of the conditions of the plea, the main defendant forfeited a total of \$1 million (\$830,000 to the Greek Orthodox Archdiocese of America as restitution for the stolen charitable bingo funds and an additional

\$170,000 as statutory forfeiture), agreed to a lifetime ban from any licensed bingo activity, and will dissolve his corporation prior to sentencing. He and the other three defendants – and any entities controlled by or used by them – will also surrender their bingo licenses. Any violation of the conditions of the plea could result in the defendants being re-sentenced to up to fifteen years in prison.

In pleading guilty, the defendants admitted to operating a bingo hall in Jackson Heights in the name of various inactive charities under the umbrella of the Romanian Orthodox Church of St.. Constantine & Helen, which is under the direct canonical supervision of the Greek Orthodox Archdiocese of America. The defendants obtained the licenses illegally and used the charities as a front to siphon monies from the gaming for their own profit. In addition to defrauding the Greek Orthodox Archdiocese of America of approximately \$830,000, the defendants cheated the New York City Department of Consumer Affairs out of approximately \$20,000 in fees.



SERIAL RAPIST CAUGHT AS A RESULT OF MISDEMEANOR DNA “COLD HIT” SENTENCED TO 25 YEARS IN PRISON

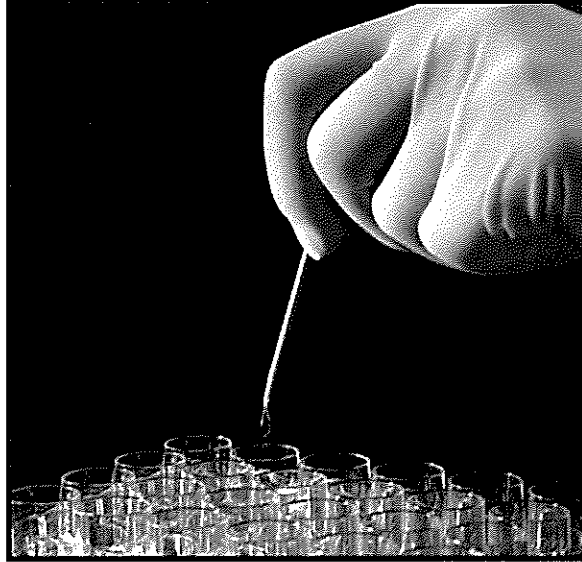
*Defendant Pleaded Guilty To Four Attacks Between 2000 and 2005,
Including Raping a 12-Year-Old Child in Her Bedroom*

Mauricio Rosales was sentenced to 25 years in prison after pleading guilty in June 2011 to two counts of first degree rape - one in 2000 and one in 2003 - and other charges, including first degree robbery, first degree burglary, first degree attempted rape and first degree sexual abuse. Mr. Rosales' four violent crimes had remained unsolved for years - until he was convicted of petit larceny in 2009. Upon conviction, he was required to provide a DNA sample. The sample was positively matched through the State DNA databank known as CODIS (the combined DNA Index System) to rape kits and other crime scene evidence collected at the time of the four violent sexual attacks.

In 2006, the New York State Legislature expanded DNA collection to require that a DNA sample be collected upon conviction for all felonies and 35 misdemeanors. Petit larceny was one of the misdemeanors added. As a result of the 2006 DNA expansion, Mr. Rosales' DNA was collected and available to be compared to the crime scene evidence in the violent crimes he had committed in 2000, 2003 and 2005. According to DCJS data (updated to October 2011), since the 2006 DNA expansion law took effect, DNA collected from crimes added by the 2006 expansion has produced 2,963 “cold hits” (matches to crime scene evidence). Convictions for petit larceny alone have produced 928 hits - 220 for sexual assaults, 391 for burglaries, 48 for homicides and 110 for robberies.

According to the charges, the facts of the four incidents to which Mr. Rosales pled guilty were as follows:

At approximately 6 a.m. on October 20, 2000, the defendant entered a 12 year old girl's bedroom in Woodhaven through a back door and proceeded to rape her while



her family was sleeping upstairs. He then stole several items before fleeing. During the attack he told the child that if she told anyone what happened he would come back and kill her. After he left, the child ran upstairs and told her mother what happened.

In the second incident, at approximately 11 p.m., on July 17, 2003, the defendant approached a 19 year old woman while she was sitting in front of her home in Kew Gardens. He pulled her at knifepoint into a driveway where he raped and robbed her.

In the third incident, at approximately 11 p.m. on August 7, 2003, the defendant approached a 22 year old woman in front of her home in Kew Gardens, grabbed her by the throat, took her cash and cell phone, and then dragged her into the bushes where he tried to remove her pants. The woman struggled and shouted and the defendant fled.

In the final incident, at approximately 7 p.m. at the subway station located at Roosevelt Avenue and 52nd Avenue, on March 9, 2005, the defendant held a knife to a 32 year old woman as she walked along the subway platform, robbed her of cash, and then forced her to sit as he masturbated on her.

FIRST PERSON IN NEW YORK STATE TO BE INDICTED FOR SEX TRAFFICKING IS SENTENCED

Woodley Gaston, who was the first person in the state to be charged under New York State's sex trafficking statute - was sentenced to three to nine years in prison after pleading guilty in January 2011 to sex trafficking and other charges for prostituting three young women, between the ages of 16 and 18.

Gaston either befriended or threatened his victims with physical harm before forcing them into prostitution, sometimes at “tracks” (known prostitution locations frequented by prostitutes and their customers) or by posting sexually explicit photographs of them on Craigslist to attract customers. In one instance, Gaston directed one of his victims to perform sex acts with his landlord as a means of paying his rent.

The state legislation strengthening penalties against human trafficking and providing assistance to victims was enacted June 2007, and took effect on November 1, 2007. Among the legislation's provisions was the creation of a new class B felony - “sex trafficking” - for perpetrators who profit from prostitution by engaging in sex trafficking, and requiring those convicted of sex trafficking to register as sex offenders with the state.

SWEEPING INVESTIGATION OF QUEENS GANG MEMBERS RESULTS IN ATTEMPTED MURDER, GUN AND DRUG CHARGES AGAINST 56 INDIVIDUALS

Defendants Include 18 Purported GOA Members And Associates And Include Several Reputed Leaders and Other Hierarchy of Violent Street Gang; 12 Handguns, Quantities of Heroin, Cocaine and Marijuana and Cash Seized

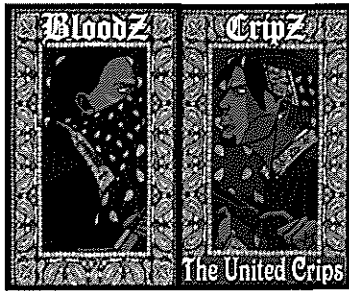
The Gang of Apes (GOA) street gang based in Far Rockaway and other parts of Queens was the target of a 14 month investigation into narcotics and drug-related violence. It is alleged that this organization grossed more than \$10,000 per week through their illegal operations.

GOA is a set of the Flocc street gang – an amalgamated alliance which consisted of four distinct Crips sets and individual Bloods members and associates – which was successfully dismantled by the NYPD's Queens Gang Squad and the Queens District Attorney's Office in April 2010.

Beginning that same month, the Queens District Attorney's Office and the NYPD turned its attention to the GOA gang which was seeking to fill the void left by the demise of the Flocc gang. Over the course of the 14-month investigation, dubbed "Operation: Zero Tolerance," police

and prosecutors utilized a combination of investigative means, including extensive physical surveillance, court-authorized electronic surveillance and search warrants.

To date, there have been 56 arrests – including 18 alleged members of the GOA – for crimes ranging from attempted murder, weapons and narcotics possession, burglary and robbery. Information developed during the investigation also lead to arrests regarding gang-related shootings and the seizure of six kilograms



of cocaine, thirty grams of heroin, twelve handguns, a quantity of marijuana, a kilo press (a device commonly used to add adulterants to cocaine and re-package the cocaine back into a kilo brick), a bulletproof vest and approximately \$35,000 in narcotics proceeds. Thirty of the cases have already resulted in conviction with approximately 40 percent of the defendants being sentenced to significant periods of incarceration.

QUEENS MAN SENTENCED TO 65 YEARS TO LIFE IN PRISON FOR FATAL SHOOTING OF HOLLIS TEENAGER

Christopher Chisholm, 24, of Jamaica, Queens, was sentenced to 65 years to life in prison following his conviction earlier this year in the fatal shooting of a Hollis teenager in a backyard in April 2006 and the burglary and assault of another Queens man two months later.

According to testimony at trial, on April 17, 2006, Chisholm, along with an unapprehended individual, opened fire on a group of young men gathered in the backyard of a home located on Farmers Boulevard in Hollis, Queens, fatally shooting Nathaniel Davis, 17, once in the stomach.

In the second incident, Chisholm and another individual, Anthony Lalor, forced their way into the Jamaica, Queens, home of Amadou Diallo, 37, on June 30, 2006, and viciously beat him with a handgun and strangled him into unconsciousness with a cord. As a result of the beating Mr. Diallo sustained lacerations to his head, arm and finger, which required staples and stitches, as well as bruising and swelling to his head, arms and body.

Lalor, 24, of Manhattan, pleaded guilty to second-degree attempted burglary on November 3, 2006, and was subsequently sentenced to 3½ years in prison.

SENTENCED TO PRISON FOR HATE CRIME ASSAULT

Stabbed Victim While Shouting Anti-Gay Slurs

A Jamaica, Queens, man was sentenced to three and one-half years in prison following his plea of guilty to a charge of second-degree assault as a hate crime relating to a bias attack on an openly gay man in the hallway of the apartment building in which they resided.

Dario Reid Sr., 46, of Jamaica, Queens was sentenced in January 2011 to three-and-a-half years in prison and five years' post-release supervision. The defendant pleaded guilty earlier this month to a charge of second-degree assault as a hate crime.

The victim, Marquis Devereaux, 43, was shouting for a maintenance worker whom he believed to be in the basement of his apartment building when Reid Sr. objected and a verbal argument ensued during which Reid called Marquis Devereaux a faggot and other names.

Reid Sr., attacked Devereaux and dragged him into a hallway and called for his son, Dario Reid Jr. Together, they beat the victim and held him down while Reid Sr. called 911 and stated, "You better get here. I'm going to stab him. I'm going to cut him." Reid Jr. then forcibly held down Devereaux's legs while his father slashed the victim's legs and face with a kitchen knife. Devereaux was taken to a local Queens hospital where he received ten staples for the laceration on his leg and a liquid bandage for the laceration on his face.

DOMESTIC VIOLENCE SLASHING CASE ENDS IN PRISON SENTENCES

Pedro Parrales was found guilty of second-degree attempted murder, first- and second-degree assault, fourth-degree criminal possession of a weapon and two counts of endangering the welfare of a child. He was sentenced to the maximum term of 25 years in prison for trying to slash his wife's neck with a hunting knife as she slept and their children looked on in horror.

At trial, jurors heard how, on May 3, 2010, at approximately 3 a.m., the victim, Paula Silva, 45, was awakened by Parrales, who was on top of her and attempting to slash her throat with a hunting knife. Silva began to scream and tried to grab the knife to stop the attack but suffered deep lacerations to her face, head, chest and hands. The couple's nine-year-old daughter was in the room screaming for her father to stop and their 15-year-old son jumped on top of him to stop the attack. Parrales stopped, but then jumped again on top of Silva and once more tried to cut her throat. The son managed to jump on top of Parrales and grab the hunting knife, cutting himself in the process. After the attack, Parrales tried to hang himself twice – once he was cut down by his son, the second time he was cut down by police who saw him hanging from a fire escape when they arrived. According to testimony, prior to the attack, Silva had told her husband that she and the children were moving out of the apartment.

MOTHER OF SIX-YEAR-OLD GIRL CRITICALLY BURNED DURING VOODOO RITUAL SENTENCED TO 17 YEARS IN PRISON

Marie Lauradin, a Queens Village mother who set her then-six-year-old child ablaze during a voodoo ritual performed in their home, was sentenced in June to seventeen years in prison on her guilty plea to first-degree assault. The young girl suffered life-threatening burns over 25 percent of her body, including her face, and as a result is severely and permanently scarred.

Frantzcia Saintil was admitted to New York Presbyterian Hospital on February 6, 2009, with second- and third-degree burns covering 25 percent of her body – including her face, torso and legs. As part of her treatment, Frantzcia was placed in a medically induced coma and hooked up to a respirator. At the time, Frantzcia's mother, Marie Lauradin, told police that two days earlier, she was in the kitchen preparing rice on the stove and that as she was transferring the pot from a front burner to a back one Frantzcia approached her from behind and hit her hand, causing her to spill the pot of boiling water on the child.



Following her release from the hospital, however, Frantzcia was placed in foster care and she eventually told her foster family a different account of what had occurred in February. According to the charges, Frantzcia was home on February 4th with Lauradin and her grandmother, Sylvénie Thessier, 72, and pursuant to her mother's voodoo practice involving "Loa," her mother poured an accelerant on her head and in a circle on the floor. Lauradin then set the circle on fire and placed Frantzcia, who was naked, inside the ring of fire, at which point the accelerant on her body ignited and flames engulfed her. Although Thessier was present in the room during this ritual, she did not intervene – even after Frantzcia cried out for help.

Thessier, who was also charged in the case, pleaded guilty to first-degree reckless endangerment earlier in the year and was sentenced to an indeterminate term of one to three years in prison.

QUEENS MAN SENTENCED TO 13 YEARS IN PRISON FOR BRANDING GIRLFRIEND'S FACE WITH HOT IRON

According to the charges, Eric J. Persaud, argued with his live-in girlfriend, who is the mother of his two children, over her having called the police the previous week regarding an incident in which he broke her computer and smashed her home phone. During the argument, Persaud held a knife to her throat and told her that if she ever called the police again, he would kill her or their children. He then led her into the bedroom and told her that he would have to scar her for calling the police.

Persaud then told her to plug in an iron and to burn her face with the iron. When she refused, he told her that he would burn her face and that if she screamed and woke the children, who were also in the bedroom

asleep, he would burn them. After having her kneel on the floor, Persaud then forced a towel into her mouth and forced her to turn her face before putting the hot iron on her cheek. He then removed the iron and placed it on her other cheek, causing burns to both cheeks.

Persaud told her that the iron was not hot enough and made her raise the temperature of the iron. He then placed the iron on her face a second and a third time, burning her each time. Thereafter, he used a razor blade to slice her face twice, causing lacerations and bleeding. The victim was hospitalized for eleven days for treatment of the severe burns and lacerations she suffered to her face.

OPERATION STAMPEDE ROCHDALE VILLAGE DRUG RING DISMANTLED

For six months, the defendants are alleged to have sold their illegal wares with impunity in and around the Baisley Park Housing Development and Rochdale Village in Jamaica, Queens. The decent, hardworking residents of the complexes would see them hanging out in the stairwells of the buildings or in the parking lots of the local Popeye's restaurant and Walgreens pharmacy. Some of the defendants are alleged to have even plied their wares within one of the three drug-free school zones that surrounded the complexes. They ranged in age from 16 to 62 and busily moved a cornucopia of illegal drugs -- powdered and rock cocaine, heroin, marijuana and even such so-called recreational drugs as oxycodone, ecstasy and BZP. They made hundreds of sales and fistfuls of moneys. Unfortunately for them, the buyers were undercover cops and each sale was being recorded. Notes were kept on the sellers, the dates of the transaction, the amount paid and the weight and type of drugs sold.

On February 16, 2011, their open

market drug bazaar was shut down as officers from the NYPD's Queens Narcotics Division swept in and made arrests -- 62 in total -- and began executing court-authorized search warrants at fourteen different locations. Among the items allegedly seized was a total of 60 pounds of marijuana, more than four ounces of cocaine and other narcotics, approximately \$30,000 in cash, and seven weapons -- including a .40 caliber High Points, a .9mm Taurus semi-automatic pistol, a .9mm Ruger semi-automatic pistol, a .380 caliber Davis, a .38 caliber Revolver Rexio Fabricade Armas, a .45 caliber Springfield Armor and a .44 caliber revolver. In addition, six vehicles were seized for forfeiture: a 2010 Honda Pilot, a 2005 Dodge Magnum, a 2004 Hyundai Sonata,



a 2003 BMW, a 1995 Chevy Extreme pickup truck and a 1994 Nissan Maxima.

District Attorney Brown noted that "These arrests -- and the seizure of drugs, guns and other contraband resulting from this investigation -- should serve as a warning to both drug dealers and violent criminals alike that the law enforcement community -- in spite of the City's economic difficulties -- will continue to aggressively track down those individuals who traffic in drugs and seek to put them in prison for long period of time."

EIGHTEEN INDIVIDUALS AND 3 CORPORATIONS CHARGED IN \$ 1.9 MILLION AUTO LOAN FRAUD SCHEME

18 Financial Institutions Allegedly Victimized

Eighteen individuals and three corporations were indicted for their alleged roles in two massive automobile loan fraud schemes that resulted in nearly two million dollars in losses to 18 financial institutions on 47 loans.

Twelve of the defendants are charged with conspiring with one another to purchase on credit various high-end vehicles, such as Maseratis, BMWs, Porsches, Lexus, Cadillac Escalades and Mercedes-Benzenes between July 1, 2008, and March 30, 2010. In carrying out their scheme, the defendants are alleged to have used "straw borrowers" with good credit scores to take out \$1.9 million in loans in exchange for kickbacks and other

incentives. Once the vehicles were turned over to various members of the criminal enterprise, the vehicles were then allegedly either sold or rented out on the black market to individuals engaged in criminal activity or the vehicles' titles were "washed" out of state and sold to dealers or at auction.

In a variation on the first scheme, nine other defendants are charged with conspiring with one another to commit loan fraud by recruiting straw borrowers to take out bank loans -- allegedly to purchase used vehicles or for some other purpose, such as performing home improvements. It is alleged that, in actuality, no vehicles were purchased and no home repairs were made. As a result, the defendants are accused of obtaining more

than \$180,000 in fraudulent loan funds.

In both schemes, it is alleged that the defendants would make a few monthly payments on the loans before defaulting. In automobile funding, the car dealer and the funding institution often have a contractual arrangement which provides that should the loan default within the initial three payments, the dealer was responsible for repaying the loan to the bank. Since the continuity of the defendants' alleged scheme depended upon the willingness of the car dealerships to do business with them, the defendants typically ensured that several payments were made on the vehicle loans before defaulting, thus leaving the straw borrowers and lending institutions liable for the losses.

FLUSHING MAN SENTENCED TO UP TO 29 YEARS IN PRISON FOR STABBING AND MUTILATION DEATH OF NEIGHBOR

A 49-year-old Flushing man who pleaded guilty last month to first-degree manslaughter and tampering with evidence in the death and evisceration of a female neighbor has been sentenced to 27 to 29 years in prison. It is believed that the defendant tortured and killed the woman in retribution for her having filed a criminal complaint against him for a previous assault which resulted in him being sent to El Paso, Texas, for deportation proceedings upon conviction.

According to the criminal charges, Chen Huang approached Qian Wu, 46, of 135-32 40th Road, in her building on January 26, 2010, and struck her with a hammer more than thirty times and stabbed her multiple times in the torso, arms and face, cutting out her left lung and heart. Video surveillance showed Huang leaving his residence just after 5:00 p.m. and putting a dark object in his pocket. At approximately 5:36 p.m., Huang was observed on video tape returning to his residence with blood on his body and clothing and carrying a small yellow plastic bag. Surveillance footage then showed Huang cleaning blood off his building stairwell with a rag. A hammer and utility

knife were later recovered from inside a yellow plastic bag that had been placed inside a larger red plastic bag and then deposited in a garbage can near Huang's residence. The red plastic bag also contained a bloody sweater, a bloody pair of jeans and a bloody rag. Ms. Wu's mutilated body was discovered on the third-floor landing, outside of apartment 2F, sometime after 7:30 p.m., on the night of the murder. The Office of the Chief Medical Examiner determined the cause of death to be blunt trauma to the head and severed arteries.

In June 2006, Ms. Wu, who ran an employment agency out of her home, filed a criminal court complaint against Huang, which stated that, while inside her apartment on May 31, 2006, Huang had grabbed a plastic rope and wrapped it around her neck, choked her and repeatedly punched her in the face. Huang then returned to the apartment the following day and pointed a knife at her and stated, "I need a job."



Huang pleaded guilty in October 2006 to fourth-degree weapon possession and was sentenced to 30 days in jail.

Following his sentence in 2006, Huang, an undocumented Chinese immigrant from Shanghai, was sent to the El Paso (Texas) Immigration and Customs Enforcement Center for deportation proceedings. Out on supervised release, he made his way back to New York in January 2010. On Friday, January 22, 2010, Ms. Wu filed a police report at the 109th Precinct, which stated that on Monday, January 18, 2010, she was harassed by the same Asian male who had assaulted her in May 2006 and threatened to kill her.

QUEENS MAN SENTENCED TO 10 YEARS IN PRISON FOR SCALDING GIRLFRIEND'S INFANT DAUGHTER WITH BOILING WATER

A Jackson Heights man has been sentenced to ten years in prison for severely burning his girlfriend's 11-month-old daughter by deliberately placing her in a bathroom shower under scalding hot water and later pouring more hot water over her body. The mother was at work at the time of the incident.

In pleading guilty to first-degree assault in March, Anthony Parra, 21, admitted that he was babysitting 11-month-old Raylin Castillo and her two-year-old sister Valerie in his apartment on May 19, 2010, when at approximately 3:00 a.m. the baby woke

up crying and screaming. Parra attempted to give the baby a bottle but she refused it. He then took the baby into the shower for about twenty minutes, at which point he left the baby in the shower alone and twice turned up the temperature. He then observed the baby's skin getting red and began scrubbing her with a sponge, at which point the skin began to peel off. Parra then poured a pan of even hotter water from a faucet onto the child's back while she was on her hands and knees in the shower. Finally, Parra put cream and alcohol on the baby's burns before taking her to New York Hospital Medical Center of Queens.

Raylin Castillo was treated at New York-Presbyterian Hospital/Weill Cornell Medical Center, where medical personnel stated that the burns suffered by Raylin covered approximately 30 percent of her body – the back, the front of her torso, her scalp and her forehead and her upper extremities bilaterally. The burns were second-degree burns and were consistent with having had scalding water poured over the body while the baby was in a crawling position. The child, who was in critical condition following the incident, has suffered permanent scarring.

RIKERS ISLAND INMATE SENTENCED TO 33 YEARS IN PRISON IN “MURDER FOR HIRE” PLOT AGAINST WITNESSES

A Woodside man incarcerated on Rikers Island has been sentenced to 33 years in state prison for attempting to hire a hit man from behind bars to kill two witnesses scheduled to testify against him in his upcoming murder case. The sentence also covers the underlying case in which he pleaded guilty to a manslaughter charge in December 2010.

“The defendant’s defiant actions strike at the very foundation of the criminal justice system,” said District Attorney Brown at the time of sentencing. “Any attempt such as this to silence witnesses must be dealt with severely. The lengthy prison sentence imposed is more than warranted and will serve as both a punishment for this defendant and a deterrent to those who would even think to thwart justice in such a way.”

