

OFFICE OF THE  
BRONX COUNTY DISTRICT ATTORNEY

Annual  
Report  
2002

Prosecution, Partnerships  
& Collaborations Violent  
Crime Bronx Mental  
Health Court Drug Crime  
Operation Weed & Seed  
Bronx Treatment Court  
Integrated Domestic  
Violence Part Crime  
Victims Assistance Gang  
Initiative Hate Crime  
Elder Abuse Project  
Urban High Crime  
Neighborhood Initiative  
Auto Crime Initiatives  
Economic Crime Safe  
Neighborhoods Joint  
Training Program with the  
NYPD Community Outreach

Robert T. Johnson  
District Attorney

[www.bronxda.net](http://www.bronxda.net)



Robert T. Johnson, District Attorney

## District Attorney's Message

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*"... the current challenge facing my Office is preserving our core function—doing everything possible to keep the crime rate falling—within the constraints of a declining budget. The cuts have been real and painful."*

The extraordinary fiscal crisis facing our State and City continues to worsen, forcing difficult choices to be made at all levels of government. As we strive to meet our commitments to the people of the Bronx despite new and increasing constraints on available resources, the current watchwords for my Office are public safety, efficiency, and leanness.

Not all the news is dire. Despite the fiscal crisis, most categories of crime continued to decline in 2002. Homicides were down again from last year, falling below 200 for the sixth consecutive year. In fact, in the past 13 years the number of homicides in the Bronx has been reduced by 74%, from 653 in 1990 to 171 in 2002. Overall violent crime also continues to decline. In 2002, violent crime was 6% lower than in 2001 and nearly 65% lower than in 1990. Auto crime also continued to decline.

Despite the decrease in violent crime, however, the Bronx continues

to have the highest rates of murder, rape, and felonious assault of any of New York City's five boroughs. For example, the 171 Bronx murders in 2002 constitute nearly 30% of the citywide total. In addition, more than one in four of the City's rapes and nearly one in four of the City's felonious assaults occurred in the Bronx, a level well in excess of the borough's 16.6% share of the City's population. Overall arrests for all crime also rose last year, to a level 42% higher than that in 1990.

Accordingly, the current challenge facing my Office is preserving our core function—doing everything possible to keep the crime rate falling—within the constraints of a declining budget. The cuts have been real and painful. Since July 2001, my Office has absorbed over \$5 million in budget reductions and faces an additional \$2 million in FY2004, for a total reduction of 18.25%. The most optimistic scenarios call for further substantial reductions in the year to come. We

have attrited some 100 attorney and staff positions, severely curtailed the hiring of new assistant district attorneys, cut internships, redeployed staff, and reduced expenses in a wide variety of areas. Currently, all divisions, legal bureaus, and units are understaffed. I am proud to say, however, that despite all this, last year my Office sent a higher proportion of convicted felons to state prison than the statewide average. We also had some striking successes in court, including one of the earliest trial convictions under the State's new hate crime law.

We also continue to innovate, partnering with other law enforcement agencies, treatment groups, community organizations, and the public at large. For example, in 2002 we launched a gang initiative that brings together representatives of many agencies to share intelligence and develop joint strategies aimed at curtailing gang-related crime. Project Safe Neighborhoods, a national anti-gun strategy in which

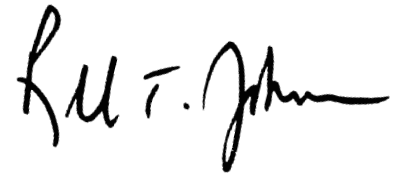
Bronx and U.S. Attorney prosecutors, police and federal law enforcement agencies all collaborate, also began operations in 2002, as did a joint training program with the NYPD.

In addition to the traditional prosecutorial tools of conviction and imprisonment, we continue to employ treatment programs and other non-traditional strategies. In 2002, we entered into a partnership with Treatment Alternatives to Street Crime (TASC) and the Research Triangle Institute to provide mental health and drug dependence screening and assessment,

placement, and program evaluation for the Bronx Mental Health Court. We recommended 98 defendants for placement in this new program, which is tailored to defendants suffering from both drug dependency and mental illness. Hundreds more were enrolled in other drug treatment programs. Despite limited resources, we have also strained to continue our community-based programs, even expanding some. In 2002, with resources from a federal planning grant, we began the Urban High Crime Neighborhood Initiative, which will bring crime victim services closer to the commu-

nity in the northern end of the county (Community District 12).

Recognizing that difficult times are likely to continue, we remain committed to serving the people of Bronx County. Through flexibility, professionalism and plain hard work, we intend to maintain our high standards and do everything possible to insure that the community receives the very best we can give.



