STATEMENT OF POLICE COMMISSIONER
WILLIAM J. BRATTON

BEFORE THE NEW YORK CITY COUNCIL PUBLIC SAFETY COMMITTEE
ON THE PRELIMINARY BUDGET FOR FISCAL YEAR 2015
AND THE FISCAL YEAR 2014 PRELIMINARY MAYOR'S MANAGEMENT REPORT

MARCH 12, 2015

Good morning. Thank you for the opportunity to discuss the Mayor's Preliminary Budget for the 2016 Fiscal Year. It's a pleasure to be here and to testify before the members of the Council about the exceptional work being done by the men and women of the NYPD.

Mayor de Blasio and I have dedicated ourselves to a safer, fairer city. Insofar as "safer" is concerned, the NYPD has built on two decades of success to help make this city more and more safe. Since 1990, overall crime is down 80%, even as the City's population has grown by more than 1.1 million people. As for "fairer," we at the NYPD have worked to make this Department a model of transparency and collaboration—collaboration among its many parts, collaboration with its city partners, collaboration with the community it serves.

For the NYPD, 2014 was a year of great accomplishment, great challenge, and, sadly, great tragedy. We have faced a great deal—even more than a great Department in the world's greatest city might be expected to face: new terrorist threats, national turmoil surrounding policing, protests, the assassination of two of our officers.

And through it all, we have remained true to the ultimate role of the police: To prevent crime and disorder.

In 2014, overall crime was down 4.5% from 2013. We saw a modern historic low for murders: 333. Burglaries and robberies also saw modern records—robbery, in particular, was down an astounding 13.7% at the end of 2014.

Although 2015 is still young, the Department's and the community's collaboration continues to get results: so far this year, overall crime is down 10.7%.

I will not avoid the fact that murders are currently up, 59 so far this year versus 48 at the same time last year. And shootings, too, have increased by 29 incidents. Both categories are below their ten-year averages, however. We're monitoring them, but these rates represent the third-best year ever, and we're on track to have hundreds of shootings fewer than just four or five years ago.

We've continued getting these crime results not in spite of but because of new policies and a renewed belief in the ability of police to solve conditions by methods other

than arrest. In one category in particular, open-view marijuana arrests, arrests were down 9.5% from 2013 to 2014, and down nearly 49.8% from their 2011 high. This is partly the result of a change in our policy regarding some categories of simple possession, in which we use summonses instead of arrests—a change effected in collaboration with the City Council. And by working together with the Mayor and the City Council on the introduction of IDNYC, as well, we have almost certainly enabled more individuals to produce government-issued identification—and that, in turn, allows us to issue people summonses instead of having to arrest them.

The Mayor and I established a great many goals for this Department when he appointed me. I'm pleased to say we've achieved many of them. And we're well on the way to reaching many others.

When I returned, I promised a more transparent Police Department. I think our relationship to the City Council shows that. Our many contacts, both formal and informal, have led to greater mutual understanding and very productive results. One instance in which we addressed an issue of great importance to the Council was the seizure of condoms in the course of making arrests for prostitution. Working with the City's five District Attorneys, we changed our policy. Now, when arrests are made for prostitution or loitering for the purpose of prostitution, we've made it clear that condoms will not be seized as evidence.

We're also sharing information better than ever before. This includes providing crime data for every City park one acre or larger in size, as well as for recreational facilities in smaller Parks Department venues. We accomplished this three years sooner than anticipated. In direct response to Council requests, we also "unlocked" the vehicle collision data we post on a monthly basis, so that it may be utilized more easily by community boards and the civic tech community. Additionally, on our website, we post weekly crime data for each housing development in the City. Our efforts to make more data available are continuing and, although transparency requires personnel to be assigned and although it incurs expense, we believe that the information we can provide is helpful to all.

The Department's other goals coalesce around what I call "the Five Ts"—Trust, Training, Technology, Terrorism, and Tactics.

The purpose of these Five Ts—indeed, the purpose of our agency—is public safety. As our continuing successful efforts against crime demonstrate, we are doing very well at the "safety" part. One of our most important challenges going forward is ensuring that we succeed equally at the "public" part, as well.

The first component in addressing the "public" part of "public safety" is our first "T"—TRUST.

Last summer and into last fall, events in New York City and around the nation brought a longstanding problem into stark relief. There is a divide between the police and

some of the communities we serve. The divide is widest in our most vulnerable neighborhoods. They are neighborhoods where poverty and unemployment are most pronounced, where schools are most challenged, where families struggle most, and where crime—as diminished as it is—still lingers. In New York City, they are largely neighborhoods of color.

The divide existed long before last summer. It extends beyond our city, and beyond one small town in Missouri. Its cause is not any one tragedy, nor any one practice.

Nevertheless, stop, question, and frisk certainly did nothing to diminish the divide. And the Department has acknowledged and is addressing that. From a high of nearly 700,000 stops in 2011, we conducted just over 46,000 in 2014. And proportionally, more than twice as many in 2014 resulted in arrest when compared to 2011.

We're working closely with the Federal Monitor and Inspector General that are legacies of stop, question, and frisk. The IG released a report in January asking for more transparency in our disciplinary decisions, and we're working to meet that. We're also collaborating very well with the Civilian Complaint Review Board. I'm quite proud to note that CCRB complaints were down 11.9% in 2014.

Our change in emphasis is not relegated to stop, question, and frisk. We are encouraging problem-solving and officer discretion. We're developing alternatives to arrest for young first-time offenders—a program called Project Reset, which allows 16- and 17-year-old nonviolent misdemeanor offenders to be diverted to community justice centers for counseling or other activities, rather than appearing before a judge. And as part of the Mayor's Task Force on Behavioral Health, we will help provide mental health and substance abuse services in lieu of arrest to people who have committed violation level offenses—healthcare, not handcuffs.

We also have pairs of cops and social workers patrolling the subways together, and working to get homeless New Yorkers placed in a shelter instead of a cell.

We are pioneering efforts like NYC Ceasefire, with John Jay College's David Kennedy. NYC Ceasefire focuses on people in the very small segment of the population that commits the vast majority of gun violence. They are primarily young men who are members of gangs, crews, drug sets, or other types of active offending groups. Together with a wide range of partners—such as the Brooklyn DA, the US Attorney's Office Eastern District, the ATF, probation, federal probation, the New York State Department of Correction and Community Supervision, and the New York City Department of Correction, as well as social-service providers and other community members—we hold meetings, or "call-ins," with members of these groups.

We give them three messages: One, the violence must stop. Two, help is there if they want it. And three, they should consider this meeting a warning, not a negotiation.

The point is to tell these young men that there are alternatives to entering the system. We make sure they know that those who continue to violate the law will be dealt with accordingly. But we also make sure they hear that they have choices. Hearing that from us—and from the wide range of government and community partners at the call-ins—is what makes Ceasefire different. It's worked across the country, and we're confident it will work here.

We're also reestablishing trust by changing our TRAINING, which is the second of the Five Ts.

Thanks to $29 million from Mayor de Blasio, we have been able to create an innovative three-day, in-service course, focusing on tactics and skills enhancement. Currently, the 20,000 officers who do the bulk of our Patrol work are being cycled through the course. Eventually, however, every uniformed member of the Department will attend. Going forward, this will become the first recurring non-firearms training in the Department's living memory. It emphasizes two core priorities: First, how to talk to a person who is initially uncooperative, with the goal of avoiding a physical confrontation; and second, how to physically restrain a suspect who continues to resist arrest without harm to that individual or the officer.

The training gives officers additional tools for communicating with the people they serve. It also reinvigorates officer pride and promotes effective collaboration with the community. Post-training surveys indicate that the officers find the courses relevant and useful. More than 80% of officers stated they would recommend the program to other cops.

We're conducting this in our new Police Academy. Many members of the City Council have had the chance to see it for themselves. Its first class of recruits is currently in training, although we have not yet had the official opening. We've had some challenges, which are to be expected with a facility whose size and sophistication are unprecedented.

As we change how we train our in-service officers, we're also changing how we train our recruits. Previously, when new cops left the Academy, they went into Operation IMPACT. Too often, they felt separated from the precincts in which they worked. They weren't always taught that there are alternatives to summonses and arrests, or that an officer's discretion is her greatest tool. To rectify this, we're assigning new officers to volunteer partner training officers. When I was starting out as a cop, more than 44 years ago, I was teamed with experienced older officers who taught by example and gave me an appreciation of the importance of policing. I want our new recruits, during their first six months, to be out there with our best and brightest so they can learn the right way to do the job and lay foundations for the next 20 years.

We have also enlisted over 350 residents to be community partners, who introduce new cops to their precincts.

The next of the Five Ts is TECHNOLOGY.

All of the Department's computers are being upgraded, or replaced if their useful life has ended. In 2014, more than 10,000 desktops were upgraded or replaced, representing approximately 50% of the Department supply. We expect to complete the process by December 2015.

To go with these new desktops, every police officer will be getting an email address. Our Information Technology Bureau has tested a new cloud-based email system, and the first phase of Department-wide email began last month.

Simultaneously, we are laying hundreds of miles of fiber-optic cable throughout New York City, ultimately connecting every NYPD facility. This will increase bandwidth to our precincts and allow us to create a resilient system that is protected by the best security features available. It will also help us cope with the vast data requirements of body cameras.

Body cameras are another technology that promises to change how we police, how we work with the public, and how we work with the courts. They will permanently alter how credibility is weighed in the criminal justice process. They will enable the full account of an incident to be recorded and reviewed, rather than the out-of-context videos we sometimes see on the news or the Internet, and they may minimize the conflict of unreconciled testimony. But body-worn cameras result in many complicated questions, both technological and otherwise. We are examining issues like storage capacity, guidelines for when the camera is turned on, how long the data is stored, the impact of the Freedom of Information Law, and of course cost.

Building on the experience of other agencies that already use the technology, we are working to resolve these issues. Based on those agencies' experiences, we are looking forward to the benefits this technology will provide. We expect it will significantly reduce the number of false claims about police encounters, whether such claims come from the citizen or from the officer. We also think it will improve how the community appreciates our role. At the same time, we believe it will help ensure that our officers act responsibly and appropriately, which will, in turn, further improve the community's confidence in police legitimacy.

The Department began a body-worn camera pilot program in December. Currently, 54 officers assigned to the 23rd, 40th, 75th, 103rd, and 120th Precincts and PSA 2 are wearing body cameras. We look forward to commencing a wider roll-out.

Another place where cameras are being used is in precinct detective squads. Here, too, it's about credibility. Video interrogation was a recommendation of the New York State Justice Task Force, and we've built recording facilities and installed equipment in precincts throughout the city.

We're also introducing GPS in all patrol cars, which will improve officer safety. It will also improve the ability of supervisors to manage and deploy their officers.

Our new technology endeavors don't stop there. With the help of Manhattan District Attorney Cy Vance and Mayor de Blasio, we are also making a $160-million investment in making the NYPD the most technologically advanced department in the nation. Our Information Technology Bureau will soon begin distributing a smartphone to nearly every cop and a tablet to nearly every car. Here, too, as with our training, we'll start with patrol officers and patrol vehicles.

The tablets will ultimately replace the mobile digital terminals currently mounted in most patrol vehicles. Unlike mounted computers, they have the advantage of being removable from the patrol car. Officers can bring them along as they respond to calls for service and eventually will be able to use them to complete the necessary paperwork.

Between the smartphones and the tablets, officers in the field will be able to access vital information about the situations and people they may encounter, no matter where the officers are—a truly life-saving development in our profession. The smartphones and tablets will also contain mobile apps, giving officers in the field access to a wealth of information in systems they can currently only access from their desktop computers.

One such system is the Domain Awareness System, or DAS. DAS aggregates and correlates multiple real-time law enforcement data streams. By retrieving and displaying information from numerous law-enforcement databases, as well as from cameras, license plate readers, and environmental sensors around the city, it provides the NYPD with actionable intelligence. Many of those cameras and sensors connect to LMSI, our comprehensive security plan for Lower Manhattan. As of February 24, 2015, the Lower Manhattan Security Coordination Center receives video feeds from 6,900 CCTV cameras, including 1,374 LMSI cameras, 2,223 MMSI cameras, and over 5,000 MTA cameras and NYPD Argus cameras.

Mobile Digital is a force multiplier. It augments the City's already robust counterterrorism effort.

And TERRORISM is the next T.

I'll discuss many of the grant and funding nuances of our counterterror efforts a bit later. For now, allow me to give a very brief picture of the way the threat has changed since the last time I addressed you.

A year ago, there was a sense that al Qaeda was in decline. ISIS was hardly known. Today, the threat picture has changed. We face multiple hazards: "lone wolves and known wolves," as my Deputy Commissioner of Intelligence and Counterterrorism John Miller says. Al Qaeda, particularly al Qaeda in the Arabian Peninsula, or AQ-AP, which operates primarily out of Yemen, is resurgent. They are believed to be the primary source of the terrible attack in Paris at Charlie Hebdo. Meanwhile, ISIS has established a pseudo-state in the war-torn no-man's land between Iraq and Syria. ISIS has also established its capacity for force projection. ISIS does not yet use direct operational support—instead, it

motivates via a messaging operation as refined as anything found on Madison Avenue or in Hollywood.

Last year, several attacks were prompted by ISIS videos. One of those targeted four of our officers in Queens. An ax-wielding, radicalized malcontent attacked the officers in broad daylight, seriously injuring two. He was the human equivalent of an unguided missile: launched remotely by messages directed at disaffected people on the fringes, people with a lot of anger and little to lose. There were similar attacks in Canada and Australia.

The Department already has one of—if not THE—most robust municipal counterterror capabilities in the world. In addition to having more than 1,000 officers assigned to intelligence and counterterror duties, we partner with the federal government via the Joint Terrorism Task Force, and we have our own officers deployed in countries around the world. But we never stop seeking ways to improve our ability to keep New Yorkers safe.

To address the possibility of these "lone wolf" attacks, or of more sophisticated operations such as those in Paris or Mumbai, we are changing our Critical Response Vehicle unit, or CRV. Currently, CRV uses precinct personnel, borrowed on a day-to-day basis, to protect a range of critical infrastructure and important sites. Under the new model, we will have permanently assigned officers, with the proper training and equipment to perform a range of counterterrorism duties.

The last of the Five Ts is TACTICS.

I use "tactics" in the sense of how we achieve our objective: public safety.

We saw some excellent tactical successes in 2014, beginning with Vision Zero. When Mayor de Blasio announced the Vision Zero initiative, the NYPD responded to his collaborative and comprehensive approach vigorously. In 2014, we issued 42% more speeding tickets. The number of Failure to Yield summonses more than doubled. Our efforts, as well as other city initiatives, helped save lives. Last year, traffic fatalities were down 15% from 2013. And through mid-February this year, they're down another 43% year-to-date.

When we saw an epidemic of grand larcenies, particularly of handheld electronics, we launched the Grand Larceny Division, a unit within the Detective Bureau, with 250 detectives. The Grand Larceny Division looks for and identifies patterns in these crimes. Since launching in May, the Grand Larceny Division has identified 900 such patterns. There have been more than 7,900 grand larceny arrests. And by partnering with cellphone makers to make their devices more theft-proof, we drove cellphone robberies and cellphone grand larcenies from a person down by 16%.

In the coming year, there are several tactical initiatives in store. The most significant, however, is Chief of Department James O'Neill's new neighborhood policing pilot program. The pilot is being rolled out in four precincts, two in Manhattan North and

two in Queens South. It's a new model for how we deploy precinct resources. Right now as many as half of our precinct officers function in specialty roles. The other half are on patrol, answering calls for service full time. In busier precincts, they're indentured to the radio, with no time for problem-solving, partnerships, and prevention—the three cornerstones of community policing.

To solve this we're going to reduce specialty roles and increase the number of patrol officers. We'll assign them to steady sectors, so they get to KNOW the neighborhood they serve. And with the right staffing combinations, we'll be able to give them time away from the constant pull of the radio. For years we've been asking our officers to engage with the community but we've never given them time to do it or the training. Now we will. Chief O'Neill is very excited about this, and so am I.

Turning to more specific budgetary matters, the Department continues to apply for and obtain available federal assistance. We've used Homeland Security grants and other federal and state grant opportunities to protect the public and critical infrastructure. Critical infrastructure includes the Financial District, the transit system, bridges, tunnels, and ports, as well as sensitive public venues that vary according to event and current strategic information.

Nearly $4.1 billion in counterterrorism grant funding has been allocated to New York State from Federal Fiscal Year 2003 through Federal Fiscal Year 2014. Approximately $2.4 billion, or 58%, of this amount was allocated to New York City. Of that amount, $1.4 billion, or 60% of the funds received by the City, was allocated to the NYPD.

Department of Homeland Security Preparedness Grants for fiscal year 2014 awarded $120.8 million to the Department. This was an increase of over $3 million from the previous year. These grants provide for the continuation and expansion of various counterterrorism projects and initiatives.

On March 4, 2014, President Obama signed the appropriations bill for the coming federal fiscal year. There are three major nationwide appropriations grants that support the Department's ongoing counterterrorism programs: the Urban Areas Security Initiative, the State Homeland Security Program, and the Transit Grant Program. These were increased by $13 million, $66 million, and $10 million, respectively. The nationwide appropriation for the Port Security Grant Program was not changed for the coming year.

FEMA has not yet released the Federal Fiscal Year 2015 grant application guidelines, but it is anticipated that they will be released very soon. Because of the delay in approving the appropriations, we expect there will be a shortened application period once the Grant Guidance is announced.

The NYPD submission will seek support to continue the deployment of officers to anti-terrorism teams throughout the City, including the transit system and underwater tunnels. This funding will also cover the salary costs of our Intelligence Research Analysts,

overtime costs for counterterrorism training, and continued maintenance and support costs for our counterterrorism projects and equipment. We will also seek funding for cybersecurity in order to develop and implement the Total Network Visibility Initiative, and to continue the expansion of the Domain Awareness System and other critical items. Examples of these items include advanced explosive and radiation detection equipment, personal protective equipment, hazard mitigation and rescue equipment.

The Securing the Cities Grant is another critical source of funding, distributed by the Domestic Nuclear Detection Office of the Department of Homeland Security. This grant supports our efforts to construct and maintain an electronic safety net around the city, one that can alert us to the presence of a nuclear or dirty bomb, or the materials used to make one. The NYPD is the lead law enforcement agency in administering these funds among regional stakeholders across three states and twelve jurisdictions. For 2015, the NYPD anticipates it will receive approximately $8 million in funding under this program, about the same amount as last year.

The New York Congressional delegation, as well as Senators Schumer and Gillibrand, are working very diligently to continue the grant-funded resources necessary to protect the residents of New York City. We are confident we can maintain and strengthen our counterterrorism programs with their help.

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

The Department's Fiscal Year 2016 City Tax Levy Expense Budget is $4.5 billion. The vast majority of this, 92%, is allocated for Personal Services. When non-City grant funds are accounted for, next year's budget will be comparable to this year's.

Highlights in the February Financial Plan include:

- **$2.7 million in Fiscal Year 2015 and $72.5 million in Fiscal Year 2016 and the out-years was provided in City Tax Levy funding for NYCHA payment relief, which will allow the Department to provide appropriate coverage in NYCHA facilities.**

- **$19 million in Fiscal Year 2015 for the immediate needs of the Mobility Initiative, including tablets, smartphones, data plans, and a network upgrade.**

- **$13 million in Fiscal Year 2016 to implement the new Automated Summons Enforcement System to replace the current Parking Ticket Device System.**

- **$10.1 million in Fiscal Year 2016 and the out-years to hire 520 Police Cadet new hires including 50 Housing Police Cadets. This will bring the authorized headcounts for cadets up to 637. The Police Cadet Corps provides college students a unique opportunity to experience the rewards of a career in law enforcement. The Cadet Corps represents a major initiative designed to ensure that future police officers are both better educated and more representative of the city's diversity. The**

NYPD has had an excellent track record of not only bringing cadets on board as officers, but also in having them move up to higher ranks.

- $8.1 million in Fiscal Year 2015 and $4.2 million in the out-years to procure bullet-resistant vests and to initiate a study to determine a reasonable life-cycle replacement schedule. This was a program for which the City Council's support was very important and greatly appreciated.

- $6.3 million in Fiscal Year 2016 and the out-years in order to maintain the Police Communication Technician headcount increase provided in a prior financial plan. Consequently the additional 151 personnel helped us reduce overtime.

- $4.1 million in Fiscal Year 2016 and $5.1 million in the out-years to support 30,000 new email users in the cloud and to incrementally migrate existing email users to the cloud over two years.

- $3.9 million in Fiscal Year 2015 and $2.5 million in the out-years to create a preventive maintenance program to improve building system operations and energy efficiency at 241 locations.

On February 9th, 2015, the Mayor released the Fiscal Year 2016 Preliminary Budget and Commitment Plan. The total Capital Plan for the Police Department is $1.1 billion which covers Fiscal Years 2015-2025.

In this Plan, the NYPD was able to secure an additional $143.9 million in City and Federal Capital funds over and above the FY 2015 September Budget for facility improvements, Hurricane Sandy reconstruction, and vehicle needs. In this current plan, the Administration funded facility renovations and replacement needs, as follows:

- New Property Clerk Facility. $80 million was provided for site acquisition for a proposed new Property Clerk Consolidated Warehouse, which would modernize NYPD's evidence storage capabilities.

- Construction of the New Police Academy. $32 million was provided for design and construction costs associated with the final phase of construction at the New Police Academy in College Point, Queens. Design and construction of this facility is budgeted at $57.04 million in Fiscal Year 2015, which supplements $759 million budgeted in prior fiscal years.

- Housing Bureau Vehicle Needs. $1.6 million was provided to purchase new mobile command centers and Terrahawk mobile-skywatch towers for the Housing Bureau.

The July 2014 Police Officer class size was 944 recruits. Of these, 884 graduated in December. The January 2015 Police Officer class size was 891 recruits. The July 2015 class is estimated at approximately 800 police recruits. The January 2016 class will be

approximately 725 recruits. The size of police recruit classes is designed to maintain the funded peak headcount by replacing the attrition of officers that has occurred since the prior class. The projected attrition is approximately 1,600 in Fiscal Year 2015 and 1,300 in Fiscal Year 2016.

I'll turn now to overtime costs. In Fiscal Year 2015, overtime costs are projected to total $672 million, which is $89 million more than the Fiscal Year 2014 actual expenditures of $583 million. This increase is mainly due to Major Unplanned Events.

~

I hope my testimony has made clear the scope of change that the NYPD faces in 2015. The fact is that for all the new programs, new policies, or new plans we've discussed today, we've only touched on the possibilities and specifics of each. Additionally, there are others that time precludes my mentioning.

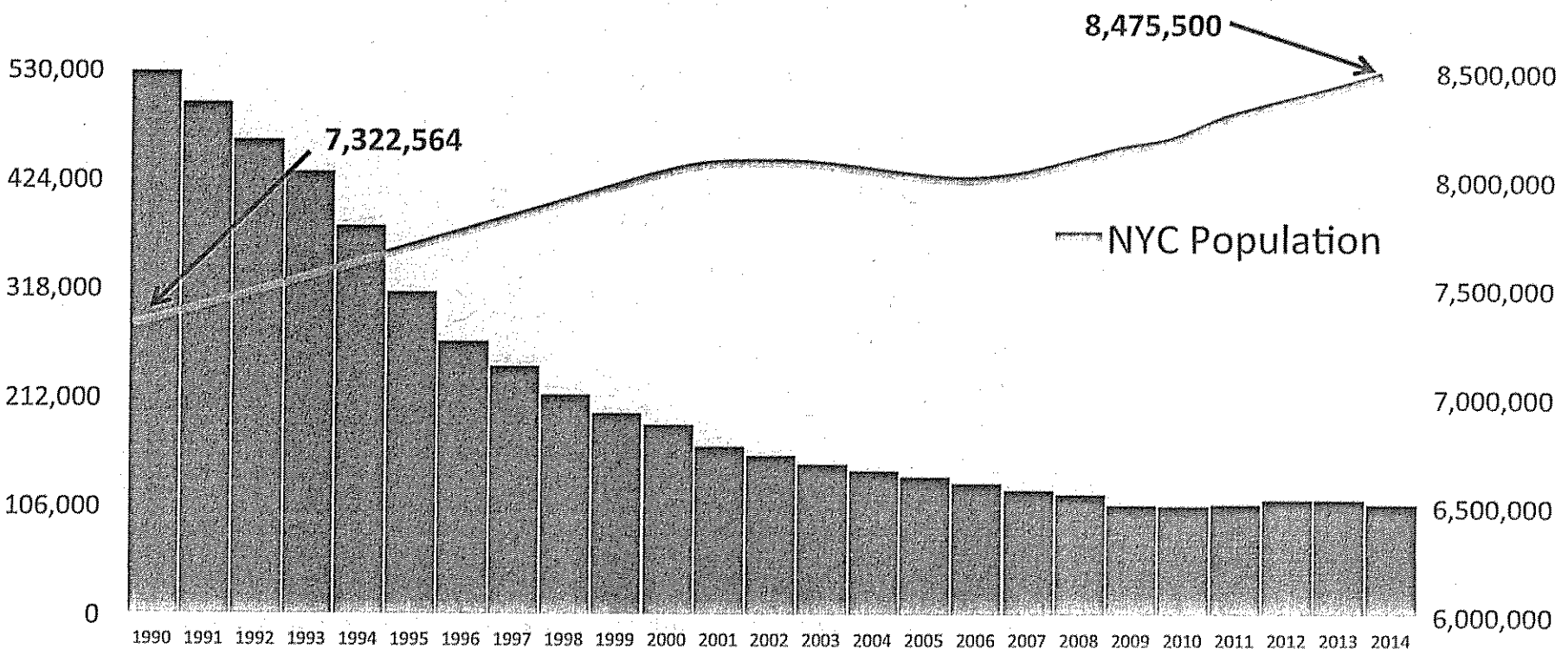
This coming year promises to be unlike any the Department has experienced. We have a lot of changes to face. Over the past 22 years, the NYPD has proven that safer is possible. It's now time to prove that fairer is possible, too. As public servants, it is incumbent on us, the police, to take the first steps, and the biggest steps. We also hope our partners in the community will meet us part way.

Thank you again for this opportunity to testify. At this point, I'd be happy to take your questions.

NYPD

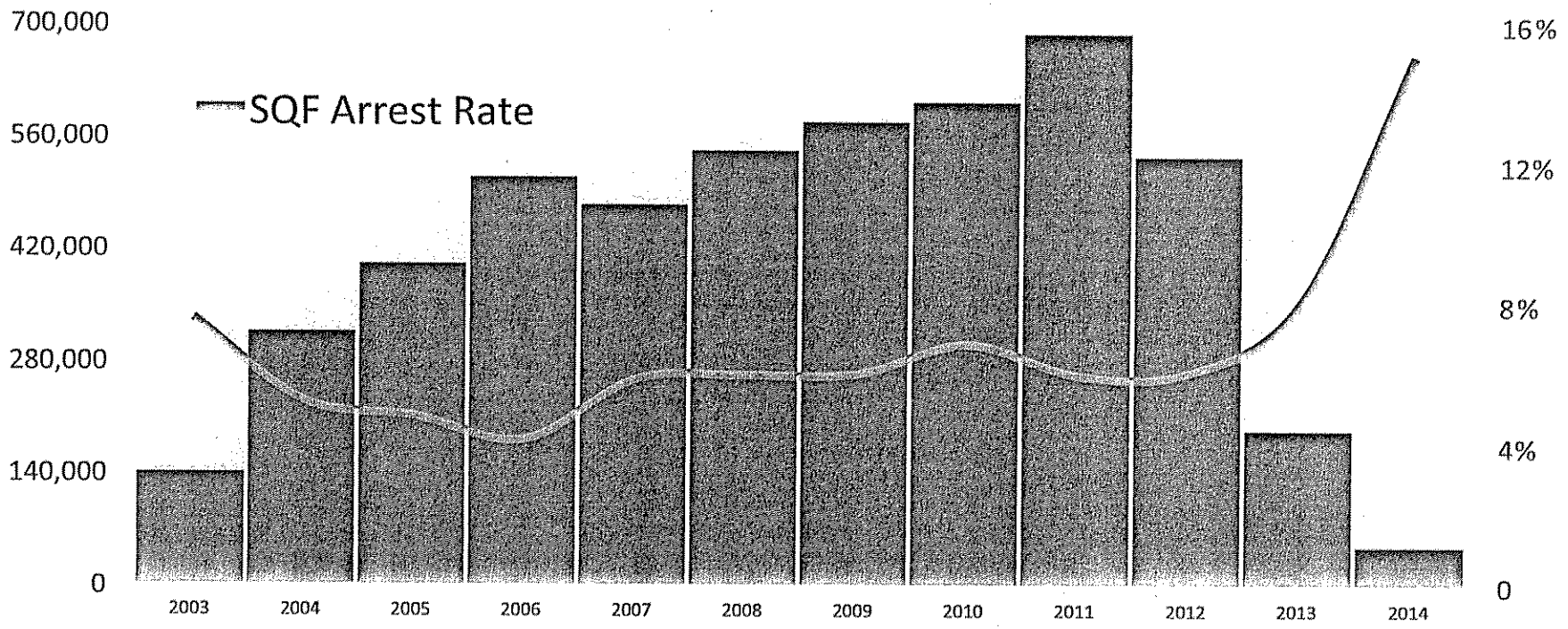
Crime in New York City 1990 – 2014

Since 1990, crime has decreased by 80%



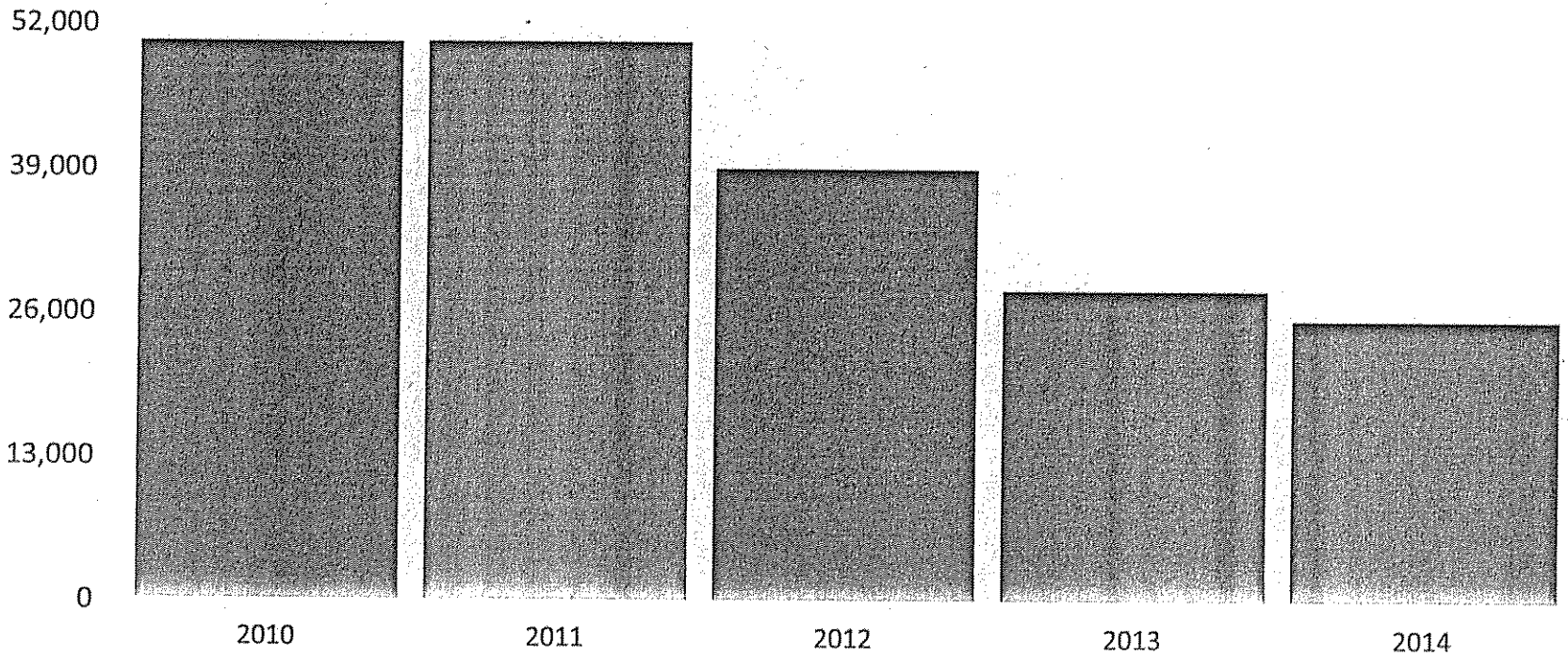
NYPD

SQF and SQF Arrest Rate 2003 - 2014



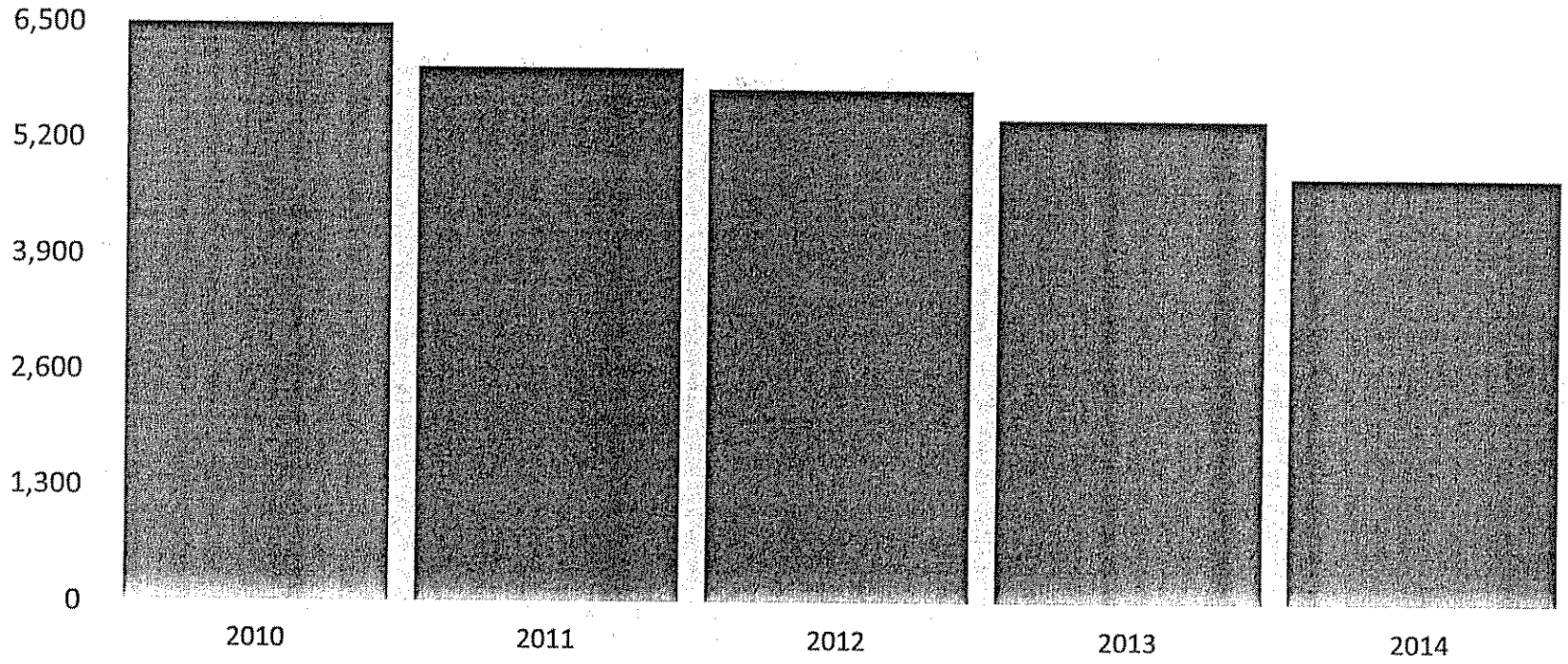
NYPD

Open View Marihuana Arrests 2010 – 2014



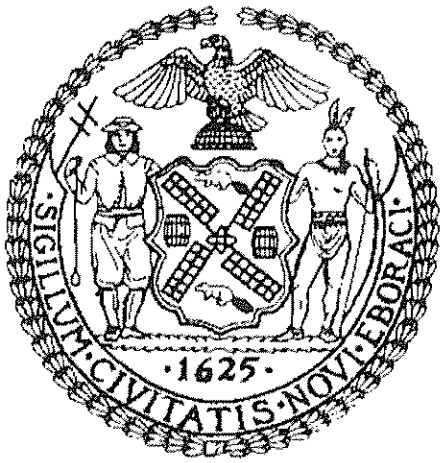
NYPD

CCRB Complaints 2010 - 2014



Office of the District Attorney
Bronx County

Fiscal Year 2016 Preliminary Budget



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

March 12, 2015

Robert T. Johnson, District Attorney

Table of Contents

FY16 BUDGET OVERVIEW 1

Other Than Personal Services Funding 3

Case Processing: Arrest-to-Arraignment 4

Crime Strategies & Case Enhancement Unit 6

CONTINUING INITIATIVES 8

Gun Violence 8

Gangs/Major Case 8

Domestic Violence 9

Child Abuse & Sex Crimes 9

Animal Cruelty 10

Narcotics 10

Specialized Courts & Programs 10

Financial Crimes, Misconduct & Fraud 11

DNA Prosecutions 12

Rikers Island 12

Vehicular Crimes: Supporting Public Safety 12

Community Programs 13

CRIME OVERVIEW 16

Increase in Arrests 16

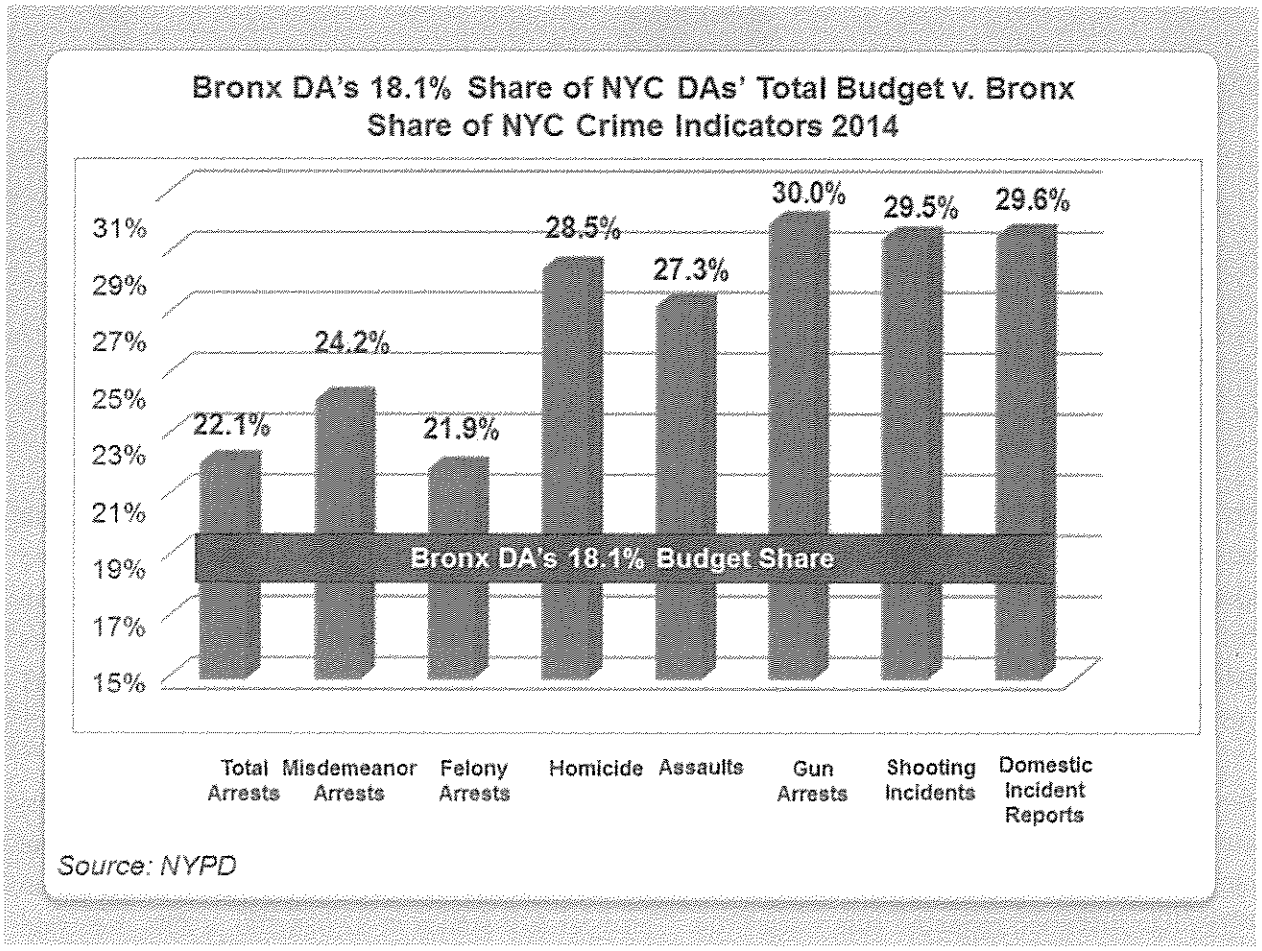
Decrease in Violent Crime & Homicides 17

Auto Theft Initiatives 18

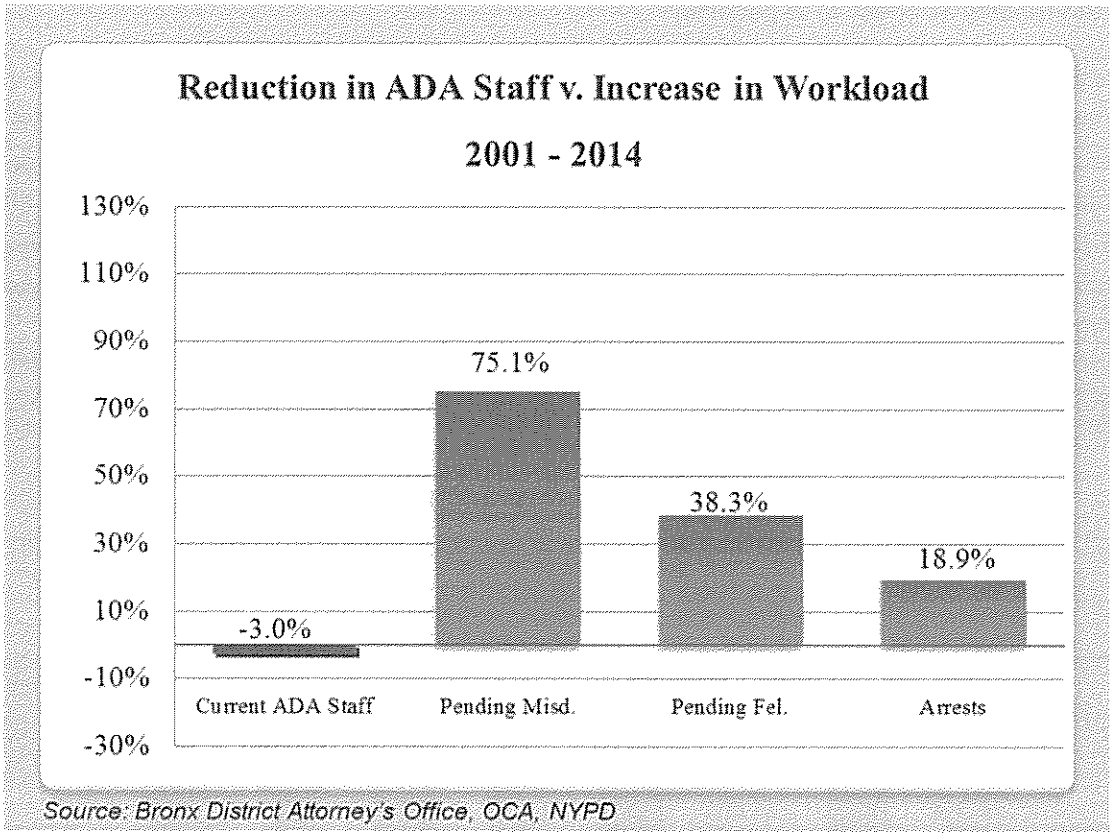
FY16 Budget Overview

The FY16 Financial Plan released on February 9, 2015, increases the Office's budget for the current fiscal year to $54.8 million. For the first time in twelve years, the Office has been able to restore staff to FY02 levels. At this time personal services funding is adequate to meet our basic operational needs and provides a stable platform for long-term planning and new initiatives. Accordingly, the Office would like to use this opportunity to highlight areas where the Council and Mayoral agencies can assist us in making this funding as effective as possible.

Bronx residents continue to suffer the highest per capita crime rates in NYC. With only 16.9% of the City's population, the Bronx experiences a disproportionate 24.2% of all misdemeanor arrests, 30% of all gun arrests and 29.6% of all Domestic Incident Reports. Although Bronx homicides remained under 100 for the second consecutive year, the 95 murders that occurred in 2014 represent a rate of 6.7 per 100,000 population, the highest per capita murder rate among New York's five counties. Last year the Bronx accounted for 29.5% of all shooting incidents. In summary, a disproportionate share of New York City's crime is committed in the Bronx (see chart below).



These crime statistics are reflected in dramatic caseload increases since 2001. Although arrests in Bronx County decreased slightly to 85,805 in 2014, they have risen by 18% since 2001. Pending cases have increased sharply since 2001, with felonies and misdemeanors up by 38% and 75%, respectively. In 2014, the NYPD issued 21,928 Desk Appearance Tickets (DATs), representing 22% of the citywide total. While recent court initiatives have lessened the backlog, long-term deficiencies in court resources contribute to the delays in bringing a case to trial or disposition. This puts justice for crime victims at risk and defendants at risk for lengthy pre-trial detention.



Source: Bronx District Attorney's Office, OCA, NYPD

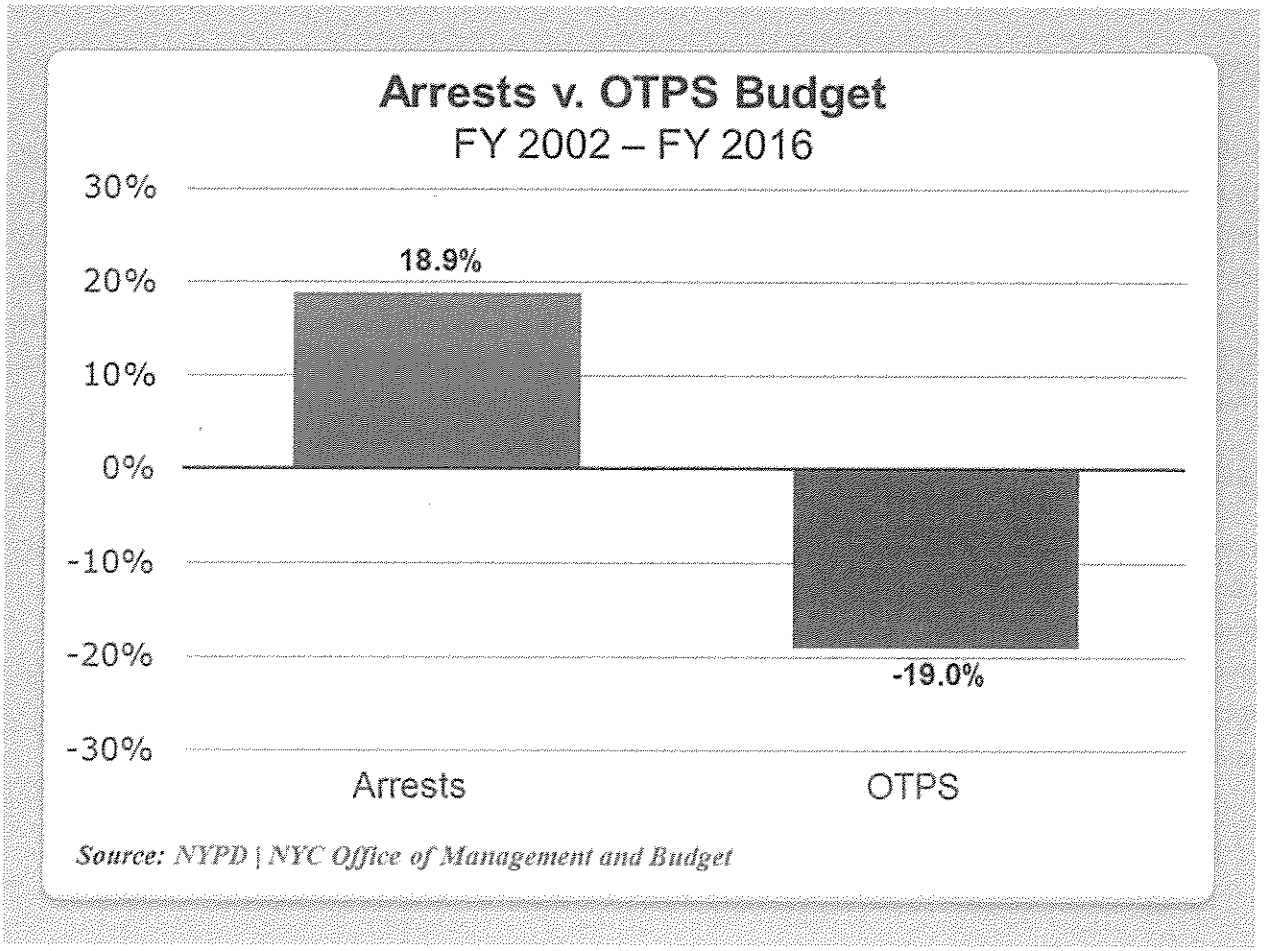
This Office is gratified by the baseline budget enhancements granted over the past year, which demonstrate a fresh recognition of the public safety challenges in Bronx County. Although increased labor costs have offset budget enhancements, allowing the Office to only restore staff lost through attrition over the past twelve years, efficiency improvements have allowed the Office to manage its caseload with strategic hiring and training. Essentially, the Office is managing a 2015 caseload with 2001 staff levels. This year, we plan to hire 35 new Assistant D.A.s.

Grant funding has stabilized, though at historically reduced levels. Among the more significant awards, Byrne JAG funding has fallen by half compared with its peak ten years ago, plunging from the initial grant of $678,506 in FFY05 to $332,263 in FFY14. Our principal support from NYS - Aid to Prosecution (ATP) - has sustained repeated cuts since FY04. This year ATP stands at $2,026,300, a 39% reduction compared with FY02. Given the shifting fiscal conditions at both the federal and state levels, significant new grant funding seems unlikely.

Other Than Personal Services (OTPS) Funding

While the proposed FY16 personal services allocation is adequate to the office's needs, the proposed OTPS allocation does not address a long history of reductions. Excluding Heat, Light, Power, and Rent (which is not part of our expense budget), the Office's proposed FY16 OTPS allocation will stand at $1.75 million, 19% below its level in FY02.

This sharp decline in OTPS funding has occurred over a period of steady price increases. The Consumer Price Index indicates that between 2002 and 2014, the cost of a representative basket of goods and services including airfare, gasoline, computer equipment and other goods and services used by this Office increased by 31.6%. Just to maintain the same buying power of our OTPS budget in FY02, when it stood at $2,188,836, the FY16 allocation would have to be increased to $2.88 million. At $1,774,952, the current proposal represents a loss of 38% of the buying power the Office had in FY02. The shortfall has forced the Office to transfer a total of $1.46 million from our PS to our OTPS appropriation during eleven of the last 14 fiscal years.



Although we continue to re-examine all areas of the Office for opportunities to economize, most of our OTPS expenses are non-discretionary. These basic operating costs include equipment, vehicle and IT

maintenance, office machine rentals, postage, legal reference materials, telephones, vehicle fuel and office supplies.

The OTPS allocation must also absorb case-related expenses. These include court transcripts, per diem interpreters, and the standard fees for expert witnesses, as well as the costly surveillance, computer, and communications equipment that case investigations often require.

The sophistication and expense of trial preparation continues to grow. Particularly in an age when popular television programs have raised juror expectations about evidence presentation – sometimes to unrealistic heights – effective prosecution requires advanced trial presentation tools, including video and audio enhancement equipment, and specialized software.

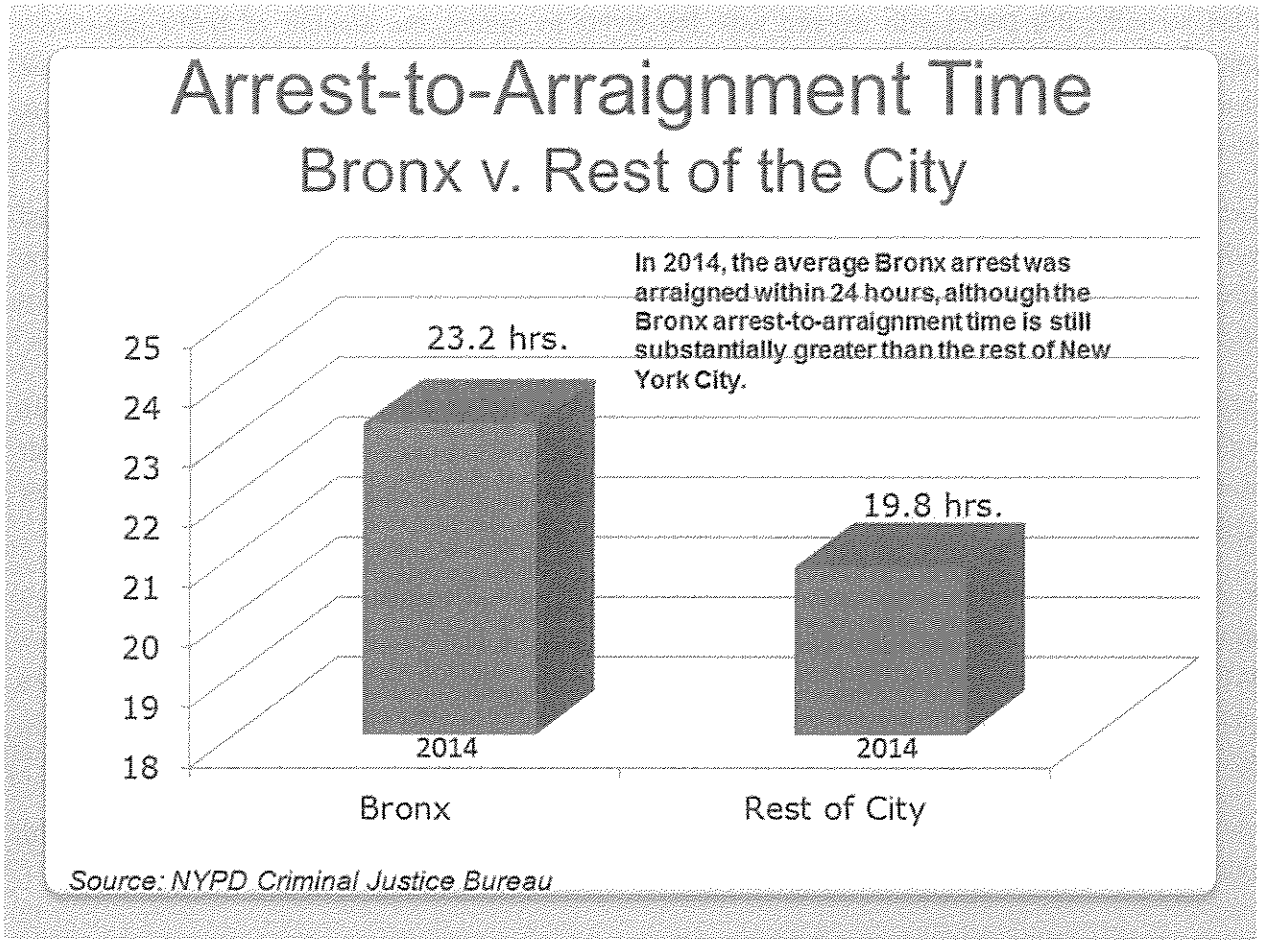
The Office also attempts to stretch its OTPS funds to help witnesses and crime victims, who frequently need protection, sometimes through immediate relocation. While funds supplied by the NY Prosecutors Training Institute (NYPTI) partially defray protection expenses, the additional support is insufficient to provide the maximum level of protection.

Areas of Concern

In the past the Office has highlighted areas in which additional funds are necessary to meet evolving public safety priorities. Although this year the Office does not request funding beyond our current allocations, we ask for the help of the Council and Mayoral agencies in two areas of concern. The critical lack of space in our facilities is an impediment both to further reducing arrest-to-arraignment times and to the full deployment of the newly funded Crime Strategies & Case Enhancement Unit ("Crime Lab" or CSCE). In addition, more judicial resources are required to extend this Office's efficiency gains in the arraignment process.

Case Processing: Arrest–to–Arraignment

In recent years this Office has worked closely with Mayoral agencies to bring arrest-to-arraignment time in Bronx County into compliance with the court-mandates. Approximately 37% of Bronx cases are not arraigned in under 24 hours, compared with a citywide average of 24%. In 2014, for the second consecutive year, the average time from a defendant's arrest to the completion of the arraignment process dipped below 24 hours. This last occurred in 2001. The average arrest-to-arraignment time in the Bronx declined 3.2% from 2013 to 2014, to 23.16 hours.



The arrest-to-arraignment process requires cooperation and careful coordination. Unlike agencies that have some ability to shape their caseloads and the level of public services they provide, each District Attorney's office must respond to every case brought before it, independently evaluating each arrest to determine if the person arrested should be charged, what charges should be brought, and whether the defendant should be held in custody or released.

This process requires this Office to interview police, obtain and review relevant documents and also to interview and provide appropriate support for victims and witnesses. If a crime is charged, Complaint Room staff must draft a legally sufficient accusatory instrument, evaluate the defendant's criminal history and present the relevant facts with an appropriate bail recommendation to the arraignment court.

During a series of meetings in recent years, the Office developed initiatives to reduce processing time. The centerpiece of these initiatives has been the Expedited Affidavit Program (EAP), which aims to increase efficiency principally by minimizing and standardizing the paperwork required for certain case types. EAP also shifts more of the preparatory work to police officers. While EAP operates in various configurations in other counties, this Office continues to work with the City to take full advantage of this system.

Most recently, this Office also worked with the NYPD to reduce the amount of NYPD paperwork required by the Complaint Room to ready a case for drafting. In addition, the Office has worked with the courts to streamline the video statement process to minimize case delays. These points of collaboration are an important start, but more needs to be done.

Further progress depends, in part, on additional space. For a half dozen years this Office has worked with MOCJ, OMB, DCAS and other agencies to open a new intake facility on the same floor as the current Complaint Room. By expanding both the capacity and efficiency to the Arrest-to-Arraignment process, these design changes are a critical aspect to this operation reaching its maximum effectiveness.

Through the years this process has been fraught with delays caused by unforeseen construction problems, changes in City personnel, and the repeated need to re-appropriate funding, among other issues. In the Bronx, arraignment parts are staffed seven days a week, and in session well after midnight.

In addition, more judicial resources are needed to ensure sustained improvement in Arrest-to-Arraignment times. In all counties but the Bronx, the Court staffs two full arraignment parts and one DAT part. The same resources in Bronx County would greatly benefit this Office in helping to reduce backlogs and delays. The same resources in Bronx County would greatly benefit this Office in helping to reduce backlogs and delays

Any assistance the Council and its agency partners can render to address these obstacles would be welcomed.

Crime Strategies & Case Enhancement Unit (CSCE)

Electronic evidence is a common feature of this Office's investigations. With the growth and broad availability of telephone, computer and video communication, there has been a vast increase in the labor required to collect evidence. An investigation may require hours of listening to the phone conversations of gang targets, Rikers inmates or illegal-cigarette traffickers. Street cameras and interior video monitors are essential tools for identifying suspects and defendants, but they also require hours of careful review. Similarly, it is routine to scan internet sites such as Facebook and other networking venues as part of case investigations involving fraud, prostitution, and drugs.

With the Council's support, last year OMB allocated funds to create a new "Crime Lab" to meet this Office's need for enhanced investigative technology and staff. The Office has made progress in developing the new facility. A CSCE Chief and an Assistant have been appointed and have attended forensic and other trainings, established relationships with federal agencies versed in crime analysis systems, and consulted primarily with the New York County District Attorney's Office on the technical and human resource requirements of a CSCE. This month the Office will interview its first group of Rikers Island call analysts, as well as a CSCE administrative coordinator.

Unfortunately, lack of space remains a critical impediment to fully deploying this unit. With DORIS's assistance, the removal of approximately 12,500 file cartons from our facilities will help ease space

pressures, but the CSCE's location must also meet several requirements that are not readily satisfied by our current space. These include space for over-sized work stations, ample electricity and consistent environmental control. This Office recently made a request through DCAS to locate space in the immediate area of the courthouses, and the request is now pending review by OMB.

We are eager to work with the Council, OMB, the Mayor's Office of Criminal Justice (MOCJ), and all other relevant City agencies to develop this unit over the coming year.

CONTINUING INITIATIVES

Gun Violence

Senseless gun violence continues to plague not just the Bronx, but all of New York City. All too often, gun violence threatens the safety and security of our borough's residents. Tragically, innocent bystanders often pay the price. BXDA conducted many high-profile, successful prosecutions in 2014, including those in which a rival gang fight beginning at Rikers and spilling out into Bronx streets ended in the shooting of an innocent bystander, a teen whose ordeal and survival became emblematic of the illegal gun problem. Other cases during the year involved a 57-count indictment charging nearly a dozen members of the Lyman Place Gang with murder and other crimes, and the murder conviction for the second time of a St. James Boys gangbanger who was first tried and convicted under the state antiterrorism statutes. That first conviction was overturned on appeal.

Cases involving gun violence are not limited to one Bureau alone, but can be found prosecuted by any number of them, but especially in the Gangs/Major Case Bureau, Narcotics, and the Trial Bureaus.

Programs conducted by the Bronx D.A.'s Office's Community Affairs Bureau (see page 13) seek to reach members of the community to help get unlicensed guns off the streets and give Bronx residents resources to make their neighborhoods safer: Operation Gun Halt, the Gun Buyback Program, and Operation Trigger Lock. In addition, the office holds monthly Probationer/Parolee Forums, in which recently released offenders hear from law enforcement, the D.A.'s office and representatives from providers of services that include Bronx Community Solutions and the Fortune Society. The parolees are informed as to the consequences of further re-offending using guns, and are also given resources to obtain jobs, housing, and deal with the obstacles of re-entering society and maintaining a crime-free life.

Gangs/Major Case

The issue of guns, gangs and street violence is often inextricably linked, and the prosecutions of these cases, as well as other major cases, takes place primarily under the auspices of the Bronx D.A.'s Gangs/Major Case Bureau. Often, the investigation of these cases is long and intricate, and enlists units from the NYPD, the US Attorney's Office, and other federal and local agencies. In 2014, cases handled by the Office involved the indictments and/or convictions of the St. James Boys, the Bloods, the Gorilla Stone Bloods, Gangland Bloods, the Mac Ballas, the Latin Kings, the Trinitarios, Latin King Goonies, Woodycrimes, Lyman Place Gang(LPG), Forest Over Everything (FOE), SFG 64 Goons, Six Wild, all gangs whose power is lessened with each prosecution.

Another unusual prosecution that began in 2014 under the auspices of the Gangs/Major Case Bureau was the murder of a young woman at the hands of her landlord, with whom she'd argued. This case represents what is believed to be the first-ever prosecution by this Office in which no body was found.

Domestic Violence

Domestic violence remains one of the Bronx's most disturbing crimes, and more pervasive in the Bronx than throughout the rest of the city. In 2014, there were more than 70,000 Domestic Incident Reports (DIR), which comprise 29.6% of the DIRs city-wide. In addition, our Office has processed 10,557 domestic violence arrests.

The emotional nature of domestic violence often makes these cases difficult to prosecute. Victims often, for a variety of complex reasons, either choose not to cooperate with police or prosecutors, or change their minds and refuse to testify at trial. The BXDA has increased its use of so-called "evidence-based" prosecutions – those cases that are based upon evidence other than the testimony of the victim. Such evidence includes the observations of other witnesses, photographs of the crime or its aftermath, "excited utterances" of the victim that are admissible as exceptions to the hearsay rule, and, of course, statements by the defendant.

But the increased use of evidence-based prosecution of domestic violence cases means that the number of cases that will be handled by the bureau has risen by at least 10% and is continuing to rise. While many victims continue in their relationships with their batterers, we are sending a strong message that domestic violence will not be tolerated.

Child Abuse/Sex Crimes

The Bronx District Attorney's Office Child Abuse/Sex Crimes Bureau (CAS) is tasked with the most sensitive of crimes – those involving children, and those involving sexual assaults. The Office prosecutes these crimes whether or not the victim knows his or her attacker. The Bronx District Attorney's Office not only prosecutes these crimes, but also makes available to victims a network of support both during and after the life of their cases.

Child Abuse Response Unit

The Bronx District Attorney's Child Abuse Response Unit (CARU), which is part of the Child Abuse/Sex Crimes Bureau, investigates alleged child abuse and serves as a liaison to partner agencies. CARU consists of two coordinating assistant district attorneys, a supervising case manager, four paralegals and two clerical associates.

CARU cases begin with a report through the NYS Central Registry of suspected child abuse or neglect. In 2014, the Bronx alone accounted for almost 15,000 reports, more than 30%, of the approximately 50,000 reports of suspected child abuse and neglect cases investigated in NYC.

Over the last several years, the Bronx DA's Office has participated in anywhere from 200 to 300 joint interviews per year. An assistant district attorney, usually the CARU Coordinator, participates in the joint interview cases. In 2015, with the establishment of the Bronx co-located CAC in February, the expectation is that the numbers for the Bronx DA's participation in joint interviews will double or triple.

Crime Victims Assistance Unit

The Bronx District Attorney's Crime Victims Assistance Unit (CVAU) provides comprehensive services not only to child abuse and sex crimes victims, but is especially equipped to handle the special needs of these individuals, ranging from information and referrals to individual and group therapy. There is a designated rape victims advocate, and of the approximately 8,000 crime victims a year served by CVAU, at least 200 victims of child abuse and sex crimes were aided in one of CVAU's five locations.