According to the indictment, the

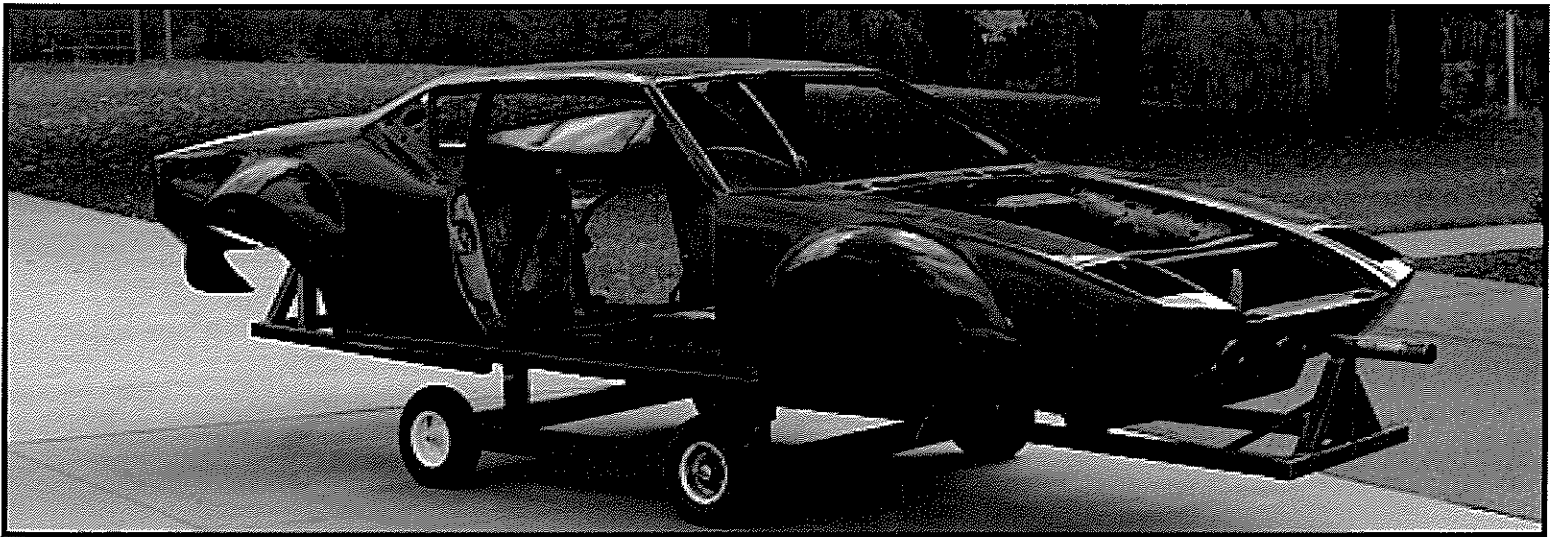
District Attorney’s office learned that defendant Gino Florencia had put out word from his Rikers Island cell that he wanted two eyewitnesses scheduled to testify against him in his pending murder case to be killed. As part of its investigation, the District Attorney’s office met with police officers assigned to the NYPD’s Internal Affairs Bureau and set up a sting operation. Between September 17, 2010, and October 3, 2010, Florencia spoke several times – both in person and on the telephone – with an undercover police officer posing as a hit man and agreed to pay him \$2,000 to kill the two witnesses – \$1,000 before the job was done and \$1,000 afterwards.

Florencia provided the undercover officer with detailed personal information about the witnesses, including their names, addresses, phone numbers, dates

of birth, height and weight. The defendant also provided the undercover officer with photographs of people who resemble the witnesses and photographs of locations frequented by the witnesses. Finally, Florencia arranged for a partial payment of \$500 to the undercover, which was actually paid to the undercover by a third party.

At the time of the murder-for-hire plot, Florencia was being held without bail on charges stemming from the October 24, 2009, early morning shooting death of Edison Vera in a courtyard located at 45-55 48th Street in Woodside, Queens, and the attempted murder of two other people – one of whom was shot in the arm and stomach. Those two people – whose names have not been revealed – were the witnesses that Florencia tried to have killed by a hit man.

AUTO THEFT RING SMASHED IN UNDERCOVER OPERATION



An auto theft ring allegedly responsible for stealing seventeen automobiles over the last year and reselling them to friends and, family members, on the Internet and out of state was shut down in February. Six of the ten defendants charged in the case were indicted for enterprise corruption under New York State’s Organized Crime Control Act among other charges.

The defendants are accused of stealing such expensive vehicles as an

Audi Q7, a BMW and a Subaru from Queens County and elsewhere and then either selling the vehicles or keeping them for their own use. In carrying out their scheme, the crew is accused of “tagging” the cars – essentially changing the vehicle identification number and registering them with “washed” titles.

It is additionally alleged that during the execution of search warrants investigators recovered approximately 100 vehicle

identification number plates and federal stickers, eight cell phones, numerous keys, a key-making kit, vehicle titles, a .22 caliber semi-automatic and numerous rounds of ammunition belonging to a variety of different firearms, including an AK-47 and a .9mm. Investigators also allegedly recovered evidence that one member of the crew was bleaching one dollar bills and using his printer to make counterfeit one hundred dollar bills.

DISTRICT ATTORNEY BROWN TURNS OVER \$500,000 IN RESTITUTION CHECKS TO INSURANCE COMPANIES BILKED IN MAJOR NO-FAULT INSURANCE FRAUD

Queens District Attorney Richard A. Brown presented restitution checks totaling \$505,000 to 16 insurance companies that were defrauded of the funds in a widespread no-fault automobile insurance fraud scheme. The scheme's operators and participants intentionally staged accidents, submitted false medical and bodily injury claims and arranged for unneeded treatment and costly and unwarranted medical tests.

"The defendants deliberately caused or staged more than 40 automobile accidents with unsuspecting drivers," said District Attorney Brown. "Although successful investigations such as this one have helped reduce no-fault insurance fraud in New York by about 25 percent since 2002, it continues to cost the insurance industry about \$14 billion a year in false claims nationwide. The consumer, in the last analysis, pays the bill because the cost of the fraud is ultimately passed on to all of us by way of increased insurance premiums – adding an extra 10 percent to New York drivers' premiums annually."

District Attorney Brown said that the investigation – dubbed Operation Direct Hit – began in March 2007 when evidence

was uncovered of a specific accident pattern occurring within the confines of the 109th Precinct in Queens County that dated back to 2005. Typically, the "victim" vehicle was intentionally struck while backing out of a driveway or pulling out of a parking lot. While most of the accidents were relatively minor, the investigation revealed that the occupants of the cars that caused the accidents all purportedly received extensive medical treatment at the same medical clinic.

Under New York's no-fault insurance law, a person injured in a motor vehicle accident can receive up to \$50,000 coverage for medical expenses incurred as a result of an accident. In most instances, insurance carriers directly reimburse the health providers for medical treatment.

In October 2008, 61 individuals and two corporations were charged for their role in bilking insurance carriers for alleged unnecessary medical services for exaggerated or fabricated injuries. In addition to the criminal charges, the District Attorney's Office filed a civil forfeiture action against several of the defendants – which resulted in the restitution payouts.

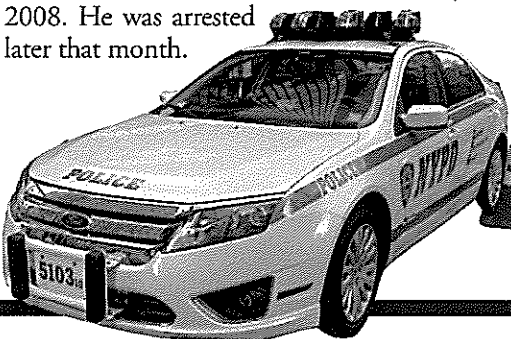
RETIRED NYPD OFFICER SENTENCED FOR PROMOTING CHILD PORNOGRAPHY

In June, a retired New York City Police Officer was sentenced to up to ten years in prison following his guilty plea the previous month to two counts of promoting a sexual performance by a child.

District Attorney Brown said, "The children who are depicted in these vile videos are real children who are being sexually assaulted by adults and who will suffer the physical and emotional effects of these crimes for a lifetime. The fact that the defendant is a retired NYPD officer makes this case all the more disturbing."

In entering his plea of guilty, Matthew Fanning, 48, admitted that he had obtained a video file from the Internet file-sharing website Limewire in October 2006 at his residence in

Queens, which featured a three-year-old girl engaged in a sexual act with an adult male. Records obtained from the computer indicate that he last accessed it in December 2007. Fanning also obtained another video file from Limewire in May 2007 which depicted a 10-year-old girl engaged in a sexual act with an adult male (see article below). The defendant last accessed the file on February 2, 2008. He was arrested later that month.

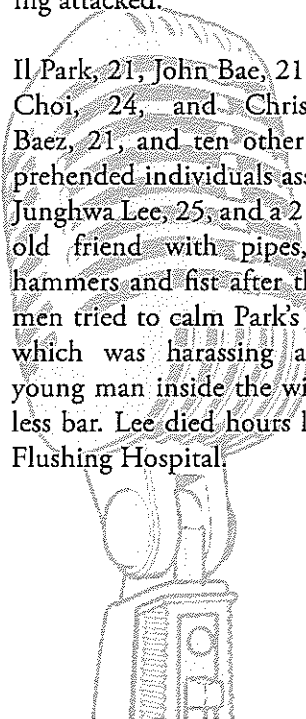


QUEENS MAN CONVICTED OF MANSLAUGHTER; HE AND 3 OTHERS ALSO FOUND GUILTY OF GANG ASSAULT

*Two Victims Attacked Following
Argument At Karaoke Bar, One
Later Died*

Four young Queens men have been convicted of gang assault for the attacks on two men following an argument at Pastel, a basement karaoke bar, in October 2006. One of the defendants has also been convicted of first-degree manslaughter stemming from the beating death of one of the men, a 25-year-old City College student who never regained consciousness after being attacked.

Il Park, 21, John Bae, 21, Aram Choi, 24, and Christopher Baez, 21, and ten other unapprehended individuals assaulted Junghwa Lee, 25, and a 21-year-old friend with pipes, bats, hammers and fist after the two men tried to calm Park's group, which was harassing another young man inside the windowless bar. Lee died hours later at Flushing Hospital.



COLLEGE POINT MAN SENTENCED TO 12 YEARS IN PRISON FOR HATE CRIME ROBBERY OF GAY MAN

Daniel Rodriguez, 22, of College Point Queens, was sentenced in January 2011 to 12 years in prison and five years' post release supervision for an October 2009 incident in which an openly gay man was critically injured and robbed after he left a neighborhood deli. The attack was captured on video and fueled outrage around the world.

D.A. Brown said, "The sentence imposed is a measure of justice for a brutal and unprovoked attack and robbery of a man simply because he is gay. Hate crimes whether they be motivated by gender, religion, sexual orientation or ethnicity will not be tolerated in Queens County which is proudly known as one of the most diverse places in the country."

Rodriguez had pleaded guilty in November 2010 to one count of first-degree robbery as a hate crime for the robbery of Jack Price, 50, who is openly gay. Rodriguez's codefendant, Daniel Aleman, 27, also of College Point, previously pleaded guilty to first-degree robbery as a hate crime and was sentenced in December 2010 to eight years in prison and five years' post-release supervision.

According to the investigation, Mr. Price was leaving a deli at approximately 4:30 a.m., on Thursday, October 8, 2009, when Aleman and Rodriguez began taunting him with slurs about his sexual orientation. The verbal assault soon turned physical and they began to punch, stomp and kick him, then stole his personal property – including



a wallet and cash. Mr. Price was transported to a local Queens hospital, where he was admitted with a broken jaw, several broken ribs, two collapsed lungs and a lacerated spleen and was placed in a medically induced coma. He remained hospitalized for approximately three weeks.

A RINGLEADER OF MULTI-MILLION DOLLAR REAL ESTATE FRAUD SENTENCED TO 4 - 12 YEARS IN PRISON

*Targeted Distressed Homeowners in Foreclosure Rescue Scams;
17 Refinanced Residential Properties Stripped Of More Than \$2 Million In Equity
And \$8 Million Fraudulently Obtained From Mortgage Lenders*

One of two ringleaders of a massive mortgage rescue scam that defrauded legitimate homeowners, many of whom were members of Queens Guyanese community, and various lending institutions out of more than \$2 million in equity that had been stripped from 17 properties valued at more than \$8 million, has been sentenced to four to twelve years in state prison.

Roger Huggins, co-owned and operated a Richmond Hill, Queens, company that went by various names – Home Solutions Management, Home Solutions Enterprises and Home Solutions Limited – and held itself out to be a home foreclosure rescue company.

According to the criminal charge s, Huggins targeted homeowners in Queens, Brooklyn and the Bronx who had substantial equity in their residences but either faced foreclosure due to their inability to make monthly mortgage payments or were simply behind in their mortgage payments and looking to refinance or modify their loans

with their lenders. Huggins offered to help the homeowners by instructing them to permit title to their homes to be put in the name of a third-party purchaser (a "straw buyer") for one year, during which time he promised to improve the homeowners' credit rating, help them obtain more favorable mortgages on their homes and ultimately, return to them the title to their homes. What occurred at the closings, however, was that Huggins – in order to keep as much of the mortgage proceeds as possible – fabricated reasons why he needed to hold the homeowners' funds in escrow – such as that the equity withdrawn from the properties would be used to pay the mortgages and expenses on the homes and to repair the homeowners' credit.

In furtherance of the scheme, Huggins had two attorneys – Trevor Rupnerain and Shawn Chand – representing lending institutions, buyers or sellers at various Home Solution property closings. The two attorneys concealed the true nature

of the transactions from their clients and distributed fraudulently obtained loan proceeds to themselves, as well as to other defendants and entities on behalf of Huggins. They also fraudulently prepared various financial and real estate documents.

Rupnerain pleaded guilty in March 2011 to fourth-degree criminal facilitation and was sentenced to a one-year conditional discharge. He also resigned from the New York State Bar, indicating that he would relocate to Guyana, and paid \$50,000 in restitution.

Chand, who has been disbarred, pleaded guilty to second-degree grand larceny in October 2010 and was sentenced in December 2010 to five years' probation and ordered to pay \$48,883 in restitution to mortgage lenders (representing the amount he received in fees). As part of his probation, Chand is required to participate at ethic presentations conducted by various bar associations and other entities on the subject of mortgage fraud.

QUEENS MAN SENTENCED TO UP TO 235 YEARS IN PRISON IN \$1.8 MILLION IMMIGRATION AND REAL ESTATE FRAUD SCAM ON WEST INDIAN COMMUNITY;

*Wife And Daughter Also Sent To Prison For Their Roles In Scheme
In Which Father Posed As ICE Agent With Inside Connections; Nineteen Victims Swindled.*

Three members of a Richmond Hill family have been collectively sentenced to 139 a to 418 years in prison for defrauding a total of nineteen individuals, mostly members of the borough's West Indian community, out of more than \$1.8 million over a nearly six-year period by promising to assist them in obtaining "federally seized" properties in Florida and Queens at cheap prices or to assist them in gaining legal status in this country.

According to trial testimony, Shane Ramsundar, his wife Gomatee, and his daughter Shantal held Shane out to be a federal agent – complete with a real-looking gun, a badge and false ID card – and a deeply religious Pandit, who could obtain cheap government-seized real estate properties in Florida and the Ozone Park/Richmond Hill/Jamaica areas of Queens. In particular, the two elder Ramsundars claimed that the government allowed their special agents first option to buy the properties seized from tax evaders and drug dealers cheaply prior to their public auction. Shane Ramsundar then told his victims that he would purchase properties and obtain mortgages for them

with his special government connections and then transfer the deeds over to them and they could live in the residences or re-sell them at great profit. Checks were laundered through eleven different bank accounts – eight belonging to Shantal Ramsundar and three belonging to the family's race car repair company, Baba Boost Racing, Inc., of Long Island City, of which Shantal Ramsundar is the president and Gomatee Ramsundar is the manager. In total, the Ramsundars received a total of more than \$1.5 million from eleven victims.

Furthermore, in carrying out the immigration portion of their scheme, Shane Ramsundar again posed as an ICE/FBI agent and convinced victims that he could use his insider access to get people green cards, have them removed from deportation lists and even get them off "terrorist watch lists" in exchange for sums of money. Gomatee Ramsundar aided her husband by convincing some of the victims that he could obtain the necessary immigration documents and was present when some of the victims turned over their money. Shantal Ramsundar also aided in

the scheme by holding her father out as an FBI agent and by cashing checks and laundering substantial amounts of the proceeds through bank accounts in her name. In total, the Ramsundars received more than \$300,000 from twelve victims, some of whom were victimized in the defendants' real estate scheme.

District Attorney Brown said that court-authorized search warrants executed at the family's residence and storage locker resulted in the recovery of contracts and five realistic looking air guns. District Attorney Brown said that the case against the Ramsundars was initiated when its victims read press reports in August 2009 about the sentencing of Port Authority janitorial worker Nazim (Tony) Hosein who had defrauded five members of the West Indies community by promising to expedite and produce legitimate green cards and other U.S. documents after collecting a total of nearly \$100,000 from them. As a result of that unrelated case, the victims in the instant case contacted the Port Authority police with information about Shane Ramsundar, who was arrested in September 2009 on similar charges.

CONVICTED OF MURDER IN VIOLENT CARJACKING OF LIVERY CAB DRIVER

Seventy-sixth Street in the Ozone Park section of Queens turned into a horrific crime scene in September 2008 with the death of a livery cab driver who had held onto the driver's side door of his vehicle in a futile attempt at keeping a passenger from stealing his cab. Instead, passenger Tony Mack stepped on the gas and dragged the hapless cabbie down the block, slamming him into parked cars in an attempt

to dislodge him. After some distance, the cab driver eventually separated from the vehicle and fell to the pavement, where he died as a result of the injuries

he sustained during the carjacking.

In January 2011, Mack was convicted at trial of second-degree murder, first-degree robbery and leaving the scene of an incident without reporting. Queens Supreme Court Justice Ronald D. Hollie, who presided at the two-week trial, sentenced Mack to 25 years to life in prison. Mack was identified through fingerprints and DNA evidence collected from the vehicle.



Cases of Interest

CONVICTED OF MURDER IN 2008 SHOOTING DEATH

Lee Anderson Edwards was convicted at trial of second-degree murder and other charges in the shooting death of a Queens man in October 2008. Edwards was sentenced to 22 years to life in prison when he is sentenced.

According to testimony at trial, Edwards shot and killed the victim, Lonnie Thompson, 38, on the corner of Jamaica Avenue and Parsons Boulevard on the night of October 9, 2008, because, according to statements Edwards made to police, Thompson's friends had recently slashed the face of a friend of Edwards. Edwards also told police, following his arrest, that the victim had hit on his girlfriend.

At trial, it was also noted that the shooting was recorded on surveillance cameras, and a vehicle in which Edwards had fled the scene was stopped by police within moments of the shooting. A .357 revolver, which was determined to have fired the bullet recovered from Thompson's body, was found at Edwards' feet in the car. Finally, according to testimony, Edwards confessed to the shooting to the police in writing and on video, and to his girlfriend in a recorded prison conversation.

MAN CONVICTED OF ARSON AND ATTEMPTED MURDER OF EX-GIRLFRIEND AND HER TWO CHILDREN

A 26-year-old man has been convicted at trial of setting fire to a building at the Queensbridge Houses in Long Island City and the attempted murder of his ex-girlfriend – whom he set on fire – and her two children in November 2009.

TWELVE CHARGED IN POMONOK HOUSES DRUG SWEEP FOLLOWING UNDERCOVER INVESTIGATION AT FLUSHING COMPLEX

*One Defendant Is Charged With
Attempted Murder
For Shooting Last Month*

Following a four-month undercover investigation at the Pomonok Houses, a New York City Housing Authority complex in Flushing, Queens, 45 defendants are charged with selling cocaine, marijuana and the stimulant BZP to undercover police officers on 47 separate occasions over a four-month period in and around the Pomonok Houses.

WOODSIDE MAN SENTENCED TO 25 YEARS IN PRISON IN STABBING DEATH OF WIFE

Balbir Singh, 37, of Woodside, Queens, was sentenced to 25 years in prison following his guilty plea to first-degree manslaughter for fatally stabbing his wife in front of their 7-year-old daughter.

According to the charges, Singh and his wife, Kulwinder Kaur, 29, had been arguing in their home on Sunday, April 6, 2008, at about 9:00 p.m., when Singh stabbed Kaur four times – once in the chest, once in the breast, once in the upper right shoulder and once in the upper back. Kaur also had seventeen other knife wounds consistent with defensive wounds. When the couple's seven-year-old daughter, Bubita Rani, tried to come to her mother's aid she was stabbed on the forearm by her father and required eleven stitches.

MAN SENTENCED TO PRISON FOR FORCING 19-YEAR-OLD GIRL INTO PROSTITUTION

A Queens man who forced a 19-year-old girl into working for him as a prostitute by intimidating and threatening her with murder has been sentenced to up to eight years in prison.

SIX-MONTH UNDERCOVER INVESTIGATION RESULTS IN DRUG CHARGES AGAINST 20 INDIVIDUALS

Twenty individuals have been arrested on drug charges following a six-month investigation in the Jamaica section of Queens.

The investigation commenced in September 2010 when the Police Department's Narcotics Borough Queens Division and District Attorney Brown's Narcotics Investigations Bureau began to receive numerous complaints from area residents of drug sales in the vicinity of 164th Place and 107th Avenue. Over the course of the investigation – which included extensive physical surveillance and undercover police officers posing as narcotics customers – twenty individuals have been charged with the sale and possession of narcotics – including cocaine and marijuana – on more than one hundred occasions.

QUEENS MAN SENTENCED FOR RAPE AND FACIAL DISFIGUREMENT OF EX-GIRLFRIEND

An Elmhurst man has been sentenced to 28 years in prison for raping and disfiguring his ex-girlfriend in 2008 by slashing her face with a knife.

Cases of Interest

46 CHARGED IN MAJOR DRUG SWEEP FOLLOWING UNDERCOVER INVESTIGATION AT LEFRAK CITY HOUSING COMPLEX

Hundreds of Undercover Drug Buys Made; Some From Licensed Child Day Care Center; Pit Bull Allegedly Attacked Officer Executing Search Warrant At TLC Inspector's Apartment

Following a seven-month undercover investigation at LeFrak City, a housing complex in central Queens, 46 defendants were charged with selling crack and powdered cocaine, marijuana, heroin, and other controlled substances, including prescription medications, to undercover police officers on hundreds of occasions. In one instance, it is alleged that fourteen undercover drug purchases were made from two men who were operating out of a licensed day care center at the complex. In another instance, it is alleged that in executing a search warrant at another complex apartment, the tenants – one of whom is an inspector at the City's Taxi and Limousine Commission – tried to evade arrest by releasing a pit bull whose vocal cords had allegedly been cut. The dog was captured, but not before attacking one of the officers who required medical treatment.

Queens District Attorney Brown said, "This initiative is yet another step in our continuing campaign to stop drug-dealing and drug-based violence in Queens. These arrests underscore our commitment to improve the quality of life for the residents of LeFrak City."

QUEENS MAN CONVICTED OF RAPING TEENAGER WAITING FOR BUS

A 41-year-old Flushing man has been convicted of first-degree rape and other charges for a 2009 attack on a 19-year-old girl after he lured her into his vehicle with an offer to drive her to work.

SEVEN CHARGED WITH RUNNING \$1 MILLION RIDGWOOD GAMBLING OPERATION

Six Queens men and one Brooklynite have been indicted on charges of operating a \$1 million a year sports gambling enterprise both in Queens County and through offshore accounts on a gambling website.

The investigation leading to the men's arrests on enterprise corruption, promoting gambling, and conspiracy charges began in December 2008 when the District Attorney's Organized Crime and Rackets Bureau developed information about a betting ring operating in Queens County and elsewhere. The investigation included physical surveillance, intelligence information and court-authorized electronic eavesdropping that intercepted incriminating conversations.

TAX PREPARER SENTENCED TO PRISON FOR I.D. FRAUD SCHEME

Jean Tout-Puissant, a Jamaica, Queens, tax preparer who stole the identity of one of his clients in order to open multiple credit cards to pay for expenses associated with a business he owned called the El Millennium Pub in Queens Village, has been sentenced to two and one-third to seven years in prison. The cards were used to make purchases at restaurants and shops, such as Victoria's Secret, as well as for cash advances.

An investigation was commenced following a complaint from the client after he received bills in the mail that did not correspond to any accounts that he was aware of having opened.