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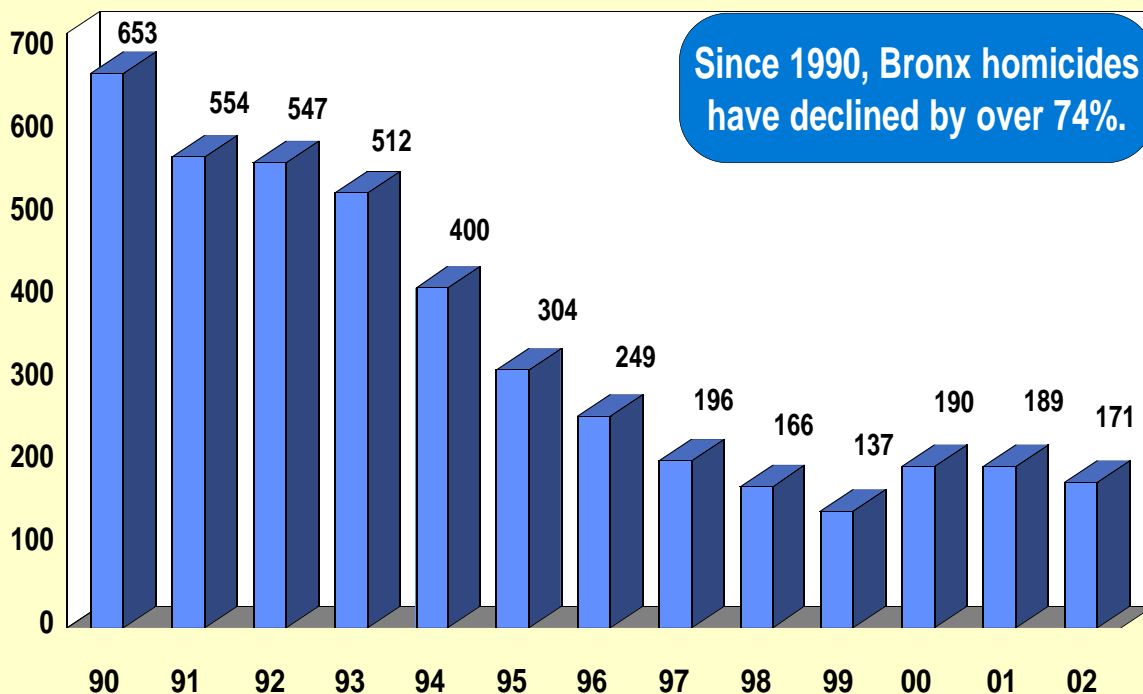
# Crime Overview

## REDUCTION IN CRIME & INCREASE IN ARRESTS

In 2002 crime in the Bronx was reduced to levels not seen in decades. There were 4% fewer crime complaints in 2002 than in the previous year. The largest decrease (11%) was in burglary complaints, which have declined 73% since 1990 (from 19,326 to 5,159). This year auto theft also declined by nearly 6%, and robbery complaints declined nearly 8%, contributing to a 77% decline in auto theft since 1990 and a 71% decline in robbery during the same period. There has been a 74% reduction in murders since 1990.

Last year we reported that the sum of all murders in the Bronx between 1999 and 2001 was less than that for 1990 alone. In 2002 the number of murders was still lower, resulting in 10% fewer murders than there were in 2001.

