

# Executive Budget on Finance/Public Safety

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**STATEMENT OF POLICE COMMISSIONER  
RAYMOND W. KELLY  
BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEES ON FINANCE AND PUBLIC SAFETY  
ON THE EXECUTIVE BUDGET FOR FISCAL YEAR 2009  
May 19, 2008**

Good morning. Thank you for the opportunity to discuss the Mayor's Executive Budget for the 2009 Fiscal Year.

Since I last appeared before the Council in March, the downward trend in major felony crime in 2008 has continued. Crime is down 2% this year, and by 30% compared to 2001.

I have cited repeatedly before the Council the significance of Operation Impact in the historically low crime rates the City has achieved. We are sustaining this initiative despite the reductions in our overall headcount, assigning the bulk of our graduating Police Academy classes to tightly focused impact zones where we have measured serious crime to be higher on average. There are currently over 1,200 officers assigned to Impact zones within thirteen precincts and three Housing Police Service Areas.

Major felony crime is down within these zones by 18% compared to last year. This includes a 14% reduction in shooting incidents; a 25% reduction in robberies; and a 19% reduction in felony assaults. Officers assigned to Operation Impact have made over 1,100 felony arrests, 5,500 misdemeanor arrests and seized 23 firearms.

Still, we face major challenges when it comes to gun violence, as evidenced by the fact that shootings are up 20% citywide this year. The fact remains that illegal guns are still all too prevalent on the streets, contributing to this trend. We continue to focus on this problem, devoting manpower and resources to combating the flow of weapons. So far this year, we've made more than 1,100 gun arrests and seized nearly 1,200 illegal firearms.

As I mentioned in my last appearance before you, anyone arrested for a firearms offense is now debriefed by our Firearms Suppression Division in order to obtain as much information as possible. These debriefings are used to strengthen criminal prosecution of the arrestee while informing our gun investigations, which are some of the most dangerous and challenging we conduct. Two months ago we marked the fifth anniversary of the deaths of Detectives Rodney Andrews and James Nemorin, who were murdered on Staten Island while engaged in an undercover operation to purchase illegal guns. We are ever mindful of their sacrifice, and of the inherent danger faced by our officers in taking guns off the street.

Another trend we are responding to is an increase in robberies of 6%, driven largely by the theft of cell phones and other electronic devices, mainly by juveniles preying on other youth. In response, we formed the Juvenile Robbery Intervention Program, or

**“JRIP,” which was initiated by the Chief of the Housing Bureau, Joanne Jaffe. We determined that many of the young people arrested for robberies within one housing command, PSA 2, were repeat offenders. We structured a program around home visits and parental involvement to break this cycle. Youth officers now visit an offender’s household, explain the seriousness of the charges pending against the youth to his or her parents, and offer referrals to social services and educational and job-training opportunities. The goal is to reduce the recidivism rate of these young people and steer them towards a more productive path. Officers make follow-up visits to assess progress and to offer additional assistance if needed.**

**This initiative has yielded impressive results. Prior to entering the JRIP program, the individuals chosen to participate had committed a total of 116 robberies. One year later, we recorded only 20 robberies among this same group. Based on this measurable success, we’ve expanded the JRIP model to Patrol and Housing Borough commands across the city.**

**Turning to the safety of mass transit, in 1990 there was an average of 48 major felony crimes committed each day in the subway system. Today, the average is six. Even as ridership has swelled to its highest levels in over five decades, the Police Department has driven crime down dramatically. We want to build on these gains and make the system even safer. This is all the more important as more and more people turn to mass transit in the face of rising gasoline prices. And with the summer travel and tourism season upon us, we anticipate even greater numbers using the subways in the coming months.**

**We created the Transit Impact Task Force to help us respond faster to any location in the subway where we’ve measured an increase in crime or observed a quality of life condition that must be addressed. The task force consists of approximately 50 officers. They are assigned to tours during the hours when the most crimes occur, which are school dismissal periods and the evening rush hour.**

**We also have a team of officers who are deployed exclusively to raise passenger awareness. They hand out fliers warning passengers about pick-pockets. They board subway cars, ask for the attention of riders, and give them safety tips. They also distribute plastic bag locks to young people and other passengers to use in preventing the most common subway crime, grand larceny.**

**The Transit Bureau also continues to focus on various specialized enforcement operations to target specific types of crimes. Through Operation Exposure, we are pursuing aggressively those who commit acts of public lewdness, sexual abuse and forcible touching. These disturbing crimes occur most frequently within the most crowded portion of the transit system, which is onboard moving trains in Manhattan. In 2007, members of the Transit Bureau made 264 arrests for these types of crimes, an increase of 25% over the previous year. It’s worth noting that approximately 7 percent of the individuals arrested for these crimes are repeat offenders, and we commend Chairman Vallone and the Council for enacting Local Law 63 last year, establishing the misdemeanor crime of “serial acts of public lewdness.”**

We also continue to see progress in our efforts to reduce crime in public schools. Major felony crime for the school year that began in July 2007 is down by 20%, with a 38% decline in robberies, an 11% drop in felony assaults, and an 18% reduction in grand larcenies as compared to the prior year. This crime reduction is driven in large measure by the Operation Impact for Schools program. The nine impact schools currently receiving additional resources have registered a 46% reduction in major felony crime, and a 31% reduction in violent crime.

In March I discussed the significance of our focus on reducing incidents of domestic violence. And the fact that domestic violence-related homicides and assaults plummeted in 2007, due in part to a dramatic and sustained increase in home visits to past victims. In fact, our home visits have increased 130% on an annual basis since 2001, from 33,400 to 76,600. We track domestic violence incidents closely through a separate system known as Domstat. So far this year we've registered a further 4% reduction in domestic-violence crime, on top of the impressive results of last year.

We've also launched a new initiative in partnership with the District Attorneys of Brooklyn and Queens that utilizes GPS devices. Under "Operation Exclusion Zone," which began in February, selected domestic violence offenders are fitted with an electronic ankle bracelet with global positioning capability as a condition of sentencing. The bracelet is programmed with "exclusion zones," specified in an order of protection, which the offender is forbidden to enter. If an offender violates those zones by entering them the bracelet will alert law enforcement and lead to an arrest.

Our initiatives to combat crime go hand-in-hand with our effort to improve the quality of life. The 311 system, which has reduced the use of 911 for non-emergencies, has proven to be a valuable tool in identifying recurring conditions. So far in 2008, there have been over 100,000 police-related calls made to 311. Nearly 60% of these calls are noise complaints. Data gathered from the 311 system has enhanced our ability to identify locations experiencing various quality of life conditions, including graffiti, which is another enforcement priority for the Department.

In January 2005, we announced the beginning of a new anti-graffiti initiative. Over three years later, this initiative has evolved into a permanent program, with weekly "Graffitistat" meetings that help to keep the Department's efforts focused. We also maintain a centralized intelligence graffiti database and a Citywide Vandals Task Force that is dedicated exclusively to this crime. Between 2005 and 2007, Department personnel made nearly 6,400 arrests for graffiti-related offenses. So far in 2008, there have been nearly 1,700 graffiti arrests, an increase of 19% over the same time period last year.

In everything we do, we rely on our partnership with the community. Forging stronger, more productive community relations has been a constant focus of this administration. We continue to instill this as a priority throughout the Department, both in the training we provide our police recruits and in a mandatory program of community visits for new and veteran officers.

As part of their training, every recruit must now complete a four-day, intensive cultural immersion program we launched in 2007 called "Advancing Community Trust." This is in addition to the regular, sensitivity instruction they receive during the course of their training. For the past two classes, we've held the main portion of this program at the Apollo Theater in Harlem, where recruits attend panel discussions led by prominent community leaders. These individuals share their views of how police-community relations can improve. We also stage role plays involving actors to train our recruits in how to recognize bias and handle scenarios involving people from different backgrounds.

This focus on positive community interaction continues at the precinct level. In 2007, we launched the Community Partnership Program. We asked commanding officers to draw up a list of 15 to 20 institutions they believed their officers should visit: everything from schools and hospitals to neighborhood stores. Each month, every patrol officer in every command is required to visit two places from that list. They stop by, introduce themselves, get to know residents, and ask if there's anything they can do to help. Since the program's inception, we've made 88,000 of these visits.

New officers, not yet familiar with their commands, make even more frequent visits. For the first six months after they graduate from the academy, they must have at least two community contacts each day. They can go to a hospital, a bank, a retirement center, as long as it involves a human contact, an exchange of information, a relationship forged.

Once a month, they are required to take a four-hour walking tour with an experienced community affairs officer of their precinct or impact zone. These tours are divided into six training modules that focus on different types of institutions. One month they visit houses of worship and speak with the religious leaders there. Another month they visit youth centers, speaking to children and teens. They also go to local businesses and immigrant centers. These visits help them get to know and serve the community better.

We're engaged on all of these fronts to fight crime and improve community relations even as we contend with an ongoing terrorist threat. We continue to monitor the threat closely both at home and abroad, with the help of a vibrant Intelligence Division, a network of liaisons stationed in 10 global cities, and our Counterterrorism Bureau. With our daily Operation Atlas exercises, this results in over 1,000 officers a day devoted to counterterrorism efforts.

As you know, we are moving forward with the Lower Manhattan Security Initiative to secure one of the most sensitive areas of economic infrastructure in the city, the 1.7 square miles between Canal Street and the southern tip of Manhattan. The construction of the Lower Manhattan Coordination Center at 55 Broadway is on schedule and set to open this September. At this site, we will monitor an extensive CCTV camera network in place throughout the Financial District with the help of private security staff co-located in the Center. We will also employ a web of license plate recognition readers, and

integrate radiation detection equipment acquired under the "Securing the Cities" initiative with DHS to safeguard New York City from terrorist attack with a nuclear or dirty bomb.

The Securing the Cities pilot program involves more than two dozen regional partners. We are teaming up with law enforcement agencies throughout the metropolitan area to enhance our joint response to a radioactive threat. The heart of the program is a network of advanced radiation detection equipment, provided by the Department of Homeland Security, positioned at bridges, tunnels, waterways, and major roadways leading into New York. While DHS has provided the equipment and some operational support, the NYPD has assumed the lead responsibility for developing protocols and conducting drills with all of our Securing the Cities partners.

We have also undertaken an array of measures, seen and unseen, to defend one of the most common targets of Al Qaeda, the mass transit system. Earlier this month we launched Operation Torch, which has been funded by the federal government. Under this initiative, we place teams of heavily armed officers from our Emergency Service Unit in the subways accompanied by canines uniquely trained for the underground environment. These teams, whose deployments vary from day to day to eliminate predictability, are intended as a visible show of force and to disrupt any terrorist planning or pre-attack surveillance.

We have also extended our protection of the City's waterways with the signing of a memorandum of understanding with the United States Coast Guard on March 20<sup>th</sup> of this year. The MOU formalizes the working relationship between the NYPD and the Coast Guard. It allows Department personnel to actively enforce federally mandated security and safety zones in the waters surrounding New York.

On that theme, last year our Harbor Unit placed into service a 31 foot speedboat equipped with advanced radiation detection equipment. Along with the detection equipment already in place on existing launches, this new technology has significantly enhanced our ability to monitor ships entering our waters. We expect in the near future to deploy two more of these craft.

Turning now to key budgetary issues, the Police Department continues to pursue federal counterterrorism funding to enhance our capacity to protect vital assets including the Financial District, the transit system, bridges, tunnels, and ports. Between federal fiscal years 2002 and 2007, \$1.164 billion in DHS pass-through grant funding was received by New York State, of which approximately \$715 million, or 61%, was allocated to New York City. Of that amount, \$371 million, or 52%, was allocated to the NYPD. To date, including grant funds that did not pass through the State, the Department has received a total of \$459 million in counterterrorism funds from both DHS and Department of Justice appropriations.

The Department submitted eight proposals to OMB for inclusion in the Federal Fiscal Year 2008 Homeland Security Grant Program. These eight priority proposals were assessed with projects from other City agencies, as well as various partners in our region. After minor

changes, the Department's share of the application still included eight projects totaling \$80.3 million. Those projects are as follows:

- Lower Manhattan Security Initiative - \$32 million
- Recruit Training – \$9 million
- Joint Operation Center (JOC) - \$6 million
- Intelligence Analysts for Counterterrorism Bureau and Intelligence Division - \$1.6 million
- Joint Terrorist Task Force Overtime (JTTF) – \$4.5 million
- Forensic Imaging System – \$12.3 million
- Global Positioning System Auto Vehicle Locator (GPS AVL) - \$12.3 million
- CALEA Upgrade - \$2.6 million

The final application was submitted to DHS on May 1. Awards will be announced on or about August 1; however, it takes some time for the funding decisions to filter down to each City agency.

The Department is also preparing two applications for counterterrorism funds under the DHS Infrastructure Protection Program: the Transit Security Grant Program, and the Port Security Grant Program. The Department received these grants for the first time in Federal Fiscal Year 2007 after persistent lobbying and stressing the importance of our inclusion in these critical programs. The Federal Fiscal Year 2008 Transit grant includes \$19.3 million to continue and to expand Operation Torch and to implement new and innovative recruit training. The Department's portion of the Port grant is still pending. Both programs stress regional collaboration and emphasize those projects that most effectively manage risk in the metropolitan area.

Earlier I mentioned the "Securing the Cities" initiative. The Department of Homeland Security has awarded the Department \$3.25 million in Federal Fiscal Year 2007 for this program, and \$29.5 million in Federal Fiscal Year 2008. The Police Department will continue to serve as the lead agency in this project and work with others to purchase the appropriate equipment.

A review of the President's 2009 proposed DHS Homeland Security Grant program budget indicates a significant decrease of \$619 million to \$1.025 billion as compared to Federal Fiscal Year 2008. This covers the allocation to state and local governments for the two major grant programs: the State Homeland Security Grant Program and the Urban Areas Security Initiative.

As for the Lower Manhattan Security Initiative, the Department has applied for an additional \$32 million in DHS grants for this program. If approved, this will bring the total LMSI funding, including the build out of the Coordination Center to \$91.4 million.

Regarding the April 2008 Financial Plan and its impact on the Police Department:

The Department's FY'09 budget is \$3.9 billion, of which 93% is allocated for Personal Services and 7% for Other-Than-Personal-Services. The FY'09 budget is \$170 million lower than this year's budget of \$4.1 billion. This amount reflects several changes to the Department's budget, most notably the impact of gap-closing programs. In addition, throughout the course of the year, federal, state, and private funds will further increase the FY'09 budget.

The Executive Financial Plan PEGs for the Department total \$40 million in FY'09, \$106.6 million in FY'10, \$68.6 million in FY'11 and \$66.5 million annually in the out-years. Reductions to the Department's Expense Budget include:

- \$11.3 million in FY'09, \$34.3 million in FY'10, \$16.5 million in FY'11 and \$14.5 million annually thereafter by reducing funding for the July 2008 class to 1,000 hires and by extending the January Plan reduction of 1,000 budgeted uniformed positions into FY'10. This will lower the FY'10 budgeted peak headcount to be reached after the January and July class hires to 36,838. It will maintain the average annual police officer headcount level at approximately 36,000 until July 2010. The peak headcount will return to 37,838 in FY'11.

The Department anticipates hiring approximately 1,250 new recruits this July which will come close to the new authorized headcount.

- A \$40 million reduction in FY'10 and annually thereafter was implemented by OMB based on anticipated attrition savings. Because of this reduction, the ability for the Department to continue self-funding our annual overtime need in the out-years is uncertain.
- Civilian positions were reduced by 326 positions in FY'09 and FY'10, and 199 positions thereafter. These are in addition to the 374 annual positions that were eliminated in the January Plan. The budget was further reduced by \$9.3 million in FY'09 and FY'10 and \$7.2 million annually in the out-years. The titles affected by these cuts include a permanent reduction of 68 Custodial Assistants, a delayed hire of 117 TEA's that were funded as part of the Mayor's Plan NYC 2030 initiative to FY'10, and 131 clerical and administrative positions.

The combined full-time budgeted civilian position reductions from the January and Executive plans total 700 in FY'09 and FY'10, and 573 annually beginning in FY'11. Aside from these reductions, the civilian full-time headcount was increased by 4,945 School Safety Agents from the reclassification of the School Safety Agent title from part-time non-competitive to full-time competitive. The revised full-time budgeted headcount for civilians is 15,491 in FY'08 and 14,750 in FY'09. Consequently, the part-time civilian staffing level was reduced to 3,062 which includes among others School Crossing Guards and Police Cadets.

- City fringe savings associated with these personnel reductions are \$6.6 million in FY'09, \$18.2 million in FY'10, and \$4.1 million annually in the out-years.

- The vehicle budget was reduced by \$10.6 million in FY'09 which will reduce the Department's vehicle purchasing plan by approximately 380 vehicles in FY'09. The Department is conducting a comprehensive review of the vehicle fleet in order to identify alternative options to re-assign vehicles to patrol and enforcement commands in order to alleviate this reduction.
- The OTPS budget was further reduced by \$2.2 million in FY'09 and FY'10 and approximately \$711,000 beginning in FY'11. A review of the OTPS budget will be conducted in order to implement these reductions with the least impact to agency operations.

**The major funded items in the Executive Plan include:**

- \$1.0 million annually beginning in FY'09 was provided for anabolic steroid testing for all end-of-probation Police Officers, 50 percent of Police Officer candidates, and 50 percent of all in-service uniformed members of the service called for random drug testing.
- \$1.2 million in FY'08 and \$1.3 million starting in FY'09 was provided for civilian collective bargaining adjustments for titles such as School Safety Agents, Nurses, Staff Analysts and trades titles.
- Approximately \$900,000 was provided in FY'09 and \$800,000 in FY'10 and annually thereafter to support the maintenance of current capitally funded technology projects.
- Expense funds of \$6.2 million in FY'09 in addition to \$4.4 million in capital funds, have been made available through DoITT's ECTP budget in order for the Department to update our dispatch system. This update will allow incoming call information to be transmitted effortlessly to the appropriate first responder. The NYPD, FDNY, and EMS will co-locate at a new, state-of-the-art Public Safety Answering Center. As a part of this unified effort, the NYPD will upgrade its 911 call dispatch system to communicate more effectively with Fire and EMS dispatch systems.

Our FY'08 overtime-spending projection is \$439.6 million, \$14.4 million higher than FY'07's actual expenditures of \$425.2 million. Approximately \$57 million of the FY'08 overtime costs will be reimbursed through grants and other revenue. The current FY'08 overtime budget of \$337.7 million, plus expected revenues, will cover all but \$88.2 million of this year's costs. As in years past, we will re-allocate PS surplus funds to cover unfunded overtime costs.

The FY'09 overtime budget of \$325.9 million is \$11.8 million lower than the current FY'08 budget of \$337.7 million. The difference is due mainly to non-City overtime-funded programs that are not yet included in the FY'09 budget.

As always, we will work to achieve savings in overtime wherever possible. Since Calendar Year 2002, our uniformed deployment to planned events has been reduced thanks to careful management efforts. As a result, overtime costs for Planned Events decreased by a cumulative total of \$83.9 million through Calendar Year 2007.

On May 1st, the Mayor also released the FY'09 Executive Capital Budget and Commitment Plan which totals \$1.775 billion for the Police Department and covers Fiscal Years 2008 to 2012.

In this plan, \$120.7 million in additional funding has been provided for the following projects:

- \$5.3 million for relocation of various Department facilities.
- \$7.5 million for construction costs associated with the new 121<sup>st</sup> Precinct. Total approved funding for this precinct is now \$37.5 million.
- \$27.8 million to fund a Property and Evidence Tracking System (PETS) that will allow the Department to identify, locate, track and route property and evidence more efficiently.
- \$80.1 million for the relocation of the College Point and South Brooklyn Marine Terminal Auto Pounds. The relocation of the College Point Auto Pound is required to make way for the construction of a new Police Academy and Training Facility. Additionally, NYPD vehicles stored at the South Brooklyn Marine Terminal must be relocated because the site is slated for a new development project.

A design contract is now in place for the construction of a modern, consolidated Police Academy and Training Facility which will be located on a 30-acre site in College Point, Queens. When completed, it will be the most advanced law enforcement training facility anywhere in the world. The new academy will consolidate the Department's diverse training programs into one facility and accommodate recruits, in-service uniformed members of the service and civilian employees. The Police Academy is currently budgeted in the Capital Plan at \$1 billion. Funding requirements will be updated once the joint engineering reviews with OMB are concluded and the design process is underway.

This plan also includes funding for the design and construction of a Joint Operations Center facility at 109 Park Row, adjacent to One Police Plaza, which was internally funded by the Department at an estimated cost of \$13.8 million. This centralized command and control facility will be designed to provide oversight of critical functions citywide in the event of an emergency. It will be a fully integrated command center, which will allow for seamless

conduct of joint operations and will enhance commanders' decision-making capability by providing for direct access to incident commanders, operations and intelligence/investigations section chiefs, and critical external agency assets.

Furthermore, the current plan maintains funding for the following precinct construction and rehabilitation projects:

- Design and Construction of a new facility for the existing 120<sup>th</sup> Precinct is budgeted in the current Capital Plan at \$40.1 million which supplements \$6.8 million budgeted in prior fiscal years. The design of the facility is complete, and we expect to award a construction contract by August 2008 with an estimated completion date of August 2011.
- Design and Construction of a new facility for the 121<sup>st</sup> Precinct is budgeted in the current Capital Plan at \$35.1 million which supplements \$2.4 million budgeted in FY'07. The design-construction document phase for this facility is 75% complete, and we expect to award a construction contract by October 2008 with an estimated completion date of June 2011.
- Total restoration and renovation of the landmark Central Park Precinct is budgeted in the current Capital Plan at \$18.5 million which supplements \$29.6 million budgeted in prior fiscal years. Construction work at this facility commenced in September 2007 with an estimated completion date of March 2010.

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

- For the new 110<sup>th</sup> Precinct, while a suitable site has not yet been determined, the Department has proposed that the new precinct be constructed in Flushing Meadow Park. This proposal is under review by the Mayor's Office and the Parks Department.
- For the new 66<sup>th</sup> Precinct, due to the unavailability of a suitable and affordable site, the Department plans to re-construct the new command on the current site and temporarily relocate command personnel during the demolition and construction process;
- For the new 70<sup>th</sup> Precinct, a privately owned site has been identified at 1326 Ocean Avenue in Brooklyn, and DCAS has been instructed to move forward with acquiring the property; and
- For the new 40<sup>th</sup> Precinct, design has begun for the site located on East 149<sup>th</sup> Street and Saint Ann's Avenue in the Bronx.

**The \$30 million budgeted for each of these four precincts may not be sufficient, but the funding requirements will be updated after the joint engineering reviews with OMB are conducted.**

**It should be noted that the City's four-year capital plan includes a 20 percent bottom-line reduction as announced by the Mayor in his FY'09 Executive Budget press briefing. Therefore, the status of the Department's capital program, highlighted above, is unknown at this time, pending the identification of further citywide capital budget reductions between now and the September Capital Commitment Plan update.**

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

**Testimony of Franklin Stone, Chair  
Civilian Complaint Review Board  
Before the Public Safety and Finance Committees  
of the New York City Council**

**May 19, 2008**

Chairman Vallone and members of the Public Safety and Finance Committees—good afternoon. My name is Franklin Stone and I am the Chair of the Civilian Complaint Review Board. With me is Joan Thompson, the CCRB's executive director. Today I will be speaking about the budget issues facing the CCRB in general terms; in addition, I will discuss some of our agency's strategic long-term goals, even though these do not require funding this cycle. Ms. Thompson will speak more specifically about how we believe you can help us meet our budgetary needs this fiscal year. We will both be happy to answer any questions you have when we are done.

As you know, the CCRB relied on the City Council substantially during the adopted budget process from 2003 through 2006. In each of those years, you supplied us with funding for 24 investigators; without these investigators we would have been unable to conduct our core mission in a satisfactory manner. Last year, Mayor Bloomberg added significant support to the Civilian Complaint Review Board, including the funding for these 24 positions, which were included in the January Plan for Fiscal Year 2008 and the out-year budgets. As a result, we did not need funding during the adopted budget process to maintain our operations. We were and remain grateful to the administration for recognizing the importance of civilian oversight in New York.

This year, as you are aware, the city's budget is tighter, and every agency is being asked to absorb cuts. In the January plan, we were notified that our total headcount would be cut from 192 to 185 for Fiscal Year 2008 and to 180 in Fiscal Year 2009 and future

years. As Executive Director Thompson testified to you in March, we were later notified that an additional cut of \$343,000 was being contemplated, which would have had dire consequences for our agency. However, the Executive Budget released on May 1 included only the cuts from the January Plan, and did not include this further cut. We are grateful to the administration for implementing a smaller cut than what was at one point contemplated; however, the current budget still leaves us with fewer investigators on hand than we have had over the past five years, even as complaint rates remain at record highs. I hope that you on the council will be able to revise the role you played in supporting the CCRB during four years when we needed it most, and provide needed funding to maintain our basic operations.

Over the four years in which we received additional support from you in the adopted budget, our workload rose substantially. Members of the public filed 4,116 complaints in 2000, the year before the complaint increase began; complaints rose steadily until 2006, when we received 7,662. Although we received slightly fewer complaints in 2007 (7,559), our total workload had still increased by 83% over eight years. Through the first quarter of 2008, we received 1,878 complaints, putting us on course once again to receive over 7,500 by year's end. As I will discuss, we have implemented significant initiatives that have enabled us to perform effectively while our caseload has increased. At the end of the day, however, more complaints lead to a larger workload for the agency.

We have made major improvements in our efficiency and effectiveness over the past five years. We have increased the percentage of staff working in the investigations division, increased the average number of case closures per investigator, and reduced the total cost of an investigation. This year, we have made significant progress in obtaining

cooperation from the police department in terms of receiving records and obtaining officer appearances. The appearance rate for officers in scheduled interviews has improved by 9% since last year, allowing us to interview 3,593 officers in the first four months of the year, 320 more than in 2007. In addition, thanks to the support provided last year, we have four experienced criminal attorneys reviewing our cases, which improves the quality of our investigations.

As you have requested, I would also like to discuss the budgetary implications of a policy change that has been widely discussed as a possible solution to the current debate over disciplinary issues with the police department. As many of you know, the rate at which the department has chosen not to discipline officers whom we find have committed misconduct has risen over the past year. We have had ongoing discussion with the police department and the administration about how to resolve this ongoing issue. We continue to stand by the legal and factual analysis in our cases, and believe that when we substantiate a case, an officer ought to be disciplined or put on trial. Some have suggested that the CCRB ought to return to the recommendation made by the Commission to Combat Police Corruption in 2000, which advocated giving the CCRB power to administratively prosecute its own cases, stating, "Increasing accountability for these cases and eliminating the reciprocal finger-pointing which often takes place currently should also enhance public confidence in how these complaints are being addressed." In 2001 the city and the CCRB entered a Memorandum of Understanding that gave the police commissioner the power to transfer the prosecution of these cases to the CCRB; this power remains the police commissioner's.

While I personally believe there are viable reasons for transferring administrative prosecution of our cases to the agency, the decision is the police commissioner's, not the board's, to make. Nevertheless, we have put together a proposed budget for the prosecution unit, using the budget that was in place in 2001 as a guide, and have determined that it would cost approximately \$1.7 million, plus the cost of leasing space. Again, there is no current plan for the unit to be implemented, so this is not funding the agency currently needs or expects to need in the near future. Should the power be transferred, we would first seek funding for it from the administration, since this operation is currently being funded at the police department.

Finally, I would like to discuss some of the policy research and community outreach that we have been doing on issues of interest to you and your constituents. I know that you on the council have closely followed the stop and frisk issue, as have we. Our annual statistical reports have detailed how an increase in stop and frisk complaints, which make up over a third of all complaints we receive, fueled the complaint increase from 2004 through 2007. In addition, we substantiate stop and frisk allegations at a higher rate than we substantiate other types of allegations, and we will be reporting findings on the demographics and arrest patterns of those who complain of stop, question, and frisk in our upcoming 2007 annual report. If any of you would like copies of our previous reports, I have brought our 2006 annual report and our 2007 mid-year report, which both discuss the stop and frisk issue.

Regarding community outreach, we have continued to prioritize informing the public about our operations and their rights. As I mentioned earlier, we have maximized the percentage of our staff working on investigations. We therefore have a smaller outreach

staff than we did four years ago, and we have not been able to conduct the same raw number of outreach meetings as we once did. However, by seeking out community groups and organizations where our outreach can have the most impact (for example, community boards, community councils, and the staff of community organizations) we believe are reaching people who in turn can pass information on to a wider circle of stakeholders. In addition, we continue to reach out to communities with special questions about police action or misconduct – we recently visited the Ebbets Field Residence Association in Brooklyn, where residents had questions about the trespass affidavit program, and of course we sent representatives to the town hall meetings and breakfasts that you hosted after the Sean Bell shooting last year. We are proud of our efforts to reach the many communities of New York, and will continue to do so. If any of you have suggestions as to particular organizations you believe we should visit, please let us know and our staff will reach out to them.

I'd like now to introduce Joan Thompson, who will be giving you more details on our Fiscal Year 2009 budgetary needs.

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

**May 19, 2008**

Councilman Vallone and members of the committee, my name is Joan Thompson and I am the Executive Director of the Civilian Complaint Review Board. I want to thank you for giving us the opportunity to testify today about the budgetary issues our agency is facing in the 2009 Fiscal Year.

As the chair stated, the CCRB needed and received supplemental support from the Council from Fiscal Year 2004 through Fiscal Year 2007 in order to conduct its core mission. At this time, we find ourselves in a similar situation. Last year, added funding in the January Plan kept us from needing money in the adopted process; however, this year's budget represents a cut of \$632,210 over the adopted fiscal year 2008 budget. Today, we need additional funds in order to staff the agency at the capacity that our workload requires. Without it, our docket size will increase and investigations will lengthen.

Our projections show that within eighteen months, the performance indicators for our agency will decline to levels not seen since the early years of the CCRB, when the agency was seen as largely ineffective. All of this will happen despite the fact that we have significantly improved the efficiency and performance per investigator over the past seven years; we simply will not be able to hire enough investigators to close the number of cases we are receiving.

We are therefore asking that you restore the ten investigative heads that have been cut in the January Plan, at a cost of \$416,000. In addition, we are asking for \$168,000 to support a career ladder at the CCRB, in order to reduce the high rate of attrition that adversely affects agency performance, and to provide \$150,000 for overtime funding so that we can pay our investigators in overtime rather than use comp time, which is more costly to the city in the long run. We recognize that the city's budget is tighter than in past years, and our total request of \$716,000 is therefore significantly lower than what we have requested before, and less than three-quarters of what the Council provided in each of the years you funded us from 2003-2006.

Before discussing our specific projections on the impact of the Executive Budget, I want to discuss the dramatic improvements in productivity we have seen over the past few years. In 2000, only 69% of the agency's employees worked in the Investigative Division. In 2007, the figure was 83%, showing that we have made substantial cuts in our administrative costs. In addition, our investigators are more productive than ever. In 2007, investigators submitted, on average 52 cases to the board for closure, up from just 37 in 2002, representing a 41% increase. When measured by total work hours, the improvements are even more startling – investigators closed 3.24 cases for every 100 hours of work in 2007, up from 1.99 in 2002, representing a 63% increase in productivity. Our investigators are operating at maximum productivity levels; there is really no more efficiency to find in their operations, so to handle our cases we need to keep the Investigations Division fully staffed.

The rate at which members of the public file complaints with us has leveled out over the past 18 months after a sustained 83% increase from 2000 through 2006. As chair

Stone mentioned, complaint filings last year were nominally lower than in 2007; in the first quarter of 2008 we were on pace to receive 7,512 complaints for the year, 1% fewer than the 7,559 filed in 2007. We have used this figure and current productivity rates to calculate the impact that a headcount cut from 148 to 138 investigators starting on July 1<sup>st</sup> of 2008, as put forth by the Executive Budget, would have on our operations.

Our projections show that with only 138 investigators, our staff would close, on average, 580 cases a month, down from 622 with 148 investigators. This productivity decline would result in adding 45 cases per month to our open docket. The CCRB has only recently begun to reduce its docket size after years of growth; 2007 was the first year since 2002 that the agency closed more cases than it received. As of May 1, the CCRB's docket stood at 3,665 cases; still lower than the high of 3,739 at the end of 2006, but historically high—before the increase began the docket size stood at just over 2,000 cases. Adding 45 cases per month would result, in just eight months, in a docket of over 4,000 cases, larger than the docket has been at any moment since 1995.

Increasing the docket size will make investigator caseloads larger, which in turn will decrease the amount of time investigators can spend on each case and lengthen the time it takes to complete a full investigation. Our analysis shows that within 18 months, the average time it takes to close a full investigation will balloon to 360 days, longer than the agency has taken to close an average full investigation since 1996. If average cases take a full year to investigate, substantiated investigations, which are usually more involved, will take longer, and cases will frequently be closed near or at the 18-month statute of limitations that binds our cases. This will result in officers whom we find have committed misconduct nevertheless avoiding any punishment. Even for those cases that

are closed before they are 18 months old could face issues with disciplinary action, as the police department will have less time to act on them before the statute expires. To reiterate, even with the productivity increases we have seen, 138 investigators are too few to adequately handle the number of cases the CCRB currently receives.

Restoring ten investigators to the CCRB's headcount would cost \$416,000 and while it would not allow the agency to reduce its docket or the time it takes to close a full investigation, it would prevent the erosion described above. With 148 investigators, the CCRB's docket would grow at a rate of only 3 cases per month, and the time it takes to close a full investigation would hold steady at just over 300 days. While these measurements do not represent ideal performance, they are substantially better than what would happen without adopted funding.

In addition to restoring our headcount, I want to discuss two additional budget items that will bring substantial value to the CCRB. We would like \$168,000 in order to implement a career track, and an additional \$150,000 to fund overtime for our investigators.

The CCRB has traditionally had a very high attrition rate – over 30% of our investigators leave the agency every year for other work opportunities or for law or other graduate school. The high turnover decreases overall investigator productivity, since investigators grow more productive with experience: investigators with two or more years experience submit nearly three times as many full investigations to the board, on average, as investigators with fewer than nine months experience. We believe that with \$168,000, we could implement a career track at the CCRB which would give the most

productive investigators more opportunity within the agency. As a result, the agency would see fewer separations and keep its most outstanding employees.

We also believe that adding \$150,000 to our overtime budget would produce a net cost savings for the city. Overtime is a fact of life at the CCRB – if a complainant arrives to give a statement late in the day, an investigator will stay beyond his or her regularly scheduled hours to conduct the interview. Sometimes, visits to the field must be conducted outside of regular work hours in order to question witnesses who may have seen the incident that led to a complaint. Currently, the CCRB uses compensatory time when it lacks funds for overtime. This year, for example, the agency is on pace to issue more than 16,000 total hours of compensatory time to investigators. Issuing so much compensatory time, however, is only a short-term solution. Often, investigators use their compensatory time later in their tenures at the CCRB, when they are being paid at a higher level. Therefore, the cost of the time is greater than it would have been had the agency paid overtime initially. We believe that with funding for overtime, we could significantly reduce the amount of compensatory time we issue, and save money in the long run.

The total amount that we are requesting today – \$734,000 for the restoration of investigative headcount, funding for our career track, and funding for overtime – is substantially lower than what that the Council issued us in Fiscal Years 2004-2007, when we received \$1 million annually in the adopted process. We understand that the budget this year is tight, and have taken that into account when considering our request. However, we still believe that without some funding, our core mission will suffer greatly, and the service that we provide to your constituents will be severely compromised.

Thank you for your attention; I now welcome any questions you may have.



DISTRICT ATTORNEY  
QUEENS COUNTY  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NEW YORK 11415-1568

**Richard A. Brown**  
District Attorney

(718) 286-6000  
[www.queensda.org](http://www.queensda.org)

May 19, 2008

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 2009 Executive Budget

Thank you for the opportunity to once again discuss with you the Mayor's Executive Budget for Fiscal Year 2009 and the budgetary challenges that this office -- and those of my fellow District Attorneys -- continue to face in the coming year.

At the outset, I once again want to express my appreciation to Speaker Quinn, Chairpersons Weprin and Vallone and your colleagues for your continued support and your recognition of the important role that New York City's prosecutors play in the criminal justice system. We are hopeful that with your continued support we will be able to turn the corner this year and move toward stabilizing our budgetary situation and ensuring that we are provided with the resources we need to fulfill our constitutional and statutory obligations.

\* \* \* \*

2007 was another year in which we made significant progress in our effort to continue to lower the level of violence in our county and improve the quality of life of those who live and work here. Crime continues to decline in Queens County.

Homicides -- which were at a high of 361 in 1991 when I became District Attorney-- were down to just 72 last year -- the lowest number of homicides since 1965 and a 14.2% decrease from 2006. Index crimes -- including violent crimes and burglaries, grand larcenies and auto theft -- also decreased in Queens last year by 6.8%.

Our auto theft reductions continue to be remarkable. When I took office in 1991, there were some 52,000 cars reported stolen in Queens County. Last year, we were under 4,000 (3,963) -- that's

a decrease of close to 20% (19.6%) for the year and over 92% since 1992.

Our Investigations Division continues to make the big cases -- cases involving mid- and upper-level drug trafficking, organized crime, auto theft, insurance fraud, crime at our airports, gun trafficking, credit card fraud, identity theft, money laundering, mortgage and real estate fraud, financial exploitation of the elderly and all sorts of other types of criminal activity.

We have no appellate backlog. 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 our judges continue to praise our professionalism.

Queens County once again last year had the best arrest to arraignment time in the City -- 20.6 hours. We have the highest percentage of cases arraigned within 24 hours. We arraigned 74.6% of our defendants within 24 hours last year. The citywide average was 49.07%. Our arrest to sworn complaint time was only 8.51 hours -- more than an hour below the Citywide average. Queens County also has the lowest felony complaint dismissal rate, the lowest indictment dismissal rate and the highest felony conviction rate in the City. 96% of the felony arrests that we prosecute as felonies resulting in conviction. Queens County convicts 24.4% of the City's violent felons -- even though we handle only 20% of the City's violent felony arrests.

I have provided you with additional details with respect to our many other accomplishments during the past year in the materials annexed.

\* \* \* \*

Since I last testified before the Committee on Public Safety this past March, we have seen some progress in our projected Fiscal Year 2009 budget -- with the 5%/\$2.0 million dollar cut initially proposed in the Mayor's Preliminary Budget in January reduced to a 3.63% \$1.5 million dollar cut in the Mayor's Executive Budget. While we are pleased to see some movement on the part of the City toward addressing the critical budgetary situation facing this office, we still very much need the Council's help.

Even with all of the successes that we have been able to achieve, one of the major challenges that I -- and my fellow prosecutors -- continue to face is that of our budget. The reasons for this are many -- including past budget reductions that our offices sustained that have never been restored, reduced funding streams on the federal and state levels, increased caseloads and responsibilities and the contingent nature of other funding sources. The latter includes sorely needed restoration funding from the City Council which we are hopeful that you will once again provide this year but which has been non-baselined each year since Fiscal Year 2004.

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As you know, our budget crisis began with a disastrous series of City, State and Federal budget cuts that we suffered in the aftermath of 9/11, with the most substantial cuts from the City which provides us with nearly 90% of our budget. This series of cuts -- a 2.5% non-baselined cut in FY02, two separate baselined cuts of 7% and 3.75% in FY03, and in FY04 three additional baselined cuts of 2.5%, 3%, and another 3% -- have meant an overall 17% reduction for us in City funding totaling \$5.9 million dollars.

To date, these monies lost since 9/11 have never been fully restored. Rather, we have received individual shots of new needs funding to partially offset the reductions sustained. These have included funding for two new programs to "buy back" a portion of the cuts -- one focused on revenue returns to the City and the other on enhanced case intake processing -- as well as funding to address a number of emerging crime patterns including DNA-based prosecutions, internet crimes, gun trafficking and child abuse. All of these funding streams, however, required substantial re-deployment of staff away from day to day case handling operations to new assignments. As a result, we continue, even before the proposed additional budget reductions for FY09 and the out years, to be greatly understaffed in areas related to our core functions.

On top of this, of course, is the Mayor's proposed additional 3.63% budget reduction for FY09 totaling an additional \$1.5 million dollar. And all this assumes that the City Council once again this year maintains the level of restorations that were provided in FY2008. This latter point is important -- unless the Council provides us with the level of restoration that it provided last year, we face even more reductions.

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And all of this comes at a time of substantially reduced availability of funding streams on the federal and state levels. As you know, we have taken a series of significant budget cuts on the State level in recent years. Our State Aid to Prosecution cuts alone have brought us to a new low of only \$1.73 million in State Aid to Prosecution funding in the coming year -- down from a high of over \$3.16 million in the early nineties.

Beyond the reduction in our Aid to Prosecution Funding, our State Point of Entry monies -- the monies that support our Airport Investigations Unit -- as well as our Early Case Intervention monies that help fund our community prosecution initiatives, have been reduced by about one third. And federal pass-through drug court funding has been eliminated. In addition, the funds available for our highly successful specialized auto crime and insurance fraud initiatives face a near 20% reduction in the upcoming State budget.

On the federal level this year, it also unfortunately looks like we are facing further steep cuts -- with federal Byrne/JAG monies, which provided us with about \$1.2 million in 2007, cut by 2/3rds in this year's Congressional Omnibus Appropriations Bill. The program, as you know, was created to help local law enforcement nationally, after the murder of Police Officer Eddie Byrne in Queens County in the 1980's by drug dealers while guarding a witness here in Jamaica. The reduction of this funding

stream could amount to an additional loss for us of close to \$800,000 in the upcoming year.

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And significantly, during this same time period we took on many new initiatives -- including many for which we received funding only in the past two years and which are now in jeopardy in the event that we suffer additional budget cuts. These include our Child Advocacy Center, funding for which enabled us to assign specially trained assistants and support personnel committed to the investigation and prosecution of cases involving the physical and sexual abuse of children in one state of the art comprehensive facility shared in a coordinated effort with police, child welfare professionals, physicians and counselors.

Many other of these initiatives were begun at the request of the Mayor's Office which is now proposing FY09 budget reductions. These include our felony gun court; specialized gun trafficking initiative; Operation Spotlight targeting misdemeanor recidivists; felony and misdemeanor drug courts; a specialized Mental Health Court initiative; a Crimes Against Revenue program; Operation Guardian which targets child exploitation; a Family Justice Center for domestic violence matters; and many others. However valuable these new programs are, however, these too, practically speaking, all have required us to re-direct our available staffing and resources. This has created an even greater shortage of available staffing to carry out our core investigative and prosecutorial functions.

In addition, beyond dollars, our office has experienced cuts in many other ways. Over the past few years, for example, the Police Department has cut the Detective Squad assigned to our office by about half. As a result, we have had to make up the difference by hiring more of our own detective investigators to take on the responsibilities that the NYPD formerly handled -- including complex and labor intensive investigations, witness protection and extraditions. Our OTPS costs have also been steadily on the rise, with no relief in site -- with growing expenses in many areas including travel for extradition work, taxi fares for witnesses, storage costs and software and hardware maintenance.

\* \* \* \*

Further compounding the problem is a steady increase in the number of arrest cases that we handle each year. Since 1993, arrests are up by 77% -- from about 42,500 in 1993 to over 75,000 last year, with a 14% increase since 2005 alone. Criminal Court caseloads have grown to about 200 per assistant. In the child abuse area alone, caseloads have grown dramatically, with close to 12,000 cases of child abuse, maltreatment and neglect reported to the State Central Registry in Albany from Queens County and 3,280 of these referred to us in 2007 to investigate for possible criminality -- up from 2200 in 2005.

\* \* \* \*

All this creates a somewhat "perfect storm" for our overall budget for FY09 and the out years. Even before the additional proposed budget reductions for Fiscal Year 2009, the cuts that we have sustained have already impacted on us greatly. We long ago 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. We were forced to close our Family Court program and reduce staffing for some of our community-based youth anti-violence initiatives. Even while the computer and telecommunications field moves ahead at lightning speed, we have had to slow down our Information Technology development simply because of insufficient staffing to manage multiple projects. And over the years, when we needed to, we reduced staffing through attrition and reduced levels of hiring -- in the process losing many of our middle level experienced assistants, investigators, paralegals, clerical and other support staff, many of whom moved on to the private sector and higher salaries -- simply because we could not keep pace and while we have been struggling to re-build our staff over the last few years and have made some strides in this regard, the budget cuts continue to take their toll.

Even with these efforts, individual caseloads assigned to our assistant district attorneys have grown significantly and assistants have had to take on more responsibility at an earlier stage in their careers with fewer years of experience and fewer trials under their belts than we would have liked. With the number of new initiatives we have been asked to take on, we continue to have today far fewer people available to perform the basic functions of our office -- case intake, hearings, trials, appellate litigation and our highly specialized investigative initiatives. Beyond that, it has become increasingly difficult to attract and retain bright young assistants as our starting salary falls further and further behind those in the private sector and in other governmental offices.

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And so, even though it appears that the level of proposed cuts that we are facing this year appear to have been somewhat mitigated since January, we remain deeply concerned about the impact that any additional budget reductions will have on our operations and the difficult choices that we will be forced to make.

In light of our current situation, we continue to believe that any further budget reductions will have a profound impact on our operations and the level of essential services that we will be able to provide to the residents of Queens County -- on everything from staffing for basic case handling and trial functions, to the level of resources that we can continue to devote to processing cases at the critical intake stage, to staffing for many of the important new initiatives that we have been working on, including felony gun court; specialized gun trafficking investigative initiatives; Operation Spotlight targeting misdemeanor recidivists; our Child Advocacy Center; felony and misdemeanor drug courts; specialized Mental Health Court initiative; a Crimes Against Revenue program; Operation Guardian which targets child exploitation; a Family Justice Center for domestic violence matters; and many others.

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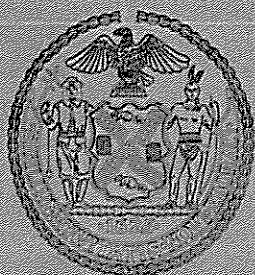
All of this has been terribly frustrating. We have demonstrated time and time again that given the necessary resources we can produce dramatic results -- both in attacking specific crime problems and in reducing overall crime. Even in tight budget times, by focusing efforts and doing more with less, we have been able to achieve great results. And this office is committed to continue these types of efforts and is more than ready to do our fair share in helping the City meet its fiscal realities.

Along those lines, we have been actively working with the Office of Management and Budget (OMB) and the Office of the Criminal Justice Coordinator (CJC) to identify areas where we might achieve cost savings and efficiencies for the City in an effort to do our fair share in helping close the fiscal gap that the City faces this coming year. Areas currently under discussion included expediting felony case processing, streamlining property release procedures and exploring the use of new technology to enhance efficiency of our operations and those of other agencies. We are committed to continuing on this path and look forward to working closely with OMB and the CJC to further our discussions in this regard.

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And so, once again, we ask for your help. We need restoration of our budgets and the resources to do the job. We need baselined restoration of the cuts that we have suffered. We need to have the ability to establish a stable budgetary plan so we can make intelligent decisions on hiring, staffing levels, salaries, and a myriad of other issues that affect our day to day operations. We need to be kept whole in FY09. In addition, we are also hopeful of gaining your support this year for a number of critically needed enhancements to our arrest to arraignment case processing initiative; additional staffing to meet increased demands on our Detective Squad; and for new program initiatives in the troubling and increasing areas of mortgage fraud and financial crimes, youth gang violence and financial exploitation of the elderly.

While we recognize the serious financial difficulties that face the City -- and continue to be willing to do our fair share -- we also need to be mindful of the fact that it is penny wise and pound foolish to attempt to remedy the situation by cutting public safety dollars to the point where our ability to maintain the gains of the last decade is in jeopardy.



**Richard A. Brown**  
District Attorney

# City Council Budget Presentation

**Office of the Queens County District Attorney**

**Fiscal Year 2009**

**March 19, 2008**



DISTRICT ATTORNEY  
QUEENS COUNTY  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NEW YORK 11415-1568  
(718) 286-6000

Richard A. Brown  
District Attorney

MEMORANDUM

March 19, 2008

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 2009 Preliminary Budget

I appreciate the opportunity once again to appear before you to discuss some of my office's accomplishments of the past year as well as the extraordinary budget challenges that this office -- and the offices of my fellow prosecutors -- face this year.

At the outset, I want to express my appreciation to Speaker Quinn, Chairperson Vallone and your colleagues for your continued support and your recognition of the important role that New York City's prosecutors play in the criminal justice system. We are hopeful that with your continued support we will be able to finally restore our budget to the level at which we were prior to the tragic events of September 11, 2001 and to ensure that our ability to fulfill our constitutional and statutory mandates is not further eroded.

In addition, we are also hopeful of gaining your support this year for a number of critically needed enhancements to our arrest to arraignment case processing initiative; additional staffing to meet increased demands on our Detective Squad; and for new program initiatives in the troubling and increasing incidences of mortgage fraud and financial crimes, youth gang violence and financial exploitation of the elderly.

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First, let me begin, as I do each year, by providing a brief overview of some of our most recent accomplishments in Queens County.

2007 was another year in which we made significant progress in our effort to continue to lower the level of violence in our county and improve the quality of life of those who live and work here.

Crime continues to decline in Queens County. Homicides -- which were at a high of 361 in 1991 when I became District Attorney-- were down to just 72 last year -- the lowest number of homicides since 1965 and a 14.2% decrease from 2006.

Index crimes in Queens last year decreased by 6.8%. Those numbers include both violent crimes and burglaries, grand larcenies and auto theft.

Our auto theft reductions continue to be remarkable. When I took office in 1991, there were some 52,000 cars reported stolen in Queens County. Last year, we were under 4,000 (3,963) -- that's a decrease of close to 20% (19.6%) for the year and over 92% since 1992.

\* \* \* \*

As many of you have heard me say in the past, I am extremely proud of the talented and dedicated men and women in this room -- and throughout this office -- men and women who work extremely hard to make this county a safe place in which to live and work.

Our Investigations Division continues to make the big cases -- cases involving mid and upper-level drug trafficking, organized crime, auto theft, insurance fraud, crime at our airports, gun trafficking, credit card fraud, identity theft, money laundering, mortgage and real estate fraud, financial exploitation of the elderly and all sorts of other types of criminal activity.

We have no appellate backlog. 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 our judges continue to praise our professionalism.

\* \* \* \*

Last year we handled over 75,000 arrest cases here in Queens -- up 6.4% from 2006 and the most since I took office almost 17 years ago. We take particular pride in the expeditious fashion in which we process those cases.

- Queens County once again last year had the best arrest to arraignment time in the City -- 20.6 hours. We have the highest percentage of cases arraigned within 24 hours. We arraigned 74.6% of our defendants within 24 hours last year. The citywide average was 49.07%. Our arrest to sworn complaint time was only 8.51 hours -- more than an hour below the Citywide average. 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 cops back out on the street more quickly to do their jobs rather than having them hanging out in courthouse corridors ;

- Queens County also has the lowest felony complaint dismissal rate and the lowest indictment dismissal rate in the City. We have the highest felony conviction rate in the City. 96% of the felony arrests that we prosecute as felonies result in conviction;

- Queens County convicts 24.4% of the City's violent felons -- even though we handle only 20% of the City's violent felony arrests;

- We have reduced our Supreme Court caseload over the past 11 years (since our plea policy was implemented) by almost 60% -- from 3,300 down to 1,500; misdemeanor pleas in Supreme Court are down from 13% to 2%; and we have returned 16 criminal trial parts to the Supreme Court for use as civil trial parts; and

- Finally, we continue to be a national leader in the number of court-authorized wiretaps that we do. Last year, once again, we did more wires than any other district attorney's office in New York State. And, significantly, we've never had any one of our wires controverted.

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And, as you know, we have been also been a leader in many important new initiatives that have resulted in enormous changes and improvements to the handling of criminal cases including in the important areas of domestic violence, child abuse, youth gang anti-violence efforts, DNA based prosecutions, auto crime and insurance fraud investigations, gun trafficking and alternative sentencing, including drug treatment and mental health courts, along with many others.

Most recently, we started a pilot project to conduct videotaped interrogations of defendants charged with felonies and awaiting arraignment. The interrogations are conducted by investigators from our office or by assistant district attorneys in a room in Central Booking. The entire interrogation is videotaped from beginning to end - -and the defendant decides whether to speak to us knowing that the interrogation is being videotaped. A copy of the videotape is given to defense counsel at arraignment.

The results of the program -- in which over 1000 interviews have already been conducted -- have been very positive. We have been able to obtain statements from defendants who were never questioned by the police -- or who did not provide detailed statements to the police. In some cases, these statements have helped to quickly resolve the case, enhancing the efficiency of the criminal justice process. In others, they have been valuable in enabling us to better assess the strength of our cases -- and in making appropriate plea offers. And in some instances they have helped us to exonerate individuals who have been mistakenly arrested.

We also have been actively working with the Mayor's Office on another new initiative to further enhance the extraordinary strides that we have already been able to make in the area of domestic violence through the addition of a Family Justice Center which I expect will open within a few months. The Center, which will be located in a separate building next to our office, will serve as a facility to serve victims of domestic violence and will offer a wide array of services and support. Our Domestic Violence Bureau will relocate into the Family Justice Center when it opens, as well as many other agencies and not-for-profit groups that can offer counseling and support services in one safe, comfortable and user friendly location.

And this past month we launched a pilot program in which selected defendants in domestic violence cases will be required to wear electronic ankle bracelets as a condition to the disposition of their cases.

Our office's broad array of alternative to incarceration programs and specialized courts was expanded in 2007 with the opening of our DWI program for those who are charged with driving while intoxicated. Through the end of last year, 59 defendants had participated in the program -- and to date, not one participant has been rearrested or has failed to complete the program. In addition, our Mental Health

Court for felony defendants is now complemented by a misdemeanor Mental Health Court. To date, 29 defendants have been accepted into this new program.

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New technology -- such as DNA and other types of forensic analysis -- has greatly enhanced our ability to solve crimes and exonerate the innocent. This is true not only with respect to homicide and sexual assault cases but increasingly with respect to burglaries and other crimes as well. New state legislation in 2006 expanded the crimes for which DNA samples can be taken on conviction to all felonies -- and to 18 new misdemeanors, as well. These changes have already produced hits that have allowed us to solve violent felonies, sexual assaults and other crimes and we anticipate that, as time and technology advances, this trend will continue and our work in this emerging area greatly increased.

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Another new initiative begun in 2007 addresses the continuing problem of gang violence, drug dealing and shootings in the Rockaways. Our office has established a team of trial and investigative attorneys who are working to more effectively collect data and coordinate an officewide response. The team includes assistants from our Special Prosecutions Division who can bring community based information and concerns to the table, and representatives of the Queens Probation Department. An assistant district attorney has been assigned to work closely with the 101<sup>st</sup> Precinct in Far Rockaway and the NYPD's Queens Gang Unit. The team targets individuals and groups whose repeated involvement in crimes of violence, drug trafficking and other criminal activity impact significantly on the safety and security of the residents of the Rockaways.

And finally, we have taken a number of steps to enhance our ability to combat gun violence, including aggressive prosecution and targeting of repeat offenders. Our success in this area is reflected in the fact that Queens County now has both the highest conviction rate and the highest incarceration rate in the City for gun possession.

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Those are just a few of the new initiatives that we implemented in the past year. Additional details are included in the materials annexed, along with highlights of many other accomplishments of the past year.

\* \* \* \*

But let me turn now to the issue at hand. Even with all of the successes that we have been able to achieve, the major challenge that I -- and my fellow prosecutors -- face once again this year is that of our budget.

This crisis began, as you know, with a disastrous series of City, State and Federal budget cuts that we suffered in the aftermath of 9/11, with the most substantial cuts from the City, which provides us with nearly 90% of our budget. This series of cuts -- a 2.5% non-baselined cut in FY02, two separate baselined cuts of 7% and 3.75 in FY03, and in FY04 three additional baselined cuts of 2.5% , 3%, and another 3% -- meant an overall 17% reduction for us in City funding, totaling \$5.9 million dollars.

Even with your efforts in recent years in providing us some non-baselined funding to offset cuts, as well as some baselined new needs funding to address a number of emerging crime patterns -- including DNA-based prosecutions, internet crimes, gun trafficking and child abuse -- our baselined budget has never been restored. Rather, the City has asked us to sustain reduced levels of funding, with the ability to "buy back" only a portion of the cuts by taking on two new programs -- one focused on revenue returns to the City and the other on enhanced case intake processing. Both, however, required substantial re-deployment of staff to new assignments -- with the result that day to day case handling operations continue to be understaffed.

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The problem has now been compounded by the fact that the Mayor's preliminary budget proposes a further 5% cut in our funding. That will mean an additional \$2.0 million cut in our office's budget for the next fiscal year. And beyond that, last week we received a letter from the City's Budget Director asking us to plan for still a further cut of 3% in FY09 -- amounting to an additional \$1.2 million.

And all this comes at a time of reduced funding on federal and state levels as well -- creating somewhat of a "perfect storm" for our overall budget for FY09 and the out years.