TWELVE CHARGED IN "OPERATION DINNER OUT" DRUG SWEEP FOLLOWING TEN MONTH INVESTIGATION

Defendants Include Owner Of Briarwood Restaurant From Which Drugs Were Allegedly Sold

A ten month investigation, into narcotics trafficking known as "Operation Dinner Out," began in October 2010 after the NYPD learned that various illegal drugs were allegedly available for sale at a local restaurant in Briarwood, Queens. The defendants charged in the case include nine alleged members of the Trinitarios gang, one member of the Latin Kings and one Bloods member.

As part of the investigation, officers executed five court-authorized search warrants and recovered four firearms, including a defaced Colt .38 caliber revolver; a defaced sawed off Mosburg shotgun; a .380 Sig Sauer semi-automatic and a Remington 870 shotgun with a scope. Also seized were more than a kilo of cocaine; 777 glassines of heroin (more than one ounce) and two ounces of marijuana; as well as \$3,520.

The defendants are variously charged with numerous counts of criminal sale of a controlled substance, criminal possession of a controlled substance, criminal possession of a weapon and assault.

CORONA MAN CONVICTED OF ATTEMPTED MURDER FOR ATTACKING WIFE AS SHE SLEPT

A 67-year-old Corona man who tried to cut the throat of his sleeping wife with a hunting knife has been convicted of attempted murder and other charges following a jury trial.



**WORKING
WITH
COMMUNITIES**

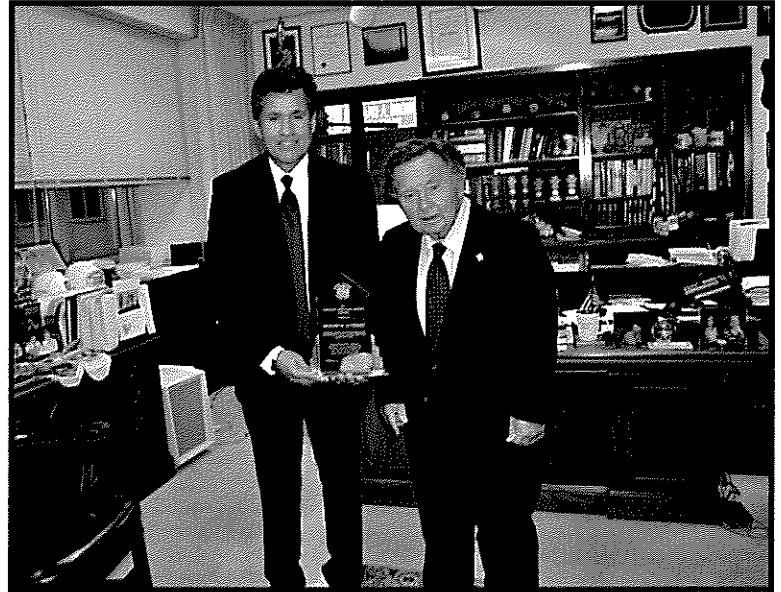


Working with Communities



BLACK HISTORY MONTH

Queens District Attorney Richard A. Brown presents Queens Borough President Helen M. Marshall with the 10th annual William Tucker Garvin Public Service Award in celebration of Black History Month. The William Tucker Garvin Public Service Award was established in 2001 in honor of Mr. Garvin, the first African-American Assistant District Attorney appointed in Queens County.



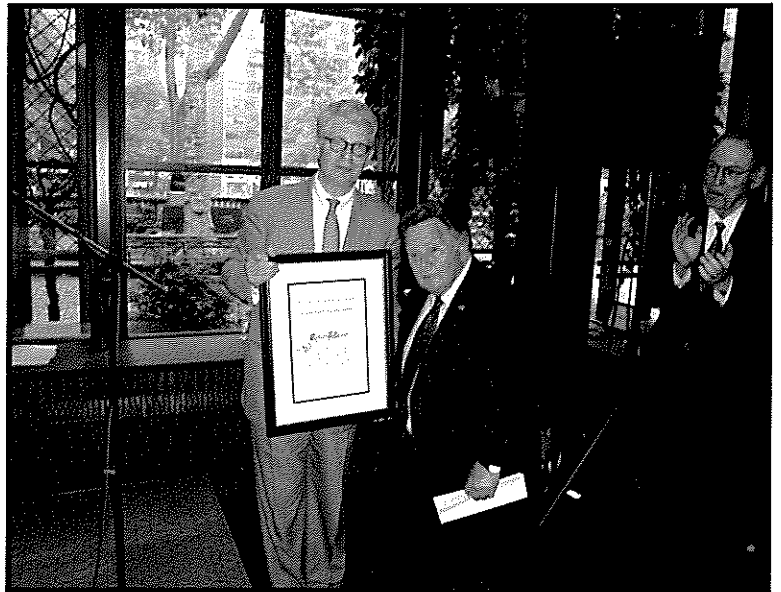
HISPANIC HERITAGE AWARD

Queens County District Attorney Richard A. Brown presents Richard M. Gutierrez, president of the Queens County Bar Association and founding member of the Latino Lawyers Association of Queens County, with his office's 2011 Hispanic Heritage Award for his hard work and dedication to the residents of Queens County.



D.A. BROWN WELCOMES NEW COUNTY CLERK

District Attorney presents certificate of recognition to former Assembly woman Audrey Pheffer following her appointment as Queens County Clerk.



CAREER PUBLIC SERVICE AWARD.

Queens District Attorney Richard A. Brown is presented with the Fund for Modern Courts' Career Public Service Award in recognition of his more than fifty years of public service. Presenting the award is Manhattan District Attorney Cyrus R. Vance, Jr.

Working with Communities



DISTRICT ATTORNEY BROWN AT CRIME SCENE

On Tuesday, November 1, 2011, Queens District Attorney Richard A. Brown met with prosecutors and police at the site in Forest Park that had been identified by defendant Edwin Fuentes as the location where he disposed of his wife's body parts. Fuentes pleaded guilty on October 25, 2011, to first-degree manslaughter and tampering with physical evidence in the June 2007 choking death and dismemberment of his wife. He was sentenced to twenty years in prison on November 9th, 2011.



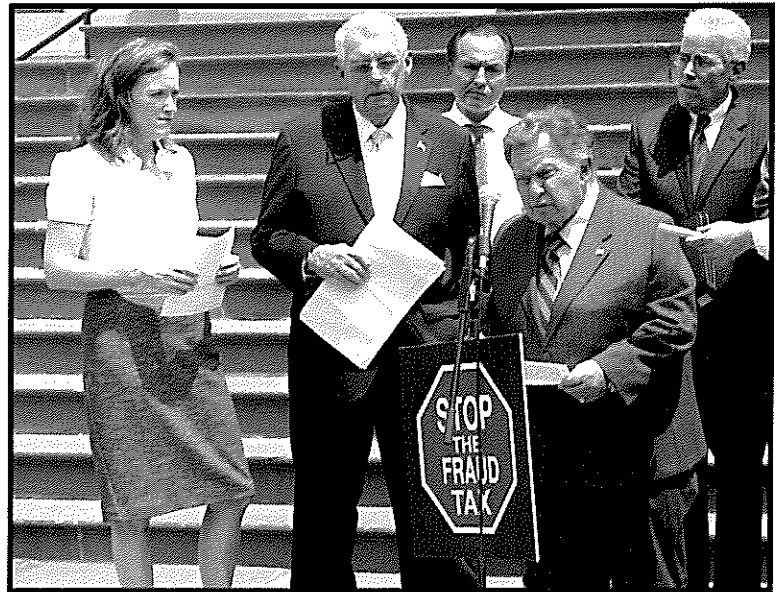
METROPOLITAN YOUTH GANG CONFERENCE

Queens District Attorney Richard A. Brown giving the opening address at the 17th Annual Metropolitan Youth Gang Conference, which was held at the Holiday Inn J. F. K. in Jamaica, Queens, in July. The two-day long information-sharing conference is co-hosted by the QDA, Middle Atlantic Great Lakes Organized Crime Law Enforcement Network, New York City Police Department and the East Coast Gang Investigators Association.



HOLIDAY TOY DRIVE

Queens District Attorney Richard A. Brown stands among some of the nearly 400 toys that were donated by office staff and were distributed to less fortunate children this holiday season.



DISTRICT ATTORNEYS TAKE UP FIGHT TO REFORM NO-FAULT LAWS.

Queens County District Attorney Richard A. Brown today joined the Fraud Costs New York coalition – a broad-based group of elected officials, chambers of commerce, civic associations, law enforcement and insurance trade associations committed to reforming New York's no-fault auto insurance system and stopping insurance fraud and the lawsuit abuses that drive up costs for consumers and cost New Yorkers hundreds of millions of dollars annually.

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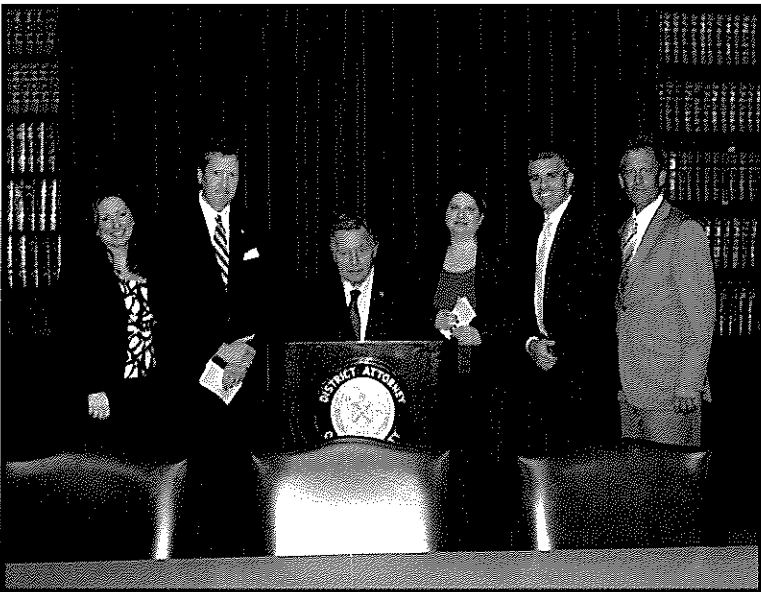
OPERATION SUMMER FUN.

Queens District Attorney Richard A. Brown presents a check to 113th Precinct to help fund Operation Summer Fun- which provides educational trips and recreational activities for young people led by NYPD and QDA personnel in the 113th and 101 Precincts during the summer months.



QUEENS VETERANS COURT CELEBRATES FIRST ANNIVERSARY

Queens District Attorney Richard A. Brown joins the Honorable Sol Wachtler, Professor of Constitutional Law at Touro Law School and former Chief Judge of New York State, and Fred Wilpon, CEO and Chairman of Sterling Equities and the New York Mets, at the opening of the Queens County Veterans Court.



RESTITUTION MADE IN MAJOR NO-FAULT INSURANCE FRAUD.

Queens District Attorney Richard A. Brown presented restitution checks totaling \$505,000 to sixteen insurance companies that were defrauded of the funds in a widespread no-fault automobile insurance fraud scheme. Pictured are District Attorney Brown, members of his staff and representatives from the various insurance companies – including GEICO, Allstate, Progressive, Hartford and Travelers, among others.



PROSECUTORS TESTIFY BEFORE CITY COUNCIL ON BUDGET.

Queens District Attorney Richard A. Brown is joined by Staten Island District Attorney Daniel M. Donovan and Manhattan District Attorney Cyrus R. Vance, Jr. and their fellow City prosecutors in testifying before the City Council's Finance and Public Safety Committees on what impact proposed budget cuts will have on their ability to provide essential services to the residents of New York City.

Working with Communities



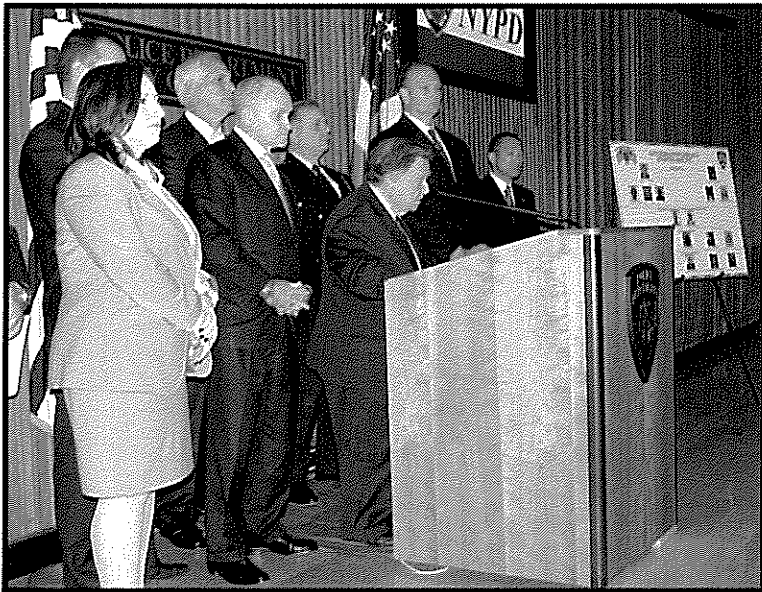
LARGEST IDENTITY THEFT TAKE DOWN IN U.S. HISTORY

More than 100 members of a massive international identity theft and counterfeit credit card operation were indicted following a long term investigation. This organized criminal enterprise stole personal credit information from thousands of American and European consumers.



GREAT AMERICAN SMOKE OUT

Coinciding with the annual Great American Smoke out, Queens District Attorney Richard A. Brown displays some of the 5,000 untaxed cartons of cigarettes seized during the execution of search warrants at a Woodside apartment and a Jackson Heights garage and video store. Approximately 1,700 of the cartons contained counterfeit cigarettes which pose an even greater health risk than most cigarettes because they have bypassed U.S. safety inspections and regulations and possess extremely high levels of tar and nicotine.



AUTO LOAN FRAUD SCHEME

Queens District Attorney Richard A. Brown announces that 18 individuals and 3 corporations have been indicted for their alleged roles in two massive automobile loan fraud schemes that resulted in nearly \$2 million in losses to 18 financial institutions on 47 loans. Flanking the podium are NYPD Police Commissioner Raymond W. Kelly and Assistant Inspector General for Investigations Brian Crane, of the U.S. Treasury Department.



RESTITUTION TO CHURCH.

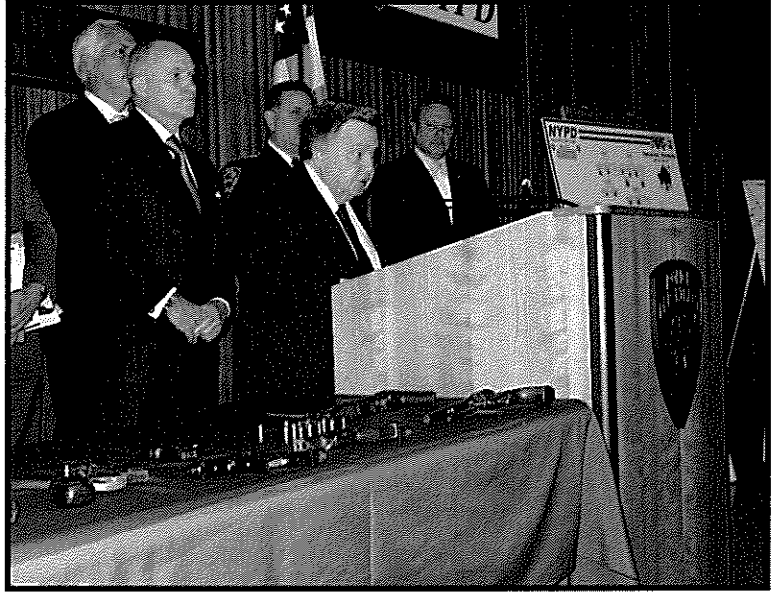
Queens District Attorney Richard A. Brown, joined by New York State Racing and Wagering Board Chairman John D. Sabini and New York State Police Captain Jaime A. Kaminski, presents a check for \$830,000 to Greek Orthodox Archdiocese of America Vice-Chancellor Michael Kontogiorgis. The check represents full restitution made by three individuals who pleaded guilty to using a licensed church bingo hall in Queens as a front to steal the monies from Greek Orthodox Church charities.

Working with Communities



QUEENS NARCOTICS TAKE DOWN IN FAR ROCKAWAY

Queens District Attorney Richard A. Brown, flanked by Senior Assistant District Attorney Julie S. Trivedi, New York City Police Commissioner Raymond W. Kelly and case detectives, looks over guns and drugs seized during 14-month investigation of the GOA street gang in Far Rockaway. Fifty-six individuals were arrested – including 18 purported gang members – on various attempted murder, gun and drug charges.



NARCOTICS INVESTIGATION AT HOUSING DEVELOPMENTS

Queens District Attorney Richard A. Brown and New York City Police Commissioner Raymond W. Kelly announce the indictment of fourteen individuals and the arrest of forty-eight others as part of a large-scale undercover narcotics investigation at two Jamaica, Queens, housing complexes: the Baisley Park Housing Development and Rochdale Village.



SEIZURE OF UNTAXED CIGARETTES

Queens District Attorney Richard A. Brown, joined by Assistant District Attorneys Andrew H. Kaufman, Chief of the Crimes Against Revenue Unit, and Carla L. Cheung, with more than 1,800 cartons of illegal, untaxed cigarettes seized during the execution of search warrants in Elmhurst, Queens. Two individuals were also arrested for engaging in the sale of the untaxed cigarettes. The seizure represents more than \$100,000 in lost tax revenue to the City and State of New York.



BASEBALL MEMORABILIA BUST

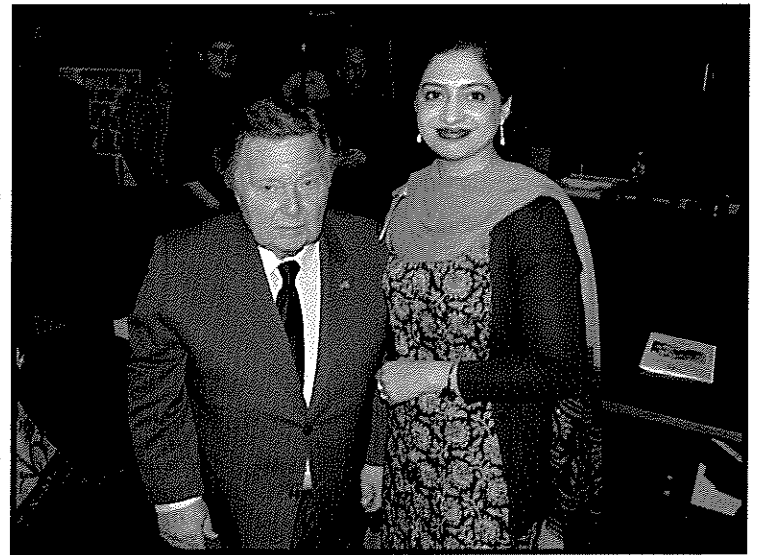
Queens District Attorney Richard A. Brown and New York City Police Commissioner Raymond W. Kelly announced the indictment of longtime New York Mets clubhouse manager Charles Samuels on charges that he criminally possessed almost \$2.3 million worth of on-field and game-used Mets memorabilia and collectibles – including autographed jerseys, bats and baseballs – belonging to the Mets organization.

2011 LEGISLATIVE BREAKFAST



Joining Queens District Attorney Richard A. Brown (center, podium) at his annual public safety briefing to elected officials from Queens County were (l-r) New York City Councilman Eric Ulrich, Councilwoman Elizabeth Crowley, New York State Assemblywoman Grace Meng, Councilman Mark Weprin, Assemblyman Edward S. Braunstein, Assemblyman Francisco P. Moya, Assemblyman Jeffrion L. Aubry, Assemblyman Michael Miller, Assemblyman Michael G. DenDekker, Councilman James J. Halloran, Councilman Peter F. Vallone, Jr., Councilwoman Karen Koslowitz, Assemblywoman Audrey I. Pheffer, Councilman James Sanders, Jr.'s Chief of Staff Donovan Richards and Councilwoman Diana Reyna.

NATIONAL CRIME VICTIMS RIGHTS WEEK



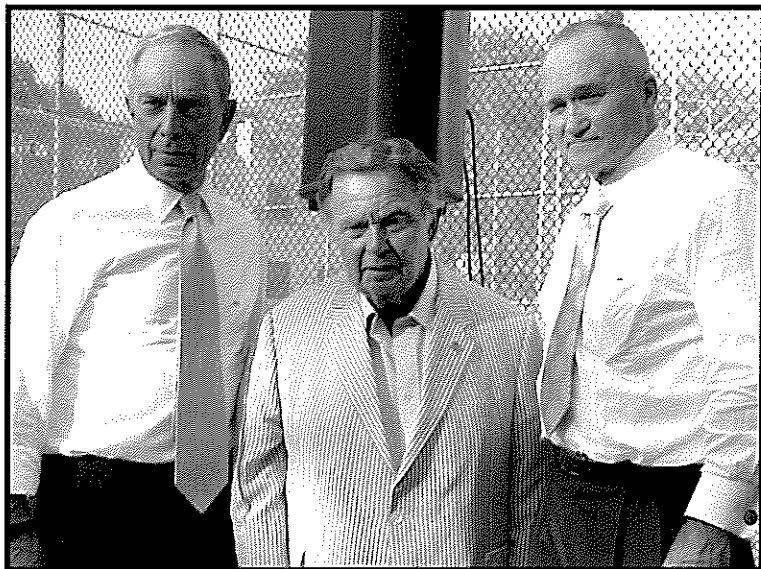
Queens District Attorney Richard A. Brown presented \$50 savings bonds to Public School 106 fifth graders Eric Rodriguez and Aniyah Joshua, who were the winners of a poster contest whose theme was helping victims reshape the future and mend broken hearts. Natasha Morales, Director of the District Attorney's Crime Victims Advocate Program, joined the District Attorney in making the presentation. District Attorney Brown is pictured with Arvind Kaur, a Sikh clergy member who delivered the invocation at the ceremony.

TENNIS EVENT: SAY YES TO TENNIS, NO TO VIOLENCE



Queens District Attorney Richard A. Brown (center), flanked by former New York City Mayor David N. Dinkins and New York City's Special Narcotics Prosecutor Bridget G. Brennan, joins fourth- and fifth-grade students from Public School 106 in Far Rockaway at the USTA Billie Jean King National Tennis Center in Flushing Meadows-Corona Park in Queens. The students were among more than 650 Far Rockaway public school students attending the 13th Annual "Say Yes to Tennis – No to Violence" Day which stresses sports as a positive alternative to violence.

NATIONAL NIGHT OUT AGAINST CRIME



Queens District Attorney Richard A. Brown (center) joined New York City Mayor Michael R. Bloomberg (l) and New York City Police Commissioner Raymond W. Kelly (r) at anti-crime event hosted by the 106th Precinct at Centerville Playground in observance of the 28th annual "National Night Out Against Crime."