Animal Cruelty

Animal cruelty cases are generally handled by the BXDA's Arson/Auto/Economic Crime Bureau and charges range from misdemeanors to felonies under the New York State Agriculture and Markets Law. It has been well established that, sadly, animal cruelty is also associated with cruelty to humans, and that can be found in some of the cases prosecuted by the Bronx D.A.'s office. One of the most notorious pending cases is that of Ernesto Bailey, accused of beating a cat before setting it on fire.

Narcotics

Narcotics remain an issue for the Bronx, and all of New York City. Perhaps the most striking change in the way illegal drugs are prosecuted took place in 2014, when arrest policies were changed on low-level marijuana possession. That has somewhat reduced the numbers of cases coming in to Criminal Court. But the majority of cases continue to involve heroin and cocaine, and their trafficking, and during 2014 the Office had major success in bringing operations to a halt. The Bronx D.A.'s office has also made significant inroads with its alternatives to incarceration, and getting treatment for offenders in lieu of incarceration (when programs are successfully concluded), through our specialized courts in Part C and MICA/TASC, Judicial Diversion, and Veterans Court.

Among the cases tried this year involved an organized narcotics trafficking group that shuttled drugs from Puerto Rico to the streets of the Bronx, and a massive 38-defendant "La Perla" drug organization that was broken up with the sentencing of the last three participants to between 10 and 12 years behind bars.

Specialized Courts and Programs

This Office plays a key role in Bronx County's specialized courts and programs. There are currently a number of such specialized courts within the county. The Bronx District Attorney's Office has diverted defendants to drug treatment for many years and developed formal partnerships to do so in October 1992. As can be seen from the table below, in 2014 the Bronx District Attorney's Office diverted 605

defendants to treatment through the Drug Treatment Alternative to Prison (DTAP) and other programs. Veterans Court was established in 2013 to further assist former members of the military with additional programs to support their particular needs. Each veteran is paired with a mentor who is also a veteran and thus has a unique perspective.

Drug Treatment Enrollment, 1993 – 2014

PROGRAM	1993 - 2011	2012	2013	2014	TOTAL
DTAP	3,715	102	130	173	4,122
BX Treatment Court*	1,819	0	0	0	1,819
Mental Health Court	1,149	45	65	61	1,320
BX Treatment Misd. Court	1,246	42	6	0**	1,294
Other Residential	4,454	89	114	121	4,778
Other	2,685	85	156	159	2,085
Judicial Diversion***	352	251	236	91	930
TOTAL	15,420	614	707	605	17,384

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

*In 2009 the Bronx Treatment Court closed. Many of the cases formerly handled through this Court subsequently have been placed in drug treatment programs through Judicial Diversion.

**Following the "demerger" of the Bronx Criminal and Supreme courts in late 2012, OCA closed the misdemeanor treatment court due to a lack of demand for misdemeanor drug treatment. Some MICA (mentally ill chemical abuse) defendants arrested for misdemeanors may still be enrolled in treatment programs.

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

Financial Crimes, Misconduct & Fraud

Money and power were the motives behind many of the financial fraud and other similar cases handled by the BXDA's Arson/Auto/Economic Crime (AAEC), and Rackets Bureaus in the Investigations Division. From fake Viagra to fake election signatures and even fake Super Bowl tickets, many prosecutions took place in 2014. Often, this office partnered with agencies that included the NYPD, the US Postal Service, the Office of Special Narcotics, the NYS Department of Taxation & Finance, and even the NFL. In addition, the Bronx D.A.'s Office has just learned that it will be recognized by the NYS Department of Labor for its outstanding work in prosecuting Unemployment Insurance Fraud. In 2014, the AAEC prosecuted crimes that resulted in the return of nearly $200,000 in fraudulently unpaid money to the State, making the Office the second most successful in New York State.

DNA Prosecutions

DNA is the most rapidly expanding scientific forensic discipline in the courts, the laboratories and the precincts and the breadth of its dynamism is reflected in the DNA prosecutions impact on the trial bureaus, auto-crime prosecutions, and conviction-integrity convictions. While also responsible for its own investigations and cases, the DNA Prosecution Unit assists forensic investigation, prosecution, and litigation for every Bureau in the Office. The successful prosecution of serial sexual offenders and murders provides inestimable value to the victims, their families, their communities and public safety to all those who live and work in our city.

Rikers Island

Rikers Island, New York City's main correction facility, and the 2nd largest jail in the country, poses a particular challenge for the Bronx District Attorney's Office, and represents a unique drain on this office's resources. With the daily inmate population averaging between 11,000 and 12,000 and with nearly 78,000 annual admissions, the investigations and prosecutions consume a large share of BXDA resources. Although the inmate population at Rikers has decreased over the last several years, the number of arrests referred to BXDA and prosecuted by our office remains at consistent levels – nearly 900 arrests processed through our Complaint Room, with an average of some 60 ongoing investigations at any given time into assaults on staff or assaults on inmates. Rikers cases encompass everything from assaults on DOC staff (the office processed 485 inmate assaults on staff in 2014, 136 of which were felonies) to excessive use of force by Correction Officers, to sexual assault, suspicious inmate deaths, and contraband brought into the facilities. The investigation of a Rikers case, involving monitoring of the 24-hour reports, examination of video, witnesses, and inmate phone calls, is extensive, and uses the resources of not only the BXDA Rackets/Public Corruption Bureau, but also Intake and the Trial Bureaus. The new BXDA Crime Strategies Unit will soon be able to assist greatly in gathering evidence from Rikers video and monitored phone calls, and will help enhance cases across all the BXDA Bureaus.

Vehicular Crimes: Supporting Public Safety

Navigating our streets and highways has never been more challenging. From DUI to distracted, unlicensed, and unqualified drivers, it is the Bronx District Attorney's mission to help make our streets safe. The Vehicular Crimes Bureau's task is to investigate and prosecute traffic collisions, working closely with the NYPD Highway Patrol and all its precincts. Its Chief coordinates the NYC STOP DWI Task Force, which meets on a regular basis with NYPD, DOT, and district attorney offices city-wide. He also is the New York State Traffic Safety Resource Prosecutor, tasked with training prosecutors throughout the state and around the country.

Community Programs

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.

C.O.N.C.E.P.T. (Creating Opportunities Necessary to Create Empowered Positive Teens)

The C.O.N.C.E.P.T. program is life-skills curriculum that offers middle school children the opportunity to attain positive relationships with peers and authority figures, develop a realistic view of criminality and become better thinkers. During an eighteen-week course, students receive classroom-instruction, engage in constructive dialog/debate, and participate in diverse learning activities taught by qualified personnel from the Community Affairs Unit at the Office of the Bronx District Attorney. The strategy of the C.O.N.C.E.P.T. program is to promote positive thinking and create behavioral changes through a unique combination of practicing life skills pertaining to real circumstances, cooperative learning, constructive dialog, and role-playing. The topics of discussion are as follows: law, decision-making, conflict resolution, problem solving, peer pressure, cyber bullying, anger management, gang affiliation, unlawful weapons, violence, substance abuse, community awareness and goal setting. With continuous skills training and positive reinforcement, kids will more than likely exhibit constructive-behavioral skills in practical situations. The material and teaching method are appropriate for sixth-grade students. As a subsidiary of the curriculum, however, our office offers workshops for children of grade levels 4-12 and parents. The subject matter of these workshops correlates with the themes of the sixth-grade curriculum.

The demand for sessions is increasing. From January to December 2014, 3,606 participants (i.e., a combination of the 18-week sessions and student/adult workshops) took part in the program. So far, 510 participants (parents/students) have attended workshops during the period of January-March 2015. The number of requests for more workshops has consumed all of the Mondays on the calendar for March, April and May. In October 2014, the C.O.N.C.E.P.T. program was expanded into new territory. Our office collaborated with the New York Archdiocese in delivering the 18-week curriculum to the middle schools of the Catholic community. The trial period was very successful. Two hundred students from St. Ignatius, St. Luke's, Holy Family and Holy Cross participated in the program. Collectively, 250 students from Our Lady of Grace, St. Mary, St. John, and St. Gabriel are receiving the program. Plainly, the proliferation of workshops and classroom sessions within the public and Catholic school communities indicates a growing demand for the C.O.N.C.E.P.T. program.

We thank Council members Fernando Cabrera, Anabel Palma and former Council Member Helen Foster for their financial support and advocacy on behalf of the C.O.N.C.E.P.T. program.

Project JUMP

This mentoring program matches sophomores, juniors and seniors from the Law, Justice and Public Service Academy at Theodore Roosevelt High School with volunteers from the Bronx District Attorney's Office on a one-to-one basis. Students experience the work environment and learn about the functioning of the criminal justice system.

Youth Trial Advocacy Program (YTAP)

YTAP provides students with an opportunity to explore a career in law. Students from 11 Bronx high schools are divided into teams, and each team learns how to develop advocacy skills in a moot court competition. This program currently runs on a weekly basis from January through June.

The Adult Workshop Series

Monthly adult workshops provide the District Attorney's Office with an avenue to educate Bronx residents about various issues related to the criminal justice system. Recent workshops have been titled "After the Arrest," "You Be the Judge," "Safeguarding Your Child on the Internet," "Perspectives on Protecting Your Identity," "Gang Awareness," "Domestic Violence," "Knock-Offs: Theft of Intellectual Property" and "Sexual Assault." In an effort to bring the message to more people, during 2014, the Adult Workshop Series was taken on a "tour of the Bronx." Many of the workshops were done at community centers, community based organizations, homeowner associations and schools.

Read To Me

The Office of the Bronx District Attorney has partnered with the Marshall England Early Childhood Learning Centers to hold weekly reading sessions. Support staff and A.D.A.s volunteer each week to read storybooks to classrooms of children ranging in age from two to five-years-old.

Inter-Agency Initiatives

In realizing that crime prevention through education and outreach is not easily accomplished alone, the Office of the Bronx District Attorney has developed and maintained partnerships with other law-enforcement and government agencies to achieve our ultimate goal. Below is a list of examples where collaboration worked:

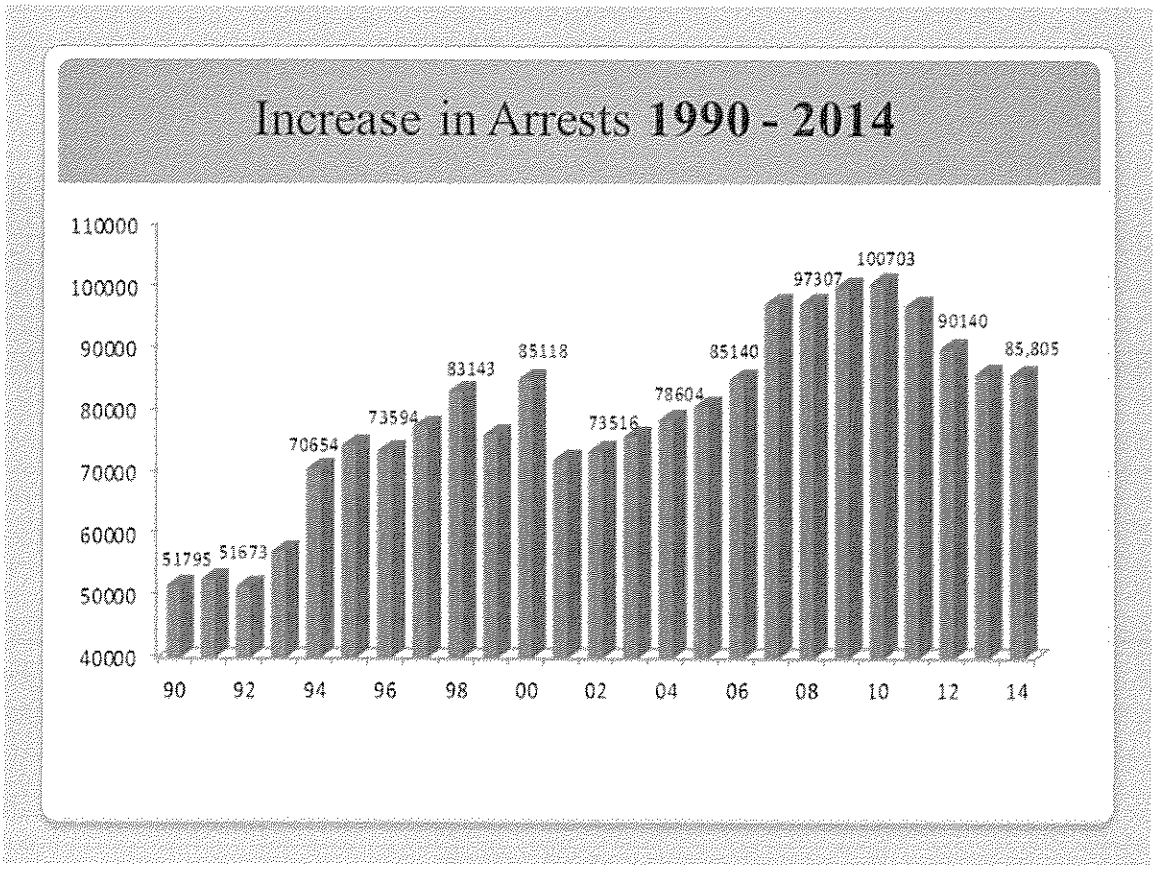
- **Gun Buy Back Programs** – Since 2009 this Office and NYPD have held five gun buy backs at Bronx faith based organizations. More than 2,700 guns have been taken off the streets because of this collaboration.
- **Youth Forums** - Youth Forums have been conducted at various NYCHA community centers in collaboration with the NYPD. Youths are engaged in interactive activities which foster open communication with law enforcement. However, by the beginning of the sessions, many show signs of resistance to being in such close proximity with law enforcement. However, at the end of the session participants are often happy to engage in deep discussion with the adults.
- **Operation Gun Halt** - This program is done in conjunction with the NYPD, the US Attorney's Office in the Southern District of New York, ATF, the Department of Corrections and Community Supervision, the Department of Probation and countless re-entry social service agencies. It is based on the Chicago "Cease Fire" model developed by Tracey Meares. The Bronx is one of five sites selected to run this program in target neighborhoods in New York State. The aim is to reduce gun violence by devising content specific strategies through the identification of offender target populations which are most involved in gun violence in the 40th Precinct. Recently released parolees and probationers are invited once a month to discuss alternatives available to them.

- **PAL Play Streets and Teen Impact Centers** - In collaboration with the NYPD and the Office of Special Narcotics Prosecutor, since 2010 there have been six major drug gang "take downs" in the 44th and 46th Precincts. In conjunction with these efforts, our Offices have collaborated with PAL to run summer play streets, CONCEPT during the fall semester and a Teen Impact Center in the spring at an area middle school that is an evening safe haven for teens close to the location of these "take downs." These initiatives are funded by asset forfeiture funds. In the 2011-12 school year the program operated in the 46th Precinct at IS 229. In 2013 it operated in the 46th Precinct, and last year it operated in the 44th Precinct at JHS 22.

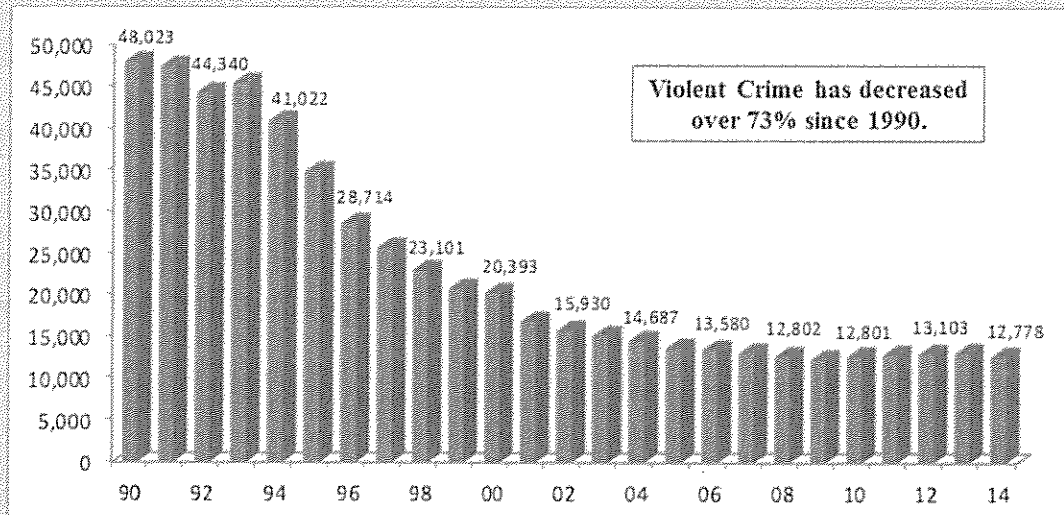
Crime Overview

Despite the overall decrease in violent crime, the Bronx suffers the highest rates of murder, rape, robbery, and felonious assault among the five counties comprising New York City. In 2014, the 95 murders in the Bronx constituted 29% of the citywide total. In addition, more than one in four of the City's felony assaults and nearly one in four robberies occurred in the Bronx.

With additional support from the Council, the proposed FY16 budget will enable us to continue the progress we have made since 1990 in reducing crime. Working with the NYPD to combat violent crime, this Office processed 85,805 arrests in 2014, contributing to a decline in crime in the Bronx.



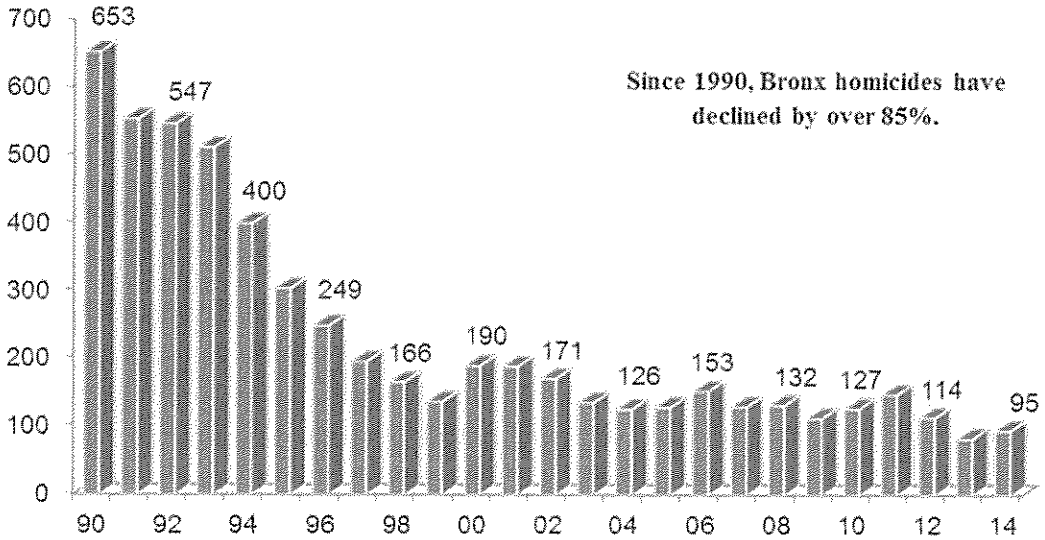
Violent Crime **1990 - 2014**



Source: New York City Police Department

Note: Violent Crime includes Murder, Rape, Robbery, Felonious Assault, and Burglary.

Decline in Homicides, 1990 - 2014

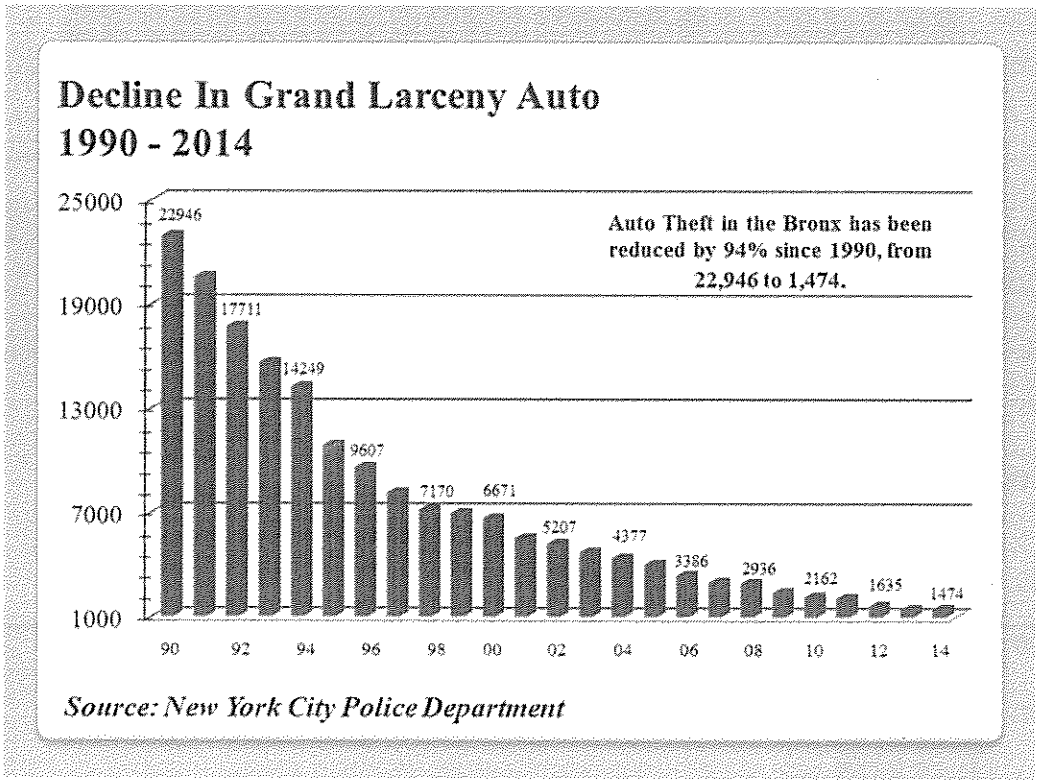


Source: New York City Police Department

Auto Theft Initiatives

The Office of the Bronx District Attorney has operated the Bronx Anti-Auto Theft Program since 1995. In 2014 this Office recovered 108 stolen vehicles (for return to their rightful owners). The Anti-Auto Theft program, which has been supported with resources provided by state grants, was designed to increase the number of successful prosecutions of defendants charged with grand larceny of a motor vehicle, criminal possession of stolen property, illegal possession of a vehicle identification number, auto stripping and/or unauthorized use of a vehicle. It was also expected to result in an increased number of stolen cars recovered pursuant to arrests made and/or search warrants executed.

Although the decline in auto theft has been dramatic (see graph below), in 2013 (the most recent statistics available) the Bronx had the third highest number of both auto thefts and cases of suspected automobile insurance fraud among all 62 counties in New York State.



The Bronx District Attorney's Office has owned bait cars for several years. In 2010 the Office received a legislative grant through State Senator Jeffrey Klein which provided funding to enable us to purchase two additional bait cars. Working jointly with precincts that experience an increase in car break-ins, the bait cars are positioned in high crime areas, with plainclothes police officers stationed nearby. After a suspect breaks into the car and removes property, the police move in to make an arrest. Break-ins in a given area are often committed by relatively few people. Removing these car thieves from the streets can greatly reduce a neighborhood's auto damage and petit larceny numbers. This Office continues to deploy bait cars around the county in an ongoing effort to reduce break-ins.

The Anti-Auto Theft program was expanded in 1999 to include night-time surveillance and investigations of auto-related crimes. In the last 12 years, we expanded the program to include document fraud and insurance fraud. This expansion was made possible through grants from the New York State Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) Board. Since September 2006, Bronx District Attorney's Office Detective Investigators have worked with the NYPD using a License Plate Reader (LPR). LPR technology uses specialized cameras and computers to quickly capture large numbers of license plates, convert them to text and compare them to a large list of plates of interest. LPR systems can identify a target plate within seconds of contact with it, allowing law enforcement to identify target vehicles that might otherwise be overlooked.

Despite its success, the State's fiscal crisis resulted in severe cuts to this program, reducing funding from $340,500 in 2008 to $273,000 in 2015, a decrease of 20%.

###

Creating
Opportunities
Necessary
Create
Empowered
Positive
Teens

OFFICE OF THE DISTRICT ATTORNEY,
BRONX COUNTY
Community Affairs Unit

198 East 161 Street,
Bronx, NY 10451
Phone: 718-590-2272

Helping our children reach the summit of their ambitions.

Program Description

What is C.O.N.C.E.P.T.?

The C.O.N.C.E.P.T. program is a life-skills curriculum that offers middle school children the opportunity to attain positive relationships with peers and authority figures, develop a realistic view of criminality and become better thinkers. These three objectives are accomplished by providing participants classroom-instruction, engaging students in constructive dialogue and diverse learning activities taught by personnel from the Community Affairs Unit at the Office of the Bronx District Attorney. During each lesson per week, students will work closely with their instructor, who serves as a mentor and encourages learners to emulate the following four skills of leadership:

- *Attain and maintain positive relationships*
- *Focus on the problem and not the person*
- *Take the initiative to make things better*
- *Lead by example*

Strategy and Methods

The strategy of this curriculum is to promote positive thinking and create behavioral changes through a unique combination of practicing life skills pertaining to real circumstances and cooperative learning. Every lesson implements the following four critical skill areas: personal, resiliency, resistance, and social. Students of C.O.N.C.E.P.T. have the chance to discuss the law, decision-making, conflict resolution, and problem-solving. In addition, participants converse about peer pressure, cyber bullying, anger management, gang affiliation, unlawful weapons, violence, substance abuse, community awareness and goal setting.

Theoretically, behaviorism is one who learns and continuously practices a new behavioral system until it becomes automatic. Cognitive learning is the thought process behind the behavior. With continuous skills training and positive reinforcement, kids will more than likely exhibit constructive-behavioral skills in practical situations. In order to achieve this goal, an instructor must use the engagement technique. This system motivates children to participate in class discussions and educational activities: "less chalk and talk." During each session, instructors ask open-ended questions and provide prompts to help students get started. A healthy debate questioning terms and ideologies help develop appropriate response strategies with students, which will increase student ownership. In this case, the instructor becomes a facilitator. As a facilitator, one must encourage critical thinking, offer constructive criticism, and develop assertiveness.

Grade Level

During early adolescence, children develop physically, cognitively, emotionally, socially, and behaviorally. These developmental adjustments raise a kid's interest in personal and social conditions. A child's social development, as well as the continuation of society, depends on the socialization process. It is a lifetime of social interaction through which people learn those elements of values that are necessary for effective participation in social life. Pre-adolescence the perfect time to engage children in a conversation about life's various transformations and decorum. With that in mind, the curriculum was written for grade six.

Strategic Objectives

- ❑ Students will:

1. Be proficient at identifying criminal behavior.
2. Fully understand the legal consequences of delinquency.
3. Be adept at avoiding dangerous situations.
4. Attain and sustain constructive relationships.
5. Fully understand and routinely practice *S.O.D.A.S.S. decision-making model:*

   - *Define the Situation.*
   - *Identify your Options.*
   - *Think of the potential Disadvantages of each option.*
   - *Think of the potential Advantages of each option.*
   - *Select the best option that will benefit you and others.*
   - *Skill*

Workshops

As a subsidiary component of the sixth-grade curriculum, the C.O.N.C.E.P.T program offers workshops for grade levels five, seven, eight, and high school. Parental sessions are available as well. The workshop themes are synonymous with the subjects of the sixth-grade curriculum. The material, strategies, and objectives, however, are different from the parent program.

Program Outline

Below is a summary of the eighteen-week course.

Schedule	Session	Aim
Week One	**Orientation:** *Welcome to C.O.N.C.E.P.T.*	• Introduction: the students will become familiar with the instructor • Complete a pre-course questionnaire • Discuss the behavioral agreement of the program & expectations of participation • Discuss program topics and objectives
Week Two	**Lesson One** **Making Healthy Choices:** *Problem Solving*	• Introduce term objectives • Compare & contrast independent & influential decisions • Learn & practice the S.O.D.A.S.S. decision-making model, i.e., Situation, Options, Disadvantages, Advantages, Selection, and Skill • Display a hypothetical situation and use the S.O.D.A.S.S. model to predetermine the pros and cons of that situation • Evaluate healthy & unhealthy choices using the S.O.D.A.S.S .model
Week Three	**Lesson Two** **Peer-Pressure:** *Part One* *"The Power of Influence"*	• Introduce term objectives • Recap of Making Healthy Choices • Define Influence (positive & negative) • Examine environments that influence behavior: Family, friends, peers, & media • Discuss the importance of recognizing positive & negative influences • Define & give examples of peer-pressure: intentional & unintentional
Week Four	**Lesson Three** **Peer-Pressure:** *Part Two* *"No means NO!"*	• Introduce term objectives • Recap of Peer-Pressure: Part One • Group Q & A • Define communication • Examine verbal & non-verbal communication • Define & give examples of assertiveness or confidence • Learn & demonstrate refusal skills
Week Five	**Lesson Four** **Bullying:** *Part One*	• Introduce term objectives • Recap of Peer-Pressure: Part Two • Define bullying • From a legal perspective, examine the following forms of bullying: taunting, physical aggression, cyber bullying, extortion, & intimidation • Learn how to differentiate between a bullying incident and a non-bullying incident • Become familiar with the following bullying indicators: Power differential, Aggression, Intentional & Numerous • Examine the five types of people in a bullying situation, i.e., bully, victim, instigator, bystander & ally

Week Six	**Lesson Five** **Bullying:** *Part Two*	• Introduce term objectives • Recap of Bullying: Part One • Group Q & A • Become familiar with the emotional and physical consequences of cyber bullying • Summarize all the material covered during lessons 4 & 5
Week Seven	**Lesson Six** **Internet Safety:** *Part One*	• Introduce term objectives • Recap of Bullying: Part Two • Define the Internet and explain its advantages and disadvantages • Identify and examine the behavior of a child predator • Discuss the ramifications of dangerous and inappropriate behavior online, i.e., cyber harassment, uploading or downloading sexually explicit pictures, & visiting harmful websites
Week Eight	**Lesson Seven** **Internet Safety:** *Part Two*	• Introduce term objectives • Recap of Internet Safety: Part One • Group Q & A • Learn online-preventative methods, i.e., come to understand the privacy settings • Become familiar with strategies that protect Internet users • Summarize all the material covered during lessons 6 & 7
Week Nine	**Lesson Eight** **Gang Awareness:** *Part One of Fact vs. Fiction*	• Introduce term objectives • Recap of Internet Safety: Part Two • Define gang • Compare and contrast an ordinary group and a street gang • Review the relationship between gang-behavior & criminality • Examine the ten facts of gang affiliation and the three consequences of joining a gang: physical/emotional, incarceration, & death
Week Ten	**Lesson Nine** **Gang Awareness:** *Part Two of Fact vs. Fiction*	• Introduce term objectives • Recap of Gang Awareness: Part One • Group Q & A • Learn how to identify & escape a gang member • Review & demonstrate the S.O.D.A.S.S. model • Summarize all the material covered during lessons 8 & 9
Week Eleven	**Lesson Ten** **Guns & Violence**: *Part One of Anger Management*	• Introduce term objectives • Recap of Gang Awareness: Part Two • Group Q & A • Examine the legal, emotional & physical consequences of violence • Become familiar with the precursor to violence • Learn the I.D.E.A. anger-management model: Identify what is causing the irritation, detect the visible signs of anger, elect an anger-control technique, & act on it

Week Twelve	**Lesson Eleven** **Guns & Violence:** *Part Two* *Conflict Resolution*	• Introduce term objectives • Recap of Guns & Violence: Part One • Group Q & A • Define the conflict and examine methods of conflict resolution • Demonstrate conflict resolution during chaotic situations and moments of conflict • Summarize all the material covered during lessons 10 & 11
Week Thirteen	**Lesson Twelve** **Substance Abuse**: *Part One* *"The immediate and long-term effects of substance abuse"*	• Introduce term objectives • Recap of Guns & Violence: Part Two • Discuss the reasons why people abuse drugs, alcohol, & smoke tobacco • Examine the legal consequences of minors possessing and abusing illegal substances • Define stimulant & depressant • Examine the immediate and long-term effects of abusing marijuana, chemical drugs **(i.e., "Molly," "Crystal Meth," & "Crack")**, OTC **(i.e., Over the counter medication)**, & prescription drugs **(Video analysis and talking points)**
Week Fourteen	**Lesson Thirteen** **Substance Abuse:** *Part Two* *"The immediate and long-term effects of substance abuse"*	• Introduce term objectives • Recap of Substance Abuse: Part One • Group Q & A • Study the immediate and long-term effects of smoking and chewing tobacco • Examine the short and long-term effects of alcoholism • Summarize all the material covered during lessons 12 & 13
Week Fifteen	**Lesson Fourteen** **Community Pride** *"Snitching vs. Reporting*	• Introduce term objectives • Recap of Substance Abuse: Part Two • Define snitch & reporting • Differentiate between snitching and reporting a crime • Discuss the importance of reporting a crime • Learn how to keep the neighborhood safe • Group Q & A activity
Week Sixteen	**Lesson Fifteen** **Setting Goals**	• *Introduce term objectives* • *Recap of Community Pride* • *Define a goal* • *Differentiate between a plan and a goal* • *Differentiate between a short and long-term goal* • *Understand the difference between attainable and unattainable objectives* • *Learn how create a plan*

Week Seventeen	**Lesson Sixteen** **Rewind:** *"Let's recap what we've learned."*	• Introduce term objectives • Review segments of vital points of each lessons (Group activity) • Summarize and conclude the objective of the program
Week Eighteen	**Conclusion**	• Fill out the post-course questionnaire • Hand out certificate of completion to students • Ask questions & share comments

The maximum number of classes and students per group is six and 25-30 students per class.

Pre & Post-Course Questionnaire

As a requirement of the C.O.N.C.E.P.T. program, students must complete a questionnaire before and after the eighteen-week course. This following survey is a tool that administrators use to measure the student's knowledge and retention of theories, methods, and program material.

C.O.N.C.E.P.T. *Student Questionnaire*

☐ Male ☐ Female Grade_____ Class No. _____ ☐ Pre-course ☐ Post-course

MY PERCEPTION OF DECISION-MAKING AND SETTING GOALS	Yes	No	Not Sure
(1) When making a decision, it is important to think about the *negative* and *positive consequences* of each *option*.	☐	☐	☐
(2) In order to accomplish a goal, I must have a plan.	☐	☐	☐

MY PERCEPTION OF GANGS	Yes	No	Not Sure
(3) Joining a street gang could *harm* my future.	☐	☐	☐
(4) Street gangs *fight*, *kill*, *sell drugs*, and *steal property*.	☐	☐	☐

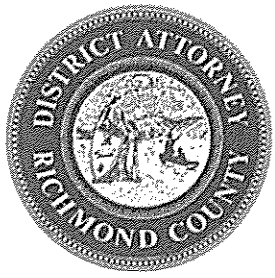
MY PERCEPTION OF ILLEGAL WEAPONS AND VIOLENCE	Yes	No	Not Sure
(5) A police officer can arrest you for *illegally* carrying a *blade*, *gun*, or *any object* that can harm a person.	☐	☐	☐

(6)	*Fighting* is a crime.	☐	☐	☐

MY PERCEPTION OF DRUGS, ALCOHOL, AND TOBACCO		Yes	No	Not Sure
(7)	Using drugs *without* a *medical reason* is drug abuse.	☐	☐	☐
(8)	Abusing drugs, tobacco, and alcohol causes *harmful effects* to the body.	☐	☐	☐
(9)	A police officer can arrest a person for *illegally carrying*, *selling*, or *using* drugs.	☐	☐	☐

MY PERCEPTION OF VANDALISM, INTERNET SAFEFTY, BULLYING, AND COMMUNITY AWARENESS		Yes	No	Not Sure
(10)	A police officer can arrest a person for *writing graffiti* on public or private property.	☐	☐	☐
(11)	Downloading or uploading *a naked picture* of a child is a crime.	☐	☐	☐
(12)	*Bullying* is a crime.	☐	☐	☐
(13)	*Reporting a crime* is *snitching*.	☐	☐	☐

For further information about the C.O.N.C.E.P.T. program, contact Program Director, Robert W. Spencer or Program Coordinator, Cristina Calderon at (718) 590-2272 or send an e-mail to spencerr@bronxda.nyc.gov, or Calderonc@bronxda.nyc.gov. Thank you for your time.



RICHMOND COUNTY DISTRICT ATTORNEY

Daniel M. Donovan, Jr.
District Attorney

FISCAL YEAR 2016
CITY COUNCIL PRELIMINARY
BUDGET HEARINGS

March 12, 2015

OFFICE OF THE RICHMOND COUNTY DISTRICT ATTORNEY

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

Good afternoon and thank you for the opportunity to address the Committee on Public Safety regarding the Fiscal Year 2016 Preliminary Budget. Today I would like to discuss with you an area that remains a major concern for my office. I would also like to bring to your attention the need for funding for a new initiative and for an unfunded mandate that my office now faces. Listed below are those issues that need to be addressed. One issue is a direct plea to you for continued funding. The other requests are for your advocacy regarding my additional funding needs.

DRUG TREATMENT COURT

The Treatment Alternatives for Safer Communities (TASC) is a very successful alternative to incarceration program that performs required drug tests for defendants and manages most of the cases for Staten Island Drug Treatment Court. The TASC program in my borough is once again unfunded beginning July 1, 2015 and will be in jeopardy of closing.

Our drug treatment court places non-violent, addicted criminals into treatment instead of jail. This not only allows for the greater possibility of rehabilitating these individuals, but results in significant cost savings for the City of New York. TASC keeps track of the progress of these defendants by performing drug tests, follow-up interviews and monitoring court appearances. In 2014, TASC conducted 3,746 drug tests for the Staten Island Drug Treatment Court. Additionally, 182 defendants referred to Staten Island TASC were screened to determine eligibility for diversion resulting in 167 new defendants being diverted from jail or prison into community-based treatment programs to address their behavioral health issues and were placed under TASC case management. Fifty-six percent (56%) of the clients identified an opiate as their primary substance. Staten Island TASC managed an average active caseload of 200 participants throughout the year and with the guidance of TASC's case management services, 94 defendants successfully completed in 2014.

Four years ago, the Education and Assistance Corporation (EAC) Network, the organization that operates TASC on Staten Island, proposed to shut down the program. The EAC Network suffered a cut in State funding and decided to simply eliminate the program on Staten Island to absorb the reduction. The decision by the EAC Network was not without controversy since similar programs it operated in Brooklyn, Queens and the Bronx continued to be funded and remained open. Further complicating the problem was that the City Council had traditionally allocated $1 million to cover TASC funding

shortfalls in those other boroughs, but none of that money was ever earmarked for Staten Island. After considering the potential consequences from letting TASC close, the City Council provided $250,000 in the FY 2012, FY 2013, FY 2014 and FY 2015 Adopted Budgets to keep the program operating. I would like to once again thank the current and former Council Members who were responsible for allocating these funds. However, we are once again at a crossroad since the FY 2015 funds were allocated for the current fiscal year only.

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

Allowing TASC to shut down the Staten Island program will undoubtedly have negative repercussions as recidivism rates among addicted offenders are certain to rise. Prescription drug abuse is a national epidemic. According to an earlier New York City Health Department study released, Staten Island has the highest rate of prescription drug overdose deaths in the five boroughs, at 7.4 per 100,000 people. Additionally, 11.2% of Staten Island students between 7th and 12th grade have admitted to abusing prescription opiates - higher than any other borough. Based on City data, three of the City's top five neighborhoods for prescription drug overdoses are in Staten Island. And the problem doesn't end with prescription pills as trends show that some young adults are moving onto heroin for a cheaper, but more dangerous high. What's even more alarming is the heroin overdoses in the City increased by 71% between 2010 and 2013, to the highest level since 2006, after years of steady decline, according to *RxStat*, a report compiled by former Mayor Bloomberg's *Task Force on Prescription Painkiller Abuse*. We simply cannot afford to lose a program as vital as TASC or this epidemic will undoubtedly grow even worse.

Furthermore, the difference in expenses associated with treatment versus incarceration is startling. Incarcerating a prisoner in a City jail costs $76,000 per year. Conversely, inpatient program costs for individuals are $20,000 per year and shrinks even further to $7,500 per year in an outpatient program. Perhaps even more significant is that the City does not bear any treatment costs since these are paid for by the defendant's family, Medicaid or private insurance. Putting this in perspective, the $250,000 investment made by the City Council allowed 94 individuals to successfully complete Staten Island Drug Treatment Court programs in 2014, which saved the City $6.4 million.

The statistics alone regarding overdose deaths and abuse rates are alarming enough to justify keeping this program open, but each year the threat of a shutdown continues because of the State funding reduction initiated three years ago. The City Council has recognized this every time I have asked for their monetary assistance and has provided

the funding to keep the program running seamlessly. Staten Island has been operating one of the most successful Drug Treatment Court programs in New York State for several years now; one that is also a cost savings initiative. When considering these dramatically high numbers, along with the savings to the City of New York, closing this program makes absolutely no sense.

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

NEW NEEDS FUNDINGS REQUESTS

Funds are needed in order to address two major areas of concern: the first is related to a new initiative and the second is to support an additional court part associated with the imminent opening of a new courthouse on Staten Island.

ASSET FORFEITURE UNIT

The Office of the Richmond County District Attorney (RCDA) has never had a dedicated unit to specialize in the investigation and prosecution of Asset Forfeiture and other financial crime cases. In my office, asset forfeiture has traditionally been a byproduct of a seizure and an arrest. Cash and/ or property are seized from defendants as the result of an arrest or investigation, not as the main focus of the investigation. When I first took office in January 2004, I discovered that RCDA had a long history of not requiring convicted defendants to forfeit their ill-gotten gains. In fact, when my Chief Assistant District Attorney attended the regular working group meeting of the New York City District Attorneys' Offices' forfeiture prosecutors, he was told that this was the very first time an attorney from the RCDA had ever attended such a meeting.

Shortly thereafter, I assigned an Assistant District Attorney (ADA), and as part of her duties to ensure that, at the very least, vouchered monies seized convicted defendants were forfeited. Still, at this time, because of the shortage of personnel, my office does not have any prosecutors working full time on asset forfeiture cases. This is true even though we believe that there is much "low hanging fruit" that could and should be seized pursuant to the forfeiture laws. We believe this to be true because of the recent success that we have experienced with our Crimes Against Revenue Program (CARP), a grant funded initiative that combats financial crimes that wrongfully deprives New York State of tax and other revenues. The program generates revenue owed to the State through effective investigation and prosecution efforts. According to the New York State Division of Criminal Justice Services (DCJS), RCDA has been the top producer in cumulative revenue among the participating counties for the 2011 through 2013 period, recording a 387% return on investment. We have been able to accomplish this because the grant has provided my office with funds to dedicate staff to focus solely on CARP crimes. Because

of our success with this program, I strongly believe that a staff dedicated to focusing on asset forfeiture, will achieve similar results.

Numerous District Attorneys' offices now engage in a more proactive approach by identifying and developing financial criminal cases. This can be accomplished by dedicating a team to analyze existing cases for potential seizures and forfeitures, as well as analyzing *Bank Secrecy Act* data using suspicious activity reports and the Financial Crimes Enforcement Network (FINCEN). FINCEN, in particular, can reveal information about individuals who may be committing financial fraud crimes; individuals who would otherwise be cheating the system without ever being brought to justice.

For this to work properly, I need to hire two ADAs who have lengthy experience in investigating and prosecuting asset forfeiture cases in both the federal and state venues. Additionally, a forensic accountant (consultant) will be needed to assist in collaborating with the ADAs in the investigation and prosecution of these cases by gathering and examining materials that may have potential to be presented as evidence, preparing visual aids to support trial evidence, assisting in legal proceedings, including testifying as an expert witness for related cases. The Asset Forfeiture Unit will possess expertise in all types of financial fraud crimes with the goal of increasing asset forfeiture, as well as other types of proceeds that may be potentially eligible for the City Revenue Agreement. A funding request has been submitted to OMB for the initiative which will cost $211,700 on an annual basis.

NEW COURT PART STAFFING

The second request is related to an unfunded mandate my office is facing. Funding is needed to staff a new court part which is being added to coincide with the opening of a new courthouse on Staten Island. Currently, Criminal Court has two court parts. The addition of a third court part is going to result in cases being presented to a judge in a more expeditious timeframe. In order to staff the new court part and be ready to handle an accelerated trial schedule, the Office of Court Administration (OCA) will be providing a new judge, additional clerks, court reporters, a law secretary and court officers. Since RCDA is mandated to do the same, it will be necessary to add two ADAs, and two criminal court clerks.

Please understand that I eagerly await the opening of the courthouse and I fully support the added court part. Staten Island has deserved this for quite a long time. However, my office does need the additional resources to address the accelerated workload that will be occurring from this unfunded mandate. A request for annual funds in the amount of $214,966 was also submitted to OMB and is pending approval.

CONCLUSION

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

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.

Richard A. Brown
District Attorney

City Council Budget Presentation

Office of the Queens County District Attorney

Fiscal Year 2016

March 12, 2015

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

MEMORANDUM

March 12, 2015

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 2016 Preliminary Budget**

Thank you for the opportunity to appear before you to provide an overview of our office's operations and to discuss with you the Mayor's Preliminary Budget for Fiscal Year 2016.

We know that you all recognize the important role that New York City's prosecutors play in the criminal justice system both in ensuring accountability of offenders and in critical community-based crime prevention initiatives. We very much look forward to working with you and your colleagues in addressing the important public safety issues that we face in our communities. And we look to you for your support in furthering these efforts and ensuring that we have the necessary resources to meet our community's needs. Working with you, we are hopeful that we can make significant progress in achieving those goals while we also continue the process this year of re-building our operations in the aftermath of close to a decade of historic budget reductions.

* * * *

First, let me begin with a brief overview of our office.

I. Overview

The Queens County District Attorney's Office is among the busiest metropolitan prosecutors' offices in the nation and an office that I believe, it is fair to say, has the respect of our law enforcement colleagues and the confidence of the 2.3 million residents of Queens County whom we represent. We are an office very much committed to doing everything in our power to make certain

that the innocent are never wrongfully convicted, that only appropriate charges based on the evidence are filed against the guilty and that justice is done with respect to each and every one of the cases that we handle.

* * * *

I continue to be extremely proud of those with whom we work -- men and women who work extremely hard, ofttimes on nights and weekends to keep our county a safe place in which to live and work. Significantly, over 50% of our assistants have been with us over 10 years. We make every effort, as well, to ensure that our attorneys, along with our investigators, secretaries, paralegals and other support staff are representative of the extraordinary diversity of our county -- indeed, the most diverse in the nation.

* * * *

2014 was another eventful year for us in which we prosecuted many high profile cases, completed many significant long term investigations and handled our growing caseload efficiently and effectively, while making significant progress in our efforts to address criminal activity in our county and improve the quality of life for those who live and work here. Additional detail on all of this work, and more, is provided in the materials we provided you today.

Overall, we have seen great success and much has changed since the early 90's when I first took office. Since 1993, index crimes in all categories have dramatically declined, with murders down 76.7%, rapes down 47.4%, robberies down 80.5%, felony assaults down 39.7%, burglaries down 81.6%, and grand larcenies down 48.5%. Our auto theft numbers are also impressive – with a reduction in reported car thefts in Queens County from a high of 52,000 in the early 90's to fewer than 2600 last year. And, significantly, we had 64 homicides last year -- a far cry from the 361 homicides that we had in 1991.

Last year we handled over 77,000 criminal prosecutions resulting from arrests made by our police officers. We continue to take particular pride in the expeditious fashion in which we process our cases. Queens County again last year had the best arrest to arraignment time in the City -- 18.03 hours, compared to the Citywide average of 20.50. Our arrest to sworn time was also impressive -- 8.47 hours in Queens compared to 9.98 Citywide. We had the highest percentage of cases arraigned within 24 hours, arraigning over 85.70% of our defendants within 24 hours, compared to the citywide average of 76.04%. That means that those accused of crime in Queens spend as little time as possible in detention before they see a judge -- and that we get our police officers back out on the street more quickly to do their jobs rather than having them hanging out in courthouse corridors.

Our Domestic Violence Bureau has the highest conviction rate in the City, the lowest dismissal rate, and takes more pre-indictment felony pleas than the rest of the City combined. And we remain aggressive in assisting police as they develop their cases. Last year, for example, our

office drafted over 1,100 search warrants and our assistants attended and supervised more than 350 lineups in police precincts across the county. We also continue to be a national leader in the number of court-authorized wiretaps that we do – with Queens County reporting the third largest number of wiretaps (171) in the entire country, representing 8% of the national total.

* * * *

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

Through our **Investigations Division**, we maintain an extraordinarily active investigations effort overall, helping to dismantle criminal enterprises preying on Queens communities in a wide array of areas, including violent gun trafficking, drug gang activity, prostitution and sex trafficking rings, organized crime, narcotics trafficking, gang violence, insurance fraud, crime at our airports, credit card fraud, identity theft, money laundering, amongst all sorts of other types of criminal activity.

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

* * * *

Our **Legal Affairs Division** provides legal guidance and training to assistants throughout our office, defends our convictions in our state and federal courts, and responds to a vast array of post-conviction motions and proceedings. Our Appeals Bureau appears in our state and federal courts on a regular basis, arguing some of the most significant cases in the State and the nation.

Our **Trial Division** oversees the vast majority of our office's prosecutions from the thousands of misdemeanors that we handle to felony gun cases, burglaries, robberies, gang violence, narcotics, and the prosecution of career criminals. Our **Major Crimes Division**, including our Homicide Investigations and Homicide Trials Bureaus, our Domestic Violence Bureau and our Special Victims Bureau, handles prosecutions of some of our community's most serious crimes, including homicides, sexual assaults, domestic violence, child physical and sexual abuse, and crimes against

the elderly. The assistants assigned to both of these Divisions bring to their work great skill and talent, extraordinary dedication, compassion and sensitivity for crime victims and their families. And our plea policy -- which severely limits post indictment plea bargaining -- has allowed us to engage in meaningful plea discussions with the defense bar early on.

And we continue to make a concerted effort to get involved in our cases as early in the process as possible. From the outset we have placed great emphasis on an extensive "riding" program which puts our assistants at all sorts of crime scenes early in the case and this continues today. And we are out in the hospitals and in the homes of victims at all hours of the day and night -- responding to reports of criminal activity in the County at the earliest possible stage of a case.

* * * *

Our **Special Prosecutions Division** works closely with communities in addressing quality of life issues and oversees a significant number of crime prevention and community outreach programs, attending all of our precinct council and community board meetings; providing speakers for schools, community groups and town hall meetings; and coordinating our many advisory councils, amongst so much more.

A major focus of Special Prosecutions continues to be its work with young people, with one of its premier programs, our **StarTrack** youth anti-violence, anti-drug and crime prevention initiative, teaming Queens District Attorney's staff with teachers, police and other partners in conducting bi-monthly sessions in targeted schools on the Rockaway peninsula for over 1000 10 to 17 year-old-students. As a complement to the school-based program, assigned staff also participate in a community-based Inter-Agency Council, composed of Queens District Attorney's Office staff, teachers, students, parents, school officials, community leaders and elected officials focused on gang and gun violence and substance abuse problems in the community with an eye toward developing effective preventative measures. Our office also hosts an annual "Say No to Violence Week" during the school year for students in the STAR Track schools with the aim of furthering the anti-drug and violence message that is presented in regular classroom presentations, culminating in a yearly "Say No to Violence" Week tennis event at Flushing Meadow Park for about 1000 of our students. In the summer months Special Prosecutions also operates two companion programs, "Operation Summer Fun", a recreational program for Far Rockaway youth (ages 10 to 17), and the Summer Youth Employment Program for Far Rockaway teenagers (ages 14 to 17).

* * * *

II. Specialized Initiatives

In addition to all of the foregoing initiatives, our office has also long been at the cutting edge of taking on new responsibilities and developing new and innovative initiatives.

Along those lines, I am proud to say that, with the help of some new baselined funding added by the Mayor and the Council this past year, we were recently able to create a new **Office of Immigrant Affairs**, with dedicated multi-lingual staffing of attorneys, investigators and paralegals. This new program will assist members of Queens County's numerous immigrant communities in navigating and accessing the criminal justice system. We will focus on the many cases we see annually in which members of our immigrant communities are victimized -- both by crimes of violence and crimes of financial exploitation -- to provide better coordination and enhanced handling of these prosecutions. We also will begin enhancing what already is an active and ongoing community outreach to better ensure that our immigrant populations are aware of available services and to encourage victims to come forward, reach out for help, and access services without fear of reprisal or retaliation.

I am particularly pleased that, with your budgetary assistance, we were able to put this important new program together. I believe this is a critically important addition to our ongoing outreach to our diverse constituency -- with 47 percent of Queens County's population of 2.3 million foreign born and with nearly 140 different languages spoken here. As we move ahead, I look forward to working closely with all of you to ensure the program's success and continued enhancement.

In addition to this newest initiative, we also operate a broad array of other innovative programs. Our alternative sentencing and community programs, for example, include our felony and misdemeanor Drug Treatment Courts, our Mental Health Court, as well as a Court which responds to the needs of our returning veterans.

Our Queens DWI Treatment Court, which handles cases involving driving while intoxicated charges, was the first of its kind in New York City. The court and our program provides a successful alternative to prison for first time felony DWI offenders -- with offenders receiving intensive substance abuse treatment leading to an extremely low rate of recidivism. To add even more teeth to our efforts, we work to ensure that felony DWI defendants who take treatment court pleas in Queens County are also required to wear a SCRAM monitoring bracelet for a minimum of 90 days which assures that the defendant complies with all court-ordered conditions. Our office also in recent years has taken on the responsibility of serving as the Citywide Ignition Interlock monitor to assist in ensuring that important safety-related court conditions in driving while intoxicated cases are complied with citywide.

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

In the area of domestic violence, our Queens Family Justice Center offers a host of services and support to victims of domestic violence and their families. Our Domestic Violence Bureau, with a dedicated team of attorneys, paralegals and investigators, has been located in the Center since it opened in 2008, together with close to twenty City and non-profit agencies that offer counseling and support services in one safe, comfortable and user friendly location. All this, we hope, makes it easier for victims of domestic violence to get the support and assistance that they need in a welcoming, sensitive, multi-lingual and multi-cultural environment.

Our Office also operates a Child Advocacy Center, through a collaborative effort of this office, NYPD, Safe Horizon, the Administration for Children's Services and the NorthShore/LIJ Health System's Cohen Children's Medical Center of New York. The Center, of which we are very proud, provides comprehensive services to victims of child physical and sexual abuse and their families, with the goal of assisting victims through offering counseling, police, prosecutorial, child welfare, and medical services in one child friendly location. Hundreds of joint interviews are now conducted each year at the Center, sparing physically or sexually abused children from numerous traumatic interviews by multiple agencies. Children and families in crises are guided to appropriate counseling and treatment services and strong cases are built for criminal prosecution with minimal trauma to abused children.

And we have also continued to be very active in our ongoing efforts to combat human trafficking and internet crimes against children. Our office was the first to obtain a conviction in the State under New York's new human trafficking statute back in December, 2009, and the first to work with the courts in establishing a specialized court, which is now a model statewide, for these sensitive cases. And since that time we have continued aggressive efforts in this serious area, using both the human trafficking and existing "promoting prostitution" statutes to prosecute pimps, particularly those who utilize underage girls. Along these lines, we continued to lead the State in the number of prosecutions under the promoting prostitution statutes.

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

* * * *

But now let me turn to our current fiscal situation and some of the other exciting things we have been able to do to date with some of the monies you added to our budget this past year.

III. Current Fiscal Overview and New FY15 Efforts

By way of background, as you know, over the past decade all six prosecutors offices here today sustained a long series of significant budget reductions on the City, State, and Federal levels. In Queens, we took an extraordinary loss of $11.7 million in City baselined funding alone over that time -- or close to 25% of our operating budget -- and this was compounded by the reduction or elimination of other federal and state funding streams. As a result, over time, we were forced to greatly reduce staffing and curtail specialized programs, including many community-based initiatives, to simply maintain our core functions including case intake, hearings, and trials. At the same time, we restricted salaries and lost pace with colleague offices. And we cut OTPS to the bone, along the way slowing our pace of growth in critical technology and software development areas despite increasing demand.

The good news is that, with your efforts and the support of the Mayor's Office, we were gratified to see the tide begin to change with the infusion of new initiative monies in recent years, including $2.9 million dollars in baselined funding added to our budget in Fiscal Year 2015. These monies, I am happy to say, have helped us greatly to begin the process of moving forward, adding staff, and re-building our operations.

First, as I outlined above, we were enabled to begin a new and active **Immigrant Affairs** effort. We also were able to accomplish a host of other enhancements this past year. We were able, for example, to increase staffing to address the specialized area of vehicular crimes -- including vehicular homicides and vehicular assaults involving serious physical injury -- with the effort's overall focus to collaborate with the Citywide Vision Zero policy and Vision Zero partners, including NYPD, the New York City Department of Transportation, the New York City Taxi and Limousine Commission, and New York City's Department of Education, Health, and Aging, as well as the New York City Mayor's Office for People with Disabilities.

We were able to use available monies to add to staffing dedicated to both investigations and prosecutions of gang violence matters to better ensure accountability of offenders. We enhanced staffing devoted to community-based youth violence prevention and youth empowerment initiatives -- with still more to come. We were able to begin addressing long-term staffing needs in the economic crimes area as well -- where we continue to see steady increases in many areas including identity theft, skimmer- based ATM thefts, credit card frauds, revenue crimes, financial exploitation crimes targeting the elderly, and many others. This additional staffing has allowed for an improved coordinated team effort of investigators, attorneys, paralegals, accountants and analysts to conduct needed interviews, gather documentary evidence, identify potential patterns of activity, and gather and analyze financial and real estate records and filings.

For our Appeals Bureau in the Legal Affairs Division, the new monies have allowed us to increase the number of experienced attorneys available to meet the demands of increased caseloads, 440 motions, and FOIL and civil litigation matters. We were able to begin increasing the number of Rackets Investigators assigned to our Office's Detective Squad and we increased fiscal analytical

staffing for office-wide needs.

We also began the process of enhancing this Office's ongoing crime analysis effort. I am happy to say that we always have been active in following and responding to changing trends. I run, for example, status meetings three times a week with my senior staff and Division Bureau staff to keep abreast of ongoing matters and to discern patterns and crime trends. We do regular community outreach, including attendance at community forums and monthly precinct council meetings. We have an active information sharing and intelligence gathering effort with fellow law enforcement offices and specialized staff to respond to major crime and index crime areas to better coordinate with police and to keep track of COMPSTAT trends. And we are in regular communication with the State's Division of Criminal Justice Services on crime statistics and trends regionally and statewide.

To support all of these efforts, this year the Office has been busy enhancing its comprehensive Case Tracking and Management System that allows assigned staff to obtain critical case-specific case data in real time; flag precincts, locations, crime categories, or re-arrests, for automatic e-mail alerts to assigned staff; and better track emerging crime trends. We are also shortly implementing GeoMapping office-wide to allow for mapping of precinct and sector-specific data over a selected period of time and facilitate the identification of crime "hotspots".

* * * *

There are many other projects currently underway as well and we have begun to use available monies to better harness technology in the aid of our ongoing investigations and prosecutions and bring us into the 21st Century. We are currently exploring options for comprehensive court presentation technology and equipment sorely needed to provide courts and jurors with more professional and clearer charts, diagrams, maps, crime scene photos videos, audios, and other presentations using wireless technology, including tablets, central LED display monitors for the courtrooms, digital presenters, wireless headphones, blu-ray players, and speakers, amongst other items. We are working on an off-site disaster recovery Data Center to have secure back-up of our data and computerized operations in the event of a natural disaster such as Hurricane Sandy. And we are grappling with the growing issues of record storage and the preservation of digital evidence.

And perhaps most importantly, we are in the process of identifying needed software and hardware and interviewing potential candidates to build and staff a new Cyber-Crime forensic laboratory. This new projected facility will have the capacity to conduct the forensic examinations of cell phone, computer, video and audio evidence that has become increasingly prevalent in our cases -- whether it be felony assaults, burglaries, robberies, narcotics and gun trafficking, internet crimes targeting children, and many other offenses. The ability to address all of these issues and access and preserve evidence from these devices and sites is growing in importance in order to both track emerging crime patterns and to build the strongest possible investigations and prosecutions. We believe that the addition of a basic forensic laboratory capability and of specialized staffing assigned to the proposed initiative will enable QDA to handle an increased volume of referrals; take a more proactive approach to cyber-crime cases through investigations and sting operations; and greatly strengthen our existing efforts and collaboration in the handling of electronic evidence going

forward.

* * * *

Beyond the foregoing, however, we continue to adjust and add to our efforts as crime trends change and new needs emerge. That said, we still have a long way to go and very much need your continued help and support in getting the resources we need to move forward.

First, even with recent infusions of monies, we still, as a result of years of budget reductions, very much need your help to stabilize both our OTPS and PS budgets going forward. And overriding everything for us is a long-standing and critical problem with lack of available space in our existing office facilities. As outlined below, because of sheer lack of office space, we are essentially blocked from adding more staff members to move forward with additional innovations; to further enhance our crime analysis or technology efforts; to further build upon our economic crime effort; or to expand our new Immigration Affairs initiative. And, perhaps most troubling, we simply are blocked from going ahead with all of our plans and hires for a critically needed Cyber-Crime laboratory -- although all indicators are that this area is perhaps the most actively growing and emerging crime trend. We very much need your help in this regard as well.

IV. New Needs

So, as noted above, the following new needs have emerged:

A. Facilities
Additional Rent Monies Requested: $920,000

By way of background, the Office of the Queens County District Attorney has long experienced a significant problem with office space. With current legal staffing over eight times the size of that existing when its main office facility was built in the mid 1950's, the District Attorney's office has long since outgrown the space allotted to it. Over the years, various options have been utilized to deal with the overflow and overcrowding problem – including doubling, tripling, and quadrupling office staff assignments and locating large numbers of staff off-site in various facilities provided by the court system, the Queens Borough President's Office and privately rented office space. The results have, however, been grossly inadequate. Overcrowding in the office has prevented adequate provision of individual office space allotments, witness reception and waiting areas, private interview space, filing and record room facilities and conference, and training rooms. Because of the overcrowded conditions, nearly two thirds of the District Attorney's staff is now located off-site, creating severe logistical problems for staff.

Indeed, even with the efforts made to date, total square footage provided to the QDA for existing staff with QDA staff and outside agency personnel is about **90,000** square feet behind where we should be based on prevailing standards.

Compounding the problem is the need to re-build our operations and add to staffing to address emerging trends. In a nutshell, we currently and simply do not have the office space needed to alleviate our overcrowding or to house these additional hires. Nor do we have available space for critical new facilities such as a new Cyber-Crime forensic laboratory and a new Crime Analysis/ Intelligence Gathering effort. So addressing the critical need of the District Attorney's office for a modern, consolidated and comprehensive physical plant at this time is now a top priority for us, as a result. We believe that obtaining sorely needed additional office space will allow Queens to continue the momentum of progress begun this year and we very much look forward to your help in furthering that cause.

For a long term solution, we continue to explore with the City the possibility of taking over and renovating the vacant Queens House of Detention space with an estimated 110,000 square feet of space contiguous to our office's main facility within the court complex at 125-01 Queens Boulevard. The facility, adjoining the courthouse and abutting our existing offices in the courthouse complex, was closed in 2002 and has remained empty since that time.

For us, it makes only good sense to renovate the Queens House and convert it into office space for my staff. This solution, long-term, will allow for staff who work directly in the courthouse each day to be housed in a central location immediately adjacent to that courthouse. In the long run, converting the Queens House of Detention makes sense and it would make our office much more efficient.

However, while discussions on the House of Detention remain ongoing, we also critically need an interim solution and through the City's expediting additional rental space at this time. With this additional space, we anticipate relocating some of our staff to alleviate overcrowding of existing staff; to consolidate Trial Division staff near the courthouse; to expand the number of and space available for investigators assigned to this Office's Detective Squad; and to provide additional space for location of a new intelligence gathering/data analysis effort, a new Cyber-Crime lab, and for expansion of our economic crimes investigation and prosecution efforts. The overall goal would be **to add at this time about half of the 90,000 square feet** we calculate to be needed long term so we have requested that DCAS **procure 52,500** square feet of rental space at this time to address the most severe of overcrowding and new planned facilities issues.

Even at half the space we are entitled to long term, however, we currently are estimating a **shortfall** in available rental monies of close to **$920,000** for short term additional rental costs. We, therefore, request your help in addressing our short-term shortfall and space needs, as well as our long-term need for a comprehensive, consolidated facility.

B. OTPS and PS New Needs
OTPS Monies Requested: $1,150,000
PS Monies Requested: $910,000

Compounding the rent shortfall issue is the need to stabilize both our PS and OTPS budgets

for Fiscal Year 2016 and beyond. Our PS and OTPS problems developed over time in response to both rising costs, a series of new unfunded needs in past years and the impact of the long series of budget reductions we sustained in the decade after 9/11. As a result, regular and recurring expenses that are indispensable to sustaining office operations were supported year to year by non-baselined funding -- such as City revenue plan monies, which fluctuate from year to year -- and are now unfunded by predictable funding streams from the City.

On the OTPS side, these include a wide variety of expenses, including computer supplies, hardware and software maintenance, telecommunications, office services, etc. as well as new needs in the technology area. As a result, we are requesting $1,150,000 in baselined OTPS budget monies and ask for your assistance in addressing this important need as well.

Similarly, the long term impact of the cuts we sustained has left us with a baselined need of $910,000 in Personal Services monies beginning in FY16. Accordingly, we are requesting new needs funding for that amount as well.

By way of background, while with recent restorations we have been able to begin re-building and replace headcount directed toward new initiatives, our structural deficit that emerged over time for core mission assignments was simply not addressed. In the area of overtime alone, costs have spiked with total overtime costs increasing overall by 85% since FY05. As a result, we are severely underfunded and now have a projected shortfall of $360,000 for this area alone.