As you know, we have taken a series of significant budget cuts on the State level in recent years. During the Cuomo and Pataki years, State Aid to Prosecution was cut on five separate occasions -- resulting in a loss to our office of close to \$1.5 million dollars that has never been restored. These cuts have brought us to a new low of only \$1.76 million in State Aid to Prosecution funding -- down from a high of over \$3.16 million in the early nineties.

Beyond the reduction in our Aid to Prosecution Funding, our State Point of Entry monies -- the monies that support our Airport Investigations Unit -- as well as our Early Case Intervention monies that help fund our community prosecution initiatives, have been reduced by about one third. And our federal pass-through drug court funding has been eliminated. In addition, the funds available for our highly successful specialized auto crime and insurance fraud initiatives face a near 20% reduction in the upcoming State budget.

On the federal level this year, it also unfortunately looks like we are facing further steep cuts -- with federal Byrne/JAG monies, which provided us with about \$1.2 million in 2007, cut by 2/3rds in this year's Congressional Omnibus Appropriations Bill. The program, as you know, was created to help local law enforcement nationally, after the murder of Police Officer Eddie Byrne in Queens County in the 1980's by drug dealers while guarding a witness here in Jamaica. The reduction of this funding stream could amount to an additional loss for us of close to \$800,000 in the upcoming year.

In addition, beyond dollars, our office has experienced cuts in many other ways. Over the past few years, for example, the Police Department has cut the Detective Squad assigned to our office by about half. As a result, we have had to make up the difference by hiring more of our own detective investigators to take on the responsibilities that the NYPD formerly handled -- including complex and labor intensive investigations, witness protection and extraditions. Our OTPS costs have also been steadily on the rise, with no relief in site -- with growing expenses in many areas including travel for extradition work, taxi fares for witnesses, storage costs and software and hardware maintenance.

\* \* \* \*

As a result of all of these cuts -- City, State and Federal -- we long ago 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. We were forced to close our Family Court program and reduce staffing for some of our community-based, youth anti-violence initiatives. Even while the computer and telecommunications field moves ahead at lightning speed, we have had to slow down our Information Technology development simply because of insufficient staffing to manage multiple projects. And over the years, when we needed to, we reduced staffing through attrition and reduced levels of hiring -- in the process losing many of our middle level experienced assistants, investigators, paralegals, clerical and other support staff, many of whom moved on to the private sector and higher salaries - simply because we could not keep pace.

And significantly, during this same time period, we took on many new initiatives -- including many for which we received funding only in the past two years and which are now in jeopardy in the event that we suffer additional budget cuts. These include our Child Advocacy Center, funding for which enabled us to assign specially trained assistants and support personnel committed to the investigation and prosecution of cases involving the physical and sexual abuse of children in one state of the art comprehensive facility, shared in a coordinated effort with police, child welfare professionals, physicians, and counselors.

Many other of these initiatives were begun at the request of the Mayor's Office which is now proposing FY09 budget reductions. These include our felony gun court; specialized gun trafficking initiative; Operation Spotlight targeting misdemeanor recidivists; felony and misdemeanor drug courts; a specialized Mental Health Court initiative; a Crimes Against Revenue program; Operation Guardian which targets child exploitation; a Family Justice Center for domestic violence matters; and many others. However valuable these new programs are, however, these too, practically speaking, all have required us to re-direct our available staffing and resources. This has created an even greater shortage of available staffing to carry out our core investigative and prosecutorial functions.

\* \* \* \*

At the same time, arrests continue to rise. Since 1993, arrests are up by 77% -- from about 42,500 in 1993 to over 75,000 last year with a 14% increase since 2005 alone. Caseloads have steadily grown with assistants having to take on more responsibility at an earlier stage in their careers -- with fewer years of experience and fewer trials under their belts than we would have liked. Criminal Court caseloads have grown to about 200 per assistant. In the child abuse area alone, caseloads have grown dramatically, with close to 12,000 cases of child abuse, maltreatment and neglect reported to the State Central Registry in Albany from Queens County and 3,280 of these referred to us in 2007 to investigate for possible criminality -- up from 2200 in 2005.

\* \* \* \*

One further point. It still appears that the cuts with which we have been hit on the City level and which we are facing once again this year far exceed those suffered by many other agencies, including the Corporation Counsel's office -- which is once again receiving new needs funding under the Mayor's

preliminary budget, as well as funding to retain senior level attorneys. Yet, as I have said many times before, each of us -- the police, the defense bar and the judiciary -- are all part of the same system and each of the 75,000 or so arrests that the police make each year here in Queens must be processed by our office. It continues to makes very little sense for the police to make arrests if we as prosecutors are incapable of efficiently and effectively handling those arrests. If any one component of the justice system is not funded adequately, the entire system is affected. And the result is delay, inefficiency and wasted resources.

\* \* \* \*

All of this is terribly frustrating. We already are at the point where lost funding and increased mandates in responsibilities are straining our resources and jeopardizing the great strides that we have made in recent years in effectively addressing crime in our community. We have demonstrated time and again that, given the necessary resources, we can produce dramatic results -- both in attacking specific crime problems and in reducing overall crime. By focusing efforts and doing more with less, we have been able to achieve great results even in tight budget times.

And while we recognize the serious financial difficulties that face the City and continue to be willing to do our fair share, we also need to be mindful that it is penny wise and pound foolish to attempt to remedy the situation by cutting public safety dollars to the point where our ability to maintain the gains of the last decade is in jeopardy. I simply do not want to see us move backward.

And so, once again, we ask for your help. We need baselined restoration of the cuts that we have suffered. We need to have the ability to establish a stable budgetary plan so we can make intelligent decisions on hiring, staffing levels, salaries, and a myriad of other issues that affect our day to day operations. We need to be kept whole in FY09. And we need you to work with us to find vehicles to support new initiatives such as those annexed hereto to enhance public safety and improve the quality of life of the residents of our county.

The bottom line is that we need you more than ever before -- to help to provide the resources necessary to allow us to do our job in continuing to reduce the level of violence within our county and improve the quality of life of our residents -- and to do justice in the prosecution of our cases.

\* \* \* \*

Again, I thank you for the opportunity to be here today -- and thank you for the continued support that you have given to this office -- and me personally -- over the years. It is, I assure you, very much appreciated.

\* \* \* \*

**Office of the Queens County District Attorney  
Requests for Funding Support  
Fiscal Year 2009**

The following outlines a number of critical areas for which the Office of the Queens County District Attorney is seeking funding support in Fiscal Year 2009. The first is with regard to overall restoration of the District Attorney's budgets from a series of budget reductions sustained since Fiscal Year 2002 and ensuring our budgets sustain no additional cuts in Fiscal Year 2009. We also are seeking funding support for enhanced initiatives in a number of complex areas we have, unfortunately, been seeing with increasing frequency in Queens County in the past few years -- including the fast-growing problems of mortgage fraud and financial crimes, gang violence, and financial exploitation of the elderly in the County. In addition, we are also hoping to gain additional funding support from the Council this coming fiscal year for enhancements to our arrest to arraignment case processing and for additional staffing to meet increased demands on our Detective Squad in the County.

The outline of requests is as follows:

**1. Eliminating Proposed FY09 Budget Cuts and Full Restoration of Queens District Attorney's Budget.**

The overriding need of the Queens District Attorney in the coming fiscal year continues to be for City Council support for full restoration of our budget from cuts sustained since FY02 to date, as well as for keeping the office's budget whole in FY09. Since September 11, 2001, the Office of the Queens County District Attorney sustained city cuts to about 17% of its budget, totaling \$5.9 million. Although with the Council's assistance, we have been able to receive new needs funding for a variety of areas including arrest to arraignment case processing, revenue enforcement, gun trafficking, child abuse, and others, we have yet to be made whole on these cuts. In addition, in the Mayor's FY09 preliminary plan, the proposed budget projects an additional 5% cut in funding in the coming fiscal year, totaling an additional \$2,000,000 -- the equivalent of an additional 40 attorneys -- with an additional request to plan for an additional possible cut in FY09 of 3% or \$1.2 million on top of that reduction. Particularly with the steady increase in arrests we have continued to see in the County these past few years -- with a nearly 14% increase in the past two years alone, we sorely need City Council support for full baselined restorations and to be kept whole in FY09, so that we have the resources we need to fulfill our responsibility in prosecuting crime and maintaining public safety in our community.

**2. Youth Gang Violence Funding**

**Estimated Costs: \$370,000**

Over the last year alone, we have unfortunately seen an increase in the incidence of youth gang activity in the County, with a high incidence of related violent crimes, including assaults, shootings, robberies, and homicides in our community. We are also seeing many new gangs emerging throughout the County, with increased recruitment of youths in the community, including in neighborhood schools.

We have taken a strong stand against all of this conduct and have aggressively -- and successfully -- prosecuted those who engaged in such behavior. To address these matters to date, we have assigned a team of experienced attorneys, paralegals and investigators to our Gang Violence/Hate Crimes Bureau, so that specially trained and dedicated staff can handle these serious matters through vertical investigation and prosecution of gang related crimes. This same dedicated staffing has formed active partnerships with fellow state, local, and federal law enforcement; has established an ongoing forum for intelligence sharing on

gang development in the Northeast through regional information sharing and an annual conference that brings together fellow state, local, and federal law enforcement professionals in this important to share their observations and findings throughout the year. The Bureau staff also works closely with the schools in our community to keep abreast of emerging recruitment and gang activity patterns there – with an eye on both enforcement and prevention.

All of this has resulted in a great success to date, but with the steady increase in reported gang violence crimes in the County, our existing resources are greatly strained and need to be supplemented. While we feel the need to dedicate more personnel to this area, unfortunately, budget constraints have not allowed us to do so. We sorely need funding support, therefore, to increase the number of attorneys, paralegals and investigators we can dedicate to this important area. We specifically hope to add two attorneys at an average salary of \$85,000, one paralegal at an average salary of \$30,000, two investigators at an average salary of \$45,000 and an intelligence analyst an average salary of \$80,000 to the effort, with an overall estimated cost of \$370,000. This proposed staffing would supplement ongoing efforts, with dedicated and specially trained staff to investigate and prosecute gang activity and related violent crimes, enhance law enforcement partnerships, increase intelligence gathering and analysis and work more closely with the schools and community groups pro-actively. We also are seeking to add an intelligence analyst to the effort who will work with fellow law enforcement in using and enhancing existing data bases with the aim of better tracking gang activity, discerning emerging patterns and aiding in better targeting of investigative and prosecutorial priorities. Intelligence will be gathered through ongoing cooperative relationships with law enforcement, through our ongoing investigative efforts, the use of confidential informants, as well as through the development of leads through trial cases. Information gathered will include active and updated case information, tracking of gang offenses, and general intelligence concerning organized groups related to gang activity. The assigned additional assistant district attorneys will also serve as liaisons to the police and community members on youth gang activity issues thereby strengthening our Office's investigations and prosecutions and helping to discern any patterns of activity in this area. Also, additional staffing will enable our Office to place an increased focus on outreach to the community on gang violence issues by conducting gang awareness trainings that will focus on how to spot signs of gang affiliation and violent behavior among youth.

### **3. Financial Crimes and Mortgage Fraud Unit:**

**Requested Funding: \$390,000**

Another area of great challenge for us is in the emerging area of mortgage fraud and related financial crime in the County. In the past two years alone, the incidence of this serious problem has virtually tripled, with our Economic Crimes Bureau alone handling 125 complaints of mortgage / real estate fraud in 2005, 217 in 2006, and 318 in 2007 – now a rate of approximately thirty complaints each month. Unfortunately, these numbers are only the tip of the iceberg – with numerous complaints involving multiple properties and a high volume of additional complaints made to other agencies, including the New York City Police Department, New York State Department of Banking, the Federal Bureau of Investigation and others.

In addition to the sheer volume of these matters, these cases are extremely serious, routinely impacting on clear title and ownership in homes of many unsuspecting homeowners in the County, who fall prey to a variety of scams. Many of these schemes focus on fraudulent mortgage applications and cashing in on house values through fraudulent obtained financing on homes perpetrators simply do not own. Others are based on outright forgery of mortgage documents and deeds and transfers of homes to unsuspecting legitimate buyers, who put cash down for properties they will never own. Still other scams are part of larger, overall identity theft crimes. In addition to legitimate homeowners and buyers, businesses and corporations have also been greatly affected by this burgeoning crime area, with many bilked out monies through financing given based on fraudulent paperwork on ownership or appraisal of home values. All of this

undermines the stability in our community of legitimate homeowners, buyers or businesses who fall victim to this crime.

To date, all of these matters are handled by our overburdened Economic Crimes Bureau, which also has the responsibility of handling all financial, environmental, and arson offenses in the County. The team of attorneys, investigators, and accountants/analysts there work closely with the New York City Police Department, the State Police, New York State Banking, I.R.S., F.B.I., Secret Service, Postal Inspectors, and a variety of other agencies to assist in the investigation and prosecution of these cases. Particularly with the wide variety of methods used in these schemes to defraud, these mortgage fraud matters are extremely labor intensive, though, routinely calling for exhaustive examination and analysis of voluminous documents and financial records and requiring a dedicated staffing of a team of attorneys, investigators, and accountants/analysts familiar with the many manifestations and scams associated with these crimes. With current budget constraints, however, we simply have not been able as of this time to dedicate resources to this growing problem.

To address this, we are seeking funding support for a dedicated mortgage fraud and related financial crime unit, with dedicated attorneys, investigators and accountants to intensify efforts to address this serious problem. We specifically hope to add two attorneys, 3 investigators, and 1 accountant/analyst to the effort. We estimate overall cost to be \$ 390,000, with the average annual salary of assigned attorneys be \$85,000, investigators \$45,000 and the accountant/analyst \$85,000 .

#### **4. Specialized Handling of Financial Exploitation of the Elderly Matters**

**Requested Funding: \$260,000**

Elder abuse, unfortunately, includes a whole array of physical, sexual, and financial abuse matters and the problem is growing, affecting hundreds of thousands of elderly people across the country each year. Elder abuse statistics demonstrate the severity of this problem nationwide -- with estimates that each year nearly 500,000 elderly persons fall victim to abuse or neglect, with a significant portion of these matters instances of financial exploitation.

Queens County, with an elderly population of nearly 400,000, is unfortunately a good example of the extent of the problem faced by localities throughout the nation. In addition to a significant number of physical abuse matters, this Office has also seen a disturbing pattern emerging over recent years in an increased number of reports of financial crimes against the elderly.

However, even with these increases, reported numbers alone likely do not present a complete picture of the extent of the problem we are facing in our community. It is clear that many crimes against elderly victims simply go unreported due to the victims' often-seen reluctance to come forward to law enforcement, lack of awareness of resources available to help them, or, simply, feelings of isolation, embarrassment or hesitation to admit they were victimized. The number of reports of the crimes we do receive, therefore, are likely and unfortunately just the "tip of the iceberg".

Several years ago, to address this emerging problem, we were able to obtain one year of pilot project funding through the United States Department of Justice for a demonstration project focused on specialized handling of financial exploitation of the elderly matters. With the funding, we were able to establish a dedicated unit of attorneys, paralegals, and investigators for the investigation and prosecution of crimes of financial exploitation of the elderly, have enhanced available victims support services, and begun an ambitious community education and outreach program to alert seniors in our community to potential scams

and schemes for victimization.

As a result, we have been able to make substantial inroads in addressing this important area. During the first fifteen months of the program alone, our Elder Fraud Unit handled 332 new investigations and 57 new prosecutions in the period from October, 2006 through December, 2007 alone. In addition, we were able to provide comprehensive support services to many elderly victims of financial crimes through our Office's two elder abuse social workers and to begin critical education and outreach efforts. In addition to handling individual investigations and prosecutions in these matters, we also worked to discern possible patterns of financial crime activity targeting the elderly in our community. We saw the problem unfortunately covered a wide range of areas including identity theft, credit card fraud, familial/caregiver theft crimes, and "sweetheart" scams. A particularly troubling pattern we saw emerge has been in the area of mortgage fraud, with many of the cases we have seen involving individuals allegedly involved in befriending innocent victims, gaining control over finances, or fraudulently refinancing, mortgaging, or selling the victim's home without the victim's permission or knowledge.

Even with these successes of our pilot project thus far, therefore, it is clear that much work remains to be done. Accordingly, we are now seeking funding support to continue these important efforts beyond our one year pilot project funding, which will shortly be ending. We are, therefore, seeking funding support to stabilize our funding base and continue and enhance the provision of these critical prosecutorial, investigative and support services to elderly victims of financial crimes.

To address these issues, our Office is requesting \$260,000 in funding to support our Elder Abuse Unit including dedicated attorney, investigative, and paralegal staff to address and successfully handle crimes of financial exploitation of the elderly. This unit will continue to serve as a model program and will provide comprehensive investigative, prosecutorial and support services for elderly victims of financial crimes.

Core components of the proposed program will continue to include:

- Assignment of dedicated attorneys and investigators specially trained in the handling of financial exploitation of the elderly matters. These dedicated personnel will handle assigned elder abuse cases from inception through disposition in a comprehensive team approach.
- Assignment of elder abuse counselors to provide intensive support services to elderly victims of financial crimes. These services will include transportation, counseling, hospital and/or home visits, referrals, safety planning, court accompaniment, and advocacy with financial institutions, government agencies and the courts.
- Development, production, and distribution of sorely needed pamphlets and brochures on the problem of financial exploitation of the elderly and on resources available to help combat this serious problem.
- Public education and community outreach on specific patterns of elder abuse and financial scams targeting the elderly population.

To support this effort, we are seeking funding support for 2 Senior Assistant District Attorneys at an average salary of \$90,000 a year, 1 Rackets Investigator at an average salary of \$50,000 per year, and 1 Paralegal at an average salary of \$30,000 per year.

We believe that with this funding support for dedicated staffing and a specialized initiative to address the

complex problems posed by financial exploitation of the elderly crimes, we will continue to make significant improvements to the handling of these important matters and to addressing the overall incidence of financial exploitation of the elderly in our community -- with the continued goals of improving the handling of specialized investigations and prosecutions of these serious matters; providing comprehensive support services for elderly victims of financial crimes; and encouraging elderly victims of financial crimes to come forward and report victimization to police and prosecutors and to cooperate with law enforcement so that they can be assisted in breaking free of debilitating cycles of financial abuse.

**5. Increased Funding for Case Processing Initiatives:**

**Requested Funding: \$750,000**

Queens County has long been a leader in the City in its arrest to sworn and arrest to arraignment case processing. In 2001, for example, we led the city with an average arrest to arraignment time of 19.12 hours as compared to a citywide average of 22.49 and an arrest to sworn complaint time of 8.1 hours as compared to a citywide average of 9.77. In 2007, Queens County once again had the best arrest to arraignment time in the City last year -- 20.60 hours. Our arrest to sworn complaint time was once again below the Citywide average -- 8.51 hours as compared to 10.38 citywide. All of this means that those accused of crime in Queens County spend as little time as possible in detention before they see a judge -- and that we get police back on the street more quickly to do their jobs.

To reach these numbers, however, a great deal of effort has been made and resources devoted. Over the past ten years, for example, we have devoted a great deal of attention to making our arrest to arraignment case processing system the most efficient possible. Along those lines, we led the city in establishing technology linkages to the NYPD and other agencies enhancing information sharing, including police reports, domestic incident data, digital photos and 911's, etc., as early in case handling as possible to better assess the matter and assist with charging decisions. While all of this has enabled us to reduce our case processing time significantly over the years, it is clear that efficient and expeditious case processing is driven primarily by adequate staffing levels.

This was clearly demonstrated in the spike of arrest to sworn and arrest to arraignment numbers in the aftermath of the city budget cuts beginning in FY02. By 2004, with reduced staffing, our arrest to sworn numbers had increased by about 2 hours -- with corresponding increases in arrest to sworn and arrest to arraignment numbers in our fellow offices as well. In response, in June 2005 the City, requested that the five District Attorney's Offices implement additional changes to reduce arrest to complaint sworn time -- including upgrades to our complaint typing system, expansion of complaint room hours and provision of extra staffing and resources to case intake -- with the goal of reducing police overtime and returning officers back on the street more quickly. The city agreed to provide us with \$300,000 in additional funding to offset the anticipated additional costs.

Despite this, however, and despite increased personnel commitments we made to this important area -- we continue to see significant losses in case processing time unless we dedicate resources far in excess of the \$300,000 allotment the City made.

This remains a critical area for this office, for the efficiency of the criminal justice process, and for the City because of the potential costs in police overtime and increased time of getting police out on the street. The problem is further complicated by the continuing trend of increasing arrests and prosecutions - from about 64,000 in 2005 to over 70,000 in 2006 alone. Caseloads per assistant district attorney have significantly risen presenting challenges in case handling.

Accordingly, we are seeking funding support to support and enhance efforts in this critical area. We

estimate that, with our current expenses and additional legal and paralegal staffing needed to further reduce the arrest to sworn and arrest to arraignment numbers, our budgetary needs for which we are requesting support is approximately \$750,000 in additional funding.

**6. Enhanced Funding for QDA Detective Squad:**

**Requested Funding: \$500,000**

Over the past few years, the number of detectives assigned to the NYPD Detective Squad assigned to our office has been cut by about half - with currently 15 detectives -- down from about 25. As a result, we have far fewer detectives available for handling our core investigative functions including the gathering and analysis of intelligence data and crime patterns, conducting physical surveillance and sting operations, executing search warrants, and conducting electronic surveillance. In addition, over the last several years there has been an increase in the number of QDA squad detectives assigned to specialized initiatives including auto crime and insurance fraud, elder abuse and domestic violence, which has further exacerbated the problem. We have had to make up the difference by hiring more of our own detective investigators to take on the responsibilities that the NYPD used to handle -- including trial and investigative assignments, complex and labor intensive investigative work, coverage of physical and electronic surveillance, takedowns, video statements and debriefings, crime scene work, witness protection, and extraditions work.

To address this additional workload and need for additional staffing and compensate for the loss of the NYPD squad personnel, we are seeking funding support of \$500,000 to offset the costs for 10 detectives at an average salary of \$50,000.

# *Summary*

# *Overview*

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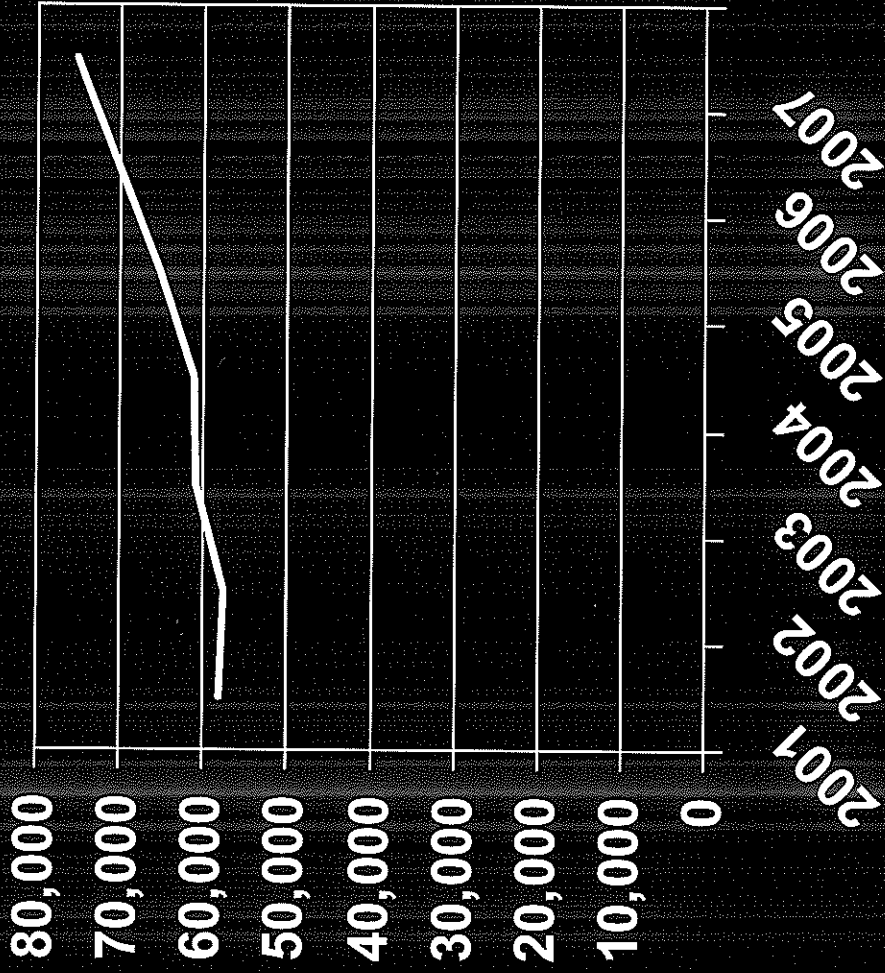
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# ***Budgetary Issues***

# Arrests Going Up



— Total Arrest

6.4% increase in total arrests since 2006

77.3% increase in total arrests since 1993 (42,434 to 75,214)

# ***Queens is Most Efficient in Case Processing***

## **Arrest to Arraignment Time**

Queens: 20.60 hours

Citywide Average: 24.07 hours

## **Arrest to Sworn Complaint Time**

Queens: 8.51 hours

Citywide Average: 10.38 hours

## **Percentage of Cases Arraigned Within 24 Hours**

Queens: 74.60%

Rest of City: 49.07%

Source: 2007 NYPD Criminal Justice Bureau

# ***Saving State and City Money***

## **Restitutions**

Governmental :  
Non-governmental :  
Total:

\$1,422,978.59  
\$2,022,090.46  
\$3,445,069.05

## **Confession of judgments**

Governmental :  
Non-governmental :  
Total:

\$376,481.75  
\$1,117,323.25  
\$1,493,805.00

## **Total restitutions and confession of judgments:**

\$4,938,874.05

## **Beneficiaries of Restitutions**

### **and Confession Judgments:**

- > NYS/NYC Sales Tax
- > NYS/NYC Personal Income Tax
- > NYS/NYC Cigarette Tax
- > NYS Department of Labor
- > NYS Insurance
- > NYC Department of Environmental Protection
- > NYC Housing Authority
- > NYC Human Resources Administration
- > NYC Department of Investigations
- > NYC School Construction Authority
- > Long Island Railroad
- > Social Security Administration
- > U.S. Treasury
- > Federal Emergency Management Administration
- > Individuals and Businesses

# Government Fraud Prosecutions

- Unpaid Sales Tax
- Welfare Fraud
- Unemployment Fraud
- Workers Compensation

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### Arrests for January 2007

**▲ ADULT SWEEP NETS IN**  
**Arrested on 102,340**

Charged with grand larceny in the 3rd and 4th degrees, Multiple Business Accounts in the 4th degree, offering a false statement for bond in the 1st degree, criminal possession of a forged instrument in the 2nd degree and violation of Sections 114(1) and 114(1-b) of the Workers Compensation Law.

A nine-month anti-nepotism by the Fraud Bureau, the County Executive Office, the State Insurance Fund and the Workers Compensation Board (collectively referred to as "CER") resulted in the arrest and conviction of a contractor who had been involved in the \$10,000,000.00 of the New York State Insurance Department's construction fraud investigation. The contractor was charged with grand larceny in the 3rd and 4th degrees, offering a false statement for bond in the 1st degree, criminal possession of a forged instrument in the 2nd degree and violation of Sections 114(1) and 114(1-b) of the Workers Compensation Law.

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**FRAUDS**

## ***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 in budget reductions.

# ***New Needs Funding Received for Initiatives Begun Since FY 04***

- Revenue Crimes
- Gun Prosecution
- DNA/John Doe
- Child Abuse, Internet Crimes, Gun Trafficking
- Enhanced Case Processing

## ***Proposed FY 09 City Budget Cuts***

- The Fiscal 2009 Preliminary Budget projects an additional 5% budget cut totaling \$2 million.
- Possible additional 3% cut in FY 09 totaling \$1.2 million.

## ***Additional Concerns***

- 67% cut this past December in Federal Byrne/JAG funding.
- If passed on to us, could mean a potential additional loss of \$800,000.

## ***State Aid To Prosecution Historical Cuts***

1991 - 92	15%
1992 - 93	15%
1993 - 94	4.3%
2003 - 04	15%
2004 - 05	5.0%

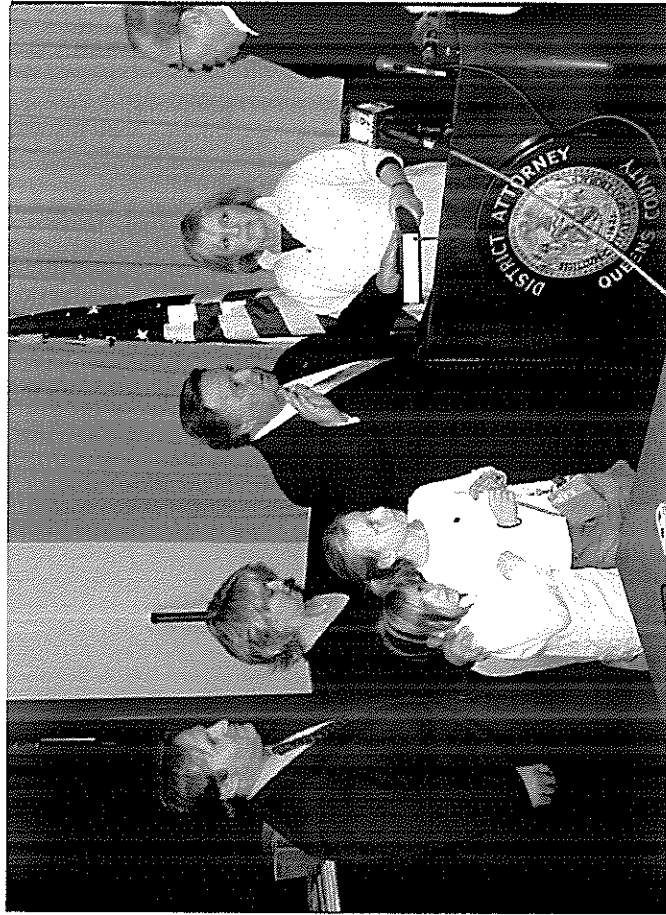
Queens D.A. lost \$1.4 million in funding from \$3.16 million to \$1.76 million since the early 90's.

## ***Seeking Support For New Initiatives***

1. **Enhanced Youth Gang Anti-Violence Efforts.**
2. **Financial Crimes and Mortgage Fraud Unit.**
3. **Enhanced Case Processing Initiatives.**
4. **Comprehensive Program to Combat Financial Exploitation of the Elderly.**
5. **Enhanced Funding for QDA Squad.**

***Combating  
Crime***

# Brown takes oath for his fifth term as DA



**Queens Supreme Court Administrative Judge Randall Eng (r.) administers oath of office to DA Richard Brown on the day after Christmas as he's sworn in for a fifth term. Joining Brown were his son Todd Brown, daughter Lynn Foodman, granddaughter Leiah and Alana Foodman, and wife, Rhoda Brown, holding the Bible.**  
Photo by Craig Warga

## QUEENS NEWS

Published by the Queens District Attorney's Office  
DAILY NEWS

### Brown's going for a record

#### Longest-serving DA

Queens District Attorney Richard Brown today took the oath of office for his fifth year in the job - a record for the office. Brown, 57, was sworn in by Queens Supreme Court Administrative Judge Randall Eng at the Queens District Attorney's Office on Monday, Jan. 14. Brown has served as DA since 1993, having previously served as Queens District Attorney from 1987 to 1993. He is the longest-serving DA in the office's history. Brown was born in Queens and graduated from the University of Pennsylvania. He has a law degree from the University of Pennsylvania and a master's degree in public administration from the University of Pennsylvania. He has also served as a member of the Queens District Attorney's Advisory Board and as a member of the Queens District Attorney's Board of Directors. Brown is married to Rhoda Brown and has three children: Lynn, Todd, and Alana. He has been a member of the Queens District Attorney's Association since 1993. Brown is a member of the Queens District Attorney's Association and the Queens District Attorney's Board of Directors. He is also a member of the Queens District Attorney's Advisory Board and the Queens District Attorney's Board of Directors. Brown is a member of the Queens District Attorney's Association and the Queens District Attorney's Board of Directors. He is also a member of the Queens District Attorney's Advisory Board and the Queens District Attorney's Board of Directors.

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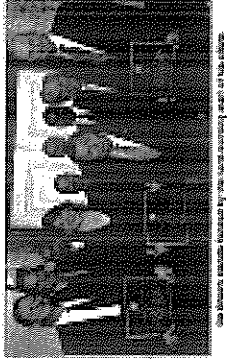
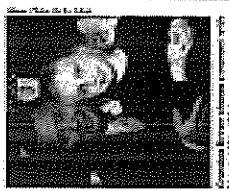


THE ELLENCE J. KELLY, JR. AWARD  
 Arthur's Restaurant, Queens Village

December 2007



# Back for the Fifth Time: DA Brown Has Defended Queens While Knocking Down Its Crime



By Robert Brown  
 Queens District Attorney Robert Brown has defended Queens for the fifth time in his 10-year tenure. Brown, who was elected in 1997, has consistently led the county in reducing crime rates. In 2007, the crime rate in Queens was down 15 percent from 2000. Brown has also been instrumental in the passage of the Stop the Violence Act, which prohibits the sale of assault weapons. Brown has also been instrumental in the passage of the Stop the Violence Act, which prohibits the sale of assault weapons. Brown has also been instrumental in the passage of the Stop the Violence Act, which prohibits the sale of assault weapons.

**Big Budget Legislature**  
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**Each Month Highlighted**  
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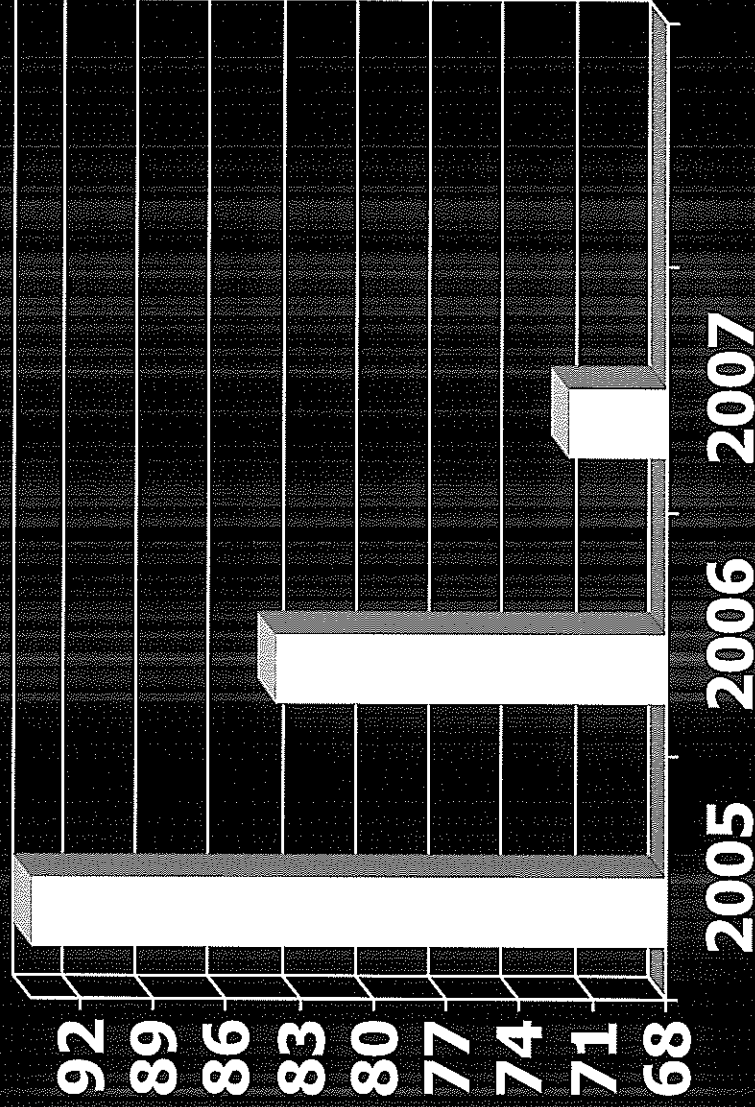
**At Homecoming Signature**  
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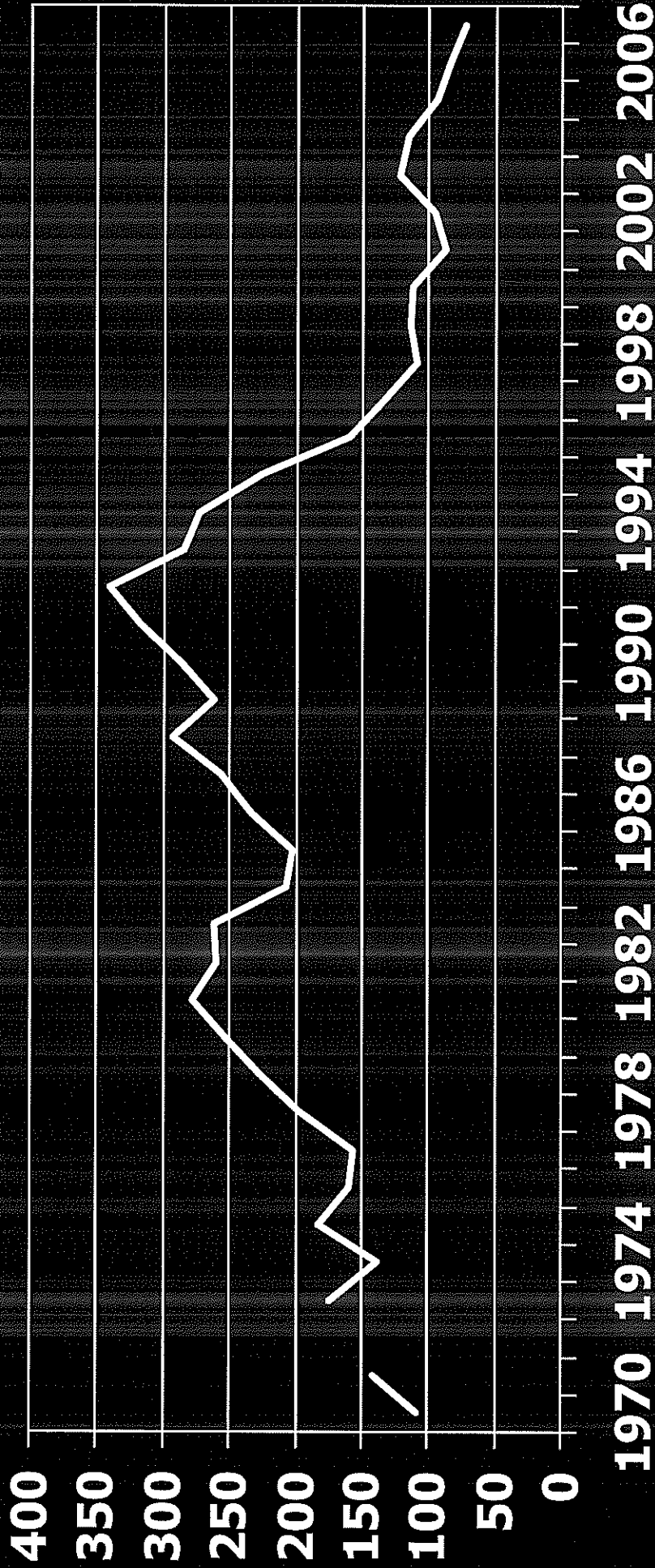
# *Homicides Decline in 2007*

Homicides in Queens  
County decreased from  
84 in 2006,  
to 72 in 2007  
a drop of  
14.2%



# Historical Murders 1970-2007

Queens Homicides in 2007 were lowest in over 40 years



Source: Department of Health, 1900-1999; NYPD COMPSTAT, 2000-2007

In 2006-2007 Index Crime  
was down  
6.8%

Since 1993 Index Crime  
has dropped  
75.7%  
in Queens County



Index Crime Includes:  
Murder – Rape – Robbery – Felony Assault – Grand Larceny – Grand Larceny Auto – Burglary

# ***Aggressively Fighting Violent Crime***

- Queens has 20.2% of the City's violent felony arrests.
- Queens has 24.4% of the City's violent felony convictions.
- Queens sends 22.5% of the City's violent felons to state prison.

Source: DCJS

# Homicide

## 29 years to life in former boss' death

BY CARL MACCOWAN

A week before the murder, the same man and place is no longer. The man is now a former boss, and the place is no longer a home. The man is now a former boss, and the place is no longer a home. The man is now a former boss, and the place is no longer a home.

## Back-shoot killer gets life

A 24-year-old ex-con and accused gang member was sentenced to 25 years to life in prison yesterday for shooting a man in the back.

William Patterson apologized to his victim's family in Queens Supreme Court, while still denying he killed 28-year-old James Thomas. Prosecutors said that in May 2002, Patterson accused Thomas of stealing a gun from him and then shot at his victim's feet before putting a bullet in his back as he ran away.

*Kimulisa Livingston*

## It's 'justice' as killer gets 17 years in jail

Pals of deliveryman stabbed to death in Feb. praise system

BY MICHAEL BOON

It's a happy day for the family of a deliveryman who was stabbed to death in February. The family is praising the justice system for sentencing the killer to 17 years in prison.

The happy day for the family of a deliveryman who was stabbed to death in February. The family is praising the justice system for sentencing the killer to 17 years in prison.

## Family man killer gets 20-yr. term

Son blasts 'hollow' apology for '95 slay

BY MICHAEL BOON

A family man who killed his son in 1995 has been sentenced to 20 years in prison. The son's family has criticized the defendant's apology as "hollow."

A family man who killed his son in 1995 has been sentenced to 20 years in prison. The son's family has criticized the defendant's apology as "hollow."

## Family Tragedy

Father and son are shot to death in their Jamaica home.

By Peter Brimley, Shabby Chan and Sean Gardner

A family tragedy unfolded in a Jamaica home on Tuesday night. A father and his son were shot to death in their home.

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## Double Murder Shatters Immigrant's 'Safe Place'

By Shabby Chan

A double murder in a South American country has shattered an immigrant's sense of safety. The victim was a man who had been living in the country for many years.

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## Life for Queens man in shooting

THE ASSOCIATED PRESS

A man who forced his 5-year-old nephew to witness the shooting deaths of his father and grandfather in Queens was sentenced yesterday to life in prison without parole.

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# 23 Yrs. in '04 parkway slay

**BY SCOTT HARRIS**  
**INTO HIS START WARRI**  
 "I don't know if he's con-  
 pay for what he did," said  
 There's something about  
 a DELUSIONAL homicid  
 man accused of shooting  
 33-year-old city planner  
 "My little one is still in  
 shock. She doesn't want to  
 go out and play. All three of  
 way in 2004 pleaded guilty  
 to manslaughter yesterday.  
 thing's going to happen to  
 Steven Boyd, 47, a  
 "The family will never be  
 the state," she said. "They  
 James Griggs had no  
 like instructions," she said  
 and the family has been  
 forced to meet to a regular  
 dealing with creditors over  
 since."  
 "It's a nightmare," the  
 wife said. "I don't know  
 what to do next. Everything  
 a Boyd will be formally  
 manslaughter case as they  
 could paint an overcast  
 subtitle: jay-stones.com

# Knifer pleads guilty in Killing over PlayStation

A HOMELESS drifter yesterday admitted to fatally stabbing a Queens college student who welcomed him into his family's home.  
 Emmanuel (Manny) Polanco, 22, pleaded guilty in Queens Supreme Court to manslaughter and assault in the brutal Oct. 30, 2006, attack on Hunter College student David Higgins, 19.  
 Polanco also admitted to bashing Higgins' mother over the head with a baseball bat. Verne Culberson, 54, needed 15 stitches in her head and still suffers from vertigo, she said.  
 Higgins, a Bronx High School of Science graduate, confronted Polanco about a missing Sony PlayStation, and Polanco responded by stabbing him repeatedly with kitchen knives, police said.  
 Polanco also went after Culberson, who arrived home mid-attack, prosecutors said.  
 "I'm glad he took the responsibility for what he did," Culberson said after the plea in Queens Supreme Court. "I still think it's just such a waste of so many lives."  
 Polanco faces 30 years behind bars at his sentencing Feb. 7.

# 'Mom-in-law' killer guilty

A Queens man who acted as his own lawyer was convicted yesterday of manslaughter in the Valentine's Day bludgeoning death of his 57-year-old would-be mother-in-law.  
 "It feels great. It feels great home with the unemployed man and wanted him out.  
 When Rosanna left for a vacation in Florida without her beau, Sexton attacked Maria as she sat in her living room. Ikimulisa Livingston, Jamaica apartment she co-owned with her middle daughter, Rosanna, who was engaged to killer Tony Sexton.  
 According to testimony, Maria hated sharing her home with the unemployed man and wanted him out.  
 When Rosanna left for a vacation in Florida without her beau, Sexton attacked Maria as she sat in her living room. Ikimulisa Livingston, Rogers disappeared from the room.

**QUEENS: MAN CONVICTED FOR KILLING FIANCEE'S MOTHER** Tony Sexton, 37, of Jamaica, was convicted of second-degree murder yesterday in State Supreme Court for killing Maria Rogers, 57, his fiancée's mother, in 2003, said Richard A. Brown, the Queens district attorney. Mr. Brown said that Ms. Rogers objected to Mr. Sexton's moving into her home, and that after an argument on Feb. 14, 2003, Mr. Sexton bludgeoned her to death. He said Mr. Sexton then put her body in a garbage bag, placed the bag in her car and abandoned the vehicle about a mile away. Mr. Sexton faces up to 27 years in prison when he is sentenced next month, Mr. Brown said.

# Killer of pregnant woman sentenced to 30 years

A Levittown man, who pleaded guilty last month to the 2005 fatal shooting of his former step-in-law pregnant with his child, was sentenced yesterday to 30 years in prison, the Queens district attorney's office said.  
 Steven Schiowone, 37, of 104 Harvest Lane, a former warehouse manager, pleaded guilty prosecutors said.  
 "The defendant admitted to fatally shooting his former sister-in-law once in the head allegedly to prevent her from telling his brother ... that she was pregnant with the defendant's baby," Queens District Attorney Richard Brown said.

# Queens man convicted in '03 slaying of rapper

A 21-year-old Jamaica, Queens, man was convicted of murder Friday in the 2003 shooting death of a rap artist, authorities said.  
 Vincent Rosa, of 177-27 106th Ave., was convicted of second-degree murder and second-degree criminal possession of a weapon. He faces a possible sentence of 25 years to life, officials said.  
 Rosa fatally shot Gerald Fields, 26, a rising rap artist with Murder Inc. Records, on a busy Queens street, prosecutors said.  
 His conduct not only took a life, but also endangered the lives of others," Queens Dis-

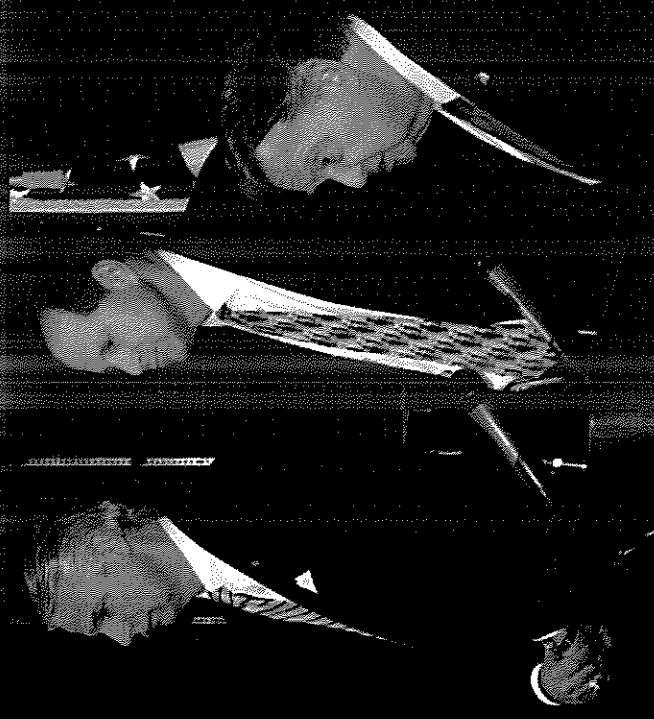
prosecutors said.

— JOSEPH MALLIA

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— BILL MASON





District Attorney Richard A. Brown (right) with trial prosecutors Robert J. Masters and Daniel A. Saunders following the re-sentencing of John Taylor to three consecutive prison terms of life without parole for the execution-style shooting of seven employees of the Wendy's restaurant on Main Street in Flushing in 2004. Five of the employees died.

# State's Highest Court Tosses Out Death Sentence in Killings at a Queens Wendy's

By ALAN FEUER

Calling a thug out an executioner, the state's highest court yesterday threw out the death sentence of a man for his role in the 2004 shooting of seven employees of a Wendy's restaurant in Queens.

The state's highest court, the Appellate Division, ruled in a 4-3 decision that the death sentence imposed on John B. Taylor, 33, was unconstitutional because it was based on the fact that he was a thug.

The court's decision, announced yesterday, is the first time in the state's history that a death sentence has been overturned on appeal.

The court's decision is based on the fact that Taylor was a thug at the time of the shooting. The court said that the fact that Taylor was a thug was not a mitigating factor in his case.

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John B. Taylor, in 2000, the year five were killed.

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**Guilty in slaying of dry cleaner**

THE TRIGGERMAN in the payroll robbery-turned-murder of a Queens dry cleaner was convicted yesterday by a Queens jury.

The man, Bruce Levy, 30, was sentenced to 20 years in prison for the slaying of the victim's long-suffering widow.

"We're delighted," said Kaiti Levy as she blinked back tears. "You don't just shoot someone when they're down on the ground like a dog."

Denworth Davidson, 24, shot the 52-year-old businessman twice in the throat and arm following a botched robbery inside Levy's Long Island City dry cleaning plant on Oct. 7, 2004.

A former employee of Levy's, Jerome Fitcher, set up the inside job to snatch the \$10,000 in cash Levy was carrying to pay his employees.

Fitcher, 30, was sentenced to 20 1/2 years to life in prison after a trial last November.

Davidson — whose first trial ended with a hung jury — faces life without parole for first-degree murder, robbery, weapons possession and conspiracy.

He will be sentenced Dec. 4. Davidson's lawyer vowed to appeal.

Nicole Boote

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## Killer, 18, gets 24 years

A QUEENS TEEN who killed a rival at a block party after being called a name faces the next 24 years in prison after taking a plea deal yesterday. Vijai Dube, 18, pleaded to manslaughter for shooting Harrichad Singh, 15, and wounding another person at the Aug. 6, 2005, South Ozone park gathering. Dube, who was facing 25 years to life, will be sentenced next month by Queens Supreme Court Justice Randall Eng.

**Scott Shifrel**

## A murderer has to be resentenced because of a statute's unconstitutionality.

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## '93 club killers guilty

A nightclub owner and bouncer yesterday were convicted of murder in the nearly 15-year-old slaying of an untidy patron who was tossed out of a Queens bar and executed in a dark alley.

Vishnudatt Nisthalal, 48, the owner of Juarachito Bar in Jackson Heights, and bouncer Rashawn Sweeney, also 48, are facing 25 years to life and are to be sentenced next month.

Yamille Alberto Fuentes was shot and killed Jan. 18, 1993. According to trial testi-

mony, Nisthalal ordered Sweeney and another bouncer to take him outside and kill him.

The second bouncer, believed to be the triggerman, has not been caught.

The case was cold for years until the club's DJ spotted Nisthalal in a coin laundry in 2004 and went to cops and helped them build a case.

The jury deliberated for three days before finding both men guilty.

Jaimuddin Livingston

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# Violent Crimes

## Queens man convicted of cop assault

**QUEENS.** A Cambria Heights man has been convicted of assaulting a police officer last year by grabbing his service revolver and causing it to discharge, striking the cop in the leg, officials said yesterday. Lasana Philbert, 23, was found guilty of second-degree assault late Tuesday following a two-week jury trial. He now faces up to 15 years in prison when he is sentenced on Feb. 8. Queens District Attorney Richard Brown said while on patrol in a park near the Cross Island Expressway on June 14, 2005, Officer Christopher Wiesneski saw Philbert sitting on a bench with marijuana. When Wiesneski confronted him, Philbert lunged for the gun and it fired. **METRO/REM**

## Bain Found Guilty On All Counts Sentencing Date Not Set At Press Time

Just as The Wave was set to go to press on Thursday night, an announcement was made by Queens District Attorney Richard Brown that Edward Bain of Belle Harbor had been found guilty of both manslaughter and driving under the influence.

At press time, a sentencing date had not yet been set for Bain, who was arrested in September of 2005 after the car he was driving slammed into a telephone pole, killing his wife, Donna Marie Murtagh Bain, who was in the passenger seat.

Bain refused to take a blood test that night, but was tested the next morning after a warrant to permit the test-

ing was issued by a judge. The next morning, Bain tested at .08, the legal definition of driving drunk in New York State. In addition, Bain made statements to the police that were contradictory and he chided police to prove that he was drunk.

The trial, which lasted more than two weeks, turned on the issue of Bain's condition as well as the condition of the roadway on the night he crashed.

Bain turned down a plea bargain that would have given him two years in prison and went to trial. He now faces up to fifteen years at his sentencing.

## St. John's student found unfit for trial

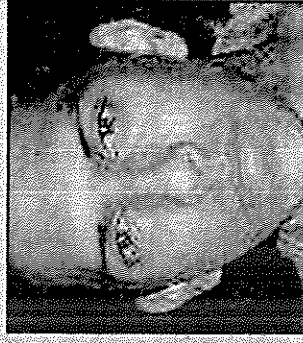
THE ASSOCIATED PRESS

een mask. He was arrested and, sources said, was off his medication.

Authorities said Hiramman bought the rifle and 100 rounds of ammunition legally in Poughkeepsie but did not have a New York City permit.

A St. John's University freshman accused of wandering around the Queens campus with a loaded rifle last month was found incompetent to stand trial yesterday. A Queens Criminal Court judge ordered Omesh Hiramman to be held at a state psychiatric facility. If convicted, he would have faced up to a year in jail.

Defense attorney Anthony Colleloun said his client is schizophrenic and back surgery worsened his condition. On Sept. 27, Hiramman was spotted carrying a .50-caliber rifle that stuck out of a plastic bag and wearing a Hallow-



FOX 5 NEWS PHOTO

Omesh Hiramman

## Man charged in bat attack on rookie cop

**POKSHIA BERTI MALLER**  
pm\_maller@metronews.us

**CRIMINALS.** A Bushwick man talked and ambushed a rookie cop — beating him with a baseball bat — to take his gun for use in future heists, officials said yesterday. Danny Fernandez, 21, who faces life in prison, told arresting officers that he was \$16,000 in debt and needed the officer's gun for robberies to pay it off. According to Queens District



Officer Cho

Attorney Richard Brown, Fernandez shot Officer Joseph Cho at about 1:30 a.m. yesterday near 39th Avenue and 102nd Street in Jackson Heights and struck him once from behind, knocking the cop unconscious. Fernandez then allegedly struck Cho once again before taking his gun and handcuffs and fleeing on foot. Minutes later, Fernandez was apprehended by other rookie police Officers Christine Schmitt and Patrick Lynch. They found Cho's NYPD-issued handgun and

handcuffs on Fernandez, as well as the bat. Fernandez also allegedly admitted to a lynch, who saw the attack, that he began looking for an officer who was alone and on foot patrol beginning at 9:30 p.m. Sunday. After encountering Cho sometime after 1 a.m. yesterday, Fernandez allegedly

assaulted the officer and wanted for an arrest. Cho, who is assigned to the NYPD's Field Training Unit, remained in stable condition last night at Elmhurst Hospital, where he received treatment for a fractured skull and a concussion. Fernandez was being held pending arraignment last night on charges of attempted first-degree murder, aggravated assault upon a police officer, first-degree assault, first-degree robbery and related charges.



# Sexual Assault

## Former Teacher Admits Assaults

The Associated Press

A former biology teacher at a Catholic preparatory school in Manhattan has admitted sexually assaulting five students in his car and at a movie theater, prosecutors announced on Thursday.

The former teacher, Richard Ali, 28, pleaded guilty to one charge of second-degree rape, two charges of third-degree rape and two charges of third-degree sexual abuse involving five of his former students at Cathedral High School, according to the office of the Queens district attorney, Richard A. Brown.

Mr. Ali, who worked at the girls' school in Manhattan until his arrest last year, was expected to be sentenced Jan. 25 to one and a half years to four and a half years in prison, officials said.

"The victims of these despicable acts will be spared the trauma of testifying at trial," Mr. Brown said in a statement. "This teacher destroyed his students' trust and will now pay the price for his crimes in prison."

Mr. Ali, who also was a soccer coach at the school, raped and molested the students, sometimes repeatedly, from April 2005 to January 2007 after school hours in his car near a Queens high school and at a movie theater, the authorities said.

## 15 MINUTE

### Guilty plea in teen rape

A FORMER Queens teacher, who had sex with his 14-year-old student — then violated an order of protection by meeting the girl at LaGuardia Airport for a parting smooch before her summer vacation — pleaded guilty to statutory rape yesterday.