COMMUNITY FORUM



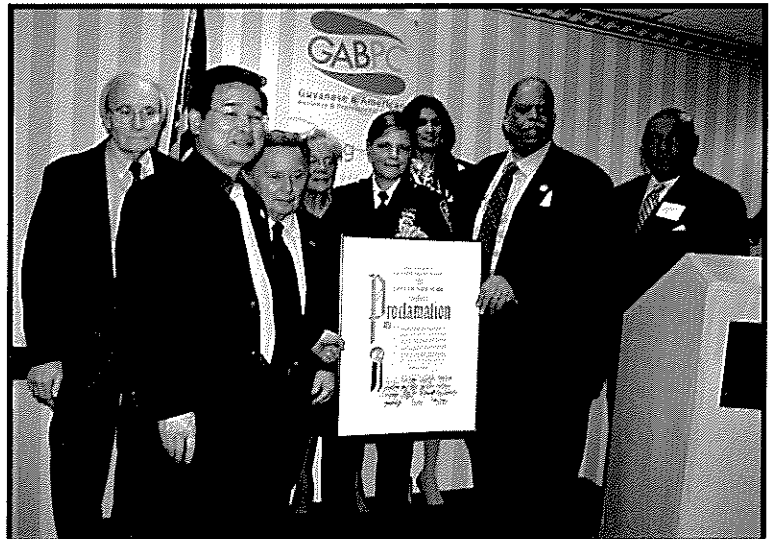
JUNIPER PARK CIVIC ASSOCIATION



110TH PRECINCT COUNCIL MEETING



GUYANESE AMERICAN BUSINESS COUNCIL



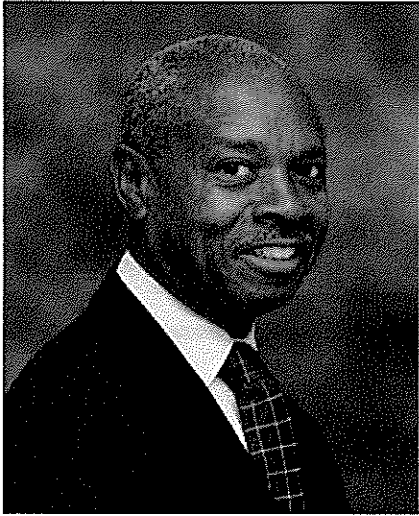
OFFICE OF THE
BRONX COUNTY DISTRICT ATTORNEY
ANNUAL REPORT 2011



CO-OP CITY

Robert T. Johnson
District Attorney

www.bronxda.nyc.gov



Robert T. Johnson,
Bronx County District Attorney

District Attorney's Message

“As ever, in addition to criminal prosecution we employ a wide variety of tools to fight crime. These include diversionary and treatment programs, participation in specialized courts addressing drug treatment and mental health, and numerous educational, training, and community-based efforts.”

Last year's disturbing up-tick in certain crime categories continued in 2011. From record low levels in 2009, last year the homicide rate again increased, by a troubling 16.5%, and there was also an increase in the number of shooting victims. The number of burglaries rose by 5%, while robbery and assault rates were essentially flat. Thankfully, rapes declined by some 7%. While crime is still very low by historic standards, these increases, which perhaps do not yet establish a trend, are still a troubling and unwelcome change from the steady decline of the last twenty years. So too is the continuing and disturbing reality that Bronx residents still suffer from a disproportionately high crime rate. For example, with about 16.9% of the City's population, in 2011 the Bronx had 28.7% of the City's murders, as well as 29.4% of the City's shooting victims.

In 2011, we indicted 4,850 felony cases. One standout was the case of James Schlaue, a previously convicted sex offender who attacked three separate young prostitutes at knife point, was found guilty of multi-

ple sexual assaults and was sentenced to three consecutive 20-year terms of imprisonment. Another example was the case of Maria Rios, who talked her way into the apartment of 25-year-old Angelica Grullon, a young mother with a 14-month-old son, produced a gun, and, after ransacking the apartment, shot and killed Ms. Grullon when she attempted to escape. Rios, who had five prior convictions for robbery and burglary, was convicted of murder in the first degree and sentenced to life without parole in state prison.

On another note, this year we worked with the defense to vacate the prostitution-related conviction of Jane Doe, a woman who had been an underage victim of sex trafficking. This was the first case in New York State in which an American citizen received relief under a new law, which had been passed in 2010 to provide relief for those essentially coerced into prostitution.

Moving to other noteworthy crimes, in 2011 we obtained a 135-count indictment charging 40 individuals who were part of a major narcotics distribution organization

in the Williamsbridge section of the Bronx. Two of these defendants were charged with operating as “Drug Kingpins,” *i.e.*, major drug traffickers. The enterprise in question is believed to have involved the sale of about \$250,000 of cocaine per week.

At least two other notorious cases deserve special mention. First, in August 2011, we obtained an indictment charging manslaughter and other crimes against the driver of a chartered bus which crashed in the Bronx while en route from the Mohegan Sun casino in Connecticut. The crash killed 15 people and injured 16 others. Second, in October we obtained an indictment charging 16 police officers and five civilians with numerous felony and misdemeanor crimes, some of which involved the wide-scale practice of “fixing” parking and traffic tickets. This was the culmination of a three-year joint investigation with the NYPD into allegations of corruption across a broad spectrum of crimes.

All of these cases, and many others, are more fully described in the following report. As ever, in addition

to criminal prosecution we employ a wide variety of tools to fight crime. These include diversionary and treatment programs, participation in specialized courts addressing drug treatment and mental health,

and numerous educational, training, and community-based efforts. These too are described herein.

It is obvious that 2011 was another very busy year. As we progress into 2012, still in the face of

continuing budgetary constraints, I can only state that once again, we will continue to strive to do the very best we can to maintain the highest level of public service.

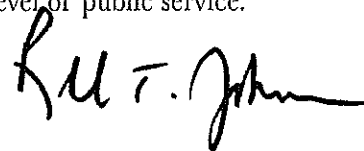


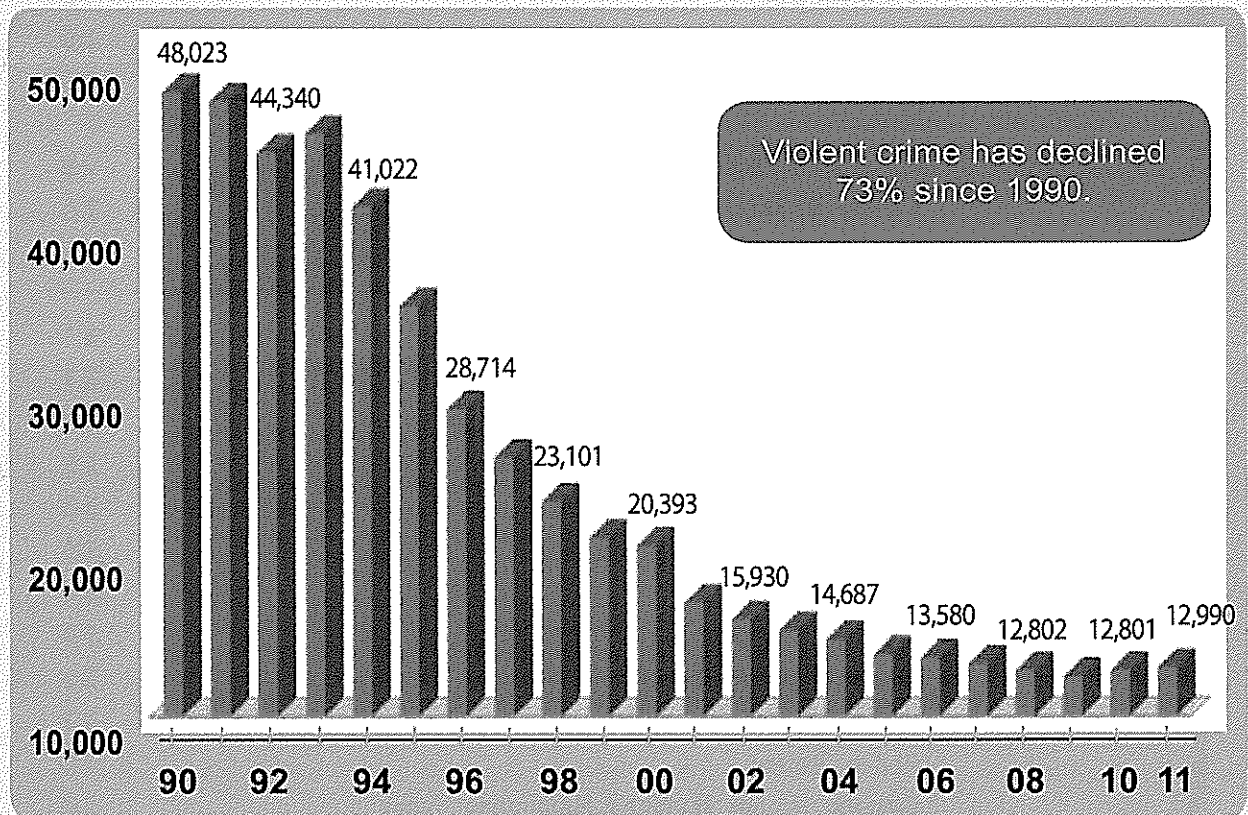
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Crime Overview

Bronx County has made remarkable progress against crime in the past two decades. For 15 consecutive years there have been fewer than 200 homicides in the County, representing a 77% reduction from the homicide rate in 1990. This decline contributed to the overall 73% decline in violent crime over that period. Robberies, for example, have been reduced by 74% compared with 1990.

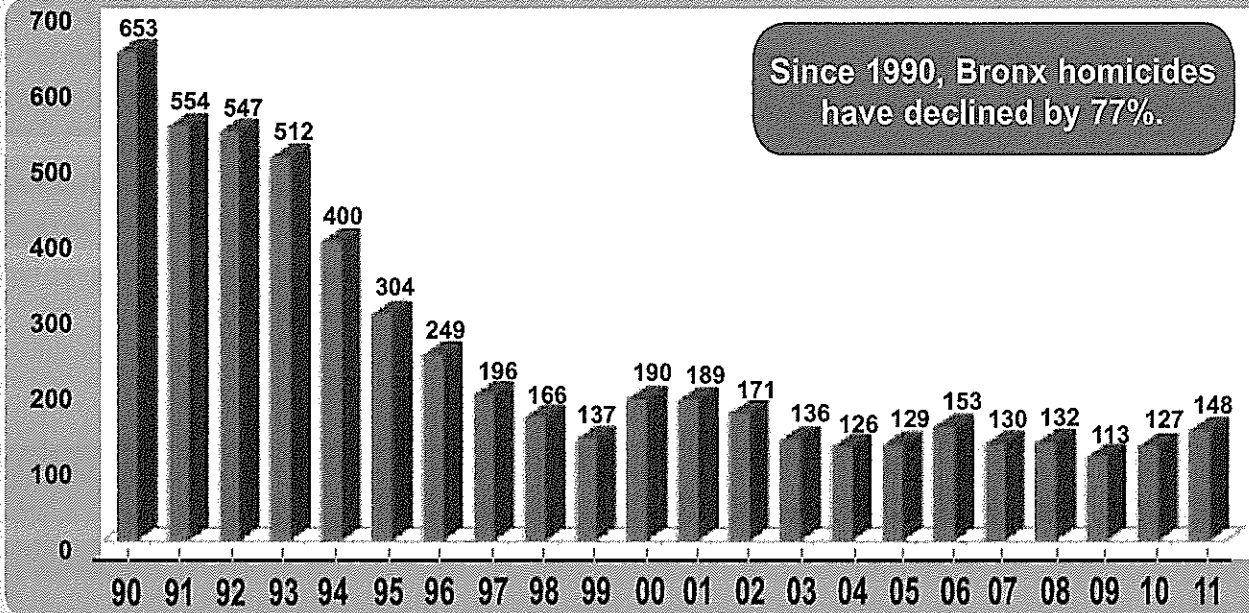
Violent Crime 1990 – 2011



Source: New York City Police Department

Decline In Homicides

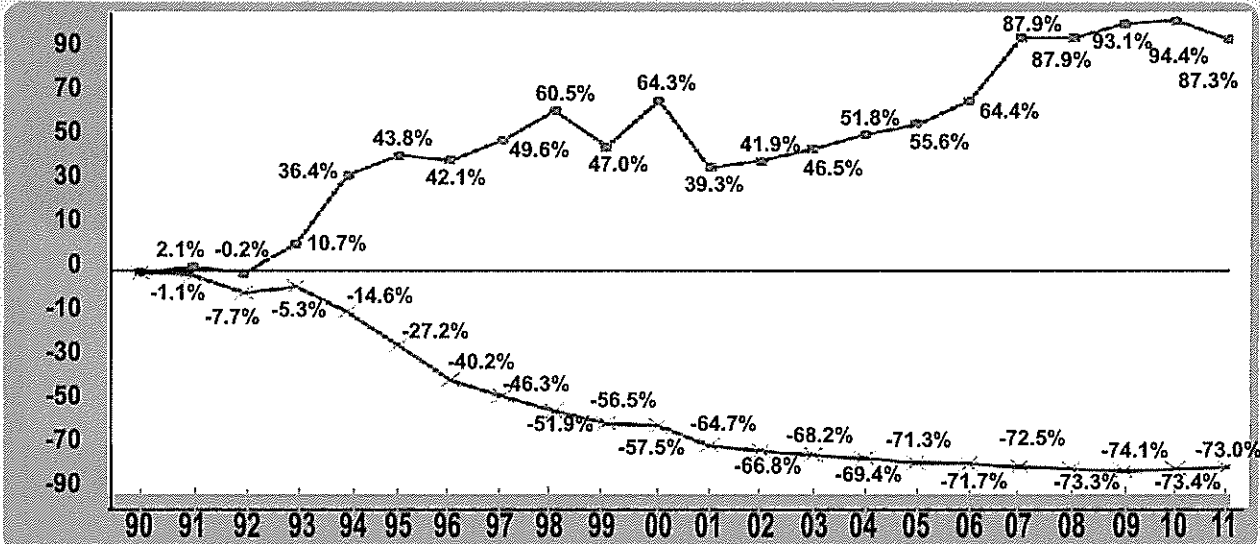
1990 - 2011



Source: New York City Police Department

Bronx Reduction in Violent Crime v. Increase in Arrests

Percentage Change from 1990 - 2011



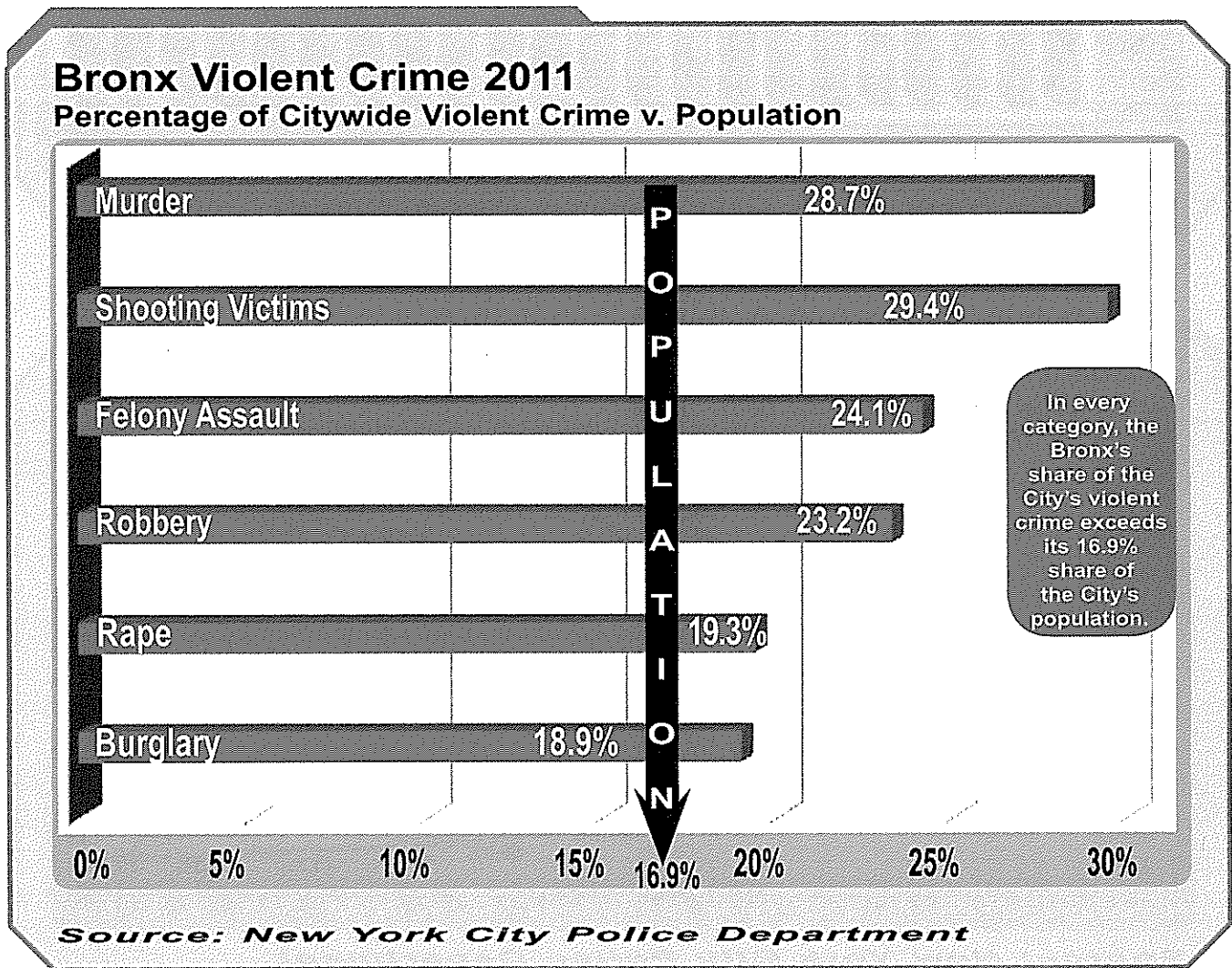
Source: New York City Police Department

Despite these long-term gains, in the last two years the Bronx has experienced increases in certain crime categories. On January 5, 2012, the *Daily News* stated: "Murders in boro spike: 20 more people dead & 50 more shot last yr. than in 2010." After record low levels in 2009, homicides rose in 2011 by 16.5% over 2010 and burglaries rose 5.1%. Rapes declined 6.8%,

while robbery and assault were flat in 2011 as compared to 2010.

These figures do not yet constitute a trend, but they are a change from the steady declines seen for the past 20 years. The more disturbing reality is that Bronx residents continue to suffer from a disproportionately high crime rate. With only 16.9% of the City's population, Bronx County witnessed one in four

of the City's felony assaults, one in five of its rapes, and nearly one in four of its robberies and burglaries, giving the county the highest per capita incidence of murder, robbery, felonious assault and burglary among the five counties. The 77,287 Domestic Violence Incident Reports originating in the Bronx represented almost a third of all those filed in New York City.

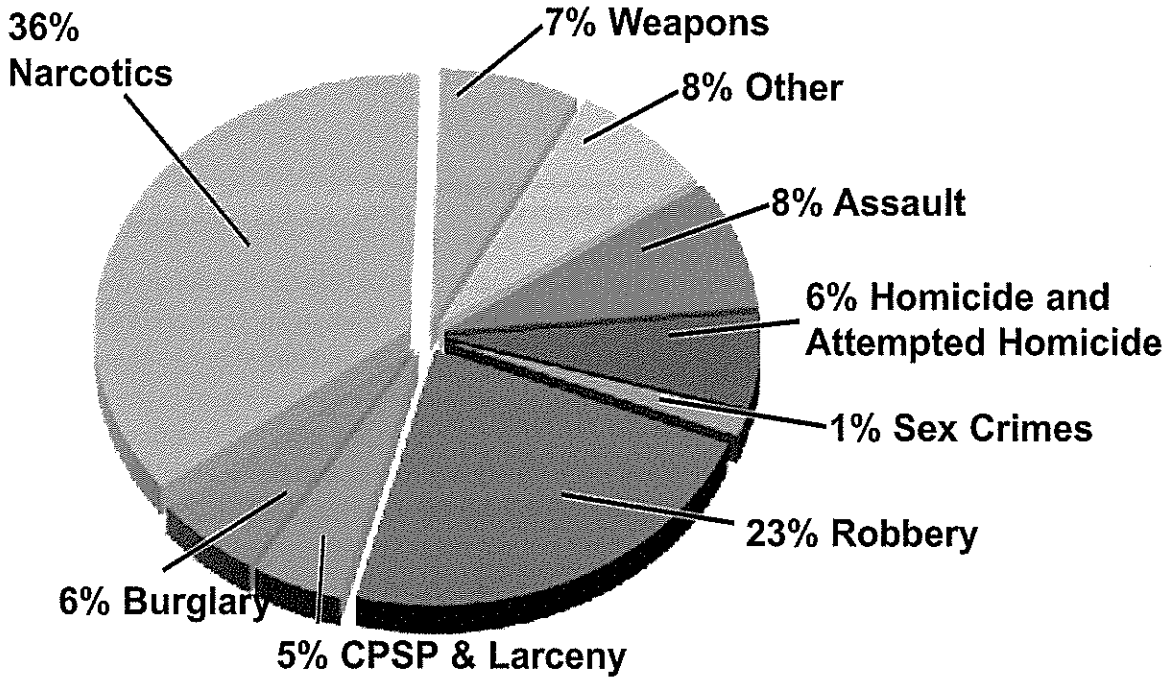


Prosecuting Crime

While crime complaints have fallen dramatically, Bronx arrests have risen 87% since 1990. The Bronx District Attorney's Office indicted 4,850 felony-level defendants in 2011. Narcotics cases accounted for 36% of the felony prosecutions in Bronx County.

Bronx District Attorney's Office Felony Prosecutions: 2011

Total Felony
Prosecutions: 4,850



Source: Bronx District Attorney's Office

VIOLENT CRIME

Violent crime inflicts a toll on individuals and communities that is not conveyed by statistics, regardless of the numbers. The following five cases illustrate the consequences of recent crimes in Bronx County and their subsequent prosecution. James Schlau, a previously convicted sex offender, solicited sex for money from three women on separate occasions in 2010. Instead of paying them, he threatened the three with weapons and sexually assaulted them. “Jane Doe” was arrested and convicted on prostitution-related charges multiple times before she sought help; Jane was a victim of sex trafficking. After learning that his federal employment discrimination lawsuit had been dismissed, Paulino Valenzuela went on a shooting rampage that resulted in the death of one former supervisor and serious injuries to two former co-workers. Maria Rios shot and killed Angelica Gullon, leaving Gullon’s 14-month-old son without a mother. When a grandmother kills one of her own grandchildren, it is almost too shocking to comprehend; Angela Barksdale did just that.

Registered Sex Offender Re-Offends and Receives 60 Years in Prison

Forty-six-year-old James Schlau was already a convicted sex offender who had served time in Minnesota for sexual assault when he solicited sex from three women on three separate occasions in 2010 in the Hunts Point section of the Bronx. The three women worked as prostitutes and agreed to perform sexual acts on Schlau in exchange for money.

The first victim was a 32-year-old woman who was picked up at about 11:00 pm on April 18, 2010. Schlau took her to a secluded location, threatened her with a box cutter, and forced her to engage in oral sex.

The second incident was an attempted rape of a 23-year-old woman at about 3:00 am on June 16, 2010. Schlau picked up the victim, drove her to a secluded area, and forced her under the threat of a razor knife to engage in oral sex. Schlau pulled her from the car and tried to rape her. Schlau then fled.

The third incident occurred shortly before 5:00 am on June 28, 2010. Schlau

picked up the 20-year-old victim, drove her to a secluded location, threatened her with a razor knife, and forced her to engage in oral sex. She was then raped in the car.

Police obtained a description of Schlau and the car that he was driving from the third victim. The vehicle was spotted the next night, and Schlau was arrested. The razor knife used in the attacks was recovered along with a gravity knife. Of the three victims, the third and final victim was the only one who reported the crime immediately after it occurred.

All three victims had cases pending against them when they testified at trial with counsel present. Despite this, the jury convicted Schlau after less than one-half hour of deliberation.

On June 24, 2011, Schlau was found guilty of multiple charges of sexual assault and weapons possession, including criminal sexual act in the first degree and rape in the first degree. On July 19, 2011, Schlau was sentenced to three consecutive terms of 20 years in prison, one for each of the three crimes. He was also sentenced to

Registered Sex Offender Re-Offends and Receives 60 Years in Prison (Continued)

concurrent terms of one year on a weapons charge, 20 years on a rape charge, and 10 years on each sexual abuse charge. He must

serve a total of 60 years in prison before he is eligible for parole.

“Woman forced into sex trade has prostitution convictions thrown out under new sex-trafficking law”

Headline from *NY Daily News*, 9/22/2011

Jane Doe (pseudonym) was trafficked by pimps for their own profit since she was 13 years old. She was physically and sexually abused. She was required to engage in sex acts for money until she reached an imposed “quota” for the night. Jane was taken to cities along the eastern coast of the US to engage in prostitution. She was “branded” (permanently tattooed) with the name of a pimp to express ownership over her. That pimp was arrested and prosecuted federally for crimes unrelated to human trafficking and is currently serving an extended prison sentence.