In addition we have long been unfunded in additional expenses we took on to keep our arrest to arraignment and arrest to sworn time low – with costs of about $550,000 annually that our office incurs to assign additional attorneys and support staff at peak hours never budgeted. While our office was able to absorb these costs in the past with end of year budget leftovers, we do not anticipate the ability to fill that gap from Fiscal Year 2016 and forward and are projecting a new need in this category of expense as well.

We once again request your assistance in addressing these critical needs and stabilizing our operating budgets.

* * * *

And so I very much look forward to working with you and your staffs in addressing these needs and furthering our efforts. I believe that it is extremely important to do so. As I have said many times before, the District Attorneys are key partners in the criminal justice system along with police, probation and the courts. And we must work collaboratively to ensure that each of our offices is given the criminal justice and public safety dollars that we need to do our jobs to maintain and advance the efficiency and effectiveness of the entire system.

Again, I thank you for the opportunity to be here today. I very much appreciate your listening

to our needs and am committed to working with you in addressing our City's public safety issues.

STATISTICS

Index Crime in Queens has Dropped Dramatically Since 1993

Source: N.Y.P.D. Compstat Year End Report 2014

Crimes	1993	2014	Percentage Reduction
Murder	275	64	76.7%
Rape	549	289	47.4%
Robbery	16,775	3,265	80.5%
Felony Assaults	6,600	3,988	39.7%
Burglary	23,725	4,371	81.6%
Grand Larceny	16,250	8,359	48.5%

Index Crimes Continued to Decrease

- In 2014 index crime in Queens dropped by 5.0%.
- Robberies, Rapes, Burglaries, and Grand Larcenies decreased between 2013 and 2014.

Source: N.Y.P.D. Compstat Year End Report 2014

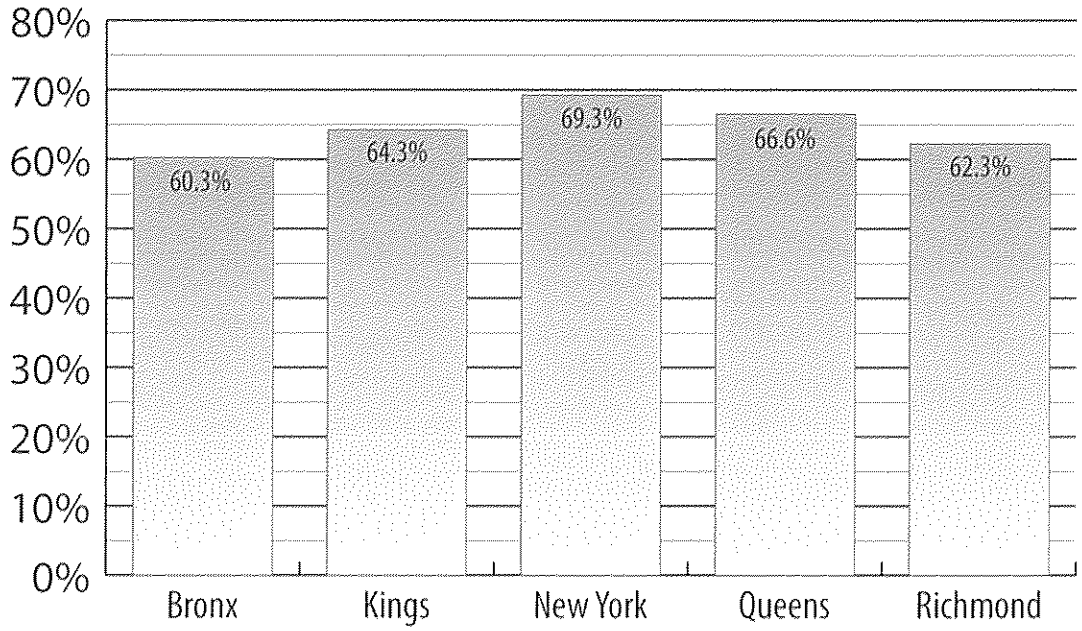
Aggressively Fighting Violent Crime

- Queens arrested 22.4% of the City's violent felons.
- Queens indicted 18.6% of the City's violent felons.
- Queens convicted 23.0% of the City's violent felons.
- Queens sent 13.9% of the City's violent felons to prison.

Source: State of New York Division Of Criminal Justice Services 2014

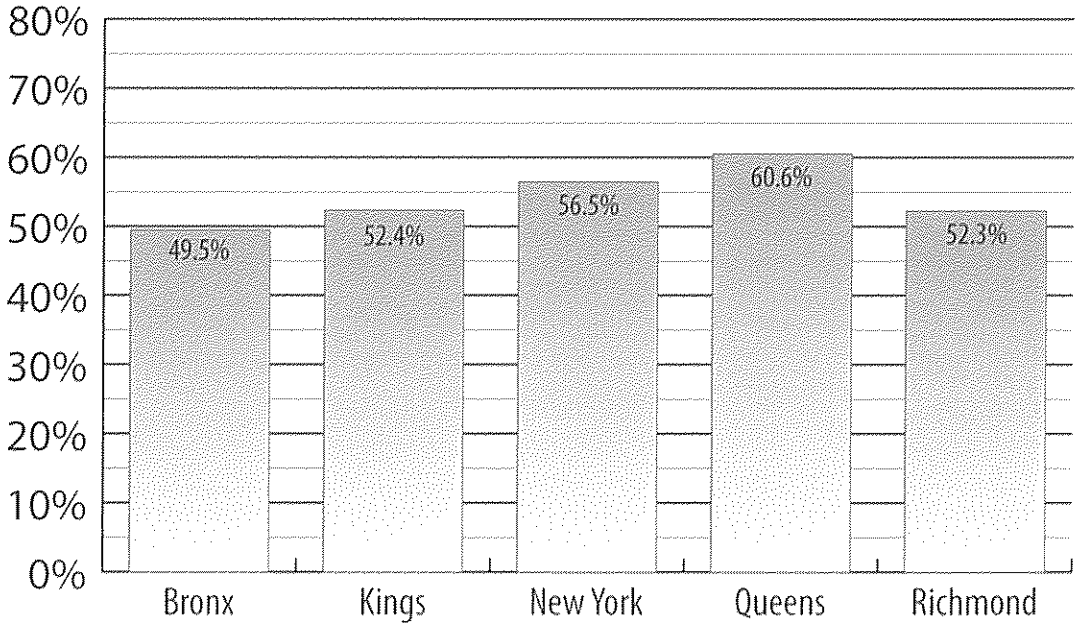
Statistics- Conviction Rates for Felony & Violent Felony Arrests

Conviction Rates for Felony Arrests



Source: Division of Criminal Justice Services
Does not include decline to prosecute or arrest consolidation cases

Conviction Rates for Violent Felony Arrests



Source: Division of Criminal Justice Services
Does not include decline to prosecute or arrest consolidation cases

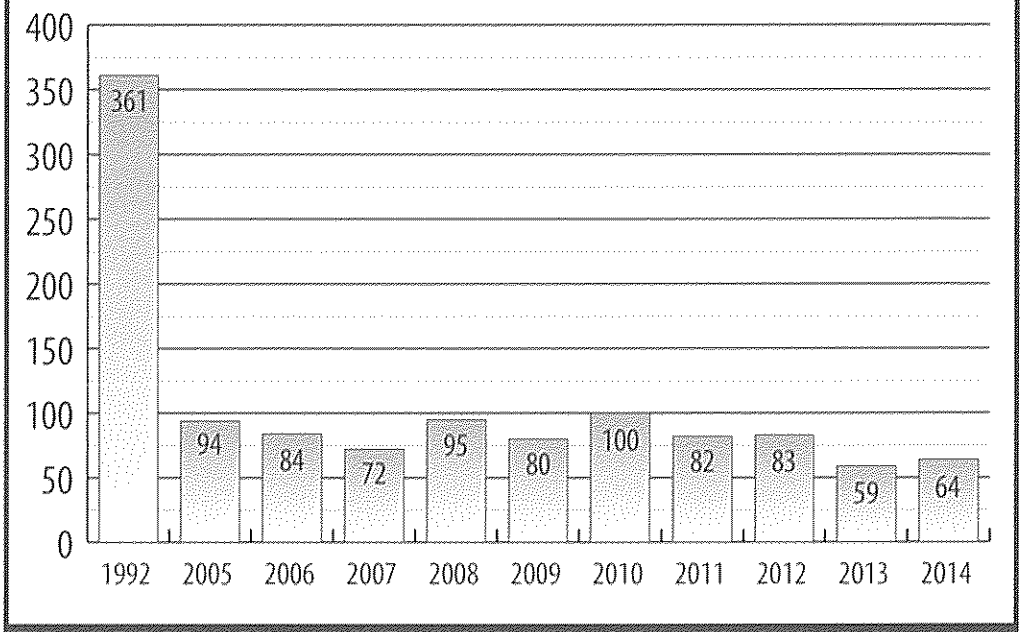
Statistics- Homicides

Last year homicides in Queens County increased 8.4% from 59 in 2013 to 64 in 2014.

Lowest number of homicides in Queens since 1964

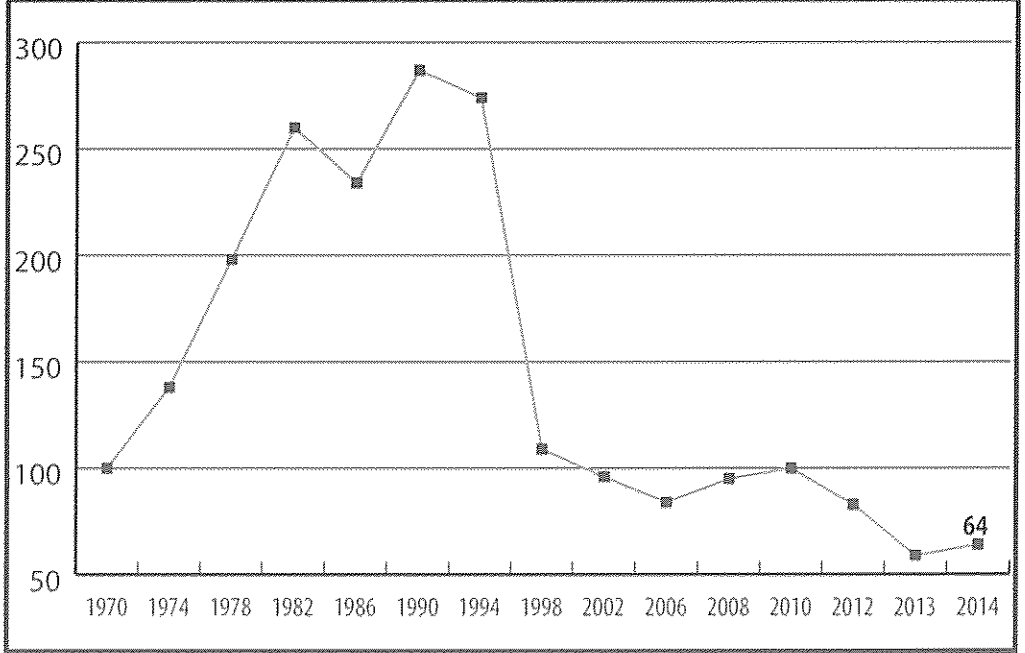
This is the second lowest number of homicides in 50 years

Homicides



Source: N.Y.P.D. Compstat Year End Report 2014

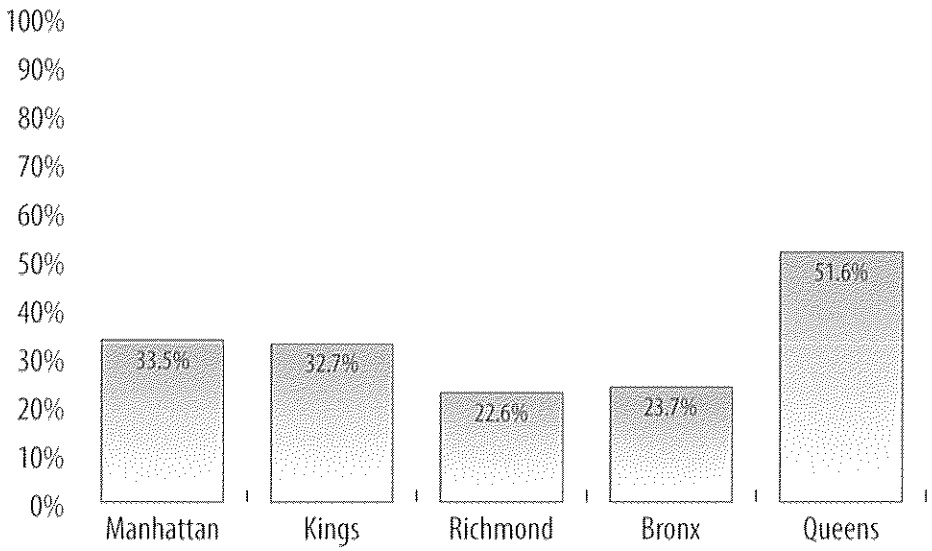
Historical Murders 1970-2014



Source: N.Y.P.D. Compstat Year End Report 2014

Statistics- Domestic Violence

Comparison of Domestic Violence Conviction Rates Citywide by County

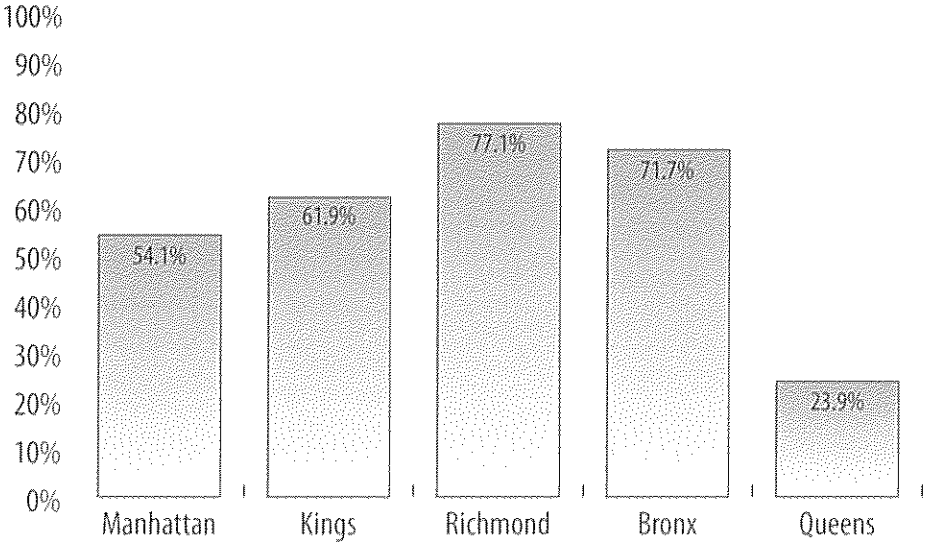


Source: Office of Court Administration January-December 2014

Queens has the highest domestic violence conviction rate in New York City.

Queens has more pre-indictment domestic violence felony pleas than the rest of the city combined.

Comparison of Domestic Violence Dismissal Rates Citywide by County



Source: Office of Court Administration January-December 2014

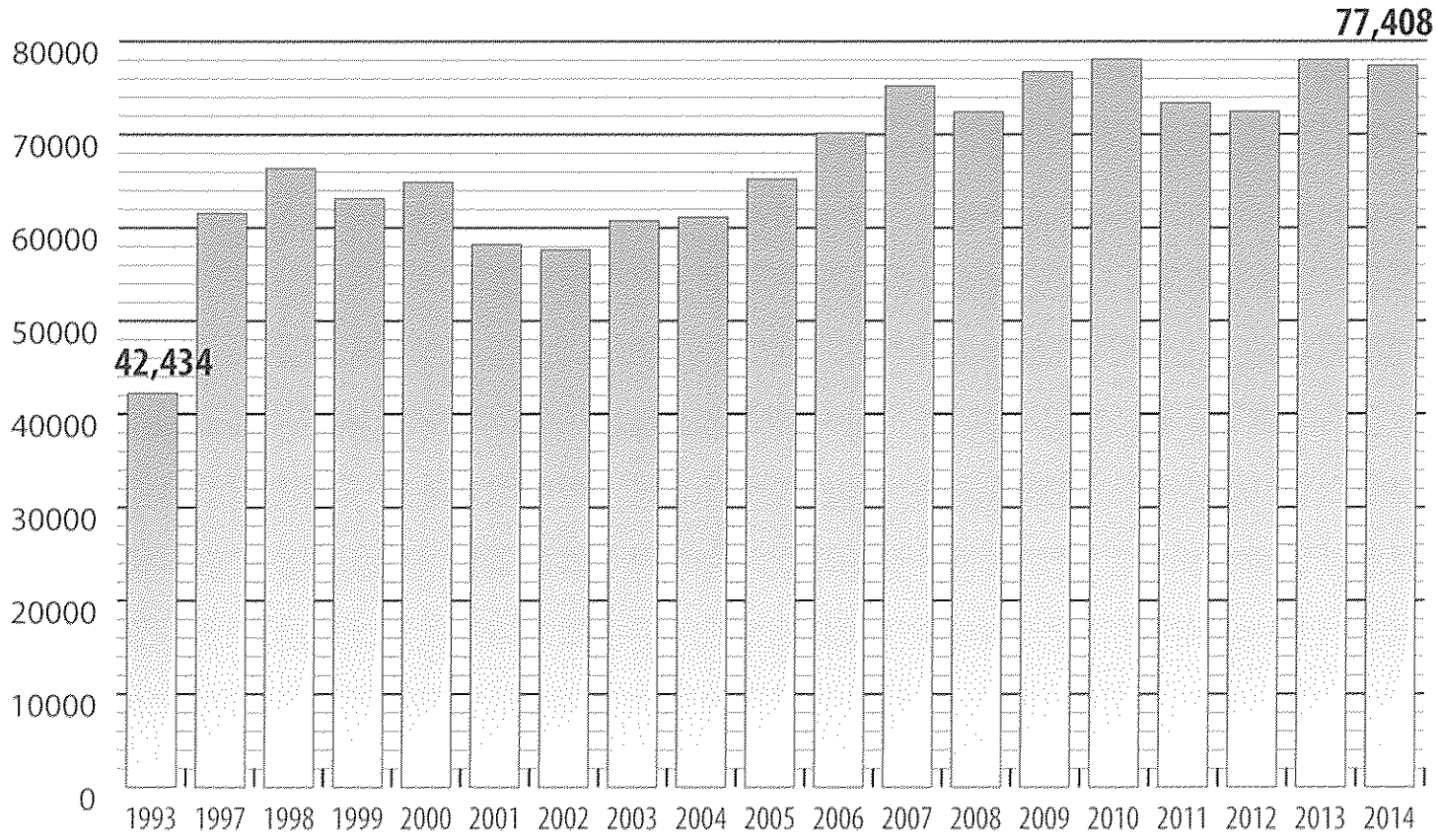
Queens has the lowest domestic violence dismissal rate in New York City.

Statistics- Lineups Supervised & Arrests

Lineups Supervised

Year	Lineups
2006	*656*
2007	*696*
2008	*702*
2009	*422*
2010	*555*
2011	*357*
2012	*493*
2013	*380*
2014	*359*

Arrests Remain High



Total Arrests Have Increased More Than 82% Since 1993 (42,434 To 77,408)

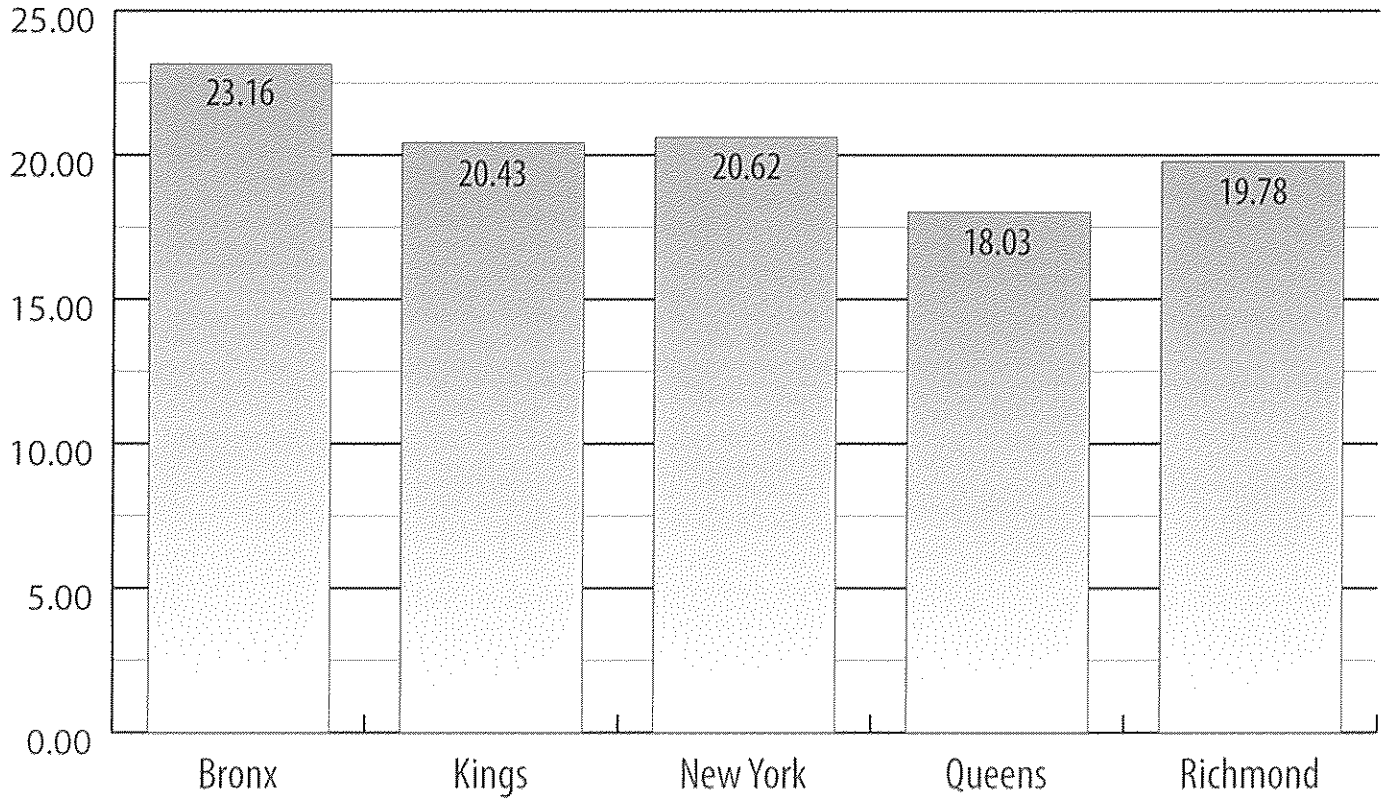
Queens Remains Leader in Case Processing Efficiency

Leads City in Lowest Arrest to Arraignment Time and Highest Percentage of Cases Arraigned within 24 Hours; Best in City in Arrest to Sworn Complaint Time

	Queens	Citywide
Arrest To Arraignment Time	18.03 Hours	20.50 Hours
Arrest To Sworn Complaint Time	8.47 Hours	9.98 Hours
Percentage Of Cases Arraigned Within 24 Hours	85.70%	76.04%

Source: 2014 NYPD Criminal Justice Bureau

Average Arrest to Arraignment Time by Borough in 2014

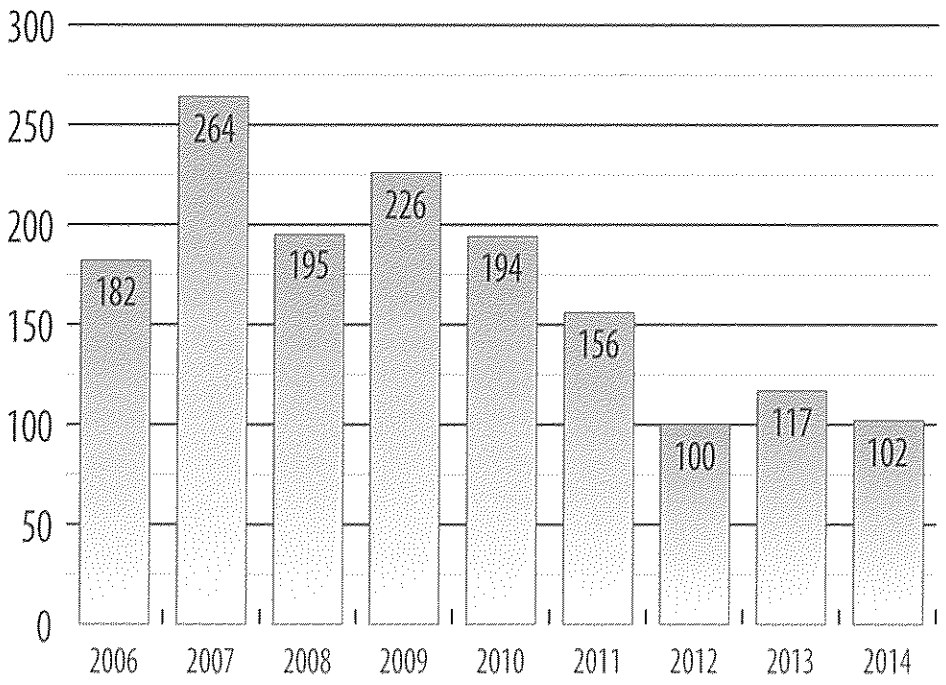


Source: 2014 NYPD Criminal Justice Borough

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.
- Investigations conducted as a result of these interviews have resulted in some cases in the enhancement of charges, in others in the modification of charges, and in others the dismissal of charges against defendants.
- Since the inception of the program, more than 16,700 defendants have been interviewed.

Mortgage Fraud Complaints



The Queens DA'S Office also received 1,212 consumer complaints in 2014

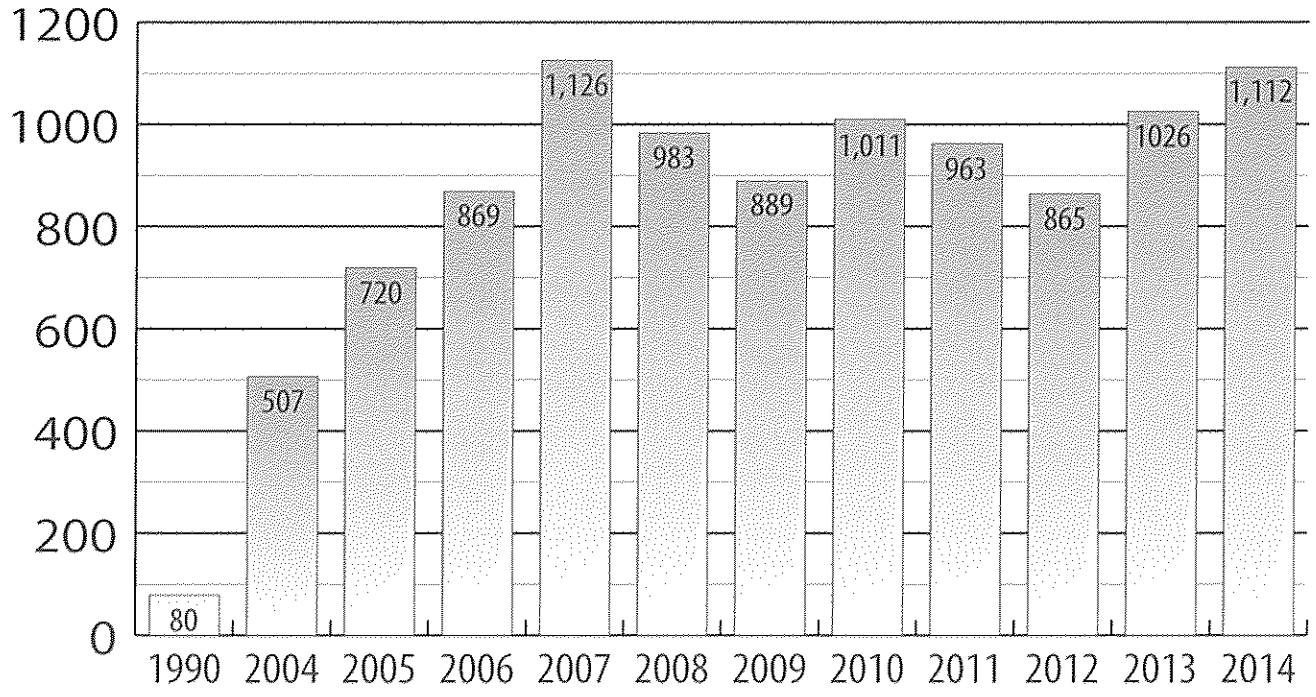
These are complaints that need to be investigated. These numbers only reflect complaints directly to our Office and not those which are brought to our attention by other agencies such as NYPD, FBI, Banking... Etc. Also any one complaint may involve either a single property or numerous properties.

Court Ordered Electronic Surveillance Against Organized Criminal Enterprises

- Once again, Queens County was a national leader in the use of court authorized electronic surveillance.
- Queens County had the third largest number of wiretaps in the entire country (171).
- 8.0% of all wiretaps in the U.S. were done in Queens County.
- Queens County had more court ordered wiretaps than any other prosecutor in New York State.

Statistics From 2013 Federal Wiretap Report (The Most Recent Report Available)

Search Warrants

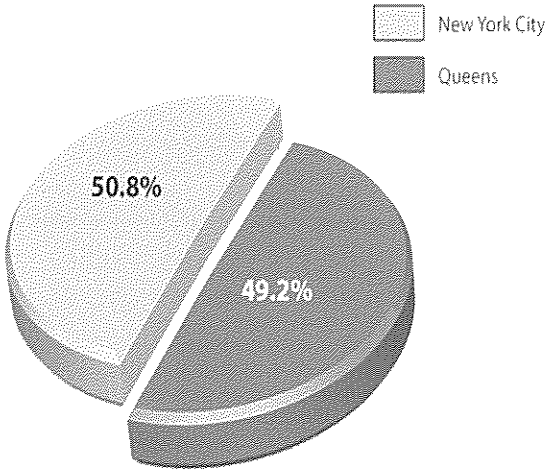


Source: QDA Office Wide 2014

Statistics- Bail Jumping

Felony Bail Jumping

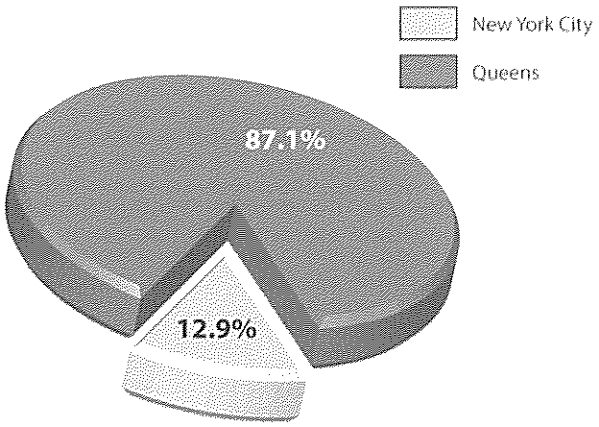
Source: Office of Court Administration



Queens County brought 49.2% of New York City's Bail Jumping Indictments for 2014

Misdemeanor Bail Jumping

Source: Office of Court Administration



Queens County brought 87.1% of New York City's Bail Jumping Complaints for 2014

Convictions for Bail Jumping

Source: Division of Criminal Justice Services

**Includes Felony and Misdemeanor Bail-Jumping*

Year	New York City Total	Queens Total
2005	207	75
2006	226	123
2007	493	367
2008	554	441
2009	542	409
2010	463	318
2011	497	344
2012	415	267
2013	479	355
2014	328	227

Statistics- Evictions, Sex Trafficking & Auto Theft

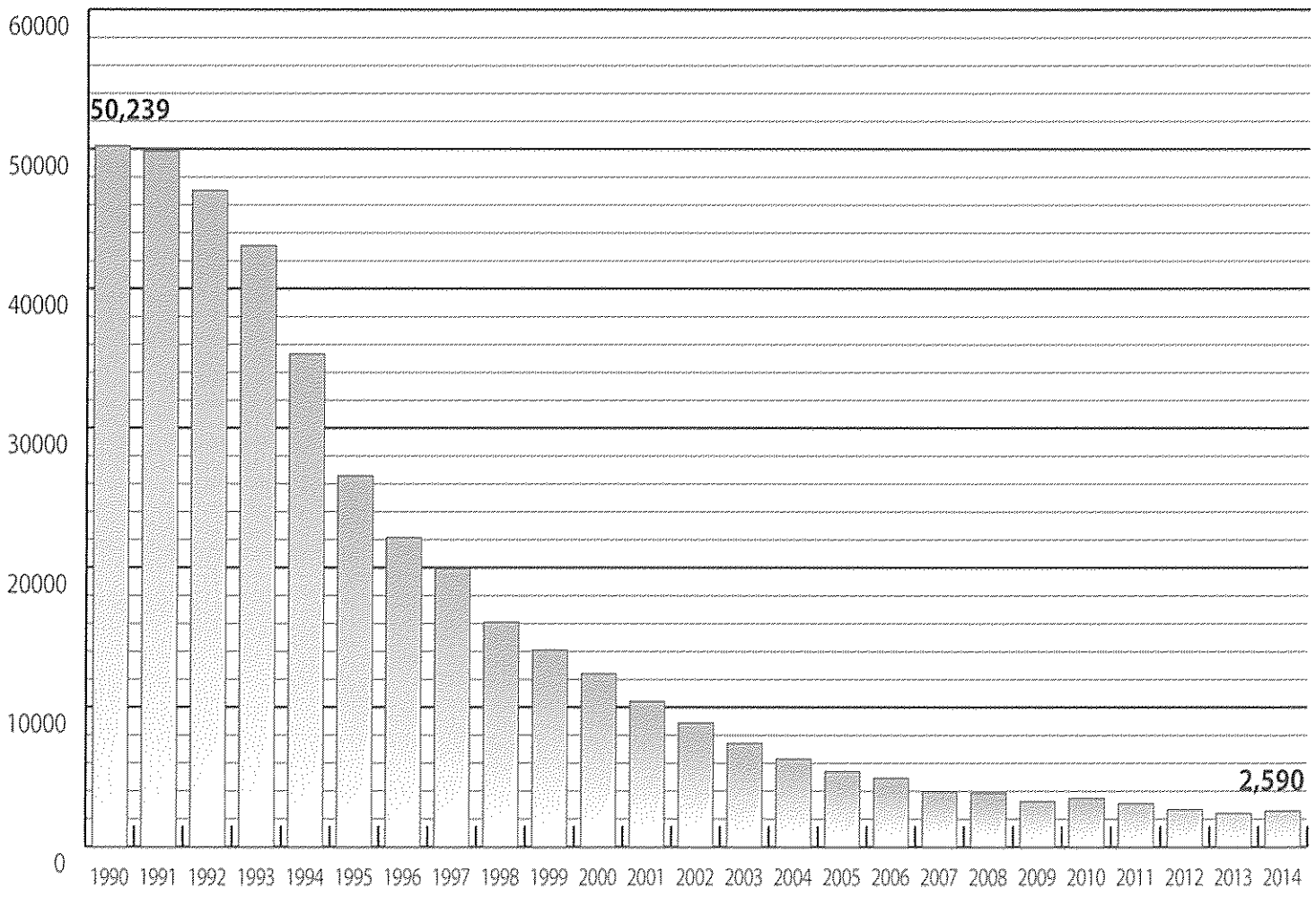
Sex Trafficking Cases

- 13 B felony Sex Trafficking convictions to date.
- 26 additional defendants charged with Sex Trafficking.

Evictions for Conducting Illegal Businesses

32 successful evictions in 2014 pertaining to Prostitution, Drug Dealing, Gambling, and other crimes.

Auto Theft 1990-2014



Auto Theft in Queen County Decreased 94.8% Since 1990

Saving State and City Money

Restitutions	
Governmental restitutions	*$2,539,547.96*
Non-governmental restitutions	*$622,423.28*
Total restitution	*$3,161,971.24*

Confessions of Judgment	
Governmental Confessions of Judgment	*$916,635.57*
Non-governmental Confessions of Judgment	*$8,951,126.16*
Total Confessions of Judgment	*$9,867,761.73*

Totals	
Total Restitutions and Confessions of Judgment	*$13,029,732.97*

The Beneficiaries of Restitutions and Confessions of Judgment Include:

NYS/NYC Sales Tax
NYS/NYC Personal Income Tax
NYS/NYC Cigarette Tax
NYS Insurance Fund
NYC Human Resources Adm.
NYS Miscellaneous Tax
Businesses
NYC Corp Tax
NYC Fire Department
NYC Housing Authority
NYS Department Of Labor
NYS Workers Compensation Board
City of New York
Individuals
U.S. Postal Service

INITIATIVES

QUEENS CHILD ADVOCACY CENTER 2014 STATISTICS

Queens prosecutors screened over 4,800 reports of suspected child abuse for criminality.

The Queens Child Advocacy Center

- Saw 1,342 children alleged to be victims of abuse (Of these 686 were sexual abuse allegations, 646 were physical abuse allegations and the rest involved domestic violence or being a witness to violence)
- Conducted 753 forensic interviews
- Performed 391 medical exams.

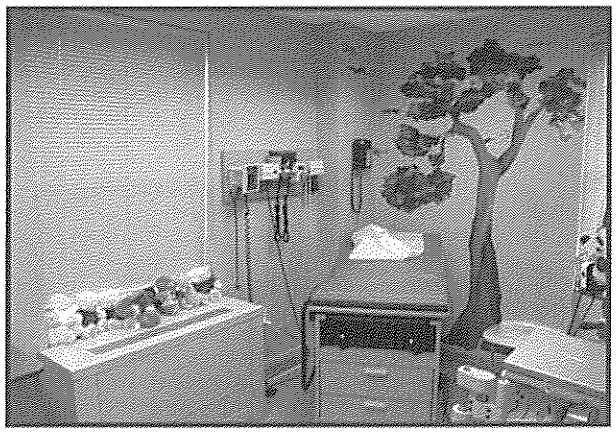
Of the children seen:

- 795 are girls/ 546 are boys
- 628 are 0-6 years old
- 562 are 7-12 years old
- 152 are 13-18 years old

The vast majority of the alleged offenders were known to the children.

QUEENS CHILD ADVOCACY CENTER

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



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

Child Advocacy Centers work to prevent re-traumatization (further trauma of the child) and to ensure that a coordinated investigation is begun immediately. Counselors and clinicians work with law enforcement and legal representatives, medical service providers, and child protection agencies to provide a cooperative and coordinated approach to the investigation of child abuse cases and to build the strongest possible case against the abusers. Since opening, the Queens Child Advocacy Center has served over 12,000 children.

Our multidisciplinary teams at the Child Advocacy Centers represent:

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

The Queens Child Advocacy Center is the only Safe Horizon CAC that opens its doors to allegations of abuse against teenagers, 13-18.

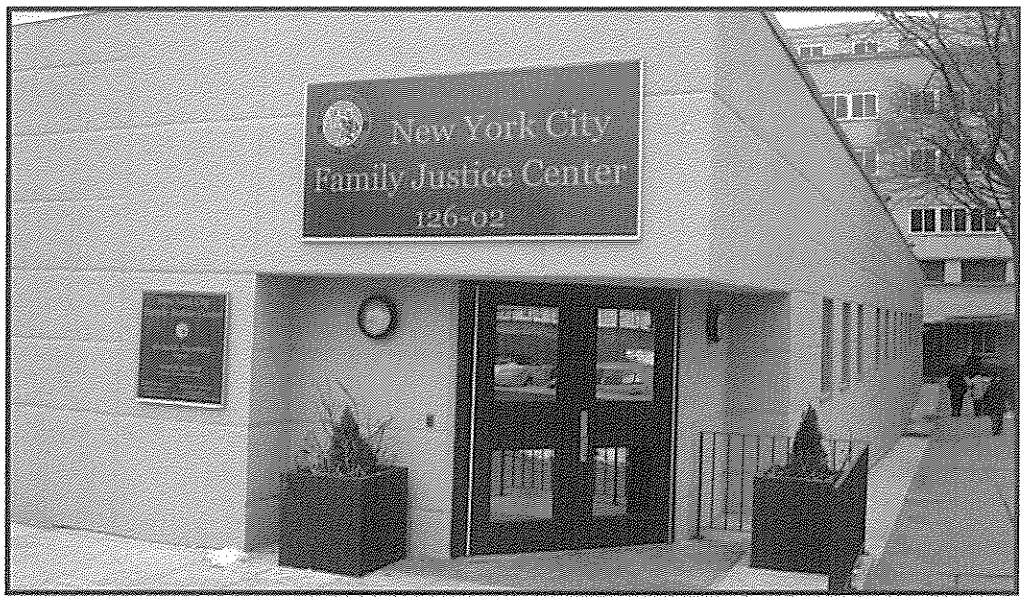
QUEENS FAMILY JUSTICE CENTER

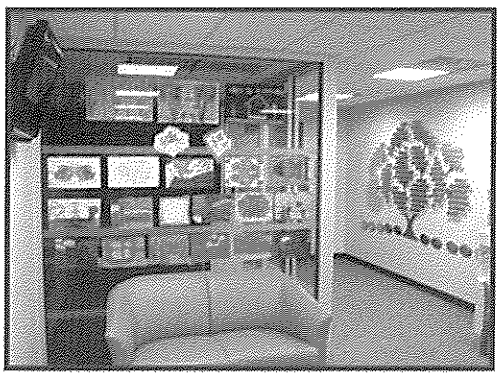
126-02 82nd Ave
Kew Gardens, New York 11415
(718)575-4500

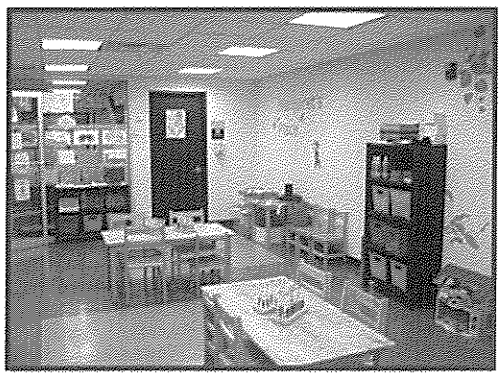
The New York Family Justice Center in Queens is a walk in, integrated service center for domestic violence victims and their children. It provides "one-stop shopping" for domestic violence survivors by placing lawyers, police, dedicated domestic violence prosecutors, counselors, clergy, and other service providers under one roof. Many agencies are located at the Center. Services are free and available to all victims regardless of what language you speak.

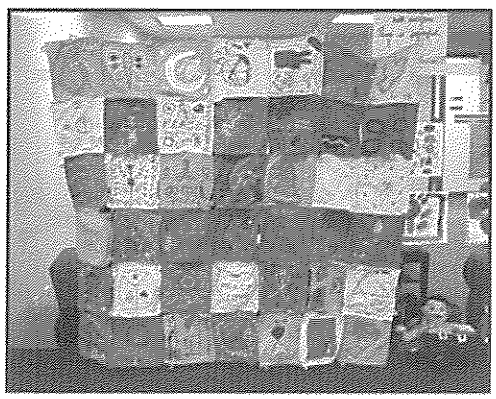
The Center is a safe and caring environment with one-on-one services and support. On the first visit to the Center a client will meet with a specialist who will speak with her about what services she might need. The client specialist will then link the client to a case manager.

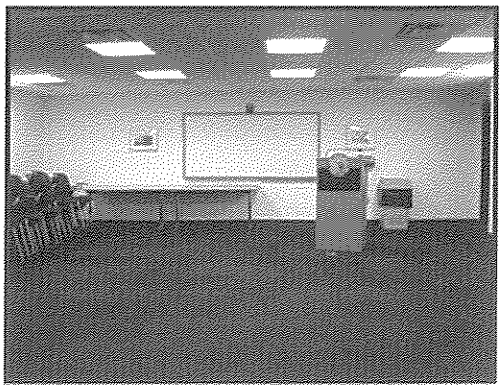
Since opening in July 2008 through January 9, 2015, this center has served 25,574 new clients seeking domestic violence services and 5,199 children were supervised in the Center's Children's Room, Margaret's Place. There have been 69,263 adult client visits to the Center since it opened.











QUEENS YOUTH PART

- Males ages 14-21 years old- First felony arrest/minimal criminal history.
- Minimum one year participation with frequent court visits.
- Through 2014, placed 260; 163 graduates, 41 failures, 42 pending with 79% retention rate.

QUEENS D.A. YOUTH DIVERSION PROGRAM

- Males ages 14-19 years old- First felony arrest/minimal criminal history.
- Intensive out patient treatment through the District Attorney's office.
- Minimum one year participation with frequent court visits.
- Dismissal or reduction of charges to misdemeanor.
- To date, 44 participants with 21 graduates and 84% retention rate.

SECOND CHANCE

- Panel develops and monitors first time misdemeanor offenders' progress in individualized services.
- Participants are required to complete services and upon completion, receive an ACD.
- 149 new cases were handled in 2014.

DWI INITIATIVE

- **SCRAM - SECURED CONTINUOUS REMOTE ALCOHOL MONITORING**
  - Provides 24/7 alcohol monitoring/ Research supports reduction in DWI's.
  - Required in all conditional DWI dispositions and costs $13 dollars per day.
  - 1,065 participants, 928 graduates and a retention rate of 91%.
- **IGNITION INTERLOCK DEVICE (REQUIRED BY LEANDRA'S LAW)**
  - Required as a sentence for any DWI conviction.
  - January-December 2014, 1,984 defendants monitored and 373 installed the device with 97.4% paid full IID fees.

QTC - QUEENS TREATMENT COURT

- Designed in 1998 for first time non-violent felony offenders in need of substance abuse treatment.
- Most successful Treatment Court in New York State.
- Upon completion, felony charges are dismissed and sealed.
- To date, over 2,394 defendants have enrolled in the court with 79% retention rate.

DTAP - DRUG TREATMENT ALTERNATIVE TO PRISON

- Non-violent drug addicted second felony offenders who seek drug treatment for a minimum of 1 year as a jail alternative.
- Since 1993, over 1,096 defendants have participated.
- More than 751 graduates with a retention rate of 72%
- 296 defendants sentenced to jail.
- Upon successful completion, case is dismissed.

QMTC - QUEENS MISDEMEANOR TREATMENT COURT

- Targets non-violent defendants with at least 3 prior arrests.
- Participants must have a drug or alcohol diagnosis and agree to enter treatment for a minimum of 1 year.
- Since January 2002, over 1,220 defendants have enrolled in the program with 55% retention rate.

QMHC - QUEENS MENTAL HEALTH COURT

- Must have an Axis I diagnosis.
- Participation is for a minimum of 1 year.
- Extensive psychological support and wrap-around services.
- Goal is medication compliance/maintenance.
- Queens TASC mental health unit facilitates most assessments and treatment plans.
- 323 placements, 191 graduates with a retention rate of 71%.

MOCK TRIAL/ MOOT COURT

For over twenty years, the District Attorney's Office has coordinated Queens County's portion of the statewide high school mock trial tournament. The Queens tournament runs from February through April, and the Office is responsible for securing judges, coaches, and court rooms. The Office also assists with the statewide moot court tournament, providing lawyers, training, a fact pattern, and research materials from Lexis.

YOUTH ENRICHMENT PROGRAM

A partnership with the Queens Borough Public Library, the Youth Enrichment Program targets 16 to 19 year olds who have committed non-violent, first time misdemeanors and, in conjunction with the DA's Second Chance program, affords the opportunity to avoid prosecution by participating in a 12 week program offering training in computers and job skills as well as motivational guest speakers.

SCHOOL PRESENTATIONS

The District Attorney's Office sends attorneys and staff members to schools throughout Queens County, where they speak on one of the many community issues on which they have expertise. Common topics include internet crime, identity theft, drugs, gangs and gun violence.

YOUTH DIVERSION PROGRAM

The mission of the Youth Diversion Program is to positively transform the lives of selected young men who are presently involved in the criminal justice system as felony defendants. This select group of troubled males between 14 and 19 years old is offered an alternative to incarceration using a deferred sentence model. Each class of approximately 10 young people is diverted to intensive targeted services with an emphasis on education, counseling and interactive experiences. The program runs for a minimum of one year, and a new class is assembled every four months. Those who successfully complete the program will have their cases dismissed or reduced.

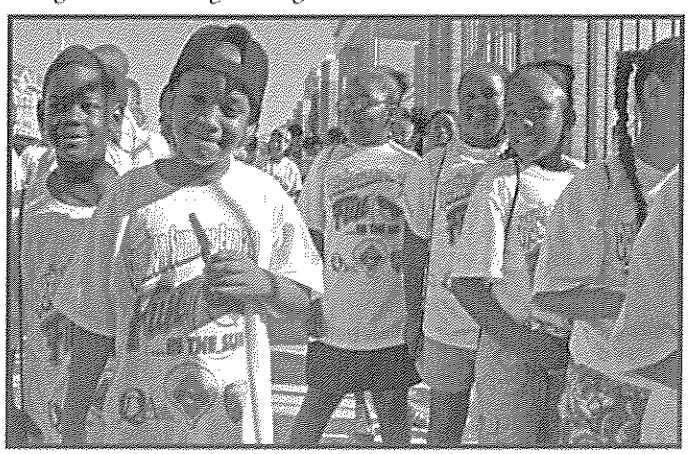
Among the program's requirements are that the defendant be placed on interim probation supervision, an electronic monitoring bracelet be worn for a minimum of 90 days, and that random urine testing is conducted and a curfew imposed. The defendants must also terminate membership and contact with gangs and are required to attend program activities and school or a job. In addition, program participants are given a weekly schedule that includes individual and group counseling, community service, and specialized training on such topics as handling peer pressure, impact of violence on communities, getting out of a gang, anger management, health, fitness and life skills. There are presentations from crime victims and their families as well as trips to the Holocaust Resource Center, the Poconos Educational Environmental center and other locations.

Our graduates leave with GED's, college aspirations and a real chance for a more promising future. Twenty one young men have graduated and another five are currently in treatment.

OPERATION SUMMER FUN

Operation Summer Fun is an annual program that began in 2001 in response to parents ' complaints that their children had nothing to do during the summer and often got into trouble as a result. The goal is to provide positive healthy activities in which children can get involved while simultaneously allowing them to build positive relationships with law enforcement.

Approximately 120 children register for the program every year. The program is coordinated by the Police Athletic League with funding from the DA's Office and operates in the 101st and 113th Precincts. Participants, usually between the ages of seven and thirteen, are taken to various recreational venues, including parks, museums, zoos, science centers, roller skating rinks, amusement parks, ballgames and sightseeing attractions.



STAR TRACK

Far Rockaway School Anti-Violence Program

STAR Track, which began in 1993, is a program aimed at helping children in Far Rockaway choose the right life path. STAR Track sends Assistant District Attorneys, Assistant Corporation Counsel and defense attorneys from Queens Law Associates to 10 schools: Public Schools 43, 104, 106, 197, 215, 333, MS53, Village Academy, Frederick Douglass Academy and QIRT, where they teach fourth through twelfth grade students about the importance of avoiding gangs, drugs and guns, how to deal with peer pressure and bullying, and how to make good choices.

Beyond the in-school meetings, STAR Track chairs an Interagency Council to bring school and law enforcement officials, community leaders, elected officials and not for profit agencies together to discuss the issues facing schools and students and develop strategies to address them. Say NO to Violence Week features school-wide assemblies - complete with anti-violence themed songs, skits, videos and dances - and poster and essay contests, all aimed at reaching students beyond the STAR Track classes. The Safety Corridors initiative provides students from each of the participating schools with recommended routes to and from school patrolled by the 101st Precinct.

The culminating event of the Star Track program is Say Yes to Tennis, No to Violence Day at the National Tennis Center. Close to 1000 students participate in Say YES to Tennis, NO to Violence Day which offers students a chance to have fun playing the game of tennis while learning about teamwork, cooperation and personal achievement.

SUMMER YOUTH EMPLOYMENT PROGRAM

The Summer Youth Employment Program brings students from all over Queens County to the District Attorney's Office every summer. They are placed in various assignments throughout the Office. Placements are based both on the Office's needs and on a determination as to the type of work that will best allow the students to grow. The program affords its participants the chance to get involved in the criminal justice system and to decide whether they might like to pursue a career in law. They also receive labor market training, with lessons ranging from writing resumes to understanding sexual harassment policies. This exposure to real-life work environments allows the interns to learn basic skills – such as arriving on time, wearing appropriate attire, and maintaining proper office demeanor – that will assist them later.

LEGAL EXPLORERS POST

Since 1996 the DA's office has been operating a Boy Scouts Legal Explorers Post through which 15- 20 high school students with an interest in the legal profession are given the opportunity to learn about the law firsthand. Meetings are held twice a month throughout the school year and participants hear from guest speakers, shadow Assistant District Attorneys, observe court proceedings, and are exposed to the wide spectrum of careers that comprise the legal profession.

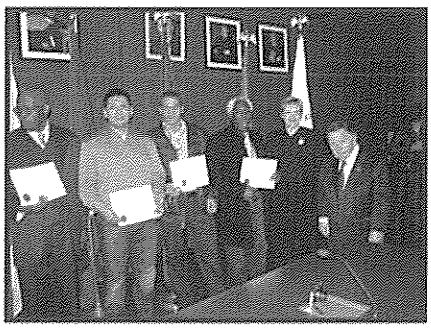
COURT TOURS

Court Tours are available to anyone grades four and up. The District Attorney's Office sends a letter to schools throughout the borough, inviting them to arrange a visit. Upon arrival, students are addressed by an assistant district attorney, taken on a tour, and given an opportunity to ask questions. The program aims to show its participants as much as possible and generally tracks the court process from beginning to end, starting with Central Booking and then proceeding to arraignments and trials. Some tours also visit the Family Justice Center and the Child Advocacy Center.

STUDENT ADVISORY COUNCIL

High school students who are interested in pursuing careers in criminal justice or law and are handpicked by their principals meet once a month to discuss and debate controversial issues, hear from guest speakers and participate in community service projects.

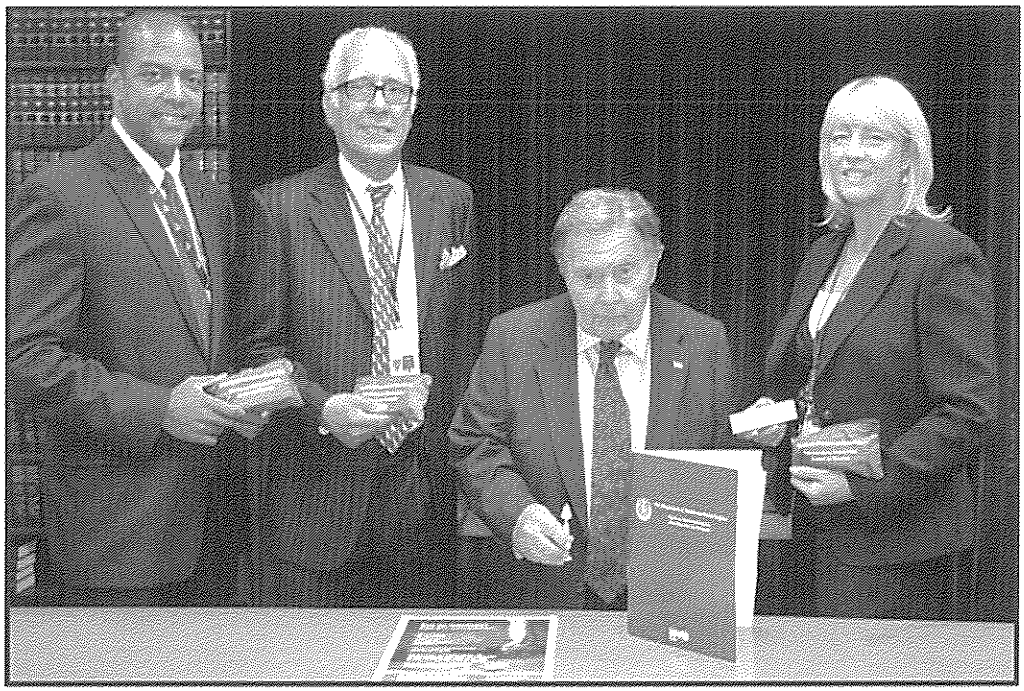
QUEENS VETERANS COURT ASSISTS RETURNING VETERANS



In December 2010, Queens County added to its growing list of alternative to incarceration programs by establishing a Veterans Court to assist returning veterans and their families. The Court is premised on the recognition that some of our returning veterans who witnessed first-hand the horror and devastation that war brings have unfortunately brought back with them deep emotional and psychological scars as a result of their experiences. The goal of the Veterans Court is to ensure that when veterans become involved in the criminal justice system and are in need of alcohol, substance abuse or mental health services that they receive needed treatment as an alternative to incarceration. A key component of the Court's success is the collaboration among judges, prosecutors, defense attorneys and treatment providers.

The Veterans Court identifies nonviolent veteran offenders and provides outreach, specialized support services and treatment; offers peer support to sustain engagement in services; and facilitates the exchange of information between legal, clinical and community resources. Since its creation, 59 otherwise jail-bound veterans have been diverted through the Queens Veterans Court. Those who successfully complete the year-long program have the charges against them dismissed or reduced.

QUEENS IS AMONG THE FIRST DISTRICT ATTORNEY'S OFFICE IN THE STATE TO TRAIN ON USE OF DRUG OVERDOSE ANTIDOTE



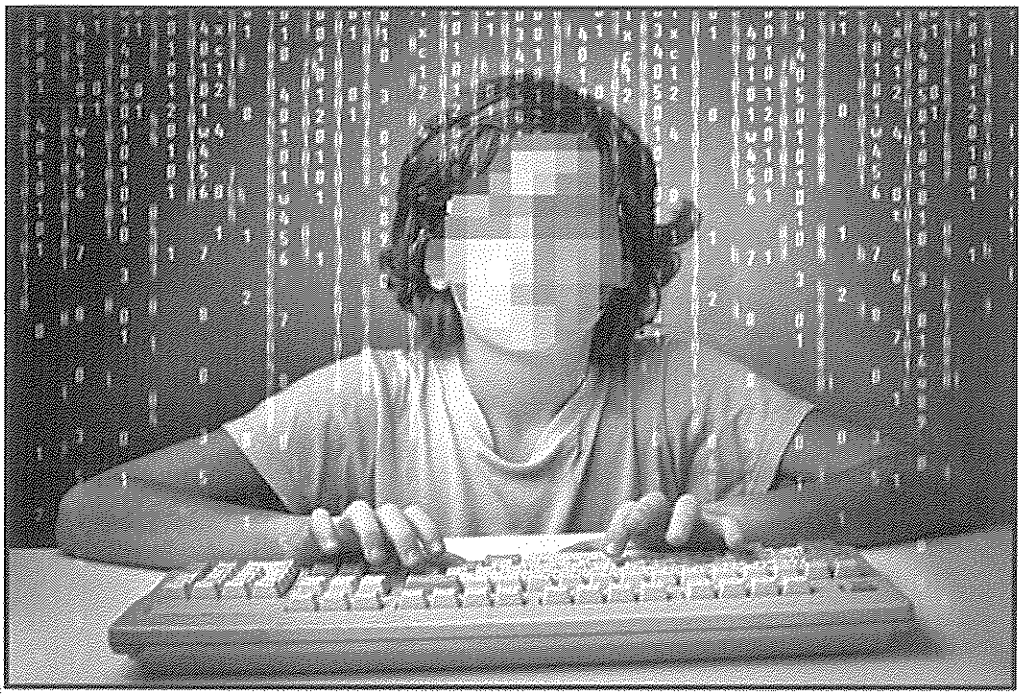
Heroin and opioid addiction has become a serious problem in our State, particularly among young people. According to the New York City Department of Health, 77 percent of drug overdose deaths in 2013 involved an opioid, including opioid analgesics (prescription painkillers). On average, there is more than one fatal opioid overdose a day in New York City. New York State had 89,269 cases of heroin and prescription opioid treatment admissions in 2013. These overdoses most commonly involve slowed or stopped breathing.

Naloxone is a drug overdose antidote that can, if administered properly, quickly reverse the effects of overdoses of heroin and opioids- such as morphine, methadone, Vicodin, Percocet, OxyContin and Fentanyl - and restore breathing. Naloxone has been used effectively throughout the State by law enforcement and others to save lives. Both New York City and New York State have begun programs to train first responders and members of the general public in using naloxone. Training includes learning how to recognize an overdose, how to provide rescue breathing during an overdose and how to administer Naloxone effectively.

Understanding its great potential, District Attorney Brown had all 50 members of his Detective Bureau equipped and fully trained to administer Naloxone. The training was conducted by the New York City Department of Health and Mental Hygiene. Upon completion of the training, participants are certified to administer naloxone and receive a free naloxone rescue kit. The Queens District Attorney's Office was one of the first District Attorney's Office in the State to receive training in this important life-saving technique. If an individual has overdosed on an opiate and is in serious condition, these investigators will be able to administer Naloxone intranasally (by means of the nostrils) in an attempt to save the person's life. If Naloxone is administered to someone who is not suffering from an overdose, the medication does no harm.

As part of their training, the detectives received an overview of New York State's 911 Good Samaritan Law, which encourages people to call 911 when they witness or experience a drug or alcohol overdose by providing a limited shield from arrest or prosecution for both the person who overdosed and the witness who calls 911.

TARGETING INTERNET CRIMES AGAINST CHILDREN



The internet has a dark side that involves the sexual exploitation of children. Our office has been aggressive in investigating crimes involving the use of a computer to manufacture, promote, or distribute images or videos of young children being sexually abused. Sadly, most of the cases we prosecute involve children under the age of 10 or 11 whose pain and anguish as they are being sexually assaulted is being shared and viewed by countless strangers across the country. Each time these images are shown, these children are being revictimized. Investigators aided by the National Center on Missing and Exploited Children or searching peer to peer networks identify those who are creating, viewing or disseminating these disturbing images and videos.

In 2014, our office successfully prosecuted many individuals involved in this vile behavior. Our office participated in Operation Caireen, the largest-ever enforcement operation in New York targeting predators who possess, produce or distribute sexually explicit images of children. A joint effort with the U.S. Immigration and Custom's Enforcement's (ICE) Homeland Security Investigations office, the New York City Police Department and City and Federal prosecutors, this investigation led to the arrest of 71 individuals – 23 of whom were from Queens. Among those arrested were a registered nurse, a paramedic and a police officer.

This year alone, convictions were obtained and state prison sentences imposed against: Eduardo Medina, a registered Level 3 sex offender who had previously been convicted of the B violent felony of Sodomy in the First Degree involving a child under 11; Mauricio Gil, who had more than 900 videos and who was discovered, in a subsequent investigation, to have been secretly installing video cameras in the bathrooms of families he knew: Robert Edele, a tutor, who had more than 1,770 images of children under the age of 12; and Ryan Ramdass, a Computer Technician assigned to the Levittown School District.

Proactive investigations have also led to convictions of individuals who have engaged in Internet Child Luring and Disseminating Indecent Materials to Minors.

QUEENS SUPERVISED RELEASE PROGRAM PROVIDES A SAFE ALTERNATIVE TO DETENTION

The Queens Supervised Release Program started as a pilot program in August 2009 with two main goals. The first is to reduce reliance on money bail by offering judges an alternative means of assuring a defendant's appearance in court. The second is to lower pretrial detention for felony defendants who do not pose a substantial risk to public safety. The target population is persons charged with non-violent felony charges at Criminal Court arraignment who face a substantial risk of money bail or detention but are at moderate or low risk of failing to appear or pretrial recidivism.

Program participants are released under the supervision of social worker/case managers from CJA. The case managers evaluate the clients' needs including substance abuse and mental health services and set up supervision requirements. Participation requires frequent face to face and telephone contacts and verification of participation in activities such as treatment, employment or school. Written progress reports are submitted at all scheduled court appearances.

Successful completion of supervision occurs when the case is concluded by a plea leading to a non-incarcerative sentence or entry into one of many Alternative Sentencing Programs including Mental Health Court, Queens Treatment Court, TASC, , etc.

During its first four and one half years of operation, Queens Supervised Release Program accepted 1,381 clients with an 87% successful completion rate. Based on the success of the Queens model, a Manhattan Supervised Release Program began operating in April of 2013.

PROTECTING IMMIGRANT VICTIMS OF FRAUD AND VIOLENT CRIME

In January of 2015, the Queens District Attorney's Office launched an exciting new initiative - an Office of Immigrant Affairs - in an effort to be more responsive to the County's large and growing immigrant population. Queens is the most ethnically diverse County in the nation with 47% of its population foreign born. Nearly 140 languages are spoken in Queens. The office handles many cases each year in which members of immigrant communities are victimized - both by crimes of violence and crimes of financial exploitation. In some cases, immigrants are specifically targeted because they are immigrants.

While these cases have been aggressively prosecuted in a number of different bureaus throughout the office, with immigration policy changing and evolving on all levels of government, there is an opportunity to do more and so the District Attorney established an Office of Immigrant Affairs in an effort to provide better coordination of these prosecutions and facilitate greater outreach to all of the affected communities.

Senior Queens prosecutor Carmencita Gutierrez has been appointed as the Director of the Office of Immigrant Affairs. As Director, Ms. Gutierrez will serve as the liaison to immigrant communities in Queens, both to ensure that they are aware of and know how to access the criminal justice system if they are victimized and to assist community members and groups with questions, concerns or complaints and direct them to the appropriate bureaus and divisions within the office. Internally, Ms Gutierrez will work across divisional lines to assist the bureaus handling these cases and provide a single point of contact for assistant district attorneys concerning immigrant issues.

PRO BONO IMMIGRATION LAW ASSISTANCE FOR VICTIMS OF TRAFFICKING

In July, the District Attorney's office joined the Mayor's Office to Combat Domestic Violence and Sanctuary for Families in announcing an exciting new initiative in the Queens Human Trafficking Intervention Court. The initiative - the Pro Bono Project - will provide foreign-born defendants in the Human Trafficking Intervention Court who are victims of or at high risk of sex trafficking with pro bono legal representation on immigration law matters. The Project builds on the success of the Human Trafficking Intervention Court, which assists individuals arrested on prostitution and related charges by providing alternatives to incarceration.