Julio Benavides, 28, a former math teacher at Richmond Hill High School, could get one to three years in prison, his lawyer said. He is set to be sentenced in Queens Supreme Court on Dec. 17.

Nicole Bode

## Arraigned as Qns. rape fiend

AN EX-CON who was linked to two rapes by DNA evidence was arraigned in Queens yesterday.

Richard Thomas was busted after a new state law gave authorities access to his DNA — a measure that was pushed by one of his victims.

The resilient Carol Dickerson, 42, who was attacked in 1986, lobbied for the law that requires all convicted felons to give DNA samples.

Thomas, 41, was serving three years in state prison for grand larceny when his DNA was tested in November. It matched evidence from the assault on Dickerson as well as the rape of a 12-year-old in Queens in 2004.

Thomas, who was ordered held without bail yesterday on charges of first-degree rape, faces 75 years behind bars if convicted. He "denies the allegations," his lawyer, Michael Hartofilis, said.

The state Legislature is now considering a bill that would open the state's DNA database to all crimes.

John Laubinger

## School aide gets 6 mos. for rape of boy, 11

A QUEENS elementary school aide who raped an 11-year-old student was sentenced to six months behind bars yesterday. Lois Enden, 56, of Forest Hills, pleaded guilty to statutory rape in Queens Supreme Court almost a decade after the 1999 tryst with the boy, then a fourth-grader.

The former Public School 196 staffer, who is married with two grown kids,

initiated the sexual liaison by pulling her victim into a classroom and kissing him. It escalated into sexual trysts at her home and at her victim's home, cops said.

Enden was caught when the victim, now 19, spotted her as she walked her dog and finally decided to go to police. Enden was later caught on tape apologizing to the teen.

Nicole Bode

BY SCOTT SHIFREL  
DAILY NEWS STAFF WRITER

## Justice at last for Qns. rape victim

er noting that she didn't find out she was pregnant until two months after the rape. She lost the baby five months later.

This was the worst thing that could have happened to me because it was a life. And ... I lost the child because of my nerves."

I have suffered a great deal, this is indelible."

Jackson, 38, was finally caught nine years after the attack when a DNA sample he gave as part of his conviction on an unrelated drug case matched evidence in the rape.

Jackson — who faulted the woman after the rape by leaving behind a fake name and phone number on a note saying, "I got

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Alex Jackson

God knows that I never crossed it."

Jackson then turned to the victim, who had been crying and apologized if "directly or indirectly I might have been the cause."

## Queens rapist gets 40 years

A 45-year-old homeless man was sentenced to 40 years in prison yesterday for raping a 34-year-old mom in Queens last year, just minutes after another woman had escaped his clutches.

Clark Brown forced the mother into a garage, where he raped her. Fifteen minutes before the attack, he grabbed a 19-year-old woman, who bolted when she pretended she had to tie her shoe.

On June 13, 2006, James Denise Buffa

initiated the sexual liaison by pulling her victim into a classroom and kissing him. It escalated into sexual trysts at her home and at her victim's home, cops said.

Enden was caught when the victim, now 19, spotted her as she walked her dog and finally decided to go to police. Enden was later caught on tape apologizing to the teen.

Nicole Bode

# Child Abuse

## Newsday

NEW YORK CITY  
 FEBRUARY 24, 2006 \$3.00 (COVER PRICE)

### Tot-rapist gets 20 years

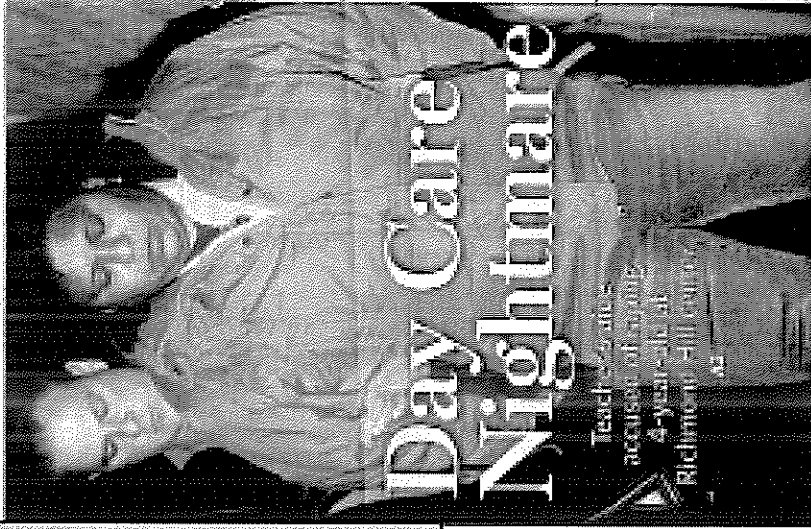
A Queens day-care worker quietly wept as a judge sentenced her to 20 years behind bars for raping a 4-year-old boy whose trust was violated by a "sexual predator."

Khemwatie Bedessie, 38, wiped the tears and grimaced as Queens Supreme Court Justice Michael Aloise blasted her for the horrible abuse inflicted on the youngster.

"You don't harm [children]. You don't abuse their trust. You don't take advantage of their trust," Aloise said. "There's no doubt Miss Bedessie did all that."

On three occasions in 2006, Bedessie began touching the boy and each incident increased in severity until she engaged in sexual intercourse with the child.

*Kimulisa Livingston*



### Day Care Nightmare

Teacher's wife's  
 accusation of raping  
 4-year-old at  
 Richmond Hill nursery

#### Palatable Reports Of My Demise Exaggerated



### Baby shaker gets 15 years

BY SCOTT SHIPRELL  
 FAMILY NEWS STAFF WRITER

THE SMALL BOY SAF- sly, quietly squirming in the courtroom as his mother gently played with his fingers — oblivious to the woman sitting nearby who violently shook him as a baby eight years ago.

"Was it hard to baby-sit him?" the boy's father, Sung Hak Ahn, asked Yun Zapana, the woman convicted of shaking the then-9-month-old on March 3, 1999, at her sentencing yesterday. "You should not have gotten mad and shook my son who couldn't even speak. I can't even think about what happened that day."

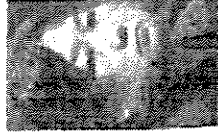
Queens Supreme Court Justice Richard Buchter sentenced Zapana, 33, to 15 years in prison. She could have been sentenced to as much as 25 years.

"Whatever she gets is nothing compared to my son Rey." Ahn said afterward. "Fifteen years behind bars is nothing, compared to his life — he lost his whole life."

Rey Ahn, strapped in a stroller like a toddler, is now 8 years old, but can't walk, go to the bathroom without help or feed himself, and the brain damage he suffered left him with frightening daily seizures.

Zapana, who has said she would appeal retrial's jury verdict convicting her of assaulting the baby, had no words of remorse and looked away as the boy's father spoke.

The boy was fine when he was dropped off at Zapana's Astoria home. Zapana later called the family to say he had had a seizure after waking from a nap. But doctors determined it was shaken baby syndrome.



Yun Zapana

sentinel@nydailynews.com

# Domestic Violence

## Gal-pal killer is convicted

A Queens man who shot his girlfriend in the head and then fled to the Dominican Republic still wearing a shirt splattered with her blood was convicted of manslaughter yesterday.

It took a jury less than a day to find José Tavarez, 25, guilty in the March 2005 death of 19-year-old Liana Alvarez.

The couple had been arguing about a gun Tavarez was carrying when cops pulled them over earlier that morning.

Alvarez was upset that they could have been arrested, and the dispute continued until they arrived at her home on Cypress Avenue in Ridgewood, where she was shot.

Tavarez was caught at the Santo Domingo airport hours later.

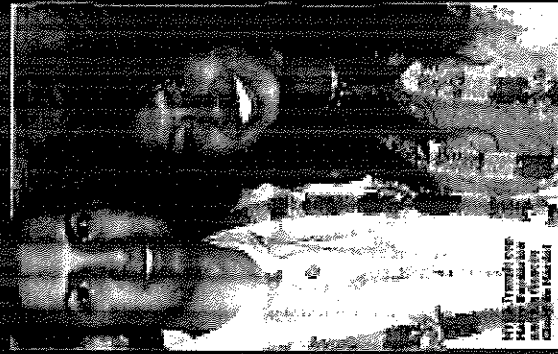
He was acquitted of the top charge of second-degree murder.

*Ikimutisa Livingston*

NYPost 7/14/07 pg 15

## DAILY NEWS

NEW YORK POSTS INCORPORATED NEWSPAPER GROUP  
NYDailyNews.com

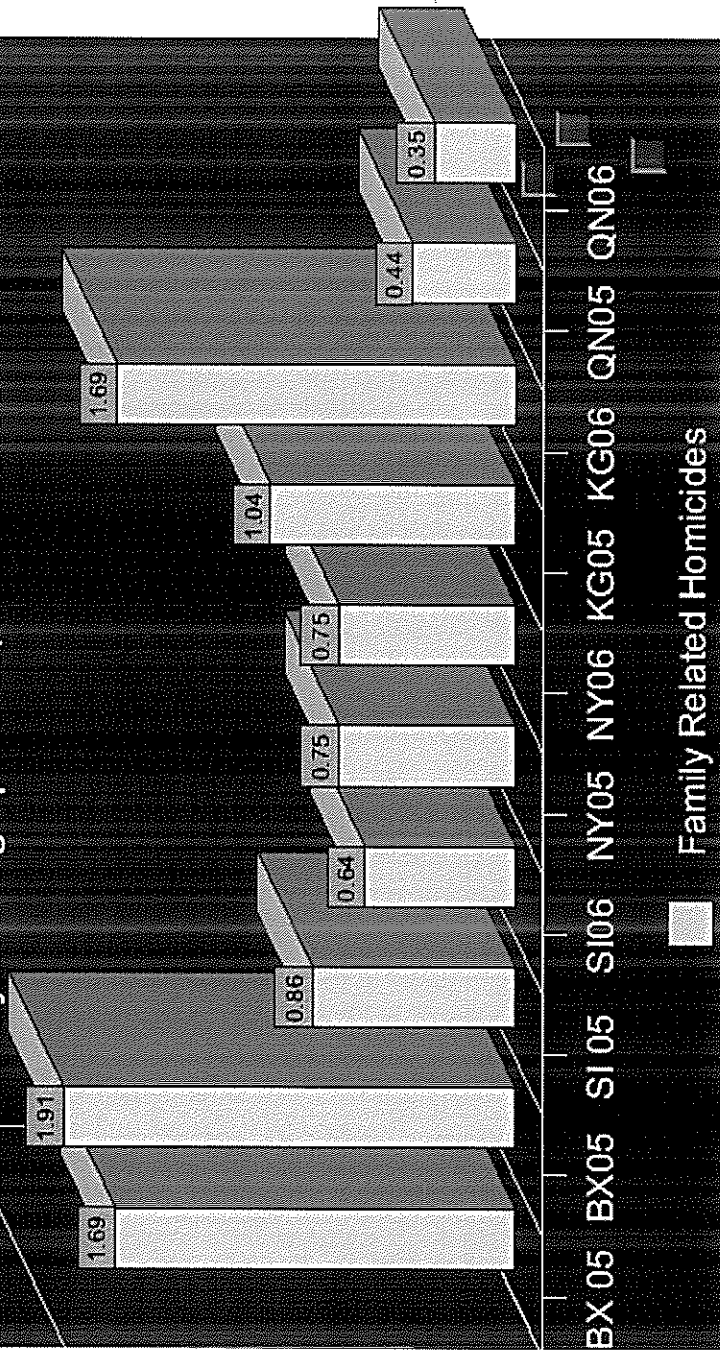


Her family took him in and promised her hand in marriage — but he gunned her down in the street

# FATAL BETRAYAL

# 2005&2006 Family Related Homicides

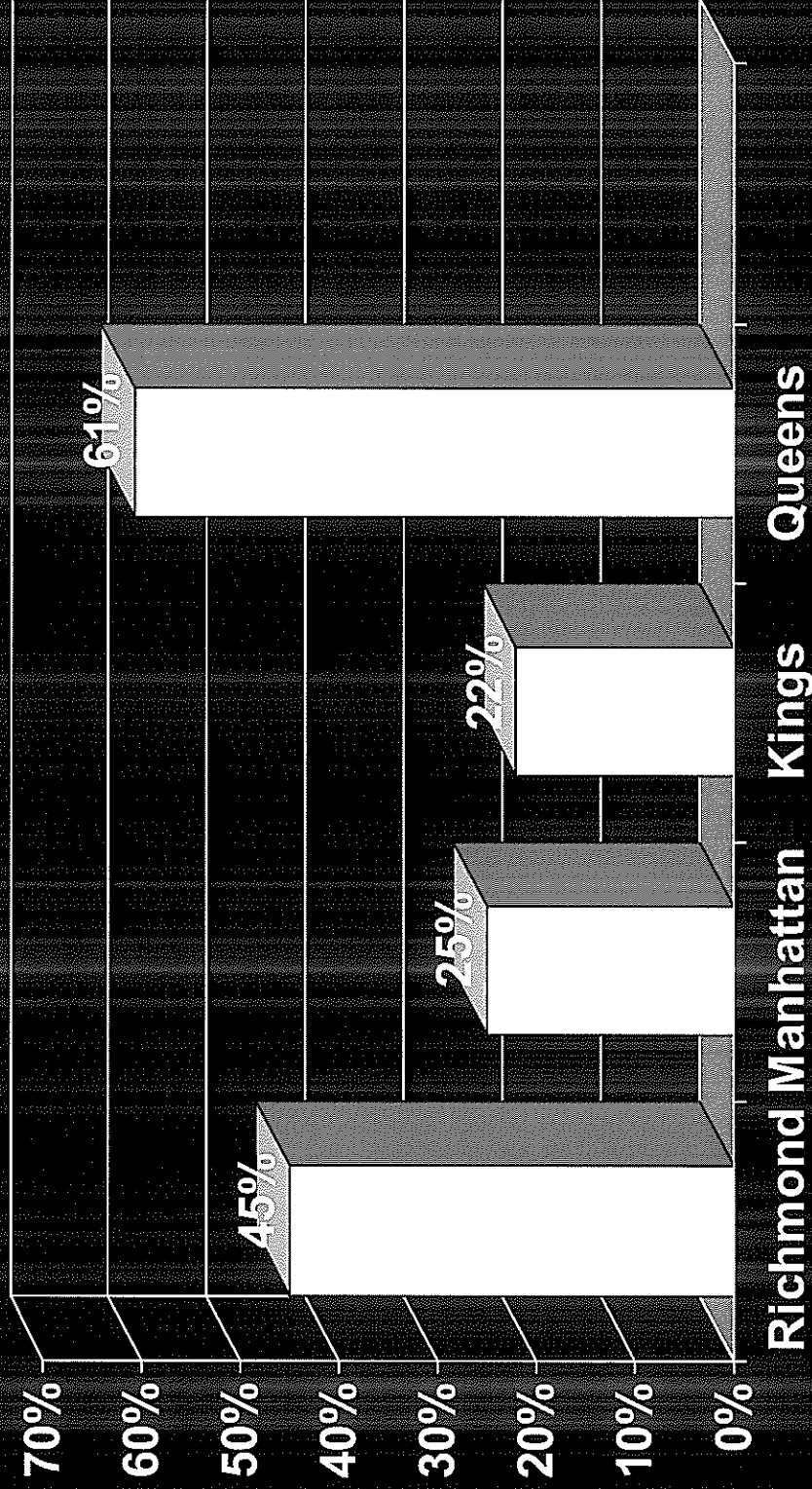
By Borough per 100,000 residents



## *Queens Leads City in Domestic Violence Prosecutions*

- Queens has the highest conviction rate in NYC.
- Queens has the lowest dismissal rate in NYC.
- Queens has more pre-indictment felony pleas than the rest of the city combined.

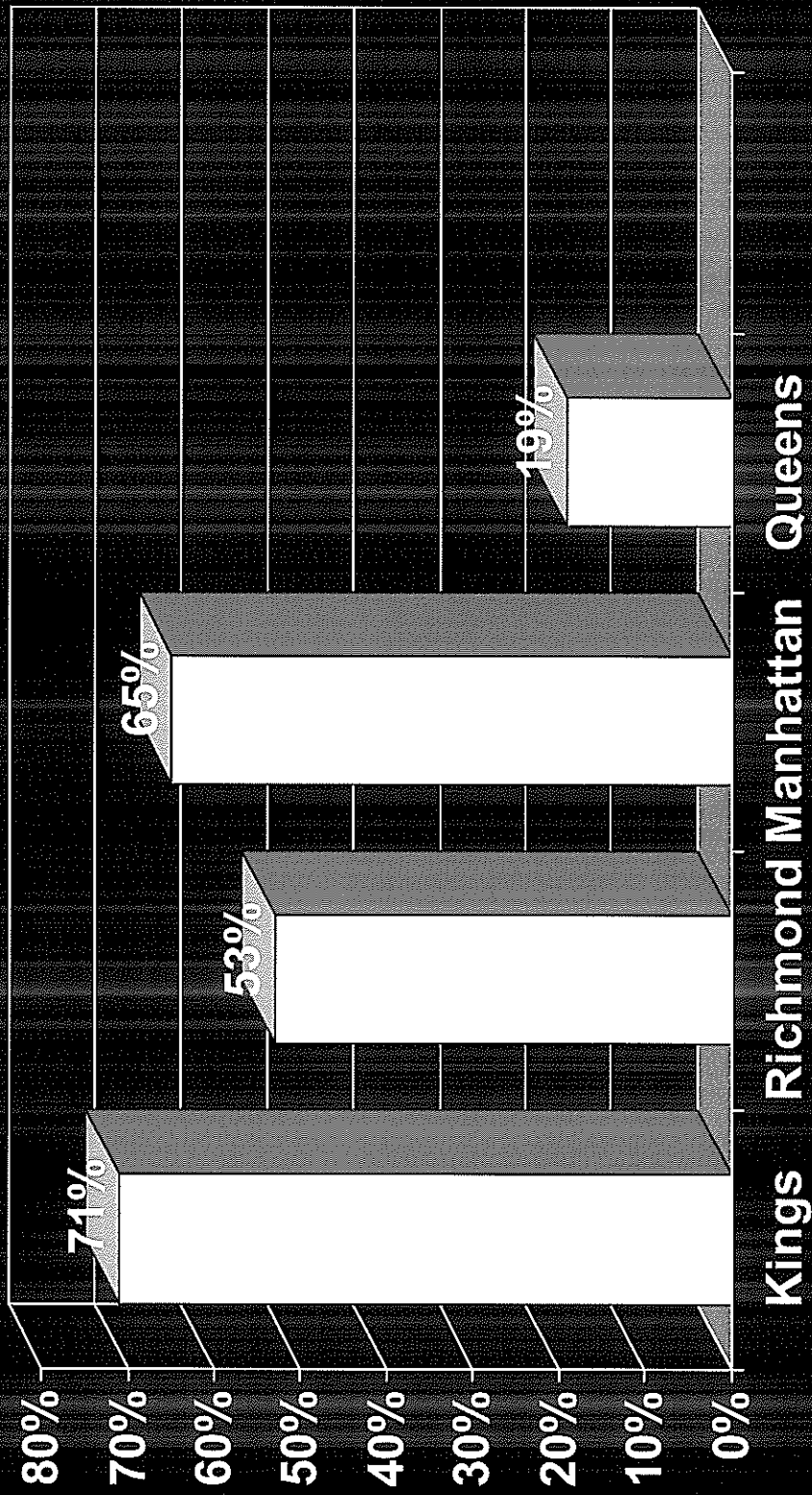
# Comparison of 2007 DV Conviction Rates Citywide by County



Source: Office of Court Administration

\* Bronx County statistics not available due to court merger.

# Comparison of 2007 DV Dismissal Rates Citywide by County



Source: Office of Court Administration

\* Bronx County statistics not available due to court merger.

# Hate Crimes

## Teen admits bias beating

### Hate-crime charges in haircut attack

BY MITCHELL FREEDMAN  
 in "weebop freely" Queens District Attorney Richard Brown said in a prepared statement.

A Queens high school student was charged with hate crimes Friday for violating a 1964 law that prohibits anyone from forcing his or her religious beliefs on others.

The defendant is not accused of forcing his hair, the Queens district attorney said.

But an attack on the fundamental beliefs of his victim's religion and his freedom

of expression is a hate crime, the attorney said.

Alamed and the other boy approached the victim — whose identity is being withheld by the court — and said "Kill Jews to get your hair."

The boy said it was against his religion, but Alamed said he was "just kidding." Alamed said he did not let me cut your hair, but I will punch you with this thing.

Man allegedly wrote hate messages on cars and 67th avenues in Fresh Meadows with swastikas and a message written in black marker: "Kill the Jews, 7-14-05."

The date may refer to July 14, 1933, the day Adolf Hitler banned all political parties except for the Nazis in Germany.

The incident outraged the community, where many residents are Holocaust survivors.

— LINDSAY FABER

## Man allegedly wrote hate messages on cars

A man has been arrested for 20 cars in Flushing, counts of as a hate

ness fin- string of tered cars

## Sentencing in Queens bias attack

BY JULIE CHUNG  
 STAFF WRITER

A Queens man was sentenced to 3 1/2 years in prison yesterday after admitting he attacked two Asian-American men because of their race, the Queens district attorney's office said.

Kevin Brown, 19, of 196-40 45th Ave., Auburndale, pleaded guilty to second- and third-degree assault as a hate crime prosecutor said.

The August incident in Douglaston left one victim with a head injury.

"His [Brown's] actions are a throwback to a dark time and place in American history and are an affront to civilized society," Queens District Attorney

Richard Brown said in a statement. "Crimes of hate will never be tolerated here."

In a statement released by the office of Councilman John C. Liu (D-Flushing), one of the victims praised the outcome.

"It lets me believe there's still justice in America," said John Liu, 19, of Flushing, now a University at Albany sophomore. Liu's court required stitches and some of his teeth were knocked loose.

Kevin Brown also pleaded guilty to second- and third-degree assault for a separate incident in May, in which he attacked one man with a hammer during an argument after he hit another man with his Toyota.

Brown was also sentenced to 2 1/2 years of supervision following his release, prosecutors said. His attorney could not be reached for comment.

Liang, 19, of Little Neck, sped off in the Lexus with the other victim, Li, and two friends, and pulled over once he believed he had lost Brown and Heavey, prosecutors said.

But when Li got out of the Lexus to check the damage, Brown and Heavey pulled up, said more racial slurs, and punched Li, prosecutors said.

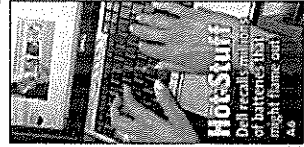
The pair also attacked Liang when he got out of the car to help Li, the district attorney's office said. At one point, Liang grabbed a steering wheel lock known as The Club, Brown and Heavey took it and beat Liang over the head with it, prosecutors said.

Liang has since recovered.

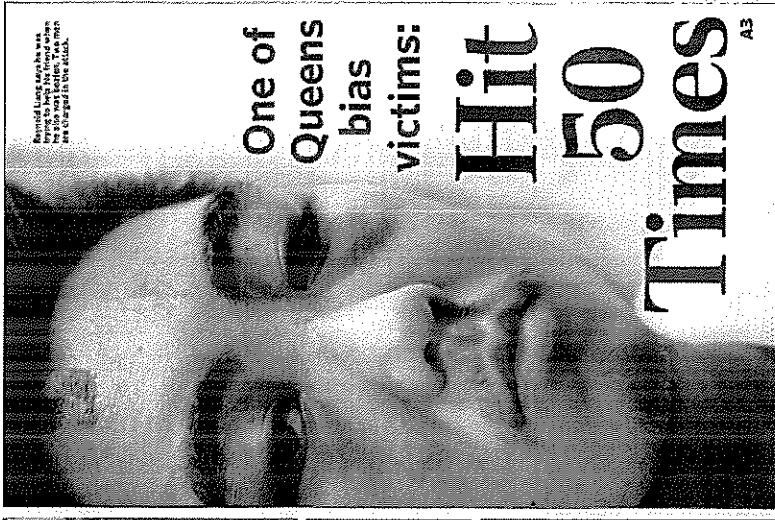


How To Stay Safe  
 (AP Photo)

Lebanese Return As Peace Holds  
 (AP Photo)



Hot Stuff  
 Deal recalls millions of lighters (left) might flame out  
 (AP Photo)



One of Queens bias victims:

# Hit 50 Times

A3

Benjamin Liang says he was hit 50 times with a hammer by his assailant. The man is charged in the attack.

# Drugs

## Cops: Steroids were sold at 2 gyms

BY MAT PROALCO  
Specials Reporter



Most of the customers would be found in the gym's front desk, where the clerk a wall of bills, and the person behind the counter would of their choice, police said. The Queens gym said Thursday were distributed among a wide range of black market drug dealers in up to \$50,000 total a house sale in the area, police officers said Friday.

...the drugs, tried unsuccessfully to flee police when they arrested at his home, crawling out the window and onto a nearby roof, Kelly said. Kelly said he saw faces up to the roof of the three-story building, but he could not identify anyone, Kelly said. Kelly said he saw faces up to the roof of the three-story building, but he could not identify anyone, Kelly said. Kelly said he saw faces up to the roof of the three-story building, but he could not identify anyone, Kelly said.

...Amanda Serrano, was also charged with criminal sale of controlled substances. Kelly said he saw faces up to the roof of the three-story building, but he could not identify anyone, Kelly said. Kelly said he saw faces up to the roof of the three-story building, but he could not identify anyone, Kelly said.



## Come On People: Drugs Rob Life From Our Communities



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## Mr. Softee drug bust

...busted a slew of hydroponic marijuana-growing houses in the city and Yorkers, seizing 2,500 plants that could have yielded pot with a street value of \$6 million. The biggest take-down took place on March 27, when 700 plants representing a street value of \$2 million were seized in a first-floor apartment at 895 Amsterdam Ave. near West 79th Street.

## 'Roid 'ring' master



...Several competitors, body builders were also arrested for the sale of anabolic steroids. Kelly said he saw faces up to the roof of the three-story building, but he could not identify anyone, Kelly said.

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...The officers obtained a search warrant and raided the building unannounced, a fully functional growing facility, police said. The officers said they seized 300 marijuana plants and 100 brown bags filled with pot that was being dried out. They also seized horticulture equipment emanating from 77-12 269th St. near Union Turnpike in Floral Park.

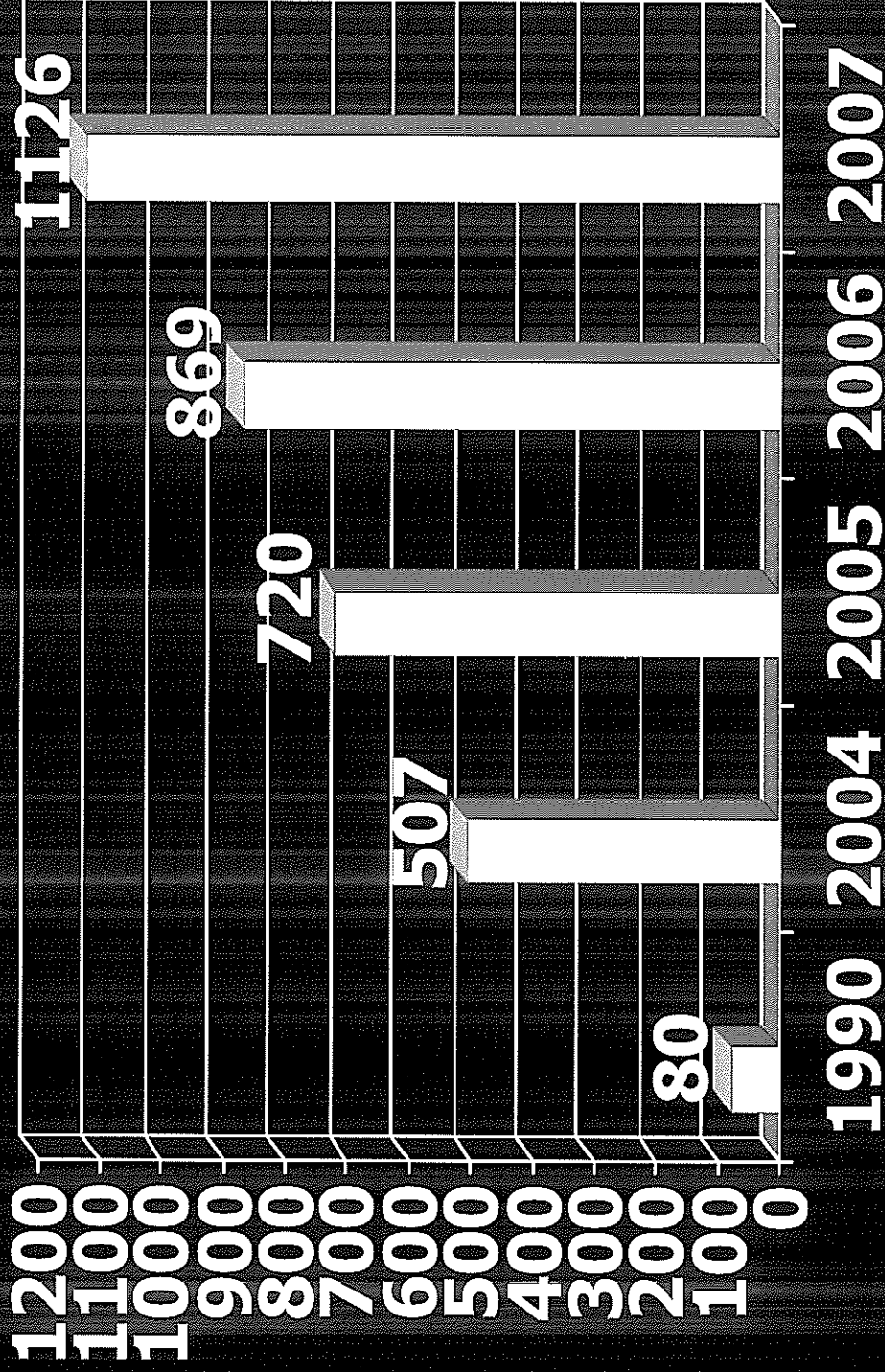
## Gops sniff out Queens apt. 'pot' farm

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# Search Warrants



# ***Court Ordered Electronic Surveillance Against Organized Criminal Enterprises***

- We still lead the state in wiretaps with 153 wiretap orders (129 from 2006, and 24 investigations that began in 2005 and closed in 2006).
- In addition to being number one in New York State, the Queens County District Attorney's Office had the second largest number of drug-related wires in the country and the second largest number of convictions off a single wire in the country.



*Source: U.S. Court 2006 Wiretap Report*



# WAGERS OF SIN



**DA busts \$30M sports betting ring**  
 BY PATRICK GIBBANE  
 and TERRY VONZAKA

DA officials with warrants in hand, raided a Queens city apartment on Tuesday, busting a \$30-million-a-year sports betting ring. The raid, which was part of a larger investigation into the operation, resulted in the arrest of several individuals. The operation was described as a sophisticated and well-organized network that had been active for years.

**CRACKED OUT:** Jack Kowalski (left) and his partner, Joseph... (The text continues with details about the individuals involved in the case.)

# \$3.3 BIL CASINO ROYALE



**WAGERS OF SIN**  
 DA officials with warrants in hand, raided a Queens city apartment on Tuesday, busting a \$30-million-a-year sports betting ring.

**in 'biggest ever' bookie bust**  
 DA officials with warrants in hand, raided a Queens city apartment on Tuesday, busting a \$30-million-a-year sports betting ring. The operation was described as a sophisticated and well-organized network that had been active for years.

# \$3.3 BIL



**'Net bet king of Qns.'**  
 DA officials with warrants in hand, raided a Queens city apartment on Tuesday, busting a \$30-million-a-year sports betting ring. The operation was described as a sophisticated and well-organized network that had been active for years.

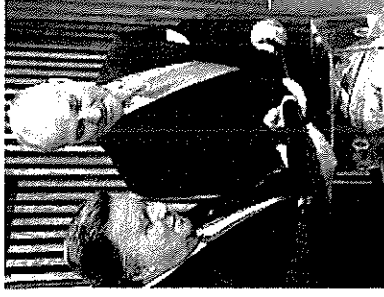
**How cops smashed 3.3B Web gambling operation**  
 SEE PAGES 6-7

# GAME OVER

**The book on Web bet rings:**  
 28 month investigation  
**\$3.3B** wagered in that time  
**2,000** approximate number of people employed by the operation  
**\$500M** civil forfeiture action filed against the defendants  
**40,000** different people bet with this site

**ARRESTED IN CITY'S LARGEST BETTING BUST**  
 Queens DA Brian K. Kim, and NY State Commissioner Kelly... (The text continues with details about the arrest and the scale of the operation.)

**27 arrested in city's 'largest' betting bust**  
 DA officials with warrants in hand, raided a Queens city apartment on Tuesday, busting a \$30-million-a-year sports betting ring. The operation was described as a sophisticated and well-organized network that had been active for years.



**Scuffed gamble**  
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# Fraudulent Identification



who's inside...  
**Serving Queens For Over 25 Years**  
**GAZETTE**  
 Vol. 25 No. 43 October 17, 2007  
 www.gazette.com

## 41 indicted in Queens fake-ID rings



Queens DA Richard Brown

**Paq 48** **McWSD-4 Oct 17, 2007**

The 43306-0610 10/15/07  
 Authorities have broken up two counterfeiting rings that sold millions of dollars worth of fraudulent driver's licenses, Social Security numbers and passports through internet websites.

The black market rings, operating separately in Queens, were provided with the fraudulent government documents by the same Los Angeles supplier, the same Los Angeles supplier, the same Los Angeles supplier, the same Los Angeles supplier.

The indictment was the culmination of a two-year investigation into the manufacturing, distribution and sale of forged identity documents.

Prosecutor Avenue in higher Manhattan, the indictment charges that the suppliers of such items at least partially on the "E-Cong" website.

"These documents allow individuals to live, work and travel in this country, attend school, obtain employment, open lines of credit in banks, and more."



The Queens Fraudulent Document Enterprise

QA

## 41 Nabbed in ID Fraud



**Queens District Attorney Richard Brown** announced today that 41 people have been indicted on charges of manufacturing, distributing and selling fraudulent identification documents.

The indictments were filed in Queens County Court on October 15, 2007.

The indictments charge the defendants with manufacturing, distributing and selling fraudulent driver's licenses, Social Security numbers, and passports.

The indictments also charge the defendants with manufacturing, distributing and selling fraudulent identification documents.

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# Putting the Brakes on Auto Crime

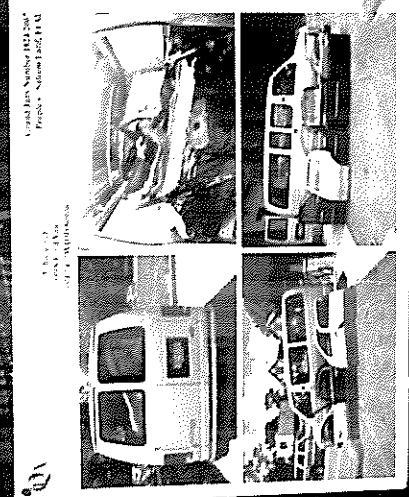
## DA: Taxi big a car thief

**EXCLUSIVE BY FRANK BROWN**

**THE DISTRICT ATTORNEY** has announced that his office has secured a \$1 million settlement from a taxi company that was involved in a series of car thefts. The settlement is the largest in the history of the district attorney's office.

The taxi company, which has operated in the city for over 20 years, was found guilty of a series of car thefts that involved the use of its fleet of taxis. The district attorney's office has been investigating the company for several months.

The settlement is a landmark case for the district attorney's office, as it is the first time that a taxi company has been held liable for a series of car thefts. The settlement is also a significant victory for the district attorney's office, as it shows that the office is committed to fighting auto crime.

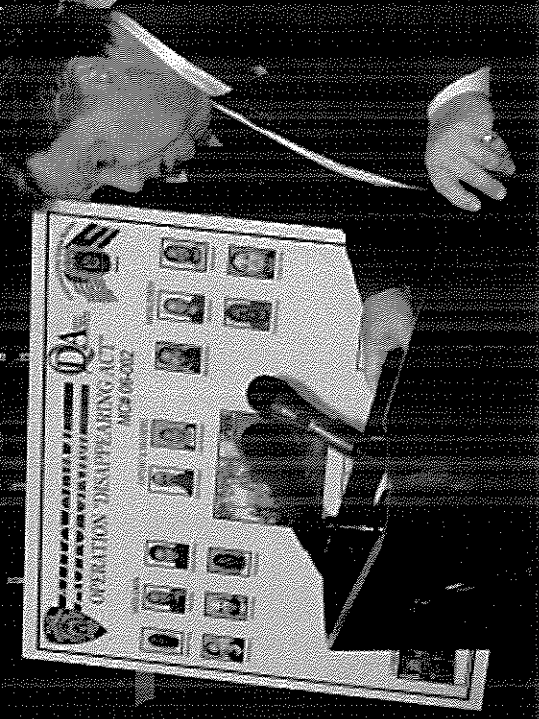


Used cars stolen from taxis, New York Daily News

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## 61 Arrested In a Sting On Car Fraud

The district attorney's office has announced that it has arrested 61 individuals in a sting operation targeting car fraud. The individuals were arrested on charges of fraud, identity theft, and other crimes related to the sale of stolen vehicles.



# Operation Key Code

**STOLEN CARS BRIBED WITH NEW VEHICLE IDENTIFICATION NUMBERS**

**CUSTOMER ORDERS CARS**

**LOCKSMITH**

**LOCKSMITH**

**"KEY CODES" MAJOR CHEVROLET**

**COURIER**

**LOCKSMITH**

**NEW YORK CITY POLICE DEPARTMENT**  
 Criminals Control Bureau  
 Auto Crime Division

**STOLEN CARS BRIBED WITH NEW VEHICLE IDENTIFICATION NUMBERS**

**CUSTOMER ORDERS CARS**

**LOCKSMITH**

**LOCKSMITH**

**"KEY CODES" MAJOR CHEVROLET**

**COURIER**

**LOCKSMITH**

## Finally under lock, key

**■ Nine suspects in ring that stole, altered dozens of luxury cars in Queens are arrested after 14-month sting**

BY JOHN VALENTI  
 john.valenti@newsday.com

Authorities have busted a highly organized ring responsible for the theft in Queens of more than 60 high-end vehicles, such as Hummer H2s and Cadillac Escalades, and sold to buyers in other states as well as Mexico. Following a 14-month undercover operation dubbed "Oper-

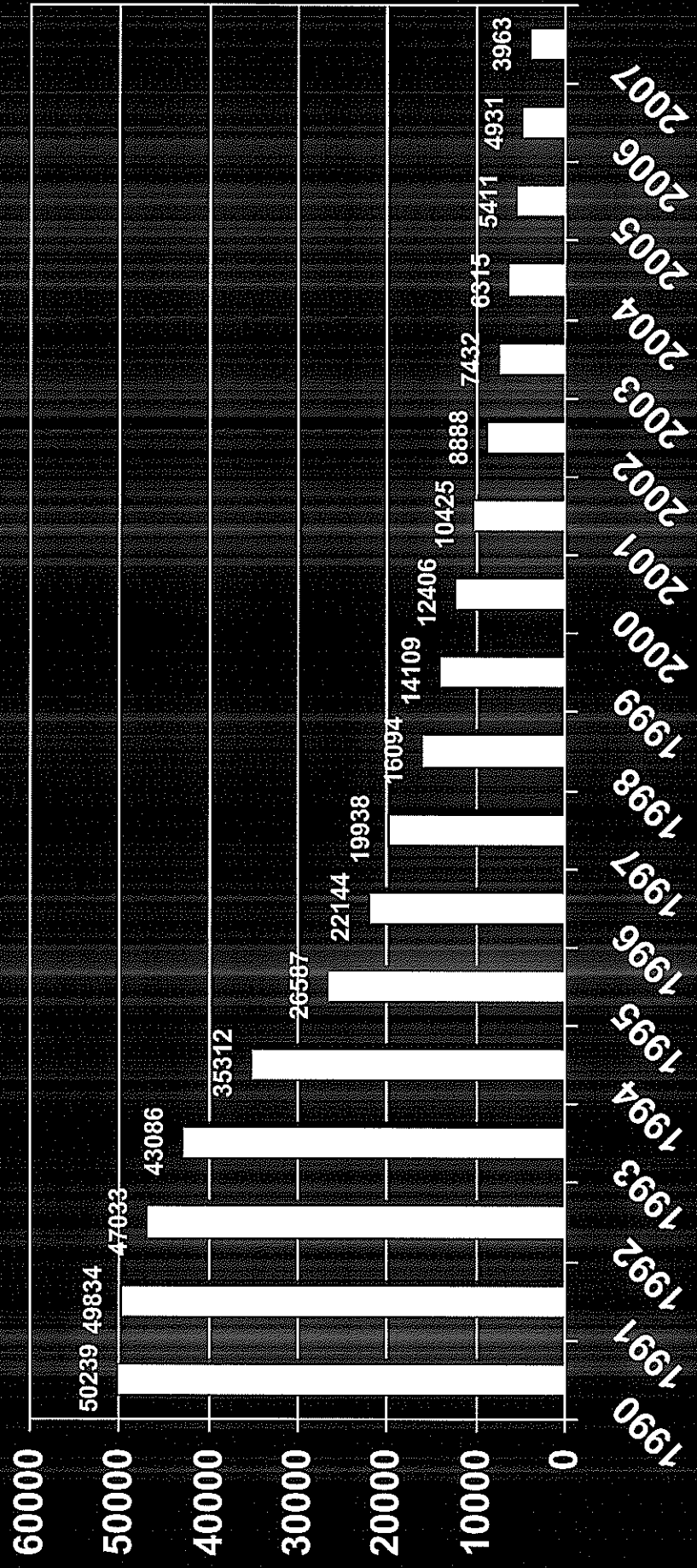
The auto theft ring, law enforcement officials said, was broken down into "ringleaders," "locksmiths," "steal men" and "taggers/brokers."

The ringleaders, Brown said, received orders for vehicles and smuggled cut keys for the targeted vehicles using vehicle identification numbers provided by the ringleaders. The steal men stole the vehicles and delivered them to so-called "tag-up" locations. The taggers/brokers replaced the vehicle identification number plates — or altered them — and affixed them with forged National Highway Traffic Safety Administration

stickers before they were sold. Charges in the indictment include enterprise corruption under New York State's Organized Crime Control Act, as well as grand larceny in the second and third degrees, attempted grand larceny in the second and third degrees, robbery in the second degree, criminal possession of stolen property in the second and third degrees, and conspiracy in the fourth degree.

The defendants were arraigned Wednesday in Queens County Supreme Court before Justice Richard L. Butcher. If convicted, the defendants face up to 25 years in prison, Brown said.

# Auto Theft 1990 - 2007



Auto Theft in Queens County decreased 92% since 1990

# Insurance Fraud

## Insurance fraud sting nets 50 arrests

BY BILL MASON

bill.mason@newsday.com

An 18-month insurance fraud sting resulted in more than 50 arrests, among them a New York City police officer and about a dozen residents of Nassau and Suffolk counties, officials said yesterday.

The scheme involved vehicles being falsely reported stolen by their owners to get large insurance settlements, Queens District Attorney Richard Brown said.

Brown said that typically vehicle owners would deliver their car to a middleman for disposal through a Queens garage, and

the owner would falsely report the car stolen. The big mistake that these individuals made, Brown said, was that the garage owner was actually an undercover detective.

"The defendants believed that they could beat the system, but they could not have been more mistaken," Brown said. "Instead of pocketing easy money, they now face serious felony charges and prison sentences."

More than 70 vehicles have been recovered as a result of the law enforcement sting dubbed "Operation Disappearing Act," which otherwise might have resulted in a \$1.7-million insurance fraud loss, Brown said.

Fifty-one suspects were in custody yesterday, Brown said, and 10 others were being sought, or were expected to surrender soon.

The defendants were hit with charges including grand larceny, attempted grand larceny, insurance fraud, falsifying business records, criminal possession of stolen property and criminal possession of a forged instrument. If convicted, most of the suspects face up to seven years in prison, Brown said.

New York City police Officer Shantell McKinnies, 27, of Brooklyn, was among those arrested. She is an officer in the 102nd Precinct in Queens.

## North Country Gazette

Serving New York State and Beyond with News, Comment and Investigative Reports

### DA: Queens Doctor Falsely Billed Accident Victims

Posted on Tuesday, 12 of June 2006 at 9:39 pm

**QUEENS**—A physician employed at a Jamaica, Queens, medical clinic has been charged with insurance fraud for allegedly falsifying insurance claims under New York's no-fault law for costly medical tests never provided to motor vehicle accident victims. He is the second doctor at the clinic to be charged with insurance fraud in less than a month.

Alexander Israeli, 53, of Dry Harbor Road in Middle Village, Queens, who practices at L&B Medical, located at 159-25 Hillside Avenue in Jamaica, Queens, was arraigned before Queens Criminal Court Judge Alex J. Zepman on charges of third-degree grand larceny, third-degree insurance fraud and first-degree falsifying business records.

Israeli, who faces up to seven years in prison if convicted and the loss of his medical license, was ordered released without bail and to return to court on June 17.

# DA's office runs down auto fraud perps

Series of arrests helps state's efforts to reduce jacked-up insurance costs

CONNIE FERNANDEZ

EXPERTS CAN'T SAY FOR CERTAIN whether Queens suffers more auto insurance fraud or less than the other New York boroughs. These crimes are so widespread throughout the city that the insurance industry estimates that it loses more than \$1 billion a year to bogus claims, which has driven auto insurance rates for New Yorkers \$200 higher than they should be.

However, Queens District Attorney Richard Brown suspected that the borough's large driving population and notoriously dangerous thoroughfares, like Queens Boulevard, were giving swindlers ample opportunity to ply their trade. So three years ago, he put together a sophisticated task force of law enforcement agents who had proved themselves prosecuting member

Droves of undercover officers from the New York City Police Department and the state Insurance Department posed as insurance agents, victims and would-be accomplices to infiltrate illicit operations. The state issued fake licenses and other documents to facilitate the ruses.

## Going after big wheels

"The DA decided that the fraud problem was so expansive and just so lucrative for criminals that we needed to treat it in the same manner in which we go after other organized groups," says Assistant DA Gerard Brave, chief of Queens Organized Crime and Rackets Bureau.

His boss's instincts were right. In the past year, Mr. Brown's office orchestrated three high-profile busts—the only major operations targeting personal injury fraud to be announced in any borough this year. The crackdown has led to the arrest of more than 200 suspected swindlers, including a reputed member of the Bonanno crime family.

It has also helped significantly cut costs for insurers. The savings



**OVERINFLATED:** DA Richard Brown (front) and ADA Gerard Brave are fighting a problem that has added an estimated \$200 to auto insurance rates for city residents.

from statewide efforts to quash fraud have been so great that in August, New York reduced by 2% the rates for the 337,000 drivers covered under its public "assigned risk" insurance pool. Private insurers are expected to follow suit by the end of the year.

"I know of a number of major auto underwriters that are looking to cut their rates this year due to

the reduction in insurance fraud," says Ellen Melchionni, vice president of the New York Insurance Association.

The DA's latest victory, announced in late September, involved nearly 130 arrests—including those of 11 health professionals and 113 individuals suspected of faking injuries—in a bust dubbed Operation Crash Course. Arrests in April shuttered a medical clinic that allegedly staged auto accidents and was under the protection of the Bonanno family, January's Operation Sideswipe shut down a reputed ring run by two Queens medical clinics and two Brooklyn businesses: a law firm and an ambulance service.

## Untold cost

The Queens district attorney's office has yet to come up with a dollar figure for the fraud allegedly

committed by the three rings. Officials say that the damage was easily in the millions.

"Auto insurance fraud is so lucrative that some doctors and lawyers and other medical professionals have been willing to risk their professional standing, reputations and careers for a share of the plunder," says Mr. Brown.

Of course, the efforts to suppress auto insurance fraud are not limited to Queens. A record 811 auto insurance fraud suspects were arrested last year throughout the state, and another 646 were arrested this year as of Sept. 30. Last year's arrests, including a big bust in Brooklyn, helped reduce the average New York state auto injury claim by 20%, to \$6,788.

Mr. Brave says that his bureau is investigating several more fraud rings. But some insurance experts believe that unless the state establishes better prison sentences for swindlers and takes away the licenses of convicted health and legal professionals, the fraud will continue.

"As soon as law enforcement officials get distracted with other issues—and eventually they will—criminals will find the path of least resistance to practice their trade again," says Robert Hartwig, chief economist for the Insurance Information Institute. "These criminals need to be put away for years." ■

# Enforcement Drives Down Rates

## AUTO INSURANCE COMPANIES LOWER RATES FOR N.Y. CUSTOMERS

AUTO continued from page 1

# AUTO INSURERS VOLUNTARILY LOWER RATES

## 'ANTI-FRAUD DIVIDEND' SEEN

in auto accidents this so make

In addition, Governor Pataki signed an executive order in 2001 establishing an auto fraud unit. Its state Attorney General Elliot Spitzer's office that has since been responsible for more than

200 arrests of suspected insurance

Seven Nachman, head of the auto fraud unit, said yesterday fraud rings are becoming more sophisticated in light of heightened enforcement from his office, the state Insurance Department, and local prosecutors. Nachman is staging or fabricating accidents and sometimes involves out-of-state people who were involved in actual accidents to divert money from insurance companies, Mr. Nachman said.

"I have seen an evolution in the fraud," Mr. Nachman said. "I think it's still expensive. I think some people have gotten out of the business and others have stayed and those who have stayed are constantly trying to devise ways to outsmart us."

A spokesman for the industry-backed Coalition Against Insurance Fraud, James Quiggle, said insurance companies' return on investments and the economy also affect the cost of premiums.

"Exactly how much the industry's success in fighting auto insurance fraud is always been insurance policy is unclear," Mr. Quiggle said. "The independent operators putting a dent in the solid is one of the factors that is influencing lower rates for policyholders."

— Associated Press

HOW TO MAKE IT... HOW TO SAVE IT... HOW TO SPEND IT

# Auto insurance cheaper

The size of the rate cuts in '05 were "unprecedented"

NEW YORK STATE INSURANCE DEPARTMENT



Drivers in the state's highest-risk areas may expect a cut of 15% this year.

## State crackdown cuts bills up to 10%

around 1999-2000, some observers said. "At the height of it" in New York, "some people estimated that fraud accounted for as much as 10% of an auto insurance premium here. It's unclear how much that's

been cut out," said researchers. "That's the leading reason why rates have come down" in the state.

# Airport Related Crime

## Pair admit 200G JFK ice-capade

A couple of not-so-clever jewel thieves pleaded guilty yesterday to swiping more than \$200,000 worth of diamonds from Kennedy Airport.

Custom handlers Richard Lombardo and Steve Tshilus, both longtime employees of American Airlines, couldn't quite pull off the diamond heist.

Both men caved after officials probing their suspicious gear were rooted in on the two men.

The pair admitted to the heist, which took place five years ago, in a plea deal.

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Both Lombardo and Tshilus, 39, of Queens, N.Y., had their airport security cards taken and were ordered not to try to get new jobs at JFK.

Jkmulisa@livingston

## GEM OF A BUST AT JFK

200G airport theft

EXCLUSIVE

Arrived from Zurich, Switzerland, on route to Miami and back. It contained cut and loose stones — some white.

# JFK worker rung up in iPhone thefts

THE ASSOCIATED PRESS

A forklift operator at Kennedy Airport and his cousin have been charged with stealing 300 Apple iPhones from a cargo warehouse and selling dozens of them to a retailer, prosecutors announced.

The airport worker, Navin Singh, 20, and his cousin Navin A. Hussain, 22, both of Queens, were each charged with grand larceny.

Both Lombardo and Tshilus, 39, of Queens, N.Y., had their airport security cards taken and were ordered not to try to get new jobs at JFK.

Jkmulisa@livingston

possession of stolen property and conspiracy. Queens District Attorney Richard A. Brown's office said yesterday.

Each man faces up to 15 years in prison if convicted. Navin Singh, 20, the owner of Mayra Wireless Cell Phones and Accessories in Queens, was charged with third-degree criminal possession of stolen property. He faces up to seven years in prison if convicted.

Singh and Hussain pleaded not guilty and were free on bail, said their lawyer, David Singh, who is not related to his client.

"They look forward to their day in court and being exonerated of all charges," the lawyer said. "This is only an accusation."

Attorney information for Navin wasn't immediately available, and there was no telephone listing for his Queens address or for Mayra Wireless. All three men are scheduled to appear in court Feb. 8.

The phones are valued at \$147,000 and were to be shipped to Froyes Kang, Brown's office said. Earlier this month, police arrested two delivery men on charges of stealing hundreds of iPhones that had been bound for that Asian city and selling them on New York's streets.

Authorities say Singh was recorded on surveillance video this month using the forklift to place five boxes of iPhones in an area of a warehouse at the airport that was off limits to him. Singh and another person seen there he seen putting the boxes into an SUV, prosecutors say.

After arresting the men, police arranged for Hussain to exchange a box of 60 iPhones for money with Navin, prosecutors said. An undercover Port Authority police detective saw Navin accept the box for which Hussain received \$24,000 in cash, prosecutors said.

Singh and Hussain are second-degree grand larceny, and Mr. Navin is being charged with third-degree possession of stolen property, Mr. Brown said.

## Forklift Operator Admits To Stealing iPhones

Staff Reporter of the Sun

A forklift operator at John F. Kennedy International Airport is being charged with stealing \$147,000 worth of Apple iPhones bound for Hong Kong, the Queens District Attorney, Richard Brown, announced yesterday.

Navin Singh, a forklift operator who worked for a company subcontracted to handle freight for Cathay Pacific Airlines, was caught on surveillance tape stealing five boxes containing 300 iPhones at the warehouse at the Queens Criminal

Authority police Singh, he admitted, his cousin, Navin, stole the phones and sell them to a Briarwood security operation.

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Jkmulisa@livingston

# Financial Crimes

## 5 nabbed in phony bldg. records: DA



**BY BRUCE WATERS**  
**EN A CRACKDOWN** on crooked builders, five phony bldg. records were arrested last Friday on charges of fraud. They filed their plea of guilty in court on Friday. DA Richard Brown said.

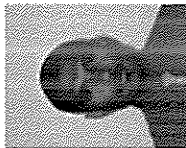
## Investor charged in realty scheme

A Kings Point real estate investor was arrested Friday on charges of defrauding investors of more than \$1.5 million, the Queens district attorney, Richard A. Brown, said. He said that Ms. Cao, 40, of Bayside, was charged with accepting the money from four businessmen after telling them she would invest in property in upstate New York, but that she used the money to pay off loans. Ms. Cao's lawyer, Thomas McCullough, said that the matter stemmed from a business dispute now in civil court and that his client would plead not guilty.

## Rogue cop gets more crime time

A retired detective was sentenced to up to 4 1/2 years in prison yesterday for swiping \$169,000 in cash intended for an undercover money-laundering sting — a heist that triggered a drug-conspiracy case that already has a seven-year federal stretch.

## OPERATION SAFE BUILDINGS



**The crimes** passed a serious risk of injury or even death due to potential building collapses of fires.

The other defendants charged in the case are Joseph M. Brown, 44, of Bayside, who pleaded guilty to the same charges as Cao; Joseph M. Brown, 44, of Bayside, who pleaded guilty to the same charges as Cao; and Joseph M. Brown, 44, of Bayside, who pleaded guilty to the same charges as Cao.

The three houses involved in the deal were built by Crown Building Co. and sold to the plaintiffs. The houses were sold to the plaintiffs for between \$420,000 and \$450,000, and Ms. Cao's lawyer, Thomas McCullough, pleaded not guilty to the charges. The houses were sold to the plaintiffs for between \$420,000 and \$450,000, and Ms. Cao's lawyer, Thomas McCullough, pleaded not guilty to the charges.

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## A \$10 house may put her in the Big House

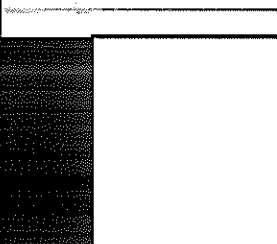
**BY SCOTT SHAFER**  
 A Queens woman may be charged with defrauding investors of more than \$1.5 million, the Queens district attorney, Richard A. Brown, said. He said that Ms. Cao, 40, of Bayside, was charged with accepting the money from four businessmen after telling them she would invest in property in upstate New York, but that she used the money to pay off loans. Ms. Cao's lawyer, Thomas McCullough, said that the matter stemmed from a business dispute now in civil court and that his client would plead not guilty.