Jane was arrested on more than one occasion in the vicinity of Hunts Point in the Bronx for loitering for the purposes of prostitution. She was also arrested in other NYC counties, including Manhattan, for the same conduct. After one arrest she sought help with the assistance of a Legal Aid defense attorney. Finally, Jane was able to leave “the life” of prostitution and

escape the pimps who trafficked her. She is now 22 years old.

Under a 2010 section of the Criminal Procedure Law, Jane sought to vacate her prostitution-related convictions based on her status as an underage victim of sex trafficking. After extensive meetings, the District Attorney’s Office consented to vacate the convictions in light of the extreme circumstances of Jane’s case.

This is the first case in New York State in which an American citizen has sought and received relief under the new statute.

The costs of prosecution can be high. With her convictions dismissed, Jane can begin a new life. Jane is quoted as telling the *Daily News*, “I feel very relieved and really happy. Now I can go and apply for anything without having to worry about anything coming up and people judging me.”

Violent Shooting Rampage by Disgruntled Ex-Employee

Paulino Valenzuela was fired in February 2005 from his job as a maintenance worker at Co-op City. After his termination from the Riverbay Corporation, Valenzuela filed a federal employment discrimination lawsuit. Valenzuela was also a resident of Co-op City and continued to live there after he was fired. Several days after learning that the federal lawsuit had been dismissed, on the morning of August 30, 2007, forty-four-year-old Valenzuela went on a shooting rampage beginning in one of Co-op City's buildings. In a secluded maintenance area of the building, Valenzuela first confronted his former supervisor, 59-year-old Audley Bent. Valenzuela fatally shot Bent in the back of the head with a .38 caliber revolver.

Valenzuela then went outside and accosted two former co-workers who were seated underneath the portico. Valenzuela ambushed his former supervisor, Filip Zadrina, and shot him in the arm. Valenzuela also shot Sander Palaj in the neck, rendering him permanently paralyzed from the neck down. Valenzuela fled the scene by bus. He later surrendered to New York City Court Officers at the Criminal Court Building in the Bronx.

On April 18, 2011, Valenzuela was found guilty of murder in the second degree, attempted murder in the second degree, and assault in the first degree, and of two counts of criminal possession of a weapon in the second degree. He was sentenced on May 5, 2011, to 90-years-to-life in state prison.

Life Without Parole for the Murder of a Young Mother

On February 8, 2007, twenty-five-year-old Angelica Grullon returned home to her apartment from work. Ms. Grullon lived with her 14-month-old son, her sister, and her mother. Her son was being cared for by a family friend, who was in the apartment with Ms. Grullon's son when Ms. Grullon arrived.

After Ms. Grullon put the child to bed, someone knocked on the door. A stranger, forty-three-year-old Maria Rios, asked if she could use the bathroom. After being allowed to use the bathroom, she asked for a drink of water. As Ms. Grullon went into the kitchen, Rios pulled out a gun and forced the two women into a bedroom. Rios ransacked the dresser and took a camera and jewelry. She also asked for money. Ms. Grullon screamed, "my baby,

my baby" and ran out of the apartment. Rios ran after her, firing the gun in the foyer of the apartment. A struggle ensued, observed by neighbors. Rios fired three shots into Ms. Grullon. One bullet perforated her heart and lung. Ms. Grullon died, and Rios fled the building and got into a cab.

After the murder, Rios fled the Bronx for Massachusetts where she had family. Surveillance captured Rios entering and leaving the apartment building. Images from these videos were shown on television news stations, and a friend of Rios recognized her and called local police in Massachusetts. The local Massachusetts police apprehended Rios, and relayed the information to the NYPD. Hair found on Ms. Grullon's clothing contained DNA

Life Without Parole for the Murder of a Young Mother (Continued)

which was matched to Rios. Forensic analysis confirmed that there was a struggle and that Ms. Grullon was shot at close range.

Rios had five prior felony convictions for robbery and burglary. She had spent

14 of the previous 20 years in prison.

On February 16, 2011, Rios was found guilty of murder in the first degree. She was sentenced on March 11, 2011, to life without the possibility of parole.

Violent Grandmother Beats Grandson to Death

On Saturday, February 21, 2009, forty-six-year-old Angela Barksdale called 9-1-1 and reported that her 4-year-old grandson, Kevion Shand, was not breathing. Barksdale was caring for her two grandchildren while their mother served a prison sentence for statutory rape in Pennsylvania. When EMS personnel arrived, they found the child's body in an advanced state of decomposition. The Medical Examiner determined that the cause of death was "blunt force trauma to the head" which caused the brain to hemorrhage.

Barksdale beat Kevion two days earlier on February 19 in the apartment where she lived with Kevion and his 2-year-old sister. Kevion suffered fatal head

injuries when Barksdale took him into the bathroom after he relieved himself and soiled his clothes. After hitting him against fixtures in the bathroom, Barksdale carried the victim into the living room, dressed him in nightclothes and left him lying on a sofa.

Barksdale had a history of intra-familial violence and had a history with the Administration for Children's Services with her own children. She left Kevion on the couch for 48 hours before calling police.

On November 10, 2011, Barksdale pleaded guilty to manslaughter in the first degree. She was sentenced on December 15, 2011, to 15 years in prison and five years post release supervision.

DRUG CRIME

The Bronx District Attorney's Office approaches drug crime with a combination of careful screening and vigorous prosecution of cases, which contributes to the high proportion of convicted drug offenders who receive state prison sentences. In addition to being tough on for-profit sellers, the Office offers many Bronx defendants drug treatment as an alternative to incarceration. In 2011, nearly 800 drug-involved defendants were diverted to treatment.

Drug arrests have decreased in recent years, resulting in a reduction in both the number of felony drug prosecutions and the percentage of the caseload that these cases comprise. In 1996 drug cases accounted for more than 65% of the Office's felony-level defendants. In 2011, just 36% of Bronx felony defendants were prosecuted on drug charges. Nevertheless, drug crime is still a very serious problem in the Bronx.

Drug Kingpins

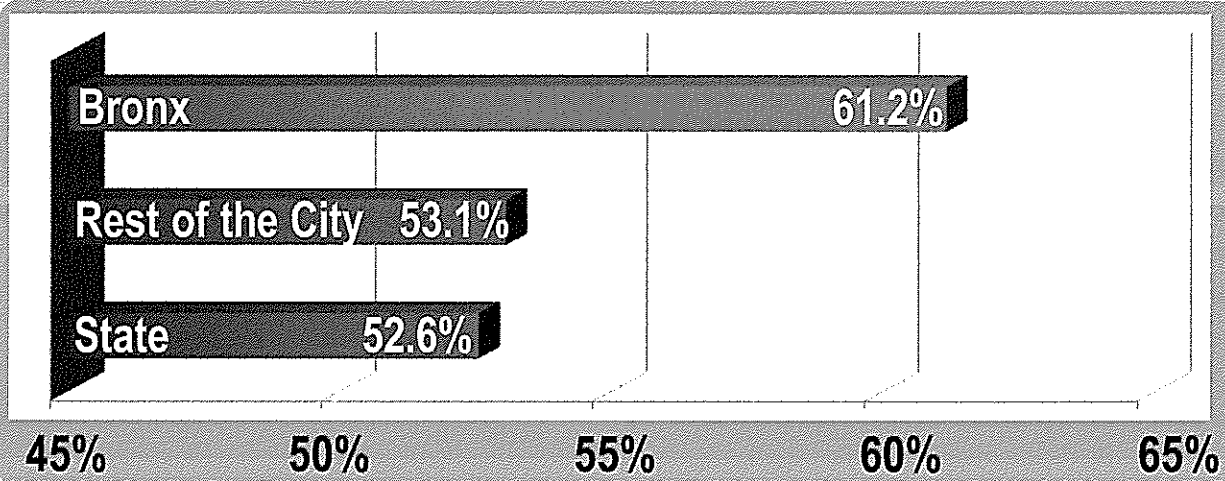
A two-year investigation of a major narcotics distribution organization in the Williamsbridge section of the Bronx resulted in the disruption of a large criminal enterprise. The investigation required close cooperation between the NYPD and the Bronx District Attorney's Office and involved 20 court-ordered wiretaps and the use of numerous informants. During the course of the investigation, it is alleged that more than 50 cocaine sales were made to undercover detectives, in amounts ranging from a few grams to more than 2½ ounces. Thirty-six ounces of cocaine were seized from separate sales to people who came to buy drugs from as far away as upstate New York, Connecticut, North Carolina, Virginia and Tennessee. The investigation resulted in the execution of search warrants that recovered 48 ounces of crack cocaine, powdered cocaine, and heroin, as well as one handgun, three vehicles and over \$67,000 in cash.

In June 2011 the investigation led to a grand jury returning a 135-count indictment charging 40 individuals with various crimes including conspiracy in the second degree, operating as a major trafficker, criminal sale of a controlled substance in the first and second degrees, and criminal possession of a controlled substance in the first and third degrees.

Two defendants who allegedly led the organization were charged with operating as major traffickers. This charge from the so-called "Drug Kingpin Statute" is the most serious offense in the indictment. It is intended for the most serious offenders, with punishment of a mandatory sentence of life imprisonment upon conviction. These two defendants allegedly sold drugs in bulk quantities of eight, ten and sixteen ounces, and allegedly supervised the operations of street vendors along White Plains Road. Their enterprise is believed to have involved the sale of as much as seven kilograms of cocaine per week in either "crack" or powder form with an estimated street value of \$250,000. Fourteen defendants have pleaded guilty to narcotics and conspiracy charges, and have received sentences ranging from one year to four year incarceration with five years probation. The cases of the remaining defendants -- including the two alleged "kingpins" -- are pending, and the investigation continues as bank and financial records are examined in an effort to trace the profits from the illegal enterprise. Profits generated from the sale of illegal narcotics are subject to forfeiture.

State Prison Sentences

Percentage of Felony Narcotics Convictions 2011



Source: NYS Department of Criminal Justice Services

Drug Treatment Enrollment*

1993 – 2011

PROGRAM	1993 - 2008	2009	2010	2011	TOTAL
DTAP	3,046	258	271	140	3,715
BX Treatment Court	1,588	118	74	39	1,819
Mental Health Court	847	139	105	58	1,149
BX Treatment Misd. Court	855	224	103	64	1,246
Other Residential	4,079	153	95	127	4,454
Other	2,281	187	94	123	2,685
Judicial Diversion	0	0	110	243	353
TOTAL	12,696	1,079	852	794	15,421

Source: Office of Bronx District Attorney

*Note: Drug Treatment Alternatives to Prison (DTAP) is for predicate offenders. "Other Residential" includes first-time offenders placed in residential programs. "Other" includes Extended Willard Drug Treatment, residential and outpatient programs and first-time and predicate defendants.

Since 2010 the Bronx Court has classified cases, even with District Attorney's consent, as Judicial Diversion. The District Attorney's Office consents to approximately 95% of all diversions.

DRUG TREATMENT ALTERNATIVE TO PRISON (DTAP)

Bronx prosecutors have had substantial success in placing drug offenders in treatment programs. Between 1993 and 2011, more than 15,000 Bronx defendants were placed in drug treatment programs as an alternative to incarceration. While the Office's initial experiment with alternative-to-incarceration (ATI) drug treatment focused on first-time offenders, treatment is

now also being offered to some second felony offenders. In late 1995, through the TASC program, this Office began placing offenders with prior non-violent felony convictions in ATI programs. We first received DTAP funding in 1998. From 1998 through 2011, the Office placed 3,715 defendants in drug treatment through DTAP. The DTAP model involves: (1) identification of drug-involved offenders; (2) assessment of the offender's drug and alcohol treatment needs; (3) referral to appro-

priate treatment; and (4) continuous case management.

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

TECHNOLOGY

Technological advances give law enforcement new tools to investigate and prosecute crime. However, technology has also spawned new crimes that did not exist before the “computer age” such as internet crimes against children, hacking, and identity theft by means of stolen data. DNA technology, which represents one of the most important advances, is producing valuable forensic evidence that is useful in an increasing number of property and violent crime cases.

DNA PROSECUTIONS

The DNA Prosecutions Unit advises the Office on a broad range of DNA-related issues that involve forensic science to enhance investigations and prosecution of cases. The Unit provides grand jury and trial assistance, as well as continuing legal education training, to assistant district attorneys (ADAs) to ensure that the Office continues to use the most updated and state-of-the-art forensic evidence in prosecutions. The Unit also reviews and responds to requests and motions for post-conviction DNA testing. Recent efforts in 2011 have focused on such topics as the NIJ Cold Case grant, partial matching initiative and the passage of the All-Crimes DNA legislation which will come into effect on August 1, 2012.

NIJ COLD CASE GRANT

In October 2011, the Bronx District Attorney’s Office received funding through a grant from the National Institute of Justice to identify, review and investigate unsolved violent crime cold cases. New advances in DNA technology have aided in the analysis of limited, aged, or degraded DNA samples that

previously were unsuitable for DNA testing, allowing investigators the opportunity to pursue new leads in such cases. Roughly 4,162 unsolved homicides that were committed in Bronx County between 1985 and 2005. To narrow the grant’s focus to a more manageable caseload, the DNA Prosecutions Unit, working in conjunction with the New York City Police Department, specifically targeted cold case homicides from 1995 through 2000, which involved some form of close contact (*e.g.*, strangulation, stabbing). In the grant’s beginning stages, homicides that fell within these established parameters were reviewed for untested or otherwise probative evidence that may now be suitable for analysis by the Forensic Biology Laboratory.

With the creation and expansion of Combined DNA Index System (CODIS), which operates at the local, state and national level, the retesting of evidence from these unsolved cold case crime scenes has a greater chance of “hitting” to a convicted offender’s profile and resolving cases that, due to technological limitations, were virtually unsolvable at the time of their occurrence. Every state in the country has a statutory provision for the establishment of a DNA

database that allows for the collection of DNA profiles from offenders convicted of qualifying offenses.

NEW YORK STATE DNA DATABASE EXPANSION & THE COLLECTION OF DNA SAMPLES

The goal to expand the New York DNA database came in stages beginning in 1995 and culminated in New York State lawmakers passing the All-Crimes DNA Bill on March 19, 2012. Effective on August 1, 2012, the bill will require a DNA sample to be taken from all those convicted of a felony or penal law misdemeanor. Formerly, only offenders convicted of felonies and 36 qualifying misdemeanors were obligated to provide a sample for inclusion in the New York State DNA database pursuant to the New York State Executive Law, §995(7).

A 2011 review by the NYS Department of Criminal Justice Services (DCJS) revealed that thousands of New York City convicted offenders who were required to provide a sample under the law still owed DNA samples from prior convictions. Approximately 5,000 of those offenders were from Bronx County. As a result, the Bronx District Attorney’s Office,

along with the other four boroughs, instituted a new DNA refusal initiative which authorizes the rearrest of an inmate for Obstructing Governmental Administration in the Second Degree, PL §195.05, if the inmate owes a DNA sample to the state database for a prior qualifying offense, but refuses to comply after being read a preprinted Notice of Obligation form.

A partial match occurs when a convicted offender whose DNA is on file does not perfectly match the DNA profile from the crime scene in question and therefore is not the contributor of that sample. In these types of cases, however, the forensic biologist can see that this convicted offender shares a sizeable amount of the same genetic profile with the crime scene DNA donor which is an indicator that they might be a blood relative of the actual offender. Several years ago the FBI began allowing states to release this information to law enforcement agencies to use as an investigative lead in open criminal investigations. Prior to this policy change, an accredited DNA laboratory was prohibited from releasing such information to law enforcement. Colorado and California were the first two states in the country to begin releasing partial hit information with great success, including the 2010 apprehension of a suspect in the Grim Sleep serial murder case in Los Angeles.

In April 2011, the Office of the Chief Medical Examiner (OCME) in New York City began releasing selected near matches to the five

NYC District Attorney's Offices. These designated cases are carefully vetted by the OCME and must meet strict guidelines and statistical thresholds before the name is released to law enforcement. The release of the partial hit information can greatly narrow the pool of potential suspects and provide investigators with crucial information which can potentially solve many cases.

In 2011, Bronx County was notified of 453 DNA hits which were linked to known individuals. Those new DNA hits related to an array of offenses including homicides, sexual assaults, robberies and burglaries. Of those DNA hits, 196 were related to known New York State convicted offenders whose DNA was already on file with CODIS. Of that total number, 49 matched to an out-of-state offender who matched to the local crime scene via the national DNA database maintained by the FBI. These DNA statistics do not account for the all the Bronx County cases where DNA casework was performed by the Forensic Biology Department in 2011. Hundreds of other cases and open criminal investigations are pending in which a CODIS-eligible DNA profile was developed from Bronx crime scene evidence submitted to the laboratory but has yet to match a named offender.

Homicides: There were 39 hits to homicide investigations during 2011. Four of those hit to crime scene evidence collected from other states and 13 hit to convicted offenders who were already in the New

York State DNA database for a previous DNA-qualifying conviction.

Sexual Assaults: There were 89 sexual assault hits in 2011. Forty-nine of those hits were to New York state convicted offenders and 17 were hits to an offender whose DNA was on file with another state.

Burglaries: There were 133 burglary hits in 2011. Sixty-two of those hits were to forensic-to-offender matches where the DNA from the crime scene matched an offender on file with CODIS.

Robberies: There were 61 DNA-related hits to robberies in 2011. Thirty of those matches were matched to a convicted offender already on file with the New York State DNA database and nine were a match to an individual in the national DNA database.

Grand Larceny Auto: In 2011 there was a marked increase in NYPD evidence collected from stolen vehicles. As a direct result, there were 21 DNA hits on stolen vehicles recovered in 2011. Twenty matched a known convicted offender. Many of those identified offenders had a long history of vehicle theft and auto stripping convictions.

Pattern Cases: In 2011, there were over 20 DNA patterns which linked different crime scenes both locally and nationally. These patterns included a series of sexual assaults linked to a homicide; a large scale burglary pattern linked to a robbery; and a brutal home invasion matched to a series of motor vehicle thefts in the Bronx and Manhattan.

DNA Matches Solve Crimes

● **DNA ON HAT LINKED TO ROBBER** - The defendant robbed three bodegas. During each robbery the defendant was carrying a black pistol and wearing a ski mask. DNA that matched the defendant was collected from a hat left behind at one of the crime scenes. He was brought in for questioning and confessed to the other two incidents which had been caught on surveillance video.

● **DNA ON GLOVE IDENTIFIES INTRUDER** - Two victims were asleep in their basement when they awoke to find two scarf-wearing intruders. One defendant took off his glove and tied the victims to a pole in the basement with duct tape, while the other took the victims' money and debit card. Both defendants then left the premises, leaving behind the glove that the first defendant had removed. DNA from inside the glove produced a profile from a convicted offender who was subsequently apprehended.

● **DNA FROM FRUIT SOLVES BURGLARY** - The defendant broke into a house and took a laptop and cell phones. During the burglary, the defendant grabbed a green apple from the victim's kitchen, took a few bites, and left it on the bed in the master bedroom. DNA taken from the bite mark matched a convicted offender's sample from the state DNA database.

● **CHURCH BURGLARY PATTERN** - A large burglary pattern in which the intruder's modus operandi was breaking into local churches, was directly linked to four burglaries in the pattern from DNA evidence left at the crime scenes. In one instance, DNA was found on a butter knife that the defendant had used to break a hole in an interior office door. Blood matching the suspect was found at two other scenes near a pastor's door and by a window. At the last of these four crime scenes, the defendant stole rolls of coins from a lockbox in the church office. Those coins were found in the defendant's home. The defendant's DNA profile found on the lockbox matched the defendant's DNA profile in the state DNA database.

● **DNA FOUND ON FIREARM USED IN SHOOTING** - The defendant and victim were both at a bodega near the defendant's apartment. After a dispute inside the store, both men left. As they walked in the direction of the defendant's building, the defendant shot the other man. No one was able to identify the shooter. Police found the firearm in the lobby of the defendant's apartment building near the victim's body, and they discovered several shotguns stashed on the apartment building's roof. Swabs from the gun used in the shooting and from those left on the roof matched the defendant's DNA profile. The defendant's DNA profile found on the lockbox matched the defendant's DNA profile.

● **DNA FOUND AT SCENE OF THREE BURGLARIES** - In 2008, the defendant broke into an Italian restaurant through the bathroom window and took \$600. Police found an open Snapple bottle containing DNA which matched the defendant's DNA profile in the state DNA database. It also matched DNA from two other unsolved burglary cases in Bronx County. In one of those burglaries, the defendant entered a salon, destroyed office equipment and stole \$1,200, a passport, a wallet and insurance cards. A DNA sample which matched the defendant was taken from a cigarette box that was left behind. The defendant's DNA was also found as a match at a crime scene at Yeshiva University where the defendant stole air conditioners and a truck. Swabs taken from a screwdriver left at the scene matched the defendant's DNA profile.

● **DNA FOUND ON FIREARM USED IN MURDER** - In 2008, the defendant shot and killed a victim and shot and missed another man. Prior to trial, the police received information about the whereabouts of the murder weapon. Detectives then found the .22 caliber revolver from the shooting sealed inside a wall in an apartment. The gun was swabbed for DNA and a mixture of two profiles was detected. Applying the Forensic Statistical Tool, the Office of the Chief Medical Examiner (OCME) was able to determine that it was 1.92 million times more probable than not that the defendant was included in the mixture of DNA found on the weapon.

INTERNET CRIMES AGAINST CHILDREN

Ever-increasing access to computers and the internet opens doors for both children and adults to acquire a wealth of information without ever having to leave their homes. Unfortunately, however, the availability of this technology may also give sexual predators access to our children. According to the U.S. Census 2010, there are close to 400,000 Bronx residents who are under the age of 18. Many of them use computers daily.

In 2001 this Office received a federal grant to establish an Internet Crimes Against Children (ICAC) Investigative Satellite initiative. Through this program, detectives and assistant district attorneys

have developed excellent contacts in the law enforcement community, with whom they share ideas and expertise. The agencies include New York State's ICAC Task Force and Attorney General, numerous District Attorneys' Offices, the New York State District Attorneys Association, U.S. Customs, the Federal Bureau of Investigation and the U.S. Secret Service. In addition, members of the Satellite Task Force are members of numerous other task forces and committees dedicated to the investigation and prosecution of internet crimes against children.

The explosive growth of the internet over the last decade has been accompanied by an increase in associated crimes, including crimes committed against children. The

majority of these crimes involve the dissemination of pornographic images. These crimes are committed by people from all walks of life, including doctors, lawyers, clergy, teachers and even law enforcement professionals. The perpetrators often seem to believe that they are insulated from prosecution due to the relative anonymity of the internet. The harmful effects on children can be enormous and enduring. In recognition of this problem, the Mayor's Criminal Justice Coordinator formed a Sexual Predator and Electronic Crimes Task Force to coordinate law enforcement efforts.

Perpetrators of these crimes are identified through the use of undercover officers who enter cyber "chat rooms" and engage

in explicit sexual chats, posing as someone the predator believes to be a minor. This is often a time-consuming process because the predator's trust must be gained. An undercover officer can typically only "chat" with one preda-

tor at a time. It frequently takes many hours of "chatting" before discussions of meetings take place. In addition, the perpetrator must be identified through an Internet Service Provider address because the perpetrator rarely provides a

true name or address. Although these investigations are labor intensive, the payoff is enormous when a potential child abuser is arrested and punished.

Child Pornography

The New York State Internet Crimes Against Children (ICAC) task force alerted the NYPD computer crime squad that an account belonging to 53-year-old Luis Rodriguez was uploading child pornography. A joint investigation conducted by the NYPD and the Bronx District Attorney's Office followed and led to the execution of a court-ordered search warrant at Rodriguez's home. Rodriguez's computer was seized and examined by computer forensic experts. Over 100 images and videos of boys engaging in sex acts with other boys and adult men were found on the computer.