### Decline In Homicides 1990 - 2002



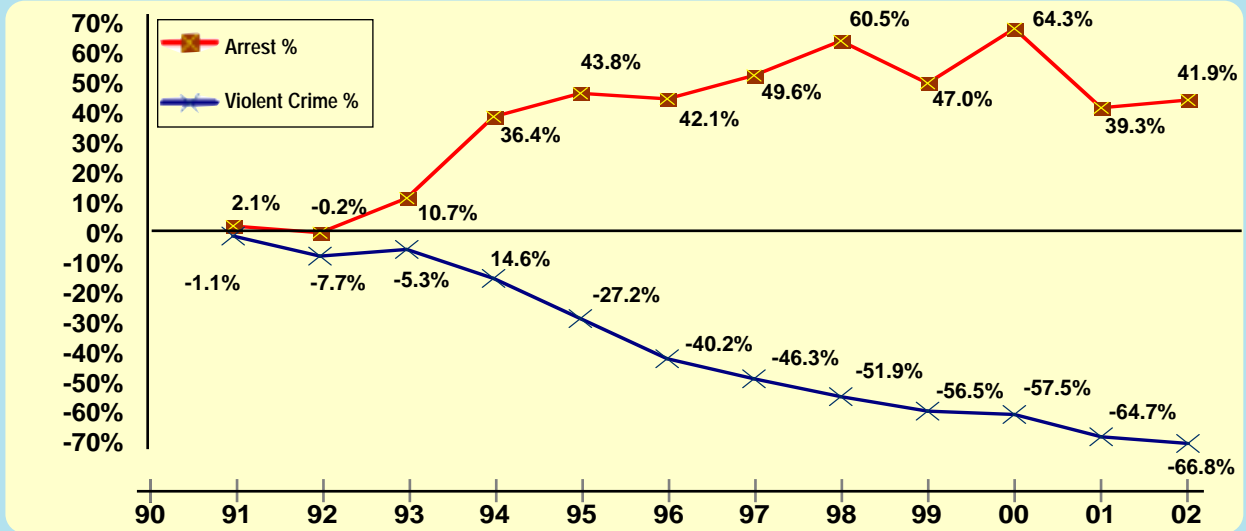
Source: New York City Police Department

Overall violent crime in the Bronx has decreased every year between 1994 and 2002. In

2002 violent crime was 6% lower than in 2001 and 67% lower than in 1990. During the same

period, arrests in the Bronx increased by 42%.

### Bronx Reduction in Violent Crime v. Increase in Arrests Percentage Change from 1990 - 2002



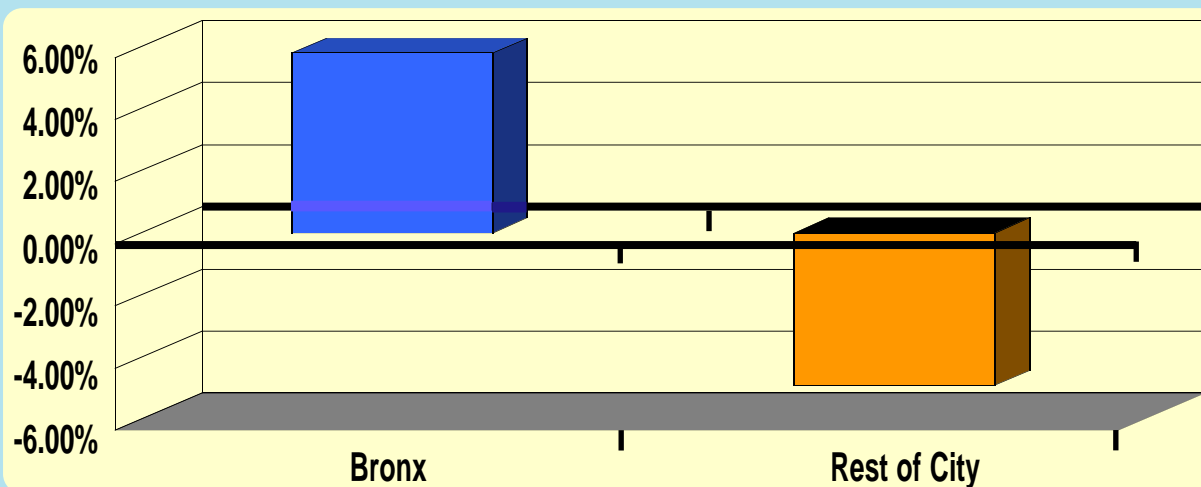
Source: New York City Police Department

The Bronx was the only New York City borough to show an increase in arrests in 2002. Led by New York City Police Department

(NYPD) initiatives such as Operation Spotlight, Bronx misdemeanor arrests increased close to 6% over 2001, compared to a

decrease of nearly 5% in the rest of the City.