**Her house in Littleton, N.J., has a sign that says 'CROWN' and a sign that says 'CROWN'.**

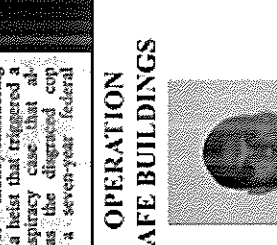
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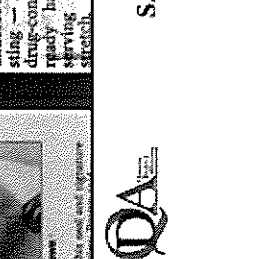
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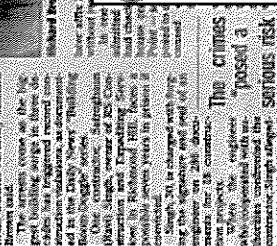
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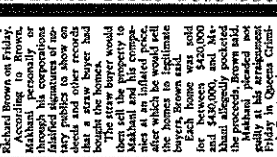
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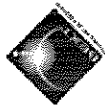
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# Financial Exploitation of the Elderly

**National Realty News**



Daily News and Documents for Real Estate Professionals

Friday, February 11, 2005

## Real Estate Broker Accused of Stealing Home From Elderly Man

Friday, October 12, 2007

Click to Enlarge

QUEENS, NY- Queens District Attorney, Richard A. Brown, recently announced that a suspended Richmond Hill attorney and a licensed Queens Village real estate broker have been charged with selling the house out from under an elderly Jamaica, Queens, man who had been hospitalized after suffering a stroke and then repeatedly flipping the property to drive up the price. The suspended attorney is also charged in a separate real estate fraud scheme in which he fraudulently obtained the Queens house of a U.S. Army sergeant serving overseas.

District Attorney Brown said, "The defendants are accused of participating in a carefully orchestrated real estate scheme that netted hundreds of thousands of dollars in mortgage loan proceeds and involved everything from 'straw' buyers and 'show' checks to keep the unsuspecting homeowners from learning the truth - that their houses were being stolen right out from under them."



## CBS 2 HD Tracks Down Alleged Elderly Scam Artist

SEC Warns Older Citizens Not To Trust Certain 'Investors'



Reporting  
Michelle Cole

NEW YORK (CBS) --

You work hard and save all your life for retirement. Well, imagine losing that nest egg, just when you need it the most ... to an investment scheme.

As CBS 2 HD has learned it's happening to senior citizens in alarming numbers.

Anthony Cerio has been enjoying the sweet life of retirement. That is until a man, he scoured his golden years by swindling the 73-year-old out of his life's savings.

"I have nothing," Cerio said.

CBS 2 HD caught up to...

...a very difficult for authorities to get the Queens District Attorney's Office are

misses like that make a very difficult for authorities to get the Queens District Attorney's Office are

Financial Industry Regulatory Commission's case

now investigating Cerio's case

...\$30,000 into a mine. That's a highly risky investment for a man

...up

# Identity Theft

## New charges in identity theft case

BY ROCCO PARASCANDOLA  
rocco.p@times.com

The case against the man charged with being a repeat mortgage broker pulled up steam yesterday as the suspect was charged with obtaining another man's identity, buying two homes in his name and leaving him more than \$1 million in debt.

At the same time, police sources said, other suspected victims have started showing up at the 12th Precinct.

The accused broker, Jacob Milton, 41, of Port Washington, is being held without bail on felony charges of grand larceny, identity theft and scheme to defraud, among others.

Other victims have emerged in Nassau County and claimed their identities were stolen and used to make credit card purchases at chain stores there, sources said.

The investigation, which started in July, is expected to uncover dozens of victims, but police sources said it is likely to involve hundreds of others as many try their own mortgage fraud.

Detectives had traced much of the evidence of widespread fraud, sources said, with names and addresses cut out of some docu-



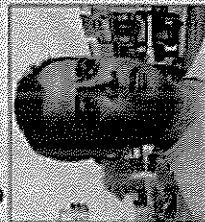
Front from left: Jacob Milner, Sharmun Nira and John Messner near Jacob Milner, who says he was threatened.

Milner, a Bangladesh immigrant who has a cable talk show and has donated money to the Washington address at Milton.

Nira, who lives in a different apartment at the same New York address, was threatened to be killed if he did not provide information about other victims.

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The boy-king couple has been charged with attempted grand larceny, criminal possession of a forged instrument, identity theft, falsifying business records, scheming to defraud and unlawful possession of



Kharrid Anwar

been charged to match Milton's home address, a move that allowed the suspect to get Buell's mail, Queens District Attorney Richard Brown said.

Milton is also accused of scamming Hector Sandoval, 41, of Jackson Heights, by changing Sandoval's home address to match a Deser Park address where Milton registered his Mercedes-Benz.



Hector Sandoval

rons had even appeared on his own's home address, a move that allowed the suspect to get Buell's mail, Queens District Attorney Richard Brown said.

Milton is also accused of scamming Hector Sandoval, 41, of Jackson Heights, by changing Sandoval's home address to match a Deser Park address where Milton registered his Mercedes-Benz.

## DA pulls over 'ID theft' couple in \$1M scam

By HASANU GIBENS

A couple from Brooklyn went from better to worse after getting caught using a Queens man's identity in a scam more than \$1 million, authorities said yesterday.

Emerick Martin and his wife, Dorina, both 42, allegedly obtained more than \$1 million in mortgages and applied for a \$900,000 loan

for a Mercedes-Benz using a forged driver's license in their victim's name, according to the Queens District Attorney's Office.

The boy-king couple has been charged with attempted grand larceny, criminal possession of a forged instrument, identity theft, falsifying business records, scheming to defraud and unlawful possession of

personal identification information.

The DA said the investigation of the Martins began this year when the victim, a 45-year-old man from Flushing, learned someone was trying to obtain a \$100,000 second mortgage on his home.

At the mortgage closing on Jan. 11, the Martins allegedly presented a forged driver's

license in the victim's name, supplying paperwork with the Queens man's actual loan number, job information, telephone number and address.

The Martins also allegedly took out two mortgages totaling \$125,000 on a home in Dix Hills, L.I.

Investigators said that just before Christmas, the Mar-

tins went to a Jamaica, Queens, auto dealership to buy a 2007 Mercedes 350 for \$90,000 using credit in the victim's name.

Again they presented the victim's Social Security number and a forged driver's license, but were denied when the shopery was spotted.

hasan.gibens@nypost.com

## Queens Man Is Arrested For I.D. Theft

NY SUN 10/14/07 P.2  
 by CHRISTOPHER FAHERTY  
 Special to the Sun

A Bangladesh mortgage broker was arrested in an identity theft scheme that netted more than \$1 million, police said.

Jacob Milton, 41, and his sister, Mira Nira, 38, were arrested for stealing the identities of applicants for home mortgages of the brokerage company they managed, Griffin Mortgage Company, in the Jackson Heights section of Queens, police said.

Investigators have identified 12 victims and believe that after searching documents in the 30 computers and three vaults of papers, they confiscated from Mr. Milton, more victims will be found, police said.

Detectives first suspected a scheme when a woman came forward who had discovered that a Home Depot credit card account had been opened in her name, police said.

In the next week, several other people told police of similar circumstances, and detectives followed a trail of evidence back to Mr. Milton, police said.

Along with opening credit cards, Mr. Milton used the victims' identities to purchase mortgages and obtain home-equity loans, police said.

Mr. Milton and Ms. Nira will likely face multiple charges of grand larceny and identity theft, police said.

# Protecting Consumers Against ID Theft



## QUEENS DA: Beef up ID theft laws

Crime rising, panels told

BY DOBARS BERTRANO  
LEGISLATIVE REPORTER

QUEENS DISTRICT Attorney Richard Brown made an urgent appeal to the state Legislature yesterday to strengthen protection for consumers and identity theft victims.

Brown made the plea at a joint hearing of the Assembly Justice and Consumer Affairs and Civil Committee, held in Queens through lunch in New Court.

"We have done quick, but we want to do more," the district attorney said. "The biggest attorney complaint I hear from consumers is that the state does not do enough to protect them from identity theft."

The hearing was chaired by Assemblywoman Catherine L. Hanlon, D-Queens. Also taking part in the hearing was Assemblyman Charles L. Lavner, D-Queens.

At the hearing, Brown said that the state should do more to protect consumers from identity theft. He said that the state should do more to protect consumers from identity theft.



Queens District Attorney Richard Brown testifies at meeting of Assembly committees at Borough Hall in New Court.

Assembly and Senate committees on Tuesday and Wednesday, the industry is not expected to be regulated. It is not clear how many ways of preventing identity theft are being explored.

Assembly and Senate committees on Tuesday and Wednesday, the industry is not expected to be regulated. It is not clear how many ways of preventing identity theft are being explored.

## Identity theft leads consumer fraud

BY LAUREN WEBER  
STAFF WRITER

When Parveen Khan started house-hunting in 2003, she figured she'd have no trouble getting a loan. She had always paid her bills on time and in full, and assumed she had perfect credit.

But after looking into her credit history, Khan, a media specialist at a Corona high school, discovered that a stranger had taken out a \$2,600 loan in her name and never repaid it. Records showed she owed more than \$3,000 to a Brooklyn bank she'd never even visited.

Khan, 34, was a victim of identity theft. The former Queens resident, who eventually bought a home in New Hyde Park, says she spent untold hours clearing her name. At a Manhattan denailing the top federal, state and local consumer news conference yesterday in

Manhattan denailing the top federal, state and local consumer news conference yesterday in an inch-thick folder containing all the paperwork she accumulated during the process.

Identity theft remains the top source of fraud reported to the Federal Trade Commission, which logged 246,570 such complaints in 2004. New York State ranked seventh in the nation in per-capita identity theft reports.

Other top complaints related to Internet scams, such as auctions, online sales and Internet services.

## Avoiding scams

Several agencies yesterday released lists of the most common consumer scams of 2004. Below, some of the top complaints.

- **Identity theft.** Nearly 40 percent of all complaints called into the Federal Trade Commission dealt with this perennial problem.
- **Home repair and improvement.** New Yorkers lodged 900 complaints against contractors in 2004 for doing shoddy work and sometimes just walking off jobs.
- **Financial services.** Especially payday loans. Some charge blatantly illegal interest rates as high as 900 percent.

- **Consumer electronics.** Many complaints related to items purchased online: receiving incorrect, incomplete or damaged items — or no items at all.
- **Telemarketing scams.** One of the most common promises of government grants to help pay for credit card debt, household bills, even income taxes.

- **Check the complaint history of goods and service providers.** The Better Business Bureau provides a Web site for this purpose: [www.newyorkbbb.org](http://www.newyorkbbb.org)
- **Finally, if you have a problem, complain.**

A few key numbers: **Federal Trade Commission:** 877-FTC-HELP (877-382-4357) **New York attorney general's office:** 800-771-7755 in New York City; 311 On Long Island: 516-571-2600 (Nassau) or 631-853-4600 (Suffolk)

# Trademark Counterfeiting

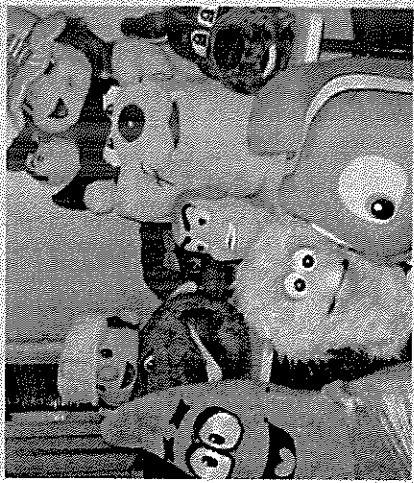
## Queens Man Caught Selling Counterfeit Costumes

**By CHRISTOPHER FAHERTY**  
Special to the Sun

A Queens man was caught selling counterfeit costumes of children's television characters, having been told they were for the cast of a pornographic film, the Queens district attorney's office said.

Julio Quevedo, 43, was nabbed in a sting operation set up by the Queens district attorney's office, where the investigators posed as adult filmmakers.

After selling a \$250 Bob the Builder costume to an investigator, Mr. Quevedo led officials to his self-storage unit in the Jamaica



## Pooches sniff out DVD piracy

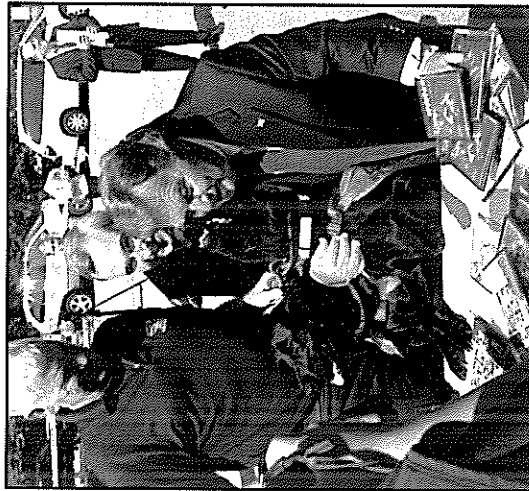
By ANTHONY M. SERRANO  
Special to the Sun

Queens District Attorney Anthony M. Serrano said he has sniffed out a man who has been instrumental in the sale of pirated DVDs in Queens.

The man, who is being sought by the district attorney's office, is believed to be involved in the sale of thousands of pirated DVDs in Queens.

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Two men sitting down with Queens District Attorney Anthony M. Serrano, right, and Queens District Attorney Richard Barone, left, at a press conference.

The man, who is being sought by the district attorney's office, is believed to be involved in the sale of thousands of pirated DVDs in Queens.

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# BUTT-LEGGERS

## China-Qns. cig ring stubbed out: DA

They are the butt of the law, but the Queens District Attorney's office has stubbed out a cigarette ring that was smuggling contraband into the United States from China.

The ring, which was run by a man who went by the name "Butt-Leggers," was operating out of a warehouse in Queens. The ring was involved in the smuggling of thousands of packs of cigarettes into the United States.

The investigation was led by Queens District Attorney Richard Barone and his staff. The ring was broken up, and the individuals involved were arrested.

# Unauthorized Practice of Medicine

## Queens 'quack' busted

A Queens man is convicted. Authorities said charged with illegally a 46-year-old Manhattan practicing medicine and man got injections to cor- en appear- in January, ered pain, ss and hard S skin, and ies to cor- AP

## DR. BOTOX TRAS REJAS



Cirujano falso de Queens sin dinero para frauza —P3

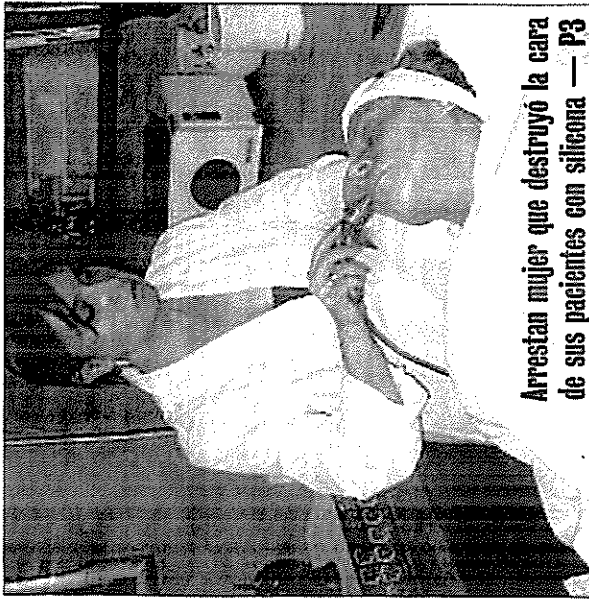
### Crime

## Beautician faces charges in Queens

QUEENS: A beautician at a Flushing spa has been charged with unlawfully practicing medicine after giving cosmetic injections that led to infections and facial disfigurement, prosecutors said yesterday. Patricia Villegas, president of Altriva New York, Temple of Beauty and Renewal at 43-30 147th St., allegedly told two female customers between November 2002 and December 2003 that she could administer injections of collagen, cortisone and other substances to address facial imperfections. After receiving the \$1,000-plus treatments, the women — who were 26 and 29 at the time — began feeling pain and even loss of lip function, according to Queens District Attorney Richard Brown. The women have since undergone multiple facial surgeries and have permanent facial scarring. The substances removed from their faces were consistent with silicone. METRO/IRM

# EL DIARIO

## DESCARADA



Arrestan mujer que destruyó la cara de sus pacientes con silicona — P3

Altriva. Patricia Villegas, en la foto, no tenía licencia médica y prometió aumentar los labios y disminuir las arrugas.

# Unauthorized Practice of a Profession

## L.I. man convicted in \$6M lawyer-sham scam

By KIMMUSA LIVINGSTON

A Long Island businessman who impersonated a lawyer to dupe clients — and even represented himself at trial — was convicted yesterday of stealing \$6 million.

Mohammed Rafikian, 41, now faces significant time behind bars, theoretically up to 150 years.

The jury found him guilty of grand larceny, scheming to defraud, criminal impersonation and

practicing as an attorney at law without being admitted to the bar.

Rafikian, of Westbury, was the boss of First Investors Capital Corp., his own investment company in Astoria, Queens. Rafikian, who also went by the name Mohammed, also worked occasionally as a paralegal for a law firm in the same building.

When the real lawyer at Marcus & Associates took time off to have

surgery and recuperate, Rafikian pretended to be him and managed to cheat eight investors out of millions of dollars.

The con artist got \$3.2 million from a client to invest in various funds. The investor got two checks back — they totaled \$150,000, and both checks bounced.

In another scheme, Rafikian convinced a client to fork over \$900,000 in order to buy a build-

ing in Astoria. He never actually bought a building. Another victim had the con man sell his Laundromat. Rafikian sold it for \$75,000, but only gave the seller \$12,000.

Rafikian's victims included a former cardiologist, a dentist, a bar manager, a retired elevator mechanic, a city housing inspector, a contractor, a retired school teacher and one of his own friends.

kim@newsday.com



**RAFIKIAN**  
**PASASANDOLA**  
The victim, Peter Simons, said he got caught up in the scam as he had been set on five deposits and investments with quite a money to talk.

The looked like he was an attorney, and he had a law license, Rafikian told the jury. He was 25, 20 years ago, he was working in New York, and he was a woman's partner.

But this was November 2002. Rafikian had been arrested on a charge of impersonating a lawyer in a Manhattan court. He was working for a financial firm and identity theft.

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## Charming con man stole \$6M

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# *Innovative Initiatives*

**Welcome to the Queens County District Attorney's Office**

**DISTRICT ATTORNEY RICHARD A. BROWN**

District Attorney Richard A. Brown of Queens County was born in Brooklyn, New York. He received his Bachelor of Arts degree from Hobart College in 1952, graduated from New York University School of Law...  
[Read more » Biography](#)

**QUESTIONS**  
 The Queens County District Attorney's Office will be holding the Black History Month Celebration

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**Frequently Asked Questions**

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What is the role of a District Attorney's Office?

How do I get a copy of a document or report?

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 WWW.QUEENSDA.ORG**

# ***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 QDA Detective and an Assistant District Attorney interview defendants prior to their arraignment regarding the case for which they were arrested.

Since the inception of the program, 877 defendants have been interviewed and the interviews break down as follows:

- **Full Admissions** **21%**
- **Inculpatory Statements** **46%**
- **Denial** **14%**
- **Request for Attorney** **19%**

Investigations conducted as a result of these interviews have resulted in the dismissal of charges against defendants before their arraignment.

# Rapists Brought to Justice by DNA

## 'Rapist' DNA nails convict

A convict — just seven months away from freedom — faced a Queens Supreme Court judge yesterday on rape charges after a DNA match connected the career criminal to two sexual assaults, including a vicious attack on a 12-year-old girl.

Richard Thomas, 42, now is facing up to 50 years behind bars. He's charged with rape, robbery, unlawful imprisonment, criminal use of a firearm and endangering the welfare of a child.

Standing before Judge Barry Kron, Thomas didn't say a word.

But prosecutor Denise Truno told the court Thomas' DNA — collected last year — was an exact match for the two rapes.

Thomas allegedly raped a woman and robbed her and her boyfriend in 1996.

He also allegedly assaulted a girl, 12, on her way to school, beating her in the face, raping her and even stealing her \$3 in lunch money.

**Ikimulisa Livingston**

## Queens DA RICHARD A. BROWN Reports...



### Queens Man Sentenced To 16 Years In Prison For 1999 Rape Of Young Woman

On June 18, Queens District Attorney Richard A. Brown announced that a 34-year-old man was sentenced to 16 years in prison for the 1999 sexual assault of a 23-year-old woman in Jamaica, Queens. The arrest, prosecution and subsequent conviction were based on DNA evidence.

District Attorney Brown said: "If this defendant had not been required to provide a DNA sample during the prosecution of an unrelated case, this crime would probably not be solved. By re-testing evidence from sexual assault kits using new, available advanced scientific techniques in June 2005, the City's DNA Laboratory at the Office of the Chief Medical Examiner positively linked semen found in the rape evidence kit of a 23-year-old victim to the defendant's DNA profile. DNA evidence is irrefutable proof of guilt in a rape case. This young woman is to be commended for coming forward and confronting her attacker and testifying at trial. Hopefully, knowing that he will now be behind bars for a long time will provide her with a small measure of help in overcoming the trauma that she experienced as a result of this horrible ordeal."

The District Attorney identified the defendant as Santiago Lugo, 45, of 133 Beach 122nd Street in Far Rockaway, Queens. The defendant, a former salesman, was trained guilty last year on first-degree rape and four counts of first-degree sex abuse before Queens Supreme Court Justice John B. Latella Jr., who imposed the determinate sentence of 16 years in prison.

District Attorney Brown said that, according to trial testimony, the defendant attacked the victim, then 23 years old, by grabbing her from behind as she walked home from work at approximately 11:50 p.m. on March 3, 1999, in Jamaica, Queens. He pressed a hard object to her back and ordered her to not look at his face and to obey him if she did not want to be hurt. Thereafter, he led her to a secluded area where he sexually abused and raped her before fleeing on foot. The victim was treated at a local hospital which collected a rape evidence kit. The police later submitted that kit for DNA testing and it ultimately linked the defendant to the crime.

The investigation was conducted by Detective Richard Santopolo of the New York City Police Department's Queens Special Victims Squad, under the supervision of Lieutenant Arthur Hall and Sergeant Carmen Martinez.

Assistant District Attorney Eric C. Rosenbaum, Chief of the District Attorney's DNA Prosecutions Unit, assisted in the investigation and prosecuted the case under the supervision of Assistant District Attorney Marjory D. Fisher, Bureau Chief of District Attorney Brown's Special Victims Bureau, and the overall supervision of Executive Assistant District Attorney for Major Crimes Charles A. Testarossa.

### DNA Cold Hit Defendant Sentenced To Up To Forty-Five Years In Prison For 1996 Rape And Armed Robbery Of Queens Hair Salon Employee

Queens District Attorney Richard A. Brown recently announced that a 34-year-old man apprehended as a result of DNA sample that he had been required to provide in an unrelated drug case was sentenced to up to 45 years in prison for the 1996 violent attack of a 30-year-old Richmond Hill beauty salon employee whom he raped and robbed.

District Attorney Brown said: "For ten years, the defendant mistakenly believed that he would never be caught. However, as a result of the City's DNA Backlog Project, which is an initiative that reviews sexual assault cases in which perpetrators are identified by using DNA from rape kits and matching them with the DNA profiles of convicted felony offenders on file with the New York and national DNA databases, he was unable to escape justice. The defendant's DNA sample which had been recovered from the victim proved to be crucial evidence and irrefutable proof of his guilt."

District Attorney Brown identified the defendant as Alex Jackson, 34, who is presently serving a 2 1/2 to 3 year prison term at the Riverview Correctional Facility in Oyster Bay, New York. He was convicted earlier this month of first-degree rape, second-degree burglary and first-degree robbery. Queens Supreme Court Justice Richard L. Buckner, who presided at the two-week jury trial, imposed the indeterminate sentence of 22 1/2 to 45 years in prison.

District Attorney Brown said that according to the trial testimony, at about 6:00 p.m. on April 1, 1996, the defendant forced his way into the Cadeo Hair Salon, located at 84-02 Van Wyck Expressway in Richmond Hill, after some hours. Upon entering, the defendant produced a black handgun and forced the store's hair stylist, a 30-year-old female employee, into the bathroom where he raped and robbed her of \$150 in cash. The defendant turned the victim out if she did not agree to be sexually abused the next day. Before fleeing on foot, the defendant hunted the victim by leaving behind a piece of paper on which he had scribbled his name and phone number and saying: "I love the way you can call me."

The District Attorney said the victim was treated at a local hospital where medical personnel prepared a sexual assault evidence kit, which included DNA evidence recovered from the victim. When the defendant was recently convicted of guilty sale of a controlled substance in Manhattan, a DNA sample was taken by New York law enforcement officials. That sample was entered into the National DNA database known as CODIS (Combined DNA Index System) and positively matched the rape kit DNA collected in the Richmond Hill case.

### Busted in 1996 rape

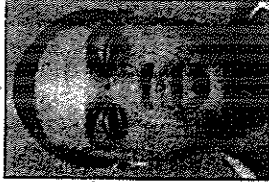
COPS SOLVED AN 11-year-old rape case and arrested a convict from Pennsylvania after matching DNA evidence from the rape to the suspect, police said yesterday.

Curtis Clinkscales, 36, of Pittston, Pa., was already doing time in New Jersey for drug crimes, criminal records show.

He's now facing rape, sodomy and sex abuse charges in New York for the Jan. 10, 1996, sex attack on a 48-year-old Queens woman, police said.

Clinkscales will be arraigned tomorrow on charges he pushed his way into the unidentified woman's Far Rockaway home as she was returning from work, officials said.

**Michael White**



**Clinkscales**

### DNA nails convict for '95 rape

A career criminal who was just a year away from freedom on his robbery sentence took a plea deal in Queens Supreme Court yesterday for a rape he committed in September 1995.

Prosecutor Eric Rosenbaum had been pushing for a plea deal, putting Casber away for 10 to 20 years.

The defendant didn't say much during the brief courtroom appearance before Judge Joel Blumenfeld.

But when he was arrested, he told cops, "I regret a lot of things I did in 1995," according to court documents.

**Ikimulisa Livingston**

Daily News, May 10, 2007 p. 12

# 2 Cold Cases Solved Through John Doe Project

## Raped man wins fight for DNA justice

She lobbied for bill that net

an exact match

THREE RAPISTS, arrested last year for their role in the rape of a man, were linked to the crime of rape through DNA evidence. The first suspect of a rape case in Queens was linked to the crime through DNA evidence. The man was arrested in 2006.



**Richard Thomas**, 41, was serving three years in state prison for grand larceny when his DNA was tested in November. It matched evidence from the assault on Dickerson as well as the rape of a 12-year-old in Queens in 2004.

Thomas, who was ordered held without bail yesterday on charges of first-degree rape, faces 75 years behind bars if convicted.

He "denies the allegations," his lawyer, Michael Hartofilis, said.

The state Legislature is now considering a bill that would open the state's DNA database to all crimes.

**John Lainger**

Thomas was serving three years for grand larceny when lawmakers — thanks, in part, to Dickerson's lobbying efforts in June 2006 — ordered all convicted felons to give DNA samples. He was tested in November and results last month showed his DNA matched evidence from both rapes as well as a Nassau County burglary, authorities said.

## Arrested as Qns. rape fiend

AN EX-CON who was linked to two rapes by DNA evidence was arraigned in Queens yesterday.

Richard Thomas was busted after a new state law gave authorities access to his DNA — a measure that was pushed by one of his victims.

The resilient Carol Dickerson, 42, who was attacked in 1996, lobbied for the law that requires all convicted felons to give DNA samples.

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**John Lainger**

# ***Queens Biotracks: Using DNA to Solve Burglaries***

- 177 cases resulted in prosecution.
- 117 defendants pled guilty/convicted by trial.
- 46 pending prosecutions.
- 58 cases pending investigation.
- 10 defendants sentenced to life in prison.

*Statistics from program's inception in 2004 to 2007*



*Child Advocacy Center received 3,280 referrals in 2007*

# Integrated Domestic Violence Court

## QUEENS NEIGHBORHOODS

### Combining the Courtrooms

Integrated system aims to help domestic violence victims, families

By Kristen Hinman

Domestic violence victims in Queens get a year-round pit-crew the state judiciary to their necks, one-stop court deval-

The Queens Integrated Domestic Violence Court opened in the state Supreme Court in Kew Gardens on Dec. 11.

It is the eighth integrated court for New York State, part of an effort to strengthen the response to domestic violence. Typically, criminal, family and matrimonial law practiced in different offices, but now judges trained in one branch of law. But the domestic violence court handles all cases, so a family with multiple kinds of issues appears before a single, experienced judge.

One domestic violence judge is meant to work with the sheriff's and complex domestic violence services and more specifically resolve problems linked to violence. Court officials say the system — dubbed "One Family, One Judge" — simplifies legal procedures and ensures greater safety for abuse victims. That, they say, is their most important goal. The state's chief administrative judge for New York State, Steven L. Weber, deputy chief justice, says the court's creation is a "winning reform" — of which the domestic

violence courts represent the bulk — are expected to total at least \$151 million in the first five years, officials from the state judiciary said.

In Queens, the courts, rolled out in eight buildings across New York counties two years ago. And though it's not a new idea, the state announced last January that it would open domestic violence courts statewide. By 2006, all domestic violence cases will be handled by these courts.

"As I went around observing the pilot courts, the sense was that this was clearly a better way," Klippenstein said. "I don't make sense for litigants to have to go to three different forums."

About 25 percent to 30 percent of New York State families damaged by domestic violence have more than one case — such as criminal, custody, visitation and divorce — pending in different courts at any given time, according to the Office of Court Administration.

For years, advocates for domestic violence victims complained that litigants with big legal bills and judges who didn't have the background to handle their cases were unaware of robust services pending in other courts, and consequently, often issued conflicting orders. A Family Court judge, for example, might allow a man to pick up his children from his ex-partner's home, unaware that he was a batterer or that the criminal court had ordered the same man to stay away from his ex-partner.

There were other pitfalls, many researchers in history, they said. In a study of the Queens Integrated Domestic Violence Court, researchers reported that in New York State, the state's chief administrative judge for public policy at the New York

## DA Brown Joins Chief Judge Judith Kaye To Dedicate Integrated Domestic Violence Court



Kristen Hinman is a freelance writer.

The New York Times

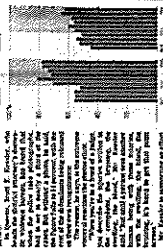
# In Domestic Abuse, Digital Photos Can Say More Than Victims

## In Domestic Violence Cases, Digital Photos Say Volumes

By David Mervin  
 Contributed Photo: Peter H.

The New York Times has a new feature: digital photos. They are not just for the news; they are also for the courts. In a recent case involving a woman who had been sexually abused by her husband, the judge ruled in her favor because she had taken digital photos of her injuries. The photos were clear and graphic, and they provided strong evidence of the abuse.

**Domestic Violence**  
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...the number of digital photos taken by domestic violence victims has risen sharply since 2000, but for legal and other reasons usually allowed only by other circumstances.

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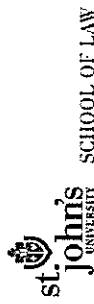
PHOTO EVIDENCE

**Clear graphic images provide strong evidence, especially when victims won't.**



DIGITAL PHOTOS OF DOMESTIC VIOLENCE VICTIMS

# Domestic Violence Prosecution Clinic



Law Library > Academic Affairs > Activities > Extracurricular > Clubs

## Prosecution Clinic

In the Prosecution Clinic, students spend two semesters working as Assistant District Attorneys in the Queens County District Attorney's Office and the Bronx County District Attorney's Office. In the seminar portion of the Clinic, students explore the different functions of the prosecutor and, more fundamentally, examine the prosecutor's role in the criminal justice system. The students will receive 2 credits for the seminar and 2 credits for the clinic, each semester.

Approximately 16 third-year students participate in the Clinic each year. The students are selected by the faculty supervisor in consultation with the Assistant District Attorneys. Students are selected based upon their academic performance, their participation in journals, moot court, and mock trial competitions, and their demonstrated interest in criminal law. The students must have taken Criminal Procedure I or must take Criminal Procedure I in the fall semester.

Students work one full day and one half day each week. Approximately 10 students are placed in the Queens County D.A.'s office. Those students are assigned to the Domestic Violence Bureau. In the Bronx, approximately six students are split between the Appeals Bureau (where they assist A.D.A.'s in drafting appellate briefs) and Criminal Court (where they handle all aspects of misdemeanor cases).

The goals of the Prosecution Clinic are two-fold. The first is skills training focused on the skills necessary to be a prosecutor. This training is accomplished in a variety of ways. In the classroom portion of the Clinic, students are introduced to the various skills and prompted to develop them in a controlled setting through simulations and written exercises. In their clinical placements, students are put in "live-client" situations in which they can exercise the relevant skills. Through frequent contact with the A.D.A.'s and supervisory A.D.A.'s, students receive regular feedback. The second goal of the course is to prompt the students to think critically about their work as prosecutors and about the role of the prosecutor in the criminal justice system. These issues are emphasized through the readings and the discussions in the classroom portion of the course.

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# Sexual Assault Response Team

## Hospitals Improve Response To Rape

Mayor Michael Bloomberg joined with police, prosecutors and healthcare officials at Elmhurst Hospital Tuesday to announce the expansion of the Sexual Assault Response Team (SART) program to all public hospitals in New York City, including both in Queens.

The announcement came a year after the successful expansion of the initiative into Brooklyn and two years after the cutting-edge program was launched in the Bronx. SARTs are composed of specially trained forensic examiners and rape crisis counselors who provide sexual assault victims with state-of-the-art forensic and counseling services within one hour of their arrival at the hospital.

The SART program has now been fully implemented at Elmhurst Hospital Center and Queens Hospital Center. SART services are available 24-hours a day, seven days a week. Police Commissioner Raymond W. Kelly, Queens District Attorney Richard A. Brown, Chief of the Manhattan District Attorney's Sex Crimes Unit Lisa Friel, Criminal Justice Coordinator John Feinblatt and HHC President Alan D. Aviles joined Mayor Bloomberg for the announcement.

"The SART program has proven to be a valuable and effective model for delivering services to sexual assault victims and bringing the criminals who perpetrate these terrible crimes to justice," said Bloomberg. "Today, rape victims who seek help at any City hospital — whether it's in the Bronx, Brooklyn, Queens or Manhattan — receive the best possible medical, counseling and forensic services, and they receive this attention and care within an hour."

The Bronx and Brooklyn programs have proven successful at minimizing trauma to the victim and reducing the risk that critical evidence will be lost, damaged or overlooked.



DA Richard Brown (l. to r.) and Police Commissioner Ray Kelly join Mayor Mike Bloomberg to announce the plan at Elmhurst Hospital.

## A response team in each city hospital

ALL CITY HOSPITALS now have special teams to help victims of sexual assault, Mayor Bloomberg announced yesterday.

Special Assault Response Teams have been up and running in the Bronx for two years.

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## More help for rape victims



## Assault Response Teams Come to Queens

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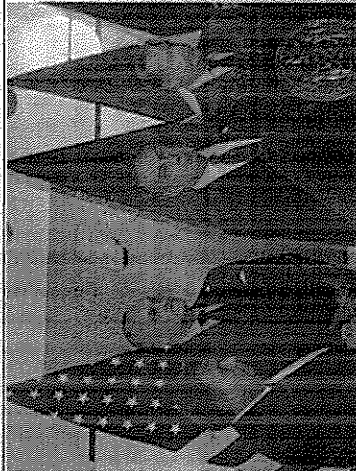
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Special Assault Response Teams have been up and running in the Bronx for two years.

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Special Assault Response Teams have been up and running in the Bronx for two years.

When physical evidence is collected immediately and preserved in a secure, tamper-proof container, it can be used in court to successfully prosecute an offender. In the best possible circumstances, physical evidence collected by specially trained SART examiners will help us collect more DNA evidence, according to



From left to right: Queens District Attorney Richard Brown, Police Commissioner Ray Kelly, Mayor Michael Bloomberg and Criminal Justice Coordinator John Feinblatt announce the coming of SART to Queens at Elmhurst Hospital Tuesday morning.

# Protecting Elderly Crime Victims

**RICHARD A. BROWN**  
QUEENS DISTRICT  
ATTORNEY



**ELDER FRAUD  
UNIT  
"SCAMS"**



**DISTRICT ATTORNEY  
OF THE COUNTY  
OF QUEENS**  
111-11 36th Avenue, 7th Floor  
Queens, NY 11375

**ELDER ABUSE PROJECT**

Established in 1996 and funded by the New York State Crime Victims Board, the Queens District Attorney's Elder Abuse Project is staffed by NY State licensed professional social workers and volunteer attorneys. The program's goal is to work with (phone numbers 212 ) who have been the Victims of Abuse, support or counsel victims and help them get the support and services necessary to recover their rights, health and quality of life.

Services that the Elder Abuse Project can provide:

- Assistance completing NY State Crime Victims Board claims compensation applications
- Help with reporting to the program's welfare or in the privacy of the victim's home
- Psychological and emotional support
- Information and referrals to other community programs and services
- Assistance with the criminal justice system, including accompaniment to hearings and court
- Advocacy with government and/or community agencies that can directly benefit
- Home, nursing home and hospital visits
- Referrals to assistance and prevention services to prevent future abuse and victimization

**RICHARD A. BROWN**  
QUEENS DISTRICT  
ATTORNEY

**Spotting and  
Preventing  
Financial Scams  
Targeting the  
Elderly**

**ELDER FRAUD  
UNIT**

*"Queens has roughly 75,000 arrests a year, a population of two million plus. Our elder population is very high. We see exploitation by caregivers and family members and others... we see more than our share of physical and sexual abuse. We have an obligation to do what we can when it occurs, but to also take steps to prevent it. This is a priority issue. Our objective is to be proactive, to recognize signs of abuse before tragedy hits."*

**Richard A. Brown, Queens County District Attorney**

# *Dedicated Program to Combat Financial Exploitation of the Elderly*

■ Sponsored by U.S. Senator Hillary Clinton through the U.S. Department of Justice.

■ Three Pronged Approach:

- 1) Dedicated Investigation and Prosecution Unit
- 2) Specialized Victims Support Services
- 3) Active Public Education and Outreach Program

NEW YORK

Senator Hillary Rodham Clinton

STATEMENTS & RELEASES

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January 26, 2006

**Senator Clinton, Queens County DA Announce \$250,000 in Federal Funding to Prevent The Financial Exploitation Of Seniors**

Washington, DC – Senator Hillary Rodham Clinton, joined by Queens County District Attorney Richard A. Brown, today announced \$250,000 in federal funding for a demonstration project to address the serious and growing problem of crimes involving the financial exploitation of the elderly.

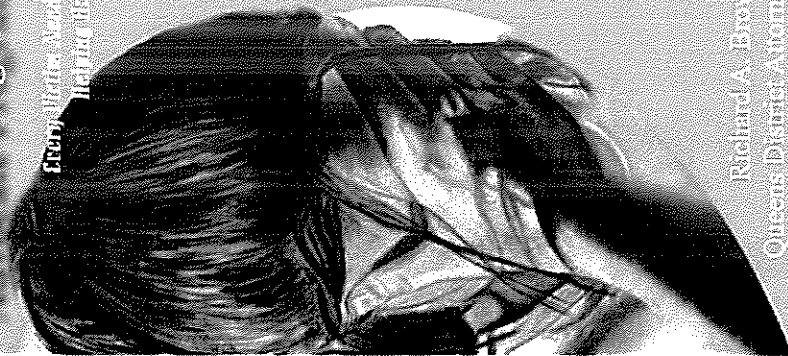
"Identity theft and financial scams are very serious crimes that threaten all of us but they are even more serious when they are deliberately targeted at those who are the most vulnerable, like our seniors," Senator Clinton said. "I am pleased that District Attorney Brown is taking the initiative to develop a new, comprehensive approach to these kinds of crimes and I was happy to help his office secure these funds to help investigate, prosecute, and prevent crimes like identity theft, credit card fraud and telemarketing scams aimed at seniors and the elderly."

Queens District Attorney Brown said, "I am grateful to Senator Clinton and her Congressional colleagues for this important initiative. Elder abuse is a wide-ranging and growing problem across the country – with estimates that as many as 500,000 of our nation's seniors fall victim to abuse or neglect each year, a significant portion of whom are victims of complex financial exploitation crimes. Like many local prosecutors' offices, we have found elder abuse prosecutions to be particularly challenging, requiring multi-disciplinary, specialized staffing and expertise. The funding announced today will allow us to develop a model program to address the complex issues posed by financial crimes against the elderly and vigorously prosecute those who exploit our most vulnerable citizens."

# QDA Crime Victims Advocate Program

## Crime Victims Advocate Program

Established in 1984  
to help crime victims



Richard A. Brown  
Queens District Attorney

## DA Program Helps Victims, Families

By MICHAEL CUSENZA  
For many victims of crime, and the families of those victims, the aftermath can become a lengthy, harrowing ordeal.

In addition to dealing with the unlawful acts committed against them or a loved one, victims and families must address the emotional, physical and financial toll crimes can take on their lives.

Fortunately, for victims of felony crimes that occurred in the borough, the Queens DA's office features the Crime Victims Advocate Program.

Headed by Nabasza Morales, the CVAP is funded by the New York State Crime Victims Board and helps victims with practical issues associated with being victimized.

"It can be family members of homicide victims, it can be victims who have been sexually assaulted, robbed, hospitalized, physically assaulted," Morales explained.

According to the DA's office, the program assists crime victims in several key areas, including helping them receive compensation from the Crime Victims Board through claim

applications; offering detailed information to victims and witnesses who are unfamiliar with the criminal justice system; providing transportation to and from court; providing short-term counseling for special victims, such as children, the elderly or victims of sexual assault or domestic violence; protecting against witness intimidation; providing referrals for special needs victims and families; assisting in property releases; helping with victim advocacy; and notifying of judicial proceedings.

Morales, who holds a Master's degree in mental health counseling, said that she and the three representatives she leads have been spreading the word about the program across the borough. They've detailed the CVAP resources at community board meetings, precinct council meetings, hospitals, funeral homes and shelters.

But, Morales said, some victims or families hesitate to reach out to the CVAP because they fear their residency status will preclude them from services or they will be reported to federal immigration authorities.

"We let them know that they don't need a

Social Security card to apply, and they can basically get the same benefits," Morales noted. "So, although that's a concern, we try to take a proactive role in discussing that concern ahead of time and having them come in. And then usually they feel comfortable in doing so after we discuss that."

Morales said that her office often gets close to victims or their families, especially in homicide cases because the investigation and trial can take years before any resolution is reached. Morales added she finds her daily work personally gratifying on many levels.

"For the first time in my life, I feel like I'm where I'm supposed to be, in terms of helping people," she said. "When they come in, they're in a very hard place, something very devastating has happened to them. To know that you can be that person to show that compassion, to help them in a very difficult time, and to know that you're making a difference, and to know that your presence is helping them in that immediate circumstance is very rewarding to me. I couldn't ask for a better job."

## IDENTITY THEFT

STOP THIEVES FROM STEALING YOUR IDENTITY

DRIVER  
ID: 688 851 864

DOB: 01/01/1955  
POLY 1000 ST. 48  
NEW YORK NY 10025  
DOB: 12-15-73

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Richard A. Brown  
Queens District Attorney

## CRIME VICTIMS ADVOCATE PROGRAM

Richard A. Brown  
Queens District Attorney  
125-01 Queens Boulevard  
Kew Gardens, NY 11415



WE OFFER HELP TO VICTIMS  
Information • Counseling • Referrals  
Telephone 718-286-6818

# Felony Gun Court

## Disposition of Arrests for CPW 2-2007

### Gun Court to Expand Into Queens, Bronx

By Herbert Lowe  
and Glenn Gersht

The Queens District Attorney's Office is expanding its gun court program to include the Bronx and Richmond County. The program, which was first implemented in Queens in 2005, has been successful in reducing the number of gun-related arrests and convictions in the borough. The program is designed to provide a more efficient and cost-effective way to handle gun-related cases. It involves the use of a specialized court, the Gun Court, which is staffed by judges and prosecutors who are experienced in handling gun-related cases. The program also includes a variety of services, such as pre-arrest diversion, pre-arrest counseling, and pre-arrest assessment. These services are designed to help individuals who are arrested for gun-related offenses to avoid a conviction and the associated consequences. The program has been successful in reducing the number of gun-related arrests and convictions in Queens, and it is hoped that it will have a similar impact in the Bronx and Richmond County.

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County	Conviction Rate	Felony Conviction Rate	Incarceration Rate
Queens	65.4	33.6	33.4
New York	49.7	39.2	33.1
Kings	45.2	24.6	23.5
Bronx	36.4	19.9	19.9
Richmond	43.8	22.5	18.8

Queens has the highest conviction rate of CPW 2 in NYC.

Queens has the highest incarceration rate for CPW 2 arrests in NYC.

# New ad campaign targets illegal handguns



Photo courtesy the office of the Queens DA  
District Attorney Richard A. Brown (center) joined with Mayor Michael Bloomberg and the Citizens Crime Commission (CCC) to unveil a new CCC-sponsored public service campaign highlighting the new penalties for illegal gun

possession in New York. The campaign, GUNS=PRISON, will feature posters calling attention to the three-plus year prison sentence given to anyone caught carrying an illegal loaded handgun in New York. The advertisements will be displayed on donated space on phone kiosks, in buses and subways and in restaurants, bars, and nightclubs. Pictured with Brown are Staten Island District Attorney Daniel M. Doneyan Jr., Police Commissioner Raymond W. Kelly, and Bloomberg.



PHOTO: JEFFREY...

# Judge Brown Joins Mayor Bloomberg in Announcing Operation Spotlight

New Justice Initiative for Misdemeanor Offenders

Judge Brown joined Mayor Michael Bloomberg at City Hall on May 21 to announce a new, comprehensive and multi-agency criminal justice initiative -- Operation Spotlight -- that will identify chronic misdemeanor offenders -- something this office has had in effect for over a year -- and to ensure that they are appropriately punished for their infractions, violations and low-level crimes or referred into treatment for substance abuse. With them were Deputy Mayor Carol Robles-Roman, Criminal Justice Coordinator John Feinblatt, Police Commissioner Ray Kelly, Probation Commissioner Martin Horn and the City's other District Attorneys. Operation Spotlight will take effect on July 1.



Judge Brown joins Mayor Bloomberg in announcing Operation Spotlight on Tuesday, May 21st at City Hall.

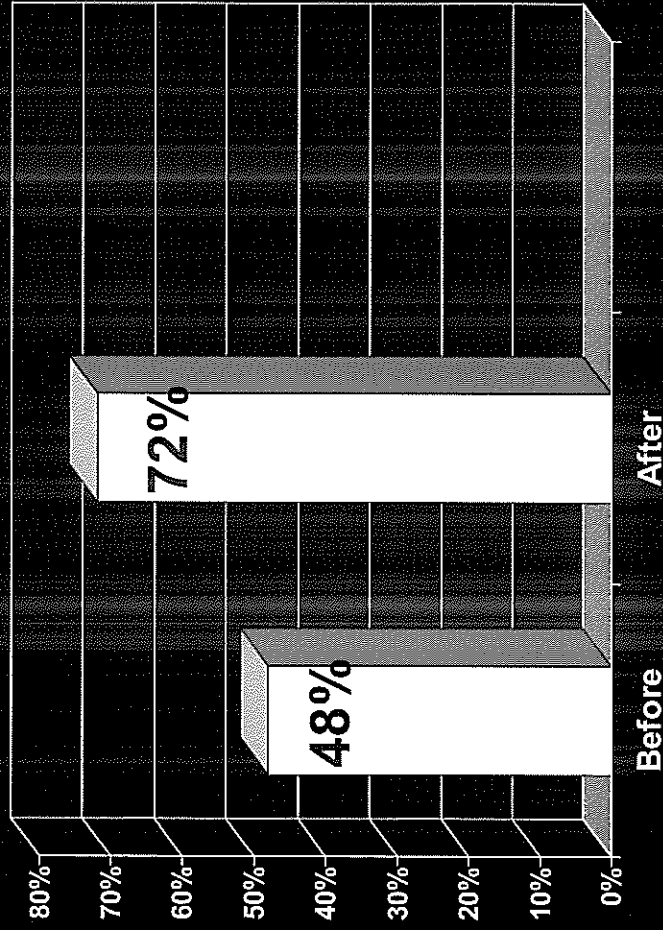
Mayor Bloomberg said, "This initiative will bring law enforcement and judicial resources to bear upon those who do the most to disrupt our society, from when they enter the criminal justice system at arrest to when they are supervised during probation."

Judge Brown said, "We all know that a relatively small percentage of individuals is responsible for much of the

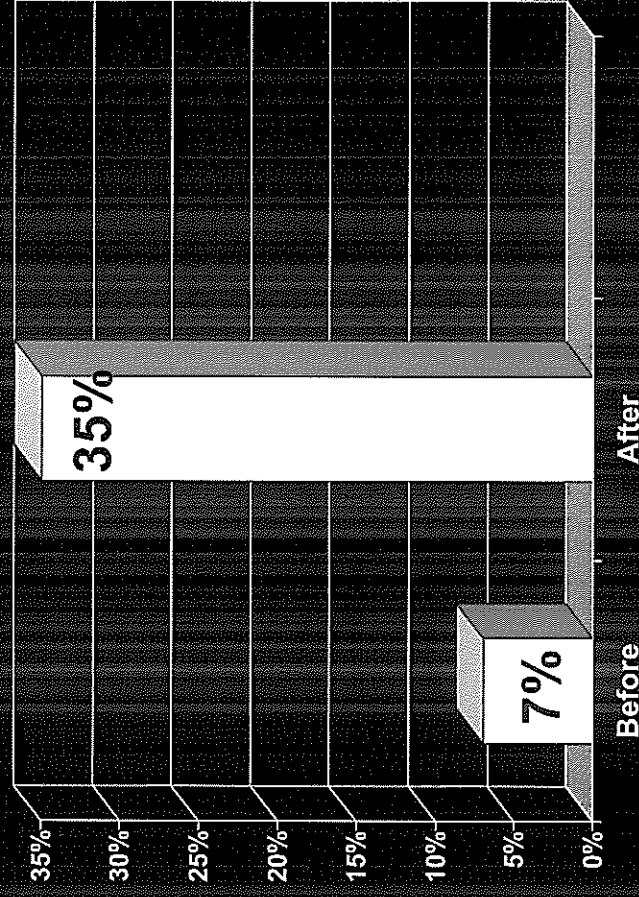
Continued on Page 4

**Operation Spotlight:** Operation Spotlight is a multi-agency initiative launched last year to focus the attention of the criminal justice system on chronic misdemeanor offenders who commit a disproportionate amount of crime. Specialized courts have been established in all five boroughs solely to hear Operation Spotlight cases. The initiative has expedited the processing of narcotics laboratory reports, fast-tracked probation and parole revocations, and increased trial capacity and direct links to services for drug-addicted and mentally ill defendants. Since the launch of the initiative, there have been over 18,000 arrests and the percentage of defendants receiving jail sentences has increased 48%, with sentences of more than 30 days increasing 75%. The percentage of defendants detained on bail has increased nearly 20%.

# Operation Spotlight



*% Receiving Jail Sentence*



*% Receiving Jail Sentence over 30 days*

# Queens Alternative Sentencing Programs

## *D.T.A.P.*

- 858 enrolled to date/512 graduates

## *TASC*

- Felony Non Violent Cases 2,948

## *Queens Mental Health Court*

- 49 enrolled
- 35 currently in treatment/11 graduates

## *Queens Misdemeanor Mental Health Court*

- 29 enrolled
- 23 currently in treatment/4 graduates

## *Queens Felony Treatment Court (QTC)*

- 1,545 enrolled to date \*/996
- 210 currently in treatment
- \*59 of which are DWI offenders

## *Queens Misdemeanor Treatment Court*

- 616 enrolled to date/226 graduates

## *Safe Streets*

- 7,130 defendants referred in 2007
- Over 249, 550 hours of community service performed

# ***Evictions for Conducting Illegal Businesses***

**129 Successful Evictions  
in 2007 pertaining to  
Prostitution, Drug Dealing,  
Gambling, and Other Crimes.**

# Padlocking Brothels

## Motel Used by Underage Prostitutes Is Closed After Months-Long Probe

By ELIZABETH SOLOMONY

A Queens motel frequented by underage prostitutes has been shut down and an employee arrested, capping a months-long investigation, the Queens district attorney's office said yesterday.

Officials padlocked the Executive Motor Inn, a 44-room motel on North Conduit Avenue near John F. Kennedy International Airport earlier this month, after undercover cops posing as prostitutes and customers found it to be a hotbed of prostitution, the district attorney's office said.

In a pre-dawn raid, December 10, police arrested Iqbal, Erdoson, 67, who allegedly ran the night club. He also allegedly recruited prostitutes to set up shop there.

Police also arrested Philip Dixon, 41, who allegedly was found in the company of a 15-year-old runaway he was said to have picked up two blocks away. On December 21, officers padlocked the motel, shutting it down at least temporarily.

The investigation was a cooperative effort between the district attorney's office, the New York City Police Department, and the city's Department of Building and Department of Finance, the district attorney said. It resulted in at least 12 other arrests without in the past year, addressed what the district attorney's office said is a prostitution problem in the area but not neighborhood and earned the motel a corrupt reputation.

"It was not run as a motel, but rather as an unabashed brothel catering to pimps and prostitutes — some of whom were underage and runaways," the Queens district attorney, Richard Brown, said in a statement yesterday.

The motel had been under surveillance over the past few months, the district attorney's office said. During the course of the investigation, a male undercover detective posing as a customer allegedly was directed to a 1 a.m. appointment with a "prostitute" the district attorney's office said. In another instance, the pimps were registered.

## 'Bawdy House' Laws Used vs. Woodside Club

### Cops say it's full of drugs, hookers

**BY DONALD BENTLAND**  
LAW ENFORCEMENT has done to a notorious Woodside strip club what the State Liquor Authority was unable to do. Club Phenomenon, outside of which three men have been shot and killed in recent years, was shut down and padlocked last week after a police raid.

A second club in the same building at 62-05 30th Ave., Club Fantastic, was also closed.

"We don't know if this means it is closed permanently or not, but just to know that they are closed gives us some comfort," said Michelle Nova, whose son Ernesto Salgado, 22, was killed outside the club in October. "We do not need someone else's son killed there."

The closing comes after a five-month investigation by the Queens District Attorney's office and the NYPD's Queens vice enforcement unit during which undercover police officers, posing as club patrons, were sold drugs and offered sex in exchange for cash.

DA Richard Brown called the club a "hotbed for drugs, prostitution and gangbait" and the subject of numerous complaints. Councilman Eric Gioia held rallies at the

## 'Bawdy House' Laws Used vs. Woodside Club

### Cops say it's full of drugs, hookers

club and last Wednesday tried to deliver a petition with 2,600 signatures to the Liquor Authority's Harlem office. The group was turned away by officials at the office, a Gioia spokesman said.

The club, said Gioia (D-Woodside), "displayed a blatant disregard for the law and human life, and its doors should never open again."

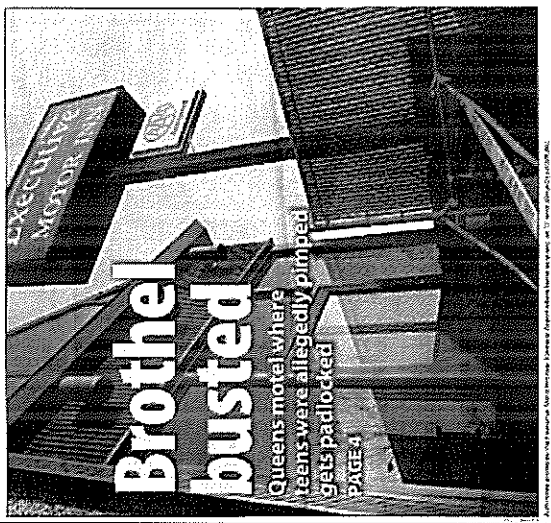
The club's closing last Thursday night was done pursuant to the city's nuisance abatement law. In addition to the nuisance abatement order, Brown has initiated a "Bawdy House" eviction proceeding in Landlord and Tenant Court.

A "Bawdy House" action allows neighbors, tenants or, as in this case, the DA's office to write to the landlord of a property being used for illegal business — such as drug dealing, prostitution, illegal gambling or trademark counterfeiting.

If the landlord doesn't take action to evict that illegal business, the District Attorney can sue the landlord for not evicting and also sue to evict the tenant.

In this case, the landlord has served a 30-day notice of termination (of the lease) on Club Phenomenon, which has until Jan. 2, 2007, to vacate the premises.

cberttrand@nysdailynews.com



## Brothel busted

Queens motel where teens were allegedly pimped gets padlocked

PAGE 4

# DA: Teens toiled at no-tell motel

# Putting Pimps Behind Bars



## QUEENS

### Pimps getting the hook

**DA credits crackdown at Qns. Plaza**

DA credits a "crackdown" in the area by the Queens District Attorney's office, which has resulted in the arrest of several pimps and their associates. The crackdown was centered on the area around Queens Plaza, where a large number of pimps and their associates were operating. The DA's office has been successful in identifying and arresting these individuals, leading to a significant reduction in the number of pimps operating in the area.