Rodriguez was arrested on

December 6, 2011. He confessed on video to downloading the images over the internet. He attempted to justify his actions by saying that he looked at pictures instead of abusing children in the neighborhood. Rodriguez has multiple prior convictions for sex offenses against children and was already a Level 3 sex offender at the time of his arrest.

Rodriguez waived an indictment and pleaded guilty, less than ten days after his arrest, on December 15, 2011, to promoting a sexual performance by a child. He was sentenced to nearly the maximum sentence for the offense: 3-6 years imprisonment plus sex offender registration.

FINANCIAL CRIME

Newspapers report almost daily on financial crimes fueled by technology, such as internet scams that promise millions of dollars in exchange for personal information and identity thefts that allow predators to sell victims' homes without their knowledge. However, some thieves steal the old fashioned way, without assistance from computers or other sophisticated technology. Some of these crimes deprive victims, both individuals and businesses, of hundreds of thousands of dollars.

Sometimes the "victim" of financial crime is a government, such as New York City or State. Since 2005 this Office has received grants from NY State under the Crimes Against Revenue Program (CARP). Funds from CARP grants support prosecutors, detective investigators and forensic accountants to investigate and prosecute individuals and corporations that steal from NY

State and/or NY City by failing to pay sales or income taxes. In some cases, the amounts owed may reach hundreds of thousands or even millions of dollars. The sentences for convictions of such crimes include restitution to the state and/or city of the taxes owed.

Two of the cases illustrated below are "CARP" cases. One involved a defendant who evaded

more than \$800,000 of NY State and City cigarette taxes. The defendant in the second case stole close to \$600,000 in NY State sales tax. The final case is that of George Henry who abused his position as a Housing Coordinator to steal more than \$50,000 in rent checks.

Trafficking Untaxed Cigarettes

Thirty-six-year-old Ablasse Sore (AKA Abdul) trafficked in large quantities of untaxed cigarettes. His activities were documented during a long-term sting investigation into cigarette tax evasion and bootlegging undertaken jointly by the New York State Department of Taxation and Finance and the Bronx District Attorney's Detective Squad.

Between August 4, 2009, and August 3, 2010, Sore met with undercover officers and a confidential informant over 60 times to purchase untaxed cigarettes. Sore spent \$695,000 on 16,711 cartons of untaxed cigarettes and evaded \$809,766 in combined City and State taxes.

On December 8, 2011, Sore pleaded guilty to New York Tax Law 1814(c)(1)--possessing 10,000 or more untaxed cigarettes. He was sentenced on December 22, 2011, to 2-6 years in prison and forfeited \$14,500. In addition, the court ordered a judgment of \$3,326,700 in favor of the Department of Taxation and Finance for evaded taxes and penalties. Sore faces possible deportation upon completion of his sentence when he will be paroled to ICE.

Approximately 19 other defendants were indicted separately for similar crimes during this multi-million dollar tax evasion investigation.

Tax Fraud

Sixty-year-old Jose Torres owned a popular Bronx restaurant called “Joe’s Place.” After executing a search warrant on December 1, 2010, detectives from the District Attorney’s Office and investigators from the New York State Department of Taxation and Finance seized business records and computers from the restaurant. The records revealed that from July 2003 through November 2010, Torres and his corporation “Joe’s Place” collected \$581,938 more in state sales tax than he paid. Gross sales were \$6,715,804 more during this period than what Torres reported on his sales tax returns. After a joint investigation by the Bronx District Attorney’s Office and the New York State Department of Taxation

and Finance, Torres was arrested and charged with grand larceny in the second degree and criminal tax fraud in the second degree.

On September 8, 2011, Torres pleaded guilty to criminal tax fraud in the fifth degree, a misdemeanor. His corporation “Joe’s Place” pleaded guilty to criminal tax fraud in the second degree, a felony. Therefore, Torres pleaded guilty to a misdemeanor and his corporation pleaded guilty to a felony. Under the terms of the plea agreement, Torres must pay back \$581,938 to the State of New York by January 2015. He will then be sentenced. To date, he has paid back \$200,000.

Grand Larceny

Between March 2010 and February 2011, fifty-year-old George Henry worked as a Housing Coordinator at Jasper Hall, a supportive housing complex located in the Melrose section of the Bronx. As Housing Coordinator, Henry’s primary responsibility was to collect rent. Henry used this position to steal more than \$50,000 by cashing tenants’ rent checks for himself and by forging tenants’ signatures on public assistance checks.

Jasper Hall contains 31 units for families with special needs and 22 units for young adults who have aged out of foster care and also have special needs. Jasper Hall provides on-site social service programs for tenants, including counseling, case management, and employment and education assistance.

From March 2010 through February

2011, Henry collected money orders from tenants for rent. He then took the money orders to a check cashing store and cashed them, keeping the money for himself. As a result, the tenants had rent arrears and faced proceedings for eviction.

Henry also forged letters from the NYC Department of Housing Preservation and Development instructing tenants to pay additional money each month or face eviction. About thirty-three tenants gave money orders for the specified amount to Henry each month.

Henry targeted tenants who received Social Security benefits. He made himself the representative payee for two tenants. Thus it was his responsibility to cash the Social Security check and use the money for the benefit of the

Grand Larceny (Continued)

payee. Instead, he cashed the checks and kept most of the money for himself.

The Lantern Organization, which operates Jasper Hall, fired Henry and reimbursed tenants for their losses to Henry's scam.

On October 13, 2011, Henry pleaded guilty to grand larceny in the second degree. He was sentenced on October 27, 2011, to three-to-six-years in prison and ordered to pay \$74,331 in restitution.

OFFICIAL MISCONDUCT

When people we trust to administer government programs or enforce the law subvert it to their own advantage, the public's faith in government is undermined. Public employees are expected to honor the public trust and behave ethically and within the law. While

the vast majority of public employees deserve the public's trust, the District Attorney vigorously prosecutes those who betray it.

Although none of the cases have been disposed, allegations that a large number of Bronx police officers were involved in ticket fix-

ing have already affected outcomes in several criminal cases. When the public believes that the police have behaved inappropriately or criminally, credibility becomes more of an issue during trials in which they testify.

Police Corruption

On October 28, 2011, Bronx District Attorney Robert T. Johnson and New York City Police Commissioner Raymond Kelly announced the indictment and arrests of 16 members of the NYPD and five civilians on numerous felony and misdemeanor charges stemming from a nearly three-year long joint investigation into allegations of corruption across a broad spectrum of crimes.

The investigation began in December 2008 when an anonymous tip received by the NYPD Internal Affairs Bureau alleged that a police officer assigned to the 40th Police Precinct in the Mott Haven section of the Bronx engaged in various illegal business activities with a reputed drug dealer. It was alleged that large quantities of marijuana were being sold, on a regular basis, at two barbershops that the police officer owned. This police officer allegedly committed such crimes as robbery, attempted grand larceny, transporting what he believed to be a shipment of heroin for drug dealers, selling counterfeit CDs and DVDs in his barbershops, and disclosing the identity of a confidential informant who was providing information on a series of shootings and homicides. The investigation expanded when detectives

uncovered unrelated evidence of an organized and wide-scale practice of "fixing" parking and traffic tickets and criminal and other summonses. The investigation also exposed the alleged failure of police officers to make an arrest and attempt to cover-up an assault by a defendant with a PBA connection. The exhaustive investigation employed the use of court-ordered wiretaps on more than two dozen telephone lines involving more than ten thousand calls, undercover "sting" operations by NYPD Internal Affairs investigators which were captured on video and audio recordings, and traditional surveillance techniques.

On March 22, 2011, a special grand jury was empaneled to hear evidence uncovered during the investigation regarding alleged crimes by police officers, including attempted robbery, grand larceny, attempted criminal possession of a controlled substance, obstructing governmental administration and official misconduct. The grand jury also reviewed evidence of crimes by civilians, including felony assault, criminal sale of marijuana, and criminal sale and possession of a firearm.

In addition, 11 New York City police officers were indicted on a variety of charges related to having or attempt-

Police Corruption (Continued)

ing to have summonses “fixed,” with no liability to the persons who received them. This essentially involved summonses issued to family members, friends and acquaintances of police officers. The indictments allege that between September 29, 2009, and November 22, 2010, the charged officers repeatedly “acted in concert” with other NYPD officers to remove, destroy, or otherwise prevent NYC parking summonses, Department of Motor Vehicle traffic summonses, and NYC Criminal Court summonses from being properly processed by their respective agencies. In total, the grand jury returning 22 indictments charging 21 defendants with

1,600 felony and misdemeanor counts. The majority of those charged were delegates and trustees of the Patrolmen’s Benevolent Association. The cases are pending.

District Attorney Johnson said, “We looked into allegations of crimes being committed, and succeeded in obtaining indictments against those allegedly responsible for serious acts of corruption and criminal conduct. The Bronx District Attorney’s Office, along with the NYPD, will continue to work together to combat crime no matter who commits it or whatever career title he or she may hold.”

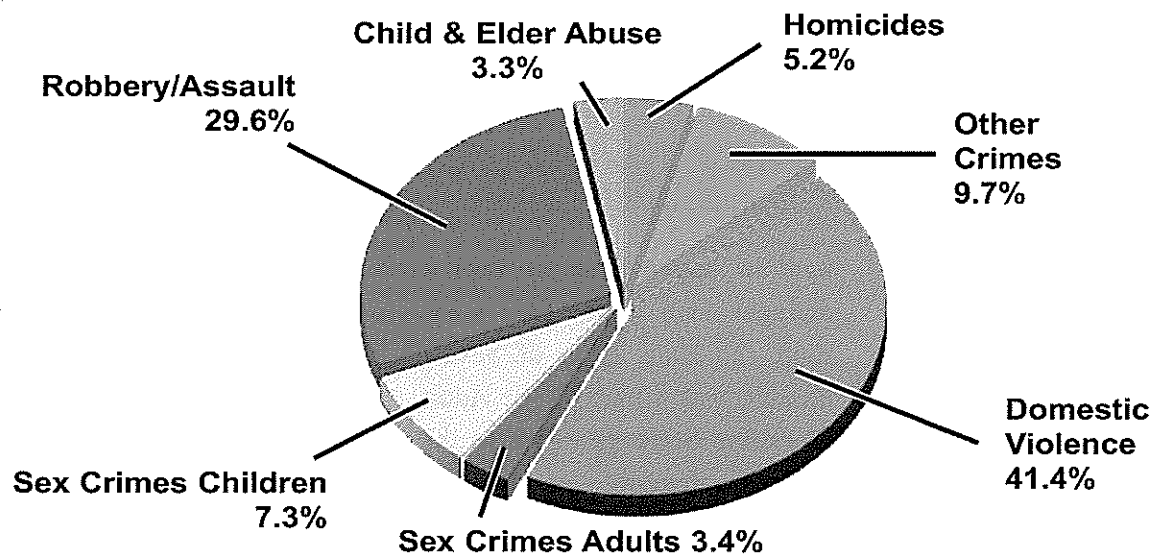
Crime Victims Assistance

The Bronx District Attorney's Crime Victims Assistance Unit (CVAU) provides comprehensive services to crime victims, ranging from information and referrals to individual and group therapy. The locations of the unit, in the District Attorney's Offices on 161st Street in the South Bronx, are generally convenient because of their proximity to the court.

The CVAU saw a total of 3,117 new clients in 2011. CVAU staff made more than 39,000 service contacts with victims and witnesses during 2011. These services were provided from both the Unit's three sites on 161st Street and the CVAU satellite office in the northeast Bronx.

Crime Victims Assistance Unit Contacts By Type of Crime

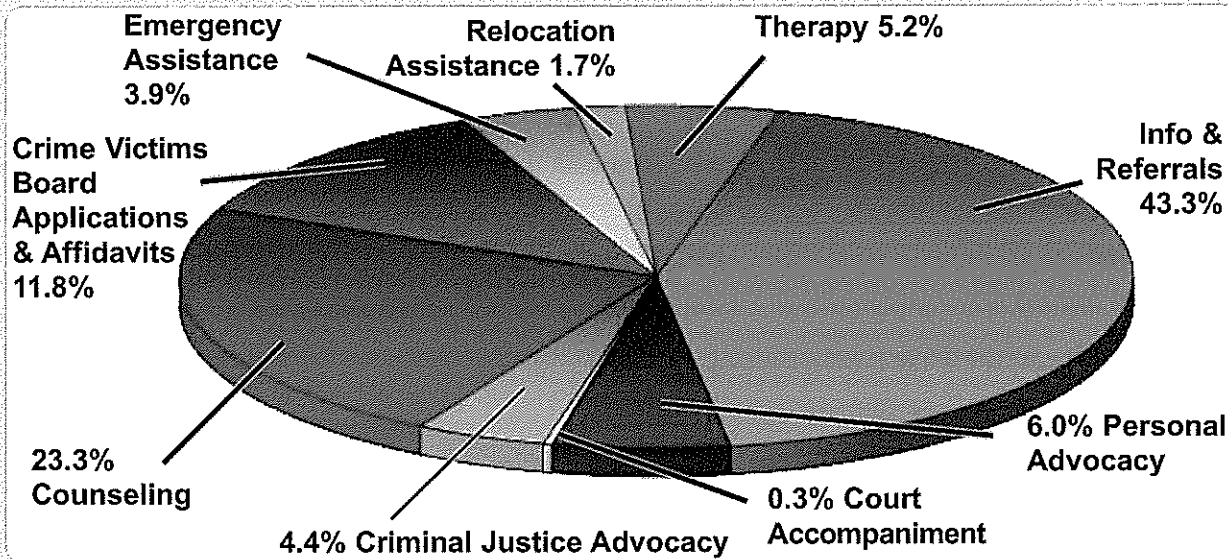
Total 2011 New Client
Contacts: 3,117



Source: Office of Bronx District Attorney

Crime Victims Assistance Unit Contacts By Type of Service Provided

Total 2011 Service
Contacts: 39,061



Source: Office of Bronx District Attorney

SEXUAL ASSAULT AWARENESS MONTH

April is Sexual Assault Awareness Month. In an effort to educate the Bronx Community about sexual violence, the Crime Victims Assistance Unit, along with a group of youth from Effective Alternatives in Reconciliation Services, created a skit depicting two scenes in which sexual violence takes place. The first scene got the audience to think about the various forms of sexual violence and the conditions in a community that encourage or are tolerant of sexual violence. The second scene showed the terror experienced by a victim of a sexual assault. After the skit was performed, the characters stayed in their roles and the audience

had an opportunity to have a dialogue with them. This workshop, the Many Faces of Sexual Assault, was a part of the Adult Workshop Series provided to the Bronx Community.

DOMESTIC VIOLENCE AWARENESS MONTH

In October 2011, as part of Domestic Violence Awareness Month, the CVAU held its third annual Purple Door Project. CVAU staff covered all of the Unit's doors in purple, the designated color for domestic violence. Their hope was that the services we deliver to victims will lead to domestic violence stopping at our doors. In addition, they invited the rest of the staff to show support by displaying purple

on their office door or around their cubicle.

As part of its adult workshop series, the Office held a Roundtable Discussion. Seated around the table were the Chief of the Domestic Violence Bureau, the Director of CVAU, a therapist, the Director of the Bronx Family Justice Center, and two domestic violence survivors. The survivors shared their stories in front of an audience composed of community members. The professionals then had an opportunity to ask questions, followed by questions from the audience.

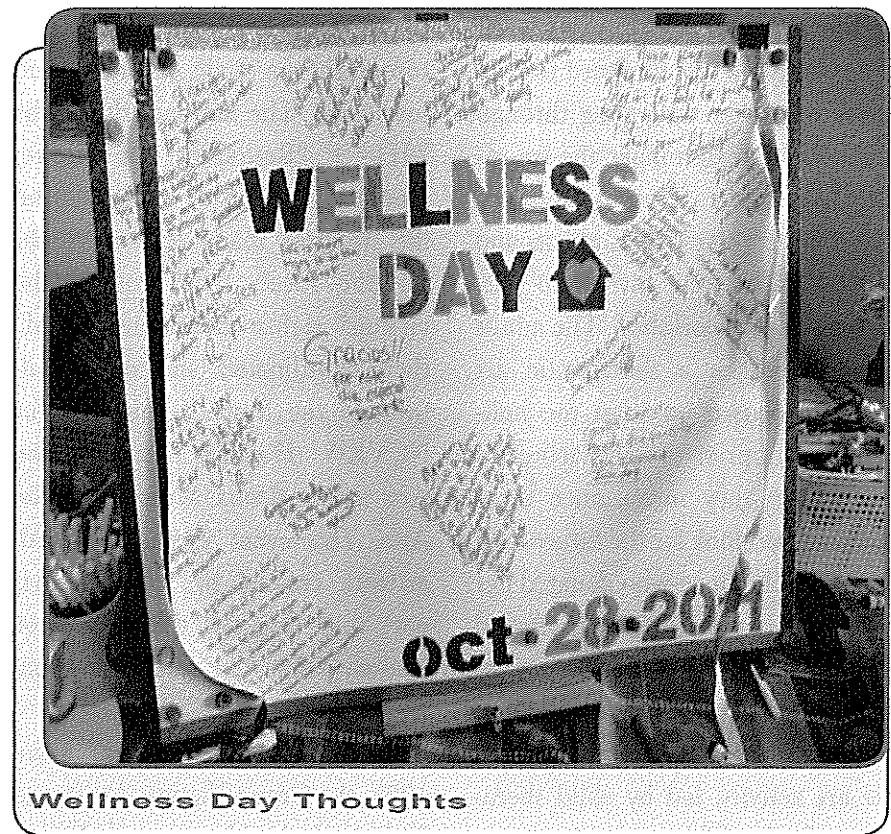
CRIME VICTIMS ASSISTANCE UNIT SATELLITE OFFICE

This Office's Crime Victims Assistance Unit (CVAU) provides

comprehensive services to crime victims, both at the Office's main location on 161st Street and also at a satellite office that opened in Community District 12 in 2003 to make services available throughout the Bronx. The satellite office grew from a series of federal grants from 2002-2005 that funded an Advisory Committee tasked with planning and implementing a referral network to link clients to community service providers for services that cannot be provided by CVAU staff. During 2011 we held special events at the satellite office, including a Wellness Day during Domestic Violence Awareness Month and Coping with the Holiday Blues in December.

WELLNESS DAY

On October 28, the CVAU hosted a day of wellness for victims and survivors of domestic violence. The Wellness Day mind/body/spirit workshop promoted a positive and healthy way of feeling, thinking and living. Twenty-five women attended the event. Clients learned healthy coping skills, ways to reduce stress and reconnect with their inner selves through a variety of holistic and beauty techniques that included beauty, creative art, dance, and yoga classes facilitated by professional instructors who volunteered their time to be part of this special event. Clients also volunteered their time to share their personal stories and assist staff and instructors in facilitating the classes. The clinical staff



provided clinical services on site and instruction behind the scenes.

The classes were **Tease, Toss, and Spray** (which provided tips on how to enhance or change hairstyle to make you feel your best to create an environment to reflect on appearance prior to and after abuse); **The Many Faces** (designed to learn how to use creative techniques to express inner feelings and thoughts by creating a mask of yourself); **Shake It** (a dance class used to reconnect physically and emotionally with inner selves alone and with others using music); **"De-Stress"** (a yoga class designed to introduce victims/survivors to a holistic approach to healing using movement and mental and spiritual connection while also focusing on breath work to help improve overall health and provide a sense of relaxation and insight).

After each class, clients were asked to take a group picture as a commemoration of their class participation. Clients were given lunch and refreshment/snacks throughout the day, another approach to ensuring that clients make healthy choices. Throughout the day, clients were asked to write on a poster board designed and provided for the event so as to capture their thoughts and feelings.

COPING WITH THE HOLIDAY BLUES

There were two events at the CVAU satellite office on Saturday, December 10, 2011 - the Coping with the Holiday Blues Workshop and Book Drive, and the Tree of Angels. Holidays are a time of cheer and celebration, but many crime

victims do not feel joyful and merry. The workshop was designed to help those who were struggling through the holiday season make the transition from crime victim to survivor.

Twenty-five CVAU clients and their families were invited to participate in the workshop. The adults participated in a therapeutic art activity focused on what the holidays meant prior to their victimization, what they mean since then, and their outlook for the future. Led by an art therapist who donated her time, the participants each created a scrap book. While the adults were involved in this activity, the children participated in their own therapeutic art activity, led by child therapists. Each child received one or two new books (donated by District Attorney's Office staff).

The workshop was followed by a tree lighting ceremony. The "Tree of Angels" was started by Milagros Guzman, whose 10-year-old daughter Jessica was murdered in 1990. In 2011 Ms. Guzman, who now lives out of state, requested that the Tree of Angels continue to be placed outside the CVAU Satellite Office. Families and friends of homicide victims were invited to commemorate the angel they lost by hanging an angel ornament on the tree.

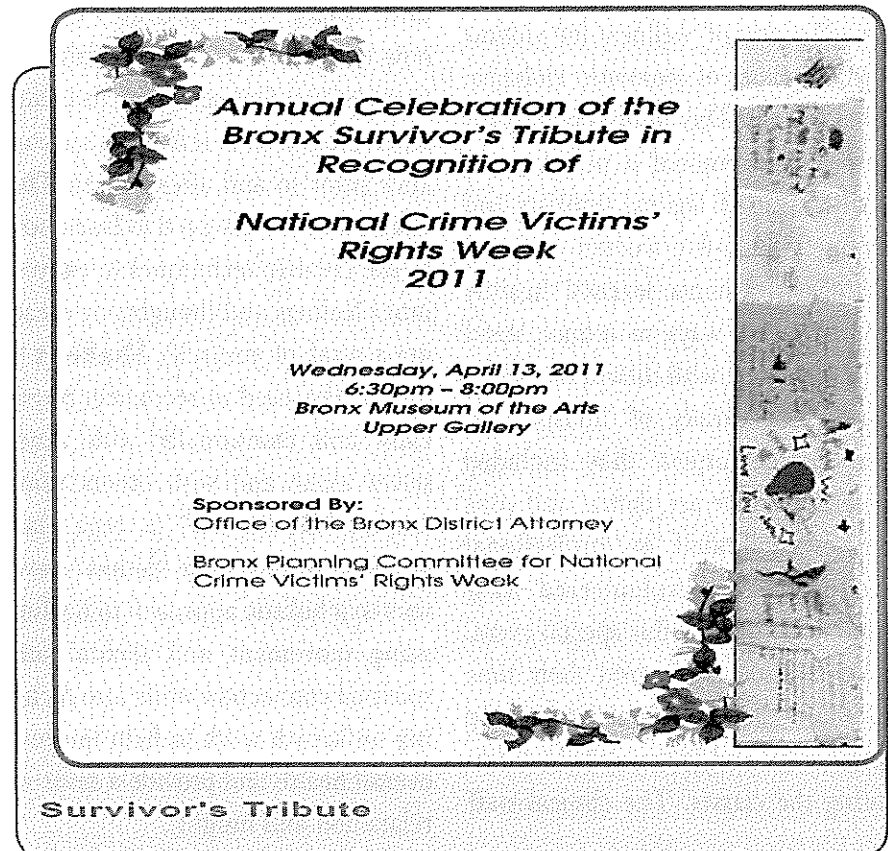
NATIONAL CRIME VICTIMS' RIGHTS WEEK EVENTS

In April 2011, CVAU was involved in the yearly presentation of the National Crime Victims' Rights Week (NCRVW) Candle

Light Vigil, the kick-off event that recognizes the plight of victims and survivors. The national theme for 2011 — "Reshaping the Future. Honoring the Past." — focused on the progress made toward reaching the ideals that inspired the victims' rights movement. CVAU then coordinated and organized, through the Bronx Committee for NCVRW, Healing Through the Arts at the Bronx Museum of the Arts. This event was graced with artwork created by victims/survivors that depicted the impact of trauma associated with a criminal incident.