The specially-trained pro bono attorneys can represent eligible individuals in applications for federal immigration remedies such as T-Visas, or apply to have criminal convictions relating to trafficking vacated. In addition, victims will have the ability to access a wide range of civil legal and social services provided through OCDV's Queens Family Justice Center. Over 120 sex trafficking victims have sought services at the four NYC Family Justice Centers since the Centers opened, and 56% of those victims sought services at the Queens Center.

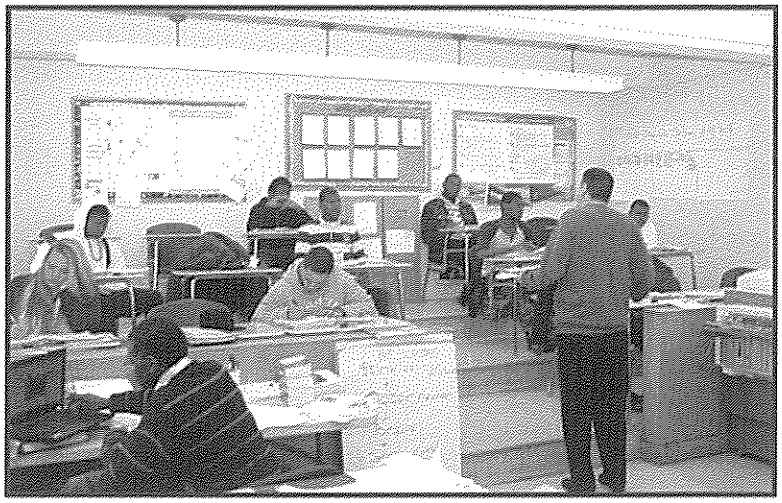
Since the enactment of New York State's Sex Trafficking statute in 2007, the Queens County District Attorney's Office has been in the forefront of efforts to use the statute to protect trafficking victims and bring their traffickers to justice. Queens brought the first indictment in New York State and obtained the first conviction in New York State for sex trafficking. To date, thirteen individuals have been convicted of sex trafficking. All have received state prison sentences. Another twenty six individuals are under indictment for sex trafficking and their cases are pending.

Since 2004, the District Attorney's Office has participated in the Human Trafficking Intervention Court which offers men and women charged with prostitution or loitering for prostitution the opportunity to attend treatment or service programs targeted for human trafficking victims. A variety of treatment providers serve the court and offer a range of programs which can meet the varied needs of the participants including age, gender identity, language spoken and other special needs.

QUEENS COURT ACADEMY HELPING YOUNG OFFENDERS OBTAIN A HIGHER EDUCATION

When young first offenders come into the criminal justice system they are often not attending school or are having serious difficulties completing course work. The Queens Court Academy is an innovative collaborative effort between the Queens District Attorney's Office and the New York City Department of Education to address this issue. Since September of 2011, a Department of Education Restart alternative school for adolescents between the ages of 17 and 21 has been operating in Borough Hall. The Department of Education provides two full time teachers, one full time paraprofessional and a certified guidance counselor. First time offenders between the ages of 17 and 21 charged with non-violent misdemeanors or felonies who have fewer than 20 high school credits can be diverted to the Queens Court Academy as part of an alternative sentencing conditional plea.

Participants in the program receive educational instruction toward their GED plus a host of support services and assistance including full time access to teachers for extra help, weekly access to the guidance counselor, metro cards, breakfast and lunch, and weekly support groups to address a variety of non-academic issues. A system of rewards and consequences including student contracts and pizza parties is used to incentivize attendance and performance.



The results have been very gratifying. Since 2011, 118 students have been enrolled. Twenty two have already earned their GED's. Eighty four percent of the students who have taken the GED have passed. (19 out of 22) Several graduates currently attend college and trade school including nursing school and Coop Tech. Proportionate to its size, the Queens Court Academy was among the highest graduating agencies from alternative schools during the academic calendar year of 2013.

VIOLENCE AGAINST WOMEN ACT GRANT TO COMBAT DOMESTIC VIOLENCE

A highly successful initiative to combat domestic violence in Queens County will be strengthened by a $900,000 United States Department of Justice Violence Against Women Office grant obtained through the efforts of Borough President Melinda Katz and the support of the Queens Congressional Delegation. The three year funding award is a renewal of federal funding received since 1997 as a joint undertaking of the Borough President's Office, the District Attorney's Office and Safe Horizon, a private, not -for-profit victims' services provider. The funds will enable the continuation of joint efforts to stop domestic violence, hold offenders accountable and offer appropriate programs and services to families in crisis.

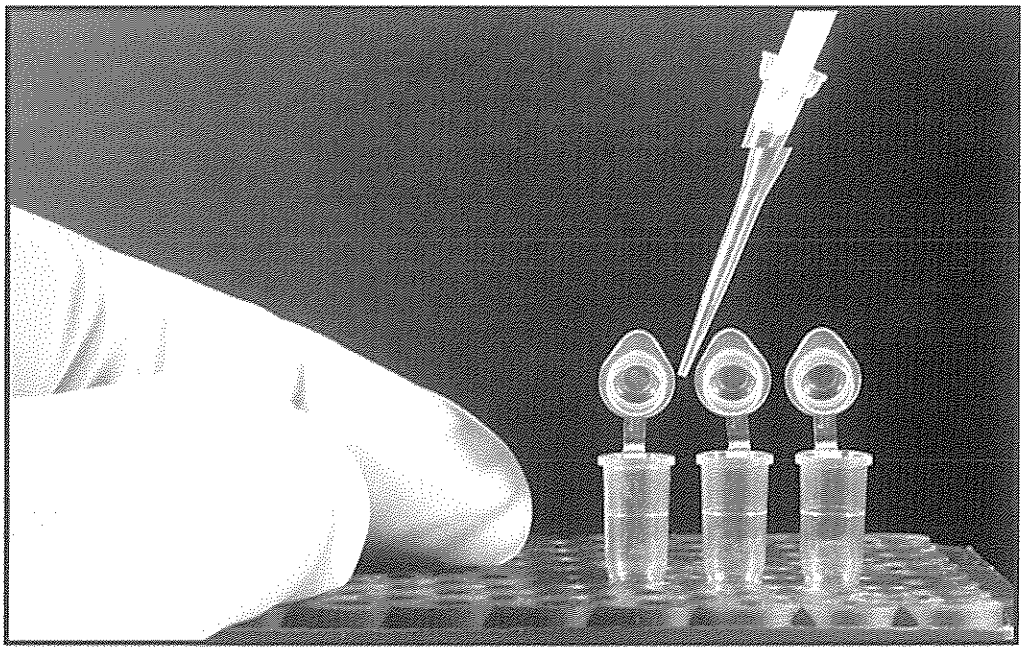
The funding supports numerous improvements in the handling of domestic violence matters in Queens County – including establishment of comprehensive services for domestic violence victims within the Queens Family Justice Center, a collaboration of the Mayor's, Borough President's and District Attorney's Offices; dedicated, vertical prosecutorial and victims support units; early outreach to victims with a focus on critical orders of protection; active immigration support and advocacy; specialized civil legal assistance; innovative technology linkages; and enhanced outreach to Queens' intensely multi-cultural, multi-lingual populations.

The District Attorney's Domestic Violence Bureau, which prosecutes approximately 6,000 cases per year, has become a national leader in the successful use of "evidence-based prosecutions" - prosecutions which do not require the victim's trial testimony but are supported, instead, by a host of other evidence including medical evidence, 911 tapes, police and witness observations, defendant admissions and cell site information. Over the years, the District Attorney's Domestic Violence Bureau has pioneered a series of innovative initiatives to build what is one of the most effective domestic violence prosecution bureaus in New York State.

The results of those initiatives have been real and dramatic. Today, Queens County has the highest domestic violence conviction rate and the lowest dismissal rate in New York City.

The grant's funding will also assist in enhancing outreach to and training related to under served populations, enhancing alerts and outreach to victims in instances of repeat offenses, violations of orders of protection, and/or escalating violence; and to improving information flow through the use of technology.

DNA COLD CASE INITIATIVE TARGETS UNSOLVED RAPE CASES



The Cold Case team in the Queens DA's DNA Prosecution Unit has been systematically reviewing every unsolved sexual assault in Queens County dating back to 1996 – which is as far as the statute of limitations permits a criminal prosecution. Although rape kits from New York City were all tested more than a decade ago in a backlog elimination project, many did not yield DNA profiles at that time. The DA's Cold Case initiative, which commenced nearly two years ago using federal grant money from the National Institute of Justice, focuses on identifying vouchered evidence that either has not been previously tested or could not yield a DNA profile using the technology at that time but could contain DNA identifying the perpetrator.

Where cold cases are discovered and a DNA profile can be generated but the profile has not yet been matched to a perpetrator, a John Doe indictment is filed. John Doe indictments use the unique genetic DNA profiles of unidentified sex criminals to indict them even before they are apprehended, thereby insuring they cannot escape prosecution by running out the statute of limitations clock. The DNA profile is run periodically against the State's DNA data bank to try to obtain a match and identify the person who committed the rape.

For the last two years, an investigative team consisting of the Chief of the DNA Prosecution Unit, a retired NYPD Detective and a cold case analyst worked closely with the NYPD Queens Special Victims Squad to identify the universe of unsolved sexual assault cases dating from 1996 - 2007. Overall, 594 cases were identified.

The team subjected each case to a preliminary review to determine whether or not it was definitively a sexual assault case and within the statute of limitations, whether it remained unsolved, and, if there was any chance that the case might contain DNA evidence. The team then arranged with the Police Commissioner to gain access to warehoused NYPD case folders. Once access protocols were established, the QDA cold case team worked to locate the hundreds of targeted police case files. They spent endless weeks shuffling and sifting cartons, searching for case folders which were stored in the recesses of a former firing range in the basement of the 112 Precinct. Once found, cases were meticulously combed and cross-referenced with various sources to determine which ones already contained evidence from which a CODIS eligible DNA profile had been obtained.

When the team found a DNA profile from case evidence had already been developed but no match had yet been made to an offender, the team determined the case's eligibility for producing a John Doe indictment. In these situations, the team searched for and made contact with victims and collected available evidence, such as medical records and crime scene photographs, to present to the Grand Jury along with the DNA evidence. To date, the team has obtained 12 such John Doe indictments involving a total of 16 separate sexual assaults. Included among these are 3 patterns.

From the cases without existing DNA profiles, the team identified those in which evidence had been vouchered but either was not tested or testing had not produced a DNA profile eligible for the DNA data banks. In these situations, the team coordinated with the NYC Office of Chief Medical Examiner's DNA lab to determine if any previously tested sexual assault evidence kits could be retested using more sensitive modern techniques to produce a DNA profile. If such was not possible, then the team determined if other case evidence had been collected and still existed which might contain the perpetrator's DNA. Where such other property had been collected, the team initiated a search by the NYPD for the untested evidence. If it was found, it was forwarded to the DNA lab for analysis.

To date, the team has coordinated the retesting of 11 rape kits using more sensitive modern techniques, and recalled 43 vouchers comprising 78 pieces of untested evidence. These newly ordered tests recently have produced 5 DNA profiles. More significantly, every one of these newly developed profiles also has recently been linked to an offender using the DNA data banks. Stated another way, the team's work resulted in 6 cold cases being solved. Two of those six cases were 1997 rapes matched to a single offender.

The solved cold cases represent the worst of the worst sexual assaults. For instance, in another case from 1996, a perpetrator entered into a room where a husband and wife were asleep. He held a gun to the husband's head and then forcibly raped the wife next to their bed. This offender had previously been matched to and convicted of two other rapes, including that of a 12 year old girl. The case was solved when the cold case team's investigation revealed that the assailant had ejaculated on carpeting at the crime scene but that carpet – which had been vouchered — had never been tested for DNA. The solved cases are now being prepared for prosecution.

The Cold Case Initiative serves as a model for how modern science can be used to generate new leads and achieve justice to the extent possible for every victim of sexual assault in Queens.

CASES OF INTEREST

It should be noted that an indictment is merely an accusation and that defendants are presumed innocent until proven guilty.

SIX MONTH GUNPOINT ROBBERY SPREE AND ATTEMPTED MURDER OF A LIVERY CAB DRIVER LEADS TO LONG PRISON SENTENCE

In 2010, Shawn Peace committed a series of violent felonies – including the attempted murder of a livery cab driver and the shooting of a fast food restaurant employee – during a string of armed robberies. Between July and November, gunpoint robberies were committed at five fast food restaurants including an August robbery at a Popeye's Fried Chicken restaurant in which a store employee was shot in the hand while trying to apprehend Peace. In December, Peace shot Trevor Bell, a livery cab driver employed by Big D's Royal Cab Service in Jamaica, multiple times in his neck and limbs before fleeing. Mr. Bell still suffers from the effects of two strokes that occurred when the bullet was removed from his neck.

After a three week jury trial, Mr. Peace was convicted of attempted murder in the second degree, first degree assault and first degree robbery and sentenced to a determinate sentence of 110 years in prison.

HOSPITAL EMPLOYEES CHARGED WITH ILLEGALLY ACCESSING MEDICAL RECORDS AND PERSONAL IDENTIFICATION INFORMATION OF EMERGENCY ROOM PATIENTS

Patients Subsequently Contacted by Alleged "Ambulance Chasing" Lawyers and Medical Mills

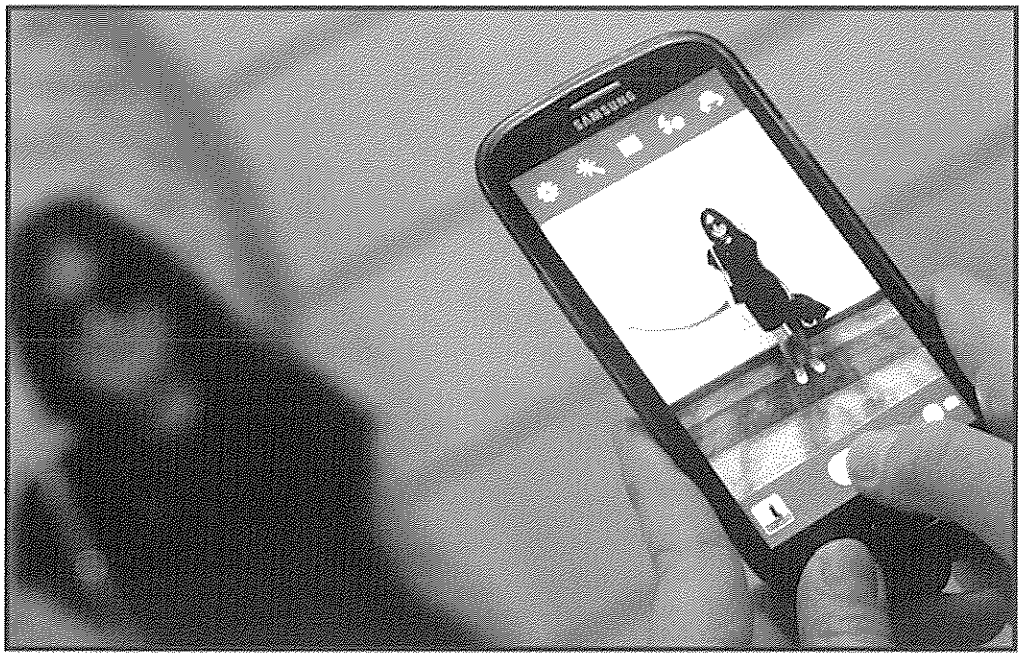
Two employees of Jamaica Hospital Medical Center have been charged with illegally accessing medical records and personal identification information of emergency room patients who were then contacted – some while they were still in the E.R. – by attorneys seeking to solicit them as clients and by others seeking to provide outpatient services.

The defendants, registrars in the emergency room at the hospital, illegally accessed more than 250 different computer records of patient files, each containing, among other things, the patient's Social Security number, date of birth, address, telephone number, and details regarding their injuries and medical treatment received.

One of the patients had sought medical treatment on February 10, 2012 for injuries suffered as a result of a car accident. Within two days of the emergency room visit, the patient received a phone call from a person falsely claiming that she was calling from Jamaica Hospital and wanted to make sure that the patient received follow up medical treatment. The patient also received a call from an attorney attempting to solicit the patient as a client relevant to the injuries which caused the emergency room visit. Another patient who had been injured in a motor vehicle accident and was treated at Jamaica Hospital received calls from an attorney while still in the emergency room. This patient was contacted several days later by a person who falsely represented that they were affiliated with Jamaica Hospital and that they were outside the patient's residence to transport the patient to physical therapy.

The defendants were convicted – one of felony Grand Larceny and the other of a misdemeanor – and neither is working any longer at Jamaica Hospital.

JURY CONVICTS LAW SCHOOL GRAD IN TORTURE DEATH OF GIRLFRIEND; BRUTAL ASSAULT AND STRANGULATION CAPTURED ON CELL PHONE RECORDING



The horrific murder of 27 year old Danielle Thomas illustrates how quickly an abusive relationship can turn deadly Danielle, a financial analyst, had moved to New York to be with her boyfriend, Jason Bohn. They shared an apartment in Astoria and planned to marry. At first, all seemed to be going well. But then Bohn began to be physically abusive.

On June 7, 2012, Danielle walked into her local police precinct with black eyes and on crutches to report an assault by Bohn that had occurred two weeks earlier and which had caused injury to her face and leg. She told police that Bohn was also harassing her by sending threatening e-mails and text messages.

While Danielle was at the precinct, Bohn called her cellphone and a police sergeant heard Bohn say, among other things, that "this was war" and that he would hunt her down like a dog in the streets and make her life impossible. Bohn was arrested that day and charged with assault and aggravated harassment. Danielle was provided with an order of protection.

Less than three weeks later, police were summoned to the apartment that Danielle and Bohn shared and discovered Danielle's body laying in the bathtub surrounded by bags of ice. There was bruising on her forehead, face, shoulders, chest and neck, as well as lacerations on her face, mouth and chest. According to the Medical Examiner's office, the cause of death was blunt force trauma to the neck and torso.

Perhaps even more horrid than the sheer brutality of the murder was the torture that Danielle suffered in the minutes leading up to her death, which was captured in a cell phone recording received by one of Bohn's friends in what is believed to have been an accidental dialing of the friend's number. In the recording, Danielle can be heard gasping for breath and begging for her life as Bohn repeatedly strangled and released her, demanding to know why she had called a certain area code and warning her to answer because "you don't have a lot of time". Ultimately, he killed her.

Convicted after trial, Bohn is now serving a sentence of life in prison without parole.

GUILTY PLEA IN LITTLE NECK ARSON CASE

Defendant Previously Convicted after Firing Shots into Judge's House

A 26 year old man pled guilty to arson in the third degree for setting fire to an acquaintance's home by tossing a Molotov cocktail at the apartment. In pleading guilty, the defendant admitted that he intentionally started the fire. His girlfriend and co-defendant allegedly drove the defendant to and from the crime scene.

A surveillance video in the neighborhood showed the defendant approaching the victim's address with a gas can and moments later running back to the waiting car with the co-defendant allegedly inside. The victim was awakened by the noise as the Molotov cocktail set the apartment door on fire. The victim extinguished the blaze by throwing a pot of water on the flames.

In 2009, the defendant pleaded guilty to attempted criminal possession of a weapon n the second degree for shooting at the home of a Queens Supreme Court Judge. He was sentenced to 2 years and 6 months in prison in that case.

FIVE REPUTED GANG MEMBERS CHARGED WITH CONSPIRING TO INTIMIDATE A WITNESS IN ALLEGED LEADERS' ATTEMPTED MURDER CASE

Five individuals – including the reputed co-leader of the notorious EBK (Every Body Killers) street gang – have been indicted on conspiracy charges for allegedly intimidating and tampering with a witness in the alleged EBK co-leaders pending attempted murder case.

The alleged gang co-leader was charged in October of 2013 with attempted murder and criminal possession of a weapon for an August 2013 incident where he pointed a handgun and fired several rounds at the victim. The alleged gang co-leader was arraigned on the charges and the case was scheduled to be presented to the grand jury.

According to the charges in the May 2014 conspiracy indictment, the alleged gang co-leader told one of his co-conspirators in a telephone conversation that the witness in the attempted murder case should not appear before the grand jury and that two of the co-conspirators should talk to the witness. In subsequent phone conversations, the the co-leader instructed his co-conspirators to make sure that people were at the courthouse as soon as it opened and was assured that they would be on line early to watch everything and would give instructions to call a "pow wow". The following day, it is alleged that the co-conspirators gathered outside the Queens Criminal Courthouse in an effort to intimidate the witness from testifying before the grand jury by instilling a fear in the witness that they would cause physical harm to the witness or another person.

Later that day, according to the charges, the co-leader told one of the co-conspirators that he had been indicted by the grand jury and was informed that the co-conspirators had gathered at the courthouse but did not see the witness. In a later call, it was explained that, failing to see the witness, they had tried calling the witness twice.

It is additionally alleged that one of the co-conspirators tampered with and intimidated the witness on three separate occasions in November and December 2013 by attempting to compel the witness to be absent or otherwise avoid appearing or testifying by instilling a fear in the witness that the co-conspirator would cause physical injury to the witness or another person.

Finally, it is alleged that another co-conspirator attempted to bribe the witness in November of 2013 by conferring or agreeing to confer money on the witness with the understanding that the witnesss would be absent or otherwise avoid or seek to avoid appearing or testifying in a criminal proceeding. The five defendants have been variously charged in an 18 count indictment with third-degree intimidating a victim or witness, third degree tampering with a witness, fifth degree conspiracy, second-degree aggravated harassment and bribing a witness.

PERSISTENT FELONY OFFENDER VIOLATED DOMESTIC VIOLENCE ORDER OF PROTECTION AND ROBBED FORMER GIRLFRIEND CONVICTION LEADS TO LONG PRISON TERM

After a jury trial, Robert Milton was convicted of third degree robbery, bribing a witness, criminal contempt and resisting arrest. He was sentenced as a persistent felony offender (for committing this crime after having two prior nonviolent felony convictions for which he served sentences in excess of one year) to 15 years to life.

According to the trial testimony, Milton appeared at his girlfriend's apartment between 1:30 and 2:00 am in violation of an order of protection issued in an earlier criminal case. Milton told her that he had something for her and smacked her in the face. As she called the police on her cell phone, he took the phone out of her hand and then went into her bedroom and stole a second cell phone before leaving. When police arrived, they found four cell phones from a duffel bag Milton possessed and a cell phone from his front right pocket, which was the phone the victim had been using to call police.

Following his arraignment and while at Rikers Island, Milton wrote letters to the victim asking her not to testify before the grand jury and to testify falsely in a lawsuit against the City and the Police Department relating to the circumstances of the arrest.

QUEENS COUPLE CHARGED WITH CHILD ABUSE INVOLVING EMACIATED 12-YEAR-OLD DAUGHTER

Victim, weighing 58 pounds, allegedly repeatedly beaten with baseball bat, rolling pin, and broken broom handle and locked in room without food or water.

An Ozone Park couple face a litany of child abuse charges - including multiple counts of assault and child endangerment - for allegedly beating and starving their now 12 year old daughter and stepdaughter over an 18 month period. According to the criminal complaint, the stepmother hit the child about her body and face, causing bruising and pain and locked her inside her bedroom and refused to feed her for extended periods of time between December 1, 2012 and May 6, 2014. In one instance, it is alleged that on December 21, 2012, the stepmother kicked the child in the face while wearing footwear, causing bruising, swelling and substantial pain about her face and eye. On a second occasion, she hit her in the face with a wooden rolling pin, causing a laceration, swelling and pain to her left cheek and requiring removal to a local Queens hospital for medical attention. At the time, doctors observed her to be underweight and thin, weighing 58 pounds, and wearing dirty clothes.

In a third instance, on May 6, 2014, the stepmother allegedly hit the child with a broken metal broom handle about her body, causing a deep laceration and bleeding about her left wrist and right knee. When medical personnel arrived at the family residence, they found the girl lying in a pool of blood in the kitchen with the tendons to her left wrist cut to the bone. The girl was transported to Elmhurst Hospital where she underwent surgery for her wrist and received stitches to her knee. At the time, doctors allegedly observed several bruises, marks and scars in various stages of healing throughout the child's body including bruises on her right scapular area, right ear and legs.

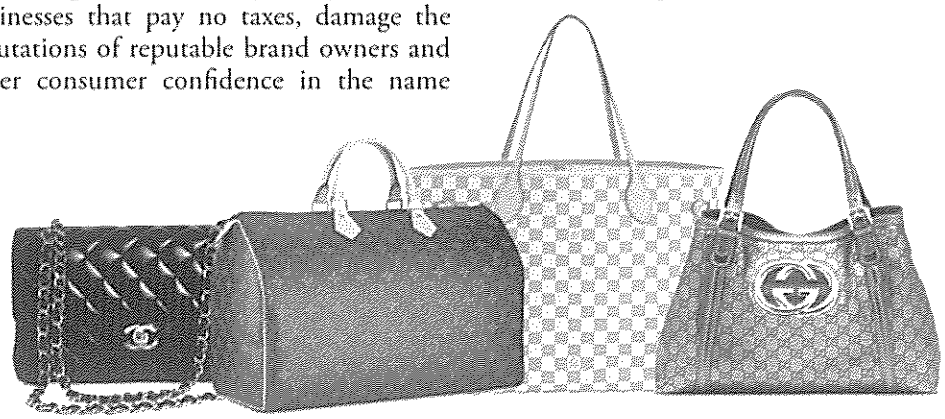
It is also alleged that the biological father repeatedly beat the girl about her body with his hands, his feet, a belt and a baseball bat on various occasion between December 1, 2012 and May 6, 2014. During this same time period, it is alleged that he, too, would lock her inside her bedroom without food or water for extended periods of time and that he forced her to take cold showers while he struck her about her body with his hands and various objects. On March 31, 2014, he allegedly hit her with a baseball bat. It is further alleged that between April 16, 2014 and May 6, 2014, he continued to hit his daughter with a baseball bat about her head and legs. Despite these brutal injuries, it is alleged that the victim was fearful of disclosing the true nature of her injuries or those responsible for inflicting them for fear that her younger step-siblings would be taken away by authorities and placed in foster care. Fortunately, she eventually found the courage to speak up.

Her biological father and stepmother are variously charged with first and second degree assault, unlawful imprisonment and endangering the welfare of a child.

TRADEMARK COUNTERFEITERS CHARGED WITH MARKETING FAKE DESIGNER GOODS

Following a joint long term investigation with the New York City Police Department and the US Immigration and Customs Enforcement's Homeland Security Investigations - seven individuals were charged with trademark counterfeiting. More than $2.2 million worth of fake designer handbags, gloves, wallets, watches and other items bearing the logo of various designers - including Louis Vuitton, Chanel, Gucci and Prada - related to the counterfeiting operation were seized from various storage locations.

Trademark counterfeiting rings fuel an underground economy. They are cash businesses that pay no taxes, damage the reputations of reputable brand owners and lower consumer confidence in the name brands by foisting inferior products into the marketplace.



COURT OFFICER CONVICTED OF SEXUALLY ABUSING TWO YOUNG FEMALE RELATIVES AND POSSESSING CHILD PORNOGRAPHY

A New York State court officer has been convicted after a six week jury trial of sexually abusing two young family members, then ages 10 and 14, in his Queens residence in separate incidents during an 18 month period between 2008 and 2009. The defendant was convicted of first degree course of sexual conduct in connection with the repeated sexual abuse of a child under the age of 11 over an extended period of time. He was also convicted of third degree sexual abuse and endangering the welfare of a child.

The case came to light when one of the victims confided in her mother about the defendant's abuse. According to trial testimony, while executing search warrants at the defendant's residence following his arrest on the sex crimes charges, investigators found dozens of videos and hundreds of images of young children being sexually assaulted on his computer. The defendant was ultimately convicted of 484 counts of possessing a sexual performance by a child and 150 counts of promoting a sexual performance by a child.

The trial judge sentenced the defendant to 25 1/3 to 32 1/3 years in prison.

ATTORNEYS INDICTED IN ALLEGED $1 MILLION "SHORT SALE" MORTGAGE FRAUD SCHEME

Two Long Island attorneys were charged with defrauding Queens homeowners, a financial institution and real estate buyers over a nineteen month period through a " short sale" mortgage fraud. They preyed on vulnerable homeowners of nearly half a dozen Queens properties seeking to avoid foreclosure. The homeowners were allegedly deceived into selling their property, believing that the underlying mortgages would be satisfied. The buyers and new mortgage lenders were allegedly deceived into believing that the purchased properties were free and clear of prior encumbrances when, in fact, the mortgages were still outstanding.

The victims in the case only discovered that something was amiss when foreclosure notices for the pre-existing mortgages were served several months after the supposed " short sale" closings.

A short sale occurs when a homeowner gets their mortgage lenders (lien holders) to agree to release their lien on the real estate and accept less than the amount owed on the mortgage. In this particular case, the mortgages on the five houses involved typically had a first and second lien holder, both of whom had to approve of the sale. Although a first lien holder may approve a short sale, a second lien holder may disapprove of the sale because it would receive a paltry sum or nothing at all.

According to the charges the attorneys represented the five property sellers and engaged in short sale negotiations with the goal of persuading the underlying lien holders to accept less than the outstanding mortgage to discharge the debt and the lien. It is alleged that the attorneys proceeded to closing in all five instances without the short sale approval from both lien holders of the property, and although having proceeded with a sale, failed to pay off the underlying mortgages. The mortgage loan funds were wired into an attorney's trust account for which the two attorneys were the only authorized signatories. Disbursement of the funds was conditioned upon certain things taking place – including paying off the underlying mortgages and recording the new mortgages so that the lender would be in position of first lien holder; preparing HUD settlement statements that correctly listed how the mortgage proceeds would be disbursed; and obtaining title insurance on behalf of the lender.

In fact, it is alleged, that the underlying mortgages were not being paid off, the HUD settlement statements falsely indicated that there were not underlying mortgages to be paid off, and no title insurance was purchased. Instead, it is alleged that unauthorized and excessive disbursements were made from the attorney trust account where more than $1 million in mortgage loan funds were wired – with the attorneys writing the majority of the disbursement checks.

TWO SOPHISTICATED FRAUD RINGS IN FLUSHING AND BAYSIDE DISMANTLED

Following a 24 month investigation that included months of court-authorized wiretaps, video and physical surveillance and thousands of intercepted telephone calls, a Queens County grand jury has returned two indictments charging seven individuals with being members of two organized fraud rings that preyed on members of the Korean and Chinese communities as well as banks, department stores and auto dealerships.

In one scheme, one of the defendants initially assisted members of his church who spoke little or no English to legitimately buy automobiles in their names. Unbeknownst to the victims, this defendant and his co-defendants stole the victims' personal identification information – such as their social security numbers and driver's licenses – and used this information to finance and purchase seven luxury vehicles and to open credit cards and other accounts in their names. For example, one victim's identity was used three times to finance a Mercedes Benz, a BMW and an Audi A6, saddling the victim with $189,471 in finance charges and depriving the auto dealerships of their vehicles.

In a second scheme, the defendants are accused of participating in a credit card "bust out" scam. Having allegedly obtained social security numbers beginning with the prefix "586" which were issued by the United States government in the 1990s, usually to Chinese nationals who were employed in American territories such as American Samoa and Guam, the defendants then used fictitious names to open accounts with banks and credit card companies and maintain the accounts for long periods of time – allegedly using one credit card to pay off the balance on another card – in order to maximize their lines of credit before "busting out" the cards – charging large amounts on the cards before abandoning the accounts without paying the money they owed.

Under the auto dealership scam, since March 2013, defendants are alleged to have purchased seven vehicles financed for a total of $391,404.71 in the names of their victims. Among the alleged victims were the four individuals whose identities were stolen and five auto dealerships.

In addition, one of the defendants used personal identifying information of his victims to open at least two Capital One accounts and a Discover credit card account. The alleged total losses on these accounts were approximately $24,250.

The institutional victims of the bust out scam included Bethpage Federal Credit Union, TD Bank and Nordstrom.

Court-authorized search warrants executed at six Queens locations produced numerous forged Korean passports and forged United States visas, as well as material needed to create forged documents, such as stamps, laminates, paper and seals.

The defendants are variously charged in the two indictments with grand larceny, falsifying business records, identity theft, criminal possession of stolen property, forgery, and scheme to defraud.

MAN WHO SHOT BOTH HIS PARENTS TO DEATH IN THEIR OWN BEDS CONVICTED OF FIRST DEGREE MURDER

Shane Jaggarnauth was convicted of fatally shooting his parents after a four week trial. According to the trial testimony, the defendant and an unidentified accomplice entered the bedroom of his parents at approximately 4:00 a.m. Sugrim Jaggarnauth was shot once in the forehead at close range as he slept and died. Rosie Jaggarnauth was then also shot once. However, the shot did not prove fatal and she was able to call 911 for help. While on the phone with the 911 operator, she was shot three more times, of which at least one shot proved fatal.

Shortly thereafter, Shane Jaggarnauth called 911 to report that he had been shot in the left shoulder by an intruder who had also murdered his parents. Jaggarnauth was taken to a local Queens hospital for treatment of his non-life-threatening gunshot wound. After conviction at trial, he was sentenced to life without parole.

SERIAL RESIDENTIAL BURGLAR CAUGHT AND CONVICTED

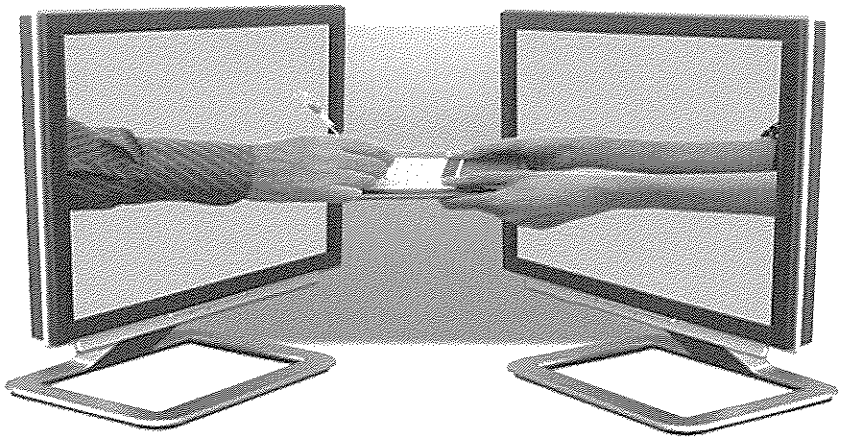
Between September 2011 and September 2013, Mario Girau broke into eleven homes in Forest Hills, Ridgewood, Ozone Park, South Ozone Park and Howard Beach, and stole thousands of dollars worth of jewelry, cameras, computer equipment, sports memorabilia and ammunition. He was captured when New York City police officers assigned to the Burglary Larceny Apprehension Surveillance Team (BLAST) were investigating a pattern of residential burglaries. As part of that investigation, they were conducting surveillance of Girau and observed him looking into the windows of several residential homes and, in one instance, entering and committing a burglary. He was arrested and found in possession of jewelry and burglar's tools.

A search warrant obtained after Girau's arrest led police to the property of ten burglary victims that was being stored in Girau's home.

In March of 2014, Girau pleaded guilty to burglary in the second degree and criminal possession of stolen property in the third degree and was subsequently sentenced to 10 years in prison.

COURT APPROVES USE OF ELECTRONIC SIGNATURE OF VICTIM IN QUEENS DOMESTIC VIOLENCE CASE

Landmark decision will streamline access to the criminal justice system for domestic violence victims



In a case of first impression, Judge Deborah Stevens Modica, Supervising Judge of the Criminal Court in Queens County, held that the Court could accept the electronic signature of a complaining witness in lieu of a handwritten signature on a supporting deposition. In her ruling, Judge Modica stated" To assert that the everyday use of technology in business transactions, government filings, test taking, school transactions, etc cannot be applied to court documents without specific legislative authorization fails to recognize that such usage is simply no longer novel. "

In the instant case, the defendant was arraigned on a criminal complaint charging assault in the third degree and harassment in the second degree. According to the complaint, during a discussion between the defendant and his wife, the defendant threatened to take their son to Mexico and a verbal argument ensued during which the defendant is alleged to have grabbed his wife by the wrist and, lifting his leg, pressed his knee hard against her chest and neck area and struck her in the forehead with a closed fist. It is alleged that the defendant caused his wife to suffer substantial pain, redness, swelling and bruising to her forehead, wrist, leg and chest area.

As the Court explains in its decision, under the Criminal Procedure Law, a prosecution can be initiated by way of a misdemeanor complaint. In order for the complaint to be a legally sufficient accusatory instrument (I.e., an information), upon which the People can proceed to trial, however, it must contain allegations in its factual portion that provide reasonable cause to believe that the defendant committed the offenses charged in the accusatory instrument, and those allegations cannot contain hearsay. This is often accomplished by the People also filing a supporting deposition, a sworn statement from a person with actual knowledge of the facts contained in the complaint. A supporting deposition must be subscribed and verified by the complainant. Once an accusatory instrument charging misdemeanors no longer contains hearsay, it is an information and the People can proceed to trial.

The Court's decision to allow supporting depositions signed electronically by domestic violence victims to convert a complaint to an information will revolutionize the way prosecutors handle domestic violence cases and will provide a safer and quicker way to have victims sign supporting depositions. This decision will enhance prosecutors' ability to get needed orders of protection in place, seek appropriate bail, hold batterers accountable and keep victims of domestic violence safer.

ASTORIA BUSINESSMAN CONVICTED AT RETRIAL FOR POSING AS LAWYER AND STEALING $5 MILLION FROM CLIENTS

Evidence presented at a two month jury trial showed that the defendant, Mohammed Rafikian, engaged in very risky day trading of stocks and ran up negative balances of $5 million in his accounts. Needing to find a way to cover his losses, the defendant took over the law practice of an attorney who had become suddenly ill and misrepresented himself as an attorney.

The defendant had periodically worked as a paralegal for a law firm in Astoria. It was the named partner of this law firm whose identity the defendant assumed. For more than five years, the defendant held himself out to be an attorney and a registered investment advisor during which time he stole approximately $5 million from seven individuals through real estate and capital investment transactions. The victims included a cardiologist, a dentist, a bar manager, a retired disabled elevator mechanic, a NYCHA inspector, a painting contractor and a family friend.

In one instance, for example, the defendant took $3.2 million from an individual and promised to invest the funds at a promised rate of return of 26 percent. The defendant provided no statements to the individual nor did he return the money upon demand. The defendant, however, did send the client two checks, totaling $150,000, which were returned for insufficient funds.

In a second instance, the defendant took more than $900,000 from another individual for the purchase of a building in Astoria. However, the defendant neither purchased the building nor did he return the funds when requested. In addition, the defendant sold a laundromat on behalf of the individual for $75,000, but only remitted $12,000 to him.

In yet a third instance, testified to at trial, an individual gave the defendant approximately $816,000 for the purchase of a house and a bar. However, the purchases never took place and the defendant failed to return the money when demanded by the client.

Defendant was originally convicted at trial in August 2007 on similar charges. Defendant, who represented himself at trial, appealed his conviction. In September of 2012, the New York State Appellate Division, Second Department, determined that defendant's decision to waive counsel in order to represent himself was not knowing and voluntary and ordered a new trial.

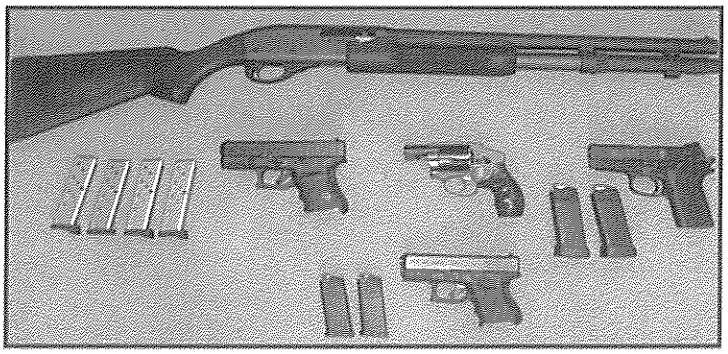
After the second jury trial, defendant was convicted of grand larceny, criminal impersonation, scheme to defraud and unlicensed practice of law. He was sentenced to 16 2/3 to 50 years in prison.

AUTO CRIME AND INSURANCE FRAUD INVESTIGATION LEADS TO INDICTMENT FOR SELLING $500,000 IN STOLEN VEHICLES AND AUTO PARTS - AS WELL AS WEAPONS AND DRUGS - OVER THE INTERNET

The main target of the investigation initially advertised the sale of stolen auto parts on Craigslist and frequently set up meetings with buyers in his home. Thereafter, he began to sell whole vehicles - many of which were luxury vehicles stolen from Queens County and Long Island. In total more than 20 vehicles were stolen and sold, including a 2011 Mercedes, a 2011 Lexus, various Honda models and a 2014 Kia Sorrento. The stolen vehicles and auto parts are valued at approximately $500,000.

The main defendant is also charged with selling two stolen motorcycles and on several occasions, a total of five pounds of marijuana valued at $12,500, Weapons were also sold including a .22 caliber Jimenez, a 9mm Glock, a..357 Smith and Wesson and a 12 gauge shot gun.

Six other individuals were also indicted. Three were charged with working in collusion with the defendant to scam insurance companies in bogus stolen car claims. These individuals participated in a scheme to have their cars allegedly " stolen" and then file claims with their insurance carriers for cash payouts totaling approximately $60,000. The indictments also charge two other co-defendants with working with defendant to sell marijuana and a sixth individual with selling a stolen 2010 Honda CRV.



FAR ROCKAWAY PRE-SCHOOL PROVIDERS CHARGED WITH THEFT OF $12.4 MILLION INTENDED FOR SPECIAL NEEDS STUDENTS

Four men with ties to one of the City's largest providers of special education services to preschoolers with disabilities have been indicted on grand larceny and other charges for allegedly stealing more than $12.4 million in City and State funding beween 2005 and 2012 – money that was meant for special needs students between the ages of 3 and 5.

New York State's Education Law requires that the State Education Department meet the physical and educational needs of children with disabilities. Additionally, within the City of New York, the Department of Education contracts with private service providers to deliver services for those who require them, including Special Education Itinerant Teachers (SEIT) who provide education services in children's homes and other venues.

The indictment charges that four men affiliated with the Island Child Development Center (ICDC), a private not-for – profit company located in Far Rockaway, which primarily provides services to pre-school children in the Orthodox Jewish communities of Far Rockaway in Queens and Williamsburg and Borough Park, in Brooklyn, stole approximately $12.4 million between 2005 and 2012. The alleged thefts were discovered after the State Comptroller's office notified ICDC and specifically, the former Executive Director of ICDC, that it planned to conduct a routine audit of SEIT funds provided to ICDC. When auditors arrived for the meeting, in July of 2012, they were informed that the Executive Director had left his position and allegedly taken his books and records with him. After further investigation, the auditors referred the case to the Queens District Attorney's Office.

The investigation disclosed that ICDC received approximately $27 million in state funding between 2005 and 2012. Of that amount, it is alleged, $12.472 million was illegally diverted to the defendants for their personal use, to their families , to their other business endeavors and to local members of their religious communities.

For example, it is alleged, approximately $8 million was diverted by the Assistant Director of ICDC to numerous religious schools and camps not affiliated with ICDC, including $3 million to B'nos Bais Yaakov Academy, a private all-girls school located in Far Rockaway where he serves as principal. It is alleged that money was also diverted to a related summer camp for Orthodox youth called Camp Malka, located in Greene County, New York, and Ora Day Camp in Far Rockaway. The monies were allegedly used by the school and the camps to pay for hot lunches and other kosher food services, carpeting, vehicles and staff salaries. Additionally, approximately $30,000 was allegedly diverted to pay for plumbing work on the Assistant Director's personal residence.

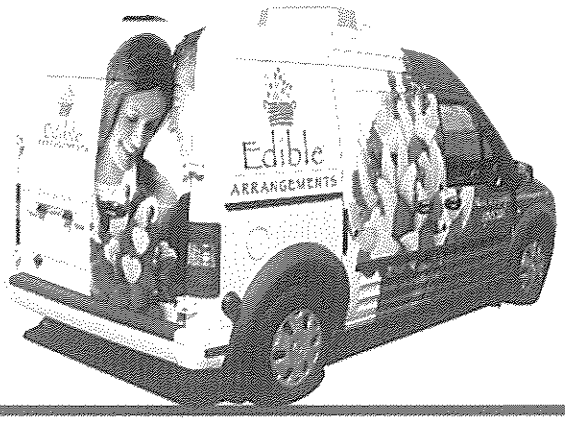
The other defendants, variously affiliated with ICDC, are also alleged to have diverted funds for personal uses including home renovations, catering services, and other purposes.

The defendants are variously charged in a 42 count indictment with first, second and third degree grand larceny, first degree offering a false instrument for filing, first degree identity theft and first degree falsifying business records. In addition to the criminal charges, the District Attorney's office has filed a civil forfeiture action against all four defendants seeking the forfeiture of more than $11 million in illegally obtained proceeds.

EDIBLE ARRANGEMENTS FRANCHISE OWNER PLEADS GUILTY TO BILKING CITY AND STATE OUT OF MORE THAN $185,000 IN TAXES

The owner of an Edible Arrangements franchise in Springfield Gardens has pleaded guilty to violations of the New York State Tax Code for failing to pay more than $185,000 in taxes due to both New York City and New York State. Edible Arrangements is a business that sells fruit baskets and fruit bouquets. The defendant's business collected in excess of $2 million between 2007 and 2011, but failed to pay more than $100,000 in taxes owed. Between 2011 and 2013, the defendant's business collected just over $1.2 million yet the defendant claimed in required filings to have only taken in about $26,000 - cheating the city and state coffers of another $50,000.

The defendant owner pleaded guilty to violations of sections 1804 and 1802 of the New York State Tax Code. The corporate defendant pleaded guilty to a violation of section 1804 of the Tax Code and criminal tax fraud in the third degree. The defendant owner has repaid over $90,000 and must still pay another $97,537. The total restitution is $188,448. As a condition of the plea agreement, the defendant signed an agreement with the New York State Department of Taxation and Finance to pay penalties and interest in excess of $200,000.



AIRPORT INVESTIGATIONS UNIT TARGETS CRIMES AT QUEENS AIRPORTS

Because Queens County is home to New York City's two major airports - John F. Kennedy International Airport and LaGuardia - the Queens District Attorney's Office recognizes that it has a special responsibility to investigate and prosecute crimes occurring at those airports. Our Airport Investigations Unit aggressively targets a variety of crimes at the airports including drug and gun trafficking, cargo theft, and consumer fraud.

Making our airports safe and hospitable places for travelers to use and businesses to operate encourages tourism and boosts our local economy, providing jobs and tax dollars for important services. Over the last few years, among the cases the office has successfully investigated and prosecuted is a number of cases involving baggage handlers who violated the public trust by stealing from the checked luggage of airline passengers and then trying to sell the stolen items to a pawn shop or "fence".

In May of 2009, a Jetblue baggage handler was charged with stealing a 9 mm pistol belonging to a police officer. In August 2013, seven contract baggage handlers for El Al airlines were charged with stealing thousands of dollars worth of items from arriving and departing flights at JFK airport. The airline installed a video camera in the baggage hold in response to numerous customer complaints of theft and caught the handlers rifling through bags and placing jewelry, cash, watches, computers and other items in their pockets and down their pants. In March 2014, five individuals, including four baggage handlers whose jobs included loading U.S. mail onto outbound international flights, were charged with stealing money orders and checks bound for Japan, China and Korea and depositing them into their own bank accounts. Credit cards were also stolen and used to buy iPad minis at airport stores. In December of 2014, another seven baggage handlers were charged with stealing from the suitcases of passengers traveling through Terminals 4 and 7 going to or coming from Japan, Hawaii, Johannesburg, London, Bangkok, Dubai and Milan.

To date, 12 baggage handlers have been convicted, 8 for felonies and 4 for misdemeanors.

And in December of 2014, a TSA Screener at Kennedy Airport was convicted of felony counts of grand larceny and criminal possession of stolen property for stealing $10,000 cash from the luggage of two passengers traveling to India in December 2011 and January 2012 as they were going through security.

SEX TRAFFICKER RECRUITED AND PROSTITUTED TEENAGE GIRLS

On various occasions, undercover officers responding to prostitution advertisements posted on backpage.com were directed to locations. There they were met by 15, 16 and 18 year old girls who exited from a 1998 Ford expedition driven by Keyan Price. The girls each offered to have sexual intercourse with the officers in exchange for money.

According to the criminal charges filed in the case, the 18 year old worked for Price for approximately eight months. During that time, Price photographed her dressed only in her underwear and posted her picture in prostitution ads on backpage.com. During that time, Price drove her to various locations where she would have sexual intercourse with numerous men in exchange for money, which she would then turn over to Price. When the girl told Price she did not want to continue to engage in prostitution, he threatened to expose her and show her pictures to her mother and boyfriend. She also feared for her safety after watching Price punch another girl who was working as a prostitute for him - in the face.

Keyan Price pled guilty to Attempted Sex Trafficking and was sentenced to an indeterminate term of 3 ½ to 7 years in prison.

Cases of Interest

FELONY GUILTY PLEA IN RIDGEWOOD HATE CRIME

Shocked Victim with a Stun Gun While Shouting Anti-Gay Slur

A 25 year old Brooklyn man pleaded guilty to third degree assault as a hate crime for a September 2012 bias attack in which he shocked the victim in the chest with a stun gun and called the man an anti-gay slur.

In pleading guilty, the defendant admitted that he walked up to the victim who was standing at the intersection of Gates and Fairview Avenues at around 8 pm, shouted an anti-gay slur, shocked the victim with a stun gun to his torso and then ran away. The victim, who sustained chest pains, called the police. The defendant was arrested in the courtyard of a nearby building later that evening. An indeterminate sentence of one to three years in prison was imposed.

EIGHTEEN INDIVIDUALS CHARGED WITH STEALING MORE THAN $340,000 IN UNEMPLOYMENT BENEFITS

Allegedly Collected Benefits While Employed

Following an investigation by the New York State Department of Labor, which then referred the cases to the Queens District Attorney's office for further investigation and prosecution, 18 individuals have been charged with falsifying documents by applying for and receiving unemployment benefits when, in fact, they were employed and not entitled to receive such benefits. The defendants were also charged with grand larceny.

PHYSICIAN OF DEFUNCT QUEENS MEDICAL CLINIC CONVICTED IN INSURANCE SCHEME

A Queens physician who operated a medical clinic in South Richmond Hill pleaded guilty to defrauding insurance companies and the New York State Worker's Compensation Board by fraudulently billing for medical tests never performed. According to the charges, various individuals who had been injured in motor vehicle accidents went to Liberty Advance Medical for treatment. During the course of their treatment, the defendant billed various insurance companies and the New York State Worker's Compensation Board for neurological testing and therapies performed on the accident victims that, in fact, were never rendered.

The test results were falsified by substituting old patient test results. As a result, various insurance companies made payments on claims submitted by Liberty Advance Medical in connection with the accident victim's alleged injuries. Insurance companies were cheated out of tens of thousands of dollars. The defendant pled guilty to falsifying business records in the first degree and has been ordered to pay more than $65,000 in restitution.

CONVICTION FOR CONTINUING SEXUAL ABUSE OF A BOY SPANNING MORE THAN 10 YEARS

A brave young man took the witness stand at a two week jury trial and told the jury about years of sexual abuse at the hands of his relative by marriage. The sexual assault occurred repeatedly from the time the boy was just 5 years old until he was 16 years old. The attacks took place during visits by the victim to the defendant's home. The victim, now 19 years old, told a counselor about the abuse several months after it stopped. The counselor encouraged the boy to tell his parents and they contacted the police.

The 59 year old defendant was convicted after a two week jury trial of two counts of first degree course of sexual conduct against a child and one count of first-degree criminal sexual act, which are B violent felony offenses and other charges. He was sentenced to 25 years in prison.

KEW GARDENS MAN USED HIS BODEGA AS FRONT TO SELL COCAINE

Following a long term narcotics investigation involving the use of court authorized electronic surveillance and search warrants, Jaime Corchado was tried, convicted and sentenced to 15 years in prison for drug sales and weapons possession. According to the trial testimony, Corchado was overheard engaging in hundreds of drug-related conversations on his cell phone and observed selling cocaine. A search warrant executed at his grocery store produced bags of cocaine, marijuana and a scale. A search warrant executed at his home revealed a Sig Saber 380 caliber pistol, a Winchester single barrel shotgun with magnifying scope, magazines and approximately 100 rounds of ammunition.

Cases of Interest

PERSISTENT VIOLENT FELONY OFFENDER SENTENCED TO 12 YEARS TO LIFE IN PRISON

A career criminal was sentenced to a long prison term after he pled guilty to his most recent offense - a month long home break-in spree. Harry Garcia was arrested after police investigating a pattern of residential burglaries in Ozone Park and South Ozone Park spotted him entering a rear yard, prying open a window and entering the residence. After a short period of time, Garcia was observed leaving the residence with a bag that he had not been carrying when he entered the dwelling. When police approached, Garcia dropped the bag and fled. He was caught a block away. Inside the bag, police found a Sony Playstation, controllers and other accessories. A bracelet and a chain were found on his person. Garcia had broken into five homes between May and June of 2014 and stolen thousands of dollars worth of jewelry and other items.

VIOLENT ATTACK ON POLICE OFFICERS BY KNIFE WIELDING MAN CAUSES GRAVE INJURIES

In April, Neil Perreira was sentenced to 54 years to life in prison for attacking three police officers responding to a radio run in the Rockaways about an emotionally disturbed man armed with a knife. Mr. Perreira stabbed Sergeant Timothy Smith in the chest and the eye and then injured two other officers, Daniel Sjoberg and Edward Simon, as they attempted to subdue him. Sergeant Smith was admitted to Bellevue Hospital in critical condition with stab wounds and bleeding on the brain. He suffered the loss of his left eye and neurological damage that resulted in him needing the assistance of a walker to get around. Perreira was convicted after trial of attempted murder and aggravated assault on a police officer among other charges.

FAILED ATTEMPT TO SET GIRLFRIEND'S NEW LOVER ON FIRE RESULTS IN PRISON TERM

A 46 year old Rockaway man in an apparent fit of rage attempted to kill his romantic rival who was allegedly having an affair with the mother of the defendant's three children. According to the trial testimony, the defendant filled a large plastic bin with gasoline, placed it at the victim's door and attempted to light it. He was caught in the act and confronted by the victim and his roommate. The three individuals struggled and defendant ran away from the scene after being injured. The victim and his roommate called the police.

The defendant left a puddle of blood at the scene. Police were able to positively match the defendant's DNA to that blood, as well as the blood stained matches left at the scene. The defendant's DNA was also found on the gasoline-filled bin. After a jury trial, the defendant, Stephan Schlackman, was convicted of attempted murder and sentenced to 7 years in prison.

GUILTY PLEA IN DEADLY MOTOR VEHICLE CRASH

A 24 year old Schenectady man pleaded guilty to vehicular manslaughter in the second degree in connection with a crash that killed a 59 year old woman. According to the charges two police officers heard a loud bang coming from behind them on 117th Street and observed the defendant driving a silver Toyota Camry speed past them. The defendant was exceeding the speed limit by roughly 30 miles per hour, he failed to stop at a stop sign and continued through a solid red light.

The officers pursued the defendant and pulled him over. According to court records, an intoxilyzer test administered thereafter showed a blood alcohol level of .09 percent – above the legal limit of .08 percent in New York State. At the scene of the loud bang, Raj K. Chohan, 59, was found on the ground in cardiac arrest. She was taken to a nearby hospital where she was pronounced dead. The defendant, Vishwanand Subryan, was sentenced to an indeterminate sentence of 1 ½ to 4 years in prison and 3 years post release supervision with a required ignition interlock.

GUNPOINT ROBBERS TARGETED GAS STATIONS AND A DELI

Two men, Ravinder Dharamshot and Umair Farooq, pled guilty to robbery in the first degree in connection with three early morning gunpoint robberies. Two of the robberies occurred at gas stations and a third at a deli. Both men were sentenced to 10 years in prison.

WORKING WITH COMMUNITIES

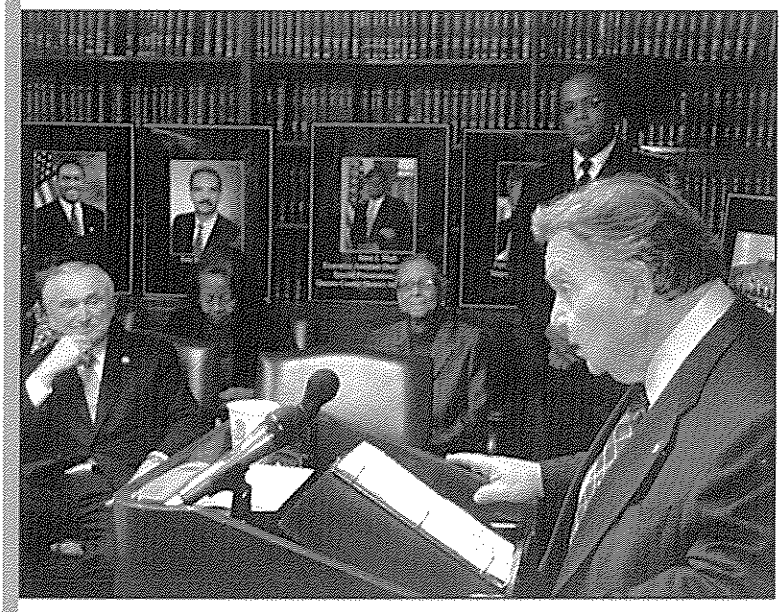
Working with Communities

CITY COUNCIL BUDGET HEARING

At the City Council's annual budget hearings, District Attorney Brown joined District Attorneys Donovan and Vance as well as District Attorneys Thompson and Johnson and Special Narcotics Prosecutor Brennan in reporting on recent crime trends and laying out his office's budgetary needs for the coming fiscal year.

HISPANIC HERITAGE AWARD

The Ninth Annual Hispanic Heritage Award was presented to MetroLALSA (Metropolitan Latino American Law Student Association) for bringing together the Latino law student community from thirteen New York and New Jersey law schools to become an empowering voice in the legal profession. Joining DA Brown are Senator Jose Peralta, ADA Aharon Diaz and MetroLALSA members.

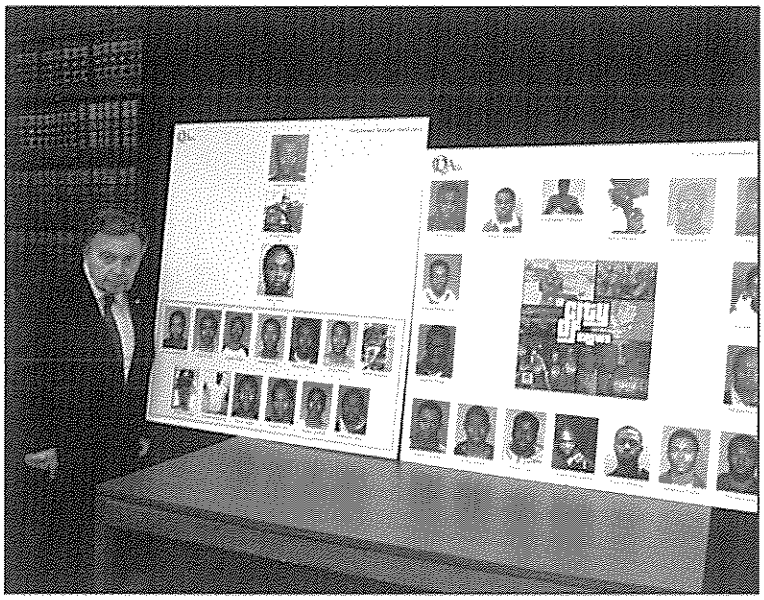


WILLIAM TUCKER GARVIN PUBLIC SERVICE AWARD

District Attorney Brown celebrates Black History Month by presenting his office's 2014 William Tucker Garvin Public Service Award to former New York City Police Department Chief of Department Philip Banks III (standing at right) as the Police Commissioner looks on. William Tucker Garvin was the first African-American Assistant District Attorney appointed in Queens County.

GREATER JAMAICA DEVELOPMENT CORPORATION

DA Brown joins Reverend Floyd Flake and Queens Borough President Melinda Katz after attending the Annual Meeting of the Greater Jamaica Development Corporation on May 21, 2014.

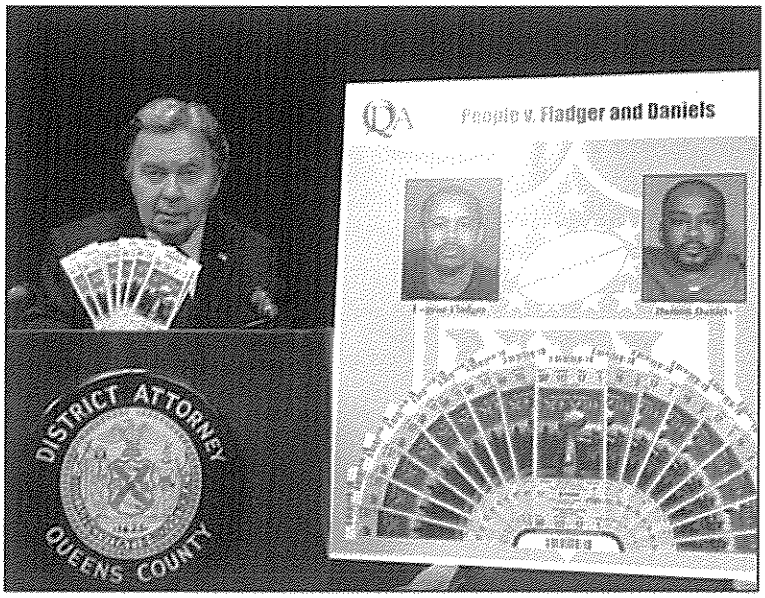


REPUTED VIOLENT SOUTHEAST QUEENS STREET GANG MEMBERS INDICTED

Thirty-one members of the affiliated SNOW, Loyalty Over Everything and Young Bosses street gangs were indicted on charges of conspiring to murder two individuals and conspiring to commit robberies to raise bail money for an alleged gang leader who was incarcerated on Rikers Island on a weapons charge.

TRADEMARK COUNTERFEITING RING DISMANTLED

Queens District Attorney Richard A. Brown stands amid some of the counterfeit designer items, worth in excess of $2.2 million, that were seized following the execution of court-authorized search warrants at various Queens locations – including two self-storage facilities.



INVESTIGATION LEADS TO ARREST OF SUPERBOWL TICKET COUNTERFEITERS

A joint investigation with the NYPD led to the arrest of members of an operation that was manufacturing and selling counterfeit tickets to Super Bowl and other sought-after post-season football games as well as invitations to Private Super Bowl parties. The ring sold to individuals across the country over the Internet.

NATIONAL ENFORCEMENT OPERATION TARGETING SEXUAL EXPLOITATION OF CHILDREN

Federal and local prosecutors joined in announcing the arrests of 71 individuals who possessed, shared or distributed images or videos of real children engaged in sexually explicit activities. Special Agent James Hayes Jr, head of the Homeland Security Investigations New York Office noted that this was the largest-ever enforcement operation in New York targeting possession, production or distribution of child pornography.

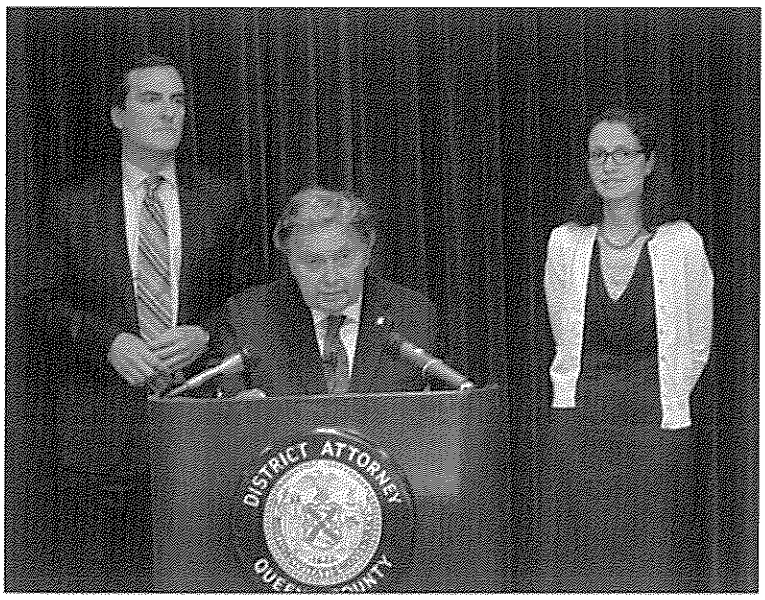
Working with Communities

NEW YORK JUNIOR TENNIS AND LEARNING LUNCHEON

At the 2012 New York Junior Tennis and Learning Annual Luncheon, District Attorney Brown stands with York Chu, Senior Tennis Program Manager, Dennis Flood, CFO Sports and Arts in After School Foundation, Tennis Champion Billie Jean King and Maxine Baker, former assistant to the CEO Deborah Antoine. NYJTL has been a strong partner with the DA's office in our School Anti-Violence Program in the Rockaways.

METROPOLITAN YOUTH GANG CONFERENCE

The 20th Annual Metropolitan Youth Gang Conference was held at the Holiday Inn J. F. K. in Jamaica, Queens in July. The two-day long information-sharing conference is co-hosted by the QDA, Middle Atlantic Great Lakes Organized Crime Law Enforcement Network, New York City Police Department and the East Coast Gang Investigators Association.



SPEAKING OUT AGAINST SEXUAL ABUSE

Joined by Senator Michael Gianaris and Assemblywoman Aravella Simotas, co-sponsors of a bill to close a loophole in the State's persistent sexual abuse statute, DA Brown urges the Governor to sign the bill. The bill was signed and is now law.