## Craigslist pimp slapped with prison term

A Queens pimp convicted of forcing a North Carolina teen into prostitution using the Internet site Craigslist was sentenced to six years in prison yesterday. Carlton Simons, 25, was convicted of promoting prostitution along with co-defendant Shernett Reevey, 24, of North Carolina. The couple brought the 18-year-old woman to Queens in January 2006 un-

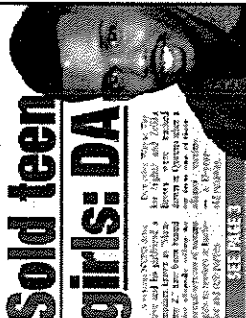
**Nicole Bode**

# PERVY POLICE SHOCK

## Cop nailed as girls' pimp

**By ARNOLD WEISS**  
**16:00 AM EDT**

A Queens police officer was arrested for pimping a 17-year-old girl. The officer, who was on duty at the time, was caught with the girl in a room at a hotel. The girl was identified as a victim of human trafficking. The officer was charged with pimping and harboring a minor. The girl was taken to a safe house and is being cared for by social workers. The officer is being held in custody and will face charges in court.

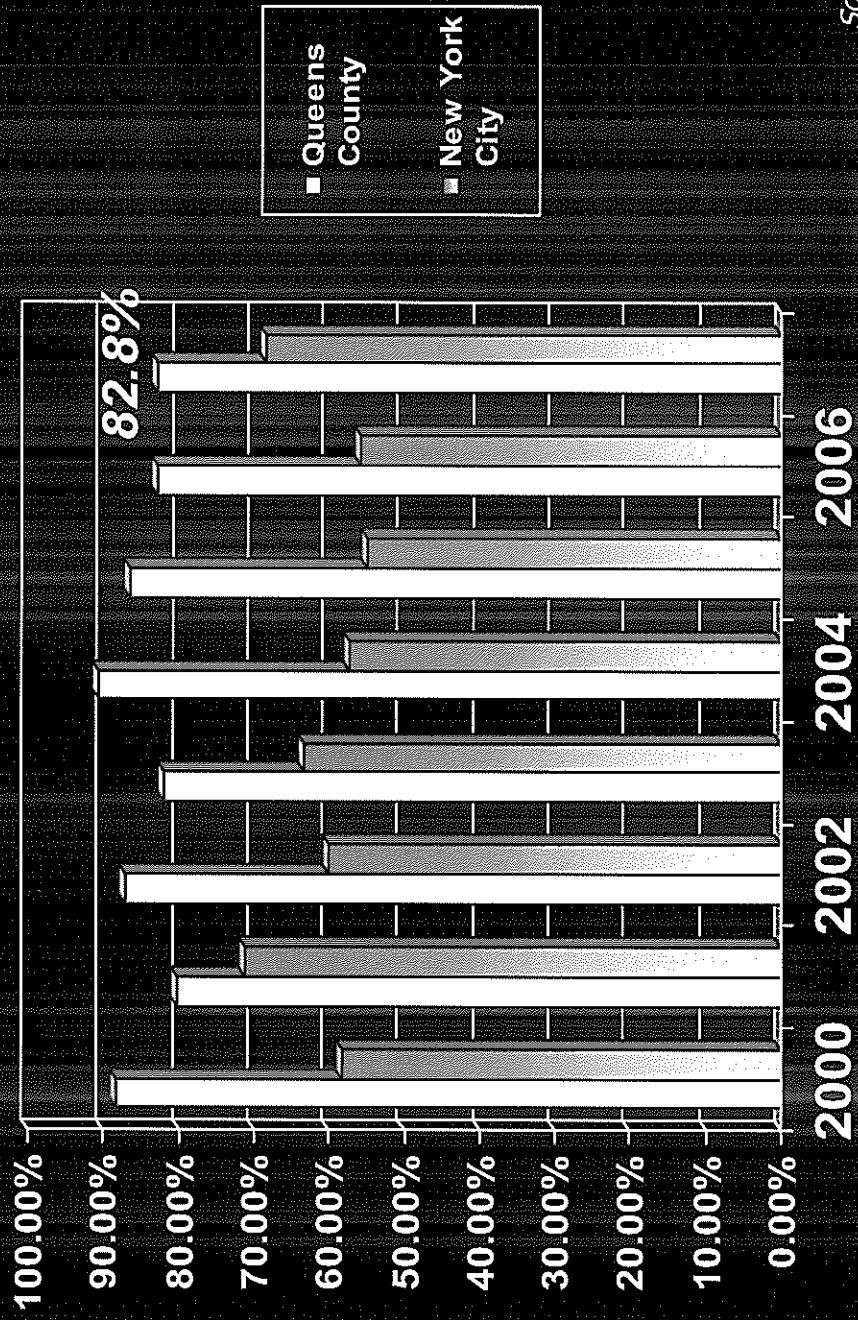


**Sold teen girls: DA**

Queens District Attorney Robert M. Morgenthau announced that he has sold the rights to the names of two teen girls who were victims of human trafficking. The girls were identified as victims of a pimping ring. The DA's office has been successful in identifying and arresting the individuals involved in the ring. The girls are being cared for by social workers and are being reunited with their families.

## DA: Cop pimped girl

# Promoting Prostitution Dispositions Queens County Leads City in Convictions



*Legend:*

*180 Total Queens Dispositions*

*- 82.8%*

*382 Total City Dispositions*

*- 68.6%*

*Source: DCJS*

# Wiping Out Graffiti

## Cops say graffiti guy tags himself guilty

ONE OF THE "Godfathers of Graffiti," a pal of fashion designer Marc Ecko, has pleaded guilty to felony charges of defacing subway trains, authorities said yesterday.

Alan Marchisano, 36, won't be imprisoned under his plea agreement. But Marchisano—who tags his work K.E.T.—will have to pay more than \$12,000 in fines and restitution, and could quickly wind up behind bars if he's nabbed again.

"He's a three-time loser now," one high-ranking law enforcement official said. "If he takes another punch, he's going to jail."

Marchisano, of Manhattan, started tagging trains as a teenager in the 1980s and achieved international notoriety. He painted at festivals in Europe and lectured college students in the 1990s. He started pop culture and fashion magazines, worked as an artistic consultant and talked on an Atari graffiti video game designed by Ecko Unlabeled.

"He's considered one of the Godfathers of Graffiti," said Sgt. Kevin Cooper of the NYPD's Transit Bureau. "All the younger writers in the area all look up to him."

He allegedly tagged nine subway trains parked overnight on leased tracks in tunnels and yards, near a subway station and a building between 200th and 146th streets last year. With information gathered from surveillance and interviews with graffiti writers, Marchisano was arrested in October. He was charged with defacing subway trains, a felony.

Marchisano pleaded guilty to felony criminal mischief in recent weeks to settle cases brought by prosecutors in Manhattan, Brooklyn and Queens.

Paul Bonanno

## Queens Graffiti Vandal Pleads Guilty Prison Time; \$25,000 In Restitution For Defacing Astoria, L.I.C.



CAMBARACK  
OBAMA  
DELIVERS MORE  
THAN HOPE?  
MAY HEMDORFF  
WONDERS

'ZODIAC'  
IS KILLER!  
MAYBE GUSKINS  
OR HEMDORFF  
MASTERPIECE

A WOULD-BE BASQUIAT  
GOES TO PRISON IN A MISGUIDED  
GRAFFITI CRACKDOWN

By Sean Gardiner

Kiko Was Here  
Oliver Simandhi loves graffiti—  
in jail, not so much. SEAN GARDINER  
follows the spray-painted trail of a would-  
be Basquiataught from the streets of Astoria  
to Redare Island.

## Graffiti artist 'Kiko' indicted

## Spray so long to graffiti punk



Oliver Simandhi

ASTORIA LEADERS are hoping to nab the graffiti artist who spray-painted the "Zodiac" and "Obama" tags on the streets of Astoria, L.I.C.

Simandhi was stopped by cops during a drive-by on West Side, where spray graffiti vandals had been defacing buildings, vehicles and trees across the borough and the city since late last year.

Simandhi admitted to being "Kiko," the man dubbed by Queens prosecutors as the "most wanted" graffiti tagger in the city.

Simandhi lives in Astoria, N.Y., and works as a construction worker in the city.

Simandhi was arrested last week and is currently in jail, awaiting trial.

Simandhi's arrest follows the arrest of another graffiti artist, "Kiko," who was arrested in Queens last month.

Simandhi's arrest is part of a larger effort by Queens prosecutors to crack down on graffiti.

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# ***Pursuing Felony Charges Against Graffiti Vandals***

Graffiti vandals who have plead guilty in 2007:

- **Moises Polanco “CELT”**  
*Indictment Number - 90/2007*
- **Alain Mariduena “KET”**  
*Indictment Number - 1576/2007*
- **ACC (All City Crew)**
  - Michael Baca “2ESAE”
  - Raul Mendez “DRO”
  - Miles Wickham “RESKEW”*Indictment Number - 937/2007*



Since January of 2007 the Queens District Attorney’s Office has executed more than 10 search warrants for graffiti related contraband. These encompass searches for pictures of graffiti in cellular phones, cameras, and camcorders.

# Internet Crimes Against Children

## DA: Online sex scam lured teens

■ Officials say Corona couple used MySpace to ensnare 2 girls, got them drunk and performed sex acts

BY ZACHARY R. DOWDY  
zachary.dowdy@newsday.com

A Corona couple — both strippers — used an online social networking site to meet two teenage girls, get them drunk, have sex with them and coerce them into performing a striptease dance in a Manhattan club, where they had oral sex with patrons of the club, officials said yesterday.

Julio Rojas, 31, and Sophie Soto, 22, of 46-20 104th St., were arraigned in Queens Criminal Court Saturday on 56 counts for acts including statutory rape and sexual abuse that

of using the Internet to lure two obviously troubled young girls to their apartment where they were pilled with liquor before being used to satisfy the defendants' own illicit carnal cravings," said Queens District Attorney Richard Brown. "The consequences of the alleged sexual assaults for the victims are profound and can well result in emotional trauma from which they may never recover."

The couple's attorneys could not be reached for comment.

Brown said one of the girls received a message through her MySpace.com account from Soto in November 2006, in which Soto, who presented herself as an 18-year-old virgin, said she wanted the girl to be present when she had sex for the first time with a boy.

Soto, authorities said, later exchanged phone numbers

thinking of running away, which she did in January 2007 and met Soto at her apartment with a friend, the other teenage girl, officials said.

Brown said Soto then gave the girls alcohol, asked them to shower and then gave them more alcoholic drinks.

"When the two girls became intoxicated, Soto allegedly took them into the bedroom where she sexually abused them before the defendant Rojas came into the bedroom and had sexual intercourse with all three females," said a news release issued by Brown's office.

The group then went to a Manhattan strip club, where Soto strip-danced on stage and invited one of the girls to join her, where the girl also was coerced to strip and engage in oral sex with Soto and several patrons of the club.

The other girl also took part

The screenshot shows a MySpace profile for a user named 'Lilith'. The profile includes a search bar, navigation tabs (Home, Friends, Profile, Groups, Events, Music, Photos, Classifieds), and a list of 'Cool New Videos'. The main content area features a 'Share your life' section with a 'My life' story, a 'Check your school, friends and all contacts and find them on MySpace!' notification, and a 'Call New People' section. There are also several advertisements, including one for 'SUNILK' and another for 'EXHIBITIVE'.

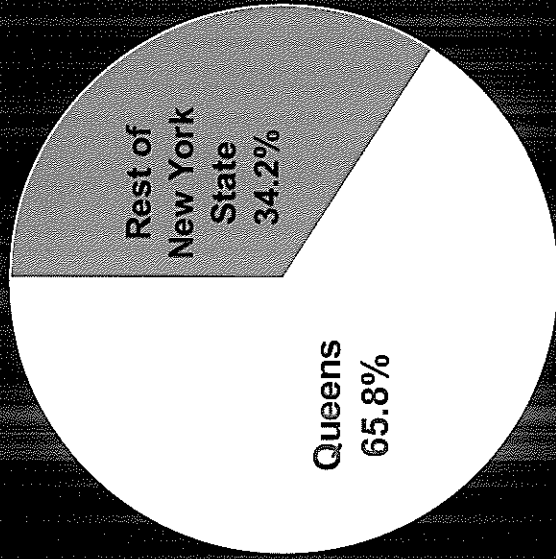
# MYSAPACE MONSTERS!

author  
Judged  
bail  
\$250,000  
court  
"The

The advertisement features a woman's face with the text "make your hair happen" and "Life can't wait". Below the text are several small images showing different hairstyles and hair care products.

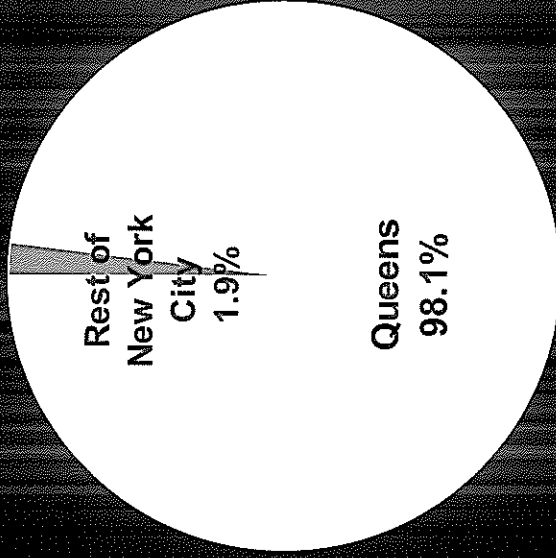
# The Fugitive Enforcement Program

## Felony Bail Jumping



Queens County brought 65.8% of New York State's Bail Jumping Indictments in first nine months of 2007

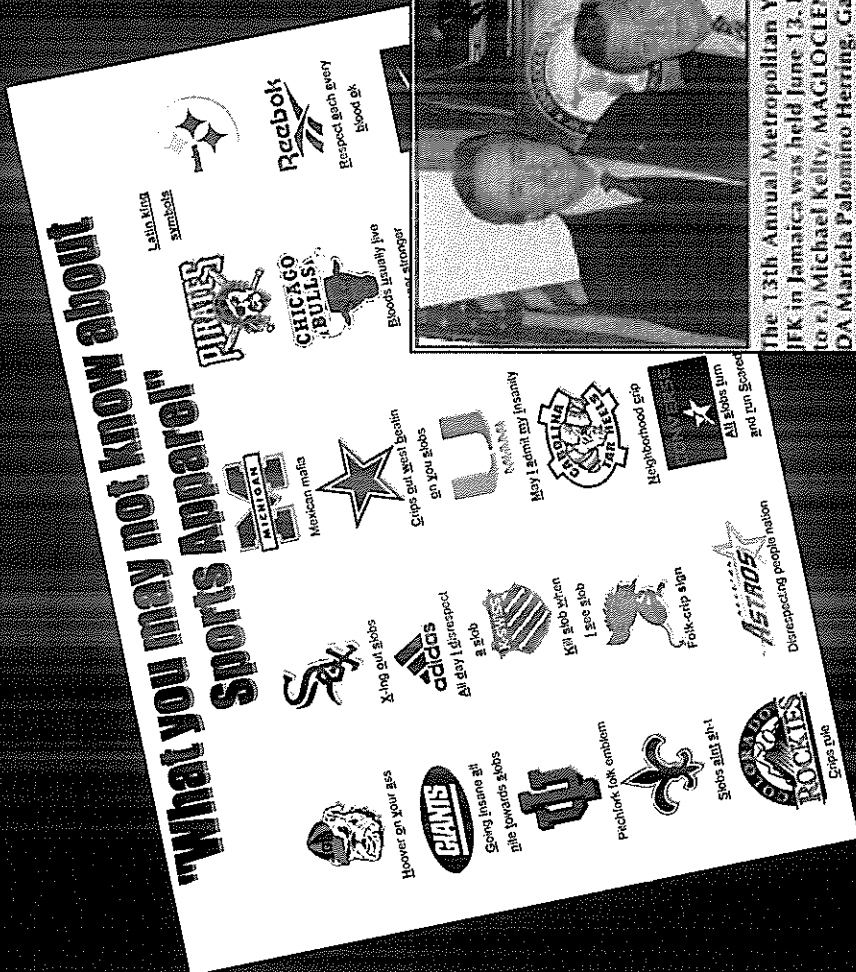
## Misdemeanor Bail Jumping



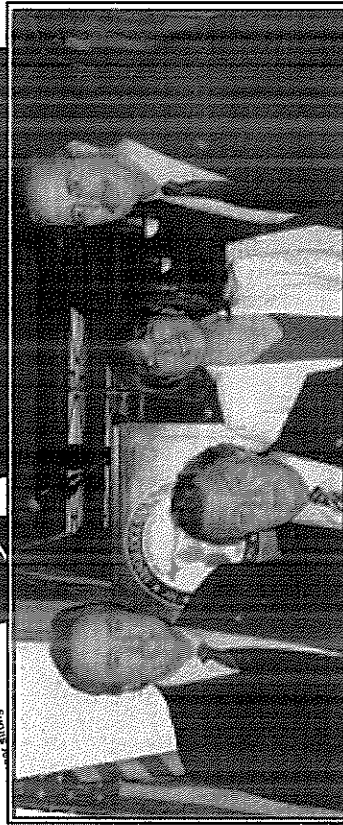
Queens County brought 98.1% of New York City's Bail Jumping Complaints for 2007

*In 2006-2007, there were 356 defendants returned on these bail jumping complaints who subsequently plead guilty. 77% of them (274) plead guilty to the top count.*

# 13th Annual Violent Gang Conference



**"What you may not know about Sports Apparel"**



The 13th Annual Metropolitan Youth Gang Conference at the Holiday Inn JFK in Jamaica was held June 13. Pictured: DA Richard Brown (2nd L.) with (l. to r.) Michael Kelly, MAGCLOLEN Deputy Director of Operations, Assistant DA Mariela Palomino Herring, Gang Violence and Hate Crimes Bureau Chief, and Robert Boyce, Commanding Officer of Gang Division of the New York City Police Department.



**13th ANNUAL  
VIOLENT GANG CONFERENCE**  
June 13 - 14, 2007

Office of the District Attorney of Queens County

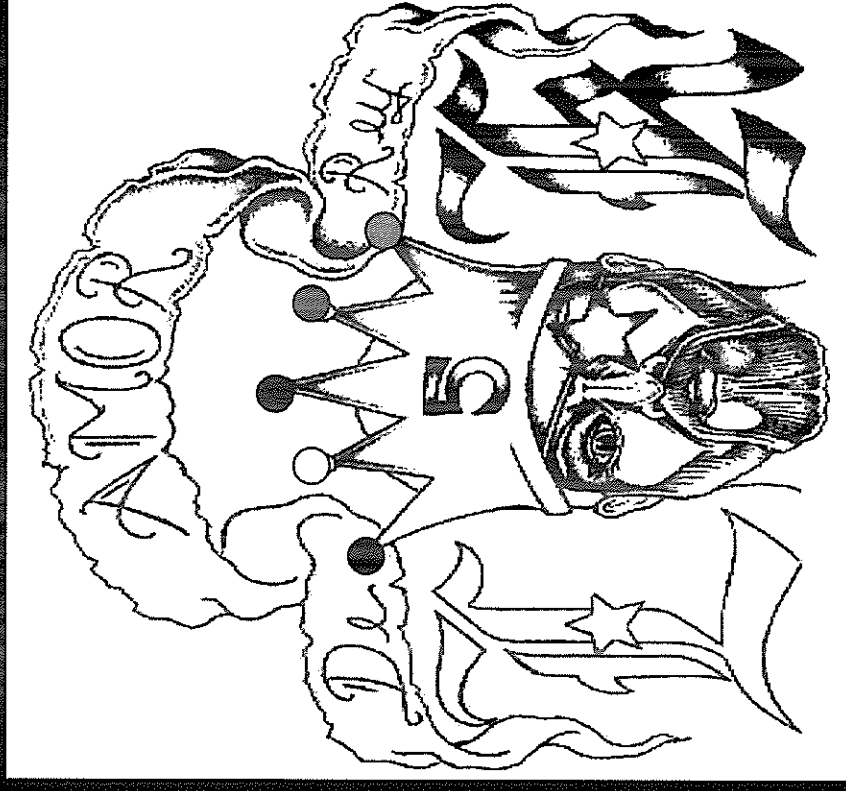


**Richard A. Brown  
District Attorney**

Co-hosted by:  
Middle Atlantic Great Lakes Organized Crime Network  
(MAGCLOLEN)  
East Coast Gang Investigator's Association  
and  
New York City Police Department

# Combating Gang Violence

- Thomas Caicedo  
*MS13*  
Convicted Criminal Possession 2<sup>nd</sup> Degree  
Sentenced to 10 years
- Bernardo Gallardo  
*Zero-One*  
Convicted Attempted Murder 2<sup>nd</sup> Degree  
Sentenced to 16 years
- Michael Hall & John Freeman  
*Far Rockaway Bloods*  
Convicted Robbery 1<sup>st</sup> Degree  
Sentenced to 10 years



# 1st Annual Shaken Baby Syndrome Training Conference

**PROSECUTING SHAKEN BABY CASES: REBUTTING FALSE DEFENSES**

**NYC FIRST ANNUAL CONFERENCE ON SHAKEN BABY SYNDROME**



Marjory D. Fisher  
Bureau Chief, Special Victims Bureau  
Queens District Attorney's Office

Who could do such a thing?



Matthew Leguard



Yoon Zapana



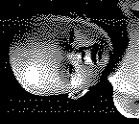
Judy Tang



Dr. Malcolm Seaton

**The Shaking**

- Large Head to Body Ratio
- Weak Neck Muscles
- *Frequent, Sustained/Shaking*



FIRST ANNUAL NEW YORK CITY  
SHAKEN BABY SYNDROME  
TRAINING CONFERENCE



Sponsored by:

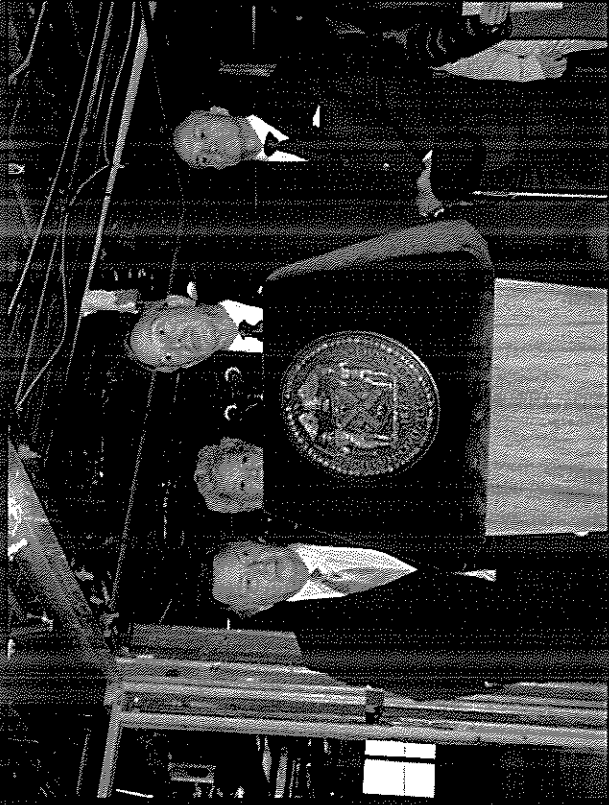
Office of the District Attorney, Queens County  
New York City Office of Chief Medical Examiner  
New York City Police Department, Special Victims Division  
&  
New York City Administration for Children's Services



# Family Justice Center

**MAYOR BLOOMBERG, QUEENS DISTRICT ATTORNEY BROWN AND DOMESTIC VIOLENCE COMMISSIONER JIMENEZ CELEBRATE GROUNDBREAKING OF SECOND NEW YORK CITY FAMILY JUSTICE CENTER**

**One-Stop Service Center Will Provide Assistance to Queens' Diverse Domestic Violence Victims**



Queens Gazette

**Queens Family Justice Center Groundbreaking**



Queens District Attorney John J. Brown, Queens District Attorney John J. Brown, and Domestic Violence Commissioner Jimenez, along with Mayor Michael Bloomberg, celebrated the ground-breaking of the second Family Justice Center in Queens, New York City, on Monday, April 27. The new center, located at 2011 149th Street, will provide a one-stop service for domestic violence victims and their families. The center will offer a wide range of services, including legal advocacy, counseling, and support groups. It will also provide a safe place for victims to stay. The center is the result of a partnership between the City of New York and the Queens District Attorney's Office. The center will be the largest of its kind in Queens and will serve a diverse population of victims. The center will be open from 9 a.m. to 5 p.m., Monday through Friday. For more information, please call the Queens District Attorney's Office at (718) 646-4600.



Queens District Attorney John J. Brown, Queens District Attorney John J. Brown, and Domestic Violence Commissioner Jimenez, along with Mayor Michael Bloomberg, celebrated the ground-breaking of the second Family Justice Center in Queens, New York City, on Monday, April 27. The new center, located at 2011 149th Street, will provide a one-stop service for domestic violence victims and their families. The center will offer a wide range of services, including legal advocacy, counseling, and support groups. It will also provide a safe place for victims to stay. The center is the result of a partnership between the City of New York and the Queens District Attorney's Office. The center will be the largest of its kind in Queens and will serve a diverse population of victims. The center will be open from 9 a.m. to 5 p.m., Monday through Friday. For more information, please call the Queens District Attorney's Office at (718) 646-4600.

***Working with  
Communities and  
Public Officials***

# STAR TRACK

## The Queens School Anti-Violence Program

- The Place

A cluster of nine Far Rockaway schools -- Public Schools 42, 43, 104, 106, 197, 215 and 333; Middle School 53; and Far Rockaway High School.

- The Plan

Long term, school based violence prevention education; rapid and flexible response to community safety problems.

- The Partnership

Parents, teachers, students, administrators, police, assistant district attorneys, business and community leaders, legislators and anti-violence groups.

- The promise

To help safeguard school children from violence, threats and fear. To help them steer clear of drugs, gangs and guns. To give children the tools to resolve conflicts peacefully on their own.



OFFICE OF QUEENS COUNTY DISTRICT ATTORNEY

STAR TRACK PARTICIPANTS 2007/2008

# SAY YES TO TENNIS NO TO VIOLENCE

## Tennis takes swing at violence



**ON THE BALL** Students from Public School 184 talk with District Attorney Richard Brown as former Mayor David Dinkins looks on at the USTA National Tennis Center.

**By YASH SPOKHOVNIK**  
**DA, KOSWENT**  
 District Attorney Richard Brown and former Mayor David Dinkins met on the tennis court before the start of the annual "Say Yes To Tennis — No To Violence Day."

The event promotes alternatives to violence. "I've not heard and not in my office, so we've got to do it," said tennis buff Brown before the match Tuesday at the U.S. Tennis Association National Tennis Center in Flushing Meadows-Corona Park. "We've had such a significant level of success in lowering violence. This program is an extension of the classroom."

Through activities such as tennis, students' anger and aggression have decreased. More students are using guidance counselors and mentors they meet through the program. "We've had such a significant level of success in lowering violence. This program is an extension of the classroom," said Bill McGuffee, director of the program. For information on free or low-cost programs, visit the Web site, [www.TennisWelcome-Center.com](http://www.TennisWelcome-Center.com). The U.S. Tennis Center is located at 220th Street and 137th Avenue in Flushing Meadows-Corona Park.

their lives," said Keith Becker, 17, a junior at Far Rockaway High School. "This opens our horizons."

The four-hour program featured tennis lessons and a discussion with tennis center pros. The students are enrolled in eight public schools in Far Rockaway, where they also participate in other sports.

Students talk about their anti-violence program. The year-long program teaches 7,000 students from grades 4 to 12 how to handle conflict and make right choices and turning to sports as a positive alternative to violence.

The children are our focus," said the United States Tennis Association board member. "We owe them help in reaching their potential. We want to see them succeed in life. We want to see them in intramural programs. Fitness is a viable alternative to misbehavior," said Bill McGuffee, director of the program.

For information on free or low-cost programs, visit the Web site, [www.TennisWelcome-Center.com](http://www.TennisWelcome-Center.com). The U.S. Tennis Center is located at 220th Street and 137th Avenue in Flushing Meadows-Corona Park.



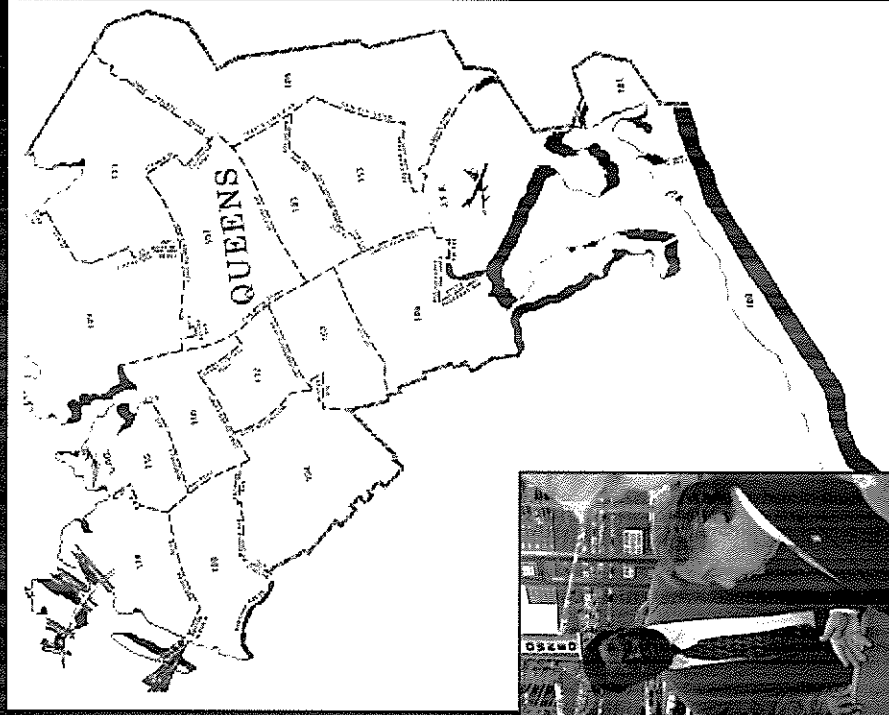
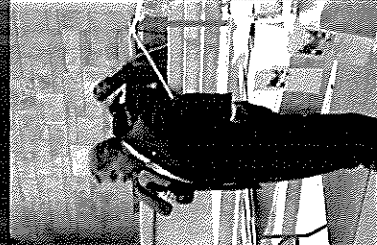
SAY YES TO TENNIS...NO TO VIOLENCE DAY 2007



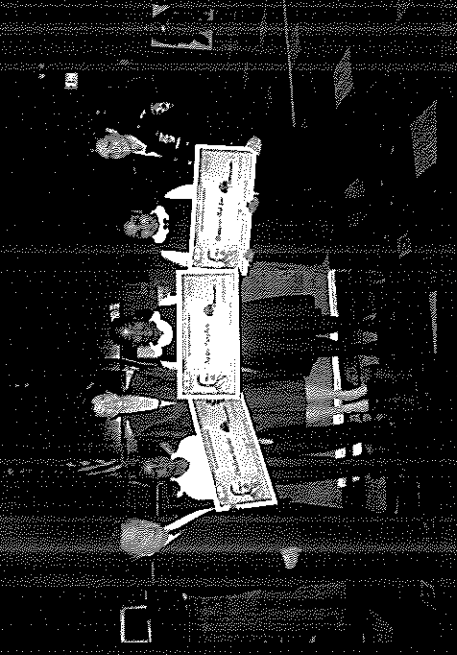
# *Operation Summer Fun*



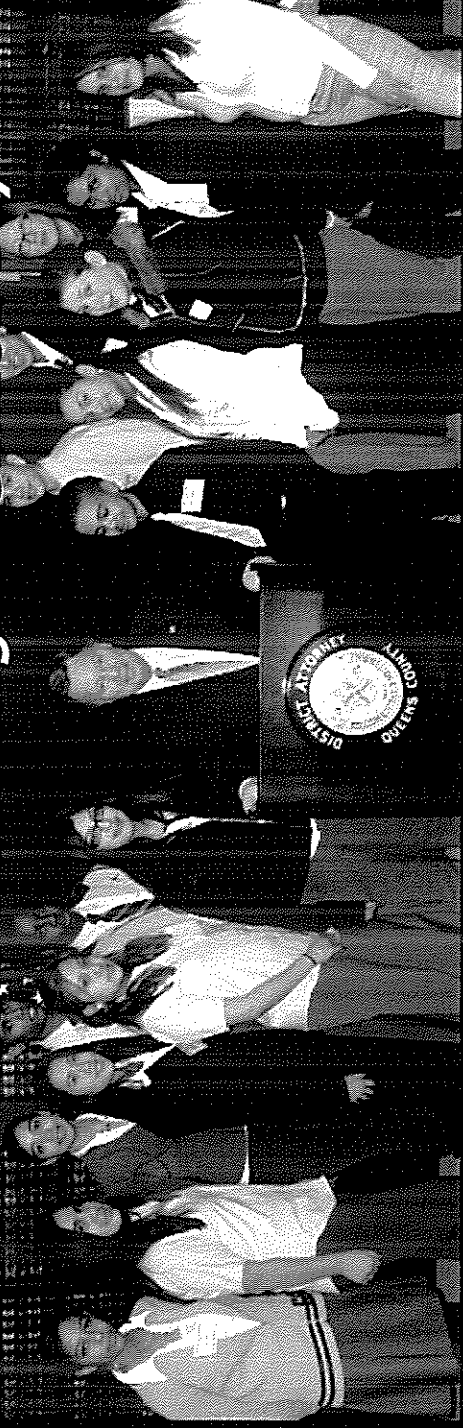
# *National Night Out Against Crime*



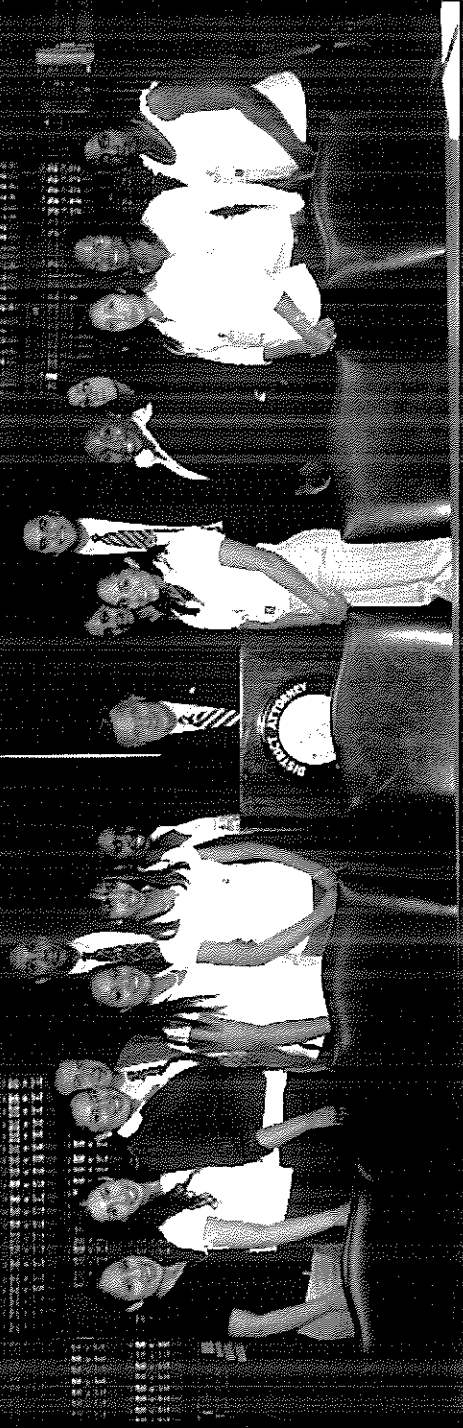
# National Crime Victims Week



**10<sup>th</sup> Annual Groundhog Job Shadow Day**

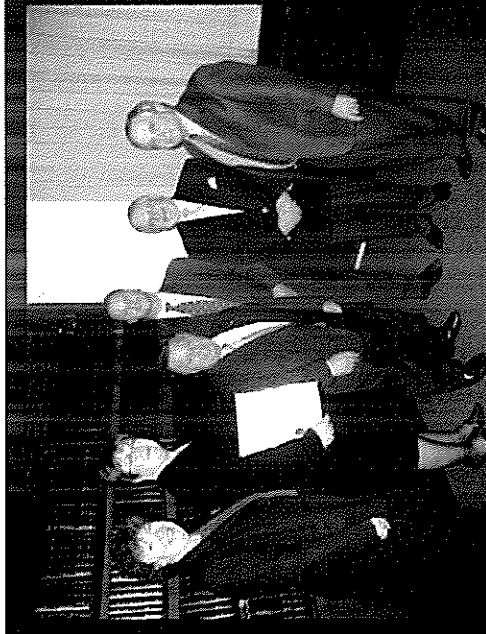


**Ron Brown St. John's University Summer Interns**

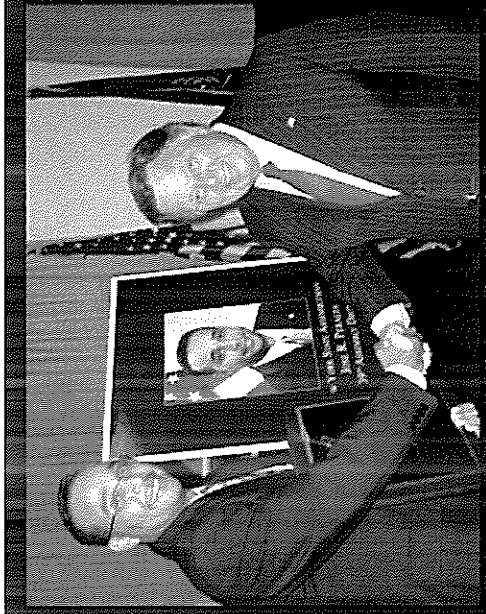


# *Annual Toy Drive*





2007 Hal Miller Weinstein Award



2007 Hispanic Heritage Month Celebration



District Attorney Brown's Fifth Term



2007 William Tucker Garvin Award

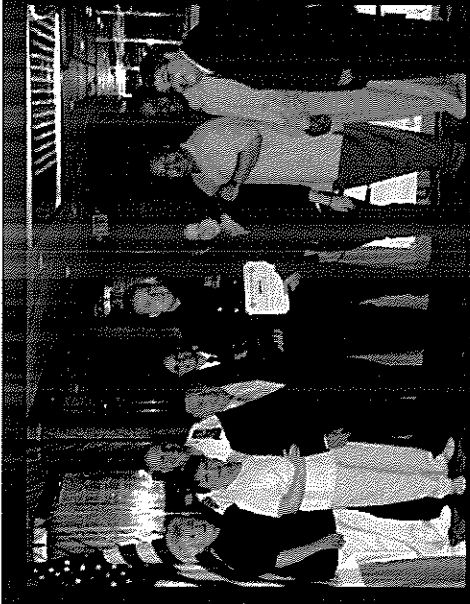


2007 Thomas E. Dewey Award

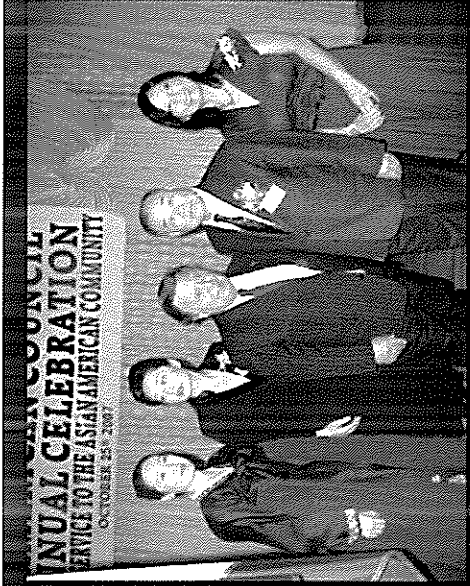
**City Bar Honors Prosecutors**  
The New York City Bar Association presented its third annual Thomas E. Dewey Medals on Thursday at the group's headquarters. The awards honor one assistant district attorney in each of the city's five boroughs. On hand for the event were Southern District Judge John F. Keenan, the evening's keynote speaker; Barry Kamins, city bar president; and this year's honorees, David E. Greenfield, Brian Michael F. Vecchiarelli, Brooklyn; Audrey E. Moore, Manhattan; Roberto Trillo, Queens; and Marie K. Baxter, Staten Island.



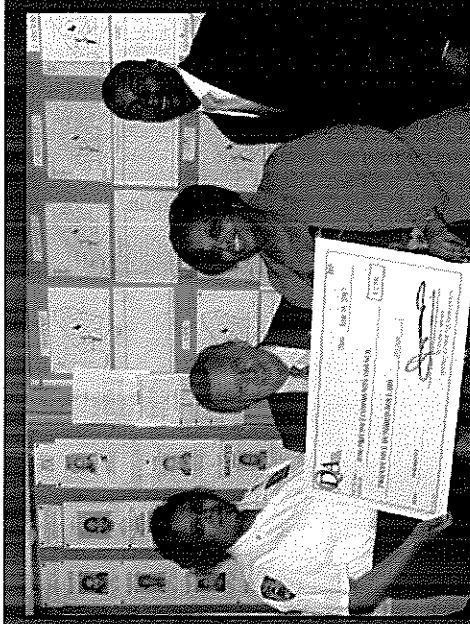
15th Annual Emerald Isle Immigration Center's Briscoe Awards



114th Precinct Community Council



Asian American Council Dinner



113th Precinct Community Council



Chamber of Commerce of Queens Reception



Intercommunity Civic Association



Chinese American Voters Association



*Business Advisory Council*



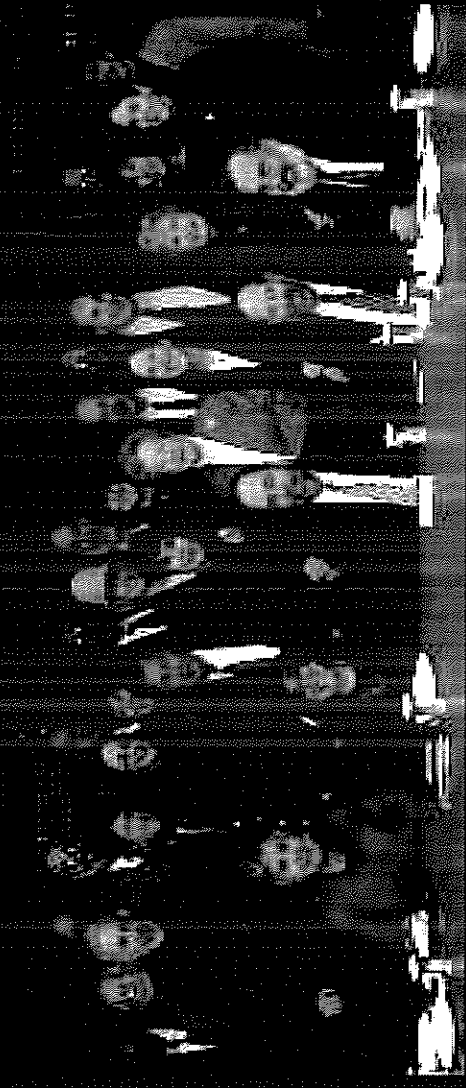
*Asian-American Advisory Council*



*Jewish Advisory Council*



*Student Advisory Council*





ROBERT M. MORGENTHAU  
DISTRICT ATTORNEY

# New York County District Attorney's Office

## Testimony

before the

## City Council Public Safety Committee

*FY 2008-2009*

**May 19, 2008**

**TESTIMONY OF  
ROBERT M. MORGENTHAU**

**BEFORE THE**

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

Thank you for the opportunity to address the Mayor's Proposed Fiscal Year 2009 Executive Budget and its impact on the New York County District Attorney's Office. The city has informed us that it will cut our budget 3.63 percent, or more than \$2.6 million in Fiscal Year 2009. These cuts are on top of the \$7.2 million in cuts we have sustained since Fiscal Year 2002. It is clear that the funding City Council has provided this office previously, which totaled \$1.1 million in FY08, will be even more crucial in FY09 if we are to maintain vital services to the community. We ask that the Council support the restoration of the \$7.2 million in past cuts as well as allocate at least the \$1.1 million to us you have done in the past.

The large reduction in funding we face will force us to terminate some important programs and severely curtail others, hampering our ability to provide the level of prosecutorial services to which the people of New York are entitled. The proposed cuts will also make it difficult for us to pursue worthwhile initiatives for which the city provided funding only last year, in the critically important areas of gun crimes, child abuse and internet crimes. These reductions will not only lessen our ability to prosecute crimes, they will also adversely affect the amount of revenue that we can return to the city. We will be limited in our capacity to conduct many of our most complex and important white collar crime investigations, which produce millions of dollars in fines, taxes and other payments for the city treasury every year.

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

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

### Effects of the Proposed Cuts

Reductions of the magnitude proposed, over \$2.6 million for the New York County District Attorney's Office alone, will greatly affect our ability to perform important functions. Our workload has been increasing even as our budgets have been severely reduced. Arrests are up 12.1 percent since 2003. Cuts in our budget in light of caseload increases will no doubt result in increased arrest to arraignment times, longer pre-trial city jail delays, and increased police overtime as prosecutors are forced to reduce staff throughout the office, including many of those responsible for handling and processing new arrests. Additional cuts will cost the city millions in additional police and corrections expenses and risk the release of dangerous arrestees, who, because of delays in arraignment, may be eligible for judicial release. These increased costs will amount to many multiples of the money saved by the \$2.6 million budget reduction proposed for the Manhattan District Attorney's Office.

In addition to meeting our responsibilities to prosecute violent crime, we are obligated to investigate numerous matters beyond street crime. For example, our construction industry investigations have become even more vital during this unprecedented building boom, and the attendant life threatening working conditions and financial corruption.

### Ongoing Construction Industry Investigations

This office has been conducting an intensive investigation into the deaths of two firefighters at the Deutsche Bank fire. This complex case has required a tremendous investment in office resources, drawing personnel and funds from our limited resources. In just one case, the office has dedicated millions in unreimbursed funds: 6 assistant district attorneys, 4 trial preparation assistants, 3 forensic investigators, a number of investigative analysts, expert witnesses; and the purchase of two expensive new software programs. Yet, while proposing cuts to our budget, the City and State have spent over \$2 million in legal fees to hire private counsel to deal with the Deutsche Bank fire investigation that we are conducting. Spending at a rate of \$200,000 a month for private legal fees, while cutting the budget of the office investigating the matter, is not a defensible allocation of taxpayer funds.

In addition, this office is further required to investigate other construction related incidents, such as the recent tragic crane collapse on the east side of Manhattan, which resulted in the deaths of seven and injury of many others. These cases are expensive to undertake, involving legal and investigative personnel, as well as the hiring of engineering and construction experts. In such cases, we have no discretion as to whether to investigate -- it is a sworn responsibility. The proposed cuts, however, severely undermine our ability to undertake this crucial work in the most professional manner possible.

In the past year alone, there were 40 construction accidents which resulted in a total of 14 fatalities. These events require this office to investigate not only to determine if there is criminal responsibility for the loss of life, injury, and property damage; but also determine whether City regulatory agencies are complicit, or negligent in providing safe working conditions. Through its investigative work, the District Attorney's Office is fulfilling the crucial role of neutral, investigatory agency rooting out criminality, as well as ensuring future safer practices.

According to the New York Building Congress, construction spending in New York City by government, businesses and institutions will reach \$83 billion in the years 2007 through 2009, much of it in Manhattan.<sup>1</sup> Despite all of these positive developments, however, the sheer volume of construction activity has produced a fertile environment for crime and corruption. This level of criminality creates tremendous obstacles to businesses in New York City and threatens the city's reputation as a safe and desirable place to work and conduct business.

Corruption and bribery in the construction industry, costs New Yorkers hundreds of millions of dollars each year in the form of lost tax revenue and inflated direct and indirect construction costs. Corruption enters the construction industry through mechanisms including bribery, bid rigging, and kickbacks. These and other illegal activities permeate all levels of the industry, from the agents to the general contractors, from the sub-contractors to the unions. Long-standing relationships between corrupt developers and contractors facilitate covert business dealings that siphon funds from property owners to corrupt personnel. The complex and diffuse nature of construction fraud hinders the investigation of corrupt practices. Most fraud is left undetected by all but the most focused and sophisticated surveillance efforts and investigative personnel.

The New York County District Attorney's Investigation Division has developed the expertise to investigate and prosecute corrupt practices in the Manhattan construction industry. Elimination of the systemic problems that characterizes the construction industry requires this office to conduct long term investigations involving complex surveillance, the use of informants, and the expertise of financial investigators and accountants. Expanded undercover operations are needed to conduct business with, and

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<sup>1</sup> "Construction Remains White Hot: \$83 Billion in Spending Projected Over Three Year Period," New York Building Congress Research & Analysis, <<http://www.buildingcongress.com/code/outlook/2007-2009-outlook.htm>> 16 May 2008.

thereby collect evidence on, the suspected firms. Although these types of operations are extremely expensive, they have led to successful prosecutions.

With the nature of the construction industry evolving to utilize more technologically advanced and sophisticated methods for wrong doing, investigative and prosecutorial activities have also been enhanced accordingly. In order to ensure the health and safety of the citizens of New York, and a favorable climate for legitimate business, we must receive adequate funding.

### Manhattan's Role in the Economic Fortunes of the City

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

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

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

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

### **Important Programs at Risk**

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

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

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

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

**Identity Theft:** In recognition of the growing threat posed by identity theft, this office established a unit dedicated solely to the investigation and prosecution of this type of crime. Believed to be the first and largest of its kind, the unit was established in response to the marked rise in complaints from individual and corporate victims in our jurisdiction, as well as to the growing sophistication of the criminals perpetrating these crimes. The cases include everything from simple credit card theft to complex international criminal rings engaged in the highest levels of fraud.<sup>2</sup>

In one notable case, this office investigated and prosecuted two defendants who, in just five months, stole over \$1 million dollars. Using stolen identity information, the

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<sup>2</sup> This office has an Edward R. Byrne federal grant for the investigation and prosecution of identity theft. This grant is currently in peril, as there are plans to reduce federal expenditures for crime fighting. If we lose this federal funding and it is not replaced by the city or state, it will have a devastating impact on our identity theft investigations.

defendants siphoned money from the victims' bank accounts by transferring funds into other accounts they had fraudulently established. In addition, the defendants deposited a number of forged checks, thereby stealing from several local corporations. The defendants were convicted at trial and sentenced to 15-30 and 12-36 years in state prison respectively.

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

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

The office's approach to these cases has proven highly effective, but they are also time and labor intensive. In 2007, over 7,600 reports of child abuse and neglect were made to the State Central Registry from Manhattan, leading to over 1,000 criminal prosecutions through our office. Additionally, in 2006, we initiated an interagency task force with the goal of establishing a co-located child advocacy center in Manhattan. This will be the first child advocacy center in the borough to house police, ACS, medical, and legal resources in the same location. The interagency task force now includes representatives from the Mayor's Office, the New York Police Department (NYPD), the Administration for Children's Services (ACS), Safe Horizon, and the five child medical centers in Manhattan. The group has designed a model for a Manhattan Child Advocacy Center that makes the best use of the world-class medical and social services available throughout the borough and the strong collaborative relationships already in place between these service providers and this office. A location for the Center has been chosen, and the task force has been busy developing protocols in anticipation of the Center's opening, expected in the Fall of 2008. This office will become a permanent presence at the site, itself.

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

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

**White Collar Crimes:** In addition to construction industry investigations discussed above, this office has prosecuted major cases involving racketeering, kickbacks, and other anti-competitive practices. Several of our recent cases illustrate the importance of our investigations.

#### Racketeering/Extortion

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

#### Fraud

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

#### Money Laundering

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

#### Tax Crimes

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

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

## Costs to the System Resulting from the 3.6 Percent Cut

### 1. City Jail Costs

In 2007, the Office filed 4,808 defendant indictments in Supreme Court.<sup>3</sup> Estimates are that the City spends \$164 per day on each inmate in City jail.<sup>4</sup> A 3.6 percent reduction in the Office's personnel budget could easily slow the system down enough to result in one extra adjournment per felony case. A single adjournment can increase a case's time to disposition by two weeks, meaning that the defendant spends more time in City jail. If there is even one extra adjournment for every indictment filed next year, it could result in a cost to the city of as much as \$11 million.

### 2. Arrest to Arraignment

Since 2003, arrests have increased by 11 percent, yet arrest to arraignment times have improved to 21.71 hours. This is because the office has devoted additional resources including additional legal and non-legal staff to processing these cases and increased hours of the arrest processing operation (known as Early Case Assessment Bureau or ECAB). Our lawyers typically work until 1:00 am, often later. Because of statutory requirements and police overtime concerns, the office must continue to process cases in a timely fashion. The prospect of a 3.63 percent cut occurring simultaneously with an increase in arrests could lead to a perilous condition for arrest to arraignment times. Reducing the numbers of ADAs and other critical staff by 3.63 percent, in conjunction with the increased volume, would mean a 12 percent increase in workflow in ECAB. This would translate into approximately 2.6 extra hours in processing time, to an average of 24.3 hours per defendant, over the statutory requirement. It would also mean increased police overtime at greatly increased cost to the city. The expenses incurred would likely be more than the 3.63 percent cut to this office itself.

### 3. Police Overtime

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

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<sup>3</sup> DANY Monthly Report of Operations, Term 13 2007.

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

overtime per arrest increased approximately 1.4 percent. Our estimate is that a 12 percent increase in processing time (as noted above) could increase police overtime per arrest by 17 percent in 2008. Since police overtime per arrest averaged \$187 in 2007, an increase of this magnitude would translate to \$3.8 million extra in overtime expenditures.

The increased city expenditures occasioned by the proposed cuts would be far greater than the \$2.6 million cut to our office, on top of increasing the inefficiencies in the criminal justice system we have all worked so hard to overcome.

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

**TESTIMONY**

**PRESENTED TO**

**THE COUNCIL OF THE CITY OF NEW YORK**

**Committee on Public Safety**



**Prepared by:**

**E.A.C., Inc.**

**(EDUCATION & ASSISTANCE CORP.)**

**May 19, 2008**

**PREPARED BY:**

E.A.C., Inc. (Education and Assistance Corp).  
New York City T.A.S.C. (Treatment Alternatives for Safer Communities)  
and Mental Health Services

Lance Elder, President and CEO

Becky Bell, E.A.C.'s Senior Vice President

Kenneth Linn, Esq.  
E.A.C.'s Vice President of New York City Programs

Tania Chandler, J.D.  
Regional Director, E.A.C. New York City Administration

New York City T.A.S.C. and Mental Health Services  
New York City Headquarters  
175 Renssen Street 5<sup>th</sup> floor  
Brooklyn, N.Y. 11201  
(718) 237-9404  
Fax (718) 237-5864

New York City T.A.S.C. Programs are funded through:

The Council of the City of New York  
New York State Division of Probation & Correctional Alternatives  
New York State Division of Criminal Justice Services  
New York City Board of Education  
New York City Department of Health  
Suited for Success is a privately funded program

**Statement on Behalf of E.A.C.'s New York City T.A.S.C.**  
**Programs to the Council of the City of New York**  
**Committee on Public Safety**

March 19, 2008

Honorable ChairpersonVallone, Council Members, Council Staff:

My name is Lauren D'Isselt and I am a Director of one of E.A.C., Inc. (Education and Assistance Corp.), Programs. New York City Council support has enabled TASC to become the most highly effective alternative to incarceration program in the State. In the Bronx, where we operate the Mental Health Court, we were chosen by the Bureau of Justice Assistance (BJA) under the Department of Justice as one of the five Model Mental Health Courts in the entire country, as a teaching Court to teach all of the new Mental Health Courts in how to develop to be Mental Health Courts. The competition was rigorous but Bronx TASC's Mental Health Court was one of the five selected. Our staff is lead by a psychiatrist and we assess the mentally ill clients, place them into programs and monitor them for the Court. This TASC does as well for all of its drug abusing non-violent offenders who go into treatment programs in lieu of prison or jail but for the mentally ill ones we use licensed

psychologists or psychiatrists to make an accurate diagnosis and do rigorous risk assessments to insure to the highest degree possible that diversion is appropriate decision. Not only does TASC screen, assess and place these substance-abusing and mentally ill offenders but also TASC provides clinical case management services to them and the program that they are in and monitors them as well for the Courts and the District Attorney's Offices for up to two (2) years. These placements have come about through the trust and support that TASC receives from the Courts and the District Attorneys in the four counties where we operate. To show to you the level of trust that TASC has from the District Attorneys, the New York City TASC programs provide the screening, placement and case management for the District Attorney's DTAP (Drug Treatment Alternative to Prison) second felony offender programs in Brooklyn, Queens, Bronx and Richmond Counties. We are in fact the case management arm of the District Attorneys' in those counties for their Drug diversion program and we also do this work for their mental health programs.