As it has each year since 1996, the Crime Victims Assistance Unit worked with a partnership of allied professionals and community volunteers to create and organize

the Bronx Clothes-Line Project. The Clothes-Line Project is a striking visual presentation of t-shirts designed by survivors of crime to break the silence surrounding victimization and to make their voices heard by others who support them in their struggles to heal. Each shirt symbolizes pain, survival, healing and empowerment, and provides a window into the life of a victim who survived violence. The messages on the shirts are individualized — some poetic, some plaintive — allowing the artists to express their feelings in their own way. This visual presentation tells the stories of hundreds of survivors of abuse, violence and neglect. The dramatic illustration of t-shirts hanging side-by-side provided viewers with a glimpse of the devastating effects of crime



Survivors of domestic violence, rape, child abuse, elder abuse, assault and other crimes of violence decorated the t-shirts with messag-

es, poems, photographs and drawings. Some t-shirts were memorials to victims of homicide. On the final day of NCRVW, a Survivor's

Tribute was held where the NYPD's Commissioner Ray Kelly addressed over one hundred people from many different backgrounds.

“Carnage on I-95 After Crash Rips Bus Apart”

Headline from *The New York Times*, March 12, 2011

Early in the morning of March 12, 2011, a chartered bus traveling from the Mohegan Sun casino in Connecticut crashed on I-95 in the Bronx en route to Chinatown in Manhattan. The horrific crash resulted in the death of 15 people. In addition, 16 people were injured, seven seriously. In August 2011, a Bronx grand jury indicted the bus driver and charged him with manslaughter in the second degree, assault in the second degree, and criminally negligent homicide.

On August 29, 2011, the NYS Office of Victim Services (OVS) requested that CVAU contact the family members of the deceased and injured victims and offer assistance with filing victim compensation claims and provide other supportive services. CVAU contacted victims, next of kin and family members, and, in some instances, attorneys hired by surviving family members. Many of the individuals were of Chinese descent, and it was necessary to use an interpreter who spoke Mandarin and Cantonese to communicate with victims and families. CVAU contacted family members or representatives of 14 of 15 of the deceased and 12 of the 16 injured victims. This was a major undertaking, and it took two weeks of making many phone calls during evenings as well as weekends to make these contacts.

On September 20, 2011, CVAU assisted the NYC Police with returning property that belonged to the passengers.

The day was dedicated to providing services to survivors. As expected, receiving their property was accompanied by an outpouring of emotions with which CVAU assisted. Other services were provided to survivors throughout the day in collaboration with the New York Asian Women's Center, a Chinese interpreter, the New York State Police, and a representative from the NYS Office of Victim Services. These services included crisis intervention, assistance with OVS compensation applications and other entitlements, court information, and individualized services and advocacy.

On September 22, 2011, CVAU dedicated the day to assisting family members of those who died in the crash with the help of the New York State Police, the NYS Office of Victim Services, the interpreter, CVAU advocates and a therapist. A special day was dedicated to these loved ones because it was believed their emotional and other needs differed from those who were injured in the crash. CVAU provided services such as crisis intervention, court information, assistance with filing OVS claim applications for reimbursement of funeral expenses and other expenses incurred as a result of the loss. Property belonging to the deceased was returned to family members and loved ones, and CVAU staff and the prosecutor handling the case were available to answer questions and provide emotional support.

“Carnage on I-95 After Crash Rips Bus Apart” (Continued)

Headline from *The New York Times*, March 12, 2011

CVAU’s entire staff was available to provide services. After these initial meetings, all survivors were encouraged to contact their specially assigned advocate and/or

therapist with additional needs. Some have had extensive contact with CVAU since then, whereas others have had minimal contact.

Partnerships and Collaboration

CHURCHES JOIN BRONX DA AND NYPD GUN BUYBACK

On June 4, 2011, the Bronx District Attorney's Office collaborated with the NYPD and the Bronx Borough President's Office to implement a Gun Buyback Program to reduce the number of illegal firearms in the county. Three houses of worship from diverse faiths and neighborhoods served as host sites for the event. Following very successful programs in 2009 and 2010, the 2011 program netted 354 guns, including one Uzi and four AK-47 style assault rifles.

Participants received a \$200 pre-paid bank card for each operable handgun turned in, and \$20 for operable rifles and shot guns. Participants were able to turn in up to three guns per visit at any of the four locations, and all transactions were completely anonymous and conducted on a "no questions asked" basis.

District Attorney Johnson said: "We are gratified that Commissioner Kelly and Borough President Diaz recognize the deadly threat that guns pose in our community and once again are being proactive. Now it's up to all of our citizens to

do their part in getting these guns off the streets before they cause more deaths, serious injuries and destroy families."

The danger posed by the availability of illegal guns is illustrated by the case below in which a minor confrontation turned deadly. These guns often find their way to the streets of the Bronx through gun traffickers such as the one described below.

Gun Violence

A five dollar entrance fee gained admittance to the party at a rented community room in the Bronx on April 27, 2008. An unauthorized person allegedly collected \$5 as people entered the building, and this led to a confrontation at the party. When the party ended, a participant in this confrontation handed twenty-year-old Anthony Brewer a gun. Brewer then opened fire at the crowd, shooting a 20-year-old male once through his heart and killing him, and shooting a 15-year-old

female in her ankle.

Brewer had no prior criminal history, and he apparently did not know the victims. In fact, he had no clear motive to shoot them. Yet this senseless crime was caused, at least in part, by the availability of an illegal, unlicensed handgun.

On December 20, 2011, Brewer pleaded guilty to manslaughter in the first degree. He was sentenced to 20 years incarceration plus five years post-release supervision.

AKA Gat Tony

Twenty-five-year-old Phillip Washington, AKA Gat Tony, sold five guns to an undercover police officer during the course of an investigation into gun trafficking. The joint investigation, conducted by the Firearms Investigation Unit of the NYPD and the Rackets Bureau of the Bronx District Attorney's Office, began in October 2006 and ended when Washington was arrested on January 18, 2007. Washington was indicted for selling guns and about a pound of marijuana. He warranted while awaiting trial and was arrested for bail jumping. During the apprehension, he was observed jumping out a window of a Brooklyn apartment building with a firearm in his waistband while attempting to throw three loaded firearms out a window. He was indicted by a Brooklyn grand jury on those gun possession charges.

During the trial, the defense raised questions about the defendant's identity because the undercover officer only knew the defendant by his street name ("Gat Tony"). However, an internet search uncovered a YouTube rap video depicting the defendant in front of the location of one of the gun sales engaging in a hand-to-hand exchange (such as those used by drug dealers) rapping about his open felonies and referring to himself as "Gat Tony." The judge admitted the video into evidence, and the jury watched it.

On November 19, 2010, Washington was found guilty of one count of criminal sale of a firearm in the third degree and criminal sale of marijuana in the first degree. He was sentenced on February 10, 2011, to 13 years in state prison.

SPECIALIZED COURTS AND PROGRAMS

This Office plays a key role in Bronx County's specialized courts and programs. There are currently a number of such specialized courts within the county, including the Bronx Treatment Court and the Bronx Mental Health Court. The Bronx District Attorney's Office has diverted defendants to drug treatment for many years and developed formal partnerships to do so in October 1992. As can be seen from the table on page 13, in 2011 the Bronx District Attorney's Office diverted 794 defendants to treatment through the Drug Treatment Alternative to Prison (DTAP) pro-

gram, the Bronx Mental Health Court, and other programs.

BRONX MENTAL HEALTH COURT

Over time it became clear that some candidates for diversion suffered from both drug dependency and mental illness. While staff always tried to place such non-violent defendants in treatment programs which were appropriate for individuals with dual diagnoses, in 2002 we entered into a formal partnership with Treatment Alternatives for Safer Communities (TASC) and Research Triangle Institute (RTI) to create the Bronx Mental Health Court. As the grantee, this

Office administers grants and subgrants, monitors compliance with the terms of grants and with subgrantees' letters of agreement, has fiscal responsibility, and provides staff to work in the court part.

In 2003, eligibility for diversion to the Bronx Mental Health Court was extended to defendants with serious mental illness (with or without drug dependency). In 2004, the court's capacity was further expanded to provide services for mentally ill defendants with HIV/AIDS. These defendants are subject to the same level of supervision and sanctions for failure to complete treatment as other diverted defendants.

In 2007 federal funds enabled us to further expand treatment capacity to defendants who have tested positive for HIV/AIDS or are at risk of contracting HIV (but do not necessarily have a mental illness). In 2010 we received a grant to enhance treatment and services for defendants with alcohol and drug abuse/dependence and those with co-occurring mental disorders.

BRONX COMMUNITY SOLUTIONS

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

In 2011, Bronx Community Solutions handled about 11,080 misdemeanor cases. Of those, more than 7,000 received community service sentences (5,338 community service only, 1,753 social and community services). Seventy-nine percent of offenders who appeared for intake completed their mandate. Community service projects include graffiti removal, sorting donated food for a faith-based charity,

street sweeping and maintaining local parks. In addition, Bronx Community Solutions provided services such as job training and drug treatment. On average participants performed three days of service. BCS estimates that 91,707 hours of community service were completed in 2011. Community service is sometimes performed in partnership with community-based organizations.

In addition to community service, Bronx Community Solutions offers other sentencing options, including treatment readiness programs, inpatient and outpatient drug treatment, social service and educational assessments and customized group classes. Examples of social service group classes that are available include health education, job readiness, decision making, anger management, drug treatment, and youth life skills. Each class is designed for particular needs of the offender population and meets up to three days, Monday through Friday, during business hours.

BCS also operates special initiatives. The Mental Health Initiative (MHI) completed its second full year in 2011; MHI screening identified 1,272 clients, 79% of whom completed their mandates. In addition, 2011 was the first full year of the Prostitution Initiative. BCS staff worked with 205 Prostitution clients and had a 72% completion rate.

OPERATION WEED & SEED

The Weed and Seed program focuses federal, state and local resources on specific communities

to “weed out” drug trafficking, violent gangs, and robbery perpetrators, while “seeding” the community with resources to improve the quality of life. Beginning in the late 1990s, Bronx County has been home to two Weed and Seed sites, one located in the Soundview/Bruckner neighborhood and the other in Mott Haven (which reached maximum funding and closed in 2006). The Soundview/Bruckner site has also reached maximum funding and is now a “graduated” site. Although we no longer receive federal funding, activities and programs continue to be offered.

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

Each year since 2007, Weed and Seed has operated a Volunteer Income Tax Assistance (VITA)

program that provides free tax preparation services for community members. In 2011 VITA volunteers at the Bronx River Houses Community Center prepared and filed (electronically) 223 returns for community residents. As a result, they generated \$230,095 in federal tax refunds for the community. In 2011 funding from Councilwoman Palma enabled us to pay one person to manage the VITA Center for three half-days per week during tax season.

CONCEPT – CREATING OPPORTUNITIES NECESSARY TO CREATE EMPOWERED POSITIVE TEENS

CONCEPT is a school-based program taught by a member of the District Attorney's staff and offered at the following Middle Schools: The Albert Einstein School IS 131, the William W. Niles School MS 118, and John Philip Sousa MS 142. These schools, located in the 43rd, 47th, and 48th precincts, are in neighborhoods with significant gang and gun problems. Five hundred students in the seventh grade and 150 students in the eighth grade participated in CONCEPT during the 2010-2011 school year.

The CONCEPT program engages students in healthy dialogue, questioning the legal consequences of criminal activity. Students are able to share their perceptions of the law. As part

of the program, students participate through the use of role playing in skits and other structured, interactive classroom activities that relate to each week's lesson. Students become familiar with the S.O.D.A.S. decision-making model: Define the Situation; explore your Options; evaluate the Disadvantages and Advantages to each option; Select the option that will benefit you and others. Students in the class observe and assess various video clips relating to the topic and use what they have learned to respond to practical hypothetical situations. Finally, students practice information analysis relating to unclear or misleading messages from different media and peer groups and learn how to research whether information is credible.

DOMESTIC VIOLENCE

In 2011 the Bronx continued to suffer the highest rate of domestic violence reports per 100,000 population among the five boroughs. The Bronx's 77,287 Domestic Incident Reports represented 30% of the City's total. The Office has pursued many strategies to address the domestic violence problem. These include its work with criminal justice agencies and non-profit organizations in Bronx County's Domestic Violence court parts, and its collaboration with local

agencies, most prominently the Bronx Borough President's Office. Although many of these initiatives have been supported by some level of grant funding, those funds have waned.

In 2011 the Bronx Borough President's Office, in partnership with the Bronx District Attorney's Office, Safe Horizon (a non-profit provider of victim services), and the NYC Department of Probation, received funding under a Grant to Encourage Arrest Policies from the Office on Violence Against Women. This 24-month grant provides funding for prosecution staff; an interpreter; and two probation Officers. Funding also provides support and services for domestic violence victims, and a Batterers Intervention Program for probationers.

In 2011 this Office continued to work with the Mayor's Office to Combat Domestic Violence on the Bronx County Family Justice Center (FJC), which opened in April 2010 and is located in our main building at 198 East 161st Street. The FJC houses the Bronx District Attorney's Domestic Violence Bureau, as well as representatives from a vast array of social service organizations, legal services providers, and City agencies (e.g., NYPD, Probation, NYCHA). Services are available in English, Spanish, and other languages. The FJC is a one-

stop center for domestic violence victims and their children.

In the two years since opening in April 2010, the FJC served

10,092 clients seeking domestic violence services. During the same period, 2,286 children were supervised in the Children's

Room. There were 25,794 total client visits (new and repeat) to the FJC between April 26, 2010, and April 27, 2012.

Burglary by Former Boyfriend Turns Violent

On October 19, 1987, Jose Ortiz pleaded guilty to ten felonies (including three counts of murder in the second degree and three counts of burglary in the first degree) and one misdemeanor stemming from a single incident. He was sentenced to 15-years-to-life in state prison.

About 1½ years after being paroled, 39-year-old Ortiz met 39-year-old Sophie (pseudonym). They dated briefly, and then Ortiz moved in with Sophie and her teenage daughter. Ortiz moved out a few months later, but continued to come to the apartment even though Sophie wanted to move on. While there had been no violence between the two, Ortiz was consistently jealous because he believed Sophie was with other men.

On February 7, 2009, Ortiz entered the apartment without Sophie's knowledge. She believes Ortiz made a key to her home without her permission. Ortiz hid, waiting. When Sophie returned home, she went to her bedroom to sort clothes to do laundry. Ortiz came up behind Sophie and hit her on the back of her head. She fell to the floor, not knowing what had happened. When she got up, she saw Ortiz coming towards her. He grabbed her by the neck and began to strangle her, and then he began stabbing her with a knife.

She heard the blade hit the floor when the knife broke, and bloody marks on the front of the knife drawer indicated where he found a second knife. Ortiz returned to the bedroom and continued to stab her, and then he left. Sophie was able to crawl from the bedroom, through her apartment and to her front door. She knew that if she did not get out of her apartment she would die there. A young neighbor entering the building saw her, bloodied, as she opened her front door. She told him who committed the crime, and he called the police.

Sophie suffered bruising to her neck from the attack, as well as multiple stab wounds to her head, face, hand and arm. One of the stabs severed her facial nerve. She required surgery, but the repair was not successful. She suffers permanent paralysis to the left side of her face.

On April 21, 2011, Ortiz was found guilty of assault in the first degree and two counts of burglary in the first degree. On August 2, 2011, he was sentenced to 20 years imprisonment plus five years of post-release supervision, to run consecutive to his life sentence from his previous conviction.

GANG PROSECUTION

In 2011 gang-related or gang-motivated crime incidents in the Bronx ranged from homicides and other violent crimes,

to weapons, drug possession, and various property crimes. This gang activity contributes to the Bronx's disproportionate share of violent crime. The Bronx District Attorney's Gang/Major

Case Bureau assigns experienced prosecutors to investigate growing and increasingly violent gang activity in the Bronx.

"Jury to Hear Recordings, Not Witness, on Murder"

Headline from *The New York Times*, 6/28/2011

A birthday party held at an apartment in the Bronx on November 15, 2008, drew both invited and uninvited guests. After the party broke up at about 2 am on November 16, eighteen-year-old Brandin Santiago argued with a friend of the young man celebrating his birthday. Santiago showed up at the party with some friends who were members of the "280" gang, a subset of the Crips. As Santiago walked away from the building, he turned and fired shots from a 9 mm handgun into the crowd of about 30 young people. He hit his intended target in the leg. He also hit another young man in the leg. A fatal shot hit 17-year-old Nadairee Walters, a high school student who had nothing to do with the argument. Walters was struck in the chest as she ran towards the building for safety, and she died within minutes.

Santiago was identified almost immediately and was apprehended that same day. He was held at Rikers Island without bail while awaiting trial. In April 2010, pursuant to Department of Correction policy, all known gang members were interviewed and their cells were searched in response to gang activity at the jail. Investigators found highly stylized, incriminating "Crip" writings in Santiago's cell that contained pleadings to fellow 280 gang members to get rid of witnesses.

Despite the many people present at the time of the crime, only one young

woman was truly cooperative with investigators from the beginning. The shooting was even captured on video. Young men did not want to be labeled as "snitches." The two shooting victims and their friends did not cooperate.

During the course of the trial, the Office obtained material witness orders for witnesses, including two of the defendant's friends. Such orders compel witnesses to appear to testify. One of these witnesses was brought in after he was shot during the course of the trial while in the presence of a member of the 280s. Santiago had threatened this former friend in his writings from jail because the friend had "ratted him out." Some of these writings were admitted into evidence at trial. The friend, now a shooting victim, still refused to testify. At a hearing outside the presence of the jury, it was determined that threats and actions of Santiago and his gang were the basis for this refusal to testify. The judge allowed a prior statement implicating Santiago to be read to the jury without his testifying in person.

Santiago was found guilty on July 8, 2011, of murder in the second degree and two counts of attempted murder in the second degree. On July 27, 2011, Santiago was sentenced a term of 25-years-to-life imprisonment for the murder, and two consecutive terms of 25-years-to-life for each attempted murder. He must serve a term of 75-years-to-life in prison.

Mayhem on the 5 Train

Nineteen-year-old Rayquon Story went to a block party in the Bronx with some friends on August 12, 2007. One of Story's friends was hit over the head during a brawl at the party, and he went to a hospital. Because they were outnumbered, the friends left the party. They went to the subway and got on to the number 5 train bound for East 180th Street.

Before the train left the station, 16-year-old Robert Denis and 15 of his friends entered the subway car and continued the dispute that began earlier at the party. After a few minutes, Denis and his friends exited the train and walked on to the subway platform. They stood on the platform outside the middle door of a subway car and continued to argue with Story and his friends.

Denis, a reputed member of the Bloods gang, then pointed a loaded .38 caliber revolver into the subway car and fired at Story and his friends. Story was hit in the neck and leg and killed. Three other victims were shot in the elbow, abdomen, hand, and a fourth received a graze wound. Denis shot a total of five teenagers on a New York City Transit Authority subway after they left the party. He was identified by a friend of the deceased who witnessed the gunfire and was able to point investigators to photographs of Denis on his account on a social networking site.

Denis was found guilty of manslaughter in the first degree on February 14, 2011. On March 2, 2011, Denis was sentenced to 29 years in state prison.

AUTO CRIME INITIATIVES

The Office of the Bronx District Attorney has operated the Bronx Anti Auto Theft Program since 1995. In 2011 alone this Office recovered 266 stolen vehicles (for return to their rightful owners). These cars were valued at \$3,536,330. The Anti-Auto Theft program, which has been supported with resources provided by state grants, was designed to increase the number of successful prosecutions of defendants charged with grand larceny of a motor vehicle, criminal possession of stolen property, illegal possession of a vehicle identification number, auto stripping and/or unauthorized use of a vehicle. It

was also expected to result in an increased number of stolen cars recovered pursuant to arrests made and/or search warrants executed.

Although this program has been very successful, in 2010 (the most recent statistics available) auto theft in Bronx County remained at the highest rate per 100,000 registered vehicles in the state and second highest rate per 100,000 population (highest in New York City).

The Bronx District Attorney's Office has owned bait cars for several years. In 2010 the Office received a Legislative Grant through State Senator Klein which provided funding which enabled us to purchase two additional bait cars. Working jointly

with precincts that experience an increase in car theft, the bait cars are positioned in high crime areas, with plainclothes police officers stationed nearby. After a suspect breaks into the car and removes property, the police move in to make an arrest. Break-ins in a given area are often committed by relatively few people. Removing these car thieves from the streets can significantly reduce a neighborhood's auto damage and petit larceny numbers. In 2011 Bronx District Attorney's staff participated in 41 bait car operations which resulted in 33 arrests. This Office continues to deploy bait cars around the county in an ongoing effort to reduce break-ins.

The Anti-Auto Theft program was expanded in 1999 to include night-time surveillance and investigations of auto-related crimes. In the last 10 years, we expanded the program to include document fraud and insurance fraud. This expansion was made possible through grants from the New

York State Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) Board. Since September 2006, Bronx District Attorney's Office Detective Investigators have worked with the NYPD using a License Plate Reader (LPR). LPR technology uses specialized cameras and computers to capture

large numbers of license plates quickly, convert them to text and compare them to a large list of plates of interest. LPR systems can identify a target plate within seconds of contact with it, allowing law enforcement to identify target vehicles that might otherwise be overlooked.

Auto Stripping

On July 26, 2011, thirty-three-year-old David Benabe was observed by an auto repair shop owner inside a vehicle which its owner dropped off earlier to be repaired. The repair shop owner observed that the rear window of the 1997 Ford Expedition had been smashed, and Benabe was sitting in the front passenger seat. Upon seeing the shop owner, Benabe exited the vehicle and ran about a block, at which point he was caught by the shop owner. The police were called and the shop owner held Benabe until the police arrived. At the time of his arrest, Benabe was wearing a backpack, inside of which

was the radio from the Expedition and a screwdriver. The dashboard to the vehicle, which was intact when it was dropped off, was badly damaged (see photos).

Benabe was initially charged with the misdemeanor charges of auto stripping, petit larceny, and criminal mischief. Because of a prior auto stripping conviction within the last five years, the auto stripping charge was elevated to an E felony. Benabe pleaded guilty to the felony count of auto stripping in the second degree. As a predicate felon, he was sentenced to two-to-four years in prison.



Insurance Fraud

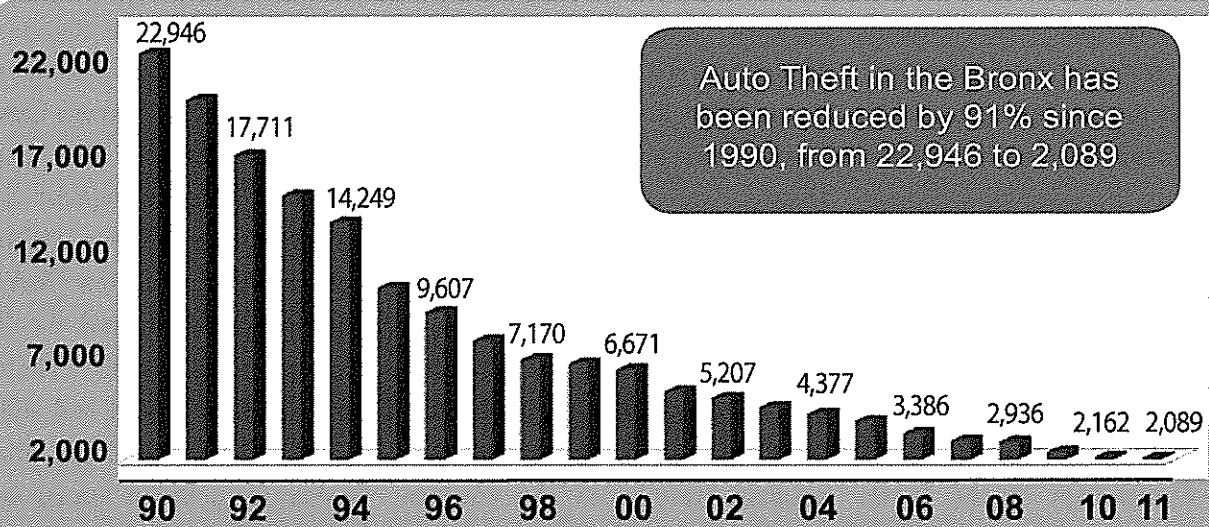
Nine occupants of three different automobiles reported being involved in a rear-end accident. They fraudulently received no-fault covered medical benefits worth more than \$75,000.