GOVERNMENT LEADERSHIP FORUM

DA Brown joined his fellow City prosecutors at a Government Leadership Forum hosted by the law firm Stroock & Stroock & Lavin LLP on the opportunities and challenges they face. From left to right are attorney Joel Cohen, Manhattan DA Cyrus R. Vance, Jr., former New York State Attorney General Robert Abrams, DA Brown, Brooklyn DA Kenneth P. Thompson, Staten Island DA Daniel M. Donovan and Bronx DA Robert T. Johnson.

2014 Legislative Breakfast

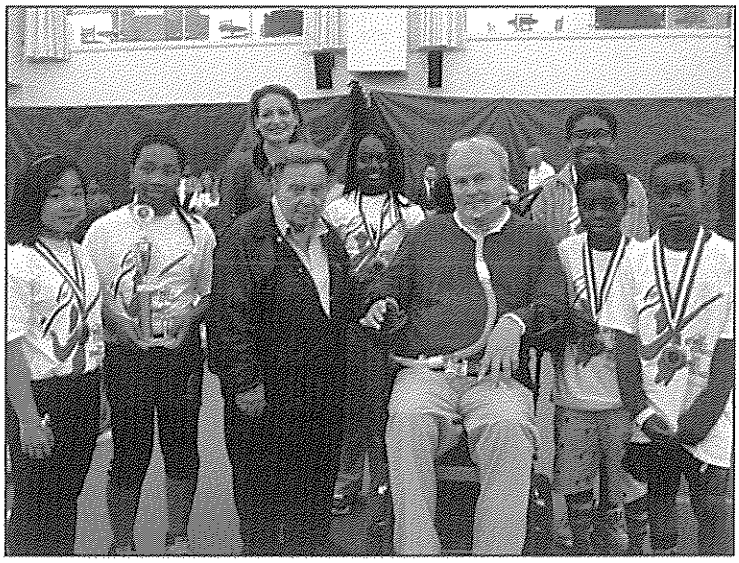
At his annual Legislative Breakfast, District Attorney Brown briefs City, State and Federal elected officials on key public safety accomplishments and major initiatives of the past year, as well as difficult challenges facing the office in the year ahead. Among those attending were former City Councilman Archie Spigner, former Senator Malcolm Smith, City Councilman Donovan Richards, Assemblyman Ron Kim, City Councilman Mark Weprin, Assemblyman Michael Simanowitz, Senator Michael Gianaris, Queens Borough President Melinda Katz, Assemblywoman Nily Rozic, County Clerk Audrey Pheffer, Congressman Joe Crowley, City Councilman Paul Vallone, City Council member Karen Koslowitz and Assemblyman Andrew Hevesi.

National Crime Victims Rights Week

The District Attorney's Office observes National Crime Victims Rights Week by hosting a community awareness program at the Queens Criminal Courthouse. During the ceremony, District Attorney Brown, QDA Crime Victim Advocate Program Director Natasha Morales and TPA Jeterah Brown present $50 savings bonds to the two student winners of an essay contest on the theme " How can we help crime victims in our community?".

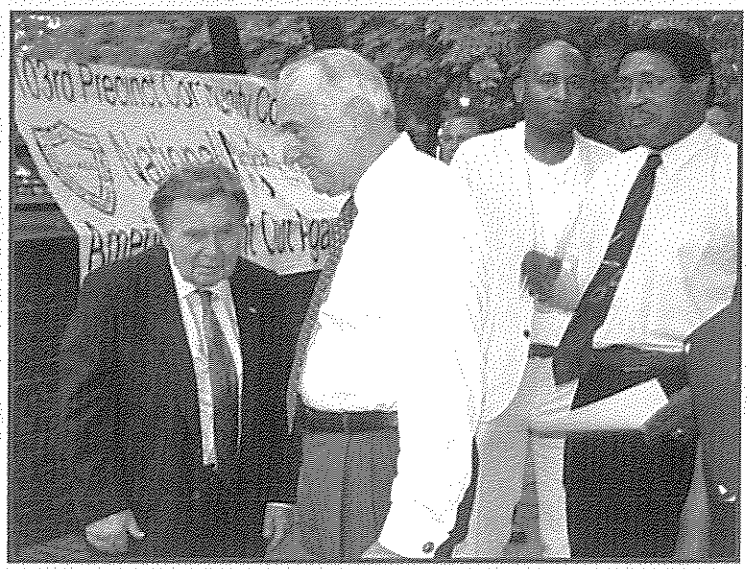
Awards were also presented to Ms. Morales, ADA Peter Lomp and Detective Kevin Granger by Andrea McGowan, mother of homicide victim Lasean Hogan, in appreciation for their efforts in the successful prosecution of her son's killer. PBQS Chief David Barrere looks on.

Tennis Event: Say Yes To Tennis, No To Violence



Queens District Attorney Richard A. Brown, together with the United States Tennis Association and the New York Junior Tennis And Learning (NYJTL), hosted more than 850 Far Rockaway public school students at the 17th annual "Say Yes to Tennis - No to Violence" Day at the USTA Billie Jean King National Tennis Center in Flushing Meadows-Corona Park in Queens. The annual tennis event is meant to encourage the students to make affirmative choices – such as sports – as a positive alternative to the deadly culture of gun violence which permeates their lives on an almost daily basis. Pictured with District Attorney Brown is NYPD Detective Steven McDonald, who was shot in the line of duty by a 15-year-old boy, Jessica Bailey, NYJTL's Senior Director of Education and winners of the NYJTL Arthur Ashe Essay Contest, in which they were asked, "How, like Arthur Ashe, have you used your time and skills learned through tennis and educational programming to impact the lives of those around you?"

National Night Out Against Crime



In observance of " National Night Out Against Crime" this August, District Attorney Brown visited precincts throughout Queens to join community members at anti-crime events. He is pictured at the 103rd Precinct with Police Commissioner William Bratton, City Councilman Donovan Richards and Assemblyman William Scarborough and later greets two Assistant District Attorneys - Ashley Morris and Jonathan Brewer.

NEW YORK COUNTY
DISTRICT ATTORNEY'S OFFICE

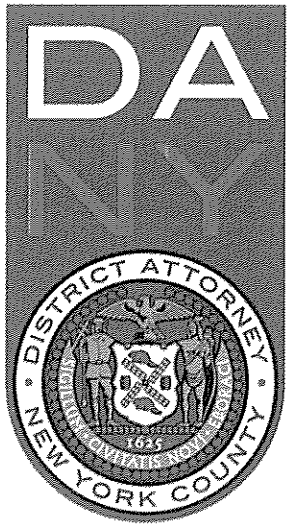
ANNUAL REPORT

HIGHLIGHTS FROM **2014**

manhattanda.org

1 Hogan Place
New York, New York 10013

twitter.com/manhattanDA
www.facebook.com/ManhattanDistrictAttorney



CONTENTS

Data-Driven Prosecution and the Crime Strategies Unit *Page 9*

Gangs and Guns *Page 12*

Criminal Justice Reform *Page 14*

Public Safety Investments *Page 22*

Major Economic Crimes *Page 24*

Rackets and Public Corruption *Page 31*

Cybercrime and Identity Theft *Page 35*

Special Victims *Page 40*

Immigrant Affairs *Page 44*

Appeals *Page 46*

A MESSAGE FROM THE DISTRICT ATTORNEY

* Today, the responsibilities of a big city prosecutor's office are no longer limited to what takes place inside a courtroom. Fighting crime in the 21st century requires forward-thinking innovation in all areas that impact public safety and fairness, and lasting partnerships with our communities.

There will come a time when crime levels stabilize. But as District Attorney, I am not satisfied by our ability to keep crime in Manhattan low; I measure success by our ability to help drive crime even lower. This year, we continued to show cities throughout the U.S. that by leveraging data analytics and more effective community partnerships, prosecutors can proactively do more to prevent crime.

We continued our work of targeting violent street gangs, gun traffickers, and international cybercrime rings. We recovered hundreds of millions of dollars in ill-gotten gains from a large financial institution, and forged new partnerships to curb the public health crises of domestic violence and sex trafficking.

We also demonstrated that public safety need not come at the expense of fairness. At a time of heightened public debate about race and equality in the justice system, we reaffirmed our position at the forefront of criminal justice reform. We invited the Vera Institute of Justice, a non-partisan, non-profit think-tank, to examine whether race affects our decisions, and made its findings publicly available.

Through specialized courts and services, we're addressing the needs of mentally-ill offenders. We're working to divert more non-violent, first-time offenders—which particularly impacts young men of color—away from unnecessary detention and to build public confidence in the justice system.

And we continue to make transformative investments in criminal justice issues with the funds we obtain through asset forfeiture. From police officer safety, to residential security in New York City Housing Authority buildings, to justice for sexual assault survivors and those struggling with mental health issues, these investments target problems that have vexed our City for decades.

In sum, 2014 was a year in which we took full advantage of the unique opportunities we have as prosecutors to shape our City's destiny.

My best wishes for a safe and productive 2015.

— Cyrus R. Vance, Jr.

THE DISTRICT ATTORNEY'S OFFICE

The Manhattan District Attorney's Office serves and protects the people of New York through the fair administration of justice, without fear or favor. Building on a rich tradition of prosecutorial independence and courtroom excellence, the Office today is an internationally recognized leader in the development of innovative crime-fighting strategies and justice reform initiatives. Each year, the Office files more than 100,000 cases, which are handled by a staff of more than 500 assistant district attorneys and 700 investigative analysts, paralegals, and highly trained support staff members. The legal work of the Office is further divided among the Trial, Investigation, and Appeals Divisions.

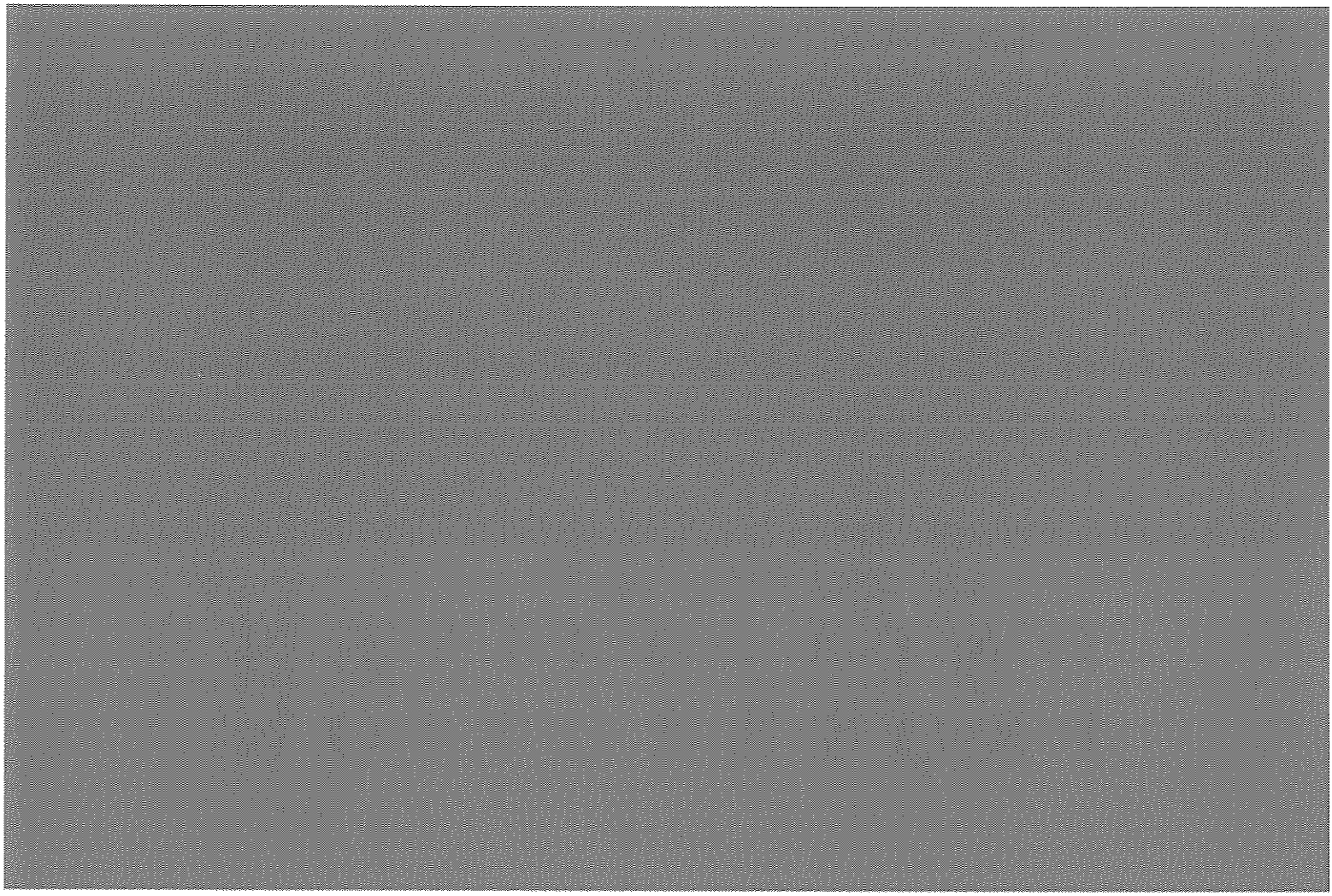
DA

DISTRICT ATTORNEY NEW YORK COUNTY

The Trial Division

Trial Bureau 30 | Trial Bureau 40 | Trial Bureau 50 | Trial Bureau 60 | Trial Bureau 70
Trial Bureau 80 | Special Victims Bureau | Crime Strategies Unit | Forensic Sciences/Cold Case Unit
Hate Crimes Unit | Vehicular Crimes Unit | Violent Criminal Enterprises Unit
Public Assistance Fraud Unit | Special Litigation Bureau

The Trial Division is principally responsible for prosecuting misdemeanor and felony crimes that are brought to the Office by other law enforcement agencies. Collectively comprised of six trial bureaus and six specialized units employing approximately 365 assistant district attorneys, each bureau is staffed by a team of prosecutors, legal supervisors, investigative analysts, and paralegals tasked with handling a diverse docket of cases. After an arrest takes place, the case is assigned to an assistant district attorney who is responsible for the case until a disposition by trial or plea. This vertical system of prosecution means that a prosecutor stays with a case from start to finish, better serving the victims, witnesses, and members of law enforcement involved. Felony assistants in specialized units also develop particular expertise handling certain types of crime, such as sex crimes, child abuse, domestic violence, cybercrime, elder abuse, and hate crimes.



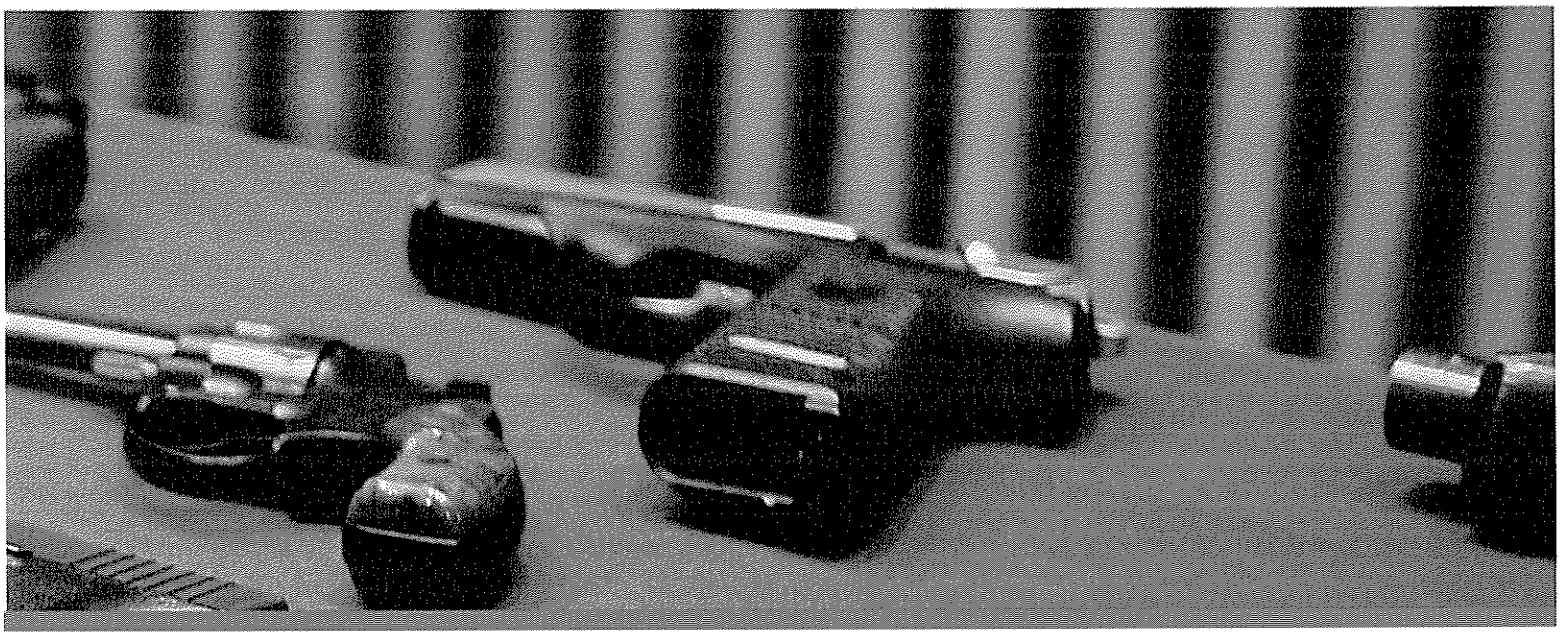
The Investigation Division

Cybercrime and Identity Theft Bureau | Forensic Accounting and Financial Investigations Bureau | Public Corruption Unit | Major Economic Crimes Bureau Rackets Bureau | Asset Forfeiture Unit | Tax Crimes Unit Investigations Bureau | Financial Frauds Bureau

The Investigation Division focuses on the prosecution of crimes such as fraud and corruption, as well as crimes with greater global scope, such as white-collar crime, international money laundering, securities fraud, and terrorism. Because of the Office's location and geographic jurisdiction, prosecutors are able to bring cases involving criminal conduct against any parties anywhere in the world making use of financial institutions located in Manhattan. The Investigation Division also protects New York's most vulnerable populations through the work of specialized units tasked with handling fraud against the elderly and diverse immigrant communities, where unfamiliarity with the criminal justice system may make victims reluctant to come forward and report crimes.

The Appeals Division

The Appeals Division is responsible for ensuring that convictions properly obtained by the District Attorney's Office are upheld in New York's appellate and federal courts. In addition to appellate research, writing, and advocacy, the Bureau advises assistant district attorneys on legal and jurisprudential developments relevant to the Office's work. The Appeals Division collectively handles nearly 700 cases annually.



DATA-DRIVEN PROSECUTION

and the

CRIME STRATEGIES UNIT

Under the leadership of District Attorney Vance, the signature goal of the Manhattan District Attorney's Office is to drive an already-low crime rate even lower. This requires an ambitious, proactive approach to crime-fighting that, in many ways, reinvents the role of the big city prosecutor.

To further that mission, the Office has developed and continues to implement new approaches to more effectively use prosecutorial resources to keep city streets safe.

In 2010, District Attorney Vance created the Crime Strategies Unit ("CSU") to operationalize an intelligence-driven approach to crime fighting with prosecutors who are able to harness, analyze, and share intelligence in order to create data-driven prosecution strategies that address crime issues and target priority offenders. Within CSU, Manhattan is divided into five areas each staffed by a senior assistant district attorney focused on analyzing criminal activity. These assistant district attorneys partner with investigators, community liaisons, and intelligence analysts to identify opportunities to reduce and prevent crime by improving the timely and accurate sharing of criminal intelligence gathered not only within the District Attorney's Office, but from other law enforcement agencies as well. In 2014, following four years of markedly declining violent crime in Manhattan, multiple jurisdictions throughout the nation worked with the Manhattan District Attorney's Office to replicate its approach. By year's end, new "Crime Strategies Units" were established in Brooklyn, Baltimore, Philadelphia, San Francisco, and the state of Delaware.

In addition to the significant human resources committed to this effort, the Office is also using new types of technology to aid assistant district attorneys throughout the Office and help them monitor violent individuals and crime trends in their catchment area. The innovative technologies developed by the Office to further data-driven prosecution include:

"New York's record-breaking crime decline since the 1990s was the product of a deliberate revolution in policing. Maintaining that crime drop will require every component of the criminal-justice system to be at the top of its game... Intelligence-driven prosecution is coming not a moment too soon."

— City Journal

Last summer, *City Journal* examined the Office's approach to intelligence-driven crime-fighting in a feature entitled "Prosecution Gets Smart."

ARREST ALERT SYSTEM

The Arrest Alert System, managed by CSU, ensures that priority defendants no longer pass through the criminal justice system without notice. It allows assistant district attorneys to receive notifications when a particular defendant has been arrested, and ensures that charging decisions, bail applications, and sentencing recommendations address these individuals' impact on criminal activity in local communities.

SURVEILLANCE CAMERA INTERACTIVE MAP (S.C.I.M.)

The District Attorney's Office developed a sophisticated mapping capability that enables prosecutors to locate and identify key surveillance cameras throughout Manhattan and access footage.

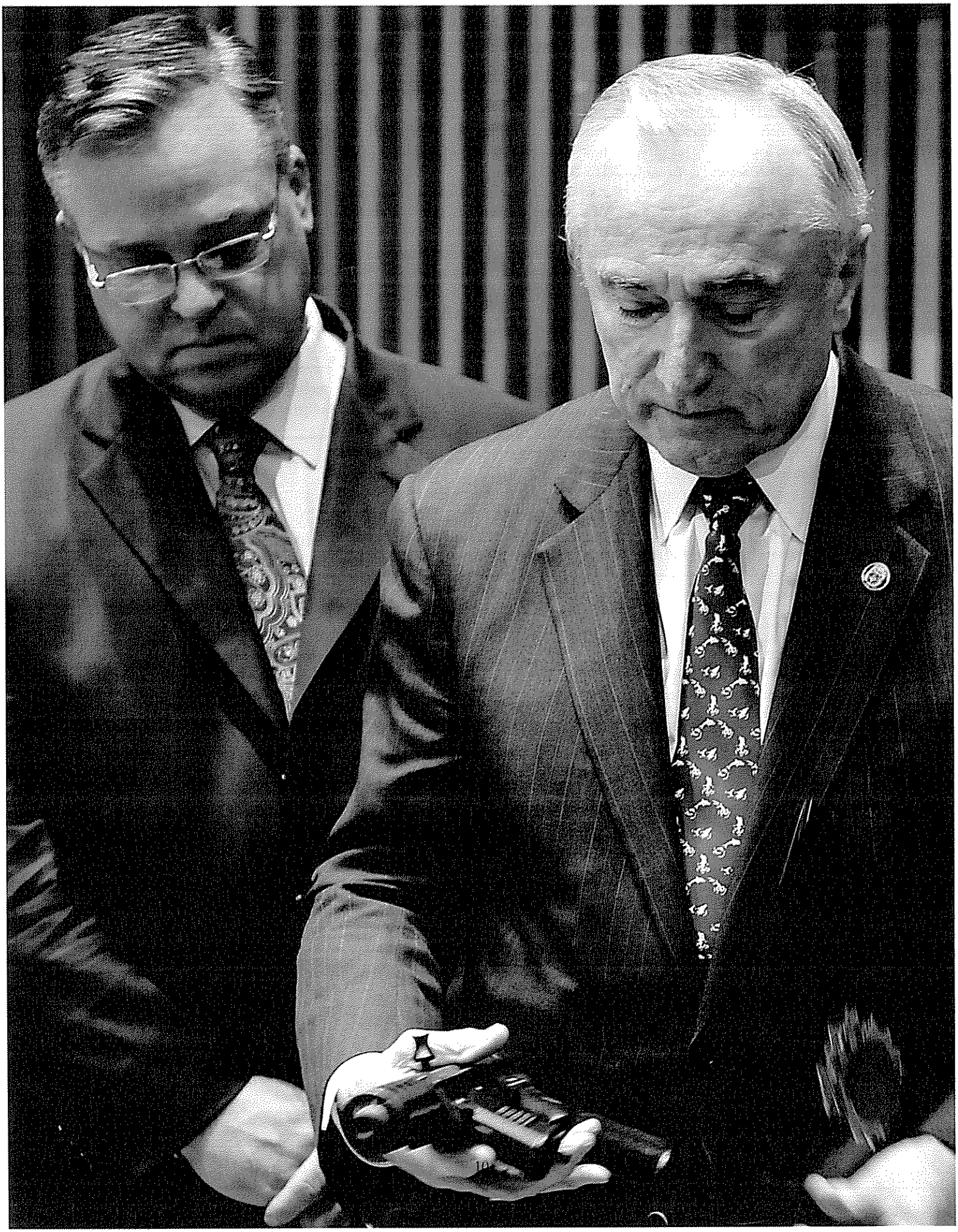
DANY InPHO

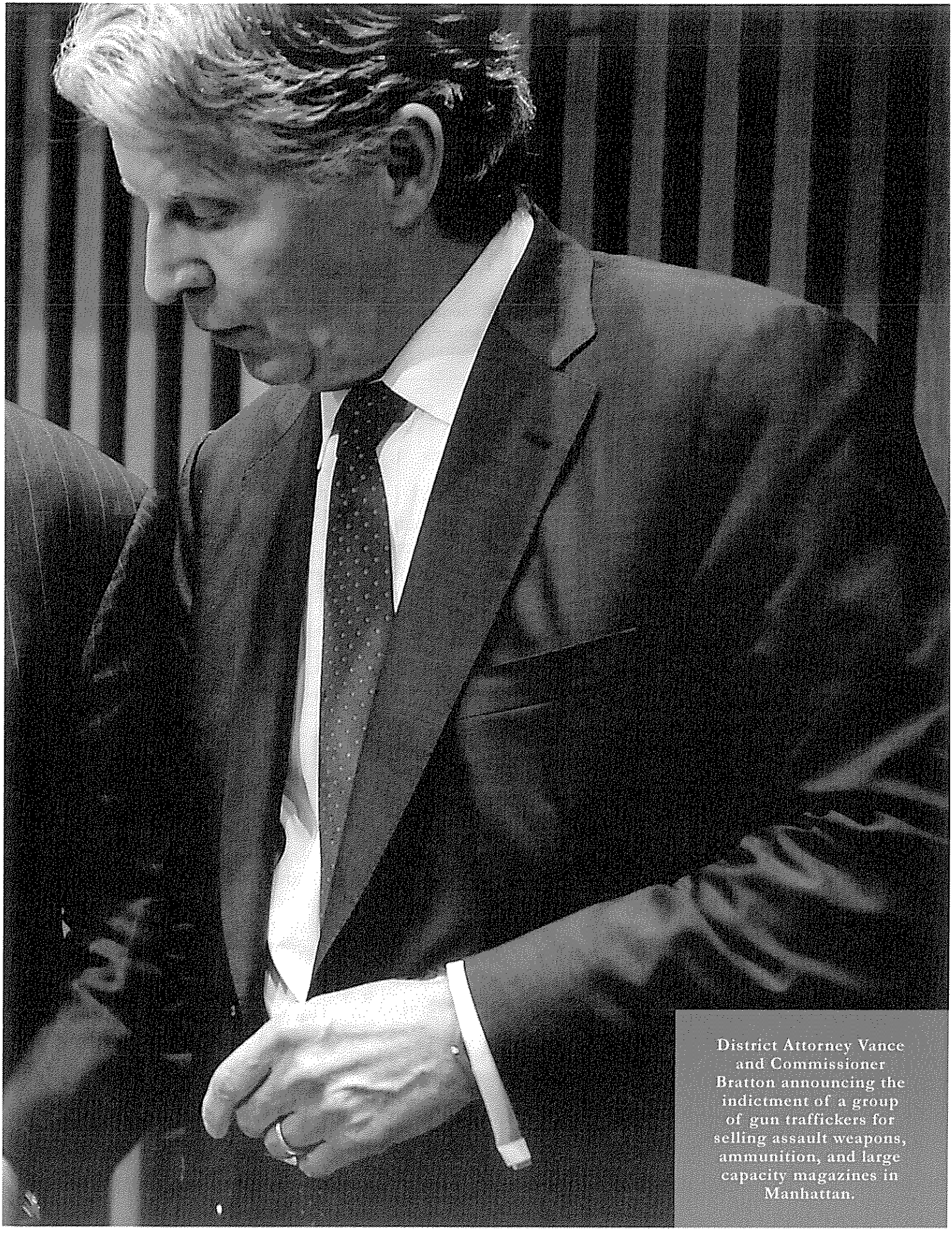
DANY InPho provides assistant district attorneys and investigators with the ability to systematically organize call data, and analyze the information contained within the phone calls made by incarcerated individuals. DANY InPho also provides the ability to summarize and flag phone calls. The database created from these calls allows those working a case to immediately identify key phone numbers and to analyze links among the calls that would otherwise go unnoticed. This technique has proven particularly helpful during gang investigations.

"Vance's most significant initiative, one that has been emulated in jurisdictions from Brooklyn to San Francisco, has been to transform, through the use of data, the way district attorneys fight crime. 'The question I had when I came in was, do we sit on our hands waiting for crime to tick up, or can we do something to drive crime lower?' Vance told me one afternoon in his eighth-floor office at the Criminal Courts Building in Lower Manhattan. 'I wanted to develop what I call intelligence-driven prosecution.'"

— New York Times Magazine

A December article entitled "The Data D.A." in *The New York Times Magazine* featured a comprehensive examination of the work of CSU.





District Attorney Vance and Commissioner Bratton announcing the indictment of a group of gun traffickers for selling assault weapons, ammunition, and large capacity magazines in Manhattan.

GANGS AND GUNS

Since taking office in 2010, District Attorney Vance has been committed to reducing gun and gang violence in our communities. Recent statistics demonstrate that real progress has been made to address this crisis, with homicides in Manhattan down 49 percent since 2010, and shootings down 46 percent during this same period.

Despite this progress, there are still too many families in New York City affected by gun violence and violent street gangs. As part of the effort to combat street violence, the District Attorney's Office has brought 19 indictments against gun traffickers and taken more than 900 illegal guns off the streets since 2010. In addition, the Office has brought indictments against 17 violent street gangs.

District Attorney Vance has also taken a national leadership role to find solutions to address gun violence, recognizing that it not only impacts residents of Manhattan and New York City, but extends to communities across New York State and the entire county.

PROSECUTORS AGAINST GUN VIOLENCE

In a groundbreaking effort to combat gun violence, this fall, District Attorney Vance and Los Angeles City Attorney Mike Feuer brought together prosecutors representing major jurisdictions throughout the U.S. to form Prosecutors Against Gun Violence ("PAGV"). The purpose of the independent, non-partisan coalition is to identify and promote prosecutorial and policy solutions that will address the national public health and safety crisis of gun violence. The growing coalition includes prosecutors from 30 different jurisdictions, including Atlanta, Boston, the Bronx, Brooklyn, Charlotte, Chicago, Denver, Detroit, Houston, Las Vegas, Miami, Milwaukee, New Orleans, Philadelphia, Portland, Queens, San Antonio, San Francisco, Seattle, and Staten Island.

In October, PAGV hosted the first-ever national prosecutorial summit on gun violence prevention in Atlanta. The summit featured a number of notable guests and speakers, including Captain Mark Kelly, who—along with his wife, former Rep. Gabrielle Giffords—founded Americans for Responsible Solutions.

> " We are all too aware of the devastation that illegal firearms are causing in our communities—not just in Manhattan, but across the city, the state, and the entire country. When guns are sold illegally, they bypass the checks-and-balances put in place by state and federal governments, and can fall into the hands of young people, gang members, individuals with criminal records and the mentally ill, circumstances that would otherwise bar them from ownership. "
>
> *— DA Vance*

MANHATTANVILLE/GRANT GANG INDICTMENT

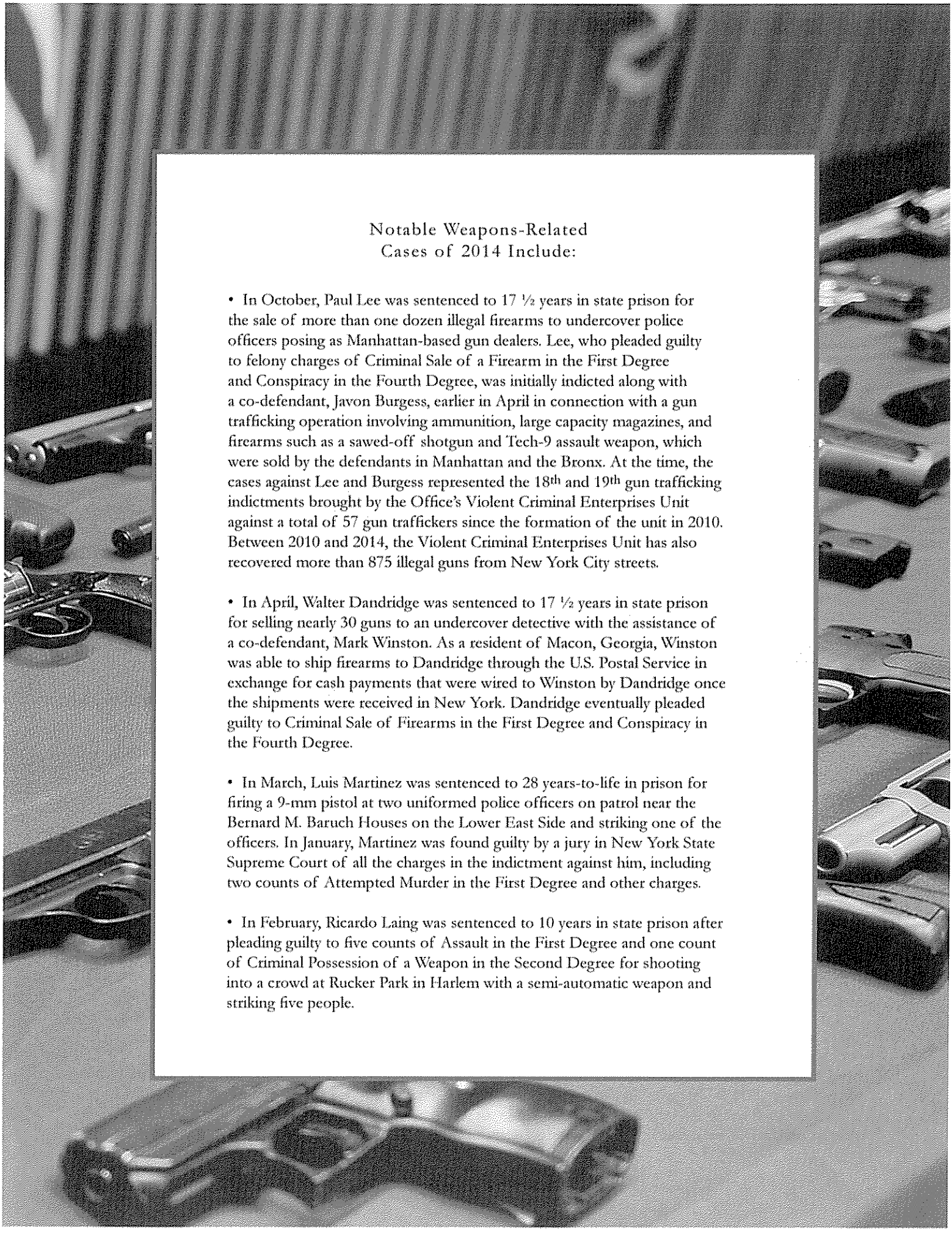
In June, District Attorney Vance and NYPD Commissioner Bratton announced the largest indicted gang case in New York City history. In total, 103 members of three violent street gangs—3Staccs, Make It Happen Boys, and Money Avenue—were charged for their roles in a bitter and bloody turf war waged in West Harlem. The violence charged in the indictments includes at least 19 non-fatal shootings, approximately 50 shooting incidents, and two homicides.

One of the victims of the gang violence was Tayshana "Chicken" Murphy, an 18-year-old high school basketball star who was fatally shot in the Grant Houses in 2011.

Robert Cartagena and Tyshawn Brockington were later convicted in the murder of the teenage basketball player and found guilty by juries in New York State Supreme Court of Murder in the Second Degree, among other charges. Both were sentenced to 25 years-to-life in state prison.

The indictments followed a three-year-long investigation led by the District Attorney's Office's Violent Criminal Enterprises Unit and the NYPD's Gang Division.

> " We have seen too many innocent victims lose their lives—and too many families grieving loved ones—because of senseless feuds between young people who wreak havoc in their neighborhoods. I will continue to make it a top priority for my Office to remove these dangerous weapons from our city and to work closely with our community partners to make our city safer. "
>
> *— DA Vance*



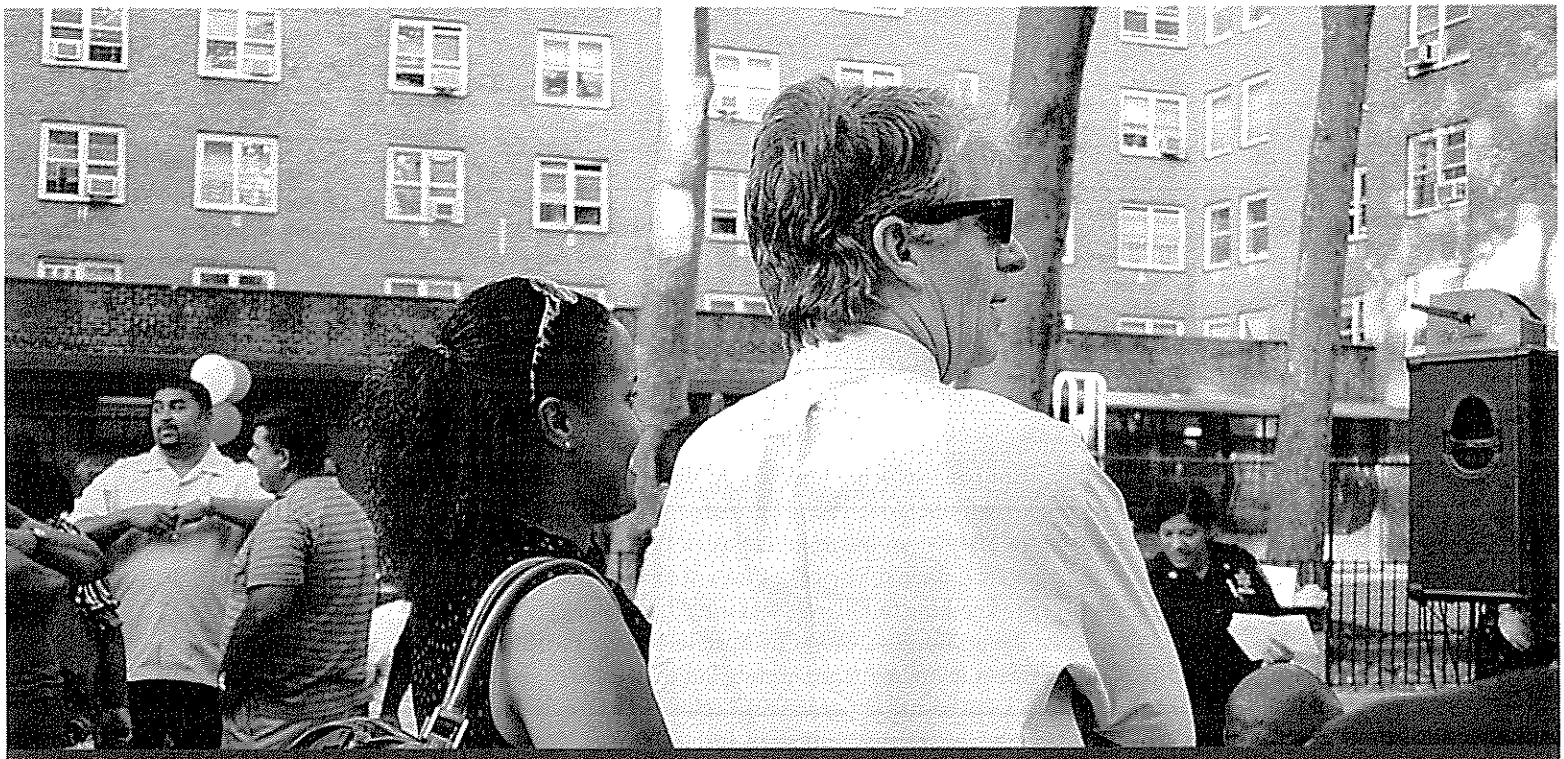
Notable Weapons-Related Cases of 2014 Include:

• In October, Paul Lee was sentenced to 17 ½ years in state prison for the sale of more than one dozen illegal firearms to undercover police officers posing as Manhattan-based gun dealers. Lee, who pleaded guilty to felony charges of Criminal Sale of a Firearm in the First Degree and Conspiracy in the Fourth Degree, was initially indicted along with a co-defendant, Javon Burgess, earlier in April in connection with a gun trafficking operation involving ammunition, large capacity magazines, and firearms such as a sawed-off shotgun and Tech-9 assault weapon, which were sold by the defendants in Manhattan and the Bronx. At the time, the cases against Lee and Burgess represented the 18th and 19th gun trafficking indictments brought by the Office's Violent Criminal Enterprises Unit against a total of 57 gun traffickers since the formation of the unit in 2010. Between 2010 and 2014, the Violent Criminal Enterprises Unit has also recovered more than 875 illegal guns from New York City streets.

• In April, Walter Dandridge was sentenced to 17 ½ years in state prison for selling nearly 30 guns to an undercover detective with the assistance of a co-defendant, Mark Winston. As a resident of Macon, Georgia, Winston was able to ship firearms to Dandridge through the U.S. Postal Service in exchange for cash payments that were wired to Winston by Dandridge once the shipments were received in New York. Dandridge eventually pleaded guilty to Criminal Sale of Firearms in the First Degree and Conspiracy in the Fourth Degree.

• In March, Luis Martinez was sentenced to 28 years-to-life in prison for firing a 9-mm pistol at two uniformed police officers on patrol near the Bernard M. Baruch Houses on the Lower East Side and striking one of the officers. In January, Martinez was found guilty by a jury in New York State Supreme Court of all the charges in the indictment against him, including two counts of Attempted Murder in the First Degree and other charges.

• In February, Ricardo Laing was sentenced to 10 years in state prison after pleading guilty to five counts of Assault in the First Degree and one count of Criminal Possession of a Weapon in the Second Degree for shooting into a crowd at Rucker Park in Harlem with a semi-automatic weapon and striking five people.



CRIMINAL JUSTICE REFORM

The year 2014 was a time of heightened public debate about fairness in criminal justice. The District Attorney's Office advanced several initiatives this year that increase fairness for all who interact with the criminal justice system, without sacrificing public safety.

DECRIMINALIZING MARIJUANA:

District Attorney Vance has long advocated the decriminalization of marijuana, and continues to work with legislators in Albany to reduce the possession of small amounts of marijuana from a misdemeanor to a violation. In November, Mayor de Blasio and Police Commissioner Bratton, in consultation with District Attorney Vance and the Office's staff, announced NYPD policy changes to reduce marijuana arrests—specifically, that the NYPD would no longer arrest individuals found in possession of 25 grams or less of marijuana, provided the individual has identification and no outstanding warrants. In a statement, District Attorney Vance said: "More than two years ago, I supported a change in state law that would make possession of a small amount of marijuana, even if in public view, a violation, rather than a misdemeanor. I still support a change in legislation. Short of that, this policy—by diverting thousands of cases from criminal court—will also keep low-level offenders, particularly teens, from an arrest and all its attendant consequences, including a night or more in jail. I would like to commend Mayor de Blasio and Police Commissioner Bratton for this initiative, which will enhance fairness without sacrificing public safety, and is simply the right thing to do."

RAISING THE AGE OF CRIMINAL RESPONSIBILITY:

New York remains one of only two U.S. states in which 16-year-olds and 17-year-olds are arrested and prosecuted as adults. To provide better outcomes for adolescents involved in the justice system, and seize opportunities for effective youth interventions, District Attorney Vance continued to advocate for a package of reforms that would raise the age of criminal responsibility to 18 in New York State.

TRANSPARENCY AND ACCOUNTABILITY:

In 2014, District Attorney Vance sought an independent examination of criminal case outcomes in New York County in order to determine whether there was any racial or ethnic disparity in how defendants were treated, and to identify opportunities to close any gaps. The Office took the unprecedented step of inviting the Vera Institute of Justice—an independent, nonpartisan, nonprofit center for justice policy and research—to scrutinize its books, conduct an independent examination, and post the results online for all to see.

The District Attorney's Office provided Vera with access to assistant district attorneys, and information about more than 200,000 resolved cases from 2010-2011, which included all misdemeanors, violations, infractions, and certain felonies.

Vera's study was released in July. The report found that the best predictors for most case outcomes were factors other than race – including the seriousness of the charge, and the defendant's prior record. But Vera's research also found that race remained a factor in several types of outcomes. For example, black, Latino, and Asian defendants were more likely to have their cases dismissed when compared to similarly-situated white defendants. At arraignment, black and Latino defendants were more likely, and Asians less likely, to be detained than similarly situated white defendants. There was no marked difference in case acceptance.

The District Attorney's Office is committed to better understanding the causes for any racially- or ethnically-based disparity in the criminal justice system, determining what role, if any, prosecutors play in that disparity, and how prosecutors might be able to work with the courts and the defense bar to reduce any disparities that exist. Before the publication of the report, District Attorney Vance appointed a Chief Diversity Officer and a Diversity Committee, composed of attorneys and support staff from all divisions in the Office. Their mission is to develop creative approaches to enhancing workforce diversity and ensure that the Office maintains a culture of diversity. The Office will also provide all assistant district attorneys with implicit bias training.

SPECIALIZED COURTS:

The District Attorney's Office is a leader in the development of specialized courts to better address the needs of certain defendants, achieve more effective and longer-term resolutions, and free up prosecutors to focus on more serious, violent crime. Removing these cases from the regular criminal court calendar has led to a 60 percent reduction in speedy trial dismissals since 2009, and reduced the average caseload for first-year assistant district attorneys by 44 percent. Working with the New York State Office of Court Administration, the District Attorney's Office has established the following specialized courts:

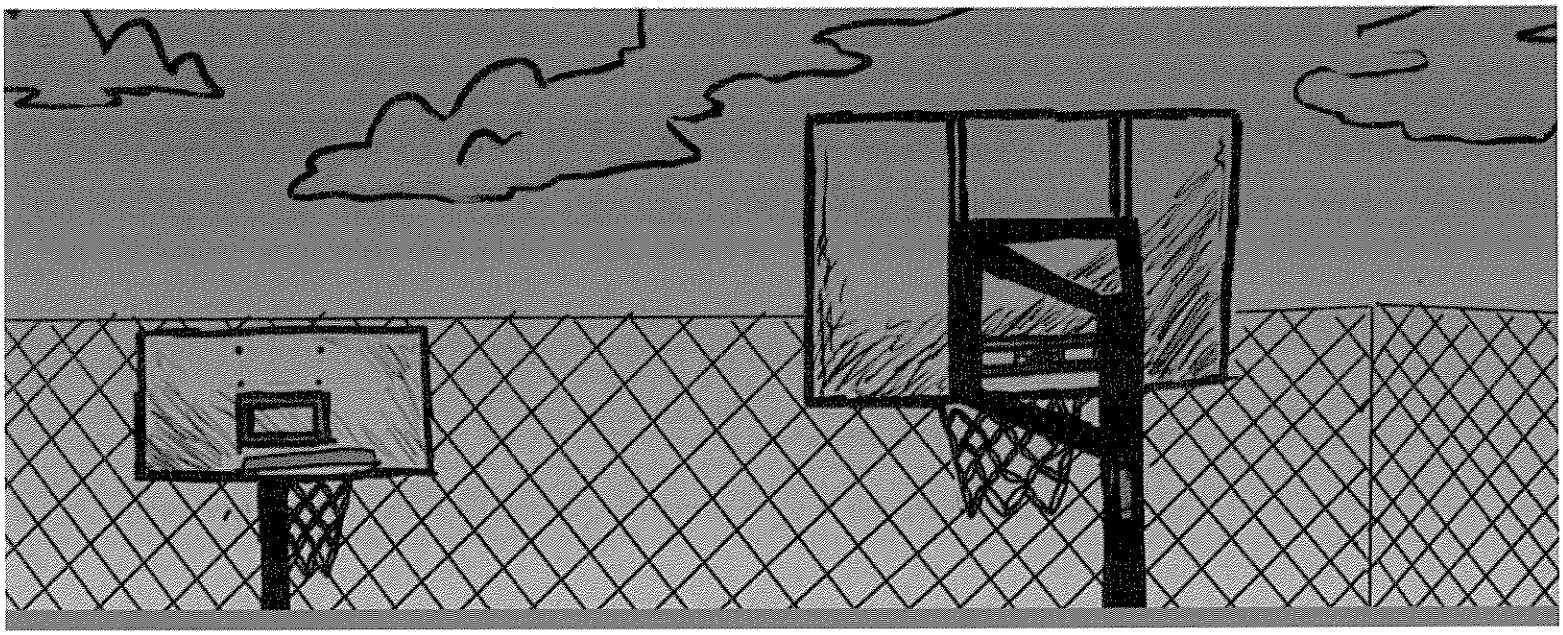
Mental Health Court Part, which connects eligible defendants with serious and continuing mental illnesses to treatment, services, and housing providers aimed at addressing the underlying illnesses that caused or contributed to the arrests.

Adolescent Diversion Court Part, which handles misdemeanors and violations involving 16-and 17-year-olds, and aims to resolve cases so that these kids do not end up with criminal records. The Adolescent Diversion Court also helps to curb recidivism by youthful offenders, by mandating interventions that address the underlying needs of these defendants.

Manhattan Treatment Court, also known as Judicial Diversion, which provides treatment and counseling as an alternative to incarceration for defendants whose crimes are fueled by addiction and substance abuse. Since creation, the Drug Court Unit associated with this part has screened approximately 2,000 defendants for treatment, with approximately 450 currently active cases, and the overarching goal of helping graduates stay drug-free, employed, and less likely to recidivate.

Human Trafficking Intervention Part, which handles prostitution-related cases at a specific Midtown Community Court part where a prosecutor specially trained in identifying signs of human trafficking supervises the handling of every case. Through the part, those arrested in connection with prostitution-related offenses may be connected with resources that can help those individuals exit the sex industry.

Quality of Life Court, which handles thousands of non-violent offenders charged with 30 types of low-level misdemeanors and violations, including marijuana possession, unlicensed general vending, petit larceny, theft of services, trespass, public urination, public consumption of alcohol, unlicensed driving, and some transit, parks, and administrative code violations.



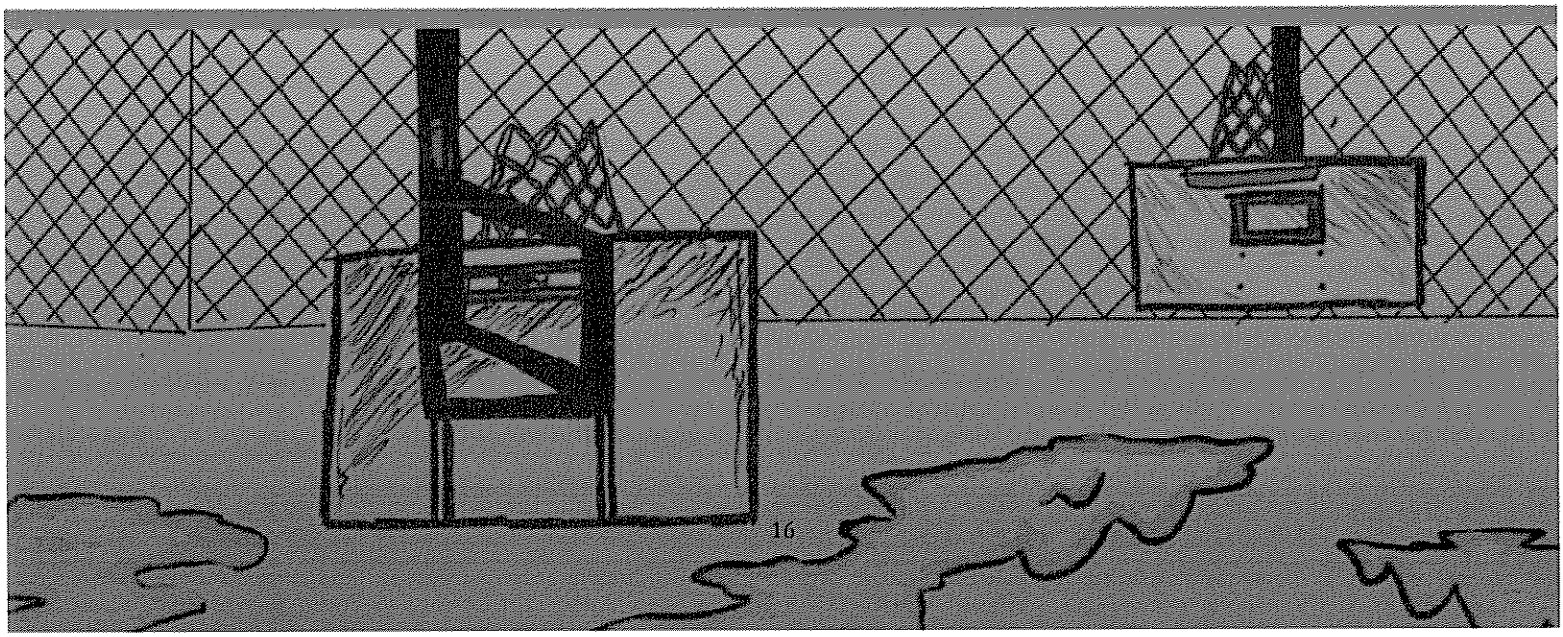
REINVESTING

in

LOCAL

COMMUNITIES

and the Saturday Night Lights Program



Frederick Douglass once said "It is easier to build strong children than to repair broken men."

This principle guides much of the work of the District Attorney's Office. District Attorney Vance believes that a crime prevented is better than a crime prosecuted, and that keeping children out of trouble is a proven crime-fighting strategy.

> " Thanks to the support of our partners, we've been able to grow this initiative from a single site with a handful of participants into a comprehensive athletic program serving thousands of kids in both Manhattan and Brooklyn. Participants aren't just learning how to play ball— they're learning valuable life lessons, like how to play on a team."
>
> *— DA Vance*

SATURDAY NIGHT LIGHTS ATHLETIC PROGRAM

Using forfeiture funds, the District Attorney's Office provides world-class sports training and tutoring support for teens aged 11-18 through its Saturday Night Lights and Advocate to Graduate programs. "SNL" and "A2G," which earned the Outstanding Contributions to Community Partnerships for Public Safety award from U.S. Attorney General Eric Holder, help ensure that the next generation of New Yorkers is equipped with the skills, positive relationships, and alternatives to criminal affiliations that are vital to their success. They're also wildly popular, and incredibly fun – to date, the programs have served over 3,500 kids at 11 SNL centers throughout Manhattan and Brooklyn.

All participants receive free, high-quality sports training and can sign up to work one-on-one with an Academic Success Advocate. The advocates provide access to tutoring, a safe place to study, and other resources focused on successful completion of middle school and high school. A true collaboration among law enforcement, social service agencies, and sports trainers, the program promotes positive interactions with members of the Manhattan District Attorney's Office, NYPD, and DEA. Trainers, officers, prosecutors, and support staff interact with the kids in a fun atmosphere and are able to speak with them about the dangers of drugs, gangs, and carrying weapons.

COCA-COLA FIT CLINIC

In September, District Attorney Vance, Assistant NYPD Commissioner Kevin O'Connor, WNBA star Chelsea Newton, representatives from the Coca-Cola Foundation, and community members joined together to host a youth basketball "Fit Clinic" for participants in the DA's Saturday Night Lights program in West Harlem. The event, which took place at the Manhattanville Houses, gave players from multiple "Drill and Play" sites across Manhattan the opportunity to participate in training drills and practice with professional coaches.

This event was made possible through the Office's partnership with the WNBA and the Coca-Cola Foundation, which recently awarded a $50,000 grant to support District Attorney Vance's youth engagement and anti-crime initiatives.

GET INVOLVED

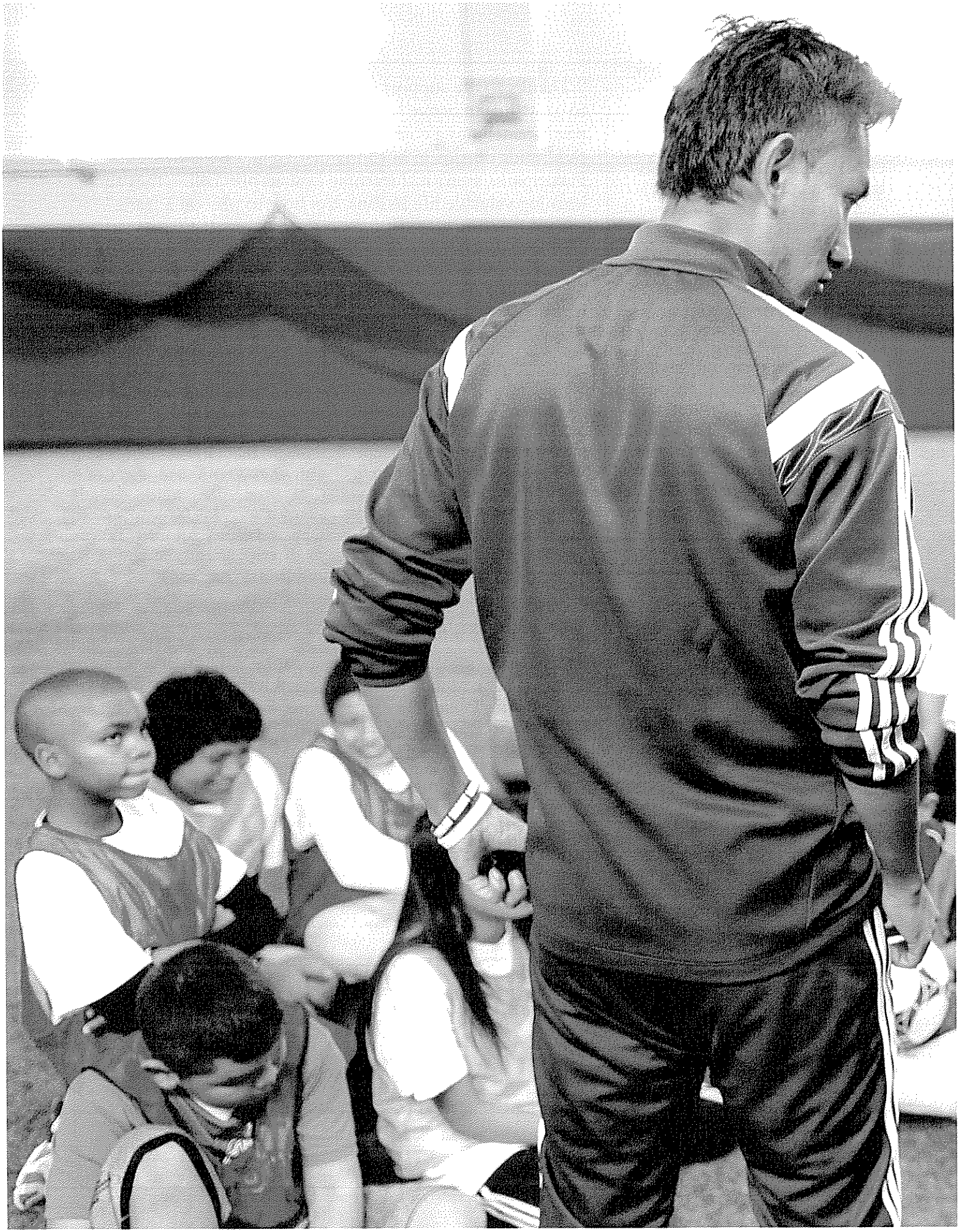
The District Attorney's Office invites you to get involved in these vital programs. More information is available at SNL's Facebook page. To enroll your child, please visit one of our sites, or call (212) 678-0647. To volunteer as a coach or tutor, or to discuss partnership opportunities, please contact Estelle Strykers-Santiago, Director of the Community Partnerships Unit, by phone at (212) 335-9340.

Drill & Play Basketball:
West Harlem: PAL Harlem Center (441 Manhattan Avenue)
Lower East Side: Boys and Girls Republic (888 East 6th Street)
East Harlem: Johnson Houses Community Center (1829-1839 Lexington Avenue)
North Harlem: Polo Grounds Community Center (3005 8th Avenue)
Washington Heights: George Washington High School (549 Audubon Avenue)
Central Manhattan: Fred Samuel Community Center (669 Malcolm X Boulevard)
West Harlem: Manhattanville Community Center (530 West 133rd Street)
Brooklyn: Miccio Community Center (110 West 9th Street)

AllStarr Volleyball:
Washington Heights: Armory PAL (216 Fort Washington Avenue Corner of 169th street)
Lower East Side: Boys and Girls Republic (888 East 6th Street)

Soccer:
East Harlem: Corsi Community Center (307 E. 116th St. at 2nd Ave.)

Lacrosse:
Central Harlem: Harlem Children's Zone Armory (40 W 143rd Street)



PUBLIC SAFETY

District Attorney Vance and partners announcing the commitment of up to $35 million in funding to end rape kit processing backlogs nationwide.

INVESTMENTS

In 2014, the District Attorney's Office announced a series of transformative investments aimed at making New York City safer and the criminal justice system more fair.

Using asset forfeiture funds obtained through settlements with international banks for violating U.S. sanctions, the District Attorney's Office has made a substantial financial commitment toward projects aimed at having a lasting impact on citywide and statewide public safety, both immediately and in the decades to come. Each initiative was selected with the goal of helping to solve and prevent crimes, and aid crime victims seeking justice.

> Within the past five years, the Manhattan District Attorney's Office's investigations into seven major banks for violating U.S. sanctions have resulted in the forfeiture of approximately $1.8 billion to the State of New York and more than $860 million to the City of New York.

NYPD MOBILITY INITIATIVE

In October, the District Attorney's Office, the Mayor's Office, and NYPD announced a $160 million project to equip police officers with up to 41,000 mobile devices, including tablet computers for every patrol car and handheld devices for every cop. The program, which is being funded entirely through the settlement with BNP Paribas bank, will bring all of the crime-fighting information currently available to NYPD officers at the precinct onto one mobile platform, streamlining law enforcement efforts and increasing the safety of New Yorkers, as well as police officers. For the first time, officers will have real-time 911 call data, warrant information, photographs of missing persons and suspects, and fingerprint scanning available to them at the swipe of a finger. This enhanced information and data collection in the field will enable officers to make the most informed decisions possible, and increase the accuracy and efficiency of information sharing between the NYPD, prosecutors, and other law enforcement agencies.

ADDRESSING MENTAL HEALTH IN THE CRIMINAL JUSTICE SYSTEM

Today, people with mental illness represent 38 percent of the overall New York City jail population. The District Attorney's Office is funding $40 million of an unprecedented $130 million, four-year project by the de Blasio administration aimed at reducing the number of people with mental and behavioral health issues needlessly cycling through the criminal justice system.

Law enforcement and criminal justice professionals have long agreed that addressing the specialized needs of these defendants is critical to reducing recidivism among this population. A report by the Mayor's Task Force on Behavioral Health and the Criminal Justice System, in which District Attorney Vance and senior members of the District Attorney's Office took part, will guide the implementation of measures relating to diversion, treatment, and supportive services for this group of frequently incarcerated individuals.

ELIMINATING THE RAPE KIT BACKLOG NATIONWIDE

There are currently hundreds of thousands of untested rape kits sitting in police storage facilities nationwide. The exact number is unknown, because no one has ever provided the resources to count them—until now.

In November, District Attorney Vance announced the single largest contribution toward ending the country's rape kit backlog: $35 million, which will be used to analyze untested rape kits, audit the scope of the backlogs, and ensure that individual jurisdictions adhere to best practices for the testing and use of rape kit evidence. These rape kits will yield DNA samples that will solve sexual assaults throughout the country, and bring some measure of closure to survivors of sexual assault who have been waiting for justice. Rape kit evidence can also corroborate a victim's account, identify an unknown attacker, confirm a rape by a known attacker, solve crimes committed across state lines, and exonerate suspects who are wrongfully accused.

IMPROVING PUBLIC SAFETY IN HOUSING

Five percent of New York City residents live in public housing, yet crimes committed on New York City Housing Authority property account for 20 percent of all violent crime citywide. Recognizing the need to strategically invest in these communities, District Attorney Vance pledged $101 million to improve security and enhance residential safety at 15 public housing developments citywide. This investment will allow for infrastructure improvements, including an increase in exterior security cameras, camera connection to NYPD networks, lobby and elevator cameras, new doors, key fob access, and improved exterior lighting.

To ensure that these investments are well-executed and sustainable over the long-term, the District Attorney's Office engaged The City University of New York Institute for State and Local Governance to provide strategic advice and technical assistance.

District Attorney Vance, Mayor de Blasio, and Commissioner Bratton announcing a major initiative to enhance NYPD mobile communications in October 2014.

MAJOR ECONOMIC CRIMES

By virtue of its position at the center of a global marketplace, the District Attorney's Office has the ability to prosecute a variety of crimes committed in the financial sector, as transactions that take place nationally and internationally may, in fact, involve U.S. dollars passing through local banks and entities. Financial markets are governed by rules intended to ensure safety and stability, and the prosecution of white-collar crimes—which may involve larceny, the falsification of business records, sanctions violations, tax crimes, and money laundering—is critically important to maintaining both international safety and the integrity of complex banking systems.

The Major Economic Crimes Bureau is dedicated to the investigation and prosecution of financial crimes, including securities, commodities, and investment scams; structured investment schemes; digital financial fraud; money laundering; and the financing of international terrorist organizations. Within the Bureau, the International Money Movement Center and the Financial Intelligence Unit are also specifically tasked with conducting targeted investigations into illicit financial activity, with the goal of identifying those who seek to evade sanctions, finance terrorism, provide funding for weapons trafficking, and channel money for criminal endeavors.