This past calendar year, combining substance abusing defendants and mentally ill defendants, most of whom also abused drugs, we placed one thousand nine hundred ninety-six (1,996) substance abusing, criminal justice offenders into treatment programs and case managed and monitored their participation for the Courts. The biggest group of those placed were predicate felons, that is those who have a current felony drug charge and who have been convicted of at least one or more prior felonies within the last ten (10) years. Ordinarily, under the Rockefeller Drug Laws even as amended this group would have gone to state prison, but through a collaboration with the Courts and the District Attorneys, we have developed a mechanism to place them into drug treatment programs of up to two years duration, which allows them to be rehabilitated instead of incarcerated. This mechanism has been approved by our highest Court, the Court of Appeals in a unanimous decision with every member of the Court agreeing 7-0 to treatment over jail or prison. Our success rates for the predicate felony offender population have been consistently maintained at a 70% completion level, with first time felons completing at a 60% to 65% rate.

Our current caseload approaches three thousand (3,000) clients in TASC placed treatment programs. We supervise this number of clients for the Courts and guide them along to productive, drug free lifestyles.

The work of the New York City TASC Programs has net saved the City and State many, many millions of dollars. But besides the net monetary benefit that TASC brings to the criminal justice system<sup>1</sup>, it pales besides the incalculable benefit that comes from rehabilitating criminal, drug addicts and helping to create from them productive, taxpaying members of society. Not only does this result in the individual rehabilitation of criminal, drug abusers, and thus safer streets, but in families being reunited, parents now able and willing to assume responsibility for their children and these children now having a parent present who is capable of undertaking their upbringing. We have achieved this goal for the more than twenty thousand (20,000) clients who have graduated from our programs since inception in New York City in 1985. . Further support for our

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<sup>1</sup> In a Cost Savings document we have produced using very conservative figures and only applying them to detained offenders for detention savings, we calculate that savings to the City on detained offenders was over six million dollars and net savings to the State were eleven million dollars only calculating prison-bound offenders.

effectiveness is our TASC recidivism studies on our predicate felony population, which show that an average of 90% of our graduates have sustained a crime-free lifestyle one year after completing the program. These are the figures that make us proud and sustain us in our efforts.

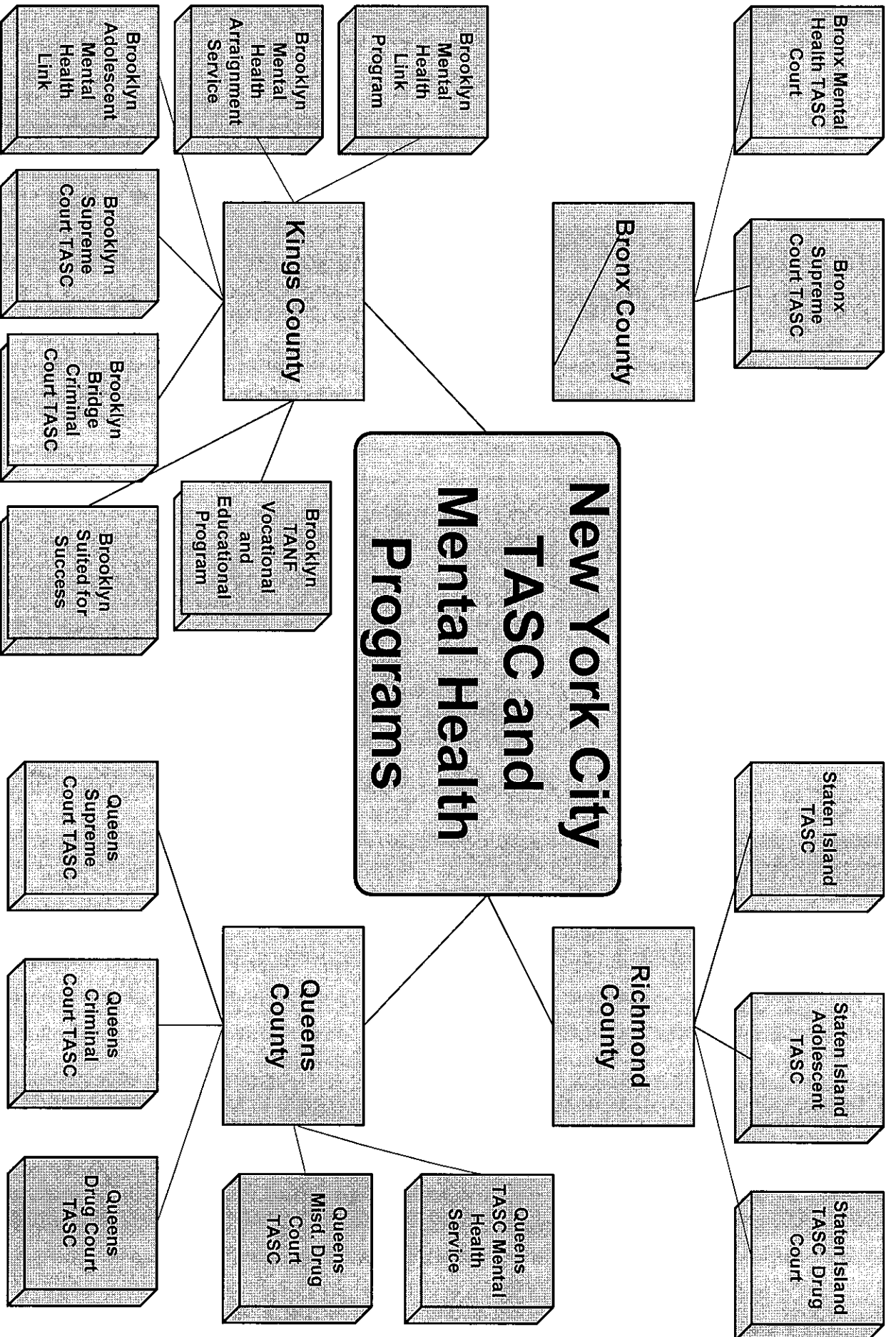
This past year, with State budget cuts and increased costs for our every service and need, we have had great financial difficulties maintaining the levels of service that the Courts and District Attorneys have asked of us. This coming year however we will need a restoration of funding to cover expenses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

The fact that we net saved the City and State enormous sums of money (a projected total net amount of almost twelve million dollars (\$12,000,000) dollars this year with six million (\$6,000,000) dollars of that sum in savings to the City. This has enabled us to affect so many, many thousands of lives that we only hope that we will be able to continue our work as we have been doing for the past twenty-three (23) years. For it would be a shame if our citizens lost the benefit of complete TASC services; services that through the years have rehabilitated so many drug offenders and clearly with twenty thousand (20,000) client graduates has had a significant effect on making our communities safer. It could not be the police alone that has made our communities safer, but the cumulative effect of TASC and other effective rehabilitation programs that have helped make our streets safer. Arresting a drug abusing offender, putting him or her in jail or prison, only returns that offender back to the streets and back to drugs and crime after some period of time. It is the rehabilitation of these drug users and developing them into tax paying, productive citizens that is essential for the maintenance of safe streets and safe communities.

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

Respectfully submitted,

Lauren D'Isselt



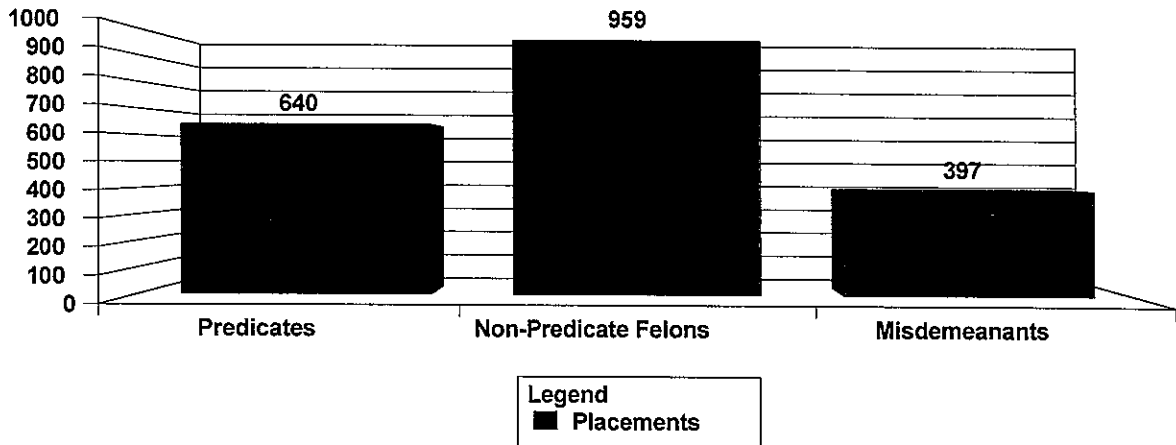
**EXHIBIT A**  
**PLACEMENTS**

# NYC TASC PLACEMENTS

## TOTAL YEAR 2007 PLACEMENTS: 1,996

In Calendar Year 2007, EAC's New York City TASC programs (Brooklyn TASC, Brooklyn Mental Health, Queens TASC, Queens Mental Health TASC, Staten Island TASC, Staten Island Adolescent TASC, Bronx TASC and Bronx Mental Health TASC) placed a total of 1,996 non-violent, substance abusing and/or mentally ill criminal offenders into substance abuse/mental health treatment programs as an alternative to a sentence to prison or jail. With success rates for predicate felons at 70%, and non-predicate felon success rates better than 60%, the TASC numbers are a testament to the positive role of the TASC programs in improving public safety, but also its role in community betterment and in restoring families one at a time. But with 20,000 placements in the last 10 years that makes many families re-united and made whole.. These placements are monitored by TASC for the length of the Court mandate, which ranges up to 24 months for predicate felons and one year for misdemeanor offenders. An accompanying Cost Savings Report, demonstrates how as a result of the 1,996 Placements made in 2007 by the E.A.C.'s New York City TASC programs the City and State of New York have net saved \$11,963,114.00. The breakdown of the 1,996 placements show that 640 were predicate felons, 959 were prison-bound non-predicate felons and 397 were chronic misdemeanants.

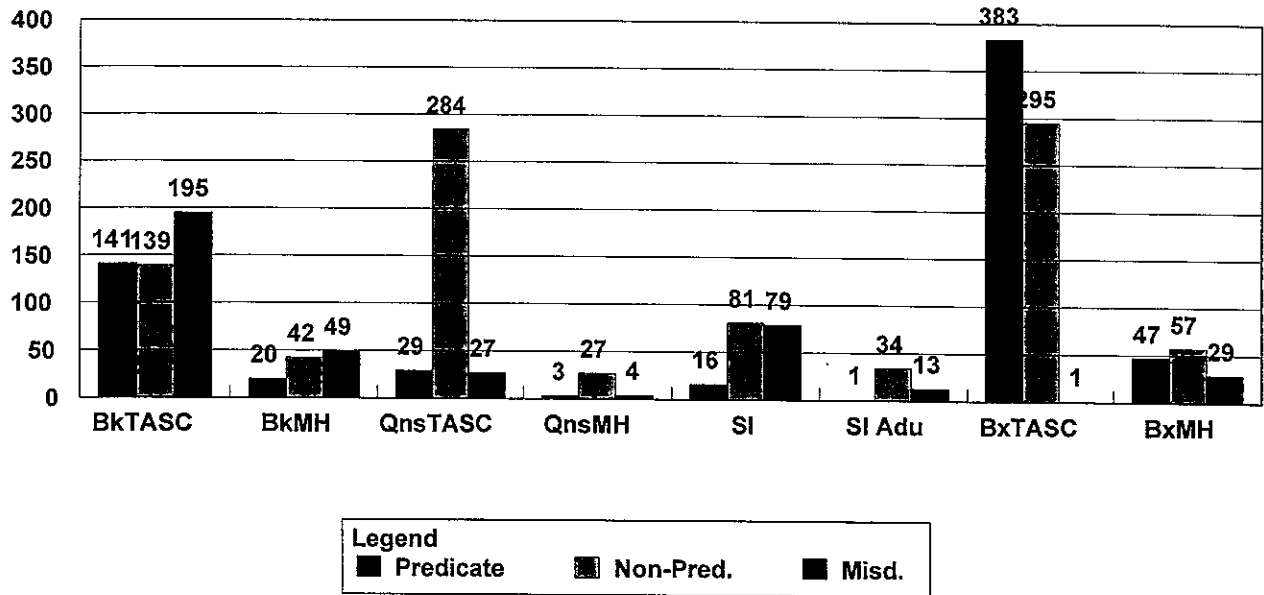
### PLACEMENTS: 1,996



TASC Program	Total	Predicate Felons	Non-Predicate Felons	Misdemeanants
Brooklyn TASC	475	141	139	195
Brooklyn MH	111	20	42	49
Queens TASC	340	29	284	27
Queens MH	34	3	27	4
Staten Island TASC	176	16	81	79
Staten Island Adu	48	1	34	13
Bronx TASC	679	383	295	1
Bronx MH	133	47	57	29
<b>Total</b>	<b>1,996</b>	<b>640</b>	<b>959</b>	<b>397</b>
		32.1%	48%	19.9%

The breakdown of the 1,996 Placements made in 2007 by program is laid out in the chart above and in the graphic that follows. It is clear that the 640 predicate felons would have gone to State prison now go into community based treatment programs in lieu thereof though TASC and because of TASC' relationship with the District Attorneys' Offices.

Placement of 1,996 Defendants by Program and Criminal Justice Status  
(Predicate Felons, Non-Predicate Prison-bound Felons and Chronic Misdemeanants)



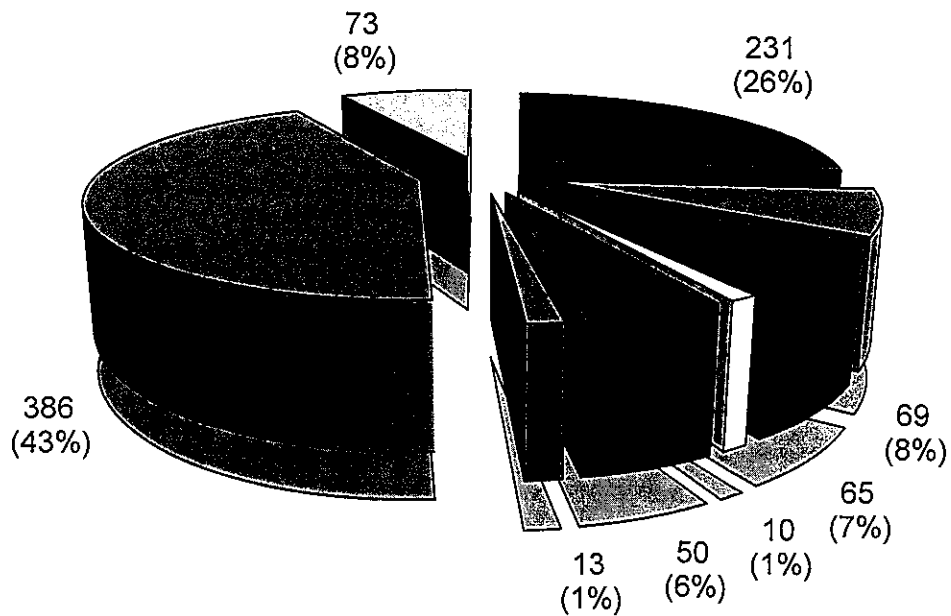
**Total 2007 Placements from Detention: 897**

Of the 1,996 offenders placed into treatment programs, 897 or 44.9%, were incarcerated at the time of their placement. This is worth noting because of the complex process involved in the placement of detained offenders, particularly those who are placed into residential treatment. For example, many incarcerated offenders do not have the necessary documents or medical records that most treatment programs require before they will accept a client. TASC staff work to acquire all necessary documents. This is certainly much more difficult while the offender is still incarcerated. In addition, it is a difficult task coordinating all of the variables so that each defendant is released to TASC custody at the appropriate time and date to gain entry directly into the treatment program. The annual cost of detaining an offender in a New York City jail while he/she awaits trial and/or sentencing is \$56,000, or \$4,600 per month. Because the TASC process expeditiously moves the offender from detention into drug treatment, costly time spent in detention is greatly reduced, resulting in savings, which accrue directly to the City. The greater the numbers of offenders placed into far less costly drug treatment, the greater the savings to the City of New York. Using conservative figures, the total jail savings involved through the utilization of E.A.C.'s TASC programs in 2007 is projected as \$6,230,004. Additional savings totaling \$10,584,240 are achieved for the State of New York as well by diverting offenders from prison sentences. E.A.C. has prepared a full report which describes the methodology and formulas upon which the study is based and breaks down the savings to the City and State as a result of TASC's work. The result is a net savings to the City and State, which totals \$11,963,114.00.

Placements from Detention Total	Bklyn	Bklyn MH	Qns	Qns MH	SI	SI Adol	Bx	Bx. MH
897	231	69	65	10	50	13	386	73

TASC Program	Total	Predicate Felons	Non-Predicate Felons	Misdemeanants
Brooklyn TASC	231	110	64	57
Brooklyn MH	69	17	26	26
Queens TASC	65	17	34	14
Queens MH	10	0	9	1
Staten Island TASC	50	14	23	13
Staten Island Adu	13	1	11	1
Bronx TASC	386	248	137	1
Bronx MH	73	30	29	14
Total	897	437	333	127

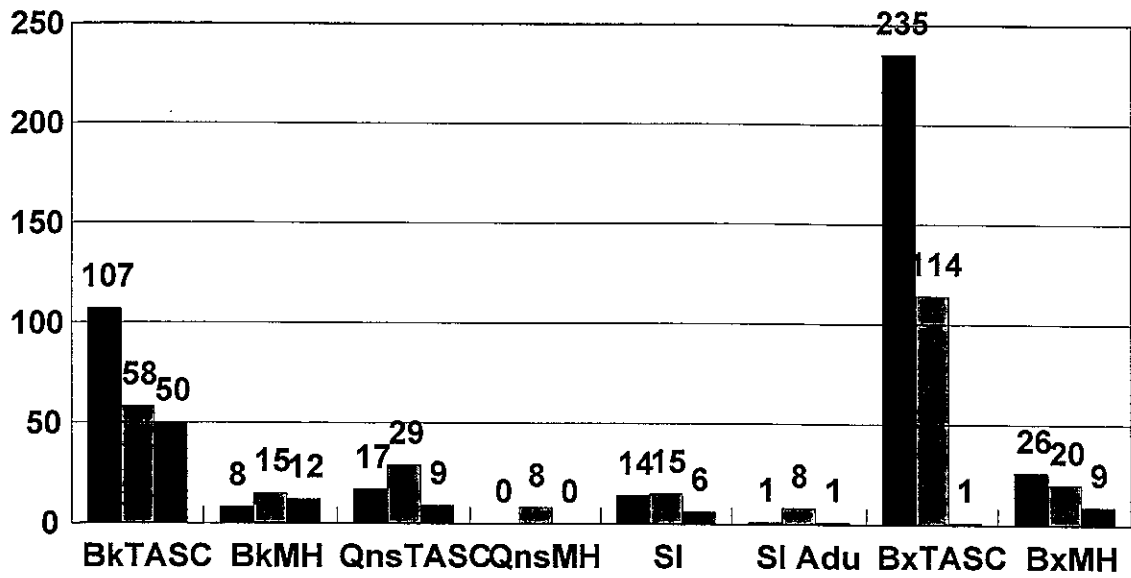
The total placements from detention totaling 897 reflect a savings to the City of New York in detention savings of \$6,230,004.00. There is detailed Cost Savings study prepared by E.A.C. which spells out the full methodology behind the net cost savings to the City and State as a result of the work done by New York City TASC. The charts above and the graphics that follow provides the placement numbers upon which the detention savings to the City are based.



Legend							
■	■	■	□	■	■	■	■
Bklyn	Bklyn MH	Qns	Qns MH	SI	SI Adu	Bx	Bx MH

### Placements from Detention: 897

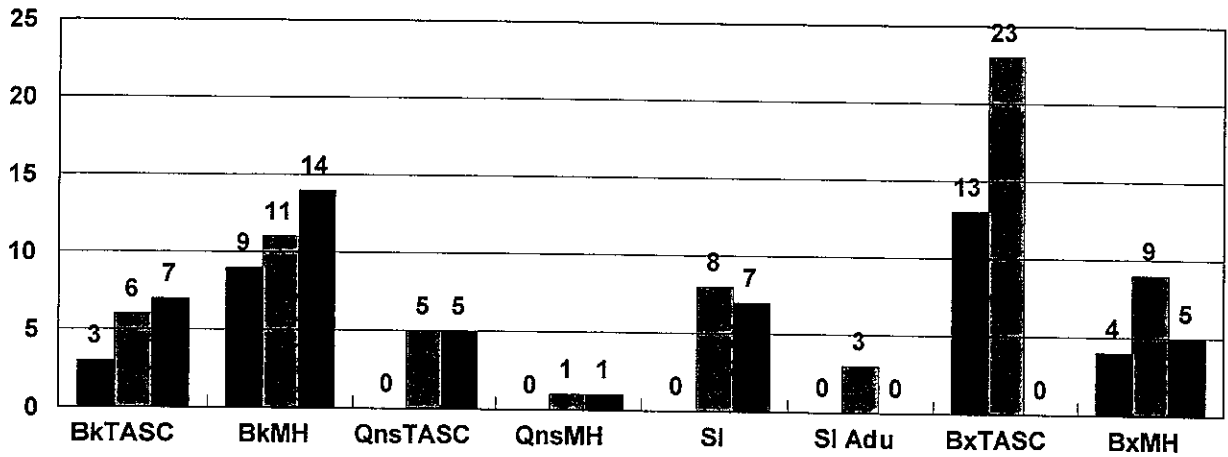
## Total Residential Placements from Detention: 763



**Legend**  
 Predicate
  Non-Pred.
  Misd.

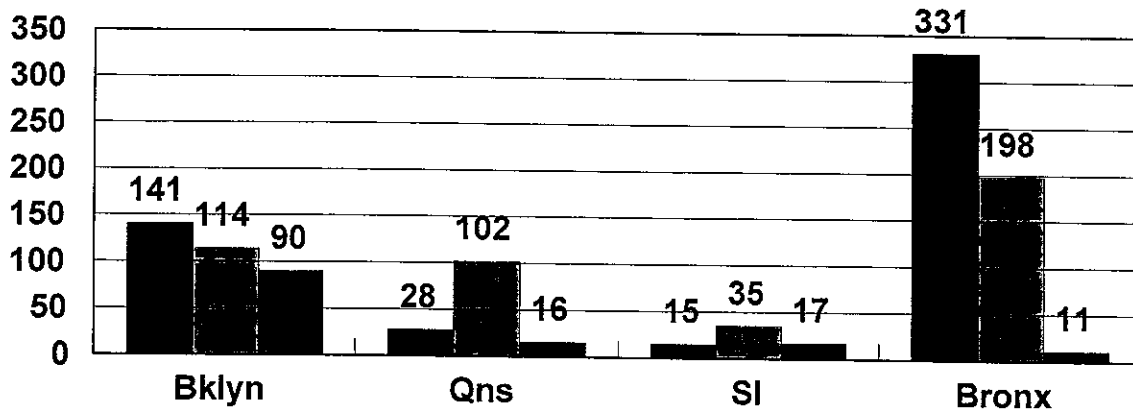
TASC Program	Total	Predicate Felons	Non-Predicate Felons	Misdemeanants
Brooklyn TASC	215	107	58	50
Brooklyn MH	35	8	15	12
Queens TASC	55	17	29	9
Queens MH	8	0	8	0
Staten Island TASC	35	14	15	6
Staten Island Adu	10	1	8	1
Bronx TASC	350	235	114	1
Bronx MH	55	26	20	9
<b>Total</b>	<b>763</b>	<b>408</b>	<b>267</b>	<b>88</b>
		<b>53%</b>	<b>35%</b>	<b>12%</b>

## Total Out-Patient Placements from Detention: 134



TASC Program	Total	Predicate Felons	Non-Predicate Felons	Misdemeanants
Brooklyn TASC	16	3	6	7
Brooklyn MH	34	9	11	14
Queens TASC	10	0	5	5
Queens MH	2	0	1	1
Staten Island TASC	15	0	8	7
Staten Island Adu	3	0	3	0
Bronx TASC	36	13	23	0
Bronx MH	18	4	9	5
<b>Total</b>	<b>134</b>	<b>29</b>	<b>66</b>	<b>39</b>
		22%	49%	29%

## Total Residential Placements: By County: 1,098



Legend		
■ Predicate	■ Non-Pred.	■ Misd.

	Bklyn	Qns	SI	Bx	Total
<b>Pred Felons</b>	141	28	15	331	515
<b>Non-Pred Felons</b>	114	102	35	198	449
<b>Misdemeanants</b>	90	16	17	11	134
<b>Total</b>	345	146	67	540	1,098

**EXHIBIT B**

**COST SAVINGS**

# Evaluation of NYC TASC Services to the City/State in Jail/Prison Displacement by Time and Dollars

## 1. NYC TASC Detention Displacement: 2007

### I. The Method and Formula:

In order to evaluate program effectiveness as a vehicle for New York jail displacement, it was necessary to develop a formula based on examining the number of inmate/defendants removed from Corrections custody through NYC TASC intervention and placed by TASC in substance abuse treatment pursuant to a plea bargain and Court mandate. A very conservative formula intentionally was adopted applying the minimum numbers in order to insure a valid potential displacement calculation. It is only those **897 defendants released from jail** by the Court to TASC custody and escorted by TASC staff into drug treatment programs that are considered in arriving at local jail displacement to New York City.

**In 2007, E.A.C.'s NYC TASC Programs throughout the City of New York placed 1,996 defendants into substance abuse treatment programs and mental health treatment programs; 897 of this total were released from Court Corrections pens by the Court and placed directly into treatment programs by TASC staff. Only these 897 detained offenders are considered for jail displacement calculations. \***

The values attributed to detained defendants for displacement purposes vary by criminal justice status. The following estimates are based on the long experience of TASC in criminal justice matters and represents a very conservative estimate, which clearly undercounts, rather than overstates the numbers. Thus, for **detained predicate felons**, ("B" and other second felony offender drug sellers/users facing significant mandatory State prison time with more serious criminal consequences, who are more intractable and less likely to leave Corrections in as short a period of time as detained non-predicate felons and detained misdemeanants facing lesser potential sentences), there was attributed **2 months of detention displacement savings for each predicate felon** released from custody to TASC and placed by TASC into a substance abuse program through a Court mandate. **For each detained non-predicate felon and each detained misdemeanant** released from Correction's custody to TASC and placed by TASC into a substance abuse treatment program through a Court mandate there was attributed **1 month of detention displacement**.

Thus, the following values have been adopted for jail displacement calculations:

- 1) For each detained predicate felon, two (2) months of jail time displaced.**
- 2) For each detained non-predicate felon, one (1) month of jail time displaced.**
- 3) For each detained misdemeanant, one (1) month of jail time displaced.**

**Significantly, omitted from any calculation of jail displacement is the consideration of local ATI sentence displacement for non-detained defendants despite the fact that many of the 626 non-detained, non-predicate felons and many chronic misdemeanants of the 270 non-detained misdemeanants would be facing some local jail sentence if not for TASC intervention and placement. Similarly, many of the 203 non-detained predicate felons would have spent some time in local jail before sentence and/or before being processed into state prison. Despite this reality, these defendants are omitted from jail displacement calculations in order to insure the most conservative approach possible and insure the highest level of reliability.**

**TOTAL DETAINED DEFENDANTS PLACED IN 2007: 897**

**II. Detained Defendant Distribution By Criminal Justice Status**

<b>TASC Program</b>	<b>Predicate Felons</b>	<b>Non-predicate Felons</b>	<b>Misdemeanants</b>	<b>TOTAL</b>
Brooklyn TASC	110	64	57	231
Brooklyn MH	17	26	26	69
Queens TASC	17	34	14	65
Queens TASC MH	0	9	1	10
Staten Island TASC	14	23	13	50
Staten Island Adu	1	11	1	13
Bronx TASC	248	137	1	386
Bronx TASC MH	30	29	14	73
<b>TOTAL</b>	<b>437</b>	<b>333</b>	<b>127</b>	<b>897</b>

**III. Jail Displacement In Months by Program/Jurisdiction**

<b>TASC Program</b>	<b>Total Months for Predicate Felons</b>	<b>Total Months for Non-Predicate Felons</b>	<b>Total Months for Misdemeanants</b>	<b>TOTAL DETENTION MONTHS DISPLACED</b>
Brooklyn TASC	220	64	57	341
Brooklyn MH	34	26	26	86
Queens TASC	34	34	14	82
Queens TASC MH	0	9	2	11
Staten Island TASC	28	23	13	64
Staten Island Adu	2	11	1	14
Bronx TASC	496	137	1	634
Bronx TASC MH	60	29	14	103
<b>TOTAL</b>	<b>874</b>	<b>333</b>	<b>128</b>	<b>1,335</b>

**IV. Dollar Value Equivalent of Jail Displacement**

When dollar values are assigned to displacement figures, the breakdown at \*\$56,000/year or \$4,666.67/month would be as follows:

<b>TASC Program</b>	<b>TOTAL DETENTION MONTHS DISPLACED</b>	<b>DOLLAR VALUE FOR JAIL BEDS DISPLACED</b>
Brooklyn TASC	341	\$1,591,334.00
Brooklyn MH	86	\$401,333.00
Queens TASC	82	\$382,666.00
Queens TASC MH	11	\$51,333.00
Staten Island TASC	64	\$298,666.00
Staten Island Adu	14	\$65,333.00
Bronx TASC	634	\$2,958,668.00
Bronx TASC MH	103	\$480,667.00
<b>TOTAL</b>	<b>1,335</b>	<b>\$6,230,004.00</b>

\* \$56,000 per year or \$4,666.67 per month is the recognized cost of a bed in Rikers Island or one of the local borough jail facilities.

\*\*Dollar Amounts Rounded off to a dollar amount dropped to lowest hundred dollars so as to not consider any ten's of dollars, i.e., \$1,582 would therefore be rounded to \$1,500.00.

\*\*\*Addendum:

- 1) TASC Programs have excluded from local jail displacement calculations, the 1,099 non-detained offenders that were placed into treatment programs and monitored thereafter by TASC, including the 203 predicate felons who clearly would have spent time in local jail.
- 2) TASC Programs have excluded from local jail displacement calculations all of those 270 non-detained misdemeanants and the 626 non-detained non-predicate felons (out of the total of 1,099 non-detained offenders) even though it is likely that a certain portion would have been sentenced to a local jail sentence if not for TASC intervention and placement.

## **2. NYC TASC State Prison Displacement: 2007**

### **I. The Method and Formula:**

In order to evaluate program effectiveness as a vehicle for State Prison displacement, it was necessary to arrive at a realistic formula to estimate State Prison displacement. A very conservative formula was intentionally adopted applying the minimum numbers in order to insure a valid potential displacement calculation and to maintain credibility.

In 2007, EAC's NYC TASC Programs throughout the City of New York in the counties where TASC operates, **placed 1,996 defendants** into substance abuse treatment programs. Of this total, **640 were predicate felons** facing mandatory State Prison sentences. Another **959 defendants were non-predicate felons, 333 of whom were in detention** at the time of TASC intervention and subsequently were released from the Court Corrections pens by the Court and placed into treatment programs by TASC staff. For purposes of this report, **only predicate felons and detained non-predicate felons are considered prison-bound** and are used to calculate State prison displacement\*

The prison displacement values attributed herein to defendants are based on statutory minimums but also based on the minimum allowable plea bargain permitted by law for predicate felons. For non-predicate felons, calculations are based on research performed by the Vera Institute of Justice and others and confirmed by TASC experience, which supports the proposition that the two most significant variables for determination of an ultimate jail/prison sentence is detention status of the defendant and the plea offer of the District Attorney. Therefore, based on minimum statutory considerations, there was **attributed a displacement sentence of 2-4 years for each predicate felon**, which is the minimum allowable plea offer permitted by statute, post indictment and the minimum allowable sentence on such a plea bargain for predicate felons. For those **detained non-predicate felons** where the plea offer of the District Attorney was at least 1-3 years at the time that TASC was asked to intervene, there was **attributed a minimum sentence of 1-3 years**. Then the minimum was applied for each. Thus, a 2 year prison sentence was adopted to the predicate felons for State prison displacement purposes and a 1 year minimum to the detained non-predicate felons. It was necessary then to reduce these minimum displacement figures by 4 months, as the estimated amount of local jail detention time that the average detained defendant would stay in jail pending ultimate case disposition and which then would reduce and be credited against the minimum State prison sentence. It has been applied here as credit to all detained defendants in the categories considered; predicate felons and detained non-predicate felons, despite the fact that many such defendants spend far less time in detention.

Furthermore, since only successful defendants displace prison beds, only projected success rates are applied to displacement calculations. In this regard, the long NYC TASC history and experience was drawn upon. Since TASC accepted and placed its first predicate felon in 1990, consistent success rates with this population have exceeded 70% and thus, a projected **70% success rate for predicate felons for prison displacement purposes** has been adopted.

\*Significantly, not included for ATI State Prison sentence displacement figures are those non-detained, non-predicate felons totaling 626, some of whom clearly were facing a prison sentence if not for TASC intervention and placement. Despite the fact that TASC only accepts cases in this category when the final plea offer is to a prison term. Since it is difficult to assign displacement values to this population, the entire category of 626 non-detained, non-predicate felon defendants has been excluded from any part of these displacement calculations.

For non-predicate felons, TASC has a consistent pattern of success rates that approach 65%. However, for the population of detained non-predicate felons that are considered here for calculation of displacement rates from State Prison, a very conservative rate of **60% as the projected success rate for non-predicate detained felons** has been adopted.

Thus, the following formula has been applied for prison displacement calculations:

1) For the total number of predicate felons placed by TASC, a projected success rate of 70%. Then, for each successful predicate felon, two (2) years of prison time displaced, minus 4 months of credit for time in local jail detention is subtracted from this minimum. Thus, 1 year 8 months (1.67 years) is considered for displacement purposes for each displaced successful predicate felon. The formula is then Total Predicate Felons placed at a 70% success rate to determine the total number of projected successful predicate felons. Then for each of these projected successful predicate felons, 1.67 years (1 year 8 months) of State prison displacement (the minimum sentence of 2 years minus 4 months of credit for local detention time).

**Total predicate felons @ 70% successful x 1.67 years = Prison Displacement in Prison Years**

2) For each detained non-predicate felon, placed by TASC, a projected success rate of 60%. Then, for each successful detained non-predicate felon, one (1) year of prison time displaced, minus 4 months of credit for time in local jail detention is subtracted from this minimum. Thus, 8 months (.67 years) is considered for displacement purposes for each displaced successful non-predicate detained felony defendant. The formula is then Total Non-predicate Detained Felons placed at a 60% success rate to determine the total number of projected successful Non-predicate Detained Felons. Then for each of these projected successful Non-predicate Detained Felons, .67 years (8 months) of State prison displacement (the minimum sentence of 1 year minus 4 months of credit for local detention time).

**Total non-predicate detained felons @ 60% successful x .67 years = Prison Displacement in Prison Years**

### **3. Total Gross Prison Bed Displacement With Dollar Value Conversion As Basis For Cost Savings**

#### **V. Total State Prison Years Saved for Predicate Felons by Program/Jurisdiction**

TASC Program	Predicate Felons	Projected % Success Rate	Projected Success	Prison Displacement Rate	Prison Years Saved
Brooklyn TASC	141	70%	98.7	1.67 Years	164.83
Brooklyn MH	20	70%	14	1.67 Years	23.38
Queens TASC	29	70%	20.3	1.67 Years	33.90
Queens MH	3	70%	2.1	1.67 Years	3.51
Staten Island TASC	16	70%	11.2	1.67 Years	18.70
Staten Island Adu	1	70%	.7	1.67 Years	1.17
Bronx TASC	383	70%	268.1	1.67 Years	447.73
Bronx MH	47	70%	32.9	1.67 Years	54.94
<b>TOTAL</b>	<b>640</b>	<b>70%</b>	<b>448</b>	1.67 Years	<b>748.16</b>

**VI. Total State Prison Years Saved for Detained, Non-predicate Prison-bound Felons by Program/Jurisdiction**

TASC Program	Non-Predicate Detained Felons	Projected % Success Rate	Projected Success	Prison Displacement Rate	Prison Years Saved
Brooklyn TASC	64	60%	38.4	.67 Years	25.72
Brooklyn MH	26	60%	15.6	.67 Years	10.45
Queens TASC	34	60%	20.4	.67 Years	13.67
Queens MH	9	60%	5.40	.67 Years	3.62
Staten Island TASC	23	60%	13.8	.67 Years	9.25
Staten Island Adu	11	60%	6.6	.67 Years	4.42
Bronx TASC	137	60%	82.2	.67 Years	55.07
Bronx MH	29	60%	17.4	.67 years	11.66
<b>TOTAL</b>	<b>333</b>	<b>60%</b>	<b>199.8</b>	<b>.67 Years</b>	<b>133.86</b>

**VII. Total State Prison Years Saved for All Prison-bound Felons by Program/Jurisdiction in Dollars**

TASC Program	Prison Years Displaced for Predicate Felons	Prison Years Displaced for Non-Predicate Felons	Projected Total Prison Years Displaced	Total Net Prison Savings by Displacement in Dollars**
Brooklyn TASC	164.83	25.72	190.55	\$2,286,600
Brooklyn MH	23.38	10.45	33.83	\$405,960
Queens TASC	33.90	13.67	47.57	\$570,840
Queens MH	3.51	3.62	7.13	\$85,560
Staten Island TASC	18.70	9.25	27.95	\$335,400
Staten Island Adu	1.17	4.42	5.59	\$67,080
	447.73	55.07	502.80	\$6,033,600
Bronx MH	54.94	11.66	66.60	\$799,200
<b>TOTAL</b>	<b>748.16</b>	<b>133.86</b>	<b>882.02</b>	<b>\$10,584,240</b>

\*\*This calculation is based on one year of Prison costs for one inmate at \$30,000 and is reduced by the sum of the cost of one year of residential drug treatment at \$18,000. Thus, the net savings attributed to Prison Displacement is \$12,000 per year. This figure is adopted despite the fact that certain defendants (125 predicate felons and 66 non-predicate felons) are enrolled in less costly out-patient treatment programs.

**4. Total Net Savings to the City and State Attributable to NYC TASC Services**  
**in Dollars**

**VIII. Total Funding by City and State**

TASC Program	State Funds	City Funds	Total Funding
Brooklyn TASC	\$145,355	\$837,342	\$982,697
Brooklyn MH		\$1,425,527	\$1,425,527
Queens TASC	\$385,566	\$205,064	\$590,630
Queens MH	\$150,000		\$150,000
Staten Island TASC	\$266,622		\$266,622
Staten Island Adu		\$49,348	\$49,348
Bronx TASC	\$380,708	\$406,017	\$786,725
Bronx MH	\$150,000	\$449,577	\$599,577
<b>TOTAL</b>	<b>\$1,478,251</b>	<b>\$3,372,875</b>	<b>\$4,851,126</b>

**IX. Comparison of Funding and Net Savings to City and State**

TASC Program	State Funds	City Funds	Total Funding	City Detention Savings (Gross)	State Prison Savings (Gross)	Total Combined Savings to City & State	Total Net Savings**
Brooklyn TASC	\$145,355	\$837,342	\$982,697	\$1,591,334	\$2,286,600	\$3,877,934	\$2,895,237
Brooklyn MH		\$1,425,527	\$1,425,527	\$401,333	\$405,960	\$807,293	-\$618,234
Queens TASC	\$385,566	\$205,064	\$590,630	\$382,666	\$570,840	\$953,506	\$362,876
Queens MH	\$150,000		\$150,000	\$51,333	\$85,560	\$136,893	-\$13,107
Staten Island TASC	\$266,622		\$266,622	\$298,666	\$335,400	\$634,066	\$336,000
Staten Island Adu		\$49,348	\$49,348	\$65,333	\$67,080	\$132,413	\$83,065
Bronx TASC	\$380,708	\$406,017	\$786,725	\$2,958,668	\$6,033,600	\$8,962,268	\$8,175,543
Bronx MH	\$150,000	\$449,577	\$599,577	\$480,667	\$799,200	\$1,279,867	\$799,200
<b>TOTAL</b>	<b>\$1,478,251</b>	<b>\$3,372,875</b>	<b>\$4,851,126</b>	<b>\$6,230,000</b>	<b>\$10,584,240</b>	<b>\$16,814,240</b>	<b>\$11,963,114</b>

\* Dollar Amounts rounded off to a dollar amount with any cents dropped

\*\*Total net savings is arrived at by subtracting the costs of the TASC programs, which consists of a combination of both City and State funding from the Total Savings. The cost differential of a year in state prison minus a year of residential drug treatment has already been calculated and subtracted in Chart VII above and is a cost of service and has been considered in determining Total Net Savings.

## Conclusion

EAC's New York City TASC Programs provide a viable mechanism for the criminal justice system; Judges, Prosecutors, Corrections, Probation and Parole to effectively utilize an Alternative to Incarceration Program with a proven track record of reliability and enormous success. When a TASC program intervenes on behalf of a non-violent, substance abusing offender, criminal justice resources may then be concentrated on the more violent, predatory criminal with surety in the knowledge that the substance abusing offender under TASC supervision will be given every chance at rehabilitation with an appropriate placement into the substance abuse program that is best suited for achieving this rehabilitation. Thus, jail and prison space may be more effectively utilized and the concentration of the Prosecutors and the Judiciary able to be more focused on the high risk, violent offender.

It however, is not only the **897 detained offenders TASC** removed from jail in 2007 who have gained benefit from the opportunity to treat their substance abuse problem, but the **1099 substance abusing, non-detained offenders** that TASC has placed into treatment programs as well. A large proportion of these **1,996** defendants that TASC has placed into treatment program in 2007 will eventually become productive, hard working, taxpaying members of society. Thus, those who once preyed upon society and our communities will become an asset rather than a detriment to it.

Furthermore, the 2007 placements reflect only one year of the type of work that TASC has been doing since it's inception in New York City since 1985. **In the past six (6) years alone, the New York City TASC Programs have placed more than twelve thousand (12,000) substance abusing offenders** into treatment programs and **in the last 10 years, they have placed more than twenty thousand (20,000) defendants** into treatment programs. With felony success rates approaching 70%, and low recidivism rates, this certainly has inured to the benefit of our communities and our society as a whole.

TASC has played a significant role in crime reduction through providing offender accountability resulting in measurable accomplishments, which include not only the individual rehabilitation of criminal drug abusers and making them taxpaying productive citizens, but in families being reunited, parents now able and willing to assume responsibility for their children and these children now having a parent present who is capable of undertaking their upbringing.

## THE TASC PROCESS

- \* Initial identification of potential clients.
- \* Screening/Assessment to determine the suitability and then treatment match of defendant to the treatment program. (Preparation for the treatment experience is begun by TASC staff at this point and continues at each contact between staff and defendant until the defendant enters the treatment program). If the defendant is in detention and is being released to residential treatment, he/she is escorted from jail (Court Correction Pens) directly into the treatment program by TASC staff.
- \* If the defendant is not detained, he/she will be referred and placed into treatment as quickly as a treatment slot (or bed) becomes available in the TASC designated program.
- \* All criminal "holds" on the defendant are cleared (in or out-of-county warrants, etc.) that would inhibit the defendant's timely release from custody and entry into treatment.
- \* Defendant identification documents, necessary for admittance to a treatment program are obtained by TASC staff (birth certificate, Social Security printout verification, Proof of Residency for aliens, etc.).
- \* All medical information is obtained and documented; any outstanding medical problems that would prohibit defendant's entry into treatment are resolved. When necessary, TASC will arrange for a 30-day supply of medication to accompany the newly released offender to the program to cover the period before Medicaid becomes affective.
- \* All mentally ill offenders are diagnosed through professional assessment and placement made to the program best suited to the defendants needs.
- \* Upon release from custody, the defendant is escorted by TASC staff to the treatment program. The defendant is well aware of the sanction he/she faces from the criminal justice system in event of his/her failure to successfully complete treatment. Also, he/she has been well prepared by staff for participation in treatment.
- \* The individuals who are not in detention and are awaiting a residential placement are case managed from the time of Screening/Assessment. They must appear several times per week at the TASC office for urinalysis monitoring and informal counseling and must continue to do so until a bed is secured and they are able to enter the treatment program. Compliance at this point by defendant is required and has an impact on his/her continued liberty during the pre-placement phase.
- \* The Case Management Unit monitors the defendant (caseloads are assigned by program) via telephone contact with the treatment program as well as monthly site visits with the defendant and counseling staff at the program. If the defendant is in residential treatment, he/she will appear in court at specific intervals during the 12 to 24 month course of treatment. (This is done to re-enforce to the defendant the importance of completing treatment successfully as well as to allow the court to review the progress of the defendant). Case management continues until the defendant has successfully completed all requirements of treatment and TASC, the Court and the District Attorney.
- \* In the treatment programs, a participant learns the skills to overcome his/her addiction and to come to terms and understand mental illness if a mentally ill client, receives or is linked to remedial education and then to job skills training and must establish independent living. To graduate from the program, a participant must demonstrate the ability to live substance free and be employed or at least have gained sufficient skills as to be employable and be capable of living independently in the community for a period of time.

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

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

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

**MAY 19, 2008**

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

**MAY 19, 2008**

**Chairman Vallone, Committee Members:**

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

In our appeal last March we asked the City Council to rectify a Mayor's budget which failed to fulfill its responsibility to our City's 1.1 million school children.

We appealed to our Council members to advocate for those parents, grandparents and guardians of our City's public school children who endure extreme weather conditions in winter and summer and risk their lives every work day to keep our children safe - our Local 372 School Crossing Guards.

We pointed out that the January Financial Plan provided no breakdown by titles of the civilian personnel slated to be PEGs for the NYPD in the January Financial Plan. Local 372 still wants to know how many of these PEGs will be School Crossing Guards, who are indispensable to the safety of our City's school children. We remind you that we need more, not fewer School Crossing Guards.

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

Since our last appeal to the Public Safety Committee, Local 372 conducted a citywide survey to compare the May 2008 assignment of School Crossing Guards to the Fall of SY2007/08. (Attachment 1 - Part 2).

The survey shows that there is some improvement in some boroughs since the Fall. In May 2008, there is a citywide gain of 42 School Crossing Guards, which barely makes up for loss of 20 incurred in Fall of SY2007/08 (Attachment 1 - Part 1).

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

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

An additional 284 School Crossing Guards are needed to meet an interim ratio of 460 Students to 1 School Crossing Guard.

For your quick reference, we also included the Community Boards' requests from the Fiscal Year 2009 Budget Register (Attachment 3).

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

The Mayor continues to chose to save money by not annualizing School Crossing Guards - a 12-month necessity. As we reported to the Public Safety Committee each year, our School Crossing Guards are still hourly employees limited to twenty hours of work per week at \$10.23 per hour. When schools are closed, they are not paid.

Although, Commissioner Kelly has indicated to us that he would assign adequate School Crossing Guards to Summer School 2008 and summer feeding sites, most School Crossing Guards are still laid off at the end of the school year and many summer positions, still do not provide fully funded health insurance.

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

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

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

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

The choice to withhold coverage of more than 4 hours per day is absolutely indefensible, when there is a real need for expanded hours of service, and for coverage throughout the calendar year. At schools which will serve later meals, or which remain open for late afternoon recreation programs, children will be staying later, throughout the entire year. Additional hours of coverage by School Crossing Guards are vital.

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

As we stated, the Commissioner has indicated he will cover the needed summer school and feeding sites, but it is also critical that there be better co-ordination between the DOE and the NYPD, to ensure that a full complement of School Crossing Guards is available to cover these programs, in public, private, parochial and charter schools. Local 372 is once again calling upon the City Council to urge the Mayor and Chancellor to identify the Summer School 2008 sites by June 1<sup>st</sup> to give guards adequate notice to plan for personal obligations during the summer.

## **In Conclusion:**

Local 372 urges the City Council to continue the oversight of the assignment and benefits issues of School Crossing Guards to help ensure that our children travel to and from school unharmed and that those who risk their lives to protect them are properly compensated to improve the quality of life for their own families.

We urge you to advocate for our Local 372 unsung heroes in this budget process, which likewise is to advocate for the 1.1 million children in our City's schools.

### School Crossing Guards Assigned In 2006/07 School Year

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

### School Crossing Guards Assigned - Fall of 2007/08 School Year

Borough	No of SCG	Change	Ratio of SCG to Students
Manhattan	313	-7	540 to 1
Bronx	331	+4	676 to 1
Brooklyn	843	-42	390 to 1
Queens	545	+25	507 to 1
Staten Island	141	NC	431 to 1
Totals	2173	-20	

### School Crossing Guards Assigned - May 2008

Borough	No of SCG	Change from Fall 2007/8	Ratio of SCG to Students
Manhattan	308	-7	539 to 1
Bronx	336	+1	666 to 1
Brooklyn	882	+39	373 to 1
Queens	549	+4	504 to 1
Staten Island	140	-1	433 to 1
Total SCGs	2215	+42	

## School Crossing Guards Needed For Interim Ratio of 460 to 1

Borough	Student Population	No of Precincts	No of SCG	Additional SCG Needed
Manhattan	165,867	21	370	62
Bronx	223,803	12	487	151
Brooklyn	328,964	23	885	0
Queens	276,688	16	620	71
Staten Island	60,664	3	141	0
<b>Totals</b>	<b>1,055,986</b>	<b>75</b>	<b>2193</b>	<b>284 Additional SCG Needed</b>

# Fiscal Year 2009 Executive Budget Register

## **Bronx:**

### **Community District 04**

Request: Provide Funding for Additional School Crossing Guards.

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

Responsible Agency: Police Department

#### **Executive Budget Response:**

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

### **Community District 06**

Request: Provide Funds to Hire Additional School Crossing Guards.

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

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

### **Community District 12**

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

Explanation: Assign additional crossing guards to schools.

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

## **Community District 14**

Request: Fund Additional Crossing Guards for 70th Precinct

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

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

## **Manhattan:**

### **Community District 01**

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

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

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

**Supported by: Manhattan Youth Recreation and Resources PS IS 89**

### **Community District 12**

Request: Fund School Crossing Guard Program.

Explanation: The school population has increased within the district and a new school has been built also.

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

## QUEENS:

### Community District 03

Request: Hire Traffic Enforcement Agents.

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

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: Additional NYPD resources for this project are unavailable at this time due to funding constraints. However, the program will continue to operate within current funding levels.

### Community District 04

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

Explanation: In FY 2008 the 110Pct. had a quota of 25 crossing guards of which 22 are assigned. With-in the last few years many of our schools have added additions, thus increasing student capacity. New schools have opened such as PS 28 and new schools are being constructed, such as PS/IS 260. For the safety of the students attending these schools, the quota of crossing guards must be increased to reflect the actual student population. With the rapid population increase in CB #4Q comes more traffic making the crossing guards more of a necessity.

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

### Community District 05

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

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

Responsible Agency: Police Department

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

## Community District 06

Request: Recruit & Retain Local Precinct Crossing Guards.

Explanation: Additional crossing guards are necessary to ensure safety.

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

## Community District 07

Request: Fund Additional Personnel For The 109th Precinct.

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

Responsible Agency: Police Department

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

## Community District 08

Request: Provide funds to hire School Crossing Guards.

Explanation: School Crossing Guards need to be hired.

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

## Community District 10

Request: Sufficient Off Street Parking for Additional Personnel. Increase Transit Police in District 23.

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

Responsible Agency: Police Department

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

## Community District 13

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

Explanation: This is an area of need.

Responsible Agency: Police Department

**Executive Budget Response:** OMB supports the agency's position as follows: NYPD's funding is currently available to maintain School-Crossing Guards. There is no funding to support increased staffing levels. The availability of future funding depends on decisions made in the Preliminary and Executive Budget process.

*Cost of Annualization of Health Benefits  
of School Crossing Guards*

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

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

*Bi-weekly rates for SCGs with individual coverage*

GHI -CBP / EBCBS		\$64.35
HIP Prime HMO		\$71.75

*Bi-weekly rates for SCGs with family coverage*

GHI -CBP / EBCBS		\$167.45
HIP Prime HMO		\$175.75

**Estimated cost to the City to pay for summer health coverage**

Number of SCGs with individual coverage (based on Summer '06)		512
Weekly Rates		
GHI -CBP / EBCBS	\$32.18 X 9 weeks =	\$289.58
		Total cost for 512 individuals if covered by GHI
		\$148,262
HIP Prime HMO	\$35.88 X 9 weeks =	\$322.88
		Total cost for 512 individuals if covered by GHI
		\$165,312
Number of SCGs with family coverage (based on Summer '06)		1,660
Weekly Rates		
GHI -CBP / EBCBS	\$83.73 X 9 weeks =	\$753.53
		Total cost for 1,660 families if covered by GHI
		\$1,250,852
HIP Prime HMO	\$87.88 X 9 weeks =	\$790.88
		Total cost for 1,660 families if covered by GHI
		\$1,312,853

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

		\$1,399,114
If covered by GHI		
If covered by HIP		\$1,478,165

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

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

Prepared by Henry A. Garrido

# NYC HEALTH BENEFITS PROGRAM

SCHOOL "X-ing" GUARD 2006 SUMMER HEALTH PLAN COVERAGE  
 Total Employee Contributions Required for 5 Bi-Weekly Periods

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

= Optional rider not available with this plan

Testimony

of

Bridget G. Brennan

Special Narcotics Prosecutor

Before

The New York City Council

**Fiscal Year 2009**

Executive Budget Hearings

May 19<sup>th</sup>, 2008  
Council Chambers  
City Hall

OFFICE OF THE SPECIAL NARCOTICS PROSECUTOR

# FY2009

## COUNCIL TESTIMONY

I would like to thank the City Council for its steadfast support of the Special Narcotics Prosecutor's Office. Clearly, again this year, we will rely heavily on you – both to advocate for us with the administration and for the Council's \$850,000 grant, which is a lifeline for my office.

As you know, the executive budget cut funding to my office by 3.63% - more than half a million dollars (\$544,203). While it is certainly a relief to be facing less of a cut than initially proposed, it is important to remember that this cut will nonetheless have a profound impact for the follow reasons:

1. Our budget is spent almost entirely on salaries. If we receive a budget cut, we have to cut back on personnel – and specifically on Assistant District Attorneys and investigators because most non legal staff is protected by their union contracts unless the city initiates layoffs.
2. Our work is responsive – volume is determined by the narcotics dealers and the police department. We have few options to alter or limit the work coming in our door.
3. Cutting our budget will have costly ripple effects city wide. Arrest to arraignment times will rise with resulting escalation in police overtime, corrections and court costs. As staff cuts cause caseloads to grow, prosecutions may falter and criminals may evade appropriate punishment. We may have to eliminate programs initiated very recently – like our gun and Internet crimes initiative. We will also have to divert resources from important but ancillary programs like alternative to incarceration and focus on our core mission – prosecution.

### COUNCIL GRANT

We are relying heavily on the City Council again this year to renew its \$850,000 grant. With the half million dollar cut in the executive budget, your funding becomes all the more critical. We have met with the Criminal Justice Coordinators Office and the Office of Management and Budget to urge baselining of this grant.

As you are also aware, our office was treated differently from the other District Attorneys Offices last year when the city restored funds to our offices. The restorations applied to three budget cuts in 2004 – totaling 8.5 % and amounting to \$1.1 million dollars for us. The other

## Outline

### COUNCIL GRANT

Budget Overview

Past Solutions

Consequences of 3.63% Cut

Trends

### FUNDING

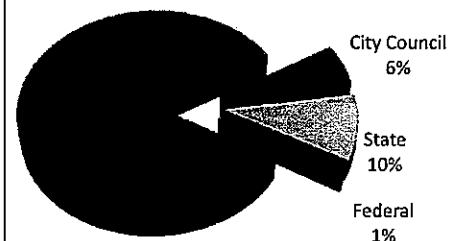
City Funding

State Funding

Federal Funding

### WORKLOAD

### Funding by Source



District Attorneys Offices had made up these cuts through their full participation in the Revenue Program. Because our office was unable to participate in this program, the City Council gave us the grant so that we would not face larger cuts than the other District Attorneys Offices. Last year, when the city reinstated this money – the District Attorneys Offices received restoration of 82% of their cut, so they would not have to rely on the Revenue Program as a major funding source. However, only 27% of our cut was restored, forcing us to continue to rely on the City Council's grant.

The Council money represents fully six per cent of our total city funds and the salaries of thirteen Assistant District Attorneys. It makes no sense to have a substantial recurrent expense like salaries supported by a yearly cash infusion from the Council. However, our pleas to OMB have fallen on deaf ears – the money has not been baselined and so I am again telling you that, without the Council's assistance, the consequences for my office will be dire.

**BUDGET OVERVIEW**

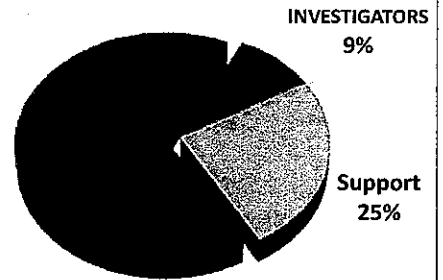
The five hundred forty four thousand dollar proposed cut in the executive budget represents the salaries of 8 Assistant District Attorneys – 7% of my legal staff.