Nearby surveillance cameras recorded the early morning incident. The perpetrators approached a deserted intersection in three vehicles. They staged the accident by stopping the vehicles, signaling to each other, and then bumping the vehicles into each other. They exited, looked at the lack of damage, re-entered and repositioned the cars. The surveillance footage shows the defendants repeatedly bumping the cars into each other, driving around the block, returning to the intersection, and bumping the cars into each other again.

They then called the police.

After a referral to the police department from one of the insurance carriers, an investigation was opened and the security camera was discovered on the side of an adjacent building. After review of the video, the District Attorney's Office authorized the arrest of all nine occupants. Five of the perpetrators have pleaded guilty to A-level misdemeanor crimes involving fraud against the insurers Allstate and GEICO. Three of these offenders were sentenced to three years probation, one paid restitution of \$1,000, and one was sentenced to community service. The remaining four defendants have future court dates.

Decline In Grand Larceny Auto 1990 - 2011



Source: New York City Police Department

ELDER ABUSE

“Elder abuse” can take many forms, including neglect or abuse of a physical, financial, psychological, emotional or sexual nature. Although anyone can be a victim of crime, age may render victims physically weak, physically or emotionally isolated, or mentally disabled. These conditions increase the trauma of victimization and make the criminal justice system more difficult to negotiate.

The Bronx District Attorney’s Office hired an Elder Abuse Coordinator in 2000 to serve as a liaison among the bureaus and units of the office, obtain services from outside agencies and serve as a resource for educating the community. The Coordinator is often the first point of contact for elder abuse inquiries. She handled 64 elder abuse cases and 180 elder abuse calls in 2011.

In 1998, the Bronx District Attorney formed an elder abuse committee to develop strategies to enhance prosecution in elder abuse cases and to increase the coordination of services to elderly victims. Now in its 11th year, the Elder Abuse Multidisciplinary Task Force, as an outgrowth of the Office’s committee, continues to meet. The Task Force is co-chaired by the Elder Abuse Coordinator at the Bronx District Attorney’s Office, and the Bronx Borough Director of Adult Protective Services. This bimonthly gathering of law enforcement, social service, healthcare, financial,

business, governmental and private agencies enables the sharing of expertise and facilitates the coordination of efforts to prevent, investigate and remedy the abuse of our most vulnerable seniors. At each meeting an expert in his/her field speaks and advises members about elder abuse. In 2011 speakers came from mental health service organizations to discuss challenging cases, another NYC Multi-Disciplinary Elder Abuse Team to share strategies and best practices, the NYC Department for the Aging research team to present on the methodology and findings of the NYS Elder Abuse Prevalence Study, Legal Services of New York, Bronx Office, and the NYPD’s Community Outreach Unit to discuss gangs and their effect on the elderly, particularly grandparents bringing up grandchildren.

The Bronx District Attorney’s Office was selected in early 2006 to become a CASE (“Communities Against Senior Exploitation”) Model Site. The CASE partnership is an elder fraud prevention and intervention program. The Bronx District Attorney’s Office is one of approximately 50 sites across the country that work with faith-based communities and senior centers to combat elder fraud and exploitation. As part of this program, staff from the District Attorney’s Office conduct training in the community using CASE resource materials. During 2011, the Elder Abuse Coordinator gave 15 CASE, “ID Theft and Scam Recognition, Prevention and Remedy,” and vari-

ous Elder Domestic Violence presentations to community groups, churches, senior centers, tenants’ associations, social service providers, banks, colleges, and at national, state and city conferences, *etc.* This program is currently implemented without funding, staffed by volunteers from the Office.

The Elder Abuse Coordinator continues to represent the Bronx District Attorney’s Office in various NYC Elder Abuse Coalitions and Multi-Disciplinary Teams.

BRONX SEXUAL ASSAULT RESPONSE TEAM

In 2002 the Bronx Adolescent and Adult Sexual Assault Task Force began meeting at the District Attorney’s Office. The goal of the Task Force is to identify and respond to system challenges and develop solutions to improve services for victims of sexual assault. The Task Force is composed of representatives from hospitals and the medical community, the New York City Mayor’s Criminal Justice Coordinator’s Office, the New York City Alliance Against Sexual Assault, nonprofit crime victim service providers, the New York City Police Department, and the Bronx District Attorney’s Office. The members identified a need and with the aid of the Mayor’s Office obtained funding for a Bronx Sexual Assault Response Team (SART).

The Bronx SART began delivering advanced forensic and counseling services in April 2004 to every sexual assault victim seeking treat-

ment at any of the three municipal hospitals in the Bronx. The Bronx SART is on-call around-the-clock, every day of the year to respond within one hour. The responders include a specially-trained forensic examiner and a rape crisis advocate. Compassionate and competent care delivered promptly helps sexual assault victims overcome the trauma from the attacks. The rapid response is also meant to ensure that critical evidence is properly collected as soon as possible after an attack, which assists in the investigation and prosecution of these violent crimes.

In 2008, Bronx SART participated in the establishment of a city-wide protocol which mandates that any city ambulance transporting a sexual assault victim bring the victim to a SART-based hospital. In the Bronx, those are North Central Bronx, Jacobi and Lincoln Hospitals. Also in 2008, Bronx SART was a major impetus in the development of a "Suspect Evidence Collection Kit" which is now being used to collect important forensic evidence in appropriate cases from the person of an alleged perpetrator of a sexual assault.

The Bronx SART is primarily supported with NYC funds and consists of a group of 12 - 14 Sexual Assault Forensic Examiners (SAFEs) who are coordinated by a project director based at North Central Bronx Hospital. The examiners conduct a physical examination of the victim, collect potential DNA evidence, and document both internal and external injuries. In

2011 Bronx SART hospitals covered 243 of these cases. In 95% of those cases, a SART examiner responded to the hospital within one hour of admission of the sexual assault victim to the Emergency Room. Eighty-nine percent of those victims eligible for a forensic examination consented to be examined. In 19% of the cases, the physical examination of the victim revealed findings of genital trauma only. In 13% of the cases, the physical examination revealed findings of non-genital injury only. Twenty-seven percent of the examinations revealed both genital and non-genital injuries, and 42% showed no visible injury.

MULTIDISCIPLINARY TEAM ON CHILD PHYSICAL AND SEXUAL ABUSE

The Multidisciplinary Team on Child Physical and Sexual Abuse is a coalition of representatives from the Office of the Bronx District Attorney, Bronx hospitals, mental health service providers, the NYC Department of Education, the Administration for Children's Services, the New York City Corporation Counsel, the NYPD and the Juvenile Rights Division of the Legal Aid Society. Its purpose is to improve communication among participating agencies and coordinate their involvement in child abuse cases. The primary benefit of this multidisciplinary approach is the minimization of system-induced trauma to the victim. The Multidisciplinary Team assists hos-

pital personnel in identifying and treating victims of child abuse, and acts as a network for further referrals.

This team approach affords a number of benefits. First, it enhances the quality of evidence available to all participants by affording them the opportunity to be present to ask questions at the victim's first interview. Second, it minimizes the additional trauma to the victim who, if subjected to repeated interviews, must revisit incidents that may have been emotionally devastating. Third, it avoids problems associated with having victims repeat their stories, such as details forgotten or inadvertently omitted, and having victims become tired and uncooperative. In 2011, the District Attorney's Office responded to 275 joint interviews with members of the Multidisciplinary Team. Through its participation in the Multidisciplinary Team, the Office has significantly improved its ability to prosecute child abusers effectively while addressing the needs of child abuse victims.

NYPD NEW POLICE OFFICER TRAINING

In 2005 the Bronx District Attorney's Office began a training program for newly appointed police officers in Bronx County. The training is provided to officers after they have had four-to-six months of street experience and covers basic legal issues (*e.g.*, citizen/police encounters and laws

governing identification and statements), Complaint Room policies and procedures (including how to complete supporting depositions), and what to do when lodging a prisoner at Central Booking.

The training is provided by the Chief of Vehicular Crimes, the Chief of Arraignments and Complaint Room, and NYPD Supervisors from Bronx Central Booking. The Office receives cooperation and support from the NYPD Patrol Borough Bronx Commanding Officer and the Borough Training Officer, who provide coordination and assign officers to attend the training. Depending on the size of the Police Academy graduating class, there are three to four training sessions per year. In 2011, reflecting an increase in NYPD hiring to make up for the past few years of budgetary limits, there were four separate sessions with a total of 250 officers trained.

These training sessions have resulted in marked improvement in new officers' paperwork, particularly in completing supporting depositions and in articulation of the facts of the case to establish probable cause to justify the arrest. In addition, the training sessions continue to open communication within law enforcement. The officers rate the training very highly and have requested that "refresher" courses be offered every six months and that their supervisors also attend the training.

ST. JOHN'S LAW SCHOOL CLINIC

Since 1999, staff from the Bronx District Attorney's Office have participated in a clinical program for law students at St. John's University School of Law in which several law students are designated as student assistant district attorneys. Each year the students prosecute cases under a special designation to practice order issued by the Appellate Division, First Department. The students handle misdemeanor cases and are permitted to argue their cases in Court. The students are supervised by Bronx District Attorney's Office staff. In addition to the clinical component, a member of the Bronx District Attorney's Office staff, the Chief of Vehicular Crime Prosecutions, teaches coursework related to this program at St. John's University. In four of the last five years, he was named Clinical Professor of the Year at St. John's University.

INTERNATIONAL VISITORS

Over the past several years representatives of governments around the world have visited the Bronx District Attorney's Office. Some of these have been part of the International Visitor Leadership Program of the US Department of State. Others have come independently. In return members of our staff have been invited to make international visits.

ADA Maria Cortese was invited by the Deputy Prosecutor of the International Criminal Court located in The Hague to serve as a guest lecturer for the International Criminal Court (ICC) in June 2011. She discussed trial strategies for interviewing victim witnesses emphasizing critical psychological issues and comparative differences between trial strategies employed in New York Criminal Court in contrast with the ICC. In a more informal setting with lawyers of the ICC Office of the Prosecutor, Prosecution Division, she also discussed winning trial strategies. She also presented on a panel entitled "Comprehensive Modalities for Addressing Victims' Needs" and addressed the complexities that come to bear when different evidentiary standards are applied before and during trial. Also presenting on this panel were attorneys from the Office of the Prosecutor, Prosecution Division, Investigation Division Gender and Children Unit, all organized by the Legal Advisory Section of the Office of the Prosecutor

From July 11-19, 2011, two prosecutors from the Netherlands visited the Office. Between 9:00 am and 1:00 pm each day they met with Bronx District Attorney's staff and toured various justice system components, including Central Booking, the Complaint Room and Rikers Island. Afternoons were devoted to observing trials



DA Robert Johnson with Prosecutors from the Netherlands

As part of the Justice Sector Strengthening Program of the United States Agency International Development, in October 2011 a group of seven individuals from South Africa visited the Office. The group included prosecutors, a judge,

a microbiologist/epidemiologist, and administrators of the Women's Justice and Empowerment Initiative program. The focus of the visit was a study tour on Gender-based Violence and Sexual Offenses. The group spent a week in Washington,

DC and a week in New York. The purpose of the tour was to strengthen prosecution and adjudication of sexual offenses and gender-based violence cases.

Community Outreach

Community residents and business people often serve as the “glue” that holds together collaborative efforts among public and private sector agencies and thereby enhances each group’s efficacy in preventing crime and improving quality of life. The Bronx District Attorney and his staff actively participate in a variety of programs and community activities to better serve the residents of the county.

In these collaborations the Community Affairs Unit (CAU) is often the connection between the District Attorney and the residents of Bronx County. For example, the Community Affairs Unit facilitates community involvement in the Office’s Felony Trial Training program for new assistant district attorneys. CAU staff reach out to Bronx residents over the age of 18 at community meetings, schools, churches, senior centers, *etc.* to serve as mock jurors for the training.

Staff from the unit attend community meetings, and the unit provides speakers and tours of the courts, offers education and prevention programs, participates in interagency committees, and interacts regularly with community residents, neighborhood leaders and others. The unit also keeps residents informed of the status of

cases as they progress through the criminal justice system.

While the Office’s programs are coordinated by the unit, volunteers from both legal and support staff throughout the Office are needed to implement them. These individuals use their own time, often during evenings and weekends, to work with the Bronx community around issues of crime prevention and intervention.

The programs highlighted below are just a sample of those offered by the Office. Some of the other programs, such as the Elder Abuse Initiative and Operation Weed & Seed, are discussed elsewhere in this report. Still other programs have been in existence for a number of years and are described on the Office’s web site: www.bronxda.nyc.gov.

PROJECT JUMP

Sophomores, juniors and seniors from the Law, Justice and Public Service Academy at Theodore Roosevelt High School are matched with volunteers from the Bronx District Attorney’s Office on a one-to-one basis. Mentors provide much-needed support and inspiration to students making their way through school. Traveling to the Bronx District Attorney’s Office to meet

with mentors allows students to experience the work environment and learn about the functioning of the criminal justice system. Twenty mentor/mentee pairs were matched in 2011.

READ-TO-ME PROGRAM

In partnership with two local day care centers, staff from the Bronx District Attorney’s Office hold weekly reading sessions. Support staff and assistant district attorneys volunteer their time to read stories to children between the ages of two and five at the Marshall England Early Childhood Learning Center and at the Paradise Learning Center.

TOURS AND SPEAKERS

The Community Affairs Unit coordinates requests for tours and speakers. Most requests are from the Bronx, but we also receive requests from foreign delegations, universities and suburban school districts. Assistant district attorneys and support staff address community, religious, civic and student groups regarding various topics within the criminal justice system. Speakers discuss a variety of issues of specific interest to the community. In addition, staff members are available to

conduct tours of the courthouses and explain how a case proceeds through the criminal justice system.

STUDENTS TOGETHER AVOIDING RISK (S.T.A.R.)

The S.T.A.R. program uses a multi-faceted approach to battle narcotics and violence. Trained staff at the District Attorney's Office participate in a three-part community outreach program for 5th and 6th grade children and their parents. This program provides age-appropriate information on the negative effects of gangs, gun violence and drugs. The program also provides information on the people and operations of the District Attorney's Office and the criminal justice system. Approximately 260 students participated in the S.T.A.R. program in 2011.

YOUTH TRIAL ADVOCACY PROGRAM

The Bronx District Attorney's Office Youth Trial Advocacy Program (Y.T.A.P.) provides motivated students with an opportunity to explore a career in law. Students meet with assistant district attorneys to discuss legal careers and the criminal justice system. Students are then divided into teams, each with up to four assistant district attorneys serving as coaches or mentors. Each team learns how to develop

advocacy skills and debate techniques. Students then test their newly acquired skills in a moot court competition. At the end of the program, every student is awarded a certificate marking successful participation in the program, and the top two participants are awarded Summer Internships within this Office

THE ADULT WORKSHOP SERIES

The Adult Workshop Series provides the District Attorney's Office with an avenue to educate Bronx residents about various issues related to the criminal justice system. Workshops such as "After the Arrest," "You Be the Judge," "Safeguarding Your Child on the Internet," "Perspectives on Protecting Your Identity," "Gang Awareness," "Domestic Violence," and "Sexual Assault" have been developed to inform citizens about issues such as identity theft, criminal court arraignment, trial procedures, dangers lurking on the Internet and the presence of gangs in our schools and neighborhoods. Workshops are presented monthly on a rotating basis.

A new workshop was added to the series in May 2011. The "Bias Crime" workshop was developed in response to community questions and concerns about recent alleged bias crimes in the Bronx. The Bronx District Attorney's Chief of the Bias Crime Unit, along with

representatives from the Interfaith Center of New York and the NYC Commission on Human Rights, presented the workshop to a room full of Bronx residents

COURT MONITORING

State Senator Jeffrey Klein organized a Bronx court monitoring program in 2010. The Community Affairs Unit cooperates by providing information regarding court dates and other case-related information. Senator Klein's office organizes residents, provides transportation, signage, *etc.* The program began by monitoring graffiti cases and expanded to auto crime cases in the Senator's district.

PRECINCT COUNCIL REPRESENTATIVES

There are 12 precinct community councils and two Police Service Areas (PSAs) in the Bronx which meet monthly. Fourteen assistant district attorneys have volunteered to attend these meetings. These representatives assure that the District Attorney is kept informed about issues of significance to the community

SPECIAL PROJECTS

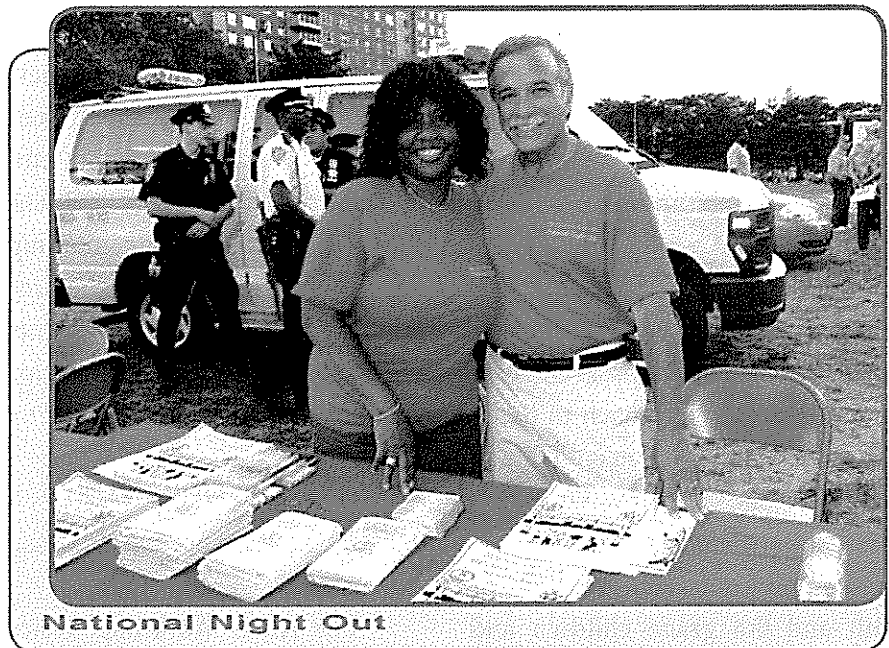
The Community Affairs Unit also implements several special events and programs throughout the year to address various community needs. Special programs are devel-

oped with community organizations to afford various segments of the Bronx community an opportunity to interact with the Bronx District Attorney and his staff.

National Night Out, held each year on the first Tuesday in August, is one of the unit's biggest special projects. Planning begins in June and involves collaboration with community residents and leaders, faith-based organizations, and the NYPD. Bronx District Attorney's staff members volunteer their time to participate in the evening's activities in all 12 police precincts and the two Police Service Areas in the Bronx. In 2011 approximately 40 staff members participated.

PAL PLAY STREET AND TEEN CENTER

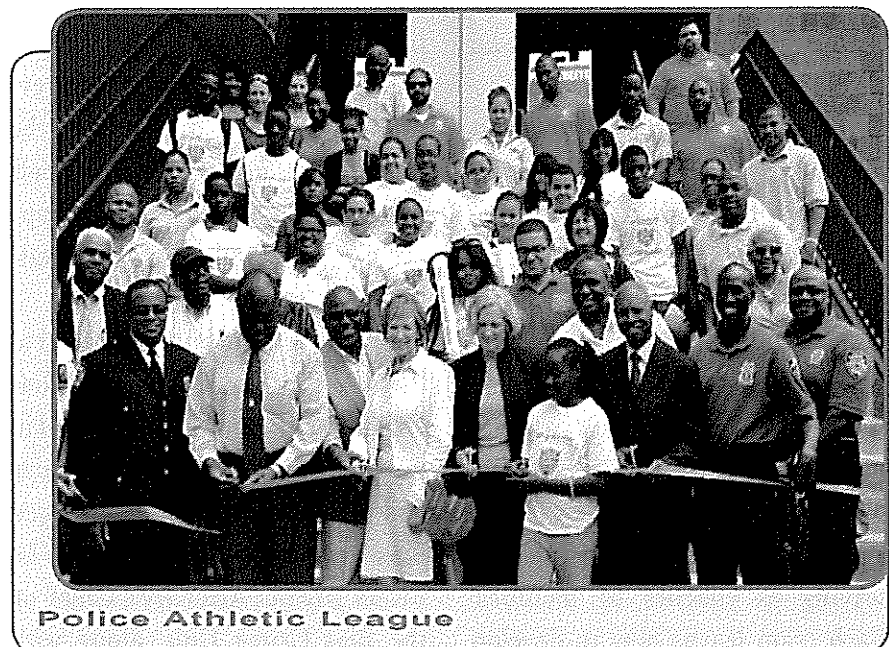
In January 2011, a long-term, joint investigation between the Bronx District Attorney's Gangs/Major Case Bureau and the NYPD's Narcotics Borough Bronx led to the indictment and arrest of 22 alleged drug dealers at the River Park Towers housing complex. Prior to the Bronx District Attorney's takedown in River Park Towers, the Special Narcotics Prosecutor dismantled a nearby drug network. These prosecutions enabled this Office and the Special Narcotics Prosecutor's Office to use asset forfeiture funds to support a Police Athletic League (PAL) Play Street in July and August 2011 in the area previously controlled by drug dealers. These funds were also used to support a PAL



Teen Impact Center in IS 229 for six months, beginning December 5, 2011. The Impact Center provides a range of activities, including Cops & Kids basketball, volleyball, dance, and cultural events. It also includes a prevention component designed to reduce risk-taking behaviors.

2011 BRONX LAW DAY

On Monday May 2, 2011 the Bronx District Attorney's Office hosted some of the top high-school students in the Bronx for the first annual "Law Day." The purpose of this day is to expose high-school students who are interested in law to the different types of units and jobs that are available in the Criminal Justice system. The students were



able to speak to the Office's Director of Public Information, Director of Information Technology, and an assistant district attorney about what they do in the office and what they had to do in their careers to get to their current positions. The students were also able to take a tour of the Criminal Court Building. A

Court Officer spoke to the students regarding what it takes to be a Court Officer and what it's like to work in the Criminal Court Building.

The final part of Law Day provided an opportunity for the students to meet with and speak to District Attorney, Robert Johnson. The District Attorney shared his

experiences in the Office and what it took for him to become the District Attorney. He also talked about the tough decisions that have to be made on a daily basis in the Office. The students were given certificates at the end of the program.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/17/12

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Name: Police Commissioner Raymond Kelly

Address: 1 Police Plaza

I represent: NYPD

Address: 1 Police Plaza NYC

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in favor in opposition

Date: 5/17/2012

(PLEASE PRINT)

Name: Bridget Brunner

Address: Special Narcotics Prosecutor

I represent:

Address:

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dep. Comm. Edward Allicco

Address: Dep. Comm., Management & Budget

I represent: NYPD

Address: 1 Police Plaza NYC

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Name: ROBERT JOHNSON

Address: BRONX DISTRICT ATTORNEY

I represent: _____

Address: _____

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Name: CHARLES J HYNES

Address: _____

I represent: DA King

Address: _____

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I represent: DANN

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Name: BISHOP MITCHELL TAYLOR

Address: 40 RECTOR ST. 2ND FLOOR

I represent: CIVILIAN COMPLAINT REVIEW BOARD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: R. A. BROWN

Address: _____

I represent: QUEENS DA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DAN MASTER, Chief Assistant D. A.

Address: Staten Island, NY

I represent: Staten Island District Atty Donovan

Address: Staten Island, NY

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