> "The most important values in the international community—respect for human rights, peaceful coexistence, and a world free of terror—significantly depend upon the effectiveness of international sanctions."
>
> *— DA Vance*

SANCTIONS AND VIOLATIONS: B.N.P. PARIBAS

In June, the District Attorney's Office and federal partners announced the resolution of a joint investigation into the criminal conduct of BNP Paribas S.A. ("BNPP"), the largest bank in France, and one of the five largest banks in the world, with more than 34 million customers worldwide. Following an investigation initiated by the District Attorney's Office in conjunction with state and federal partners, BNPP pleaded guilty in New York State Supreme Court to charges of Falsifying Business Records in the First Degree and Conspiracy in the Fifth Degree, as well as the combined payment of a record total of $8.8 billion in criminal forfeiture and penalties.

As admitted by BNPP through the plea—the first guilty plea by a major financial institution in state court—between 2004 and 2012, the bank conspired to and did falsify the records of financial institutions located in Manhattan while moving at least $8.8 billion through the U.S. financial system on behalf of Sudanese, Iranian, and Cuban clients in violation of U.S. sanctions.

BNPP's guilty plea marked the seventh major case involving sanctions violations by a large international bank that the District Attorney's Office, along with its partners, has pursued and resolved since 2009. But more importantly, the BNPP case and similar cases have brought about fundamental change in the way financial institutions conduct business, with heightened vigilance worldwide relative to dealing with sanctioned entities and facilitating money movements for unknown organizations.

In December, prosecutors in the Major Economic Crimes Bureau received the Assistant Attorney General's Award for Exceptional Service from the U.S. Department of Justice in recognition of significant achievement for their work on the BNP Paribas case. The annual award honors individuals for their unique contributions and dedication to achieving the goals of the Criminal Division of the Department of Justice.

ILLEGAL LENDING SCHEMES: PAYDAY LOANS

"Payday" loans—short-term, high-interest loans—represent an all-too-common predatory lending practice that has victimized many New Yorkers. Payday loans are generally non-bank, short-term, high-interest loans typically intended to be repaid from a borrower's next paycheck. Borrowers, however, are often unable to repay the loan after the first two-week period. In such cases, payday lenders routinely extend loans, charging new fees for the extensions. Many borrowers end up paying interest rates more than double the principal when calculated on an annual basis for the initial term of the loan. In New York State, it is a crime for an unlicensed lender to charge more than 25 percent per annum interest on any loan less than $2.5 million.

In August, the District Attorney's Office indicted a group of individuals and multiple companies in connection with illegal payday loans made to Manhattan residents. In this case, some of the loans made by the indicted defendants carried interest rates over 1,000 percent of the principal when calculated on an annual basis for the initial term of the loan. In addition to Conspiracy in the Fourth Degree, the defendants were also charged with Criminal Usury in the First Degree, a charge more commonly associated with organized crime.

Notable Major Economic Crimes Cases of 2014 Include:

- In December, Michael Kordich was sentenced to 2 1/3-to-7 years in state prison and full restitution for stealing hundreds of thousands of dollars from investors through a scheme involving securities fraud. The defendant previously pleaded guilty to all the charges in the indictment against him, including two counts of Grand Larceny in the Second Degree, four counts of Grand Larceny in the Third Degree, six counts of violations of the Martin Act, and one count of Scheme to Defraud in the First Degree.

- In October, Bryan Caisse, a graduate of the United States Naval Academy, was sentenced to 1 ½-to-4 ½ years in state prison after pleading guilty to stealing more than $1 million from his friends and former classmates at the Naval Academy through a Ponzi scheme. Caisse also signed a confession of judgment for his victims for approximately $706,000.

- In September, Robert Dayan was sentenced to 2 ½ -to- 7 ½ years in state prison after pleading guilty to embezzling more than $1.3 million from his former employer, Infinity Consulting Solutions, Inc., a staffing and recruiting agency, while working as the company's controller. Dayan executed a confession of judgment in the amount of approximately $1.36 million and forfeited two vehicles.

- In July, Meceo McEaddy and Sylvester Vincent Carroll were sentenced to 5-to-10 years in state prison and ordered to pay restitution of more than $2.5 million, after pleading guilty to multiple counts of Grand Larceny, Scheme to Defraud, and other charges. The defendants stole more than $2 million from multiple event promoters and a party planner, while falsely promising to book performers such as Rihanna and Lady Gaga for clients.

- In April, Kevin Sutherland was convicted of Attempted Grand Larceny in the Second Degree for attempting to sell counterfeit artwork that the defendant falsely claimed was the work of British artist Damien Hirst and worth thousands of dollars. The counterfeit pieces included imitations of Hirst's "spin" paintings and "dot" limited edition prints.

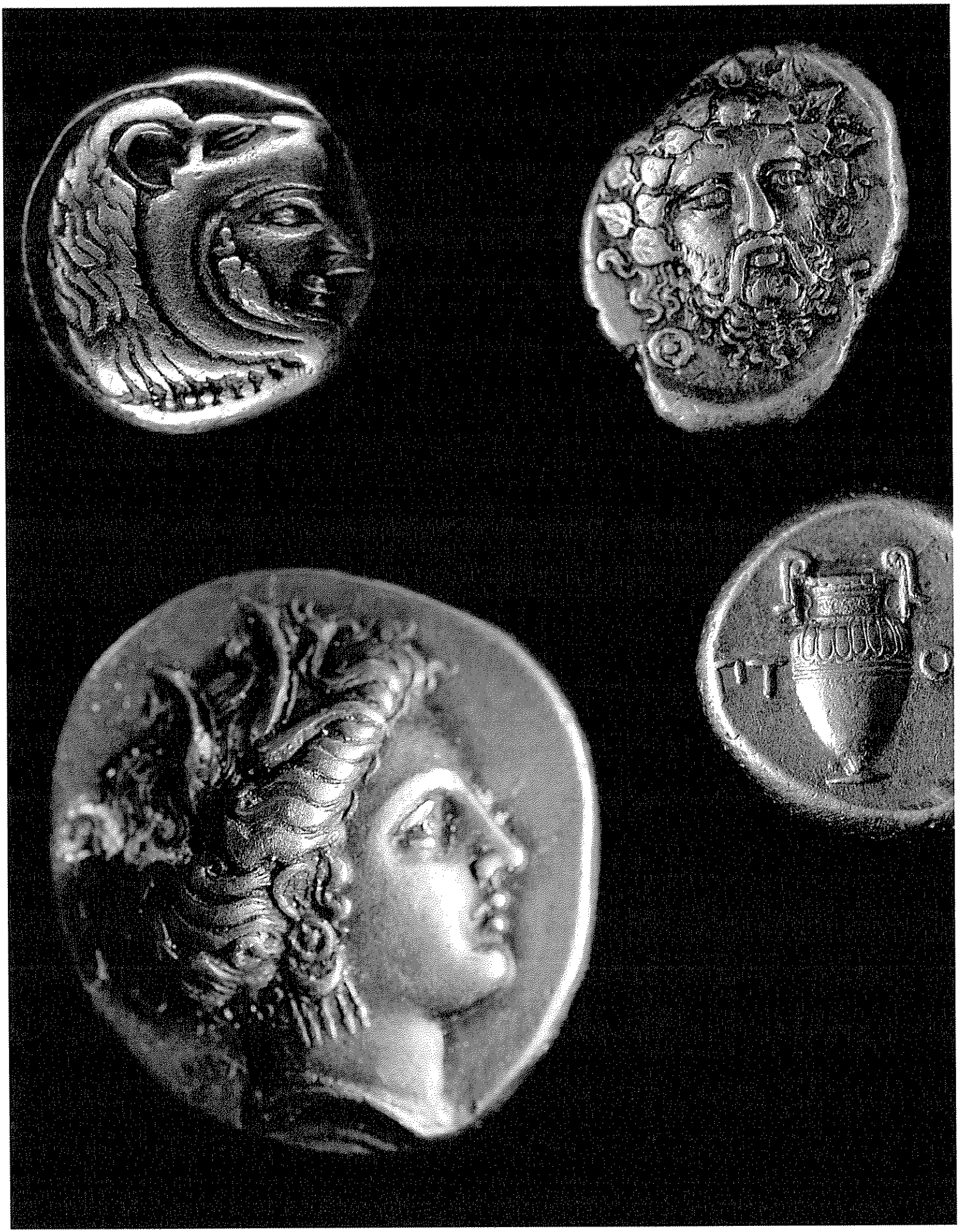
- In February, Craig Rothfeld, Michael Romano, and Gregory Maleski were indicted for their roles in a fraudulent scheme that they operated through WJB Capital Group, Inc. ("WJB"), a now-defunct Wall Street securities broker-dealer. The defendants are accused of defrauding at least 15 investors out of more than $11 million. All defendants are charged with multiple counts of Grand Larceny in the First, Second, and Third Degrees; Violation of the Martin Act; and Scheme to Defraud. Rothfeld and Maleski are also charged with Falsifying Business Records in the First Degree for filing falsified reports with the Financial Industry Regulatory Authority ("FINRA") related to WJB's financial position.

IVORY TRADE BAN

From ancient antiquities to pieces of priceless art, nearly anything and everything can be found for sale on the black market, including illegal ivory harvested from slaughtered elephants. Poachers of endangered species, however, should not have a market in New York City, and stronger laws are needed to crack down on the criminal commercial activity that drives the illegal ivory trade.

In June, District Attorney Vance and the Wildlife Conservation Society co-authored an op-ed piece published in the *New York Daily News* calling for Governor Cuomo and the State Legislature to strengthen laws effectively banning the purchase and sale of ivory articles in New York. Following publication, the State Legislature agreed on new amendments to New York's environmental law, which create new felony-level crime categories for large-scale operations that profit from the sale of elephant ivory, with higher fines for repeat offenders.

While poaching and ivory trafficking continue to be an international problem requiring global and local solutions, the ability to prosecute those who profit from the sale of elephant ivory in New York still represents an important step toward protecting endangered animal species.



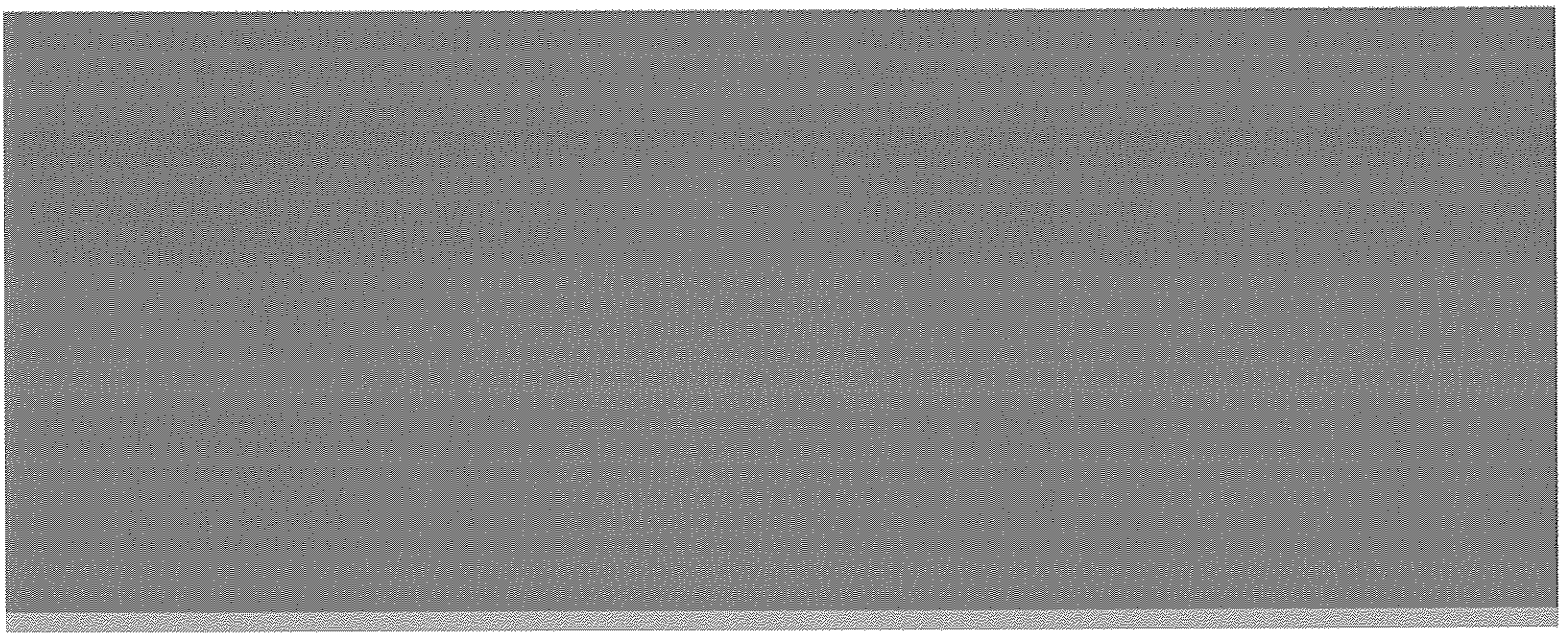
REPATRIATION

Ancient Greek Coins

The District Attorney's Office has handled cases involving many types of money and currency, including ancient coins dating as far back as 515 B.C.

In August, the Office hosted a repatriation ceremony to return to the Hellenic Republic of Greece five coins recovered during a criminal investigation into the collection and sale of stolen antiques in New York City. Following a joint investigation with the District Attorney's Office and U.S. Homeland Security Investigations, the coins were forfeited by a coin collector convicted of attempting to sell stolen antiques at an auction at the Waldorf-Astoria Hotel.

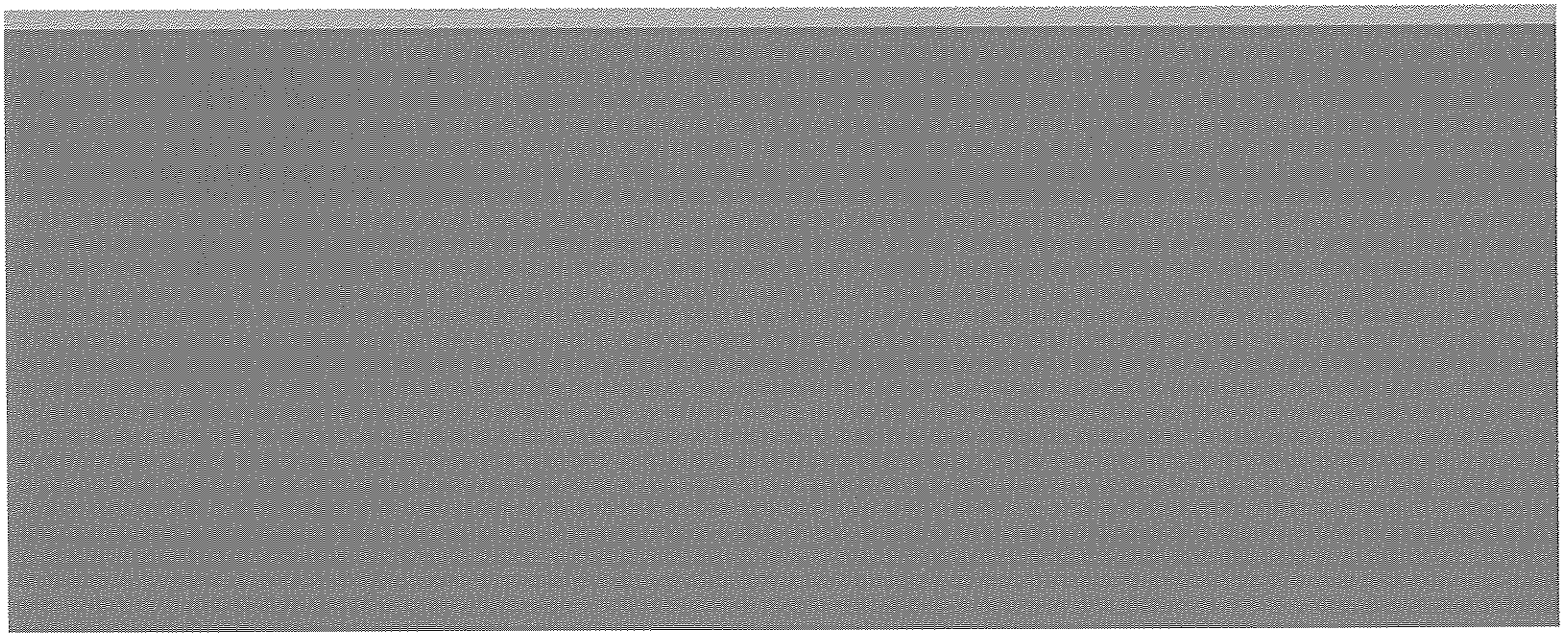
Five of the convicted collector's coins represented internationally recognized artifacts from ancient Greek cities and regions. During the repatriation ceremony, the District Attorney's Office returned these coins to the Hellenic Republic of Greece to be put on permanent display at the Numismatic Museum of Athens, one of the oldest public museums in Greece.



RACKETS

and the

PUBLIC CORRUPTION UNIT



Public officials and employees who commit crimes or deviate from the performance of their official duties erode trust in public institutions and processes. Within the District Attorney's Office, the Rackets Bureau is responsible for conducing long-term investigations into corrupt activities and criminal enterprises, which may involve matters related to construction fraud and labor investigations; public corruption; terrorist activity; organized crime; and the exploitation of public position for personal gain.

PUBLIC CORRUPTION UNIT

The Public Corruption Unit was formed in May when District Attorney Vance expanded the Official Corruption and Public Integrity Units into a unified Public Corruption Unit. This unit is tasked with proactively investigating and prosecuting public corruption at all levels, from uniformed officers, to elected officials, to courthouse staff.

In September, District Attorney Vance announced the indictment of three defense attorneys and a paralegal for bribing a non-judicial court employee as part of a scheme to steer clients to the indicted attorneys. The employee worked for the New York City Criminal Justice Agency, an agency that provides critical assistance to the courts in order to reduce unnecessary pretrial detention. Under the direction of the defendants, the employee is accused of using pretrial interviews to determine which arrestees were likely to be able to afford private attorneys. In total, the employee allegedly steered more than 100 clients to the attorneys over the course of a year and received at least $40,000 for his efforts—essentially doubling his annual income.

S.S.D.I FRAUD

In January, the District Attorney's Office announced the indictment of more than 100 individuals charged with perpetrating massive fraud against the Social Security Disability Insurance Benefits program, resulting in the loss of millions of dollars from federal taxpayers. Through the scheme, four principal defendants directed hundreds of applicants to lie about their psychiatric conditions in order to obtain benefits to which the applicants were not entitled.

> " The Social Security Disability safety net exists to help those who are unable to help themselves. Many participants cynically manufactured claims of mental illness as a result of September 11th, dishonoring the first responders who did serve their City at the expense of their own health and safety."
>
> — *DA Vance*

Many of these applicants were retirees of the FDNY and NYPD who were encouraged to fabricate evidence of mental illness and incapacity as a collateral consequence of their service in order to collect tens of thousands of dollars in benefits.

Some indicted applicants received awards as far back as two decades ago, and in some cases, the amount of money fraudulently collected by the applicants was close to $500,000 per person.

TERRORISM

Following the attacks on New York City on September 11, 2001, a state law was passed designating as a crime of terrorism any crime of violence, or any criminal conspiracy to commit a crime of violence, undertaken with the intent to intimidate or coerce a civilian population. While foreign attacks still represent very real threats, increasingly, the threat of terrorism is also coming from radicalized actors living in communities closer to home, which means local law enforcement is uniquely situated to identity those threats and stop acts of terrorism before they can be carried out.

> " Pimentel's conviction, and Ferhani's before him, reminds us that the threat against us from home-grown terrorists is very real. We must and will remain vigilant and do everything we can to prevent future terror attacks, within the strictures of our system of laws."
>
> — *DA Vance*

In February, Jose Pimentel, pleaded guilty to attempting to build pipe bombs in order to carry out a targeted terrorist attack on New Yorkers and U.S. service members returning from combat in Iraq and Afghanistan. In March, Pimentel

was subsequently sentenced to 16 years in state prison and 5 years of post-release supervision for his crimes. The guilty plea represented the second conviction the District Attorney's Office has obtained under the State's terror statute, the first being the conviction of Ahmed Ferhani for terror-related activities in 2012.

GRAND JURY REPORTS

In 2014, the District Attorney's Office empaneled grand juries to examine the vulnerability of the New York's workers' compensation insurance system and programs providing opportunities for Minority- and Women-Owned Business Enterprises ("MWBE") to fraud and misuse.

In March, a grand jury report found evidence of workers' compensation insurance premium fraud costing New York nearly $500 million annually. The grand jury proposed recommendations designed to assist in early detection of premium fraud, improve compliance and enforcement efforts, deter cheating, and ensure fair and equitable treatment of all policyholders.

The report stemmed from investigations conducted by the District Attorney's Money Laundering and Tax Crimes Unit into false information provided to the New York State Insurance Fund in connection with applications for and audits of workers' compensation policies.

In November, a grand jury report found evidence of criminal conduct in the construction industry related to MWBEs spanning at least a decade and, within the relatively small sample of cases reviewed, found that the amount of money intended for MWBEs that instead went to non-MWBEs exceeded $10 million. The grand jury concluded that current laws, regulations, and systems are not adequate to prevent and deter individuals and organizations from fraudulently taking advantage of these programs. To eliminate fraudulent practices in this industry, the grand jury proposed a set of recommendations aimed at deterring fraud and improving enforcement and prosecution efforts to bring those who abuse MWBE programs to justice.

CONSTRUCTION SAFETY

Enforcing proper safety regulations is a critical part of preventing accidents from occurring. Preventing harm will always be more valuable than prosecuting wrongdoing after a tragedy. In July, the District Attorney's Office announced the indictment of seven individuals and two companies, Avanti Building Consultants Inc. and NYCB Engineering Group, as part of an alleged scam that falsified the details of safety inspections at multiple active construction sites in Manhattan.

The defendants are accused of leaving nearly 40 active construction sites in Manhattan supervised by hairdressers, bellhops, window treatment specialists, musicians, eBay vendors and other individuals who were utterly unqualified to be responsible for workers' safety, power tools, and construction taking place on city skyscrapers. In some instances, there were no safety inspectors or supervisors whatsoever at these construction sites. This negligence was in direct violation of New York's building codes and caused a potential threat to public safety.

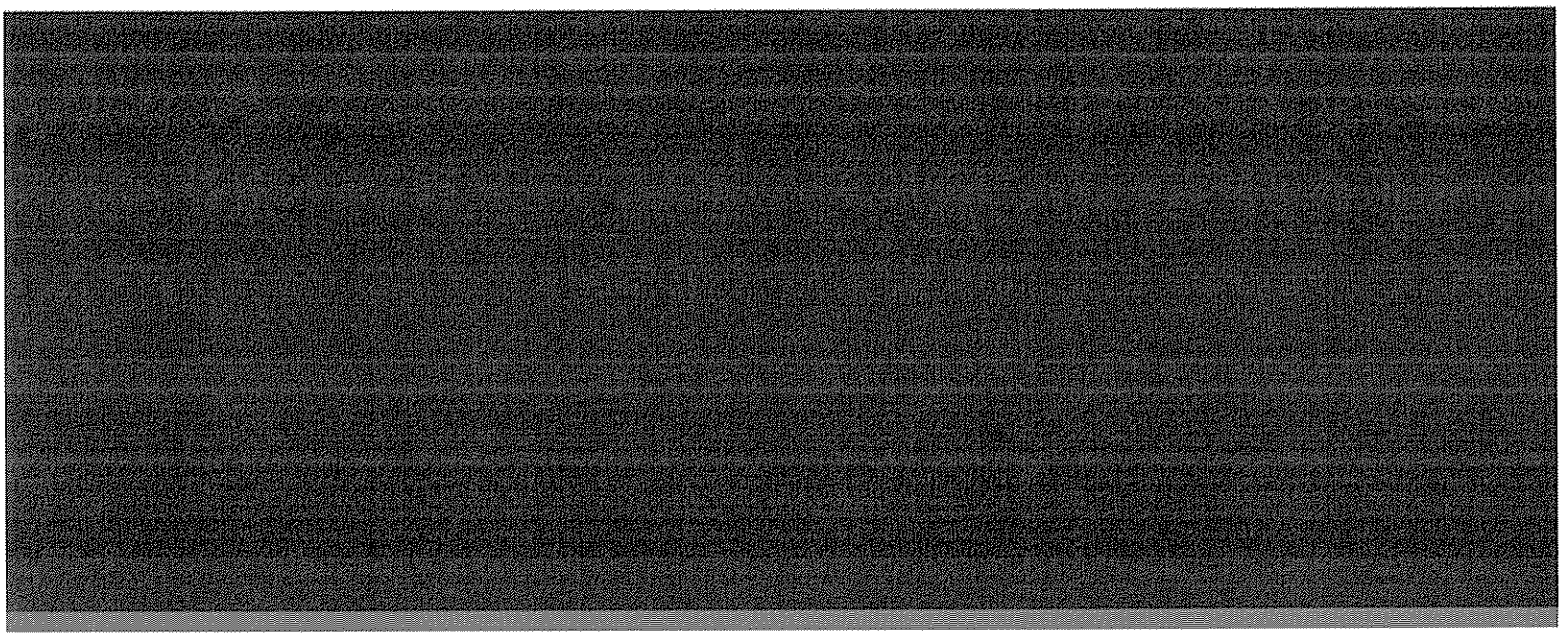
Notable Cases of 2014 Include:

- In September, Jacob Levita and Schlesinger Electrical Contractors, Inc. were convicted on charges related to a scheme to defraud the NYC Department of Buildings and the NYC Department of Environmental Protection. Both Levita and Schlesinger, which is an affiliate of electrical contracting firm Schlesinger-Siemens Electrical LLC, were found guilty by a jury in New York State Supreme Court of Scheme to Defraud in the First Degree. Schlesinger was also found guilty of Offering a False Instrument for Filing in the First Degree.

- In April, Structure Tone Inc. was convicted for falsifying purchase orders with the intent to defraud its construction management clients. The company pleaded guilty to Falsifying Business Records in the First Degree and will forfeit $55 million.

- In January, Larry Rosenthal and Megabite Electronics, Inc. pleaded guilty to defrauding the New York City Transit Authority by selling counterfeit electromagnetic switches, commonly known as "kneeling sensor switches," for use on MTA buses. Rosenthal was sentenced to 30 days jail and ordered to pay $350,000 in restitution.

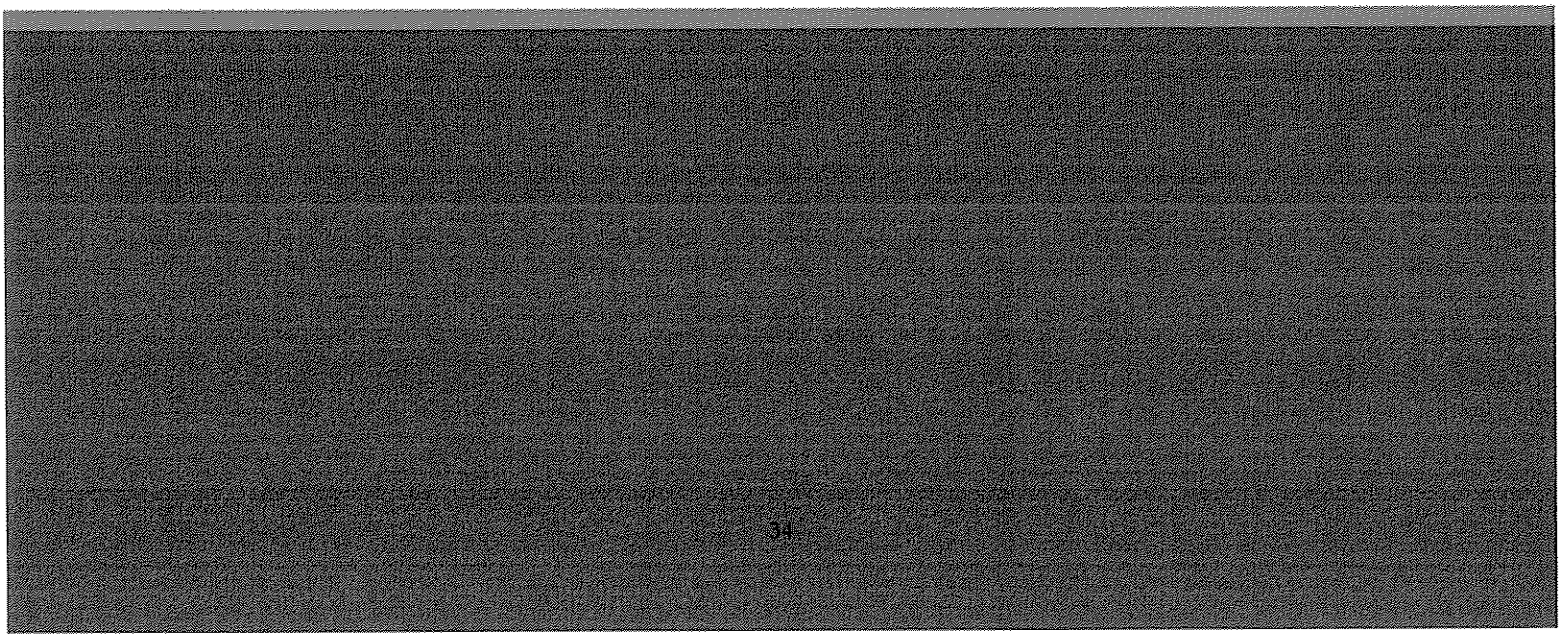
District Attorney Vance and Rabbi Cooper announcing the Simon Wiesenthal Center's report on digital terrorism and hate in May 2014.



CYBERCRIME

and

IDENTITY THEFT



HIGH TECHNOLOGY ANALYSIS UNIT

In 2010, District Attorney Vance established the Cybercrime and Identity Theft Bureau to protect New Yorkers from increasingly pervasive schemes involving cybercrime, internet fraud, and identity theft. Currently, one-fourth of the cases handled annually by the District Attorney's Office represent impersonation, financial fraud, larceny, child exploitation, and computer hacking cases. In 2014 alone, the High Technology Analysis Unit, which is part of the Cybercrime and Identity Theft Bureau, analyzed more than 200 terabytes of data.

> " Today, nearly every criminal case has a digital component. Much of the evidence required to identify, locate and prosecute criminals is stored on smartphones."
>
> *— DA Vance in the Washington Post*

In September, District Attorney Vance authored an op-ed in *The Washington Post* opposing Apple and Google's new encryption standards.

Access to raw data and analytic capability is an essential part of investigating and prosecuting cybercrime. But assistant district attorneys in other areas of the District Attorney's Office may also rely upon the expertise of cyber analysts, as every case involving a cell phone, computer, or digital device may involve a potential digital cache of valuable evidence. Smartphone analysis, for example, can help investigators track the whereabouts of a sexual predator, record communications between gang members, and even identify vulnerable victims of trafficking and forced prostitution.

D.A.N.Y. CYBER ACADEMY

The sheer volume and diversity of cyber cases handled by the District Attorney's Office necessitates that prosecutors, investigators, and analysts have access to leading tools and cutting-edge technology. Throughout the year, the District Attorney's Office has overseen the construction of a state-of-the-art cybercrime lab with funding from the New York City Council to expand on the work of in-house analysts. However, equally invested in sharing intelligence and resources, the District Attorney's Office also provided million-dollar grants to other New York City DAs' offices to help create or upgrade their own cyber capabilities.

> " Cybercriminals know no boundaries—they do not respect international borders or laws. But regardless of where the case originates, nearly every cybercrime case begins with similar breaches: A stolen password, unauthorized use of a credit card, or unaccountable charges on a personal statement."
>
> *— DA Vance*

Changing criminal landscapes make cooperation between different law enforcement agencies more important than ever, which is why the District Attorney's Office is committed to educating others and sharing best practices.

Through the DANY Cyber Academy, created in partnership with the National White Collar Crime Center and the U.S. Department of Justice's Bureau for Justice Assistance in 2006, law enforcement personnel from other local and federal agencies are trained in the collection, analysis, and use of digital evidence to support criminal prosecutions. Instructors based in New York lead multiple courses each quarter, and a mobile training lab allows additional instructors to reach law enforcement communities throughout the U.S. Thousands of law enforcement personnel from different agencies have completed courses through the Cyber Academy since its creation, with the overall goal of improving digital literacy and collaboration between law enforcement agencies.

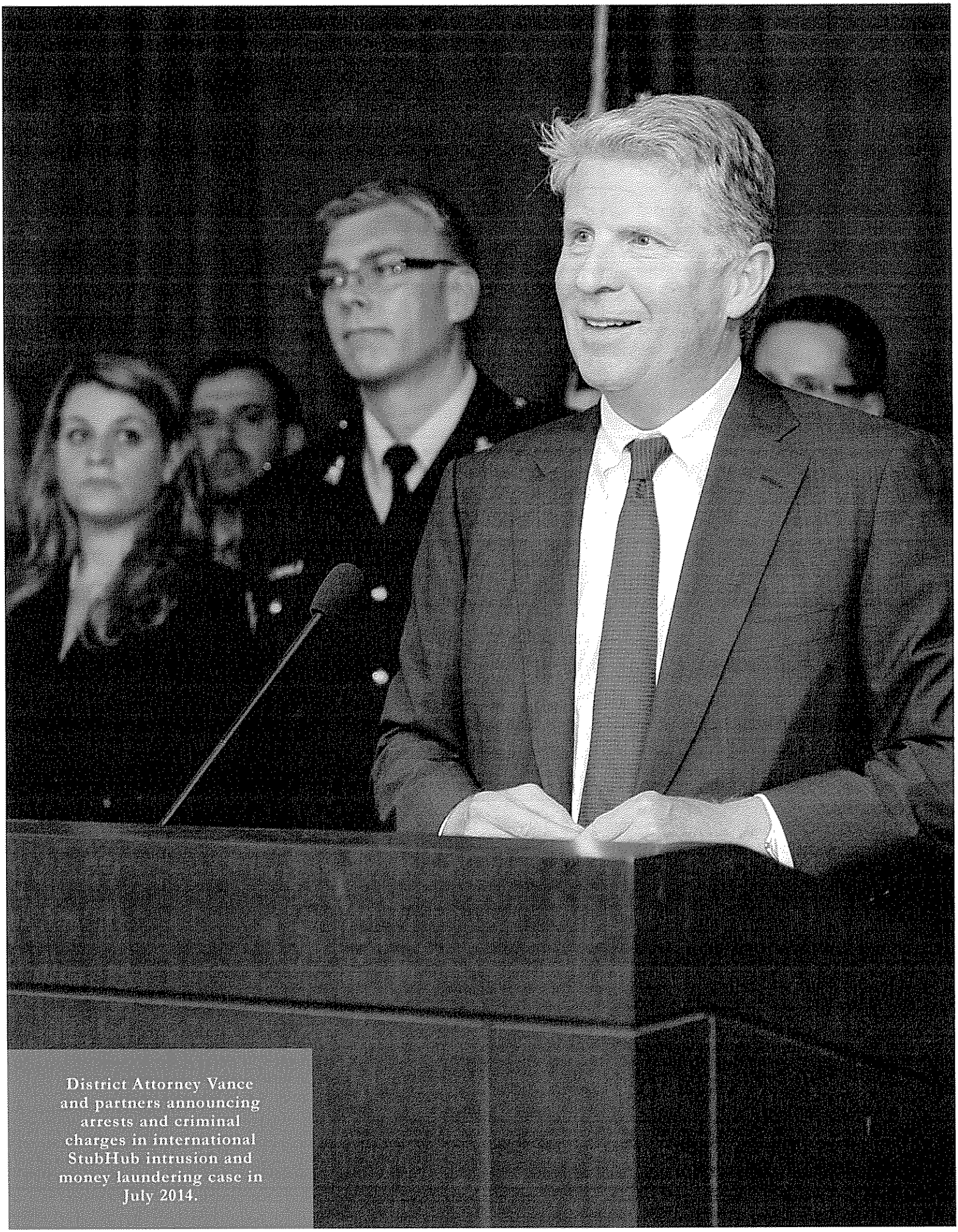
STUBHUB CYBER-INTRUSION CASE

Cybercrime is truly borderless, and electronic trails of evidence may often crisscross the country—sometimes even the globe.

In July, the District Attorney's Office announced the indictment of several individuals in connection with an international cybercrime and money-laundering ring operated by associates in the United States, United Kingdom, Russia, and Canada that compromised the accounts of StubHub users.

How the StubHub scheme worked:

- Cyber thieves broke into users' accounts and used stolen credit card information to buy e-tickets to popular events such as Broadway shows and sporting events at Yankee Stadium.
- E-tickets were distributed to associates who fenced the stolen tickets and sold them to interested buyers.
- Illicit proceeds from the sales were then processed through a network of money launderers, who redistributed funds to individuals involved in orchestrating the scam.



District Attorney Vance and partners announcing arrests and criminal charges in international StubHub intrusion and money laundering case in July 2014.

In that case, a global network of identity thieves and money-launderers was eventually brought down by prosecutors' use of recorded financial transactions and correspondence that crossed national borders and demonstrated the increasingly close connection between cybercrime and financial crime. The case also showed the value of strong partnerships with international law enforcement agencies, which enabled enforcers to simultaneously bring down cybercriminal operations in Europe and North America.

The scheme—which involved identity theft, larceny, and money laundering—demonstrates that thriving commercial institutions and eager consumers will always be tempting targets for scam artists who seek any opportunity to exploit weakness, whether institutional or individual.

> " Time after time, we see insiders at companies enabling theft to occur. In just the past few years, prosecutors in my Office's Cybercrime and Identity Theft Bureau have convicted insiders working at fast-food chains, high-end steakhouses, retail stores, parking garages, non-profits, universities, hospitals, banks, and even nursing homes."
>
> *— DA Vance*

SAKS FIFTH AVENUE IDENTITY THEFT CASE

Organizational insiders often serve as feeders into greater cybercriminal operations, supplying stolen information to co-conspirators who use the information to commit a host of other crimes. While the locations may vary, the methods and goals of cybercriminals are often similar.

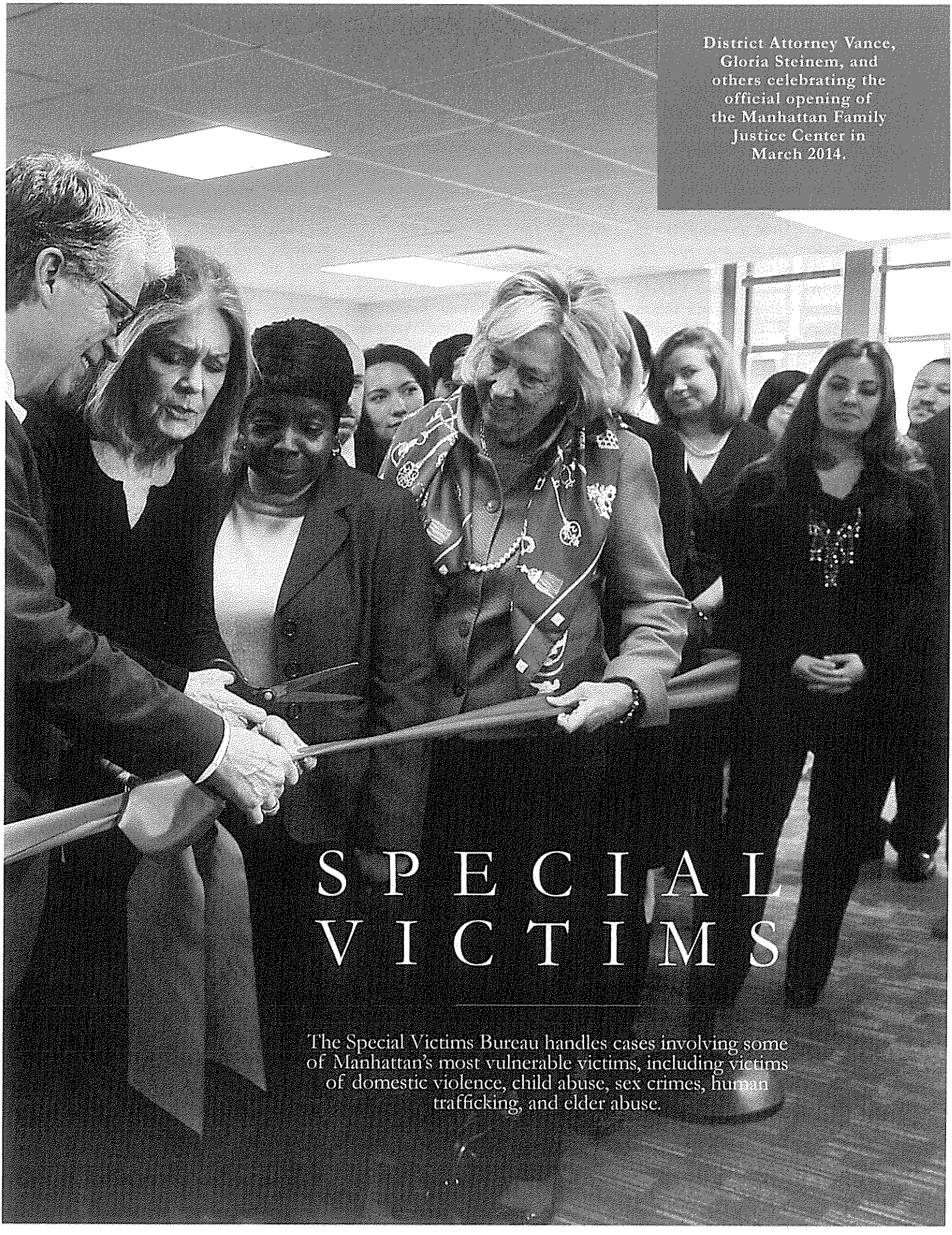
In October, the District Attorney's Office announced the indictment of a different group of individuals in connection with a scheme involving stolen personal information that was used to purchase hundreds of dollars' worth of luxury goods from Saks Fifth Avenue for the purpose of illicit resale. Between April and August, the alleged ringleader provided stolen personal identifying information—including the Social Security Numbers and dates of birth of nearly two dozen Saks Fifth Avenue credit card holders—to complicit store associates, who used the information to purchase merchandise from designer brands such as Chanel, Valentino, Christian Louboutin, Ferragamo, Balmain, Yves Saint Laurent, Gucci, Giuseppe Zanotti, Louis Vuitton, and Givenchy. In total, the group is believed to be responsible for more than $400,000 in fraud and losses.

Notable Cybercrime and Identity Theft Cases Include:

- In October, Elice Rizzo was sentenced to 5-to-10 years in state prison for stealing more than $50,000 from bank customers by impersonating them and withdrawing money from their accounts. Earlier in the year, Rizzo pleaded guilty to one count of Grand Larceny in the Second Degree and 18 counts of Identity Theft in the First and Second Degrees.

- In August, Lancine Conde, Sylvaine Gnahore, Gerald Quarles, Arshid Sohail, and Donald Williams were indicted for stealing more than $1 million in corporate, personal, and tax refund checks through a scheme that diverted checks made payable to individuals and companies based in New York to fraudulent accounts controlled by the defendants. They are charged with using stolen information to falsify personal documents and accounts.

- In May, Nigel McCollum, a former food service employee, was sentenced to 1 1/3-to-4 years in state prison for skimming patrons' credit card numbers and using the information to forge hundreds of cards in his own name. On March 12, 2014, McCollum pleaded guilty in New York State Supreme Court to all of the charges in the indictment against him, including Identity Theft in the First Degree, Forgery in the Second Degree, Criminal Possession of a Forged Instrument in the Second Degree, Criminal Possession of Forgery Devices, and Grand Larceny in the Fourth Degree, among other charges.



District Attorney Vance, Gloria Steinem, and others celebrating the official opening of the Manhattan Family Justice Center in March 2014.

SPECIAL VICTIMS

The Special Victims Bureau handles cases involving some of Manhattan's most vulnerable victims, including victims of domestic violence, child abuse, sex crimes, human trafficking, and elder abuse.

The Bureau encompasses four units that specialize in handling cases involving special victims: the Sex Crimes Unit, the Child Abuse Unit, the Domestic Violence Unit, and the Elder Abuse Unit. Working with the Office's Witness Aid Services Unit, prosecutors and investigators are not only specially trained to bring justice to the victims in court, but also to help them recover from trauma, return to a place of safety, and move forward with their lives.

> " Domestic violence is not just a criminal justice issue, it is a public health crisis in New York City and across the country."
>
> — *DA Vance*

Housed within the recently opened Manhattan Family Justice Center, the Bureau advocates for victims in the daily prosecution of street crimes, as well as their push for legislative initiatives that help protect victims. From cases involving victims of assault by a stranger to long-term human trafficking investigations, the Special Victims Bureau is fully-equipped to serve victims of these often devastating crimes.

The District Attorney's Office recognizes that ultimately, preventing crimes is just as important as prosecuting offenders. In order to raise awareness, the Office conducts presentations at community centers, schools, precincts, and more on a regular basis across Manhattan. The Sex Crimes Unit gave presentations on sexual assault at dozens of colleges and high schools across Manhattan this past year. During these meetings, prosecutors and members of the Office's Community Partnerships Unit discuss the impact of sexual violence, offer resources for victims, and provide tips on how to avoid becoming a victim of sexual assault. Similar presentations are conducted year-round to raise awareness about crimes ranging from elder abuse to cyberbullying.

FAMILY JUSTICE CENTER

This year, District Attorney Vance's vision of opening a Family Justice Center in Manhattan became a reality. In March, District Attorney Vance, First Lady of New York City Chirlane McCray, activist and author Gloria Steinem, Comptroller Scott Stringer, Deputy Mayor Lilliam Barrios-Paoli, and Mayor's Office to Combat Domestic Violence Commissioner Rose Pierre-Louis celebrated the grand opening of the Center, where all of the resources available to domestic violence victims are located under one roof. With a single visit to the Family Justice Center, victims can meet with an assistant district attorney,and receive legal advice on divorces, orders of protection, custody, and immigration issues. They are also able to talk to a counselor and apply for emergency housing—all while their children play safely in a supervised room next door.

The Center, located at 80 Centre Street, is situated near to the Criminal, Family, and Supreme Court buildings, ensuring that victims have easy access to and assistance with all relevant court proceedings. The entire leadership

Notable Sex Crimes Cases of 2014 Include:

- In September, Damique Fennell was sentenced to 25 years in state prison and 20 years post-release supervision for leading the group assault and robbery of a transgender woman in a Midtown Manhattan hotel room. The victim, a 27-year-old woman who advertised escort services online, agreed to meet Fennell at a Holiday Inn. Upon her arrival, the victim was repeatedly kicked and beaten by Fennell and three other co-defendants, restrained with duct tape, sexually abused, and robbed.

- In June, Cesar Lucas was sentenced to 13 years in state prison and 20 years post-release supervision for raping a woman in her Upper West Side apartment in September 2012, while her 7-year-old child slept next to her. The defendant was also convicted of unlawfully entering the apartment of another woman and stealing her wallet, after delivering pizza in the building.

- In February, Angel Hernandez was sentenced to 14 years in state prison and 15 years of post-release supervision for attempting to rape a 74-year-old woman in the elevator of her East Harlem apartment building. After approaching her in the hallway, Hernandez attacked the elderly victim, dragged her into the elevator and assaulted her as she attempted to fight back, until police officers arrived and stopped the attack.

- In January, Garis Ortega was sentenced to 11 years in state prison and 10 years of post-release supervision for raping a 33-year-old woman in the vestibule of her Thompson Street apartment building in November 2010. Ortega spoke to the victim as she walked home, followed her into her building's vestibule, and forcibly raped her.

of the Office's Special Victims Bureau is headquartered in the Family Justice Center, an initiative unique to Manhattan. This enables the District Attorney's staff to serve victims not only of domestic violence, but also sexual assault, elder abuse, human trafficking, and child abuse, as well as to identify other crimes that often first come to the District Attorney's Office as domestic violence cases.

> "The image of domestic violence as a 'family matter' contained within the home is an outdated and dangerous notion. Often, domestic abuse spills into the workplace—with devastating consequences for victims, their colleagues, and their employers."
>
> *— DA Vance in Fast Company*

Domestic violence affects every community and socioeconomic group nationwide, including New York City. Leaving an abusive relationship is frequently the most dangerous time for a victim of domestic violence—and an abuser will often come looking for a victim who tries to leave an abusive relationship at his or her workplace. In October, District Attorney Vance penned an op-ed for *Fast Company* to give tips and call for employers to protect their employees.

The Family Justice Center brings together a number of community-based service providers and a wide range of New York City agencies to reach a collective goal of reducing the number of family violence incidents, recidivism, and homicides. The Center offers a diverse spectrum of services that survivors need to safely move forward with their lives, including:

- Easy access to assistant district attorneys specially trained in the prosecution of sex crimes, domestic violence, elder abuse, child abuse, and human trafficking
- Civil legal representation for immigration and Family Court matters and assistance with filing police and probation reports
- Safety planning, as well as access to emergency shelter and housing
- Public benefits, job search, and financial literacy assistance
- On-site childcare and counseling, including references to support groups
- Services for the elderly and the disabled
- Interpretation and language assistance

Notable Domestic Violence Cases of 2014 Include:

- In December, John Woody was sentenced to 21 ½-to-23 years in prison for repeatedly slashing his ex-wife in front of their three children in the hallway of their apartment building in July 2013. He was convicted of threatening the victim, through phone calls and through a third party, while he was incarcerated. The defendant had a long history of domestic violence incidents.

- In January, William Davila was sentenced to 19 years-to-life in state prison for fatally stabbing his estranged wife in an SUV parked on Essex Street in May 2008, and leaving her body there. In the vehicle, police officers found the victim's Order of Protection against Davila, which stemmed from a 2007 Criminal Contempt conviction in the Bronx. This case is a tragic demonstration of the fact that those who commit acts of domestic violence tend to be repeat offenders, whose crimes can quickly escalate.

HUMAN TRAFFICKING RESPONSE UNIT

In October, District Attorney Vance announced the expansion of the Human Trafficking Program into the Human Trafficking Response Unit ("HTRU"). Housed within the Manhattan Family Justice Center, HTRU investigates and prosecutes sex and labor trafficking cases, and, in partnership with advocacy groups, provides support for victims and their families. The unit also closely examines the hundreds of street arrests that are screened and prosecuted by other areas of the District Attorney's Office—such as the Domestic Violence Unit—in order to identify cases that may involve victims of trafficking.

HTRU is among the most robust anti-trafficking units of any prosecutors' office nationwide, with an in-house social worker and financial analyst joining two full-time assistant district attorneys, as well as 15 cross-designated assistant district attorneys, and multiple support staff. HTRU is building upon long-term investigative techniques—including wiretaps and forensic analytics—that make up the backbone of the evidence-based approach the Office uses to build these complex cases.

HTRU also trains prosecutors throughout the District Attorney's Office to identify signs of human trafficking when screening cases, such as those involving

prostitution, unlicensed massage, or domestic violence assaults. This is critical in human trafficking cases, as victims rarely self-identify and are often reluctant to speak with law enforcement. For instance, a victim may refer to the person who assaulted her as her "boyfriend," when, in reality, that person may be a trafficker. The Manhattan Family Justice Center co-locates the Domestic Violence Unit and Human Trafficking Response Unit to better address these complexities and provide comprehensive services.

> " Victims of sex trafficking should know that help is available and call my Office's Human Trafficking hotline at 212-335-3400."
>
> — *DA Vance*

TRUST WOMEN CONFERENCE

In November, District Attorney Vance delivered the keynote address and participated in panel discussions, along with Chief Assistant District Attorney Karen Friedman Agnifilo, at the Thomson Reuters Foundation's Trust Women Conference. This year marks the second time District Attorney Vance and the Thomson Reuters Foundation have partnered to unite major financial institutions in the fight against global human trafficking, estimated to be a $32 billion-a-year criminal industry worldwide. In early 2014, the District Attorney's Office and Thomson Reuters Foundation released a white paper to offer guidance to the financial industry in identifying red flags such as:

- Regular transfer of funds from the employees' accounts back to the employers
- Recurrent business transactions outside the time of business operations
- Cross-border transfers of funds inconsistent with the stated business purpose
- A high number of individual accounts opened and closed simultaneously
- Also identified industries whose workers are more easily exploited: non-unionized service or hospitality providers, labor intermediaries, nail salons, travel agents, restaurants, strip clubs, etc.

CONCORDIA SUMMIT

In 2014, District Attorney Vance was honored to join other people on the front lines of combatting human trafficking, including U.S. Senator Amy Klobuchar, U.S. Representative Debbie Wasserman Schultz, Director of Global Diversity for Delta Airlines Letty Ashworth, and Co-Chair of the Arizona Task Force on Human Trafficking Cindy McCain, for a high-level panel discussion at the 2014 Concordia Summit. The conference focused on cross-sector solutions to human trafficking that bring together private and public initiatives, an approach the District Attorney has long-championed.

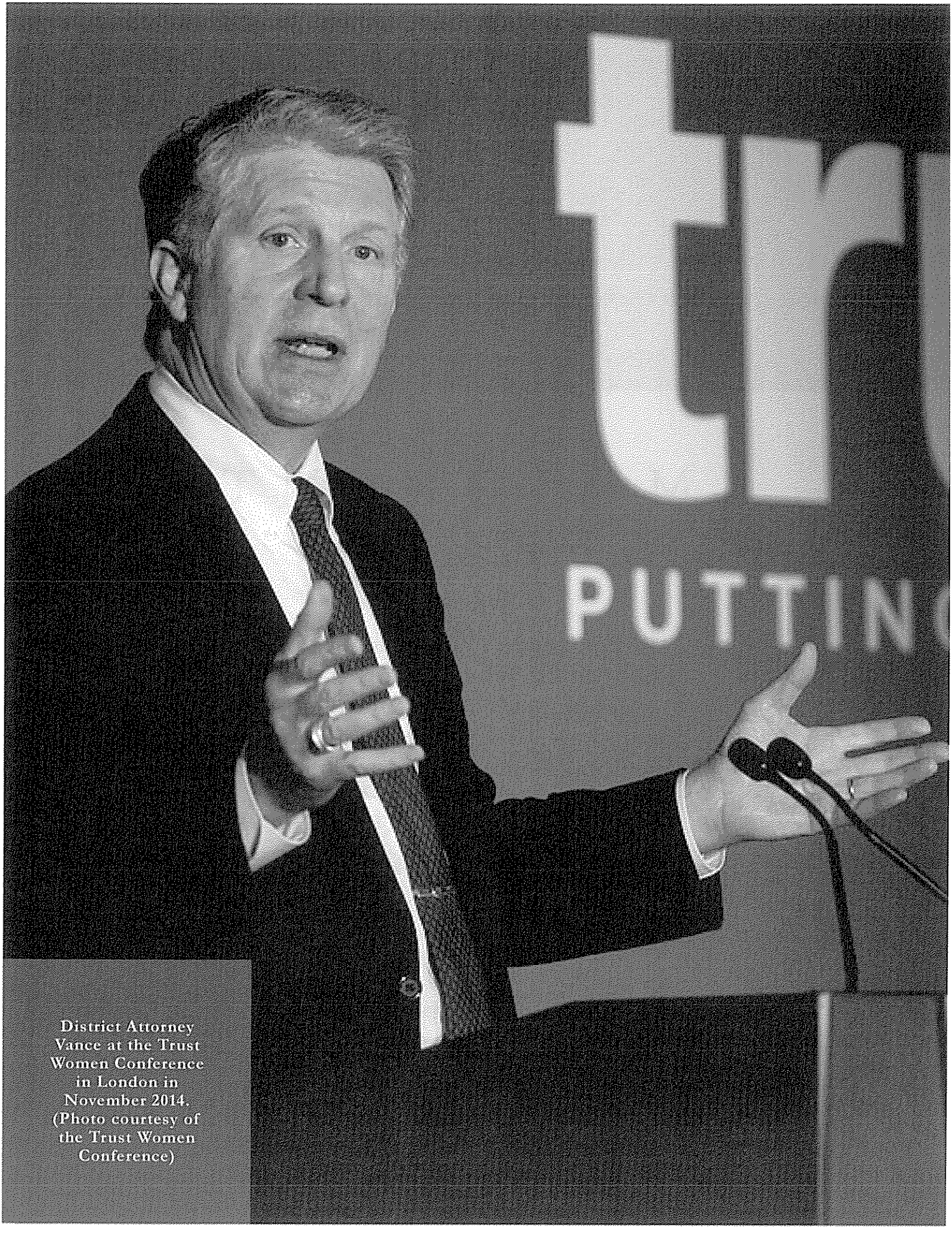
ABELY AWARDS

Recognizing these efforts, Sanctuary for Families, a New York-based non-profit organization dedicated to aiding victims of abuse, honored the District Attorney's Office with the Abely Award for Leading Women and Children to Safety in November. The awards granted by Sanctuary for Families recognize those committed to fighting gender-based violence, particularly domestic violence and sex trafficking.

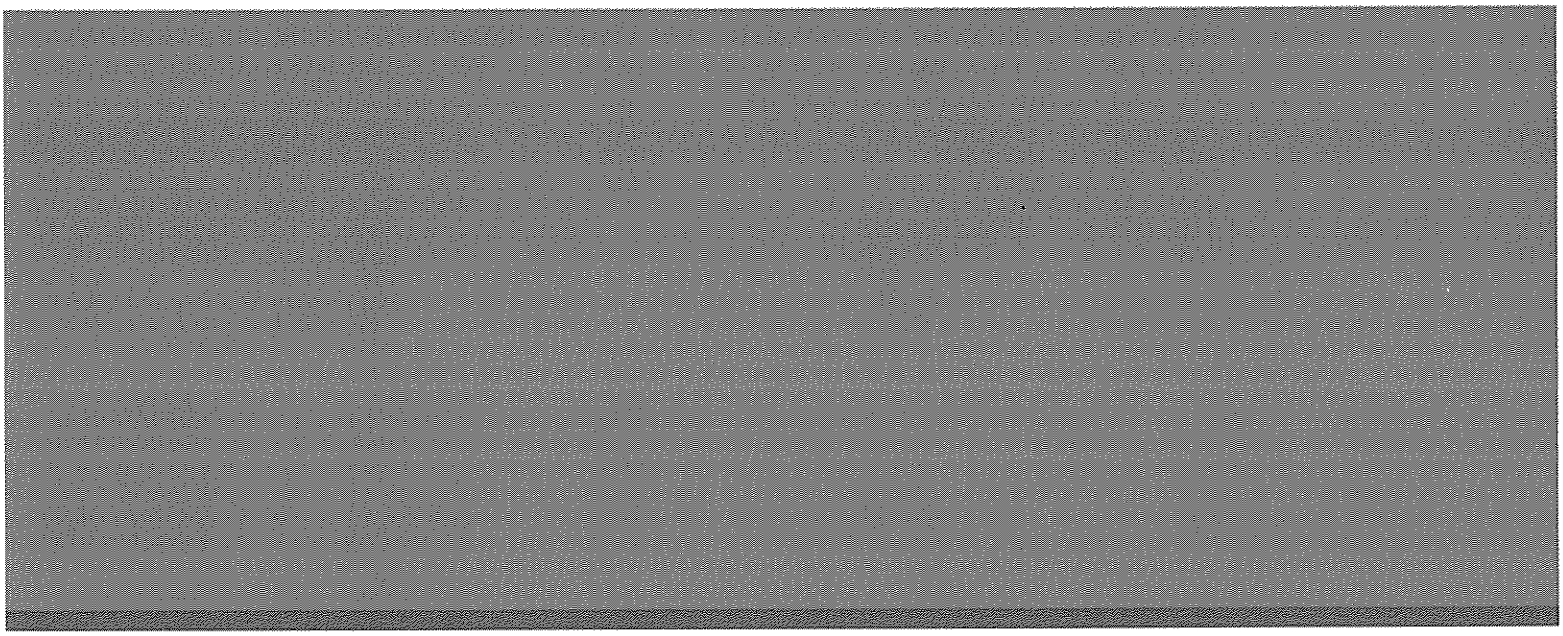
Notable Human Trafficking Cases of 2014 Include:

- In September, convicted sex trafficker Benjamin Gaston was sentenced to 50 years-to-life in prison for kidnapping and raping a woman whom he held captive for nearly two days in November 2012, during which time he trafficked her and forced her to earn money for him through prostitution. In an attempt to escape, the victim climbed out of a sixth-story window and dropped more than 50 feet to the ground, shattering multiple vertebrae, fracturing her pelvis, and breaking a leg and an arm. Gaston's co-defendant Johnny Jackson, 54, was sentenced to 9-to-18 years in state prison for forcing the same woman to engage in prostitution.

- In February, convicted sex trafficker Taye Elleby was sentenced to 10 2/3-to-32 years in prison for forcing two women and a young girl into working as prostituted individuals in Harlem. As proven at trial, beginning in March 2013, Elleby ran a prostitution ring from his Harlem apartment involving a 17-year-old girl who he trafficked into prostitution. Elleby advertised commercial sexual services through the website Backpage.com; controlled the victim through physical, emotional, and psychological coercion; and demanded that she hand over nearly all of the money she made.

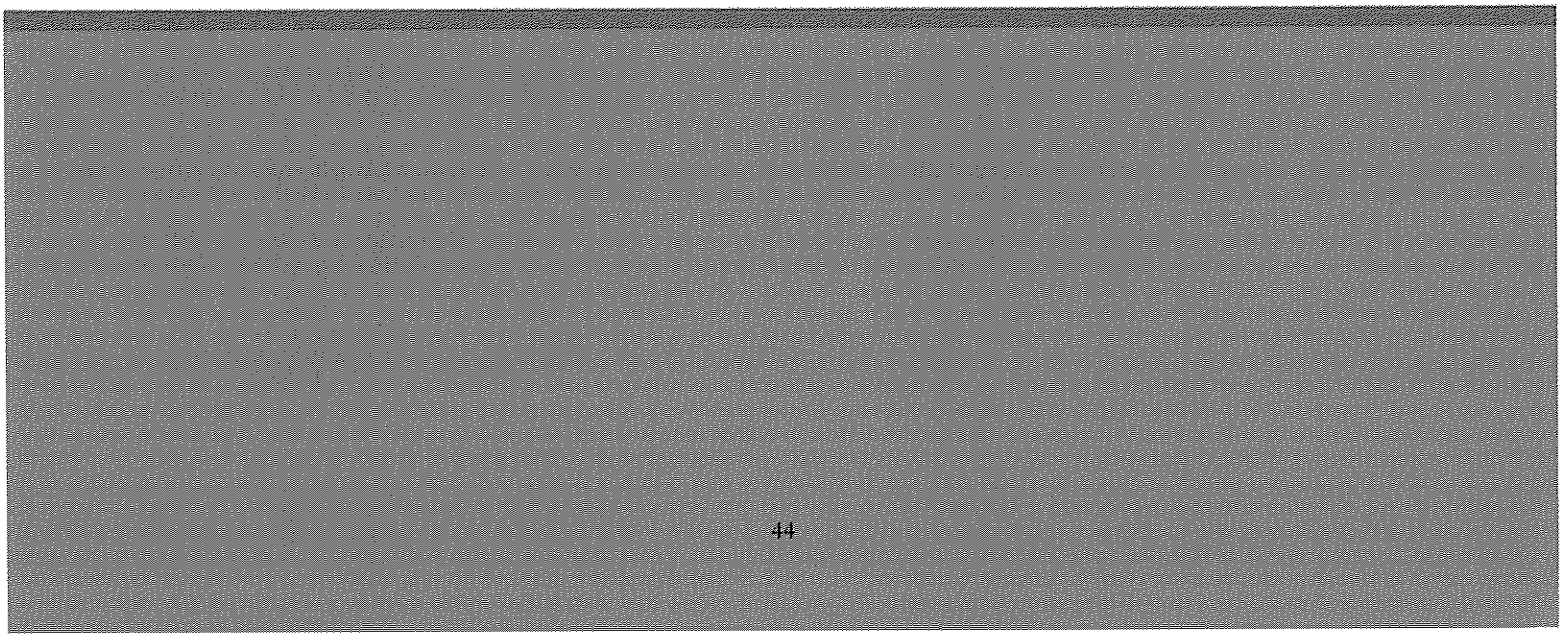


District Attorney Vance at the Trust Women Conference in London in November 2014. (Photo courtesy of the Trust Women Conference)



IMMIGRANT AFFAIRS

The Immigrant Affairs Unit was the first of its kind in the country: a unit specially designated to prosecute crimes committed against members of Manhattan's immigrant communities.



Today, the unit serves as a model for other City prosecutors' offices, and many are now opening their own versions of the Immigrant Affairs Unit. Within the District Attorney's Office, the unit is staffed by prosecutors who specialize in handling cases involving immigration fraud and related crimes.

To date, the unit's hotline has handled more than 3,000 complaints in 30 different languages. Anyone who believes that he or she may have been the victim of a scam is encouraged to call the hotline at 212-335-3600, regardless of immigration status.

The Immigrant Affairs Unit also has a proactive educational mission to teach community members how to protect themselves from scams and fraud. Informational brochures are printed in five different languages—including Spanish, Chinese, and French Creole—to reach the greatest number of people possible, and representatives from the District Attorney's Office frequently conduct presentations throughout Manhattan with the support of community partners.

Victims of fraud often have similar stories: They may be new to the country and new to the language, and they may be looking for someone to guide them through a complex legal process and civil services system. Scam artists, correspondingly, will continue to look for any opportunity to take advantage of others, which is why providing resources for victims, as well as strengthening the laws governing immigration fraud, is so important.

In 2014, the District Attorney's Office joined representatives from the New York Immigration Coalition and U.S. Citizen and Immigration Services in support of legislation signed into law earlier this year, aimed at better protecting immigrants from scams and fraud. The bill, once effective, strengthens the protections for victims by barring the use of misleading job titles that might suggest an unqualified individual to be an attorney or specialized professional. By outlining new crimes at felony and misdemeanor levels, the bill will give prosecutors the important ability to charge crimes based on severity. Perhaps more importantly, the legislation enables individuals to better protect themselves from fraud.