**PAST SOLUTIONS**

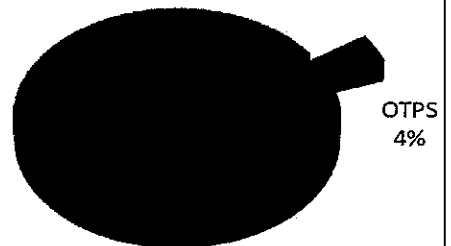
From fiscal years 2003 to 2006, my agency's city funding was reduced by 19.25 per cent or \$2.6 million dollars. We managed to absorb the lost funding in a number of ways:

- We cut \$1.5 million in salary through attrition and early retirement. About five percent of our legal staff took advantage of early retirement during that time frame. In the ensuing years, we haven't had sufficient time for a large portion of staff approach retirement age. In particular, our lawyers tend to be very young – I anticipate at most two attorneys reaching retirement age this fiscal year. They are both at the executive level and will surely have to be replaced. Among non legal staff, I anticipate two or three retirements – and those retiring will surely have to be replaced, with less experienced and less skilled employees who will not be able to perform nearly as efficiently. Neither does attrition present opportunity for savings, because we have already pared down our staff significantly. Nonetheless, we have established a Vacancy Control Board to review staffing needs when a position opens up.
- During past years, when our budget was cut, we reduced the number of new attorneys hired, and some years hired none at all. As a result, during the period when our work has become most complex, our central legal staff head count has fallen to a dangerously low level. We have sorely missed having

**Distribution of PS Expense**



**Distribution of Expenditures**



experienced attorneys able to handle a high volume of cases and train new lawyers. Based on my own experience, I do not think eliminating an incoming class of lawyers is a wise way to reduce costs. In the long run, this resulted in a lack of depth and experience which had to be compensated for in highly inefficient, costly ways.

- Finally, in the past, portions of our cuts were restored with the Council's \$850,000 cash grant and \$290,768 in the DA revenue funding for each of the last five years.

#### CONSEQUENCES OF 3.63 PERCENT BUDGET CUT

- Elimination of eight Assistant District Attorneys (7% of legal staff).

Fully 96 per cent of my budget is spent on salaries. OTPS comprises a mere 4% of my budget. Our OTPS budget has been pared to the bone already. The only place to cut back is in personnel. Two thirds of my PS expense is dedicated to salaries for lawyers, about ten per cent for investigators salaries and only one quarter to pay non legal support salaries. The city's five percent budget cut will force me to cut about twelve assistant district attorneys positions in one year. I will not be able to accomplish that by attrition. In a faltering economy, we do not expect to see many attorneys leave for new jobs.

- Diminished Effectiveness

As I indicated earlier, our work is responsive. We process arrests that the police department makes, but our focus is primarily to investigate – close to sixty per cent of our resources are devoted to long term investigations. Those investigations net results that have a huge impact on this city. Here are a few recent examples:

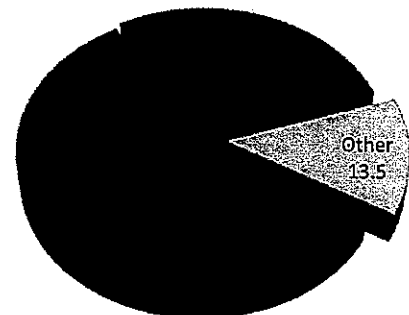
In August, we began working on a case that began with a narcotics detective's observation of a sale of a single glassine of heroin. We poured our investigative resources into this, contributing the expertise of our own investigators and writing wiretaps for telephones. Just two months ago, we arrested the head of the organization that supplied the heroin for that glassine – a four million dollar a year operation that pumped hundreds of thousands of glassines out to the city's streets. You can not pursue that kind of a case without sufficient resources.

You have copies of our annual report, which describes just a few of the important and noteworthy investigations that we conducted last year.

- Costly Ripple Effects

The District Attorneys Offices are relatively small, but they are the linchpins holding the criminal justice system together. Under funding us will result in higher police, corrections and court system overtime costs as defendants languish waiting for their cases to be reviewed, written up, and arraigned. Then, delays will clog the system as overloaded Assistant District Attorneys are unable to bring cases to trial in a timely manner. Ultimately, prosecutions may falter, defendants fail to be appropriately

PS Expenditure by Program



punished, undermining community confidence in the criminal justice system and pushing up crime rates.

In addition, prosecutors may have to divert resources from programs like the gun and internet initiatives funded just a year or two ago to focus on their core mission – prosecuting whatever cases require immediate attention. Finally, resources may have to be reallocated from Alternatives to Incarceration for the same reason.

## TRENDS

I would like to give you a snapshot of narcotic trafficking patterns in the city. In your packages you will find details of some of the prosecutions handled by my office during the year. They include:

### Increasing Heroin Use

Our investigation into a heroin mill on East 75th Street in Manhattan highlights a disturbing trend: heroin use is becoming more widespread. I have met with the Health Department to advocate a public information campaign to stem the tide of increased use and will continue to work on this.

### Prescription drug abuse

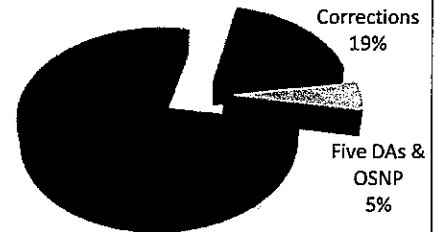
In the past few years we have seen substantial growth in illicit sales of prescription drugs. We have cases where buyers, using fake or legitimate prescriptions, buy medicinal drugs, often using Medicaid funds. The drugs are sold to dealers who repackage and redistribute them in other parts of New York, other states and foreign countries. Among the most popular are OxyContin and Dilaudid, also known as “drugstore heroin.”

We recently prosecuted a case which revealed another aspect to this crime: identity theft. A defendant arrested with a forged prescription had not only stolen prescription pads, she had stolen the insurance claim information of various people to pay for the prescriptions. The public cost of prescription drug diversion is escalating, and we must develop a more effective means of investigating and prosecuting this crime.

### Sophisticated money laundering

We have seen millions of dollars leaving the city through complex schemes, including micro-structuring, layered real estate transactions and bulk money shipment.

Distribution of Public Safety Budget



# Funding

## \$1.72 MILLION FUNDING REDUCTION IN ONE YEAR

### Loss in City Funding

Based on the executive budget for fiscal 2009, my agency will be facing a budget deficit of \$1.4 million in city funds alone. This includes the 3.63% or \$544,203 reduction proposed for fiscal 2009 and a worst case scenario – elimination of the \$850,000 cash grant we received from the Council.

Last year, the city baselined DA's revenue funding and restored \$290,768 for my agency. Although this amount represents a much smaller portion of our cuts (27%) compared to the amount baselined for the DA offices (82%) for reasons I described earlier, it has nonetheless been a great help to us. Unfortunately, only a year later, the city proposes to not only take that away – but another quarter million dollars on top of that.

### State Reductions

In fiscal year 2004 and 2005, while our city funding was reduced dramatically, our largest state grant, Aid to Prosecution, was also cut by \$275,000 or 20%. This loss in state funding has never been restored. We were just informed that in FY 2009, this grant and our DTAP grant will be reduced by another 2%.

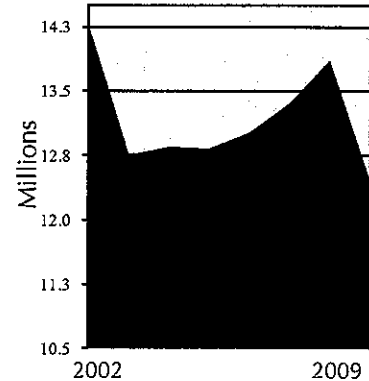
We are also uncertain about continued funding for one other grant - for our Narcotics Gang.

### Cuts in Federal Grants

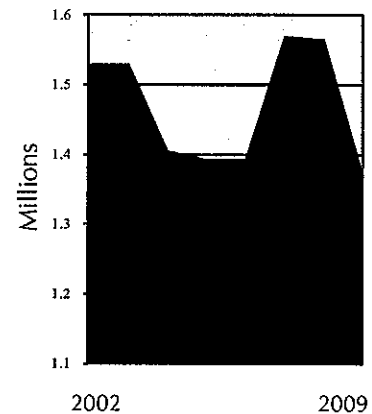
Over the last six years, our federal grant money has plummeted by a staggering 71% or \$488,244 - from \$687,468 in 2002 to \$199,224 in 2008. Federal funding sources earmarked for drug related grants continues to diminish in fiscal 2009. We have already been informed that Edward Byrne Justice Assistance Grant funding for our last two federally funded programs has been reduced by another 67% or \$133,480. This will bring our total federal funding to \$65,744, or the salary of one Assistant District Attorney.

The combined total reduction in my agency's city, state and federal funding in fiscal 2009 is \$1,722,798. For a small agency like mine such a sizable reduction in one year, when our staffing level is at the lowest in history, is simply a mission impossible.

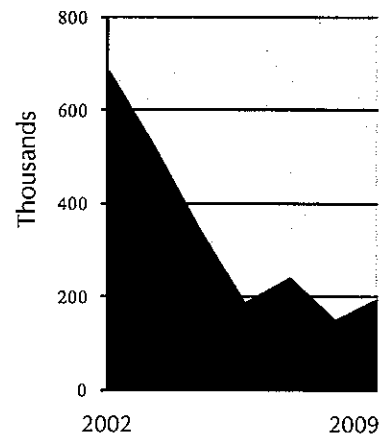
City Funding



State Funding



Federal Funding





**RICHMOND COUNTY DISTRICT ATTORNEY**

**Daniel M. Donovan, Jr.**  
District Attorney

**FISCAL YEAR 2009  
CITY COUNCIL EXECUTIVE  
BUDGET HEARINGS**

May 19, 2008

# OFFICE OF THE RICHMOND COUNTY DISTRICT ATTORNEY

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

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

### *Public Safety and Revenue to the City*

There is a direct correlation in New York City between public safety and revenue to the City. In recent years, New York City has benefitted from an upsurge in the number of tourists who have visited here. According to New York City statistics ([nycvisit.com](http://nycvisit.com)), the number of visitors to New York City has steadily risen each year starting in 1998 when 33.1 million people visited the City to 43.8 million in 2006. The associated economic impact is startling. In 2006, visitors spent \$24.7 billion; total wages generated by tourism was \$16 billion; the number of jobs supported by visitor spending was 368,179 and the spending by visitors generated \$6.2 billion in taxes. In addition to providing relief to the City's budget at a time when cuts have been necessary, this economic windfall has helped local businesses even as the national economy continues slowing down. This good news story will only get better with time as Mayor Bloomberg has stated that the City is closing in on its goal of having 50 million annual visitors by the year 2015. By using the same statistics cited for the year 2006, it is projected that 50 million visitors would generate \$7.1 billion in taxes.

New York City lures tourists here every year for a myriad of reasons. There are countless places to visit and numerous events taking place every day. The dramatic reduction in crime has been well publicized and arguably is the single most contributing factor for the surge in tourism. If people did not feel safe here, they would not visit. In the early 1990's, crime was much higher and tourism was significantly lower. In 1990, in particular, there were 2,262 murders committed, an all time high for New York City. The following year, only 23 million tourists visited the City compared to 43.8 million that visited in 2006 when there were 596 murders. Clearly, there is a direct correlation between the level of tourism, revenue and the level of crime.

New York City, as a whole, continues to experience a reduction in crime and remains the safest big city in the country. The investment in public safety is crucial, not only in fighting crime, but for the economic gains that are achieved because of it. Public safety also provides a boost to businesses other than tourism. As crime increases, non tourist-related business also suffers. Funding reductions to law enforcement agencies seems somewhat shortsighted when considering the financial impact that the perception of public safety has on the economy.

### ***Staten Island: Recent Increases in Crime***

From 1970 to 2005, Staten Island was the fastest growing county in New York State with a population increase of more than 60%. For the years 2000 to 2006 alone, Staten Island was the fastest growing borough in the City of New York with a growth rate of 7.6%, far outstripping population growth in the other four boroughs. This growth results directly in increased revenue to the City as new homes and businesses are established and this growth can only continue in a climate of community safety because when crime increases, people and businesses move out.

Recent FBI studies have deemed New York City the "Safest Big City in America". Big cities are defined as those with a population of 100,000 people or more. With nearly 500,000 residents, the Bureau has determined that if Staten Island were a city itself, it would be the safest big city in America. For now, we have enjoyed the distinction of being the safest borough in the safest big city in America. However, through the first quarter of this year, every category of violent crime in Staten Island has risen when compared to the same period last year (a 23% increase for the period). Murder, Rape, Robbery, Assault, Burglary, Grand Larceny and Grand Larceny Auto have all increased. The same cannot be said in any of the other counties. In every other borough, violent crime went down for the first quarter of the year while crime in Staten Island went up. If this continues, not only will people stop moving to Staten Island, not only will businesses no longer establish themselves in my borough, those residents and proprietors already here will relocate elsewhere. As a result, New York City will see a huge decrease in property tax and sales tax revenue, business and corporate tax funds and income tax dollars. Proper funding for public safety will not only protect our citizens from harm, it will provide an economic stimulus that cannot be achieved without it

### ***Budget Cuts***

The Executive Budget contains a 3.63% reduction which totals \$264,902 for the Office of the Richmond County District Attorney. In order to reach a reduction of this magnitude, staff reductions may be necessary. Some Assistant District Attorneys (ADAs) positions would have to be eliminated through attrition, as well as not filling some mandated and critical non-legal administrative positions.

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

### ***Assistant District Attorney Salaries***

For several years, the Office of the Richmond County District Attorney has been experiencing a

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

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

### ***Other Than Personal Services (OTPS) Funding***

Our baseline OTPS budget has long standing inherent problems which needs immediate attention and correction. For the past several years, it has been necessary to maintain vacancies in our Personal Services (PS) budget in order to transfer accruals to an under-funded OTPS budget simply to meet basic operating expenses. Last year, we transferred \$150,000 from PS to OTPS. This year we plan on doing at least the same. This practice has become an annual ritual and is necessary in order to pay for extraditions, buy money, wiretaps, surveillance expenses and expert witnesses. It also pays for basic operating expenses like the ability to obtain medical records for victims, paper for all case-related documents, transcripts of court proceedings, line-up costs, online legal research for cases, computer maintenance, copier rentals and telephone costs. This built-in OTPS shortfall has limited our ability to fill vacancies. It has also prevented me from paying ADA salaries comparable to salaries earned by attorneys working for other City agencies. Further baseline cuts to our budget will only compound this problem.

### ***Detective Investigators***

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

Detective Investigators are essential to the investigation of all sensitive and confidential cases in the District Attorney's Office. They are responsible for overseeing our Witness Protection Program. Detective Investigators locate and interview witnesses and gather evidence in all major

cases, especially murders and robberies. Six Detective Investigators, which includes the Chief Investigator, are currently on the staff of the Richmond County District Attorney's Office; five of which are grant funded. One of the six Detective Investigators is not on the payroll. This Detective Investigator is paid as a consultant from an under-funded Other Than Personal Services (OTPS) budget. Being a former Detective Investigator myself, I know how valuable their work is. Below is a detail of the areas of the District Attorney's Office where Detective Investigators are needed:

- Additional Detective Investigators would augment the short-staffed NYPD Detective Squad, making the full complement of staff necessary to maintain optimal investigatory capability. The NYPD Detective Squad assigned to my office currently has 5 active Detectives in a 17 member Squad. All five members are eligible to retire. If that were to happen, their responsibilities would be shifted to a short-staffed Detective Investigator Squad.
- The Special Case Unit of the Investigations Bureau investigates crimes of bias, official misconduct and incidents that involve the NYPD. Detective Investigators are needed especially in this unit where it is inappropriate for the NYPD to be involved in most of the investigations.
- Community Outreach. Detective Investigators take a proactive role in confrontational incidents involving the community and the police. In such cases, Detective Investigators contact community leaders and witnesses, assuring them that they do not represent the police. Detective Investigators also investigate these matters.
- The Supreme Court Bureau screens all juvenile offender arrests. Gathering background information on 16 to 18 year old offenders is crucial in determining if they meet the criteria of adult criminal youthful offender status.
- The Seniors Unit of the Sex Crimes/ Special Victims Bureau investigates and prosecutes crimes, especially financial fraud, against seniors. These cases are labor and time intensive. They demand sensitivity from both the Assistant District Attorneys and the Detective Investigators toward senior crime victims they serve.
- The Domestic Violence Unit of the Sex Crimes/ Special Victims Bureau addresses the problem of domestic violence through enhanced prosecution. Similar to crimes against seniors, these cases also require lengthy investigations and repeated follow-up with victims.

### ***Witness Protection***

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

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

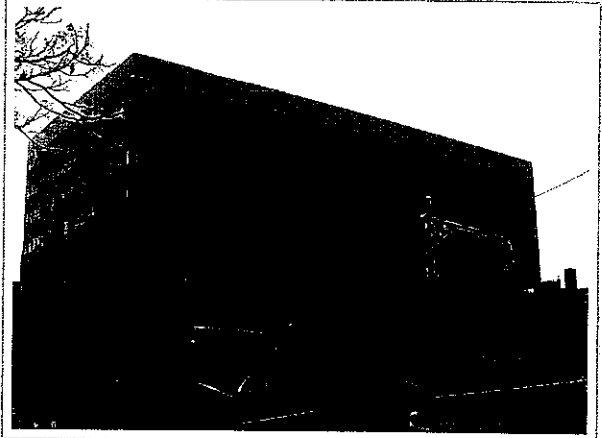
### ***Conclusion***

Government's most important responsibility is the public safety of its residents. We need the same resources that our neighbors in the other counties have been given especially in light of the fact that Staten Island is the only borough where crime is on the rise. A 3.63% budget reduction is not practical at this time. Increased funding should be made a consideration.

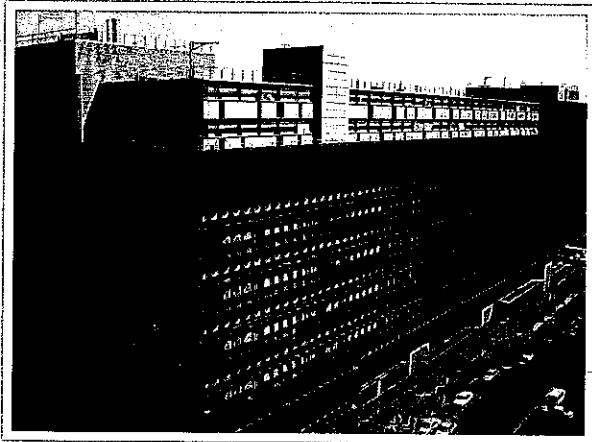
The Richmond County District Attorney's Office is responsible for ensuring the safety and security of Staten Island residents by investigating crime, fairly and aggressively prosecuting those who violate the law and providing essential services to those impacted by crime. I remain committed to making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

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

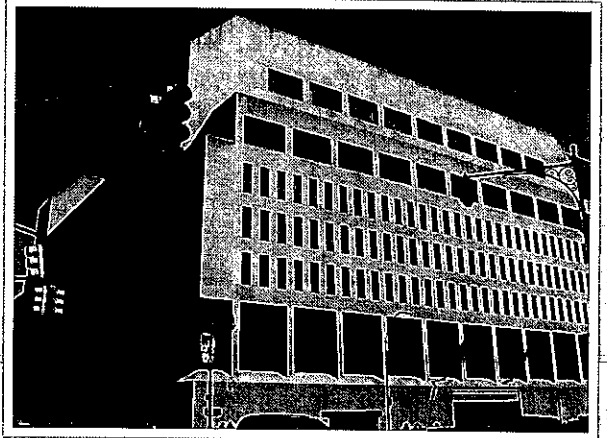
# OFFICE OF THE BRONX COUNTY DISTRICT ATTORNEY ANNUAL REPORT 2007



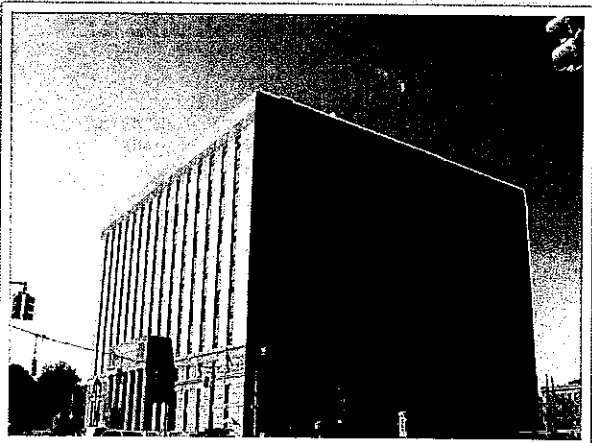
Office of the Bronx County District Attorney



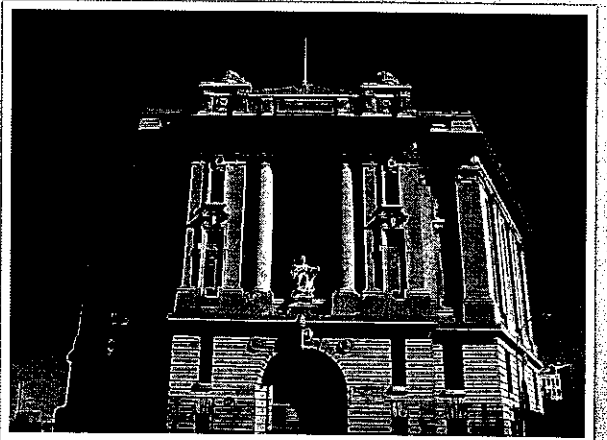
Bronx County Hall of Justice



Bronx County Criminal Court



Bronx Supreme Court



Bronx Borough Courthouse

**Robert T. Johnson**  
District Attorney

[www.bronxda.nyc.gov](http://www.bronxda.nyc.gov)



**Robert T. Johnson,**  
Bronx County District Attorney

## District Attorney's Message

*“...my office continues to fight crime through a strategy that includes vigorous prosecution combined with innovative rehabilitative programs, participation in specialized courts, anti-crime education, victim services, and community outreach.”*

Violent crime in the Bronx continued to decrease in 2007. Index crime complaints decreased by some 3% from 2006. Robbery declined by 6%, rape by 5%, and grand larceny auto crime declined by 12%. Thankfully, the largest decrease (15%) was in homicide.

Despite this welcome news, violent crime remains a serious problem in the Bronx, which continues to experience a disproportionate share of such crime in relation to its 16.6% share of New York City's population. For example, in 2007, even with the decrease, the 130 murders in the Bronx still constituted 26% of the citywide total.

Arrests have also surged. In 2007, felony arrests rose by 13% and misdemeanor arrests by 14%. Given the City's bleak fiscal outlook and diminished law enforcement funding, these trends suggest another challenging year.

Last year, we prosecuted some 5,971 felony cases. As usual, some stand out. One of these involved the conviction of a mother and her boyfriend for the death of four-year-old Quachaun Brown. The boyfriend

beat the child to death over a three-day period, while the child's mother failed either to protect Quachaun or to obtain prompt medical treatment for him. Quachaun's mother and her boyfriend are now serving state prison sentences.

Another noteworthy case involved the novel use of a New York State anti-terrorism statute. The law, passed just six days after 9/11, allows for more severe sentences for crimes committed as acts of “terrorism,” which is defined in part as the intention to “intimidate or coerce a civilian population.” The St. James Gang declared themselves “Kings of the Bronx” and conspired to dominate and terrorize the entire community surrounding St. James Park in the Fordham section, committing numerous acts of violence in furtherance of that goal. In October 2007 a gang member was convicted of first degree manslaughter and related crimes under the terrorism statute. This was the first such use of the law against gang violence, and resulted in an enhanced sentence, including consecutive terms of 20 years to life imprisonment.

Financial crimes were also a concern in 2007. An accountant stole more than \$500,000 from a Bronx school. A physician's assistant scheduled herself to work simultaneous shifts at two separate Bronx hospitals, stealing more than \$100,000. Finally, a woman with no medical training posed as a doctor and bilked at least ten people out of thousands of dollars for phoney “treatment” for a variety of maladies. All of these cases were successfully prosecuted in 2007.

Finally, my office continues to fight crime through a strategy that includes vigorous prosecution combined with innovative rehabilitative programs, participation in specialized courts, anti-crime education, victim services, and community outreach. We continue to seek new tools and programs to enhance this multifaceted effort.

As ever, I remain confident that we will make every effort to faithfully and ably discharge our responsibilities to the people of the Bronx.



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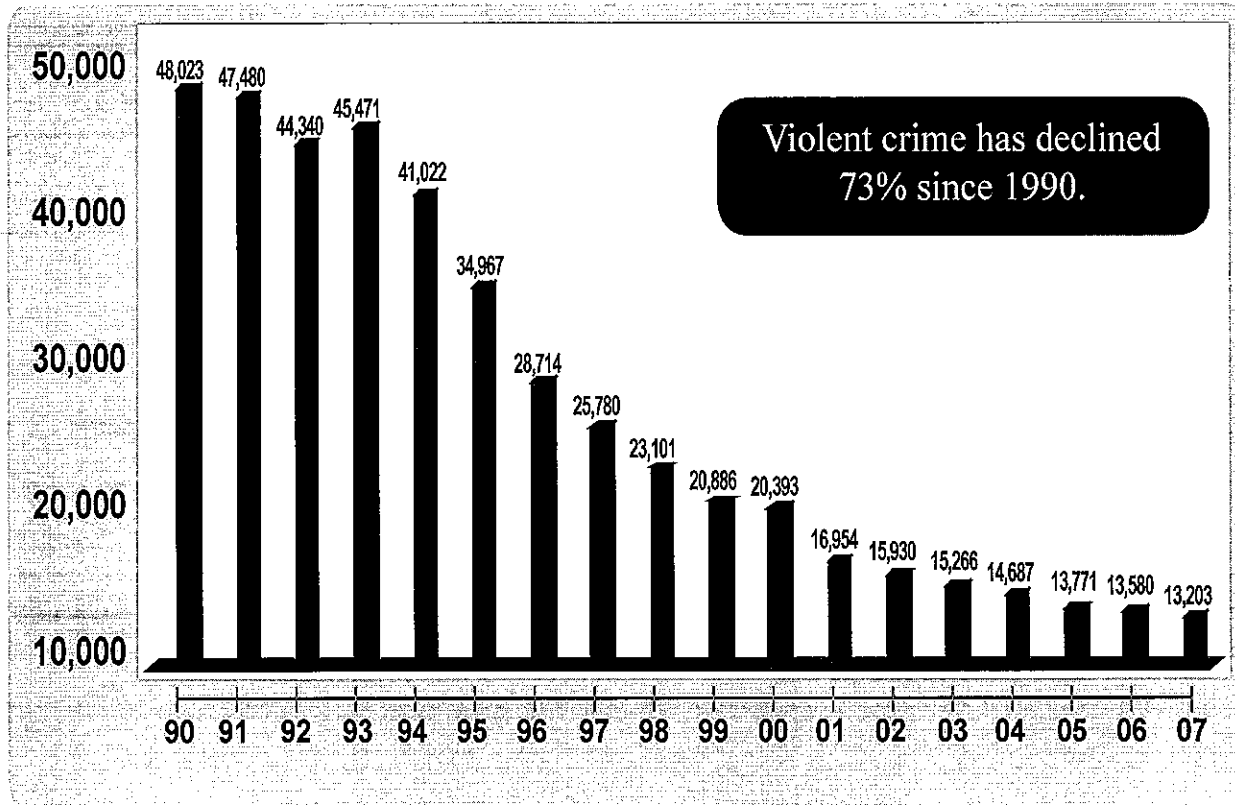
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# Crime Overview

## REDUCTION IN CRIME

Crime has fallen sharply in the Bronx since 1990, and this trend continued in 2007. Among index crimes, which decreased by 3% from 2006, robbery complaints fell by 6%, rape complaints by 5%, and grand larceny auto complaints by 12%. Violent crime has also fallen sharply, with declines each year from 1994 through 2007 that have contributed to a 73% decrease since 1990.

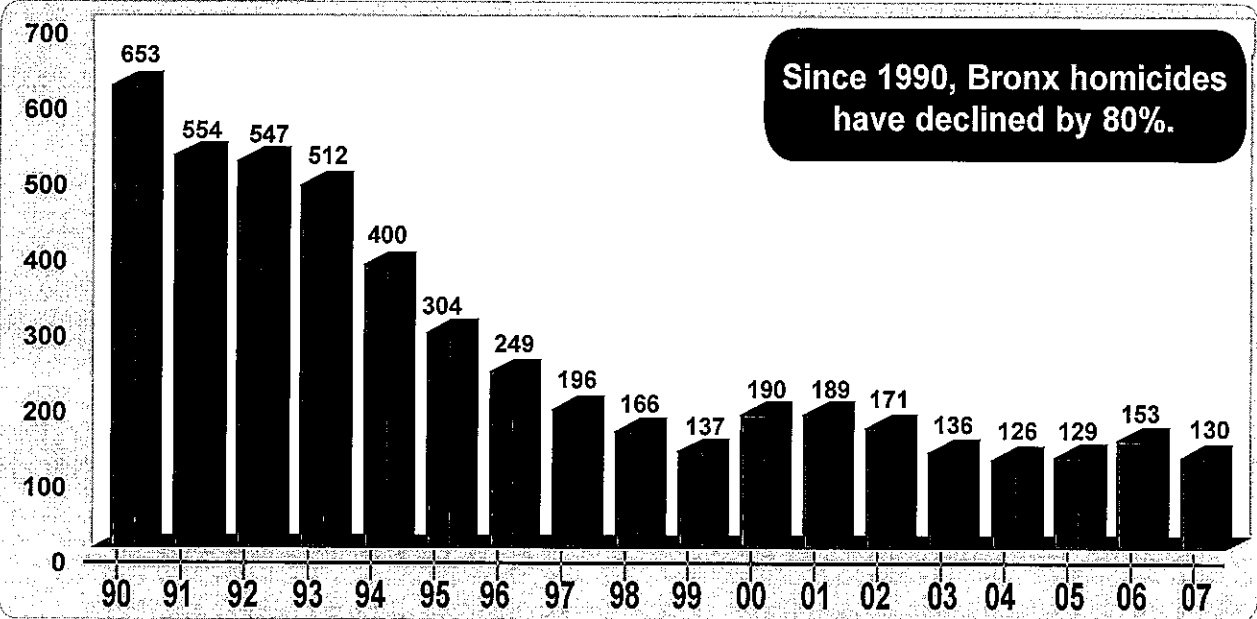
### Violent Crime 1990 – 2007



**Source: New York City Police Department**

# Decline In Homicides

1990 - 2007



Source: New York City Police Department

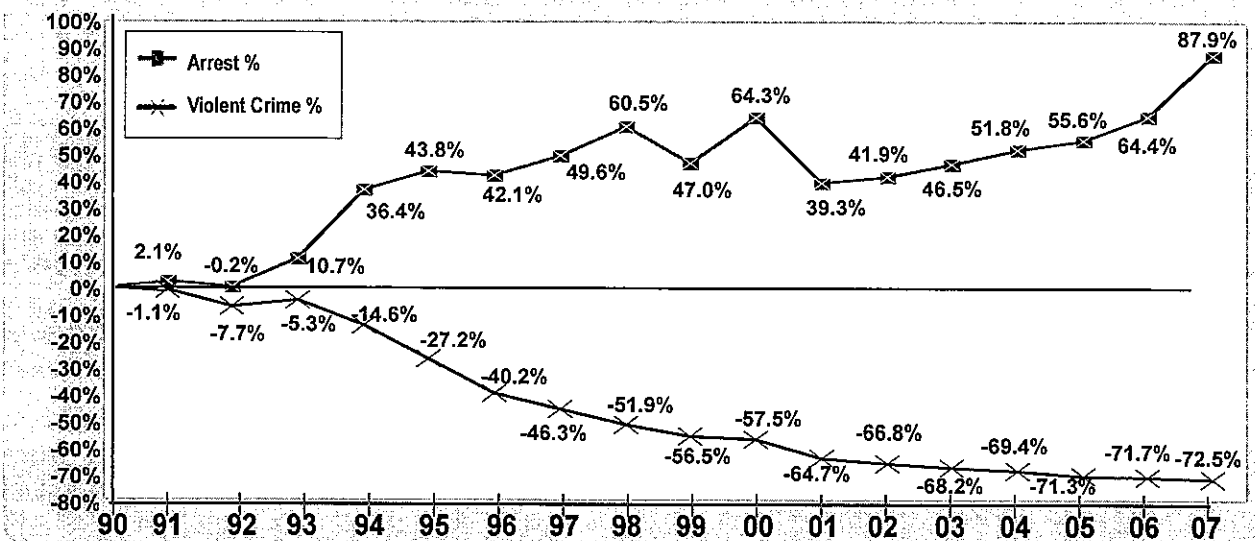
Last year homicide showed the largest decrease among index crimes (15%). Since 1990 the number of homicides in the

Bronx has been reduced by 80%, from 653 to 130 in 2007. For each of the past 11 years, there have been fewer than 200 homi-

cides in the Bronx, a level not seen since the 1960s.

# Bronx Reduction in Violent Crime v. Increase in Arrests

Percentage Change from 1990 - 2007



Source: New York City Police Department

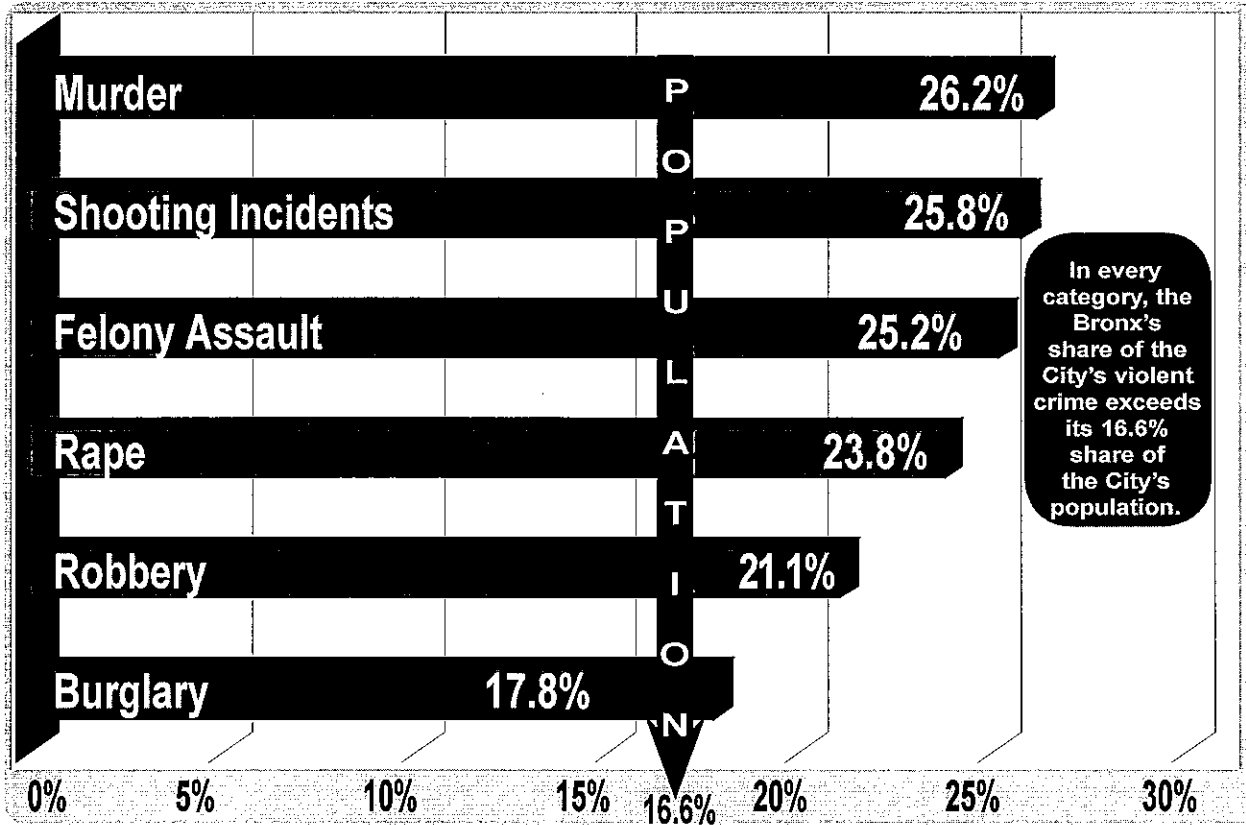
**BRONX COUNTY'S HIGHER PROPORTION OF CITYWIDE VIOLENT CRIME**

Despite the remarkable strides in recent years, the Bronx continues to experience a disproportionately high crime rate. With only 16.6% of the City's population, the 130 murders in the Bronx in 2007 constituted 26% of the citywide

total. Bronx shooting incidents represented 26% of incidents citywide. More than one in four of the City's felony assaults, nearly one in four of its rapes, and one of five robberies occurred in the Bronx, giving the county the highest incidence in New York City per 100,000 residents of murder, rape, robbery, felonious assault, and burglary. Last year the Bronx also continued to experience

the highest rate of domestic violence reports among the five boroughs. The Bronx's more than 57,000 Domestic Incident Reports, an increase of 13% over 2006, represented 29% of the citywide total.

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



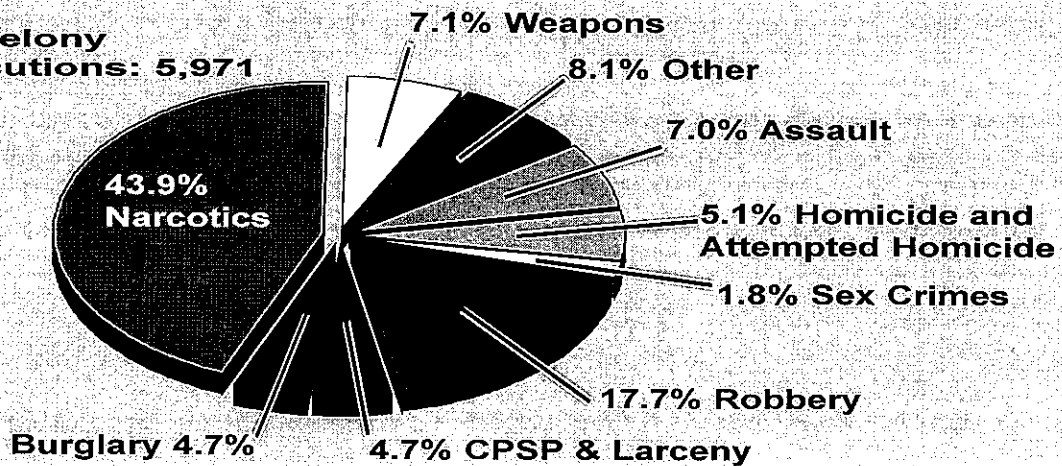
Source: New York City Police Department

# Prosecuting Crime

As crime complaints have fallen, Bronx arrests have risen by a staggering 88% since 1990. The Bronx District Attorney's Office prosecuted 5,971 felony-level defendants in 2007, about the same number prosecuted in 2006. Narcotics cases accounted for more than 40% of the felony prosecutions in Bronx County.

## Bronx District Attorney's Office Felony Prosecutions: 2007

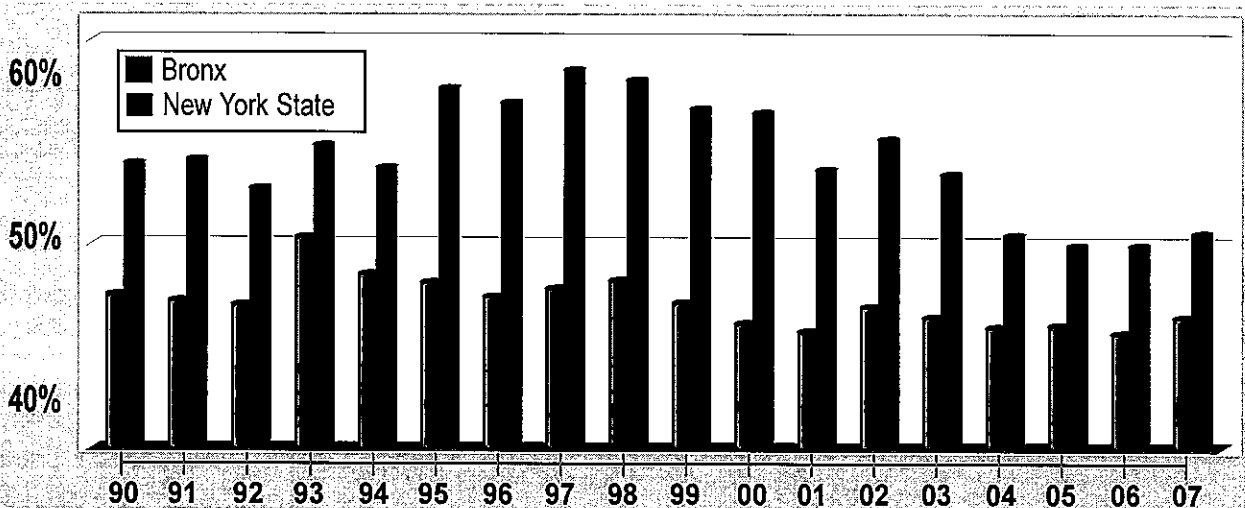
Total Felony Prosecutions: 5,971



Source: Bronx District Attorney's Office

In each of the past 17 years, this Office sent a higher proportion of convicted felons to state prison than the statewide average.

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



Source: NYS Department of Criminal Justice Services

## VIOLENT CRIME

While the number of violent crime complaints fell in 2007, encouraging statistics cannot soften the brutality of each crime. Sadly, two of the four homicides profiled this year had child victims; the others involve domestic violence victims. One young victim was just 10 years old when she was killed, an innocent bystander waiting for her bicycle to be fixed. Anita Haimraj's death at the hands of her common-law husband was particularly gruesome; after killing Anita, he cut up her body and threw the parts in Westchester Creek. The third case is a double homicide in which a woman and her adult son were killed by the woman's former husband. Finally, it was just one month after his fourth birthday when Quachaun Brown was brutally beaten and killed by his mother's boyfriend.

### **Girl, 10, Is Killed and Teenager Hurt as Dispute Leads to Gunfire at Barbecue**

*Headline from New York Daily News, 9/7/2005*

On Labor Day 2005 about one hundred people attended a neighborhood picnic at a Bronx park. Trouble arrived in the evening when 20-year-old Rene Bonilla came bearing a .380 automatic handgun, and the intent to kill 19-year-old Leonardo De Aza. The two had a prior dispute. De Aza was fixing a bicycle for a family friend, 10-year-old Naisha Pearson. Naisha won the bicycle at a church raffle the previous day and was looking forward to returning to school.

Bonilla opened fire when he saw De Aza. His first shot struck Naisha in the heart. Bonilla kept firing and ran towards De Aza. De Aza was struck three times in the back as he attempted to cover Naisha. De Aza fell to the ground, and Bonilla attempted to kill him with a final shot to

the head. De Aza raised his hand and was shot in the arm instead. Bonilla fled, pursued by dozens of enraged onlookers. The neighborhood crowd cornered him on the roof of a nearby building and pelted him with rocks and bottles. He fell off the roof and was apprehended by police.

Naisha staggered a few feet, collapsed and died in her mother's arms. De Aza survived his injuries and testified at trial.

On May 11, 2007, a jury found Bonilla guilty of murder in the second degree for killing Naisha and of attempted murder in the second degree for trying to kill De Aza. He was sentenced on June 14, 2007, to two consecutive terms of 25-years-to-life in prison. He must serve at least 50 years before becoming eligible for parole.

### **Man convicted of strangling wife, dumping body in Bronx park**

*Headline from New York Daily News, 12/12/2007*

Forty-two-year-old Joshua Nowrang and his common-law wife, 35-year-old Anita Haimraj, lived together for 16 years and were the parents of two children. In

the months leading up to the murder in July 2005, Nowrang became increasingly violent towards Anita.

Nowrang wanted Anita to sell the family home and give him half the proceeds.

**Man convicted of strangling wife, dumping body in Bronx park**

*Headline from New York Daily News, 12/12/2007, Continued*

He would then walk out of her life. Anita refused. They bought the house after moving to New York from Guyana. Nowrang prepared for Anita's murder. First, he sent his children out of the family home to stay with relatives. The 16-year old son went to Trinidad to stay with relatives there, and the eight-year-old daughter went to Queens to stay with an aunt. Then, when Anita returned home from work on July 5, 2005, Nowrang beat and strangled her. In a gruesome effort to cover up the crime, he transported her body to Castle Hill Park and disarticulated her. Disarticulate is a medical term that means to take apart at every joint. Nowrang then shaved the hair from his wife's head and hurled her body parts into the water.

Anita obviously did not arrive at her job and could not be reached. About

12 hours after her murder, frantic family members who were searching for her in the park found parts of her body in the surf after the tide receded.

Nowrang was soon taken into custody. He made inconsistent statements about his relationship with his wife. Other circumstantial evidence, including a prior history of domestic violence, led a jury convict him after a trial.

On December 12, 2007, the jury found Nowrang guilty of murder in the second degree. He was sentenced to 25-years-to-life imprisonment.

**Mom & son slain: Ex-beau shot 2 in Bx.: cops**

*Headline from New York Post, 9/24/2005*

Fifty-year-old David Saunders and his wife argued after a night of drinking on September 23, 2005. During the argument, Saunders shot his 47-year-old wife with a 9 mm handgun. The victim was also armed with a .32 caliber gun. Saunders then entered another bedroom and shot and killed his wife's 28-year-old son, who was asleep or watching television in his room. Both victims were shot multiple times.

Saunders turned himself in to police after driving to Pennsylvania to see other family members. Saunders

admitted that he used cocaine the day of the crime. Saunders had prior arrests for robbery, grand larceny, and narcotics charges.

After a jury trial, on March 9, 2007, Saunders was found guilty of murder in the second degree. On April 17, 2007, he was sentenced to 25-years-to-life imprisonment for the double homicide. The younger victim, Saunders' stepson, is survived by a blind 5-year-old daughter who was not at home at the time of the double homicide.



**CHILD ABUSE SUSPECT** Jose Calderon, the boyfriend of the mother of Quachaun Smith, being led from the 112nd Precinct to the Bronx yesterday. He is charged with second-degree murder in Quachaun's death. The mother, Aleshia Smith, went to court yesterday charged with second-degree manslaughter.

## Boyfriend Charged With Second-Degree Murder In Death of 4-Year-Old Bronx Boy

By LAUREN BLAKES

NY Sun  
02/01/06

## Girl's Testimony Describes Horrific Beating of Brother

By TIMOTHY WILLIAMS  
NY Times  
10/10/07

Four-year-old Quachaun Brown never made it to his fifth birthday. He died on January 30, 2006, one month after his fourth birthday.

Quachaun lived in a one-bedroom apartment with his mother, 26-year-old Aleshia Smith; his mother's boyfriend, 18-year-old Jose Calderon; and four of his sisters. Quachaun was beaten to death over a three-day period by Calderon. He repeatedly beat the child in the head and body by using his fists, a belt, a plastic bat and by slamming his head against a wall.

Both Calderon and Smith were arrested when Quachaun died. Smith was prosecuted under a theory that she failed to protect her son from harm and that she failed to obtain prompt medical attention for him, despite the fact that he was obviously suffering from serious injuries, including head trauma. Quachaun died a brutal, prolonged death. Smith observed Quachaun with multiple bruises to his

head and body, bleeding from the ear, and frequent vomiting of blood. Smith pleaded guilty on June 19, 2007, to manslaughter in the second degree. She admitted to "recklessly causing the death" of her son and was sentenced on July 18<sup>th</sup> to 2½-to-7½ years in prison.

Smith's boyfriend of one month, co-defendant Calderon was tried for beating Quachaun repeatedly to death. The child sustained injuries consistent with beatings on multiple occasions over several days. Quachaun suffered head trauma, a severed liver, a lacerated pancreas, and he had bruises covering his entire body.

A jury found Calderon guilty of manslaughter in the second degree on October 17, 2007. The guilty verdict followed a month of testimony including that from Quachaun's 10-year-old sister who recounted details of the brutal death. Calderon was sentenced to 5-to-15 years imprisonment on November 1, 2007.

## DRUG CRIME

Drug arrests have decreased in recent years, resulting in a reduction in both the number of felony drug prosecutions and the percentage of our caseload that these cases comprise. In 1996 drug cases accounted for more than 65% of the Office's felony-level defendants. In 2007, fewer than half of Bronx felony defendants were prosecuted on drug charges. Nevertheless, drug crime is still a very serious problem in the Bronx.

### **Routine Traffic Stop Leads to Discovery of \$10,000 and Seizure of 11 Kilograms of Cocaine**

At about 11:30 pm on March 24, 2005, police officers from the New York City Police Department's Bronx Anti-Crime Unit spotted a Honda Odyssey minivan driving without headlights in the North Bronx. Police pulled the vehicle over and approached the driver, 35-year-old Jaime Dominguez. Dominguez provided his license and documentation for the vehicle. Dominguez said that a friend of his owned the car; however, he did not know his friend's name. Neither the driver (Dominguez) nor the passenger (37-year-old Rafael Martinez) was named on the registration or insurance card. Both Dominguez and Martinez appeared nervous.

An officer asked Dominguez to step out of the car. A pat-down revealed that Dominguez was carrying a gravity knife in his pants pocket. Dominguez told the officer that he did not have anything in the car that he "wasn't supposed to have," and he gave the officer permission to search the car. One of the officers then looked in the vehicle and noticed an unusual carpet seam running underneath

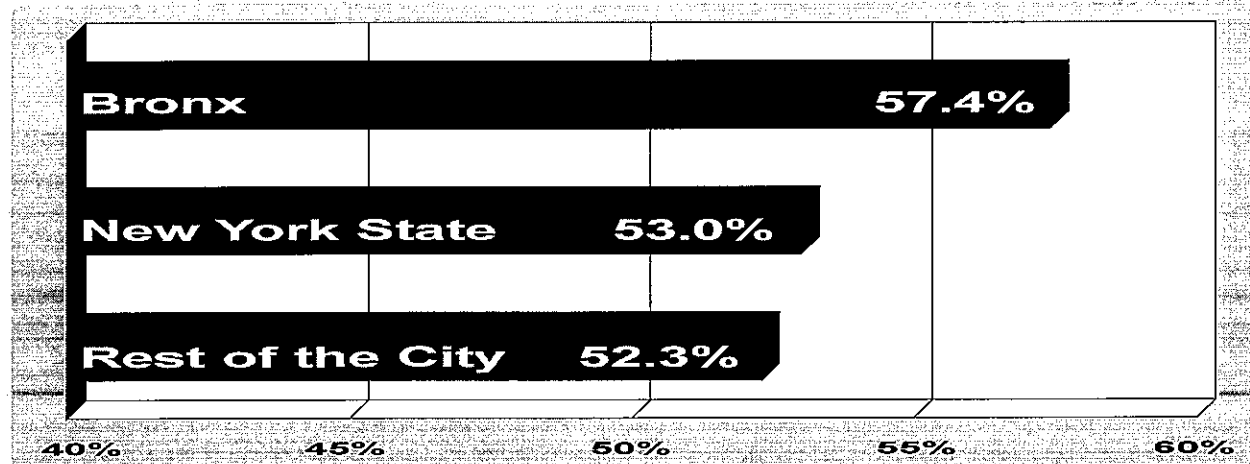
the rear bench seat. Based on his training and experience, the officer believed that the seam indicated that there might be a secret compartment or trap door under the carpet. The officer slipped his finger underneath the carpet seam and discovered such a secret compartment. This compartment contained bricks of alleged narcotics. The two defendants were taken into custody, and the minivan was further searched at the precinct. The secret compartment contained \$10,000 cash and eleven kilograms (approximately 25 lbs.) of cocaine with a potential street value of \$850,000.

Testimony at trial connected Martinez to the car and to its titled and registered owner. Following a jury trial, Martinez was convicted on June 1, 2007, of criminal possession of a controlled substance in the first degree. He was sentenced to 12 years incarceration in state prison. His co-defendant, Dominguez, was convicted of criminal possession of a weapon in the fourth degree and August 15, 2007, was sentenced to time served on.

Over the past 17 years combined, more than 57% of Bronx defendants convicted on felony drug charges were sentenced to state prison, a higher proportion than that for either New York State (53%) or the rest of New York City (52%). This year, 58% of Bronx defendants convicted on felony drug charges were sentenced to state prison.

## State Prison Sentences

Percentage of Narcotics Convictions from 1990-2007



*Source: NYS Department of Criminal Justice Services*

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## TECHNOLOGY

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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 identity theft and internet crimes against children. 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 sex crime cases.

Between 2003 and 2006, the Mayor’s John Doe Indictment Project enabled this Office to indict individuals fitting the DNA profile recovered in sex crimes where the offender was neither apprehended nor even initially identified. It was important to obtain the indictment before the ten-year statute of limitations on the crime expired. Filing John Doe indictments before the expiration enabled prosecutors to proceed with cases whenever offenders were identified, regardless of how much time passed.

In 2006 the first of these “John Does” was matched to an offender, who was then arrested on the indictment. While the statute of limitations on the most serious sex crimes was eliminated in 2006, making it unnecessary to indict the DNA profile as a John Doe, DNA technology remains a critical tool in sexual assault prosecutions.

### **DNA — PROPERTY CRIMES/ BIOTRACKS PROGRAM**

Begun as a pilot program in Queens County in 2005, and made possible by a grant from the National Institute of Justice, the NYPD “Biotracks” program involved the collection of possible biological evidence left behind at the scenes of

commercial and residential burglaries and robberies. The New York City Police Department’s Evidence Collection Teams were trained to recognize and collect possible biological evidence left on items, such as clothing, soda bottles, and cigarette butts.

The success of the NYPD Biotracks pilot program led to its citywide expansion in January 2006. Because the City’s forensic DNA laboratory, located within the Office of the Chief Medical Examiner, was only testing items of evidence related to homicides and sexual assault cases, Biotracks evidence was sent out for testing by a private laboratory in Virginia.

In April 2007, the Office of the Chief Medical Examiner, Department of Forensic Biology began accepting and testing evidence on property crimes committed within the City of New York. This significant expansion coincided with the opening of a new \$290 million state-of-the-art DNA laboratory, the largest public forensic laboratory in the nation. Consequently, it was no longer necessary to send out evidence for DNA testing under the Biotracks program, and it was phased out.

From January 1, 2006 to December 31, 2007, more than 109

suspects were identified via DNA testing in connection with burglaries and robberies in Bronx County, many of whom are repeat offenders. Seventy of the identified individuals, were indicted and 30 of those pleaded guilty. While the vast majority of suspects have been identified via the New York State Convicted Offender DNA data bank, we have also received matches from Florida, Michigan, New Jersey, Ohio and Virginia. In many cases the presence of DNA evidence results in pleas before indictment, helping to reduce the costs associated with going to trial. Additionally, in at least two cases, suspects were exonerated after DNA testing revealed that there was no match between the suspect and DNA profile recovered at the crime scene.

In addition to those suspects who have been identified through DNA testing, we have approximately 68 open “John Doe” investigations in which DNA was recovered and analyzed from a crime scene of a burglary or robbery, but has not yet been linked to an individual in the local, state or national DNA data banks. Nine of the pending John Doe cases are pattern investigations in which the DNA is a forensic case-to-case match with at least one other crime scene.

## Biotracks

DNA is increasingly used to solve property crimes. In one case below, DNA was used as evidence to exonerate a suspect. The other cases are examples of crimes in 2007 that may not have been solved were it not for DNA matches linking defendants to crime scenes.

- A defendant involved in a home invasion was identified from duct tape that was used to bind the victim during the burglary. The male DNA profile extracted from the tape matched a convicted offender who had committed two previous robberies in Ohio in 2005. This case is pending.

- A defendant involved in a commercial burglary left a half-finished bottle of Gatorade at the crime scene. Swabs from the mouth of the bottle yielded the DNA profile of the defendant. He pleaded guilty and received a sentence of 2½ - 5 years in prison.

- A defendant involved in a commercial robbery of a Chinese restaurant was identified through utensils that were left at the scene. The defendant ate food he ordered, and then handed a note demanding money to the restaurant worker. The DNA profile from the utensils left on the table matched the defendant's DNA profile on file with the New York State DNA data bank. The defendant pleaded guilty and received a sentence of 2-4 years in prison.

- A defendant involved in a residential burglary left a pair of pants and a sweatshirt at the crime scene. A male DNA profile was extracted from scrapings taken from the jeans. This profile was then uploaded to the local DNA data bank where an initial match was made to evidence collected from a 1994 sexual abuse case for which the defendant pleaded guilty but failed to register as a sex offender. A wanted card was placed on the defendant, who was subsequently taken into custody on an unrelated summons for possession of an open container of alcohol. A DNA exemplar was taken from the defendant upon arrest. The profile from the defendant's exemplar was matched to the profile from the jeans. The defendant pleaded guilty and received a sentence of 1-3 years in prison.