Notable Immigration Scams and Cases of 2014 Include:

• "Evil Spirits" Scams: In December, Xue Fang Zhou was indicted for stealing approximately $60,000 from a Chinese victim by charging for a so-called blessing ritual that the defendant claimed to perform in order to dispel supposed bad luck cursing the victim's family. This is not the first time the District Attorney's Office has prosecuted perpetrators of the scam: In October 2013, five defendants pleaded guilty to criminal charges for using the same scheme to steal cash and valuables. Similar versions of the scam have also appeared throughout the East and West Coast, and victims have lost up to tens of thousands of dollars in the most devastating cases.

• Legal scams: In July, an attorney named Owolabi Salis was indicted for defrauding more than 30 victims, many of them immigrants from the Caribbean Islands, South American, Central American, and African countries through an immigration scam. In this case, the defendant falsely told his immigrant clients that they qualified for lawful permanent residence and other immigration benefits, when in fact, they did not. The defendant charged each victim an average of more than $4,500 for fraudulent services.

• Housing scams: In July, Juan Valoy and Elizabeth Adrian Perez were indicted for fraudulently collecting thousands of dollars from more than 20 victims of a Washington Heights apartment scam targeting Hispanic immigrants. Posing as brokers, the defendants showed the victims apartments that they claimed were available to lease and accepted payments of as much as $5,500 for supposed application fees and security deposits. But after collecting money from their victims, the defendants ignored and avoided contact with victims. In some cases, the apartments shown to victims were already occupied by other residents.

• Employment scams: In December, Jose Panchana was indicted in connection with a hiring scam through which the defendant was allegedly able to steal hundreds of dollars from victims who believed the defendant to be a hiring manager. As alleged in the indictment, Panchana claimed to be a hiring manager for JetBlue and instructed job applicants to send him money for uniforms, drug tests, and background checks. After receiving the funds, Panchana cut off communications and absconded with the victims' money.

APPEALS

The Appeals Division of the District Attorney's Office has been at the forefront of upholding appropriate dispositions and sentences for criminal defendants.

Outstanding Wins in the Court of Appeals

People v. Paul Cortez, 22 N.Y.3d 1061. The court unanimously affirmed the defendant's conviction for the brutal stabbing murder of a woman who had rejected his romantic attentions. The defendant pressed for new and more onerous rules governing both the required inquiry into defense counsel's potential conflicts of interest (expanding Gomberg) and the admissibility of "prior bad thought" evidence (expanding Molineux), but the court ultimately was persuaded to rule under existing law that reversal was unwarranted because the defendant was not prejudiced.

People v. Luis Guaman, 22 N.Y.3d 678. The court unanimously held that an information alleging that a subway grinder "rubbed" against a victim was sufficient to support a charge of "forcible" touching. The court rejected a defense contention that "forcible" touching should be limited to acts of a type likely to result in pain or physical discomfort.

People v. Reddy Kancharla and Vincent Barone, 23 N.Y.3d 294. In an appeal by DANY, the court unanimously held that the First Department had improperly vacated the defendants' Enterprise Corruption convictions based on its erroneous beliefs (1) that conviction required proof of a leadership structure for the criminal enterprise distinct from that of a corrupt corporation and (2) that direct proof of "communications, planning, or concerted activity" among the corrupt actors was required. The court held that the trial evidence was legally sufficient to support the Enterprise Corruption convictions and sent the case back to the Appellate Division for further review under the correct rules of law.

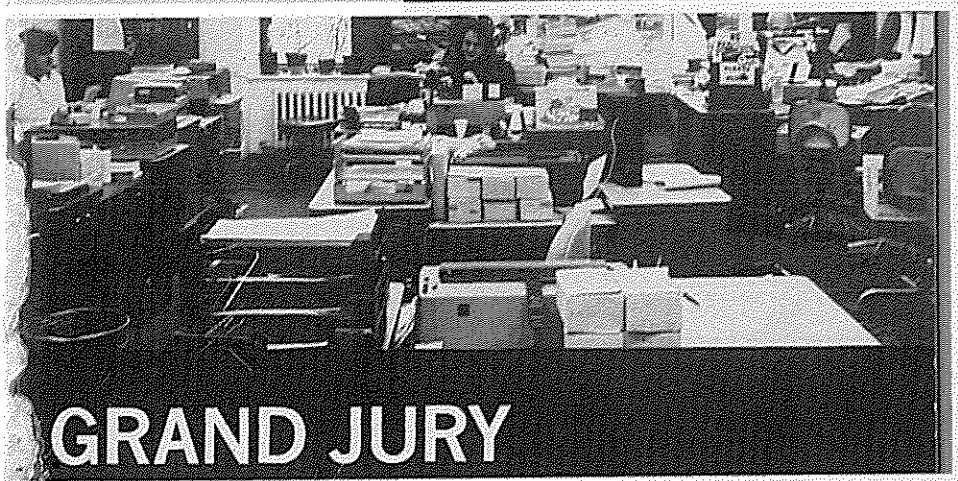
People v. Lionel McCray, 23 N.Y.3d 621. The court unanimously held that a burglary of Madame Tussaud's Wax Museum was properly prosecuted as burglary of a "dwelling," even though the museum was located in a large building and the nearest overnight lodging premises in that building were part of a hotel situated several floors above. Although the court limited the rule under which non-residential premises are considered part of a "dwelling" if there are any residential premises located elsewhere in the same building, it held that the burglary of the wax museum was still within that rule. The court also held that an employee locker room connected to the hotel was likewise a "dwelling."

People v. John Haggerty, 23 N.Y.2d 871. The court unanimously held that trial evidence from multiple sources established Mayor Bloomberg's ownership of the funds in the Bloomberg Trust, $750,000 of which was stolen by the defendant in a fraudulent "ballot security" scheme. The court therefore found harmless any error in admission of one witness's testimony concerning ownership of the funds, received over a defense objection that the "best evidence rule" required that the written trust instrument be introduced instead.

APPEALS

From the Archives

TRIAL BUREAU



GRAND JURY

INVESTIGATION

COMMUNITY AFFAIRS

VICTIM ASSISTANCE

The Manhattan District Attorney's Office is a safe place to report crime, and victims are strongly encouraged to contact the Office's specialized units for assistance.

SPECIAL VICTIMS: (212) 335-4308

For assistance with issues related to domestic violence, child abuse, human trafficking, and family violence

SEX CRIMES: (212) 335-9373

For assistance with issues related to sexual assault, abuse, and other criminal sexual acts

IMMIGRANT AFFAIRS: (212) 335-3600

For assistance with issues related to fraud and scams targeting immigrant communities

ELDER ABUSE UNIT: (212) 335-9007

For assistance with issues related to abuse and financial crimes committed against senior citizens

HATE CRIMES: (212) 335-3100

For assistance with issues related to crimes committed against individuals based on race, religion, gender, and personal affiliation

CYBERCRIME AND IDENTITY THEFT: (212) 335-9600

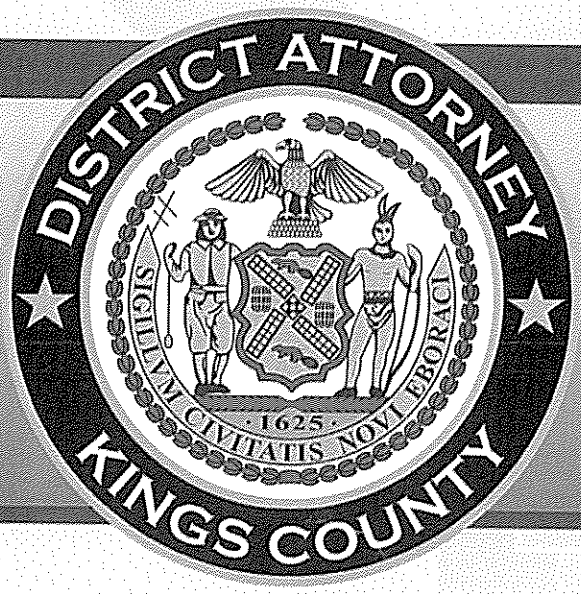
For assistance with issues related to ID theft and digital crime

PUBLIC INTEGRITY: (212) 335-8987

For assistance with issues related to bribery, larceny, false filings, Election Law fraud, campaign finance abuses, and criminal violations of ethics laws

FINANCIAL FRAUDS: (212) 335-8900

For assistance with issues related to embezzlement, fraudulent documents, insurance fraud, arson, unauthorized practice of law, bank fraud, and crimes committed by attorneys and other professionals



Kings County District Attorney
KENNETH P. THOMPSON

Fiscal Year 2016 Preliminary Budget Hearings

Public Safety Committee

City Council

March 12, 2015

Good Afternoon. Thank you Chairwoman Gibson and the Public Safety committee for this opportunity to address you on the Mayor's Preliminary Budget, its impact on my Office, the strides we have made in the last year and the continued fiscal challenges we face going forward.

I would like to begin by thanking the City Council, The Mayor, The Office of Criminal Justice and OMB for their continued response to the critical fiscal needs of my office. In the FY 16 November Plan, my office was provided $3M in the current year and $4M in the out years to address long overdue collective bargaining increases for all of our staff. Our budget includes funding for salary increases which will enhance retention of talented staff and provide more competitive salaries in order to recruit the best and brightest talent.

Borough Crime Statistics

In 2014, Brooklyn saw 107,378 arrests, the highest number of arrests in the City. During the same time period, Brooklyn also led the City in Felony arrests with 29,455. While both total arrests and Felony arrests were down by 3.2% and 2.6% respectively, this high level of arrests in the borough still requires resources, both human and financial, in order to effectively combat this trend.

While Brooklyn led the City in arraigned arrests with 63,817 in 2014, the good news is that average arrest to arraignment time decreased 6.2% from 2013. This is a clear demonstration of the effective use of our limited resources, working in conjunction with our law enforcement partners to move those arrested through the system in a timely and efficient manner.

ADA Salaries

When I took office last January, the ADAs in my office were the lowest paid in the City, earning $50,000 annually as a starting salary. Furthermore, of the nearly 500 ADAs we had at the time, over 300 of them were earning less than $60,000, some with up to 7 years of experience in the office. The stark inequity with other ADAs around the City was unacceptable. In my office, where these hard working, outstanding and dedicated assistants were dealing with sky high felonies and the highest volume in the City, this salary structure or lack thereof could not continue. Through the first six months of my administration, we focused on identifying efficiencies in both salaries and OTPS spending in order to generate enough savings to create a salary structure allowing our ADAs to earn a livable wage for the tremendously difficult work they do so well. Beginning January 2015, my office raised the starting salary of ADAs to $60,000, putting us on par with the other offices. In addition, Assistants already in the Office received a series of pay increases over the course of 2014 to make their salaries comparable based on years of service. I am proud to say that my office now offers competitive salaries for our hard working assistants and we will continue to find ways to remain competitive, retain amazing talent and recruit the best.

Crime Strategies

As part of the FY 15 Executive Budget funding provided to my office, $700,000 was allocated for the creation and expansion of the Crime Strategies Unit (CSU). This unit is focused on using complex in depth data analysis to develop crime prevention strategies and combat violent crime trends in those neighborhoods most impacted by street gangs and criminal activity.

At its inception, the CSU focused on the three precincts, 67th, 73rd and 75th, which at the time led the borough and the City in shootings and homicides. CSU, working collaboratively with the respective precinct commanders, developed lists of well-known violent recidivists and known crews/gangs. That data was entered into our arrest alert system allowing CSU to provide critical and relevant intelligence about a defendant during arraignment and during the subsequent prosecution.

Beginning in 2015, CSU expanded its reach throughout Brooklyn to 18 of the 23 precincts by including all NYCHA housing developments. A senior ADA is assigned to concentrate on the crime and violence that occurs in the developments, which account for 41% of the borough's homicides and 43% of the borough's shootings.

Violent Criminal Enterprises Bureau

Combating violence in the streets of Brooklyn is among my chief priorities as District Attorney. In addition to CSU, I have taken the additional step of merging the Major Narcotics Bureau and the Gangs Bureau to form the Violent Criminal Enterprises Bureau (VCE). This bureau, working in close collaboration with CSU, pursues complex investigations of violent street gangs who often have ties to drug distribution throughout neighborhoods. VCE and CSU meet weekly to review cases, share gathered intelligence and collaborate on prosecution strategies. By utilizing this multi-pronged approach, we are targeting those who seek to terrorize our neighborhoods with violence and gang activity by building strong cases against them and getting them off the streets. The merging of these units is not only the smart thing to do for investigations and case prosecution but it also generated cost efficiencies and allowed my office to reallocate those funds to meet other critical needs in the office.

Investigations Division and Airport Gun Case

Combating violence on the streets of Brooklyn is directly tied to the reduction of guns flooding our neighborhoods in the hands of criminals. My commitment to getting guns off the streets is demonstrated in the resources we allocated to the Investigations Bureau. With the $1.5M provided to my office in the FY 15 Executive budget, we expanded the Investigations Bureau, hiring senior ADAs and increasing the number of investigators to follow the trail of gun trafficking wherever it leads – even if that trail leads us down south. We also committed Federal Asset Forfeiture funds to increasing our wiretap capabilities, a tool that enhances our criminal investigations. For example, one investigation in December 2014 involved the take down of a significant gun running ring with the arrest of 4 men charged with conspiring to sell 153 firearms. A fifth person was arrested by the Federal authorities in Atlanta. This investigation led us to discover a gaping hole in our national and airport security when it was found that a Delta Airlines employee allegedly breached security protocol at the Airport in Atlanta to bypass TSA checkpoints and bring bags of weapons directly into passenger terminals. The Delta employee then allegedly handed the weapons to an accomplice in the restroom at the airport, who put them into his backpack, flew to New York and brought them to Brooklyn. According to the investigation, the suspect who got on the planes with the guns had purchased the weapons online in Georgia and then illegally transported them on up to 17 Delta Airlines flights from Atlanta to New York between May and December 2014.

Investigations of this magnitude require extensive resources. I'm grateful for the additional funding provided by the City to expand this portion of our work and ask that they consider our request for additional funding to invest further in this division and other divisions within our office that allow us to help keep the streets of Brooklyn and our City safe from violence and

guns.

Grants and Other Funding

In late 2014, DOJ's Office on Violence Against Women selected Brooklyn as one of the four recipients nationwide to participate in Phase II of the Domestic Violence Homicide Prevention Initiative. The initiative is aimed at reducing domestic violence related homicides by effectively identifying potential victims and monitoring high-risk offenders. My Office will participate in a multi-disciplinary team, which includes NYC Criminal Justice Agency, Safe Horizon, the Department of Probation and NYPD. Focusing on the East New York section of Brooklyn, the team will institute screening models and evidence-based strategies that will allow them to anticipate potentially lethal behavior and avert homicides due to intimate partner violence. The National Institute of Justice along with CJA will conduct an evaluation of Brooklyn's model to identify the key components needed to successfully adapt the domestic violence homicide prevention models nationwide.

I would like to thank the Council for DOVE funding which enables our Victim Services Unit (VSU) to provide services to a wider number of immigrants, deaf and hard of hearing, teenage, and LGBTQ identified victims. VSU combines community outreach and education activities with direct service to victims of Domestic Violence. The program's multi-pronged approach includes collaborations with Community-Based Organizations and NYPD, referrals, provision of culturally sensitive services, safety planning, and support and cross discipline training. Clients learn about the program via referrals from ADAs, NYPD, hospitals, community partners, and program materials. The community benefits as the funding allows for the provision of direct

services to domestic violence victims, advocacy, case management, crisis intervention counseling, community outreach, and educational workshops and training.

I would also like to thank my colleague, the District Attorney of Manhattan, Cy Vance, for providing my office with $1.1M from the Criminal Justice Investment Fund to outfit our Cybercrime Investigations Unit, expand Intelligence Analysis and Forensic Services and upgrade courtroom technology. We began purchasing equipment to build this lab and look forward to utilizing this equipment to further enhance our investigative capabilities.

Appeals/Conviction Review Unit

During the FY 15 Executive Plan, my office was funded $500,000 annually to expand the Conviction Review Unit (CRU), a previously small unit with two attorneys, to a team of ten attorneys. After almost 15 months in office, Brooklyn's CRU has emerged as a model for the country. The Unit's reinvestigations, 35 to date, have led me to move to vacate the convictions or support the dismissal of charges against 12 men who had been unjustly imprisoned as the result of wrongful convictions for murder and other offenses. In 2014, Brooklyn led the country with exonerations. I am very proud of the hard work and dedication of this unit in conducting thorough and fair investigations of cases of potentially wrongful convictions and helping me correct miscarriages of justice. This is difficult and labor intensive work for which we will continue in the pursuit of justice for all in Brooklyn.

Warehouse/Storage/OTPS Needs

In addition, the high volume of cases processed by my office creates challenges with storage of files and records management. Recently with the increased volume of old case files being retrieved by CRU and the Appeals division, my office has faced tremendous difficulties with

records management. Most of our files are managed by DORIS, located in Queens which makes file retrieval difficult and time consuming. The DCAS space located closest to our office was sold and is no longer City owned space, requiring that my office vacate 20,000 square feet of storage space. Because this space was City owned, no funding was allocated in my budget to cover the cost. We will now have to go out and find warehouse space to accommodate our needs, a difficult task in downtown Brooklyn. We will make a request to OMB to fund the cost of leasing a large warehouse space in Brooklyn so that we can manage our own files and remain in compliance when appellate divisions request files for review. With the time sensitivity of our file requests, we must devise another way to handle our records management.

Closing

In the first year of my administration we inherited fiscal challenges from the previous administration. We faced those challenges by making the hard decisions, being fiscally responsible and being prudent with our limited resources. By making those adjustments, we were able to expand bureaus to meet the current needs of Brooklyn. We were also able to fix the salary structure so that prosecutors in Brooklyn are now earning a competitive salary. These accomplishments have set my administration on the path to fiscal health and fiscal responsibility. The needs of my office remain great and we will continue to request that OMB increase our funding levels to reflect the proportion of cases my office handles annually. I would like to thank the Council for your continued support of my office as we make the case for the additional resources necessary to provide the great people of Brooklyn with a leading law enforcement agency dedicated to keeping them safe and making sure there is equal justice for all.

JUSTICE NEWS

THE BROOKLYN DISTRICT ATTORNEY'S OFFICE NEWSLETTER

JANUARY-MARCH 2015

Brooklyn DA's Office Shuts Down Dangerous Airplane Gun Smuggling Ring

DA Ken Thompson showing surveillance of former Delta Airlines employee allegedly smuggling guns onto a plane from Georgia to New York

District Attorney Ken Thompson has pledged that when it comes to gun violence on Brooklyn's streets his office will follow the trail of gun traffickers wherever it leads. In line with this promise, on December 23, 2014 District Attorney Thompson and NYPD Commissioner William Bratton announced the results of a significant investigation into the illegal sale of firearms in Brooklyn conducted by the District Attorney's Violent Criminal Enterprises Bureau. Five men have been charged with conspiring to sell 153 firearms—almost all of which were purchased in Georgia and destined for Brooklyn. What made this announcement all the more stunning was that these weapons were allegedly transported in carry-on luggage on Delta Airlines flights.

This astounding breach of airport security occurred because a Delta Airlines employee allegedly was able to bypass Transportation Security Administration (TSA) checkpoints and bring bags of weapons directly into passenger terminals. The Delta employee then allegedly handed the weapons to an accomplice, who put them into his backpack flew to New York and brought them to Brooklyn. According to the investigation, the suspect who got on the planes with the guns had purchased the weapons online in Georgia and then illegally transported them on up to 17 Delta Airlines flights from Atlanta to New York between May and December 2014.

In his announcement of this dangerous gun smuggling ring, District Attorney Thompson noted that "in this age of terrorism, it is simply unthinkable that anyone would breach the security of our nation's airports to smuggle guns and ammunition." Since these guns could have been used to commit violence against our police officers and Brooklyn residents alike, "the full weight of the law must now come down on these defendants," District Attorney Thompson said. Alongside the Brooklyn District Attorney's Office, the FBI and the TSA continue to play a pivotal role in this ongoing investigation.

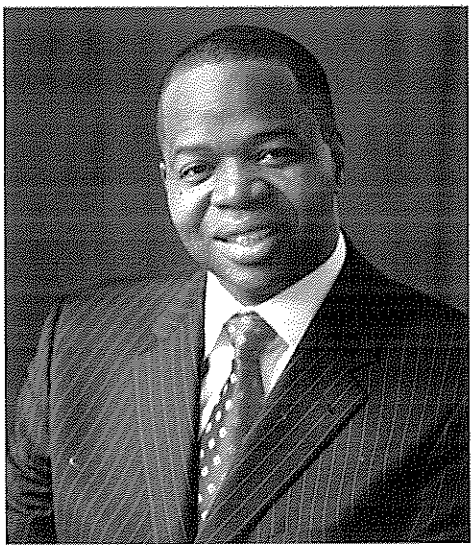
Continued on Page 3

INSIDE THIS ISSUE:

Airport Gun Bust	1
Message from the DA	2
New York Times' "Gun-Running in the Jet Age"	3
Violent Criminal Enterprises Bureau	4
Conviction Review Unit	4
Domestic Violence Initiative	5
Immigrant Fraud Unit	5
Civil Rights Bureau Chief Appointment	5
Two Top Attorneys	6
Photo Gallery	7

Printed March 2015

A Message From Brooklyn DA Ken Thompson



It is my honor to introduce you to the Brooklyn District Attorney's Office quarterly newsletter, *Justice News*. We will use these pages to keep you informed of some of the latest news from our office. My staff and I are continually working to develop new innovative measures and programs to address violence in our streets, correct miscarriages of justice and create new opportunities for some of Brooklyn's most disadvantaged and victimized residents. This newsletter is just one of the ways that my office will keep you aware of these reforms.

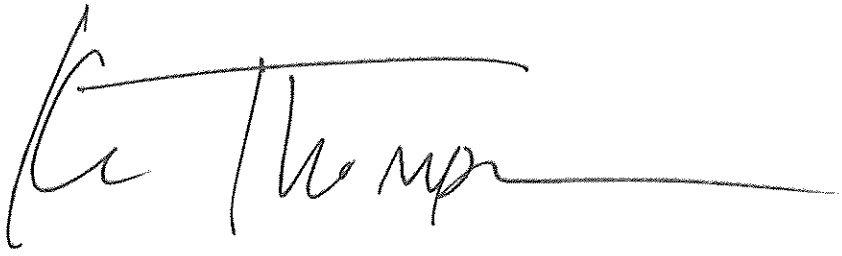
The Brooklyn District Attorney's Office is the foremost law enforcement agency for the people of Brooklyn. The office has over 1000 employees, including more than 500 Assistant District Attorneys. We handle over 100,000 cases a year, making us one of the busiest prosecutorial offices in the country. In fact, this is the 3rd largest District Attorney's Office in the United States, behind Los Angeles and Chicago.

My office's top priority is the prevention and aggressive prosecution of violent crime. The safety of our children and families depends on this. I go to work every day not only as Brooklyn's top law enforcement official, but also as a husband and a father of two young children. I have the same concerns about the safety of our streets and the security of my family that you do. I am also the son of a New York City police officer who was among the first women to patrol New York City's streets back in the early 1970's. My mother, Clara Thompson, put the principles of fairness and justice in my heart as a child and inspired me to go into law enforcement. And so, as I enter my second year as your District Attorney, I remain steadfast in my commitment to provide the people of Brooklyn with a District Attorney's Office that is not only among the strongest in the nation, but is also fully committed to pursuing equal justice for all.

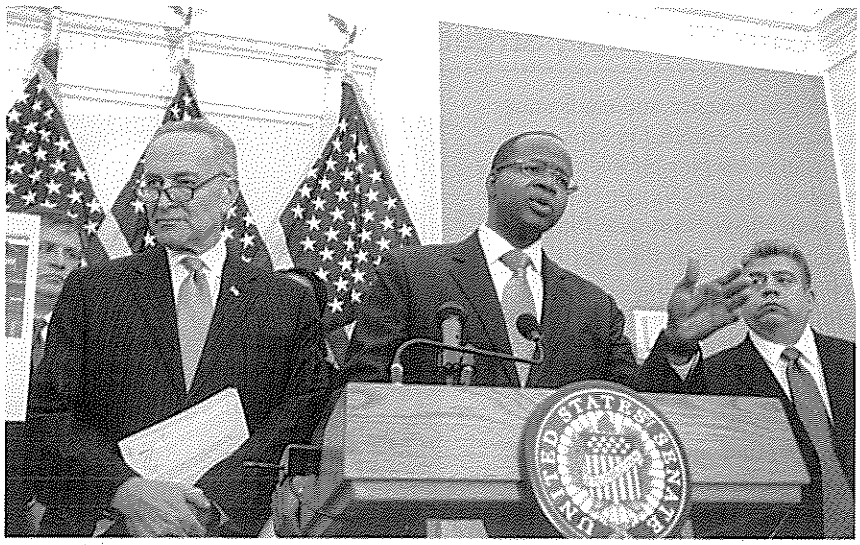
Pursuing justice requires collaboration. Whether it is domestic abuse, fraud or gang violence, the Brooklyn District Attorney's Office has a wealth of resources available. You can report crimes to our DA's Action Center or to one of our specialized hotlines. Our Victim Services Unit has a dedicated, multi-lingual staff of experienced counselors ready to help those who have, unfortunately, experienced the trauma of crime. With respect to domestic violence, you can also seek counsel and legal assistance from the Brooklyn Family Justice Center. In addition, my office is always available to assist you in finding the exact State, City or Federal entity that can best aid you. My office welcomes input from the community. This newsletter will keep you updated on exactly whom you should contact and what you should do in the event that you are a victim of, or witness to, a crime.

I am extremely proud of the tremendous work done by my dedicated and outstanding staff. We have established units focused on Forensic Science, Hate Crimes, Labor Fraud, Conviction Review, Immigrant Fraud, Cyber Crimes, and Crime Strategies. These innovative units have set the standard for law enforcement agencies throughout the country. We have also merged our Major Narcotics Investigations Bureau and our Gangs Bureau to create a Violent Criminal Enterprises Bureau. With these innovations, along with a significant push to target the criminal networks that terrorize our communities, this office has doubled down on its efforts to bring criminal gangs, weapons smugglers, drug traffickers, and violent criminals to justice. All the while, I have made it a top priority to ensure that the leaders in this office are not only the best and the brightest, but also representative of the rich diversity that makes Brooklyn what it is today. In these pages, you will find just some of these milestones and accomplishments highlighted.

The people of Brooklyn must be able to trust that their criminal justice system is of the highest integrity. As your District Attorney, I promise you that no one in my office will ever forget this ideal. I look forward to visiting you in your neighborhoods, hearing your concerns and working with you to preserve Brooklyn as the best place to live in the world. Thank you for giving me and my staff this opportunity to serve you.



Continued from Page 1



U.S. Senator Charles Schumer (left) with DA Ken Thompson (middle) in Washington D.C. (Photo Credit : Senator Schumer's Office)

This case has brought national attention to this gaping hole in our country's airport security. Presently, airport employees, such as baggage handlers and ramp workers, are not required to go through TSA checkpoints when moving in and out of the airport. Following the announcement of the Brooklyn District Attorney's airport gun trafficking investigation, tremendous headway has been made in correcting this security deficiency.

On January 7, 2015, United States Senator Chuck Schumer, with District Attorney Thompson, held a press conference on Capitol Hill and called on the TSA to implement a nation-wide requirement for all airports to screen their entire workforce. In addition, the Secretary of the Department of Homeland Security (DHS) announced that the DHS is conducting a comprehensive review of airport security nationwide so as to correct any potential vulnerabilities and to protect the American public.

"All the News That's Fit to Print"

The New York Times

Late Edition

Today, Morning snow showers, clouds and sun, breezy, not as cold. High 31. Tonight, partly cloudy, cold, low 15. Tomorrow, sunny, high 22. Weather map is on Page B12

VOL. CLXIV . . . No. 56,741 NEW YORK, FRIDAY, JANUARY 9, 2015 $2.50

Gun-Running in the Jet Age

By THE EDITORIAL BOARD JAN. 8, 2015

Anyone who has spent time waiting shoeless on an airport check-in line — in fact, anyone who flies — should pay serious attention to the recent revelation that an airline baggage handler was allegedly able to smuggle 153 firearms in an accomplice's carry-on bag on 17 Delta flights from Atlanta to New York during a seven-month period. The reason, shocking in its simplicity, is that most back-room airport workers are not required to pass through metal detectors on the way to the job.

As Brooklyn's district attorney, Kenneth Thompson, discovered in arresting five men for gun smuggling last month, this turns out to be a security defect at most airports in the nation. Senator Charles Schumer is now sensibly calling on the Transportation Security Administration to mandate physical screening for all airport workers. Agency officials responded that they would look into whether new safeguards were needed. Now, each airport works out separate security requirements; very few, if any, require physical screening of the full array of workers like airplane cleaners, mechanics and baggage handlers, according to Mr. Schumer. The Atlanta scheme is particularly alarming because it operated for an estimated five years in various airports. "They could have easily put a bomb on one of those planes," Mr. Thompson noted.

The district attorney described how Georgia's "lax gun laws" allowed the baggage handler to buy weapons online without a background check. The handler carried the guns into work, free from any detector, and used his airport ID to take them through an employee entrance into the secure passenger area. There he would meet his accomplice in a men's room and exchange guns for cash. The accomplice, previously cleared through check-in, would load up his carry-on and take weapons aboard, even as the pilots and flight crews had to go through detectors.

T.S.A. officials conducted a special inspection this week in Atlanta. But in the past they have said that cost and potential disruption of airline operations have argued against the use of metal detectors for all workers. The agency insisted it was alert to insiders' threats and required regular background and criminal checks on employees. This hardly seemed enough after the backdoor path blazed by the Atlanta gun runners.

Combating Gun Violence, Street Gangs & Drug Trafficking

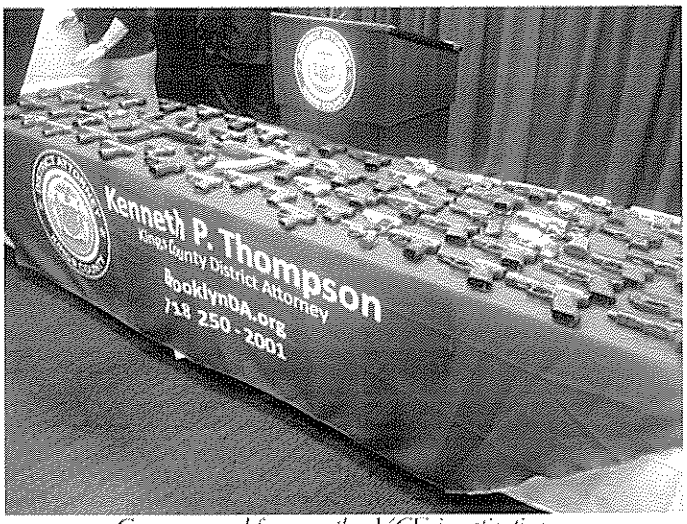
DA Thompson is committed to ending gun violence and eradicating violent gangs, drug dealers and other organized criminal groups from the streets of Brooklyn. This focus is critical to keeping Brooklyn communities safe. Towards that end, members of the Violent Criminal Enterprises Unit (formerly the Gang and Major Narcotics Bureaus) have initiated prosecutions against alleged gangs, including the Gates Avenue Mafia and Latin Kings, as well as against alleged drug dealers in various housing developments, including the Samuel J. Tilden Houses, the Lafayette Gardens Housing Development and the Roosevelt Houses.

The charges brought against the Gates Avenue Mafia and Latin Kings were both the result of year-long investigations conducted by the DA's Office and the NYPD. The Gates Avenue Mafia shook the Brooklyn community on May 31, 2013, when Taylonni Mazyck, age 11, was struck by one of 10 bullets allegedly fired at members of the Gates Avenue Mafia, leaving her paralyzed. This incident spurred an increase in community complaints about drug trafficking and gang related violence in and around the area. An investigation was subsequently initiated that included undercover purchases and surveillance.

As a result of these efforts, District Attorney Thompson and NYPD Commissioner Bratton announced on November 13, 2014 that 32 defendants, including 12 reputed members of the Gates Avenue Mafia, had been charged with conspiracy to sell narcotics and firearms. Over the course of the investigation and arrests, detectives recovered 29 guns, quantities of narcotics and $24,000 cash from this criminal network.

The Latin Kings exhibited their own brazen form of violence on September 27, 2013, when members of a Latin Kings tribe, the Outlaws (based in Bushwick and East New York), allegedly assaulted four gang members in Park Slope, Brooklyn. Of the four assault victims, one was stabbed in his back and chest and also nearly scalped. This incident initiated an investigation that led to 14 Brooklyn based members of the Latin Kings tribe being indicted on conspiracy and other charges on November 6, 2014. In regards to these charges, DA Thompson said, "the streets of Brooklyn do not belong to the Latin Kings, but to the people of Brooklyn, and our streets are now safer as a result of these arrests."

In addition to this aggressive prosecution of gangs, the DA's office has also targeted narcotics trafficking conducted in Brooklyn housing

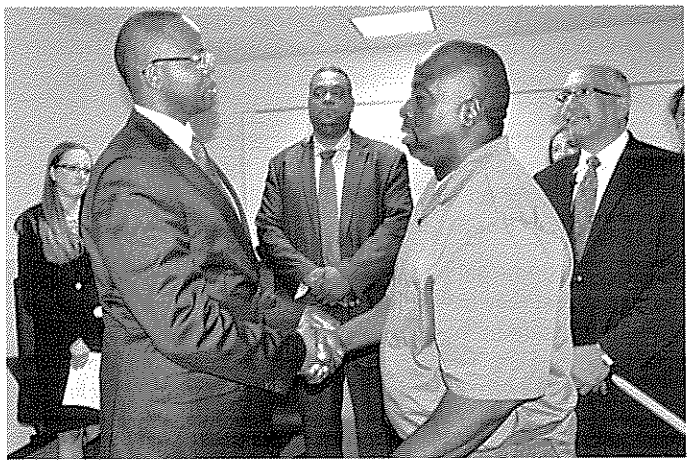


Guns recovered from another VCE investigation

developments, especially those within close proximity of public schools. In conjunction with the NYPD, anti-drug initiatives and undercover investigations have led to the June 2014 indictment of 22 alleged drug dealers at the Eleanor Roosevelt Houses in Bedford-Stuyvesant, the June 2014 indictment of eight alleged drug dealers at the Lafayette Gardens housing development in Clinton Hill, and the October 2014 indictment of 12 alleged drug dealers at the Tilden Houses in Brownsville. Depending on the housing development, undercover officers allegedly made between 90 and 200 purchases of crack cocaine, heroin or marijuana, before the arrests were made.

This string of indictments, alongside two long-term undercover firearms investigations conducted with the NYPD, demonstrates the Brooklyn DA's strong front against violent criminal organizations. Over the course of eight months, these investigations resulted in more than 300 guns seized, including assault weapons, and 10 alleged gun traffickers arrested. These efforts sent the resounding message to criminals that there will be no safe haven for drug and gun trafficking in Brooklyn. Accordingly, the DA said in his announcement of the crackdown at Tilden Houses, "we will simply not tolerate drug dealing anywhere in our communities, especially around our schools."

Correcting Miscarriages Of Justice



DA Thompson shakes David McCallum's hand moments before he was exonerated

When District Attorney Thompson took office last year, he immediately took action to create the Conviction Review Unit (CRU), which is tasked with conducting thorough and fair investigations of cases of potentially wrongful convictions.

What was previously a small unit with only two attorneys, has quickly transformed into an innovative unit that is staffed by 10 Assistant District Attorneys and three investigators. The unit is jointly led by the esteemed Harvard Law Professor Ronald S. Sullivan, and Assistant District Attorney Mark Hale, a 30-year prosecutor with experience in over 200 jury trials.

The Brooklyn DA's CRU has emerged as a model for the country. The Unit's reinvestigations, 32 to date, have led the District Attorney to move to vacate the convictions or support the dismissal of charges against 12 men who had been unjustly imprisoned as the result of wrongful convictions. Among these men are David McCallum, who was falsely imprisoned since the 1980's, and Michael Waithe, who was wrongfully convicted

Continued on Page 6

Brooklyn Receives $650,000 Domestic Homicide Prevention Grant

The Brooklyn District Attorney's Office has been selected by the United States Justice Department's Office of Violence Against Women to participate in phase two of its Domestic Violence Homicide Prevention (DVHP) Initiative.

While 12 jurisdictions were selected last year for the Justice Department's phase one program, Brooklyn was one of only four jurisdictions selected this year for phase two, and it also received a $650,000 Domestic Violence Homicide Prevention grant. In partnership with other City agencies, such as the NYPD, the Department of Probation, the Criminal Justice Agency, and the Brooklyn Borough President's Office, this Initiative will enable the District Attorney's Office to work in an unprecedented fashion to reduce domestic violence homicides by identifying potential victims and monitoring high-risk offenders.

Under phase two of the DVHP Initiative, the District Attorney's Office will work to refine and improve its assessment tool for identifying women in potentially fatal abusive relationships before it is too late.

In addition, the Initiative's Brooklyn partners will form a multidisciplinary team designed to prevent domestic violence homicides by supporting victims and containing prior offenders.

In his announcement of this important new initiative, Brooklyn District Attorney Thompson proudly declared this grant to be "a testament to our deep commitment to protect women in Brooklyn from domestic violence, especially women in high-risk relationships."

New Unit Protects Immigrants from Fraud

On August 11, 2014, DA Thompson's Immigrant Fraud Unit returned over $25,000 in restitution to Sunset Park families who were duped by a couple running three English language schools

When DA Thompson established the Immigrant Fraud Unit in 2014, it was with an eye towards delivering equal justice to Brooklyn residents who have long felt that the justice system did not apply to, or protect them. Immigrants, particularly those who are undocumented, are vulnerable to criminal schemes that purportedly offer employment training, investment opportunities, housing, or visa sponsorship assistance, all in exchange for a fee. Brooklyn immigrants can also find themselves at the whim of fake "attorneys" who falsely promise to process immigration paperwork, or confer legal advice, also in exchange for money. The Immigrant Fraud Unit, now headed by ADA Kin Ng, stands as the principal entity to target and prosecute these scam artists taking advantage of Brooklyn's immigrant communities. The Immigrant Fraud Unit has already had a profound impact.

On August 11, 2014, DA Thompson proudly distributed more than $25,000 in restitution checks to Chinese families and teachers defrauded by a Brooklyn couple who ran three English language schools in Sunset Park. The case began when the school was unexpectedly shuttered with three weeks left in the summer semester, and many tuition checks for the following year already paid. The owners of the school were arrested in Syracuse, NY by investigators from the DA's office two weeks later. The owners agreed to pay full restitution to parents, students and teachers in exchange for resolving their criminal charges. Ultimately, families of the 130 students received just over $25,000 and 35 teachers received just over $26,000 in restitution.

On December 18, 2014, DA Thompson announced that a Brooklyn woman had been charged with allegedly stealing approximately $12,000 from five undocumented immigrants. Allegedly, the defendant had falsely promised the victims green cards and work permits in exchange for their fees. The victims, who were originally from Ghana, Liberia, Guyana, and Jamaica, contacted the DA's Action Center after they paid the defendant, and then were unable to contact her for a month. The DA's Action Center promptly put them in touch with the Immigrant Fraud Unit, leading to an initiation of the investigation and the subsequent indictment. The defendant was caught after an undercover detective posed as an undocumented immigrant in exchange for a green card. The Immigrant Fraud Unit continues to stay vigilant in its prosecution of existing charges, as well as its investigation of potential cases involving defrauded immigrants throughout Brooklyn.

Civil Rights Bureau Chief Appointed & Creation of New Hate Crimes Unit

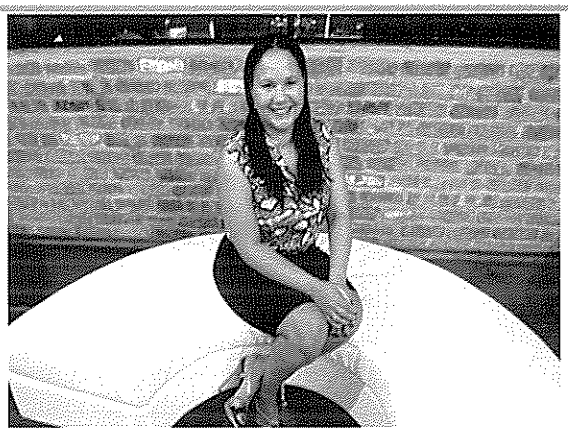
On September 2, 2014, District Attorney Thompson announced the creation of a Hate Crimes Unit to be headed by veteran Assistant District Attorney (ADA) Marc Fliedner, the newly appointed Chief of the Civil Rights Bureau.

Speaking at Mr. Fliedner's appointment ceremony, District Attorney Thompson said that "the Hate Crimes Unit will proactively investigate and prosecute crimes committed based on a belief or perception about a victim's race, ethnicity, gender, religion, age, disability, or sexual orientation." "Brooklyn is a great and diverse place where the civil rights of all must be respected," said District Attorney Thompson.

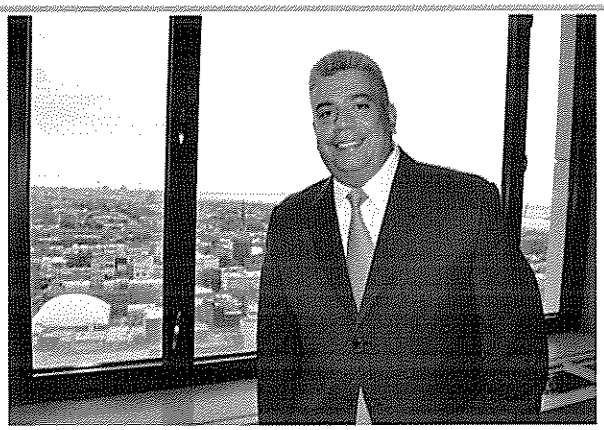
Notably since this announcement, the Hate Crimes Unit has brought charges relating to a host of hate crimes, including those committed against people of the Jewish and Muslims faiths, transgenders, and others.

Chief of Civil Rights Bureau Marc Fliedner (left) and DA Thompson

Two Long-Time Prosecutors Promoted to Important Top Positions



Counsel to the District Attorney Maritza Mejia-Ming



Chief Assistant District Attorney Eric Gonzalez

District Attorney Thompson has proudly elevated two long-time Assistant District Attorney's to two of the most important positions in his administration. He has appointed Assistant District Attorney Maritza Mejia-Ming to the position of Counsel to the District Attorney, the first Latina to hold this position. Assistant District Attorney Eric Gonzalez has been promoted to Chief Assistant District Attorney, the first Latino to hold that spot.

The Counsel to the District Attorney serves as the District Attorney's senior advisor on all legal matters. The Chief Assistant District Attorney position is commonly referred to as the District Attorney's "second in command," and is tasked with assisting the District Attorney with handling the operations of the office. Both Ms. Mejia-Ming and Mr. Gonzalez have been with the District Attorney's office for over 15 years in multiple positions of leadership. Speaking at the District Attorney Office's first National Hispanic Heritage Month Celebration on October 9, 2014, District Attorney Thompson proudly cited Eric Gonzalez's tenure as a "dedicated, talented, and hardworking prosecutor."

In his announcement of Counsel Mejia-Ming's appointment in December, District Attorney Thompson highlighted her prior work as the Chief of the Immigrant Fraud Unit. "Herself an immigrant from the Dominican Republic, she has brought to her duties a keen sensitivity to the challenges that these victims face and to the harms they suffer," District Attorney Thompson noted. Chief Assistant District Attorney Gonzalez and Counsel Mejia-Ming both officially assumed their new duties in December.

Continued from Page 4

of burglary in 1987 and faces deportation. The details of their cases illustrate the significant miscarriages of justice that the Conviction Review Unit is continuously seeking to reverse.

Assistant District Attorney Mark Hale (left), DA Thompson (middle) and Professor Ron Sullivan (right) announce David McCallum's exoneration

David McCallum was just 16 years old when he confessed to the kidnapping and subsequent murder of Nathan Blenner in South Ozone Park, Queens — a confession that he quickly recanted. The subsequent verdict against him was based entirely on this confession, and McCallum was sentenced to 25 years-to-life in prison, where he remained until 2014. The subsequent CRU investigation and independent panel review concluded that the confessions by McCallum and his co-defendant Willie Stuckey were false. No physical, testimonial, DNA or fingerprint evidence linked McCallum to the crime. Accordingly, District Attorney Thompson asked the court on October 15, 2014 to vacate the murder convictions of both McCallum and Stuckey in the interest of justice, and McCallum was released from prison that day.

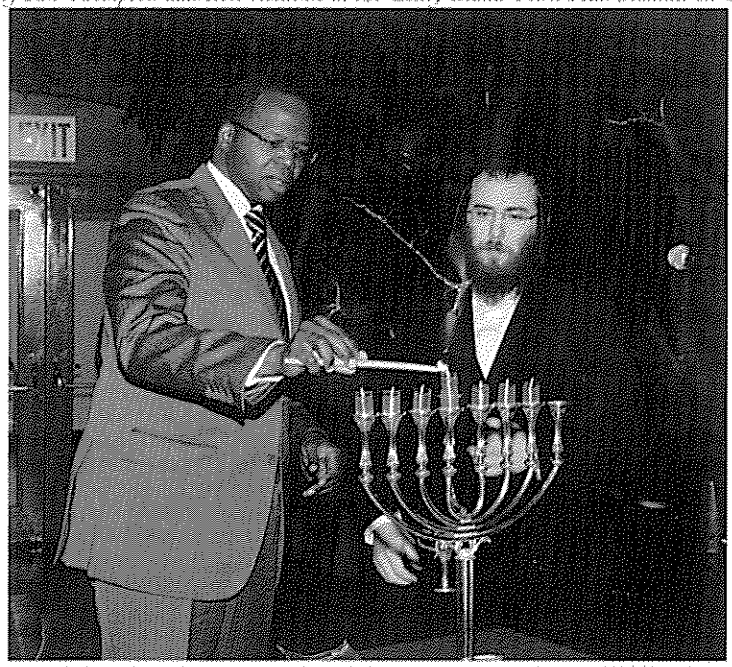
Michael Waithe was arrested in Brooklyn in 1986 at the age of 23 for burglary after arriving in the United States as an immigrant from Barbados. Waithe steadfastly maintained his innocence, was convicted at trial and received an 18-month prison sentence. In October 2014, Waithe wrote a letter to District Attorney Thompson because he was facing deportation based on his conviction from more than 30 years ago. Mr. Waithe maintained his innocence and sought the DA's assistance. Members of the District Attorney's CRU thereafter investigated Waithe's case and travelled to Georgia to interview the sole eyewitness who testified against him at trial. Based on the investigation, the CRU concluded that Waithe was framed for a crime that never happened, wrongfully convicted and unjustly imprisoned.

On January 29, 2015, District Attorney Thompson moved to vacate Waithe's conviction in the interest of justice. Waithe, who is 54-years-old with four children and a granddaughter, should now be allowed to avoid deportation and remain in New York, with his family, where he has lived a law-abiding life.

To date, Brooklyn leads the country with exonerations in 2014. District Attorney Thompson is committed to the exhaustive completion of the CRU's investigations. As prosecutors, it is our job "to protect the public and do justice," the District Attorney noted in a speech on these exonerations at New York University Law School.

Community Engagement

District Attorney Ken Thompson addresses residents at the Coney Island Town Hall Summit on October 23, 2014



DA Thompson lights a menorah in December 2014 at the Office's Jewish Heritage Month event at Long Island University

DA Thompson greeting Brownsville residents during "Old Timers' Day"

DA Thompson greeting residents of Canarsie during the 69th Precinct's National Night Out Against Crime event on August 5, 2014

USEFUL NUMBERS

In Case of Emergency—Call 911

Main Number for NYC: 311 or (212) NEW-YORK

DA's Action Center Hotline: (718) 250-2340

Red Hook Community Justice Center: (718) 923-8200

Domestic Violence Bureau: (718) 250-3300

Elder Abuse Unit: (718) 250-3309

Human Trafficking Bureau: (718) 250-2770

Immigrant Fraud Hotline: (718) 250-3333

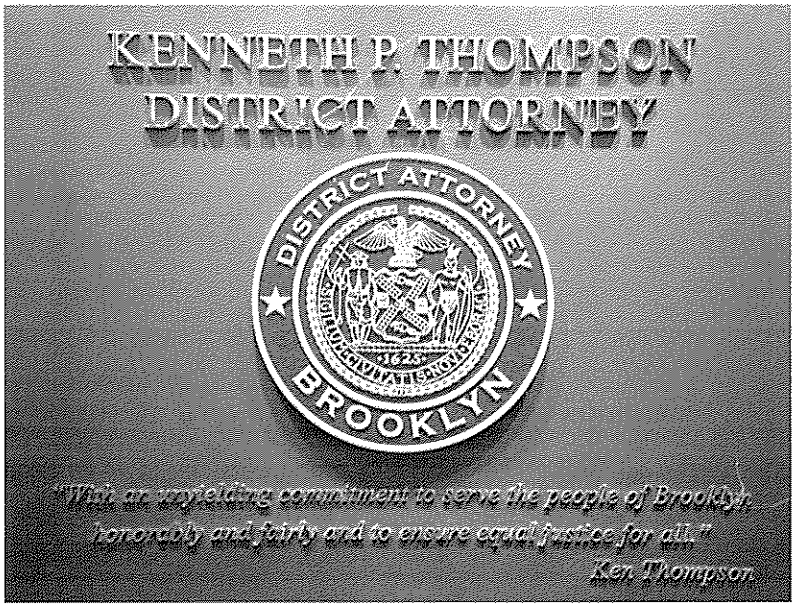
Labor Frauds Unit Hotline: (718) 250-3770

Public Integrity Unit: (718) 250-2747

Teen Dating Violence: (718) 250-2463

New York City Family Justice Center — Brooklyn: (718) 250-5111

Victim Services Unit: (718) 250-3820



Visit us at:

www.BrooklynDA.ORG

www.NYC.GOV

Follow us on:

Twitter.com/BrooklynDA

Facebook.com/BrooklynDAThompson

Instagram.com/DAKenThompson

Testimony of Chair Richard Emery and
Executive Director Mina Q. Malik
of the Civilian Complaint Review Board
before the Public Safety Committee
of the New York City Council

March 12, 2015

Chair Gibson, members of the Public Safety Committee, my name is Mina Q. Malik and I am the Executive Director of the Civilian Complaint Review Board (CCRB). In my role as the Chief Executive Officer, I administer the Agency's programs, operations, and supporting budget. The CCRB is the largest civilian oversight agency in the country, one of the oldest, and a model for other jurisdictions. With me today are Richard Emery, Chair of the Board, and members of our executive and senior staff. In this testimony, I will describe our mandate, our fiscal situation after the preliminary budget, and our three major programmatic initiatives. Mr. Emery, our executive staff, and I will be available to answer your questions at the conclusion of my testimony.

The mandate of the CCRB is to investigate, mediate, make findings, recommend disciplinary action and prosecute complaints of police misconduct made by members of the public against sworn members of the New York City Police Department (NYPD). Our jurisdiction includes allegations involving the use of force, abuse of authority, discourtesy and the use of offensive language. When the Board determines misconduct has occurred, it may recommend various levels of discipline, including Instructions, Formalized Training, Command Discipline, or most seriously, Charges and Specifications. If the Board recommends Charges, the CCRB's Administrative Prosecution Unit (APU) prosecutes these cases before the NYPD Deputy Commissioner of Trials. For all other disciplinary recommendations, the Department

Advocate's Office handles the case. In all cases, the Police Commissioner makes the ultimate determination for discipline.

For Fiscal 2016, the CCRB has a current preliminary budget of $14,528,476, $11,296,207 for Personal Services (PS) and $3,232,269 for Other Than Personal Services (OTPS). The PS budget has increased by $1,039,139, or 10%, up from $10,257,068 in Fiscal 2015.

The authorized headcount is 178 positions; 123 positions in the Investigations Division, 20 positions in the APU, and 35 positions in administration. This includes 11 new positions that the Administration funded in the preliminary budget: three (3) positions for the new Training Unit, six (6) positions for the Community Outreach Unit, and two (2) positions for the Policy Unit.

Since the beginning of his term, Mayor de Blasio and this Council have demonstrated a strong desire and commitment to improve relations between the NYPD and the community, and to ensure that the rights of New Yorkers are protected. Since July 2014, the Mayor has made several new appointments to the Board, including Chairman Emery, with the hope and expectation of transforming an agency that has not lived up to its full potential into one that does. We take this mandate seriously and accept this great challenge.

In the early days of his tenure, Chair Emery worked with staff in the preparation of a comprehensive chokehold report. The report examined complaint data, highlighted problematic trends, identified the significant dilution of the chokehold prohibition over time, and noted the failure of the Police Department's disciplinary process in addressing the persistent use of chokeholds in spite of the clear-cut ban on chokeholds. The 150-page report speaks for itself, and demonstrates the vital contribution that accountability and transparency make in police-community relations. Additional funding for our Policy Unit will enable us to conduct further relevant innovative and creative policy work. Among other projects, we are working on the development of an Early Warning System

based on the number and severity of complaints, which will then be used to develop profiles of complaint-prone officers. We will also study complaints in schools, excessive force complaints, and the deterrent effect of the disciplinary process.

In reviewing our data, one issue we identified that needs immediate attention is our investigative training. Historically, there has been a lack of consistency and uniformity in how cases were investigated and evidence assessed. This called for an ongoing training program. The creation of our newly funded training unit is the key to addressing this historic deficiency. Also, in order to hire and retain excellent staff, we must invest in their professional development and training, which will be facilitated by utilizing these additional resources, funded in the January 2016 Financial Plan. I have already identified various people from other jurisdictions such as Boston and Washington, D.C., who have extensive knowledge and experience in the field of investigations and the law, and who have committed to assisting us in our endeavors. By having top training staff provide intensive and ongoing legal and investigative training to investigators, we will enhance their skills, enable them to conduct better investigations in a timelier manner, give them greater job satisfaction, and reduce staff turnover.

In recent months, our priority has been to improve the quality and efficiency of the Investigations Division. The central mission of the CCRB is to investigate and resolve allegations of police misconduct in an impartial, timely, and efficient manner. The recently released FY 2015 PMMR identified the main challenges the Board and I face. The report notes that there is ample room for improvement and changes, which would result in greater efficiency. Take for example the time it takes to investigate a complaint. When comparing the time period from July to October 2013, before Chair Emery was appointed, to the time period from July to October 2014, the first four months after his appointment, the average number of days to complete full investigations decreased by 12 percent, from 343 to 303 days. The average time to complete substantiated investigations also decreased by 11 percent, from 410 to 365 days.

These improvements were good but insufficient. Our goal is to drastically decrease the amount of time it takes to investigate a case, which historically has been a challenge for this Agency. In November, after reviewing the data I mentioned earlier, the Chair and the Board asked the executive staff to undertake the major process of re-engineering and revamping our Investigations Division. In order to attain the various reform goals, including reducing the time it takes to complete an investigation, we implemented a comprehensive action plan. The action plan includes the following key elements: a) restructuring the Investigations Division from a hierarchical, larger team structure to one based on smaller teams that we call pods; b) developing a transition strategy by creating a Case Closing/Transition Unit for old cases received prior to December 1, 2014, and the immediate implementation of the new Investigations Division that would receive only new cases; c) creating new benchmarks and accountability instruments for the investigative process, including the creation of CCRBstat meetings; and, d) prioritizing resources to aggressively reduce the open docket, including the creation of a Field Team, which gathers evidence, and a Strike Team, which provides additional oversight to ensure that quality investigations are conducted in a timely manner.

We are starting to see the first signs that our overhaul is working. At the end of February 2015 the open docket was 1,514 cases, which was a significant reduction from the 2,699 cases that were pending at the end of January 2014. This reduction was particularly visible in the open docket of the Investigations Division which decreased from 1,858 cases in January 2014 to 912 active cases by the end of February 2015 - a 51% decrease.

With this decrease in the docket, the number of days it takes to investigate a complaint has decreased from 298 days in January 2014 to 241 days in February 2015 and the number of days it takes to investigate a substantiated complaint has decreased from 418 days in January 2014 to 351 days in February 2015. They are both significant decreases.

Also, the preliminary data for the restructured Investigations Division, based on the small pod structure with closer supervision, shows definitively that it is more effective than the old team system. The number of days it takes to interview a complainant has decreased from 31 days in January 2014, to 11 days in February 2015. In February 2015, approximately 75% of complainant interviews were conducted in less than 15 days.

Furthermore, in February 2015, we conducted an analysis of all cases received since August 2014 that have been fully investigated and the Investigations Division has closed these cases in an average of 96 days.

The second programmatic initiative is the restructuring of our role in the Police Department's disciplinary process. In August 2014, less than a month after Mayor de Blasio appointed the Chair to the Board, the Chair met with Police Commissioner Bratton and his executive staff. The Parties all agreed that the discipline for CCRB cases had been given second-class status in the past, and that a transformed disciplinary system needed to be put in place, where the two agencies cooperated in order to ensure that the complainants and police officers were treated fairly. Although the APU was fully implemented, the Department retained APU cases without disciplinary action, APU pleas were set aside and charges dismissed, and it continued to decline prosecution in one-quarter of our cases.

Since that initial meeting, a small working group comprised of the Board Chair, CCRB attorneys, and a handful of executive staff from the Police Department's Office of Legal Affairs and Department Advocate's Office (DAO) have been meeting to reform and change the interactions between CCRB and the NYPD on the question of discipline. The goals have been to enhance the NYPD's respect for both the CCRB's decisions to substantiate complaints and for its disciplinary recommendations on those cases, and further to transform that respect into discipline that is rational and collaborative. As a result of this collaboration, there is a notable difference between

Police Department discipline on cases that were handled before the appointment of the new Chair and the implementation of the inter-agency working group, and those cases that were handled afterwards.

[The former group of cases was handled under a dysfunctional disciplinary system, while the latter group is comprised of cases handled under a more rational system resulting from the CCRB/NYPD working group's efforts.

1. APU Cases: Cases where the board recommended Charges

From January 1, 2014 through December 31, 2014, the department closed 98 APU cases: 45 cases resolved by the old system (Jan-Aug) and 53 under the new system (Sept-Dec).

- The discipline rate for cases under the old system was 47%. The discipline rate under the new system was 72%.
- The rate of agreement with the Board recommendation was 40% under the old system and 51% under the new system.
- The DUP rate was 16% under the old system and 11% under the new system.

2. DAO Cases: Cases where the board recommended Command Discipline and Formalized Training

From January 1, 2014 through December 31, 2014, the Department closed 140 DAO cases: 84 cases under the old system (Jan-Aug) and 56 under the new system (Sept-Dec).

- The discipline rate for cases under the old system was 62%. The discipline rate under the new system was 89%.

o The rate of agreement for command discipline was 19% under the old system and 33% under the new system. The rate of agreement for instructions was 78% under the old system and 95% under the new system.

o The DUP rate was 27% under the old system and 11% under the new system.

Furthermore, since October, but formally adopted in December, the CCRB and the Department have implemented a new process of collaboration where the Department has up to 90 days to ask for a formal reconsideration of a substantiated case. This opportunity was already afforded to police officers and complainants. I would like to give you a basic update on this reconsideration process. From October 1, 2014 to February 15, 2015, the CCRB substantiated 130 cases against 195 officers. Thus far, the CCRB has received 24 requests for reconsideration (18.5%) involving 36 subject officers.

The CCRB received 5 requests to reconsider the finding of substantiation for either all or one of the officers. The CCRB agreed in 4 cases and disagreed in 1 case. This means that the finding of substantiation was changed in 3% of all cases originally substantiated.

The CCRB also received 4 requests to change the penalty recommendation of charges in cases before the APU where charges had already been served. All these 4 requests were handled through the APU. In 2 cases no change was made. In one case, the charges were dismissed against 2 officers. In another case against 3 officers, the charges against 2 of the officers were dismissed. In all of these cases, the finding of substantiation remained on the officer's record.

The CCRB received 15 requests to change the penalty recommendation of Command Discipline and/or Formalized Training/Instructions. In 4 cases the CCRB refused to change the penalty. In 10 cases, the CCRB reduced the penalty from

Command Discipline to Formalized Training. In 1 case, the CCRB upgraded the penalty from Instructions to Command Discipline.

In my view, the collaboration between the CCRB and the Police Department has begun to dramatically change the way the Department handles discipline in CCRB cases. This change is evidenced by the aforementioned statistics.]

The CCRB is committed to growing its outreach and communications efforts so that people who need our services know how to access them; so that the general public and the news media understand the significance of having a strong civilian oversight agency in New York City; so that we can help young people and other vulnerable populations understand their rights during police/civilian encounters and know how to stay safe during these encounters. We also want the public to understand how mediating a complaint can be a viable and satisfying option for civilians, and a way to promote mutual understanding between police and the community.

In 2015, the CCRB is focusing on New York City Housing Authority (NYCHA) developments and Precinct Community Council meetings in order to have a presence in neighborhoods where a large number of our complainants live. The CCRB is also diversifying its outreach efforts by also focusing on Precinct Community Council meetings. We had only one event at Precinct Community Council meetings in 2014, compared to five events completed and ten more scheduled between March and May of 2015. The CCRB receives a significant number of complaints from NYCHA residents, and we are continuing to reach out to NYCHA resident association leaders and organizations associated with NYCHA. In 2014, the CCRB completed 12 events at NYCHA locations, including resident association meetings, family day celebrations, and resident association president district meetings. The CCRB hopes to exceed the number of NYCHA events attended in 2014. The Agency has an upcoming event at the Queens District Council of residents meeting in this month. We will work with the NYCHA Council of Presents so that we can attend district council meetings in all the boroughs and gain support in notifying NYCHA residents of the services the CCRB

provides. We hope to participate in the upcoming NYCHA Family Day celebrations at developments throughout the city this Summer, and further expand our outreach efforts by going beyond traditional outreach approaches. The positions recently funded by the Mayor was a major step in providing the CCRB with the resources to move towards accomplishing these and other outreach goals set by the Board.

In late June 2014, the Agency launched an initiative called CCRB in the Boroughs and after the new Chair was appointed, the Board made this a priority program. The goal was to have a physical presence, not just in Manhattan, but in all the boroughs. This is crucial to accommodating complainants who cannot travel during conventional business hours to CCRB's Manhattan office to give investigators the necessary in-person statements. It will also enable the Agency to reach people where they live and work or attend school. The CCRB has also collaborated with the City Council Speaker's office to designate district offices in the boroughs that can be used to interview candidates and conduct presentations and outreach. We are grateful to the Council Speaker, to Chair Gibson, and to the entire Council for its December commitment to allow CCRB to establish a permanent presence in council members' district offices in all the boroughs.

With the funding increase announced in the Mayor's preliminary budget, we will be hiring six additional staffers who will be conducting outreach, and who will be available to take complaints and conduct initial interviews with complainants at these district offices. The additional funding will also enable us to update and expand our outreach materials and methods, to optimize our web site for mobile devices and to further enhance the interactivity and customization of our statistics so that the public can see rates of complaints in their communities.

At the Executive Budget, the CCRB will request Expense funding in the amount of $2.1 million to fund higher starting salaries and a promotional path. Currently, the investigative starting salary is approximately 20% lower than similarly-situated investigators employed by the Business Integrity Commission, Department of

Investigations, Department of Corrections, Consumer Affairs, the Housing Authority, and other sister agencies. As such, despite the training and experience they receive through the CCRB, investigators resign from the Agency to work in other offices where they can earn a higher salary. As a result, investigations become delayed because cases need to be transferred to new investigators, who need to familiarize themselves with those cases. The practical effect is that our case processing times are hindered, which, among other things, may jeopardize our ability to prosecute cases within the 18-month statute of limitations. Ultimately, such situations result in delayed justice to both law enforcement personnel and civilians, and could lead to a disservice to the people of this City. The inability to increase salaries will erode the productivity gains that the Agency has achieved through our restructuring.

The CCRB will also request Capital and Expense funding during the upcoming Executive Budget to revamp the Agency's antiquated, computerized Complaint Tracking System (CTS). CTS is the most essential tool used in registering, routing, tracking and analyzing over 6,000 complaints received by the Agency each year. CTS is also the main repository for tens of thousands of case files compiled over more than 20 years during which the Agency has been independent of the Police Department. Currently, the system is 14 years old, and its programming language and capabilities have become obsolete. Given the system's age, it is difficult to modify the programming language in accordance with the Agency's operational changes, and difficult to recruit staffers who are familiar with the outdated programming language. Rebuilding CTS and using the most modern and commonly used platform is essential and critical to the efficiency of our investigative process.

We are not where we want to be, but we are on the right path to transforming this Agency to make it more effective, efficient, and a great model for our nation. In the coming months, the Board and I will work together to make sure that the changes I outlined here are fully implemented and adjustments are made as needed. To that end, we will continue to work with the Administration to ensure that we address additional needs that we have identified: a promotional path for our hard working investigators so

we can retain them and address our double-digit attrition rate, and the creation of two deputy positions to assist our head of the Investigations Division.

With the support and funding we have received from the Administration, we are confident that we are in better position to meet the objectives of Mayor de Blasio and the City Council in fulfilling the CCRB's mission to provide thorough, quality, and fair investigations into police misconduct for the citizens of New York. We are grateful that the Administration and the Council are committed to ensuring that the Agency has all the resources needed for the future success of the CCRB.

Thank you for your time and continued support. Mr. Emery, the executive staff, and I will be happy to answer any questions you may have.

NYC Criminal Justice

Statement of Elizabeth Glazer
Director of Criminal Justice, Mayor's Office of Criminal Justice
New York City Council
Committee on Public Safety
March 12, 2015

Good morning, Chairperson Gibson and members of the Public Safety Committee and Chair Ferreras of the Finance Committee. My name is Elizabeth Glazer and I am the Director of the Mayor's Office of Criminal Justice. Jean-Claude LeBec, our Director of Budget and Operations, and Migdalia Veloz, our Agency Chief Contracting Officer, are here with me to answer questions.

Thank you for the opportunity to testify today. The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy and, together with partners inside and outside government, develops and implements policies aimed at reducing crime, reducing unnecessary arrests and incarceration, and promoting fairness.

Three basic ideas are at the heart of the work my office does: first, that public safety is the cornerstone of civic life. When people feel unsafe, businesses do not thrive, children do not play outdoors and fear triumphs over hope. Second, safety can only be had when there is public trust. This is the core of the bond that people must have with their governments and is essential to safety. Finally, while public safety is about the job that the police, prosecutors, defenders and the court system perform, it cannot be about the criminal justice system alone.

These three ideas are not just fine talk. They are rooted in science and are fundamental to my office's work.

In New York City, we have the good fortune to have experienced one of the steepest and most enduring drops in crime of any city in the nation. Since the early 1990's, murders have dropped 83% from a high of over 2200 to last year's 328. Some crimes are now virtually extinct, like car thefts, which fell 96% from 1990 to 2013. The NYPD led this effort with the then remarkable idea that we could control crime – an idea that we now take for granted.

Traditionally, we have relied upon police – "boots on the ground" – to achieve these reductions in crime. But to the extent that crime reduction is simply about controlling behavior and managing risk, we now know that there are a number of different strategies that can lead to lower crime while building trust and creating the strong neighborhoods necessary for enduring crime reduction. These approaches require both that we look at the entire context of crime, not just what the players in the criminal justice system are doing, and that we steel ourselves to be clear-eyed about who poses a risk to safety and who does not. Taking that seriously means that we calibrate our strategies to address risk, whether through incapacitation or programming or something else.

Understanding what works for whom and when drives how my office thinks about our investments and the strategies that we develop. Since I became director, every contract issued by my office has reserved 5% of its operating costs for assessment and evaluation. We have also been lucky enough to be the beneficiary of a significant investment by the Arnold Foundation in the creation of Crime Lab New York. Crime Lab is a group of researchers and data scientists committed to using science to reduce crime. Crime Lab is at work side by side with us to identify the best interventions and investments we can make to reduce crime and increase social good. Those innovations are about the criminal justice system but also how other systems affect crime. One program that, with the council's help we have now started in New York, looks at the power of tutoring algebra to reduce crime. In random controlled trials in high crime neighborhoods in Chicago, the program paired at risk ninth graders with tutors for daily tutoring in algebra. At the end of the eight month course, the students

achieved a two to three grade jump in academic achievement while violent crime arrests declined by 44 percent, compared to participants' peers.

Finally, we have been lucky enough to bring on board Eric Cadora as our research director. Mr. Cadora is nationally known for his path-breaking work on "million dollar blocks," the short hand for the work he has done showing the millions of dollars we invest in some of our poorest neighborhoods for jails, prisons, probation and parole. We know that these are also neighborhoods in which other indicia of distress are high and we invest significant resources in funding services related to health, education and other areas.

These examples, algebra and crosswalk of crime and other disciplines, are what I mean when I say we must look at the context of crime. The job of my office is to look at the criminal justice system as a whole – and beyond. Having a system-wide view is both the most valuable piece of the work my office does and often the greatest challenge. Although the system is hydraulic – pressure on one point affects every other – we do not often look at it as a whole: we are a collection of not just mayoral agencies but independent elected officials, like the District Attorneys, and other branches of governments, like the courts. And even when we may wholly fund pieces of the system – for example, the defenders – they have a separate and independent obligation to serve to their clients that is an important component of the larger justice system functioning well. As we understand more and more about crime – that it is not simply about the criminal justice system – it is critical that our strategies also have a strong intersection with our partners in health, education, urban development and other areas. We can fight crime through strategic arrests but also with better lighting, more algebra and neighborhood cohesion.

The hallmark of this approach in my office is the Mayor's Action Plan for Neighborhood Safety. Announced last summer, it is a $210.5 million initiative that focuses on the 15 housing developments that drive

20% of NYCHA's violent crime. The effort brings together ten City agencies and includes law enforcement, community groups and non-profits. It recognizes that crime goes down not only through smart criminal justice strategies but also when physical conditions are improved and neighborhoods are strong.

The initiative has focused on policing strategies but also on the role that the built environment, programming and resident engagement have on neighborhood cohesion and thus enduring crime reduction. A significant investment in security enhancements – lights, cameras and locked doors – began yielding results almost immediately and, we anticipate, will continue to do so as more of the improvements are implemented. This includes a $50 million investment by the council and the administration. In addition to this initial investment, the Manhattan District Attorney pledged $101 million in physical infrastructure and programming funding in late 2014. Moving forward we will look at other kinds of physical improvements as well.

In addition to physical improvements, the initiative has invested and will continue to invest in programming. For the first time in 30 years, community centers were open late each night, serving 23,300 youth during these extended hours. Opportunities for jobs – almost 1000 Summer Youth Employment slots – and play – Parks Department programs that attracted over 38,000 participants – were an important part of the effort. Building on what we learned from last summer, we are currently working with our fellow agencies to develop programming for this summer and through the year.

Perhaps most important, however, is the implementation of a neighborhood "compstat." While this is still being built, the effort focuses on ensuring that there is a regular method for neighborhood residents, police and other city agencies to identify and solve together key issues of concern. Regular meetings with the participating agencies and residents to review data and track results will ensure that the City is able to evaluate

progress in real time and deliver results. We plan to operationalize and scale up this program during the next year.

The initial returns on these investments in NYCHA neighborhoods are promising. Violent crime declined 5.9% and total crime declined 4.7% between July 1st and December 31st 2014. This is work that will continue and become stronger in coming year as we address the enduring power and importance of place.

Another way my office has invested in system-wide public safety priorities is the $130 million Task Force on Behavioral Health and the Criminal Justice System, a comprehensive roadmap to drive down crime while also reducing the number of people with behavioral health issues in the criminal justice system. On any given day in New York City jails, approximately 7 percent of those detained suffer from serious mental illness, 38 percent from a broader array of mental issues, and more than 85 percent have substance use disorders. A recent study showed that the behaviorally ill were often "frequent flyers," cycling through the system often for short stays for low level offenses that added up to 300,000 bed days.

We are working hard now to implement some important recommendations from the Task Force that will have positive effects in reducing crime and incarceration for the mentally ill and for the system as a whole. These efforts include: a shift to understanding better at arraignment who poses a risk and who does not, implementing a tripling in supervised release slots so that those low risk defendants can be supervised in the community rather than detained in jail; improving connections to Medicaid and benefits upon release from jail and implementing almost 300 supportive housing slots proven to reduce returns to jail, shelters and hospitals of the frequent flyers.

Finally, an important part of all this work is the Anti-Violence Umbrella Group – an idea that came out of the work the council did in its Task Force to Combat Gun Violence and that was jointly funded by the Administration and the Council in this last budget. This effort expands the number of Cure Violence sites, making the linking of services a key component. In the coming year, we look forward to strengthening this effort by bringing together all the different kinds of anti-violence efforts in the city so we understand, with particularity, what works where.

Thank you for the opportunity to testify here today. I would be happy to answer any questions.

Testimony
NY City Council Public Safety Committee
March 2015
By AFSCME DC 37 Local 1549 Clerical-Administrative Employees
Presented by Jim Hamlin-McLeod, PCT/SPCT Chapter of Local 1549

Good afternoon. I am Jim Hamlin-McLeod of the PCT/SPCT Chapter of Local 1549. Local 1549 represents Police Communication Technicians (9-1-1 operators and dispatchers) and Supervising Police Communications Technicians (9-1-1 first-line supervisors) working in the New York City Police Department (NYPD). PCTs and SPCTs are proud to be officially designated first responders. The union thanks the Committee chairwoman, committee members and the Speaker for supporting our 911 members.

NYPD 911 System Staffing

The union thanks the City Administration and NYPD for increasing staffing levels in the last year for 911 personnel. The additional hires in 2014 helped somewhat. However, the increases and proposed hiring this July *will NOT bring staffing to an adequate level.* This hiring barely keeps up with attrition.

In fact, after the hiring in July the City will still need to commit to additional, on-going hiring to reach adequate staffing. 911 personnel testified recently to this before the City Council. Staffing levels constantly decrease due to attrition. Additionally, a number of new hires resign because the salary does not compensate for the stress of the job. Headcount must constantly be monitored. The amount of overtime required is still too high. Personnel is often mandated to work as many as 7 days per week. The 6th or 7th work day is often 12 hours.

Public Safety

Reducing overtime ensures 911 personnel having adequate rest and less stress, thus being better prepared to perform their duties. Additional hiring also alleviates crucial delays when callers to 911 find themselves on hold. There would be faster response times to incidents, thus creating a safer city for the public and the police officers performing patrol and enforcement duties.

Facilities and Accommodations

9-1-1 personnel need facilities and accommodations that enable them to do their jobs with dignity. This includes lockers, locker rooms, bathrooms, showers and parking. Workers and the union should have input, throughout the process, when facilities are designed, built and maintained.

More NYPD Call Center Staffing needed

Increasing 911 personnel undoubtedly improves public safety and well-being. Therefore, the number of NYPD personnel must increase in order to decrease or eliminate waiting time. NYPD calltakers process over 10 million calls and transmit 4 million radio runs yearly. This is especially true during major incidents, such as blackouts, extreme weather, etc.

<u>City Council Ask</u>

1. **Support the Mayor's proposed hiring of 150 PCTs by the city, beginning in July, accompanied by promotions of PCTs to SPCT to ensure necessary supervision.**
2. **Increasing and maintaining staff levels to improve public safety by reducing caller wait times and having well rested, less stressed employees.**
3. **Support the workers in improving and maintaining adequate facilities and accommodations.**

THANK YOU

Testimony of Janice Darden
Preliminary Budget – FY 2016
Before the Public Safety Committee
March 2015
by
Local 1549, DC 37, AFSCME Clerical-Administrative Employees

My name is Janice Darden and I am the Chair of Local 1549's Police Administrative Clerical Chapter. Local 1549 represents more than 2,000 Police Administrative Aides, Senior Police Administrative Aides and Clerical Associates working in precincts and units throughout the New York City Police Department (NYPD).

The union thanks Council Members Gibson and Kallos, as well as the entire City Council, who supported and made possible the hiring of 134 Police Administrative Aides in 2014. The union looks forward to your continued support.

Millions of taxpayer dollars are wasted on able-bodied police officers performing routine clerical duties when well-trained and very capable civilians could be doing the job at a lower salary. The union has won arbitrations and judgments, but the NYPD has simply not complied. The agency that is supposed to enforce the law is violating the law.

It is also noteworthy that dissension is rising among the ranks of uniformed officers, many of whom are dissatisfied with the number of able bodied police officers, with less than five years experience, who are in clerical positions and enjoy weekends and holidays off while earning significant cash overtime.

Isn't it ironic that more officers are hired, yet you see fewer on the streets? That is because so many are sitting in clerical positions. This is also true of Sergeants and Lieutenants. When will it end?

I would ask that the City Council look at this issue and perform a headcount of the able-bodied officers assigned to clerical positions. If these police officers were assigned to patrol and enforcement duties, communities would be safer and millions of dollars would be saved.

We ask the City Council to support the hiring of more than 750 Police Administrative Aides, so an equal number of uniformed officers could be assigned to patrol and enforcement duties.

Civilianization is the key to increasing patrol strength and bridges the gap between the police and the community by putting a 'cop on the beat.' With civilianization, everybody wins.

Thank you.

TESTIMONY

New York City Council Fiscal Year 2016 Preliminary Budget, Mayor's FY '15

Preliminary Management Report and Agency Oversight Hearings

Committee on Public Safety

Committee Chair – Vanessa Gibson

March 12th, 2015

Shaun D. Francois I – President
Donald Nesbit – Executive Vice President
Maria DeLaura – 2nd Vice President
David Keye – Secretary - Treasurer
Local 372 –Board of Education Employees
District Council 372 – AFSCME, AFL-CIO
125 Barclay Street, 6th Floor
New York, NY 10007
Local372.org

Good morning, Public Safety Committee Chairwoman Gibson and Finance Committee Chair Ferreras and distinguished members of the committee. My name is Donald Nesbit and I am the Executive Vice President of Local 372. With me is Ms. Maria DeLaura, 2nd Vice President of Local 372 and Mr. David Keye Secretary / Treasurer of Local 372. Local 372 is comprised of 23,000 Department of Education employees who perform essential services for the children of New York City. Our local is the largest of DC37 locals, with the titles of School Crossing Guards, School Aides, Health Aides, Substance Abuse Prevention and Intervention Specialists (SAPIS), Paraprofessionals, Parent Coordinators, Annual School Lunch Employees and Hourly School Lunch Employees. The work of our members ensures that our 1.2 million public school students receive quality support in all areas outside the classroom, providing them with the foundation they need for academic success.

Local 372 thanks you for giving us this opportunity to speak to you on behalf of the **2,120 School Crossing Guards** who are crucial to the safety of children getting to and from school. Before I begin, I want to commend the Mayor for implementing Vision Zero, which we hope will decrease the amount of traffic related tragedies in our communities. Additionally, I want to thank all the New York elected officials who supported the School Crossing Guard Bill which dictates that assaults on school crossing guards are an automatic felony. This critical piece of legislation will better protect hardworking employees who are charged with keeping children and families safe.

While we have made recent strides in the interest of School Crossing Guards, the overarching shortfalls still stand. In recent years, budget choices have negatively impacted the ratio of School Crossing Guards to students, leaving 325 vacancies in SCG positions across the city.

A Living Wage for School Crossing Guards

It is the City's responsibility to provide its own workforce with a living wage. Currently, school crossing guards earn $9.88 per hour and only work 4 hours per day. This meager compensation is an unconscionable price tag for someone who puts their life on the line every day to ensure the safety of children and families.

On behalf of our school crossing guards, we are asking for a living wage of $15.00 per hour and an increase in work hours. Mayor de Blasio has placed a strong focus on bringing after-school programs to many schools across New York City. Now, school crossing guards' services will be needed much later in the day since children will be dismissed later. Furthermore, the Community School Initiative will require many schools to remain open later in order to provide additional services to students and families. Without a school crossing guard on site, children will be crossing streets unattended. Despite the demonstrated need for school crossing guards at every school, low wages and short hours have deterred potential applicants from filling 325 vacancies. I ask you, how much are school crossing guards worth to City Hall?

Vision Zero

School crossing guards are essential to the success of Vision Zero. My members live in the districts in which they work. They know traffic patterns, have close ties with children and families, and provide a calming presence. School crossing guards should be placed at dangerous intersections, and the city is putting families at risk by not doing so. The success of Vision Zero cannot solely depend on lowering the speed limit. School crossing guards are essential for its success.

Manhattan Borough President Gale Brewer said it best at last year's traffic safety hearing addressing Vision Zero. She touched on the shortsightedness of SCG post assignments and shortage of SCG staff, "three guards may be needed to assist families crossing Atlantic Avenue, while there are no guards assisting students across the West Side Highway near PS 276 in lower Manhattan. And because of staff shortages before the mid-winter school break, I was constantly in contact with the commanding officer of the 24th Precinct to assign crossing guards to West 97 Street at both Amsterdam and Columbus Avenues for the families of PS 163." It is paramount that enough school crossing guards are assigned to increase coverage and keep families safe.

Conclusion

School crossing guards are a force for stability and continuity in our communities. The 1.2 million school children they are tasked with protecting is their primary concern. However, City Hall needs to properly compensate school crossing guards for their daily sacrifices and ensure they receive a living wage of no less than $15.00 per hour.

Our children are our life's work, and they deserve more support—not less.

On behalf of Local 372 and its almost 23,000 members, thank you for the opportunity to present this information and we welcome addressing any questions you may have.

2 Lafayette Street 3rd Floor NY NY 10007
T 212.577.7700 F 212.385.0331 www.safehorizon.org

safehorizon
moving victims of violence from crisis to confidence

Testimony of

Michael Polenberg
Vice President, Government Affairs
Safe Horizon, Inc.

On the Mayor's Fiscal Year 2016 Preliminary Budget

Public Safety Committee
Hon. Vanessa Gibson, Chair

New York City Council

March 12, 2015

Thank you, Chairwoman Gibson and members of the Committee, for the opportunity to testify before you today on the public safety portion of the Mayor's Fiscal Year 2016 Preliminary Budget. My name is Michael Polenberg, and I am the Vice President for Government Affairs for Safe Horizon, the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime and abuse, their families and communities. Safe Horizon creates hope and opportunities for hundreds of thousands of New Yorkers each year whose lives are touched by violence.

Whether we are called on to provide expert testimony at an oversight hearing or to assist a constituent in crisis and in need of emergency services, we are pleased to partner with the City Council in a collective effort to make our city safer. We look forward to helping you and your staff learn how best to assist a victim of a crime, and what resources are available in your borough and your community.

Over the last several years, the City Council has been a key supporter of our programs helping adult and child victims of abuse. City Council funding fills in gaps where no other financial support exists, and allows us to draw down critical dollars from other sources. And it demonstrates the value that you and your colleagues place in helping victims of crime access desperately-needed shelter, services, legal assistance and counseling.

We would now like to update the Committees on the City Council initiatives funded through the Mayor's Office of Criminal Justice which help Safe Horizon move adult and child victims of crime from crisis to confidence.

Child Advocacy Centers. (CACs)

"The primary goal…is to ensure that children disclosing abuse are not further victimized by the intervention systems designed to protect them." – National Children's Alliance

Samantha* is a 10 year old girl who was sexually abused by a teenage male cousin. After an initial investigation, she came to a Safe Horizon Child Advocacy Center with her mother and father earlier this year. Safe Horizon conducted a child-friendly forensic interview while our on-site partners from law enforcement and ACS observed via closed circuit TV. Bravely, Samantha disclosed the sexual abuse and began receiving counseling service that same day. As a result of her disclosure, her cousin was arrested and prosecuted.

The trauma symptoms that Samantha shared with her Safe Horizon counselor are sadly all too common. She was having re-occurring upsetting thoughts which made her stomach hurt to the point where she was throwing up. Like many other children who have been abused, she felt guilty about what happened. Samantha's parents, meanwhile, were in shock after learning about something they never could have imagined happening.

All of Safe Horizon's Child Advocacy Centers offer a brief, evidence-based intervention known as Child and Family Traumatic Stress Initiative, or CFTSI. This intervention, which we developed in partnership with Yale University, dramatically reduces the symptoms of post-traumatic stress disorder (PTSD) in child victims of abuse, and helps children and caregivers communicate more openly in the weeks and months after a disclosure.

Through CFTSI, Samantha's mother revealed her anguish that she never knew about her daughter's abuse and her frustration that she wasn't told about it earlier. The Safe Horizon counselor explained how common it is for children to not disclose abuse right away, especially if they will be blamed for what happened. Additionally, the preponderance of child abuse cases involve a perpetrator who is well known to the family – or even part of the family itself. This makes it even more difficult for children to disclose abuse.

As a result of CFTS, Samantha's symptoms began to decrease. She and her parents came up with simple but effective strategies to cope with future adverse reactions. For instance, Samantha would ask her mother for more hugs when she's upset, and each week they would find activities they can do together to make them laugh. Over time, it became easier for Samantha to talk with her mother and her father about how she was feeling, and the healing process was well underway.

* *Not her real name.*

Child victims under the age of 12 who experience crimes such as rape, sexual abuse, fractures, burns and scalding, asphyxiation, and attempted drowning are brought to Child Advocacy Centers. With support from the City Council, Safe Horizon helped over 4,000 child victims of sexual abuse and/or severe physical abuse last year at our CACs in Queens, Brooklyn, Manhattan and Staten Island. I am delighted to report that after many years of sustained advocacy, Safe Horizon opened our brand-new Bronx CAC in February, just a few weeks ago. These centers offer child victims and their families the help they need – fast – in one location. The police, prosecutors, medical professionals, counselors and child protective caseworkers are all under one roof – in a child-friendly environment that minimizes the trauma and begins the healing process as soon as families step through the door.

Because the number of calls from Bronx households to the State Central Register continue to be alarmingly high, we anticipate that eventually the Bronx CAC will rival the Brooklyn CAC in terms of volume – exceeding 2,000 cases per year. We are grateful to the City Council for its long-standing support of our Child Advocacy Centers and the work we perform each week on behalf of our city's youngest victims of crime. **To help ensure that we will have the capability to respond to the most serious cases of child abuse across the City and particularly in the Bronx, we are asking the City Council to designate $700,000 to Safe Horizon through the City Council's Child Advocacy Center Initiative in FY16 – an enhancement of $200,000 over our FY15 level. This grant will help preserve life-saving services in our existing CACs and increase our staffing and add weekend capacity in the newly opened Bronx CAC.**

Legal Services for Domestic Violence Victims

Safe Horizon's Domestic Violence Law Project (DVLP) provides **direct legal services to indigent domestic violence victims** in New York City's Family Courts and Integrated Domestic Violence Courts.

With support from the City Council in Fiscal 2015, we **provided court-related advocacy and direct legal assistance to 225 domestic violence victims in these courts throughout New York City.** We offer high-quality legal advocacy and representation to low-income and indigent victims of domestic violence in family court proceedings such as order of protection, custody, support and divorce proceedings. We advocate for clients within the criminal justice system, and offer a legal helpline that provides information, referrals, and assistance to victims of domestic violence. Our attorneys also receive referrals from the citywide domestic violence hotline, directly from district attorneys and family court and immigration judges, and from community groups throughout the five boroughs. Finally, our staff conducts educational training seminars with clients, pro bono attorneys, and agency staff to increase awareness of the legal issues facing indigent victims of domestic violence.

We are grateful to the City Council for supporting our DV Law Project for many years, and we respectfully request a restoration of $125,000 through the Legal Services for DV Victims Initiative in FY16.

DoVE

Since its inception in Fiscal Year 2006, Safe Horizon has administered the Domestic Violence Empowerment (DoVE) Initiative on behalf of the City Council. At the discretion of the Council, funding is directed to more than 60 organizations to assist them in expanding or developing services for domestic violence victims and their families in hard to reach communities citywide. Many of these organizations are located in, or primarily serve, the city's immigrant communities, and thus can provide culturally and linguistically appropriate outreach, education, referrals and services. For organizations funded through the DoVE Initiative, Safe Horizon also provides opportunities for expert training on a wide range of topics related to family violence and access to technical assistance and organizational capacity building services as needed.

For many of the grantees, the DoVE Initiative provides the only flexible source of funding that can be used to address a variety of needs in their communities. And with the Governor's proposal to once again eliminate all State funding for non-residential domestic violence services, this funding is even more critical to sustain in the year ahead. **After many years of decreases, we are very grateful to the City Council for fully restoring this grant to $4 million in FY15, and respectfully ask that this funding continue in FY16 to allow providers to effectively reach underserved populations in need of services.**

Digital Hotline Capacity

Safe Horizon is seeking $1 million in new initiative funding in FY16 to help us develop a web-based live chat service to supplement our 24-hour hotlines for victims of

domestic violence, sexual assault and other crimes. Increasingly, people of all walks of life are relying more heavily on digital media to communicate. This is especially true among teenagers and young adults, the very group that has been shown to experience domestic/dating violence, sexual assault and sexual exploitation at the highest rates. Digital crisis services can provide significant benefits. The research makes note of the overall advantages of chat services. It also shows that adolescents and younger adults do not always choose to utilize traditional telephone hotlines, indicating a missed opportunity to engage youth in crisis. Given this need, Safe Horizon proposes creating a digital platform to supplement our existing hotlines and which will allow us to interact in a way that is most comfortable for our clients. The funding will support staff, training, software and the creation of digital information that can be sent to clients at the touch of a button. We thank you in advance for your consideration of this request.

As always, Safe Horizon continues to be a resource for your staff, particularly in your district offices. We are pleased to be able to respond to your queries about domestic violence, sexual assault, child abuse and other crimes. And we look forward to continuing this partnership to ensure that all New Yorkers receive the assistance and services to which they are entitled.

Thank you, and I would be happy to answer any questions you might have.

Center for Court Innovation Testimony
New York City Council
Public Safety Committee Budge Hearing
March 12, 2015

Good morning Chairperson Gibson and other esteemed Members of the Council. My name is Viviana Gordon, and I am the Director of Operations at the Brownsville Community Justice Center, a project of the Center for Court Innovation. Thank you for giving me the opportunity to speak today.

I am here today to urge the Public Safety Committee to support continued funding for the Center for Court Innovation and its groundbreaking efforts to improve public safety, promote and expand the use of community-based alternatives to incarceration, divert young people out of the criminal and juvenile justice systems, improve services and outcomes for victims of crimes, strengthen and empower neighborhoods, improve public confidence in justice, and increase equal access to justice for vulnerable New Yorkers.

Through innovative and collaborative programming at neighborhood based projects located across New York City, the Center for Court Innovation brings local residents and criminal justice stakeholders together to respond to local problems. Our projects, like the Red Hook Community Justice Center and Bronx Community Solutions, have been documented to improve public safety and cut the unnecessary use of incarceration for low level offenses, especially for those who might otherwise have been held in jail because they could not afford bail. By bringing together families, the faith community and justice partner staff, our Harlem Reentry Court program has reduced reoffending among participants by 19 percent over a three year period, and has helped thousands of ex-offenders to return to productive, law abiding lives in their community. Our Youth Justice Centers in Queens and Staten Island divert young people from detention and engage them as Youth Court and Youth Council members where they can adopt new skills and use their voices to shape policies that affect their own neighborhoods. Most importantly, our programs have successfully demonstrated ways to reengineer the relationship between

neighborhoods and the justice system. For us, it all begins with a commitment to treating each individual who comes into contact with the justice system with dignity and respect.

We are bringing this approach to another community that has been hit hard by crime: Brownsville, Brooklyn. In Brownsville, we are hoping to start construction on a new home for the Brownsville Community Justice Center at the city-owned building at 444 Thomas Boyland Street. The City Council, the Brooklyn Borough President, and the Mayor's Office have all provided capital funding for renovations of this facility. In the meantime, we have a range of programs that build collaboration between Brownsville residents and the justice system, including efforts to reduce gun and gang violence in the neighborhood. And, working with community leaders and partners, the Brownsville Community Justice Center serves more than 500 young people each year, linking them to services, offering arts and cultural programming, providing job readiness training and skill development opportunities, engaging them in community benefits projects, teaching them to be leaders, and offering pathways to a better life free of involvement in the criminal justice system.

The Center for Court Innovation is seeking the City Council's support in the amount of $775,000 for fiscal year 2016 – $400,000 to continue the Center's core community justice operations and an additional $375,000 to support critical new initiatives focused on youth diversion, police-youth-community relations, and enhanced access to equal and fair justice for the city's most vulnerable citizens.

- Earlier this month, the Center for Court Innovation, together with the NYPD and the District Attorneys Offices in Manhattan and Brooklyn, launched Project Reset, an early diversion pilot in Brownsville and East Harlem, that will divert 16- and 17-year-olds arrested for minor non-violent offenses to counseling and community service before they ever come before a judge – avoiding any chance of a criminal record or time in jail. This is a fundamental shift in the way that law enforcement approaches minor offending, offering young people not only an off-ramp from the justice system, but an on-ramp to support, counseling, and new opportunities. With the council's help, we hope to expand this critical initiative to many additional precincts and young people around the city.

- At our Community and Youth Justice Centers we are working to expand and promote procedural fairness and equal access to justice. In Red Hook, our Peacemaking program

seeks to empower an isolated, historically underserved community with high rates of justice system involvement to play an active role in solving its local problems by using traditional Native American techniques. Working in partnership with New York State Chief Judge Lippman, Poverty Justice Solutions, a recently launched new program, is designed to help low-income New Yorkers preserve their housing and prevent homelessness. The program will provide recent law school graduates with two-year fellowships as entry-level attorneys with New York City civil legal service providers and will dovetail with housing services provided at our Red Hook and Harlem Community Justice Centers. With the Council's support, we hope to expand these new programs and initiatives that will support our efforts to increase procedural fairness and access to justice.

- Finally, the Center works hard to develop ways for communities and justice systems to work together, promote understanding and accountability and reduce distrust. Currently, at the Crown Heights Community Mediation Center and the Brownsville Community Justice Center, police-youth-community dialogues are regularly convened – where unscripted conversations among teens, cops and residents have helped to not only build trust and understanding, but advance common goals. At the Staten Island Youth Justice Center, a new program, the Neighborhood Youth Justice Council – provides a platform where young people can engage deeply with community residents, civic groups, agencies, providers, elected officials, and police to better understand community dynamics and conditions. Together with other community members, Youth Justice Council participants design and implement projects to not just *talk* about police-community dynamics, but actually create positive change. With the Council's help, we hope to expand our police-youth dialogue work and create Neighborhood Youth Justice Councils in Jamaica Queens, East Harlem and other communities.

The Center for Court Innovation looks forward to continuing to work with the New York City Council to improve public safety and victim services, create new alternatives to incarceration, steer young people toward leadership and academic progress and promote community collaboration that results in a fairer, more accessible system of justice for all New Yorkers. We respectfully urge you to continue to support our work and thank again for the opportunity to

speak.

I would be happy to answer any questions you may have.

Greenburger Center
for Social and Criminal Justice

www.greenburgercenter.org

The Greenburger Treatment Center: Project Summary
A project of the Greenburger Center for Social and Criminal Justice

Available and effective treatment alternatives to incarceration simply do not exist for justice-involved adults with serious mental illness who are facing multi-year sentences of incarceration and who do not qualify for any of the current community-based alternatives. To begin to remedy this crucial omission in services, the Greenburger Center for Social and Criminal Justice intends to open a secure residential treatment facility, the Greenburger Treatment Center ("GTC" or "the Center"), for this high-need population.

The GTC intends to pilot a 30-60 bed secure residential alternative to incarceration for individuals with Serious Mental Illness ("SMI"). The Center will consider for admission any person with a treatable Serious Mental Illness amenable to the treatment framework offered, who is facing at least 2 years of incarceration on an open felony case and for whom a less restrictive alternative to incarceration would not be found acceptable. It will have broad inclusion criteria with regard to criminal justice history, which will include offenses that often exempt clients from alternative to incarceration programs such as arson and some sex offenses. All cases will be reviewed and admitted on a case-by-case basis. Among others, this population could include individuals who 1) have had a court ordered mental health evaluation, pursuant to Criminal Procedure Law, section 730, and have either been restored or determined as having a SMI but not in need of restoration; or 2) those currently not eligible for the Court Intervention Resource Team (CIRT) program due to the severity of their mental illness or crime.

The Center anticipates the facility to be licensed by the New York State Office of Mental Health for the treatment of people with SMI. Clients will choose to enter the GTC to engage in an intensive course of treatment in lieu of at least two years of incarceration as part of a plea agreement. The plea agreement, agreed to by the client, the defense attorney, the judge, and in the majority of cases, the local district attorney, will mandate the client to the GTC secure residential treatment program for a period of between one and two years.

In executing the plea agreement, the defendant will attest that he or she understands the secure nature of the facility and that a decision to leave or expulsion from the program will result in immediate arrest and return to jail or court to await further court consideration. In addition to the plea agreement, the GTC will not accept a client unless the court imposes an unsecured surety bond containing the same conditions of residential confinement set forth in the plea

agreement, thereby enabling GTC bond agents to detain, and if necessary arrest, a client should they attempt to leave the facility without authorization.

Though a client could be returned to jail should they refuse treatment or become an unmanageable risk to themselves or others, with consent of the Court, the client might also be temporarily stepped up to a forensic hospital setting for stabilization before returning to the GTC facility. The Center will contract and partner with a forensic hospital prior to admitting clients to ensure that if necessary, transfers to a forensic hospital are seamless.

Any decisions to step a client up or down during the secure residential treatment phase will be approved by the Court prior to transitioning the client, however, emergency transfers required to stabilize or otherwise protect the health and well-being of a client will be accomplished with notice to the Court on the next business day of admission.

During the one-to-two year intensive secure residential treatment phase, the Center will blend a variety of effective interventions to maximize therapeutic impact for a population with complex therapeutic and social needs. These needs may derive from: traumatic experiences; ruptured family relationships; limited or absent community supports; limited education or even literacy skills; deficits in basic social and community living skills; substance use issues; impulsivity; cognitive impairments in executive mental functions; and ongoing struggles with containing anti-social and violent interpersonal behaviors.

The population's needs will shape the delivery of a multi-modal intervention program. The Center will address this array of bio-psycho-social challenges in the context of a therapeutic milieu setting through the power of experiential learning, interpersonal modeling, peer-driven socialization, and work and social skill building.

The Greenburger Treatment Center will deliver prudent, evidence-based and informed psychiatric symptom and disease management treatments; trauma-informed care; cognitive-behavioral care; and therapeutic and restorative justice approaches to address impulsive and violent behaviors as well as to re-build connections to community and family supports.

The Center's treatment practices will factor in that a very high proportion of our clients also will have concurrent problems with substance abuse and addiction; it will thus integrate a substance use recovery dimension to complement other treatment practices.

Upon completion of the secure residential treatment phase, a client would be sentenced, including in many cases, a mandated re-entry program. As needed, the Center will contract and partner with select re-entry organizations to provide a seamless, continuum of care during the post release supervision period.

Testimony of Cheryl A. Roberts, Executive Director
Greenburger Center for Social and Criminal Justice
before the
New York City Council, Committee on Public Safety

March 12, 2015

Good afternoon. Thank you for this opportunity to present testimony before your Committee. I am Cheryl Roberts, Executive Director of the Greenburger Center for Social and Criminal Justice. The Center is a 501(c)(3) not-for-profit corporation and advocates for needed criminal justice reforms.

The Center's work focuses on the plight of justice-involved people with serious mental illness. In short, we believe mental illness is a public health issue, not a criminal justice problem. Yet today, people suffering from serious mental illness are 10 times as likely to be in a local jail or state prison than in a psychiatric hospital. [1] Nationwide, approximately 1.26 million adults with mental illness are in our jails and prisons.[2] One of those 1.26 million people is Mr. Greenburger's oldest son. Mental illness played a significant role in his arrest and conviction on charges of attempted robbery and arson. His son spent two years at Rikers awaiting disposition of his case and is now incarcerated in an upstate prison for the remainder of a five-year sentence.

Places like Rikers and prisons are not equipped to provide the services that people with mental illness need. Corrections Officers are not equipped and should not be charged with caring for those with serious mental illness. Nevertheless, tens of thousands of people with serious mental illness are living in jails and prisons, turning places like Cook County Jail in Chicago and Rikers into two of the largest mental health hospitals in the country[3]. In 1955, approximately 550,000 severely

[1] http://www.treatmentadvocacycenter.org/storage/documents/backgrounders/how-many-individuals-with-a-serious-mental-illness-are-in-jails-and-prisons.pdf
[2] http://www.bjs.gov/content/pub/pdf/mhppji.pdf
[3] http://thinkprogress.org/health/2013/07/12/2293471/cook-county-jail-mental-health-provider/

mentally ill patients were in public psychiatric hospitals. By 1994, this number had been reduced to about 70,000.[4] Today, only 40,000 psychiatric beds exist, for a US population that has doubled since 1955.[5]

Locking up people for being mentally ill because we lack the political will or humanity to provide effective treatment is shameful — it's also costly. It can cost more than double to incarcerate mentally ill versus non-mentally ill people. Spending on medication alone can cost more than feeding prisoners. Increased costs are also due to average lengths of stay. At Rikers, the average incarceration period is 42 days. But people with mental illness stay locked up for an average of 215 days because they often cannot follow strict prison rules, which results in added time to their sentence as punishment.[6] [7]

Not only is our current policy inhumane to those incarcerated with mental illness and costly to taxpayer, it does not promote public safety. Ninety eight percent of those incarcerated return to society, and those with serious mental illness often return more traumatized. The status quo serves no one's interests and in fact, makes us all less safe.

Because available and effective treatment alternatives to incarceration simply do not exist for justice-involved adults with serious mental illness who do not qualify for un-secure community-based alternatives, the Center intends to pilot a secure residential treatment facility – The Greenburger Treatment Center - for this high need population. Clients will choose to enter the GTC to engage in an intensive course of treatment in lieu of incarceration as part of a plea agreement – a mandated

---

[4] http://www.pbs.org/wgbh/pages/frontline/shows/asylums/special/excerpt.html

[5] http://murphy.house.gov/uploads/Summary.pdf

[6] http://www.treatmentadvocacycenter.org/storage/documents/backgrounders/how-many-individuals-with-a-serious-mental-illness-are-in-jails-and-prisons.pdf

[7] http://www.treatmentadvocacycenter.org/storage/documents/backgrounders/how-many-individuals-with-a-serious-mental-illness-are-in-jails-and-prisons.pdf

court order or disposition agreed to by the client, defense attorney, the local district attorney, and the judge.

The Greenburger Treatment Center will provide a multi-model program that begins with a one-to-two- year intensive residential treatment phase in a locked setting, followed by one or more step-down phases matched to their treatment needs. These step down or re-entry phases will range from a highly-supported community-based treatment program to independent community living, bolstered by case management services, appropriate ongoing treatment and other supports. The Center intends to partner with The Fortune Society and Argus Community, Inc., among others to provide these re-entry services. A two page summary of our proposal is attached.

Because our target population often have co-occurring substance use issues, physical health needs and complex social dynamics the Greenberger Treatment Center will utilize a range therapeutic modalities including, evidence-based and informed psychiatric symptom and disease management treatments; trauma-informed care; mindfulness and meditation; cognitive-behavioral care; integrated substance use recovery; and therapeutic and restorative justice approaches to address impulsive and violent behaviors as well as to re-build connections to community and family supports and address victim impact and offender responsibility.

We anticipate providing these services at a significant cost savings to the City and, when at scale, the State with much better overall and lasting results.

Ultimately we believe people with mental illness should have access to effective treatment to avoid criminal justice involvement from the outset. Until that time, however, we are committed to providing treatment options for the subset of people with mental illness who currently have no alternative to incarceration, and at a cost savings to the public and with safer outcomes for all.

233 Broadway, 12th Floor
New York, NY 10279
Tel: (212) 334-1300
Fax: (212) 941-9407
www.vera.org

VERA INSTITUTE OF JUSTICE

Testimony of Danielle Sered
before
the New York City Council
Committee on Finance
and the Committee on Public Safety
regarding
the Common Justice Learning Collaborative Project

March 12, 2015

Introduction

Good afternoon, Chairwoman Ferreras, Chairwoman Gibson, and Councilmembers. Thank you for giving me the opportunity to testify before the Committees today. My name is Danielle Sered, and I am the Director of the Common Justice Demonstration Project at the Vera Institute of Justice.

The Vera Institute of Justice combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety. Vera's work ranges from developing programs for incarcerated children to working with women with disabilities who have experienced domestic violence to providing guardianship services for people who cannot care for themselves due to age or illness. 19 of Vera's demonstration projects, including Safe Horizon, the Center for Employment Opportunities, and Project Renewal, are now free-standing organizations each serving thousands of New Yorkers. Common Justice, a demonstration project of the Vera Institute, emerged in response to the criminal justice system's over-reliance on incarceration and its failure to meet the needs of victims. The project offers an effective and humane response to violence and provides an innovative range of services to underserved victims– particularly young men of color – whose needs are unmet by existing responses.

The Problem. Violence remains among the most urgent health concerns facing poor communities in New York City. In addition to physical injury, violence also has emotional consequences for those harmed. Many victims of crime suffer from symptoms of post-traumatic stress, and a significant portion of victims of violent crime manifest those symptoms to a degree that constitutes Post Traumatic Stress Disorder (PTSD)—conditions which the traditional adversarial court process, the standard victim assistance programs, and the current reliance on incarceration often fail to prevent or redress.[1] As we noted in our original proposal to the Langeloth Foundation, the failure of our current approaches has a disproportionate impact on young men of color. The person most likely to be harmed by violent crime both nationally and in New York City is a 16- to 24-year-old black man. Black men in New York, for example, are six times more likely than white women, three times more likely than black women, and more than twice as likely as white men to become victims of robbery.[2] And yet current victim services programs fail to meet the needs of this group when they are harmed. A number of New York City

[1] Kilpatrick, D. and Acierno, R. "Mental Health Needs of Crime Victims: Epidemiology and Outcomes." Journal of Traumatic Stress, 2003:1612; See also PTSD Alliance, "Post Traumatic Stress Disorder Fact Sheet," published by the Sidran Institute (2004), available online at http://www.sidran.org/sub.cfm?contentID=76&ionid=4.
[2] *National Crime Victimization Survey*, Table 10, and *Criminal Victimization in the United States* (2005). Both statistical tables compiled by the U.S. Department of Justice, Bureau of Justice Statistics, available online at: http://www.ojp.usdoj.gov/bjs/.

victim service agencies report that almost no harmed men of color seek and receive their services.[3] The federal Office for Victims of Crime confirms that this unacceptable pattern is undoubtedly a national one. The failure of the current system to adequately engage these young men means they are less likely to seek and receive support when they are harmed, more likely to live with unaddressed symptoms of trauma, and less likely to recover. What's more, people who are harmed by crime and do not get well are more likely to commit violence themselves, a pattern that drives cycles of violence and further compromises the wellbeing of communities. The collateral negative impact on families and community members of witnessing violence has also been widely documented.[4]

Meanwhile, the social service infrastructure both in New York City is all too often largely ill-equipped and inadequately prepared or positioned to have a productive or protective function when it comes to addressing the harm suffered by young men of color. What's more, the nature of the criminal justice system's response to violence can serve to exacerbate rather than address impacts in the aftermath of harm.[5] These conditions are amplified by the fact that those working on behalf of victims and those working on behalf of defendants for the most part work in isolation or in opposition to one another. At present, there is little to no communication or collaboration between victim service providers, on the one hand, and on the other, agencies working with young men of color (typically on issues other than their victimization, such as jobs, education, or re-entry services). Our local, state, and national policies reflect the often virulent opposition between groups that arguably can and should share significant common ground. To put it simply: the agencies that work on victimization do not tend to work with young men of color, and the agencies that work with young men of color do not tend to work on victimization. Young men who are harmed fall into the wide gap between the two, at great cost to their wellbeing, and even to their survival, particularly as violent victimization is a significant risk factor for subsequent further violent and even fatal victimization.[6]

Two byproducts of the incoherence of the victims' and re-entry/criminal justice reform fields' approaches when it comes to young men, and of the de-prioritization of young men's trauma they share in common are that (a) the development of best and promising practices is significantly impaired, (b) when strong practices do emerge, there is little to no infrastructure to support their introduction, critique, or dissemination across fields. It is only in the last five years that we have begun to see the larger scale strategic philanthropic investment into young men of color[7] that will eventually produce tested and evaluated best practices in the field, which means that (a) service providers urgently need a way to share their strategies and preliminary/anecdotal findings in advance of the availability of such practices, as young men's trauma is ongoing now, and (b) the field needs an infrastructure in place that will support the rapid dissemination of promising and best practices as they do emerge.

---

[3] Self-reported by agency representatives interviews conducted in January-March 2008; cross-checked against data provided by the Crime Victims Board (now Office of Victim Services) for Original Decisions Awarded (April 1, 2006 - March 31, 2007) broken down by race and gender; provided by Sue Malatesta, CVB, February 20, 2008.

[4] National Center for Post Traumatic Stress Disorder. 2004. *PTSD in Children and Adolescents.* Washington, D.C.: Department of Veteran Affairs.

[5] Judith Herman, *Trauma and Recovery: The aftermath of violence—from domestic abuse to political terror.* New York: Basic Books, 1997.

[6] Sims DW, Bivins BA, Obeid FN, Horst HM, Sorensen VJ. "Urban trauma: a chronic recurrent disease. *Journal of Trauma* 1989 (29): 940-947.

[7] See the Open Society Foundation's Black Male Achievement Initiative (http://www.opensocietyfoundations.org/topics/black-male-achievement) and the Robert Wood Johnson Foundation's Forward Promise initiative (http://www.rwjf.org/en/grants/grantees/forward-promise.html)

The Project. The Learning Collaborative proposed here will be embedded in and informed by Common Justice's broader work. An alternative to incarceration and victim service program for serious and violent felonies, Common Justice addresses cycles of violence, the harmful effects of incarceration, and the mental and physical health consequences that arise from violent crime by offering an alternative to the traditional adversarial court system that promotes healing and accountability and facilitates the recovery of individuals and communities. The project, which is the first of its kind in the country, works extensively with young men of color whose needs are currently unmet by existing victim service agencies and is building a replicable model to better assess, understand, and begin to mend the harm they sustain as a result of violence. Common Justice aims to: (1) improve the mental health of crime victims, (2) increase access to health services for young men of color and other under-served crime victims, (3) prevent future violent victimizations, (4) avert the unnecessary adverse effects of incarceration, and (5) increase people's experience of fairness and safety in the aftermath of harm. The project works to bring about systems change to improve the health of young people involved in violence in three primary ways: (1) the project is the first of its kind to apply participatory processes to serious and violent cases in the adult criminal system, intervening in cycles of violence, helping to avoid the harmful effects of incarceration, and challenging some of the fundamental assumptions and operations of that system's response to violence; (2) it creates a conduit into victims' compensation funds to people under-represented in the current system and help that system to equitably meet the needs of young men of color; and (3) it offers a model of culturally appropriate victim services designed to respond to the complex needs of young men of color when they are harmed by crime.

In order to inform our own practice , share lessons learned, and anchor and animate the development of a field dedicated to attending to the trauma that young men of color suffer and survive, we propose creating a Learning Collaborative for people in New York City working with young men of color harmed by crime and violence. The Collaborative would include traditional victim service providers, youth programs, and others working to address the trauma young men experience. Collaborative participants would grapple with challenges, share practices and strategies, and develop relationships to support the foundation of this growing and essential field.

The overarching goal of the Collaborative is to create a network and the basis for a *field* committed to addressing the trauma and violence experienced by young men of color in a way that advances equity, dignity, and healing from harm, and that leverages both on-the-ground experience and research to foster a set of strategies and responses that are as nuanced, effective, and funded as those available to other more historically and currently valued victims. The specific objectives of the Collaborative are to: (1) draw on existing relationships and foster new ones to engage potential leaders nationally in developing a robust, cutting-edge, diverse network in which members see their priorities and values reflected in the work; (2) support lead agencies in beginning to support one another's work and understand themselves as part of a growing field/movement; (3) create a mechanism by which lessons in the field can be gathered and shared more rapidly and coherently, supporting agencies' ability to develop and strengthen effective programs to meet the needs of young men of color; (4) help foster a field dedicated to supporting young men of color harmed by crime that becomes more informed, nimble, coherent, and recognized; (5) create a broad and diverse network of members whose agencies are able to share, improve and implement promising practices as they emerge; and (6) help foster a national landscape in which young men of color harmed by crime are better engaged and receive more effective services to address the trauma and harm they experience.

The function of the Collaborative is to provide a forum for faster, more nuanced, and more specific engagement than those forums allow. Through the collaborative, for example, intake staff from one program will be able to talk with intake staff from another in real time. They will be able to ask questions like: *All of the young men begin by telling us they are "fine," but we can see obvious signs of both physical and emotional trauma. How are you able to break through the initial barriers and defenses in your first meeting to engage your participants in honest dialogue about their symptoms?* Or: *All the trauma assessment instruments we've found seem to be missing key symptoms common among our participants—such as acting more aggressively and engaging in violence. Have you been able to find an assessment tool that better captures the experience of young men?* And direct service staff will be able to talk directly with one another. They will be able to ask questions like: *Our participants are very reluctant to follow up on referrals for mental health treatment and counseling. How do you talk about therapy so that people are more likely to go?* Or: *We have developed a set of tools to address safety planning for young men of color—does anyone want to pilot them with us and share your feedback? Our sample size is too small to learn what we want to learn alone.* Or: *For providers in x city, we're trying to get better at trauma-informed care practices but want a trainer that can address the culture of our participants; is there someone who can do a basic training on trauma for our direct service staff in our employment program that operates in a mostly West Indian community?*

Common Justice does this work every day. Nearly 70% of the harmed parties (our term for "victims") we serve are young men of color. We provide our harmed parties with a range of services to help address the consequences of a crime. These may include standard victim services such as helping participants to file the paperwork for victim compensation with the Office of Victim Services or securing benefits from other state agencies, or making referrals to medical care or mental health services. When appropriate, we make referrals to existing victim service agencies (such as the district attorney's Victims Services Unit, Safe Horizon, and a number of other government and non-profit agencies in Brooklyn). However, because we know that many harmed parties—particularly young men of color—do not seek, receive, or even necessarily *want* services from these agencies, which are often poorly equipped to meet their needs, we supplement existing victim services with alternatives that are more responsive to the needs of the population we will serve. To this end, we provide linkages to employment and educational opportunities, advocate on behalf of individuals to negotiate with absences or changes in work routine as a result of the crime, help participants develop tools to resolve the neighborhood-based conflicts that stand to put them in harm's way, and provide other support services as requested by the harmed parties. We have developed culturally respectful models for basic psycho-education about trauma, service planning, and dynamic safety planning that are responsive to the unique needs of our participants and are examples of practices we could share more broadly with the Collaborative network.

Common Justice is also working with Vera's research team to develop better instruments to assess our work, as most of the leading trauma assessment tools in the field are not vetted and validated for young men of color. Because existing tools often fail to account for key symptoms, such as an increase in aggressive behavior among young men, programs replying on these tools to evaluate their outcomes can have both exaggerated and inaccurately diminished understandings of their own efficacy. Vera researchers, in partnership with Common Justice staff, have developed a "Harmed Party Trauma Interview" (HPTI)—a series of open-ended questions with accompanying prompts designed to capture mental health symptoms that researchers and other experts suggest are characteristic of mental health issues among young men of color. This semi-structured interview asks harmed parties if they or people close to them have noticed changes in behaviors since the incident that brought them to Common

Justice. Questions range from exploring coping strategies such as shifting dynamics in friendships and group affiliations, acquisition of weapons, engagement in aggressive behavior, and changing of transit routes and other daily routines, to questions about common symptoms of trauma, including manifestations of hypervigilance and changes in trust, sleeping, and eating patterns. The HPTI will supplement information from the Posttraumatic Stress Diagnostic Scale (PDS), another instrument used in Vera's evaluation of Common Justice.

While Common Justice is still undoubtedly learning about how best to serve young men of color harmed by crime and violence, the program is emerging as a national leader in the emerging field. In 2012, Common Justice received the Award for Professional Innovation in Victim Services from the Department of Justice's Office for Victims of Crime (OVC), which recognizes a program, organization, or individual who has helped to expand the reach of victims' rights and services. Common Justice is one of only three organizations to our knowledge in the history of the awards (ten are given in various categories each year) to focus on young men of color, and was awarded the honor for our efforts in that area. Our daily operations provide a robust and responsive "learning laboratory" where will both develop practices to share with Collaborative members and test practices we learn from our peers. The Collaborative will strengthen our work on the ground, which is positioned, if successful, to have a broad-reaching impact on the criminal justice system nationwide, and we will model the integration of shared learning and dynamic practice for other Collaborative members.

Making New York a Model City. The Council's funds would enable Common Justice to develop a New York City specific component to the national collaborative, carrying out all of the above objectives with service providers in the city to link them with one another and with emerging promising practices in the field, and to substantially change the availability of support for young men of color who survive violence. The effort would include in-person meetings of service providers from a variety of fields who work with young men of color who survive harm, the dissemination of information about promising practices in the field, the creation of peer-to-peer co-mentoring pairs for professionals in the field to learn from each other's work, the development of a more effective referral infrastructure between agencies, targeted training opportunities, exploration of research and evaluation tools, and public events.

Successful interventions nurtured by the collaborative stand to: (1) improve the mental health of crime victims, (2) advance equity and increase access to health services for young men of color, (3) help prevent future violent victimizations. Overall, the collaborative promises to make New York City a national model for addressing the needs of young men of color when they are harmed.

32 Broadway • Suite 1101
t 212.229.0345 • f 212.229.0676
New York, NY 10004
www.svfreenyc.org

New York City Alliance Against Sexual Assault

Good afternoon and thank you, Councilmember and Public Safety Committee Chair, Vanessa Gibson and other members of the committee for allowing me to speak on behalf the New York City Sexual Assault Initiative. My name is Mary Haviland and I am the Executive Director of the New York City Alliance Against Sexual Assault. Founded in 2000, our mission is to prevent sexual violence and reduce the harm it causes through prevention and intervention.

Sexual assault is a serious public health and public safety issue in our community. Despite continued efforts from the community and increased visibility in media, sexual violence remains a pervasive issue. New York City has experienced a five-year upward trend in forcible rapes, with a total of **1,537 rapes reported to the NYPD in 2014**. The forcible rapes reported in 2013 represents nearly **65% of the total number of reported rapes in New York State**. Moreover, using the CDC National Intimate Partner and Sexual Violence Survey (NISVS) prevalence figures, New York City has almost 840,000 women and men who have experienced rape in their lifetimes, about 2.72 million who have experienced other rape victimization in their lifetimes, and 47,220 women who have experienced rape in the last 12 months.

I am here today to talk about the Sexual Assault Initiative which is comprised of four of the city's leading service providers including **Kingsbridge Heights Community Center, Mount Sinai's Sexual Assault and Violence Intervention (SAVI), the New York City**

Alliance Against Sexual Assault, and Mount Sinai St. Luke's-Roosevelt Crime Victims Treatment Center (CVTC). Collectively the Initiative provides free and comprehensive services to **over 2,000 victims of sexual assault**, including **children, women, and men**, and conducts over **10,000 counseling and training session** across the five boroughs.

The New York City Sexual Assault Initiative respectfully requests funding in a total of $600,000 – $150,000 for each of the four programs in FY2016. Demand for services rises and shifts each year. Our request is to address the **current waitlists of all groups** as well as to **effectively respond to the increased demand for services and training from colleges and universities.** For instance, the Alliance in partnership with Kings County District Attorney's Office trained 90 professionals from CUNY including Title IX Coordinators as well as related personnel. However, with the limited staff and resources the Initiative is unable to effectively respond to all victims who are calling for assistance or to the current training requests that are coming to our programs from college campuses. We believe that no sexual assault victim should have to wait to receive services. With the proposed funding amount of $600,000, the Sexual Assault Initiative seeks to:

- Hire a Mandarin-speaking Master's level trauma therapist to meet the needs of the growing population of Mandarin-speaking trafficking survivors in Queens at **Mount Sinai's Sexual Assault and Violence Intervention (SAVI)**
- Hire a Spanish-speaking trauma counselor with experience working with male victims, and intimate partner violence in Manhattan at **Mount Sinai St. Luke's-Roosevelt Crime Victims Treatment Center (CVTC).**
- Hire a bilingual Spanish-speaking Master's level trauma therapist to provide individual therapy sessions to children and families in Bronx at **Kingsbridge Heights Community Center**;

- Respond to the increased need for training and certification of emergency room professionals treating sexual assault victims in all five boroughs at the **New York City Alliance Against Sexual Assault**; and
- For each of our programs to respond to the increased demand for services and training from colleges and universities to help better handle sexual assault cases in all five boroughs.

I would like to add a few more words about the Sexual Assault initiative and the role of the Alliance in that initiative. The Alliance has been in the leadership of the Initiative over the last 3 yours and we would like to acknowledge that the Council generously increased the initiative by 50% last year from $200,000 to 300,000. This has allowed our council-funded, Sexual Assault Forensic Training Institute to be that much more effective in the last year. For the Alliance's part, we have been able to train 90 medical professionals so far this year, and individually certify 59 of those as Sexual Assault Forensic Examiners (26 applications are pending). We have also been able to bring a new Center of Excellence on line, the Lenox Hill Health Plex, located on 7th Ave. and 13th St. in Manhattan. A Center of Excellence is willing to provide best practice acute care to survivors of sexual assault through its emergency department. The Alliance facilitated this certification process through the NYS Department of Health, adding the first new Center since 2011, bringing the total in NYC to 18. In addition, the Alliance has training 190 human services workers including 90 CUNY title IX, safety and student affairs staff in trauma centered approaches to survivors of sexual assault. This is a snap shot of what just one of us in the Sexual Assault Initiative was able to do in the last 8 months as a result of City Council funding.

At this time, I would like to turn your attention to the state funding crisis. Rape Crisis Network statewide has been destabilized by the state funding cut in a total of over $4million. As the network faces the largest staff layoff in its history, 15 rape crisis programs in New York City

are also immediately affected. The Alliance on behalf of the rape crisis program network, are proposing a three-part initiative to further address the urgent needs faced by the network that serves thousands of victims and survivors annually. The network asks the following support:

- Provide grants of **$50,000 to 15 qualifying, certified rape crisis centers** that provide direct services to survivors of sexual assault.
- Create **2 SAFE Centers of Excellence** and **2 rape crisis services** in **Brooklyn and Bronx**, the boroughs with the most limited acute care services for victims of sexual violence.
- Create **on-campus technical assistance, back-up centers** to provide training and capacity building and **centralized call centers** that provide **crisis intervention counseling** and serve as **referral hubs** to **campuses, universities, and their students** in New York City.

More detailed information on this proposal is submitted with this testimony.

Thank you for your time and opportunity to testify on behalf of survivors of sexual assault.

NATIONAL LAWYERS GUILD

New York City Chapter
113 University Place - 8th Floor
New York, NY 10003
Telephone: 212-679-6018
Facsimile: 212-679-6178
Website: www.nlgnyc.org
Email: nlgnyc@igc.org

PRESIDENT
Elena L. Cohen
VICE PRESIDENTS
Carl Lipscombe
Mark Taylor
TREASURER
Rose Regina Lawrence

EXECUTIVE COMMITTEE
Bina Ahmad
Danny Alterman
Bruce K. Bentley
Jorge Cisneros
Marco Conner
Hillary Exter
Cristina Gallo
Lauren Gazzola
Emily Jane Goodman
Andy Izenson
Joel R. Kupferman
Jackelyn Mariano
Colleen McCormack-Maitland
Devin McDougall
Ben Meyers
Daniel L. Meyers
Kerry McLean
Ann M. Schneider
Martin R. Stolar
Jonathan Stribling-Uss

Representatives from
New York City Law Schools

Susan C. Howard
Executive Director

Statement of the National Lawyers Guild-NYC Chapter Mass Defense Committee

March 12, 2015

In response to the Black Lives Matter protests in NYC, Police Commissioner Bratton announced the proposed formation of a massive new Strategic Response Group (SRG) that would handle future demonstrations or "civil disorders". Although the budget description of the SRG is vague, the clear intent of such a surge in police resources is to suffocate political dissent, especially among those New Yorkers already most susceptible to police attention. The National Lawyers Guild-NYC condemns such a proposal, and urges the City Council to reject additional funding for the SRG.

How is the SRG a financial savings if we are not given the actual cost comparisons? The size (and additional cost) of this anticipated 550-officer force would be several times the number of officers budgeted for the entire Community Affairs Bureau (182 officers in 2014); larger than the entire current Counterterrorism Division (budgeted for 482 officers in 2014) and likewise larger than the entire Intelligence Division (budgeted for 537 officers in 2014). The Preliminary Budget does not provide any indicator of what these costs will be, or how they compare to existing overtime expenses for the proposed work. To be sure, over the next five years the cumulative expense for this surge would certainly cost New Yorkers many millions of dollars, not to speak of the costs of settling additional lawsuits. This will not increase the safety of New York City's communities, and will drain financial resources from those communities already most in need.

Is it appropriate to police constitutional activity with Special Operations units? Deploying large-scale, paramilitary-style, "tactical" forces in New York's neighborhoods would contradict a community-based approach that draws on the officers of the neighborhoods' Precincts and Boroughs – an approach that, until now, has often been proudly cited by NYPD's own leadership as a distinctive character of policing in New York. Indeed, the proposal would adopt the very same discredited Special Operations approach taken in Ferguson, Missouri, widely criticized as contributing to the escalation of violence and destruction.

How will the SRG units be used when there are not active protests? NYPD has said that they would make these new tactical forces available to Precincts and Borough commands on such occasions. However, the NYPD's experience with other tactical forces, such as the Street Crimes Unit, have proven that highly tactical forces, trained and equipped for confrontation, are not easily integrated into the day-to-day needs of the Precinct Commanders or the neighborhoods they serve.

New Yorkers have been demanding police reforms but these are not the reforms needed. Rather, this targeting of demonstrators threatens to chill protest at a time when a new generation of young black and brown leadership is sounding its voice, along with the wide spectrum of New Yorkers seen in the streets during the December 13 Black Lives Matter march. The SRG, rather, sends the message "Black-led civil rights struggles must be quelled, by any means necessary."

In summary, the Strategic Response Group proposal is unjustifiably massive, dangerous in its approach, and wasteful. Ferguson should not be the model for policing protest in New York City. To amplify the voices of New Yorkers and support safe communities, the City Council must reject the Strategic Response Group proposal.

* * *

The Mass Defense Committee of the New York City chapter of the National Lawyers Guild was created in the spring of 1968 in response to Vietnam War protests and arrests at Columbia University. Over the intervening decades, the MDC has provided Legal Observers at thousands of demonstrations and appeared in court for thousands arrested as they marched and rallied for civil rights, immigration rights, economic justice, reproductive rights, and against environmental destruction, war, and police misconduct.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 03/12/2015

(PLEASE PRINT)

Name: Police Commissioner William Bratton

Address: _____

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 03/12/2015

(PLEASE PRINT)

Name: 1st Deputy Commissioner Benjamin Tucker

Address: _____

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 03/12/2015

(PLEASE PRINT)

Name: Deputy Commissioner Management, Budget Vincent Grippo

Address: _____

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 03/12/2015

(PLEASE PRINT)

Name: Chief of Dept James O'Neil

Address: _____

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jean-Claude LeRec

Address: 1 Centre St 1012

I represent: Mayor's Office of Criminal Justice

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Migdalia Velez

Address: 1 Centre St. 1012

I represent: Mayor's Office of Criminal Justice

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Jean-(illegible)

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth Glazer

Address: 1 Centre St. 1012

I represent: Mayor's office of Criminal Justice

Address: _____

Please complete this card and return to the Sergeant-at-Arms

PLS group panel w/ Janice Dorden and Jim McLeod CD37

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Agninshalah Collins

Address: 125 Barclay Street NY NY 10007

I represent: PCT, Chapter Chair, L.1549, CD37

Address: SPCT

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: CHRISTOPHER E. BROMSON

Address: 417 OCEAN AVE #B10 BROOKLYN

I represent: CRIME VICTIMS TRMT CTR

Address: 1111 AMSTERDAM AVE

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: MARCH 12, 2015

(PLEASE PRINT)

Name: SUSAN XENARIOS

Address: 505 WEA, NYC 10024

I represent: CRIME VICTIMS TRMT CTR

Address: 1111 AMSTERDAM AVE

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Mary Haviland

Address: 518 15th St Brooklyn NY

I represent: NYC Alliance Against Sexual Assault

Address: 32 Broadway 1101 NYC

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Chief Joanne Jaffe

Address: Chief of Community Affairs

I represent: NYPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Asst. Chief Brian Conroy

Address: C.O., School Safety Division

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Chief James Waters

Address: Chief of Counterterrorism

I represent: NYPD

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Deputy Comm. Susan Herman

Address: Dep. Comm., Collaborative Policing

I represent: NYPD

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Chief of Detectives Robert Boyce

Address: NYPD

I represent:

Address:

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Chief of Transportation Thomas Chan

Address: NYPD

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Chief Theresa Shortell

Address: C/O, Police Academy

I represent: NYPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Dep. Comm. Jessica Tisch

Address: Dep Comm., Information Technology

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Chief of Patrol Carlos Gomez

Address: NYPD

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Dep. Comm. Permot Shea

Address: Dep Comm. Operations

I represent: NYPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: ROBERT JOHNSON

Address: _____

I represent: BRONX DISTRICT ATTORNEY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Richard A. Brown, Queens District Attorney

Address: 125-01 Queens Blvd

I represent: Queens D.A.'s Office

Address: Kew Gardens, NY 11415

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: KEN THOMPSON

Address: 350 JAY STREET, BROOKLYN, NY

I represent: BROOKLYN DA's OFFICE

Address: SAME AS ABOVE

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: BRIDGET BRENNAN

Address: 80 Centre St

I represent: Office of Special Narcotics Prosecutor

Address: 80 Centre St.

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: March

(PLEASE PRINT)

Name: DANIEL L. MASTER

Address: 130 Stuyvesant Pl. SI, NY.

I represent: District Attorney DANIEL DONOVAN

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: MR. RICHARD EMERY, CHAIR

Address: 100 CHURCH STREET, 10TH FL.

I represent: NYC CCRB

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: MS. MINA MALIK, EXECUTIVE DIRECTOR

Address: 100 CHURCH STREET 10TH FL. NYC

I represent: NYC CCRB

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: MR. BRIAN CONNELL

Address: 100 CHURCH STREET, 10TH FL

I represent: NYC CCRB

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Maria Delavra

Address: 125 Barclay Street

I represent: Local 372

Address: 125 Barclay Street

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Donald Nesbit

Address: _____

I represent: Local 372

Address: 125 Barclay Street

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: David Keye

Address: _____

I represent: Local 372

Address: 125 Barclay Street

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Polenberg

Address: _____

I represent: Safe Horizon

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Karen Friedman-Agnifilo

Address: 1 Hogan Place

I represent: DA Cyrus Vance

Address: 1 Hogan Place

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

PUBLIC

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Ben Meyers

Address: _____

I represent: NY National Lawyers Guild

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

PUBLIC

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Janica Darden

Address: 125 Barclay Street NY NY 10007

I represent: PCT, L.1549, DC37

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

PUBLIC

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/12/15

(PLEASE PRINT)

Name: Jim Hamlin-McLeod

Address: 125 Barclay Street NY NY 10007

I represent: PCT/SPCT, L.1549, DC37

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Budget Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Danielle Sered

Address: _____

I represent: Vera, Common Justice

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Budget Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Cheryl Roberts

Address: _____

I represent: Greenburger Center

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

PUBLIC

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Viviana Gordon

Address: 385 Van Brunt Brooklyn, NY

I represent: Center for Court Innovation

Address: 520 8th Ave NY, NY

Please complete this card and return to the Sergeant-at-Arms