- A defendant was arrested for an attempted home invasion. The complainant alleged that she encountered an unknown male while standing in her doorway on the way to taking out the garbage. The defendant displayed what appeared to be a fire-arm, then dragged the victim into the kitchen and struck her once in the head. The suspect left behind a hat and a set of keys. The defendant was arrested after he was identified by the victim through a police-arranged identification procedure. The defendant denied any involvement. DNA from the baseball cap left at the scene yielded a male DNA profile. The defendant consented to a DNA exemplar which revealed that his DNA did not match the DNA profile extracted from the hat left by the unknown perpetrator. The case was dismissed and sealed.

### **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 2000, 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 the crimes against children involve 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 Office of 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 predator at a time. It frequently takes many hours "chatting" before discussions of meetings take place. In addition, the perpetrator must be identified through an ISP 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.

### **IDENTITY THEFT INITIATIVE**

Despite an increase in awareness, the problem of identity theft and related crimes is growing in the Bronx. Several factors contribute to the identity theft problem, including the ease of using a fraudulent identity on the internet; the increased availability of identity "mills" to produce forged, official-looking documents; and the difficulty in investigating and prosecuting sophisticated or elusive perpetrators. In 2006, in response to this trend, Mayor Bloomberg's Office of the Criminal Justice Coordinator formed an Identity Theft Task Force comprised of bureau chiefs from

each borough's District Attorney's Office responsible for investigating and prosecuting these crimes. High-ranking members of various New York City Police Department units that investigate identity theft are also members of the Task Force. The goal of the Identity Theft Task Force is to combat this growing problem through effective coordination of efforts between the police and District Attorneys' Offices. The Task Force meets to discuss how each borough is combating the problem, to discuss specific cases, and to share information. The Task Force also intends to develop training programs and draft or recommend legislative changes.

Identity theft is a uniquely difficult crime to investigate and solve. When one uses another person's identity to purchase goods or services, it may be impossible to identify and apprehend the offender unless there is a strong paper trail to the perpetrator or photographic or other identification evidence. Identity thieves are rarely caught during the actual commission of the crime. The mastermind of an identity theft ring is often insulated from the crime, for example by using teenagers to make the actual purchases. These young offenders are usually unwilling to cooperate with law enforcement. Even when they do cooperate, corroboration may not be readily obtainable. Therefore, it takes a significant amount of investigative work to identify the main perpetrator.

## 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. Grand larceny was the only one of the seven index crimes that increased in the Bronx in 2007, to 5,402 from 5,287.

Although their methods differed, the offenders in the cases presented below were each charged with the same crime: grand larceny in the second degree, a class C felony. Eileen Koranteng, an accountant,

stole more than \$500,000 from a school. Ann Landsman, a physician's assistant, scheduled herself to overlapping, simultaneous shifts at two Bronx hospitals, stealing a total of more than \$100,000. Dolores Rodas

posed as a doctor and bilked at least ten people out of thousands of dollars for "treatment" of a variety of maladies, including infertility.

### **School bookkeeper helped self to half a mil, DA says**

*Headline from Bronx News, 5/31-6/6/2007*

From 1997 until December 2006, 50-year-old Eileen Koranteng was employed as an accounting assistant in the student billing and payroll department at the Riverdale Country School. Her annual salary was \$61,000. She is a resident of Peekskill, New York.

Koranteng was in a position in which she handled the school's money, and she gave in to the temptation to steal from her employer. Beginning in July 2001 and continuing through December 2006, Koranteng embezzled tuition payments and skimmed cash generated by the school cafeteria and school fund raising events. She also forged and cashed checks. She stole a total of approximately \$508,000. The scheme unraveled when a bank called the school, wondering why an \$11,000 tuition check was used by Koranteng to pay her car loan. This theft brought the case to the District Attorney's attention.

An extensive investigation which included witness interviews and subpoenas

revealed that Koranteng stole over half a million dollars. It is believed the money was used to pay off part of the mortgage on her house, purchase two BMW's, and hold a Sweet 16 party for her daughter.

Koranteng had a previous federal conviction for embezzling funds from a nursing home. On January 18, 2008, Koranteng pleaded guilty to grand larceny in the second degree. On February 13 she was sentenced to three-to-six years in state prison.

**"...she gave in to the temptation to steal from her employer."**

**Guilty of double-dipping: Medical worker submitted false time sheets**

*Headline from Bronx Times Reporter, 8/16/2007*

One cannot be in two places at the same time. However, Ann Landsman received pay for working two jobs at separate hospitals at the same time.

Landsman was a New York State-licensed physician's assistant. She was employed full-time on the night shift by the Montefiore Medical Center at their Weiler Division-East Bronx Campus (Einstein Hospital), where she earned \$78,000 a year. Beginning in April 2003, Landsman signed up and scheduled herself to overlapping, simultaneous shifts at the Montefiore's Moses Division-West Campus, located about five miles away. Each position required her to be physically present and available for patients as the primary medical provider on duty. She was responsible for diagnostic testing, interpreting tests results, administering medications, and ordering and supervising courses of treatment. She filled out timesheets indicating that she worked at both places at the same times.

Auditors for the hospitals uncovered the scam after a doctor affiliated with both institutions came across one of the defendant's timesheets. The doctor realized that Landsman could not have been in both places at the same time. Hospital administrators contacted the Bronx District Attorney's Office, which began an investigation.

Between April 2003 and September 2005, Landsman worked two separate shifts at the same time on over one hundred occasions. The total amount of theft from Montefiore Hospital was over \$80,000. The investigation also revealed that Landsman had previously engaged in similar double-billing at two other hospitals. These cases were added to the

indictment. Landsman worked as a full-time physician's assistant assigned to the day shift at North Central Bronx Hospital in its Medical Psychiatric Ward. Starting at the end of August 1999, Landsman worked overlapping hours at the Bronx Veteran's Affairs Hospital in its "out-reach" program. In February 2002, North Central Bronx Hospital discovered this and she was fired. The amount of her theft from North Central Bronx Hospital for these overlapping hours (occurring on over 200 different days over a 31-month period) was approximately \$35,000. The total amount of theft from both hospitals was over \$100,000.

On June 6, 2007, Landsman was found guilty by a jury of scheme to defraud in the first degree. The jury deliberated for three days. She was sentenced on August 7, 2007, to a conditional discharge and required to pay restitution. She subsequently had her license suspended by the New York State Department of Health for three years (with the last two years stayed with probation). Landsman, a mother of 15 children, lives in Brooklyn.

**"The total amount of theft from both hospitals was over \$100,000."**

## Couple scammed by fake Bronx baby doc, cops say

Headline from *New York Daily News*, 3/30/2007

Forty-three-year-old Dolores Rodas pretended to be a doctor. Not only were Rodas' treatments not effective, but they left hopeful patients financially drained and in physical pain.

Rodas' scheme came to light as a result of a complaint by a childless couple from Irvington, New Jersey. Between April 2006 and March 2007 the couple underwent what they were told -- and they believed -- were fertility treatments for which they were charged more than \$50,000. The treatments involved injections in their genitals with a syringe containing a liquid substance which caused substantial pain, bruising and swelling. The treatments, which included the insertion of a metal object, resulted in vaginal bleeding that required emergency treatment at Beth Israel Hospital in Newark, New Jersey. Hospital staff notified authorities in New Jersey, who in turn contacted the Bronx District Attorney's Office. Detective Investigators from the Bronx District Attorney's Office arrested Rodas in front of her Bronx apartment building where numerous victims sought treatment. Once the case came to light, additional victims came forward.

It is alleged that Rodas "treated" at least ten victims and collected over \$100,000 (always in cash). She allegedly treated at least three couples for infertility and other issues and four individuals for gastrointestinal problems. All but two of

the victims were residents of Irvington or the adjacent town of Maplewood, New Jersey. All of the victims had been referred to Rodas by friends and family members. Rodas drew blood and gave injections treating people for issues related to fertility, fatigue, "blood illnesses" and other maladies. She told people she was a doctor at Bronx Lebanon Hospital.

Rodas is an illegal Ecuadoran immigrant with no medical training. She held herself out as a doctor with the Ecuadoran community. Ten victims came forward, resulting in a ten-count indictment for charges in connection with the scam, including assault and grand larceny.

On January 3, 2008, Rodas pleaded guilty to grand larceny in the second degree, and she was sentenced on January 30 to one year imprisonment. She was also required to pay back over \$40,000 in restitution.

District Attorney Robert Johnson called the charges "extremely serious" because Rodas was "willing to put the lives of others at risk solely for personal financial gain."

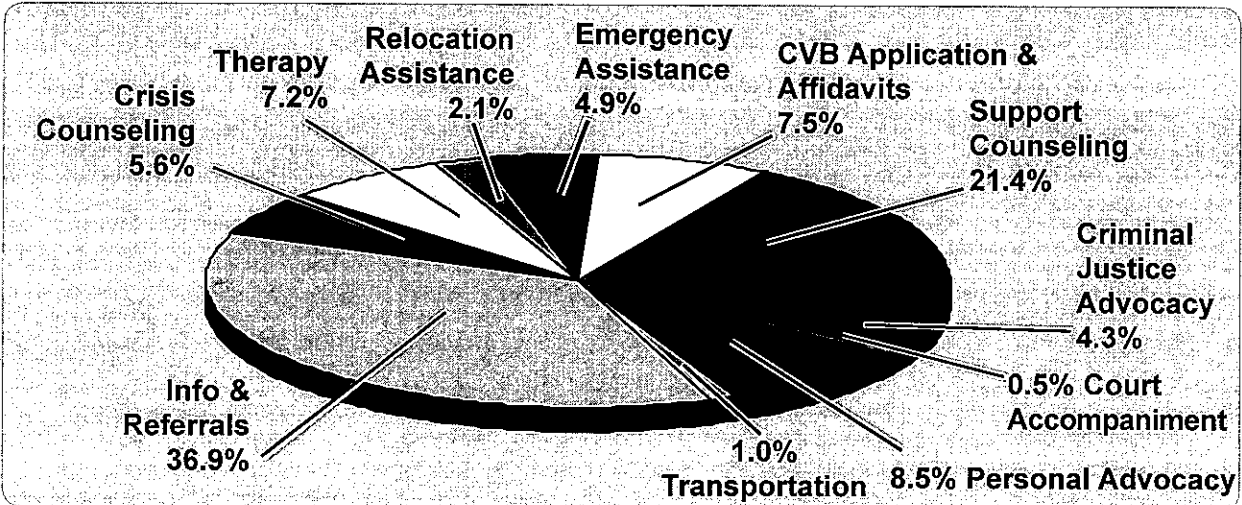
**"It is alleged that Rodas "treated" at least ten victims and collected over \$100,000 (always in cash)."**

# Crime Victims Assistance

The District Attorney's Crime Victims Assistance Unit (CVAU) made more than 22,000 service contacts with victims and witnesses during 2007, an increase of 23% over 2006. These services were provided from both the main office on 161st Street and the CVAU satellite office in the north Bronx.

## Crime Victims Assistance Unit Contacts By Type of Service Provided

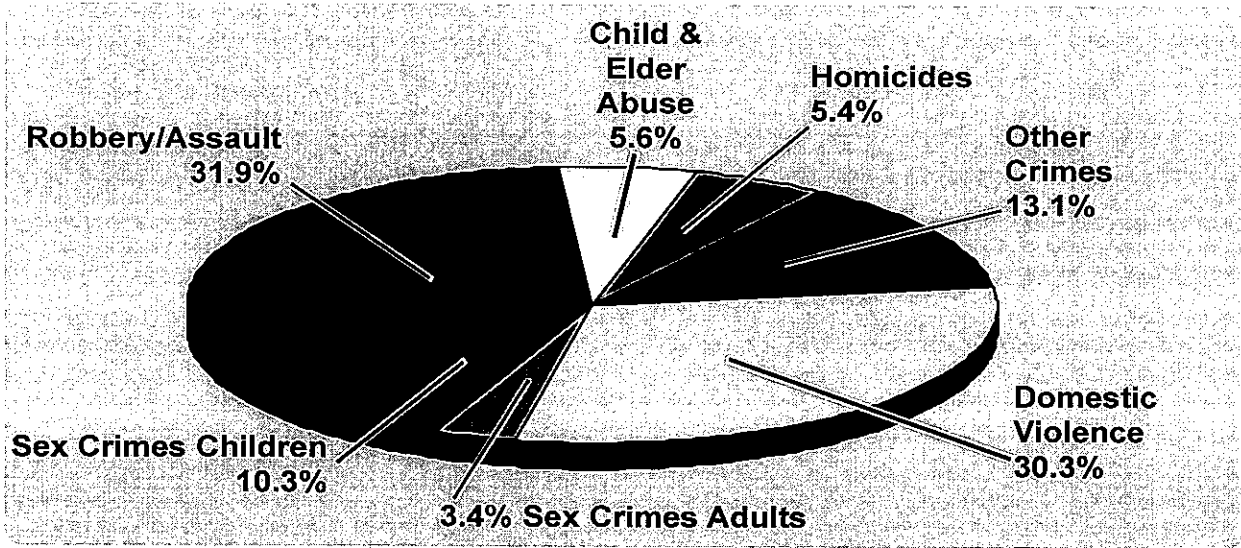
Total 2007 Service  
Contacts: 22,217



Source: Office of Bronx District Attorney

## Crime Victims Assistance Unit Contacts By Type of Crime

Total 2007 Client  
Contacts: 2,089



Source: Office of Bronx District Attorney

## **CRIME VICTIMS ASSISTANCE UNIT SATELLITE OFFICE**

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

In September 2002, we received a one-year planning grant from the federal government for an innovative project to bring services closer to

crime victims in the North Central Bronx. We received three additional grants in 2003, 2004 and 2005 which supported the program's implementation. In late 2003 the satellite office opened in the community, and additional staff were hired in 2004. Although federal funding ended in late 2006, this Office continues to work with an Advisory Committee composed of representatives from law enforcement, schools, hospitals, faith-based organizations, local media, local government, youth services, child welfare and community-based organizations to tailor the type of services and their delivery to the needs of the community. From this satellite office CVAU staff provide services similar to those offered at the

District Attorney's main office. During 2007 staff provided 1,664 services to clients at the satellite office and 169 new crime victims received services at the Satellite Office. These clients were victims of crimes such as domestic violence, assault, and elder abuse.

A need for additional space resulted from the program's expansion. Consequently, in 2005 renovation began on unoccupied third floor space donated by the City, rent-free, in the building which houses Community Board 12. These renovations are complete and the entire third floor is furnished and occupied by the Satellite Office. In each office, the work performed by crime victim advocates is extensive and comprehensive.

### **Domestic Violence Victim Advocacy**

On June 7, 2006, a crime victim advocate who works at the District Attorney's Satellite Office contacted 40-year-old Mrs. A (pseudonym) because she reported to the 47<sup>th</sup> Police Precinct that her 41-year-old husband threatened to kill her. They met and Mrs. A discussed her relationship with her husband, Mr. A. The couple met while he was in prison on an assault charge. They corresponded, became close, married and had a daughter and twin boys while he was incarcerated.

After nearly 20 years in prison, Mr. A was released in 2005 under the supervision of the NYS Division of Parole. He was allowed to reside with Mrs. A, their children, and Mrs. A's two children from a previous marriage. Mrs. A attempted to make her husband's "re-entry" or transition as smooth as possible, but the rela-

tionship was not going well. Mr. A was verbally abusive and threatened his wife.

The advocate was concerned and referred Mrs. A for shelter placement and advised her to petition for an order of protection from Bronx Family Court. Mrs. A loved her husband and wanted her marriage to work. The advocate informed her that her safety and that of her children was more important. Mrs. A was concerned that her husband would be returned to prison.

Mr. A was shot on July 12, 2006. Mrs. A told the advocate that she was concerned for her safety and no longer wanted her husband in the home. The advocate advised her to petition for an order of protection barring him from the home and to contact the NYS Division of Parole to request that he be removed from the home. The advocate also contacted the

## Domestic Violence Victim Advocacy

*Continued*

local NYPD Police Precinct to determine the case status. The advocate was contacted by the preventive case worker assigned to her case. They discussed the current case status and the advocate was informed that the domestic violence counselor with the preventive agency would escort Mrs. A to petition for the order of protection.

On July 20, 2006, Mrs. A's husband had been released from the hospital and was residing with a relative in another borough, but Mrs. A had not petitioned for the restraining order. The advocate stressed the importance of barring her husband from the home and again advised her to apply for the restraining order. On August 25, 2006, the advocate contacted Mrs. A, who stated that she was doing well and that her husband was visiting the children on the weekend, which she supervised.

On August 31, 2006, Mr. A physically assaulted Mrs. A on her way to work. He pushed her to the ground and attacked her. Mrs. A contacted the advocate from the hospital. He advised her to travel to the Bronx Family Court and petition for an order of protection. Mrs. A was granted an order of protection and the court issued a bench warrant for her husband. Mrs. A met with and gave the parole officer a copy of the restraining order, warrant, police report and medical documentation regarding the assault.

Mrs. A completed the NYS Crime Victims Board Application for the injuries she received on August 31. She also agreed to meet with the Domestic Violence Response Team sponsored by the NYC Mayor's Office to Combat Domestic Violence.

On September 11, 2006, Mrs. A told the advocate her husband had come to the home. The advocate directed her to contact 911 immediately. On September 12, 2006, the advocate contacted the local

precinct's domestic violence unit, discussed the case and requested that Mrs. A be placed on the high propensity list. On September 13, 2006, the advocate gave officers from the local police precinct's domestic violence unit Mrs. A's address because they wanted to make face-to-face contact with her that day.

On September 14, 2006, the advocate contacted the domestic violence unit to determine if they made contact with Mrs. A. The advocate was told that the police had only been able to speak to family members and that Mrs. A was stabbed to death on her way to work, and the suspect -- her husband -- was being sought by the police. She was carrying a restraining order that named her husband.

On September 15, 2006, Mr. A was arrested and taken into custody. The defendant was charged with murder in the second degree and remanded to the NYC Department of Correction. The advocate attempted to reach out to family members.

On September 18, 2006, the funeral home handling arrangements requested assistance from the NYS Crime Victims Board to cover expenses. Emergency funds were obtained to pay for the burial.

On September 21, 2007, a year and a week after the homicide, the advocate testified during the trial in Manhattan. He testified about the services he provided and the assault that occurred on August 31, 2006. On September 28, 2007, Mr. A was found guilty of murder in the second degree.

During the sentencing hearing, Mrs. A's mother read a statement that she prepared and a statement prepared by her granddaughter. The statements described the pain the family suffered. Mr. A also spoke and admitted to the murder and, typically, tried to blame the victim for provoking him to kill her. Mr. A was sen-

## Domestic Violence Victim Advocacy Continued

tenced on November 7, 2007, to 25-years-to-life in prison for the homicide.

The advocate continues to keep in touch with the victim's mother and continues to offer the family assistance. The victim's mother still has difficulty understanding why the murder happened. She is caring for the children on a kinship foster basis. The family is being monitored by a foster care agency, and they receive supportive services. Mr. A's mother is seeking to gain custody of her grandchildren. She visits

with them regularly, but the children remain with their maternal grandmother.

Mrs. A. was a domestic violence victim who was murdered by her husband. Although the advocate discussed and offered interventions, followed up with the client, and the family was monitored by a preventive agency, a life was still lost. The Bronx District Attorney's Crime Victims Assistance Unit remains in contact with the family as a support, and will continue to do so.

## BRONX CLOTHES-LINE PROJECT

In April 2007, the Bronx District Attorney's Crime Victims Assistance Unit collaborated with the Bronx Committee for National Crime Victims' Rights Week to host the annual display of the Bronx Clothes-Line Project. The theme for 2007 — "Victims' Rights: Every Victim. Every Time." — "reminds us that every victim deserves respect and compassion, assistance to recover from the impact of crime, and full access to the criminal justice system." As it has each year since 1996, the Crime Victims Assistance Unit collaborated 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 vio-

lence. 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 on victims. Survivors of domestic violence, rape, child abuse, elder abuse, assault and other crimes of violence decorated the t-shirts with messages, poems, photographs and drawings. Some t-shirts were memorials to victims of homicide.

2007 NATIONAL CRIME VICTIMS' RIGHTS WEEK

**EVERY  
VICTIM  
EVERY  
TIME**

**VICTIMS' RIGHTS**


**The 2007 Annual Display  
of the  
Bronx Clothesline Project**

Tuesday, April 24, 2007  
3:00pm - 6:00pm  
At  
John Philip Sousa Middle School 142  
Gymnasium  
3750 Baychester Avenue  
Bronx, N.Y. 10466

Sponsored by:  
**The Bronx Committee for  
National Crime Victims' Rights Week**

Wheelchair accessible

For information call:  
The Bronx District Attorney's  
Crime Victims' Assistance Unit  
(718) 590-2115, (718) 798-5892



# Partnerships and Collaboration

## **COURT MERGER: BRONX SUPREME COURT, CRIMINAL DIVISION**

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

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

to 3,312 in 2005, to 3,765 in 2006, and to 3,952 in 2007, an increase of 44% from 2003 to 2007.

## **BRONX MENTAL HEALTH COURT**

The Bronx District Attorney's Office has been diverting defendants to drug treatment for many years and developed formal partnerships to do so in October 1992. Over time it became clear that some of these defendants were suffering from both drug dependency and mental illness. While staff always tried to place such non-violent defendants in treatment programs that were appropriate for persons with dual diagnoses, in 2002 we entered into a formal partnership with Treatment Alternatives for Safer Communities (TASC) and Research Triangle Institute to create the Bronx Mental Health Court. As the grantee, this Office administers grants and sub-grants, monitors compliance with the terms of grants and with sub-grantees' 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. Using federal funds to provide mental health and drug dependence screening and assessment, placement and program evaluation, we recommended 105 defendants for placement in 2007. These defendants are subject to the same level of supervision and sanctions for failure to complete treatment as other diverted defendants.

In 2006 the US Department of Justice designated the Bronx Mental Health Court a national model for treatment alternatives to incarceration for defendants with serious mental illness. As one of just five national "learning sites" the Bronx Mental Health Court provides other jurisdictions with an opportunity to observe and study all aspects involved in the successful and sustained operation of the court.

The Bronx Mental Health Court was again honored in 2007. On October 18th, at the Fourteenth Annual United Nations Awards Luncheon, the American Association for Psychosocial Rehabilitation honored the Bronx Mental Health Court with the Alice Fordyce Public Service Award. Also in October, Education and Assistance Corp (EAC) honored District Attorney Robert Johnson with their Humanitarian of the Year Award for his participation in the Bronx Mental Health Court.

After being referred by a judge from Bronx Treatment Court to the Bronx TASC Mental Health Court Program and completing an assessment and evaluation, 42-year-old Ms. G pleaded guilty on February 28, 2006, to criminal sale of a controlled substance in the third degree. This is a B Felony, and failure to complete her treatment program would result in a sentence of two years incarceration plus two years post-release supervision.

Born in the Bronx, Ms. G was raised by her mother and older sister. Although her biological father left the family when she was about three years old, Ms. G still remembers the alcoholism and physical beatings her mother endured. An uncle sexually abused Ms. G at the age of five, and the abuse continued to the age of eight. As a child, Ms. G remembers liking school, but she had difficulty sitting still and focusing. Ms. G dropped out of school while in the ninth grade.

By 16, Ms. G was a "full fledged alcoholic." She progressed from beer to hard alcohol. The effect of the alcohol would "take the edge off" as she went through the routine of the day. Ms. G began acting out sexually. She states, "I was very promiscuous." At 21 she gave birth to her daughter. The struggle to work and raise her child became an overwhelming task that led to severe bouts of depression. At times she was unable to leave her small apartment. Ms. G experimented with heroin "just to feel better, relaxed" but would always return to alcohol. Blackouts became frequent occurrences. By 25, Ms. G lost custody of her daughter to her older sister.

Ms. G's hospitalizations usually stemmed from her heavy drinking. She remembers that she would stay in the hospital "just to dry out" and then return to

her regular routine of working and drinking. She managed to keep basic office jobs for a while and was well liked. However, frequent absences and effects of alcoholism would eventually cause Ms. G to lose work and seek other jobs. Ms. G's major depressive disorder was never addressed or treated, thus leaving her more likely to relapse because of this untreated mental illness.

At the time of her referral to the Bronx Mental Health Court program, Ms. G had been drinking heavily, daily for over 20 years. Her initial appointments at the TASC office were often canceled because Ms. G would show up intoxicated. Often she would have no recollection of appearing at the TASC office and would consider her regular case manager a stranger at every meeting. Gathering simple information for a routine psycho-social form became a monumental task. A close family friend would often escort Ms. G to her assessments and appointments, only to accompany her to an emergency room for medical detox. Each trip to the emergency room was in hope of Ms. G "drying out" long enough to do an adequate and complete assessment and to determine if her cognitive impairment might improve with abstinence and psychiatric treatment.

Ms. G remembers the day "God came in and took charge." Ms. G again reported to the Bronx TASC office under the influence of alcohol. She was referred to the Bronx Addiction Treatment Center, which is located on the grounds of Bronx Psychiatric Center. Ms. G went to the routinely scheduled AA meetings offered in detox. A combination of the meetings and staff engaging her around her depression convinced Ms. G to stay, not only for the seven day detox but also for the 21-day rehabilitation program.

Ms. G recalls her time in this rehabilitation program as a turning point in

## Ms. G

*Continued*

her life. "My mind cleared; I connected with the speakers." Ms. G was prescribed antidepressants and continued her daily AA meetings. By the end of her 21 day rehab, Ms. G looked and sounded like a different person. As the psychiatric medications took effect, the Bronx Mental Health Court program was able to see Ms. G as a woman struggling with her past abuse and separation from her daughter. Traumatic brain injury could be ruled out and her prognosis, the level of functioning she was expected to reach, was quite high.

After rehab Ms. G was referred to Casa Banomie, a sober house in the Bronx. From there she attended VIP women's services where she completed groups along with individual counseling. Ms. G continued to attend daily AA meetings. Through the fellowship of AA, Ms. G obtained a sponsor. She went on to speak at hospitals and other

institutions. With each meeting she gained a stronger understanding of her alcoholism and herself. During her time with the Mental Health Court, Ms. G was twice given permission to travel out of state to attend and speak at regional AA meetings. Ms. G continues to take medication for depression but feels that it is the "rooms" of AA that truly keep her on track.

Ms. G no longer remembers the woman who first came into the Mental Health Court program. She listens in amazement when staff share these first experiences with her. On August 16, 2007, Ms. G successfully completed her treatment mandate. The Court reduced her charge to an A misdemeanor, and she was sentenced to a conditional discharge with no post-release supervision. She continues to attend the program at VIP women's services and continues to attend AA meetings.

## DRUG TREATMENT ALTERNATIVE TO PRISON (DTAP)

Bronx prosecutors have had substantial success in placing drug

offenders in treatment programs. Between 1993 and 2007, more than 12,000 Bronx defendants were placed in drug treatment programs as an alternative to incarceration.

While the Office's initial experiment with ATI drug treatment focused on first-time offenders, treatment is also appropriate for some second felony offenders. In late 1995

## Drug Treatment Enrollment\* 1993 - 2007

PROGRAM	1993 - 2004	2005	2006	2007	TOTAL
DTAP	1,979	298	241	281	2,799
BX Treatment Court	1,156	151	116	327	1,750
Extended Willard	196	27	17	19	259
Mental Health Court	223	17	19	14	273
BX Treatment Misd. Court	--	108	342	247	697
Other Residential	3,505	158	122	157	3,942
Other	1,533	21	163	145	1,862
<b>TOTAL</b>	<b>8,697</b>	<b>949</b>	<b>1,159</b>	<b>1,276</b>	<b>12,081</b>

*Source: Office of Bronx District Attorney*

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

through the TASC program, this Office began placing offenders with prior non-violent felony convictions in alternative-to-incarceration programs and first received DTAP funding in 1998. From 1998 through 2007, the Office placed 2,799 defendants in drug treatment through DTAP. The DTAP model involves: (1) identification of drug-involved offenders; (2) assessment of the offender's drug and alcohol treatment needs; (3) referral to appropriate treatment; and (4) continuous case management.

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

In addition, this past year nearly 1,000 Bronx defendants who were not eligible for DTAP were diverted through other treatment programs.

### **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 aims to hold offenders accountable while offering them the assistance they need to avoid further criminal conduct.

In 2006, Bronx Community Solutions worked with over 10,500 clients, a 67% increase in caseload over 2005. Clients of Bronx Community Solutions performed more than 70,000 hours of community service and provided services to the Bronx community such as painting over graffiti, cleaning streets and maintaining local parks. Participants attended over 700 social service classes taught by Bronx Community Solutions clinical staff and partner agencies. After completing their mandates, close to 1,300 participants accepted voluntary referrals for affiliated community-based programming for services, including vocational training and job place-

ment, substance abuse treatment, health and mental health counseling, and housing assistance. By scheduling clients to begin community service immediately, identifying new community service partners, developing its own clean-up crew, and closely monitoring the work of clients, Bronx Community Solutions has created visible improvements to neighborhood conditions in the Bronx. These outcomes were achieved with compliance with court orders averaging about 70%.

### **OPERATION WEED & SEED**

Weed and Seed is a federally funded strategy designed to "weed out" drug traffickers and violent crime while "seeding" the community with federal, state and local resources to improve the quality of life. The law enforcement strategies that are part of this effort have combined federal and local resources to identify, target, arrest and prosecute narcotics traffickers,



**Weed & Seed: Stickball**

gang members and robbery perpetrators in the Weed and Seed area. The Bronx has been home to two Weed and Seed sites, one located in the Soundview/Bruckner neighborhood and the other in Mott Haven. Unfortunately, the Mott Haven site lost its funding eligibility in 2006 and is no longer in operation.

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



**Weed & Seed - Philadelphia Trip**

In July 2002 through a federally-funded grant, we formed Law Enforcement Advisory Committees (LEACs), comprised of community members who live in the Weed and Seed neighborhoods. In 2004 the Citizens Committee for New York City provided customized leadership training for LEAC members. In addition, the NYPD Citizens Police Academy provided training regarding law enforcement. LEAC members now collaborate with the

District Attorney's Office to solve problems within the community. The LEAC is also represented on the Weed and Seed Steering Committee

### **DOMESTIC VIOLENCE**

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

In 2007 we and our partners received an additional two-



**Weed & Seed Trip**

**"Through such collaborations we hope to increase victim safety, improve prosecution and hold batterers accountable."**

year grant award. Resources from this award have enabled the NYC Department of Probation to expand to misdemeanor offenders a program of intensive supervision originally designed for felony domestic violence offenders. At the same time these funds have enabled us to place Safe Horizon's crime victim advocates in Bronx police precincts with high rates of domestic violence. Through such collaborations we hope to increase victim safety, improve prosecution and hold batterers accountable.

#### **Domestic Violence Empowerment (DoVE)**

The New York City Council created the DoVE Initiative to support organizations in their efforts to provide domestic violence services in neighborhoods throughout the city. The DoVE initiative places priority on communities with high rates of domestic violence or

whose members are more vulnerable due to factors such as poverty, immigration status, and limited English proficiency. As part of a broader DoVE network, funded organizations have the opportunity to connect and collaborate with each other through forums such as advocacy groups, training programs and conferences.

In 2006 and 2007 the Bronx District Attorney's Office received DoVE grants through the efforts of Councilwoman Maria Baez. The Office is using the funding for a bilingual therapist to provide both individual and group therapy for domestic violence survivors. We also hired a bilingual advocate who works evening hours in the Bronx District Attorney's Complaint Room, providing crisis intervention, explanation of court process and procedures, information, accompaniment, advocacy and referrals. These staff members also provide educational seminars

to the Bronx community and work closely with the Community Affairs Unit at the District Attorney's Office. The DoVE project links the education and outreach work of Community Affairs with the direct services provided by CVAU through expert bilingual domestic violence counseling.

#### **Youthful Offender Domestic Violence Court**

Beginning in October 2006 the NY State Office of Court Administration (OCA) opened a new Youthful Offender Domestic Violence Court (YODVC) part in the Domestic Violence Court complex. Defendants with cases in the YODVC part were between the ages of 16 and 21 and accused of dating violence or domestic violence. Another YODVC partner offered defendants in the YODVC part a batterers program designed for adolescent offenders.

With sub-grant funding from a STOP Violence Against Women grant awarded to OCA, the Bronx District Attorney's Crime Victims Assistance Unit hired a crime victims advocate whose caseload was drawn from victims of defendants with cases in the YODVC part. The advocate was stationed in the Domestic Violence Court on Tuesday afternoons, when the YODVC was in session.

The advocate provided initial outreach to the victim by phone (if available) or mail. Once the victim was reached and a CVAU case

opened, the advocate provided crisis intervention; emotional support; court information; safety planning; temporary and permanent relocation assistance (when needed and feasible); information and referrals; and court accompaniment.

The funding ended October 1, 2007, and the advocate left the Office. However, CVAU still monitors YODVC alerts and reaches out to victims in the Complaint Room.

## **GANG PROSECUTION**

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

gang activity contributes to the Bronx's disproportionate share of violent crime.

The Bronx District Attorney's Gang/Major Case Bureau assigns experienced prosecutors to investigate growing and increasingly violent gang activity in the Bronx. One recent investigation resulted in the conviction of a 25-year-old defendant for manslaughter and attempted murder under New York's terrorism statute.

### **Gang Member Is Convicted Under Terror Law**

*Headline from New York Times, 11/1/2007*

Just six days after 9/11, the New York State legislature passed an anti-terrorism statute that allows for more severe sentences in cases involving terrorism. The state law defines terrorism, in part, as a crime meant to "intimidate or coerce a civilian population."

Less than a year later, on August 18, 2002, gunfire erupted outside a baptism party at a church hall. The altercation began when then 19-year-old Edgar Morales and other members of the St. James Gang invaded the party. The uninvited guests confronted individuals whom they believed to be members of a rival gang. Words were exchanged, prompting Javier Toccimani and a friend to leave the party in an effort to avoid further trouble. Morales and several other gang members followed the two men outside and shots were fired. The bullets killed ten-year-old Melanny Mendez, who was hit once in the head by a stray bullet, and paralyzed Toccimani. Fellow gang member 22-year-old Enrique Sanchez, who testified against Morales, ultimately pleaded

guilty to manslaughter in the first degree and was sentenced to eight years imprisonment on January 8, 2008.

Witnesses at Morales' trial told the jury that the St. James gang was initially formed for protection against other Mexican gangs, but by 1999 it had evolved into a group that worked to cultivate a reputation as the most violent Mexican gang in the Bronx. Members declared themselves "Kings of the Bronx." The gang conspired to terrorize an entire community surrounding St. James Park in the Fordham section of the Bronx through violent means. For example, gang members fired shots into a crowd of people in a park on October 16, 2001; a 15-year-old boy was shot in the face after leaving a birthday party on April 14, 2002; and gang members fired shots into a crowd of people who were on their way to a birthday party at a hall in St. Nicholas of Tolentine Church on February 21, 2004. Evidence of 19 specific acts of violence was presented at trial. The purpose of such wanton violence was to enhance the gang's status and flex its muscle by

**Gang Member Is Convicted Under Terror Law**  
*Headline from New York Times, 11/1/2007, Continued*

targeting private parties, restaurants and other business establishments. The gang's objective was to carry out a systematic campaign of intimidation.

Morales was found guilty on October 31, 2007, of manslaughter in the first degree in the death of Melanny Mendez and attempted murder in the second degree in the shooting of Toccimani. He was also found guilty of conspiracy in the second degree and criminal possession of a weapon in the second degree. The jury concluded these four offenses were "crimes of terrorism." This case was the first time a prosecutor in New York State used the antiterrorism statute to convict a member of a street gang. District Attorney Robert Johnson said at the time of the indictment, "The obvious need for this statute is to protect society against acts of political terror. However, the terror perpetrated by organized gangs which all too often occurs on the streets of New York also fits squarely within the scope of this

statute."

Morales was sentenced on December 10, 2007, to two consecutive terms of 20-years-to-life imprisonment on the manslaughter and attempted murder convictions. He must serve at least 40 years in state prison before becoming eligible for parole. He was also sentenced to concurrent terms of 15 years imprisonment on the gun conviction and 5-to-15 years imprisonment on the conspiracy conviction. Ordinarily, the maximum sentence for first degree manslaughter and attempted murder would be 25 years imprisonment on each count. But because these offenses were determined by the jury to be "crimes of terrorism," Morales could be kept in prison for the rest of his life. District Attorney Robert Johnson noted, "These were callous acts that resulted in the life of an innocent child being snuffed out. The jury's finding of terrorism is significant in determining an appropriate punishment."

**A call for justice in inmate's death.**  
*Headline from Newsday, 6/20/2005*

Thirty-year-old Amir Douglas was a Bloods gang member and convicted felon. He was convicted for slashing an inmate with a razor in 1993, and for attempted robbery in the second degree two years later in 1995.

On April 29, 2004, twenty-one-year-old Tyreece Abney was at the George Motchen Detention Center at the

City Jail on Rikers Island awaiting transfer to a drug treatment program. Douglas and two other inmates struck, punched and kicked Abney to the floor. A second assault on Abney occurred a short time later as he was being moved to another housing area for his own protection. As Abney was escorted away after he tried to punch another inmate, Douglas and several others were prompted to

### A call for justice in inmate's death.

Headline from *Newsday*, 6/20/2005, Continued

retaliate. Douglas straddled Abney's chest and punched his face and head numerous times before repeatedly smashing Abney's head into the floor. The Medical Examiner determined that Abney's death was caused by multiple blunt force trauma.

During Douglas' trial, a homicide detective testified that an eyewitness and his family came into the 43<sup>rd</sup> Precinct to report death threats that the witness received on the street from strangers. Douglas was a high-ranking member of a Bloods set known as "Sex Money Murder." He had been tried twice before for two unrelated homicides, one in the Bronx and one in Manhattan. Juries acquitted him of both of these homicides. During pre-trial hearings, a series of witnesses were called to demonstrate

that these acquittals resulted from witness intimidation.

On March 22, 2007, the jury found Douglas guilty of gang assault in the first degree and two counts of assault in the second degree. His two prior violent felony convictions made Douglas a persistent violent felony offender. On May 24, 2007, he was sentenced to 25-years-to-life imprisonment. In 2006, two other defendants were also sentenced to state prison terms for their roles in this deadly assault. One was sentenced to three-to-nine years imprisonment for manslaughter in the second degree, and the other was sentenced to four years imprisonment for assault in the second degree.

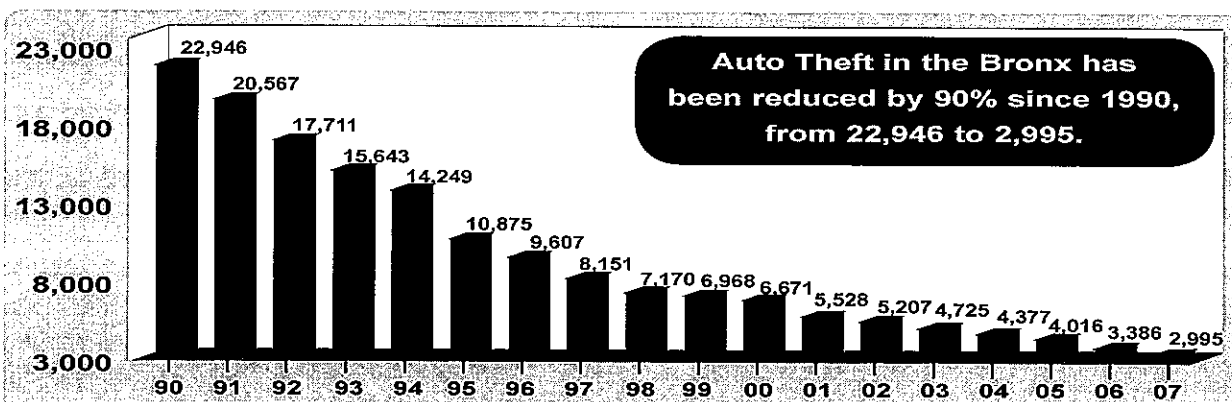
### AUTO CRIME INITIATIVES

The Office of the Bronx District Attorney has operated the Bronx Anti-Auto Theft Program since 1995. The program, which has been supported with resources provided by

state grants, was designed to increase the number of successful prosecutions of defendants charged with grand larceny of a motor vehicle, criminal possession of stolen property, illegal possession of a vehicle identification number, auto stripping and/or

unauthorized use of a vehicle. It was also expected to result in an increased number of stolen cars recovered pursuant to arrests made and/or search warrants executed. In 2007 this office recovered 361 stolen vehicles valued at more than \$4 million.

### Decline In Grand Larceny Auto 1990 - 2007



Source: New York City Police Department

Although this program has been very successful, in 2005 (the most recent year for which statewide statistics are 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.

In the last seven years, the program has been expanded to include document fraud and insurance fraud. In 1999, we expanded our effort to include night-time surveillance and investigations of auto-related crimes.

This expansion was made possible through a series of grants from the New York State Motor Vehicle Theft and Insurance Fraud Prevention Board which provide funds for equipment, investigators and prosecutors.

Since September 2006, Bronx District Attorney's Office Detective Investigators have worked with NYPD precincts three-to-four days and three-to-four nights per week using a License Plate Reader (LPR) provided by the National Insurance Crime Bureau.

LPR technology uses specialized cameras and computers to capture large numbers of license plates quickly, convert them to text and compare them quickly to a large list of plates of interest. LPR systems can identify a target plate within seconds of contact with it, allowing law enforcement to identify target vehicles that might otherwise be overlooked. By the end of 2007, these collaborative efforts resulted in a total of 78 arrests, 537 summonses issued, and 189 stolen vehicles recovered.

### **Auto Insurance Fraud**

Thirty-nine-year-old Dixon Troche, a New York City Department of Sanitation employee, drove a 2001 BMW XS. On October 13, 2007, Troche had his car towed to a salvage yard to be crushed. Nevertheless, on October 20, 2007, he told the 45<sup>th</sup> Precinct that he last saw his car on the previous day when he parked it and that it had subsequently been stolen. He reported the car stolen to his insurance company, and GEICO paid out over \$19,000 on the claim.

The garage was under surveillance by NYPD Auto Crime. A detective from that unit saw the vehicle towed into the lot and conducted a business inspection on the location. During the inspection, he noted the Vehicle Identification Number

(VIN) on the car. The detective subsequently entered the VIN into the NYPD's FINEST system, with negative results. He re-entered it approximately every three days, and soon after October 20, the vehicle was identified as stolen.

Troche was arrested on December 15, 2007. Troche did not have a criminal history. On April 1, 2008, he pleaded guilty to attempted grand larceny in the third degree, a felony. He is scheduled to be sentenced in September 2008. If he pays \$19,420 in restitution, he will receive a sentence of a conditional discharge. If he does not repay this amount in a lump sum by this time, he will receive five years probation along with a judgment to repay GEICO any of the \$19,420 that remains unpaid.

### **Automobile Theft**

At least three unrelated people believed that they could sell stolen cars to a Bronx crushing facility without the thefts

being detected. Each was paid an amount determined by the vehicle's scrap weight. However, they were not aware that they were actually selling the cars to an undercov-

## Automobile Theft

*Continued*

er police officer nor that their transactions were surreptitiously recorded on video. The first person caught in this undercover operation was Jason (pseudonym).

Twenty-one year old Jason allegedly sold 26 cars to the undercover officer between December 2006 and April 2007. Jason removed the license plates after driving the cars to the location. The cars included 12 Toyotas and nine Hondas. Most of the cars had been stolen from within the New York City metropolitan area less than 36 hours before they were sold. Jason appar-

ently used a "shaved down" key to start each car. He had several such keys in his possession when apprehended; shaved down keys are used to unlock the ignition of certain cars from the pre-transponder-key era. Jason has been charged with 26 counts of criminal possession of stolen property in the fourth degree. His case is pending. Jason also has three other pending indictments for conduct involving apparently stolen cars, reckless driving, and injuries to police officers on three separate dates between January 10 and May 7, 2007.

## 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.

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. 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. As an outgrowth of the Office's commit-

tee, an Elder Abuse Multidisciplinary Task Force was created in 2001. The complexities of elder mistreatment and neglect necessitate a comprehensive, multidisciplinary approach. The Task Force is co-chaired by the Elder Abuse Coordinator at the Bronx District Attorney's Office, the Assistant Director of ElderServe Licensed Home Care Services Agency of the Hebrew Home for the Aged at Riverdale, and the Bronx Borough Director of Adult Protective Services. This bimonthly gathering of law enforcement, social service, health-care, financial, business, governmental and private agencies enables the sharing of expertise and facilitates the coordination of efforts to prevent, investigate and remedy the abuse of our most vulnerable seniors.

In April 2007, the Satellite Office of the Bronx District Attorney's Office hosted its first Senior Information Fair at a local bank as part of National Crime Victims' Rights Week. In May 2007,

staff presented a workshop titled "Anatomy of an Elder Abuse Referral to a DA's Office" at the Adult Abuse Training Institute in Albany, NY.

The Bronx District Attorney's Office was selected in early 2006 to become a CASE ("Communities Against Senior Exploitation") Model Site. The CASE partnership is an elder fraud prevention and intervention program. The Bronx District Attorney's Office is one of approximately 50 sites across the country that are working with faith-based communities and senior centers to combat elder fraud and exploitation. As part of this program, staff from the District Attorney's Office conduct training in the community using CASE resource materials. During 2007, the program made 24 CASE presentations. This program is currently implemented without funding, staffed by volunteers from the Office. In addition the Coordinator, who is often the first point of contact for elder abuse inquiries, handled 239 calls in 2007 regarding suspected elder abuse and neglect.

## Financial Elder Abuse

Eighty-four-year-old Elizabeth (pseudonym) was hospitalized after having a stroke. She was subsequently transferred to a nursing home to recover. While she was away from home, two neighbors allegedly stole the majority of her monetary assets.

The neighbors were a mother-and-daughter team, ages 36 and 56, who allegedly raided the victim's bank account. The alleged crimes occurred between September 1, 2006, and March 7, 2007 as Elizabeth's bank account was drained. The two neighbors allegedly looted the elderly woman's Emigrant Savings Bank account of approximately \$189,000 and submitted to Principal Annuity Life Insurance a fraudulent transfer document that gave the daughter ownership of Elizabeth's \$400,000 annuity. The mother had recently been convicted for stealing Social Security benefits for a relative who had been dead for 10 years.

When Elizabeth returned to her apartment, she discovered that checkbooks and bank books were missing; that checks had been written on her account; and that ownership of her annuity had been transferred. Elizabeth's bank contacted the District Attorney's Office, and an extensive 2½-month investigation followed that involved a detective investigator, a forensic accountant, the Office's Elder Abuse Coordinator, and the New York City Department for the Aging. The District Attorney's Elder Abuse Coordinator worked with Elizabeth's attorney to help her obtain housing and other services.

The duo was arrested and charged with one count of grand larceny in the second degree and criminal possession of stolen property in the second degree. The most serious offense, grand larceny in the second degree, is punishable by a maximum sentence of up to 15 years imprisonment. The District Attorney's Office also brought a civil action to freeze the assets. The cases are pending.

## PROJECT SAFE NEIGHBORHOODS

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

try to reduce the number of illegal guns on the streets of the Bronx.

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

conduct complex sting operations and purchase illegal guns.

Project Safe Neighborhoods builds on existing relationships and agreements with these agencies to share assets and intelligence to investigate weapons trafficking and prosecute gun cases more effectively. This Office works very closely with the US Attorney's Office, particularly in the Bronx Weed and Seed site, where the law enforcement focus is on gangs and violent crime.

In our efforts to eradicate gun violence, we will continue to cooper-

ate with the US Attorney to determine whether a particular case is best prosecuted in state or federal court. Defendants who are over the age of 18 and either have entered the country illegally or have a prior felony conviction are eligible for federal prosecution in gun cases. Furthermore, if a gun has been defaced to thwart its identification, the defendant can be prosecuted federally even without a prior conviction. Under these conditions, when convicted in federal court, gun violators receive stiffer prison sentences than they would for the same conviction in state court. Although the New York gun law

enacted in November 2006 provides for tougher sentences in state court, certain gun offenses, including guns possessed in a home or place of business, can still be more effectively prosecuted in federal court.

In 2006 the Department of Justice split the PSN funding into two separate programs: the original anti-gun program and a new anti-gang program. While this Office received funding under both programs in 2007, the total was substantially lower than that received in prior years for the gun program alone.

The Bronx District Attorney's PSN Anti-Gang program was

implemented in the Soundview/Bruckner Weed and Seed area and has both a prevention component and an enforcement component. The prevention portion involves the Explorers programs from the 43rd Precinct and Police Service Area (PSA) 8, which serves New York City Housing Authority developments in the area. PSN funds were used to purchase uniforms and insurance required to participate in the Explorers and to purchase pressure washers and materials for removal of gang-related graffiti. In addition, this Office conducted a number of anti-gang workshops for children, youth and adults in the target area.

### **Gun Trafficking**

Between February and August 2006, nineteen-year-old Emanuel Sandoval sold the following to an undercover officer from the New York City Police Department's Firearms Investigations Unit: two 12-gauge shotguns (one of which was sawed off, one defaced and loaded), a silencer, a .45-.70 caliber rifle, three loaded, .25 caliber semi-automatic pistols, one .38 caliber special, semi-automatic pistol, and one loaded .22 caliber semi-automatic pistol. In summary, this long-term gun buy operation resulted in the recovery of eight firearms, a silencer and ammunition.

On February 16, 2006, Emanuel Sandoval worked in concert with his co-defendant, 54-year-old Manuel Sandoval, to sell two of the above mentioned firearms, along with a silencer and magazines for assault weapons.

On January 30, 2008, Emanuel Sandoval pleaded guilty to criminal sale of a firearm in the second degree, criminal sale of a firearm in the third degree, and four counts of criminal possession of a weapon in the third degree. On March 25, 2008, he was sentenced to 10 years imprisonment. He waived his right to appeal.

Emanuel's father Manuel pleaded guilty on January 30, 2008, to criminal possession of a weapon in the third degree, and was sentenced on April 4, 2008, to five years probation. He also waived his right to appeal.

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

### **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 treatment 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 with the investigation and prosecution of these violent crimes.

The Bronx SART is supported by federal and state grants and consists of a group of 12 - 14 Sexual Assault Forensic Examiners (SAFEs) who are coordinated by a project director who works from North Central Bronx Hospital. The examiners conduct a physical examination, collect potential DNA evidence, and document both internal and external injuries. In 2007 Bronx SART hospitals covered 247 of these cases. In 96% of those cases, a SART

examiner responded to the hospital within one hour of admission of the sexual assault victim to the Emergency Room. Seventy-two percent of the victims admitted to the Emergency Room consented to a forensic exam. In 42% of the cases, the physical examination of the victim revealed findings of genital trauma. In 51% of the cases, the physical examination revealed findings of non-genital 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, school districts, 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 hospital 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 2007, the District Attorney's Office responded to 239 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.

### **CRIMES AGAINST REVENUE PROGRAM**

In 2005, with funding from the NY State Division of Criminal Justice Services (DCJS), this Office initiated a Crimes Against Revenue Program. The goals of the program are to investigate and prosecute those who violate tax laws, to reclaim lost revenue and to increase voluntary compliance with applicable laws. In collaboration with other City, State and Federal agencies, the Bronx District Attorney's Office conducts investigations into businesses and individuals who sell both legitimate

and illegal goods and services. The Office collaborates in such investigations on a regular basis with the New York State Department of Taxation and Finance and the New York City Department of Finance.

Although individuals involved in illegal activities do not generally report revenue derived from these activities as income, such illegal revenue is taxable as income within the meaning of the Tax Law. New revenue investigations are generated by a careful review of our pending inventory of cases as well as new arrests involving larceny (employee dishonesty, identity theft, frauds, prostitution, fencing, gambling, narcotics and unstamped cigarettes).

### **JOINT TRAINING PROGRAM WITH THE NYPD**

In January 2002 we launched the BXDA/NYPD Joint Training Program. This program is conducted regularly in the Litigation Training Unit of the Office of the Bronx District Attorney. The faculty is comprised of a group of experienced attorneys and NYPD supervisors designated to teach specific topics. During each session approximately 30 - 35 uniformed members of the New York City Police Department are trained together with assistant district attorneys. Between 2002 and 2006, approximately 300 assistant district attorneys and nearly 900 police officers and detectives received this training. In 2007, fifty-two assistant district attorneys and 101 police officers participated in six trainings.

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

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

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

### **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), proper procedures when responding to domestic violence incidence, and Complaint Room policies and procedures (including how to complete supporting depositions).

The training is provided by the Chief of Vehicular Crimes, the Deputy Chief of the Domestic Violence Bureau, and the Chief of Arraignments and Complaint Room. The Office receives cooperation and support from the NYPD Patrol Borough Bronx Commanding Officer and the Borough Training Officer, who provides coordination and assigns 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 2007 there were two sessions, each with 80 - 100 officers per class.

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. 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 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, Assistant District Attorney Joseph McCormack, Chief of Vehicular Crime Prosecutions, teaches coursework related to this program at St. John's University. In 2006 and 2007 he was named Clinical Professor of the Year at St. John's University.

### INTERNATIONAL VISITOR LEADERSHIP PROGRAM

In 2007, for the fifth year, Bronx District Attorney's Office staff assisted the US Department of State as speakers for the International Visitor Leadership Program. On three separate occasions during this year, staff addressed representatives from China, Taiwan, and a 21-member delegation representing a number of countries from around the world; the topic was intellectual property rights. The countries included Albania, Brazil, Kenya, Pakistan, and Hong Kong.

In addition, the Office's Senior Investigative Assistant District Attorney has been invited by the US Patent and Trademark Office to travel with a delegation to Mongolia in June 2008 to address prosecutors, law students and administrators from their intellectual property office.

# 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 is often the connection between the District Attorney and the residents of Bronx County. 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.

The Office’s programs are coordinated by the unit, but 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.

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](http://www.bronxda.nyc.gov).

## ASK THE BRONX D.A.

Ask the Bronx D.A., winner of a 2004 “Telly” award, is a 12-part series co-hosted by the District Attorney and Bronxnet’s Melanie Torres, that serves to educate Bronx residents about the criminal justice system. The show was created as



**You Be the Judge**

part of an outreach effort to educate the public on matters of concern ranging from street-level drug sales to elder abuse. Each show lasts one half-hour and deals with a particular topic. People from the community are invited to ask the District Attorney and his staff various questions related to that topic. Topics of discussion have included: Economic Crime, Quality of Life, Domestic Violence, Narcotics, Community Outreach, Elder Abuse, Homicide Survivors, the Abandoned Infant Protection Act and the Bronx Multidisciplinary Team on Child Abuse, Project Safe Neighborhoods, Safeguarding Your Child on the Internet, Bias Crime, and the Bronx District Attorney's Crime Victim Assistance Unit Satellite Office. This series airs on Bronxnet, Channel 67 in various time slots each week.

### **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 their mentors allows students to experience the mentors' work environment and learn about the functioning of the criminal justice system. Thirty-nine mentor/mentee pairs were matched in 2007.

### **READ-TO-ME PROGRAM**

In partnership with two local day care centers, staff from the Bronx District Attorney's Office hold monthly reading sessions. Support staff and assistant district attorneys volunteer their time once a month 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. Assistant district attorneys 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, assistant district attorneys 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 battling 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 nega-

tive 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. Close to 350 students participated in the S.T.A.R. program in 2007.

### **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 a coaches or mentors. Each team learns how to develop advocacy skills and debating 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.

### **PEOPLE'S COURT PROGRAM** **(P.S. 156)**

Elementary school students from P.S. 156 travel to the Bronx District Attorney's Office to participate in mock trials. Incidents violating school rules are brought before the mock court and the children act as defense counsel, prose-



**Israeli Delegation Visit**

cutor, jury and court officers. With the aid of assistant district attorneys, the students learn how trials are prepared and conducted. The program also assists the students by helping them to develop effective communication skills while learning more about the complexities of the judicial system.

#### **EAGLE ACADEMY MENTORING PROGRAM**

The Eagle Academy is an all-boys public charter school that stresses academic excellence. Students from the Eagle Academy are matched with male mentors from the Bronx District Attorney's Office. A staff member from the Office meets with personnel from the Academy to coordinate group activities for the mentor/mentee pairs and provides support and advice on fostering a positive relationship with mentees. There were 19 pairs in the 2007-2008 school year.

#### **LAW, GOVERNMENT AND JUSTICE MENTORING PROGRAM**

The Law, Government and Justice Mentoring Program was designed in collaboration with the School for Law, Government and Justice to introduce seventh grade students to volunteer professionals from the criminal justice field. The mentors will provide insight into their professions, while providing guidance, adult friendship and positive reinforcement to mentees. There were 12 pairs in the 2007-2008 school year.

#### **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 "The Fundamentals of Court Monitoring for Community-Based Groups" 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. In 2007 the Adult Workshop series expanded to include "Sexual Assault."

#### **PRECINCT COUNCIL REPRESENTATIVES**

There are 12 precinct community councils and two Police Service Areas (PSAs) in the Bronx that 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 developed with community organizations to afford various segments of the Bronx community an opportunity to interact with the Bronx District Attorney and his staff.