### Percent Change in Misdemeanor Arrests 2001 - 2002



Source: NYPD Criminal Justice Bureau

## BRONX COUNTY'S HIGHER PROPORTION OF CITYWIDE VIOLENT CRIME

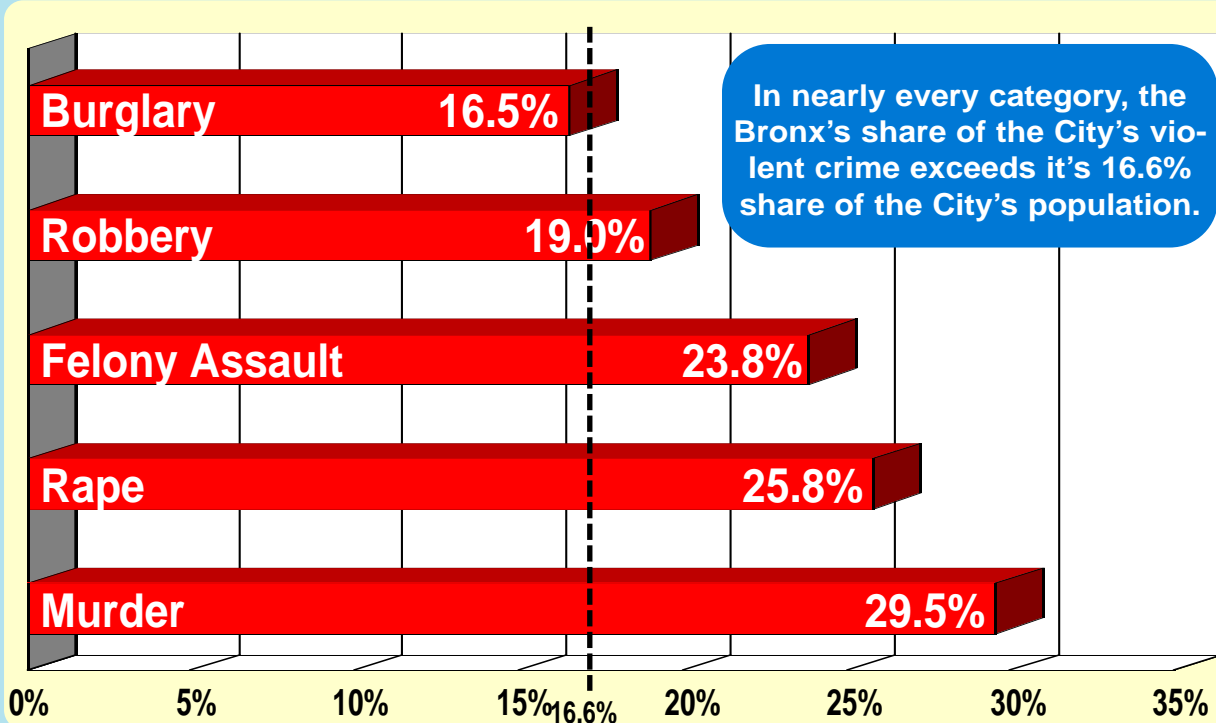
Despite these encouraging reductions in crime, in 2002 the Bronx still experienced a higher incidence of crime than is proportional to its 16.6% share of the City's population. Since 1990, crime complaints across the seven

categories reported by the NYPD (murder, rape, robbery, felonious assault, burglary, grand larceny and motor vehicle theft) dropped in the Bronx and the rest of New York City. Even with the remarkable decreases in violent crime, however, drugs and violence are still very serious problems in the Bronx. In 2002 the 171 murders in the Bronx constituted nearly 30% of the city-

wide total. Bronx shooting incidents represented 26% of such incidents citywide. More than one in four of the City's rapes and nearly one in four of the City's felony assaults occurred in the Bronx, giving the county the highest incidence per 100,000 population of murder, rape and felonious assault.

### Bronx Violent Crime 2002

Percentage of Citywide Violent Crime v. Population

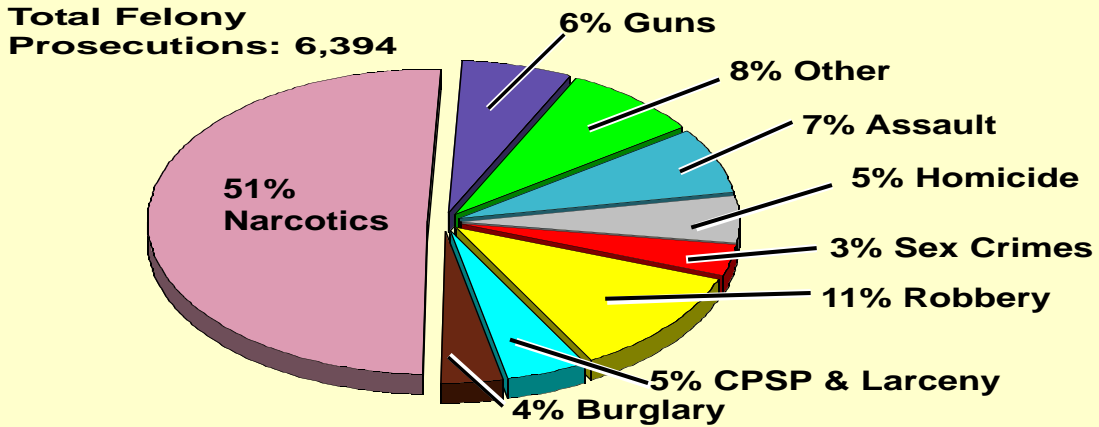


Source: New York City Police Department

# Prosecuting Crime

The Bronx District Attorney's Office prosecuted 6,394 felony-level defendants in 2002, an increase of 7% over 2001. Narcotics cases accounted for more than half of the felony prosecutions in Bronx County.

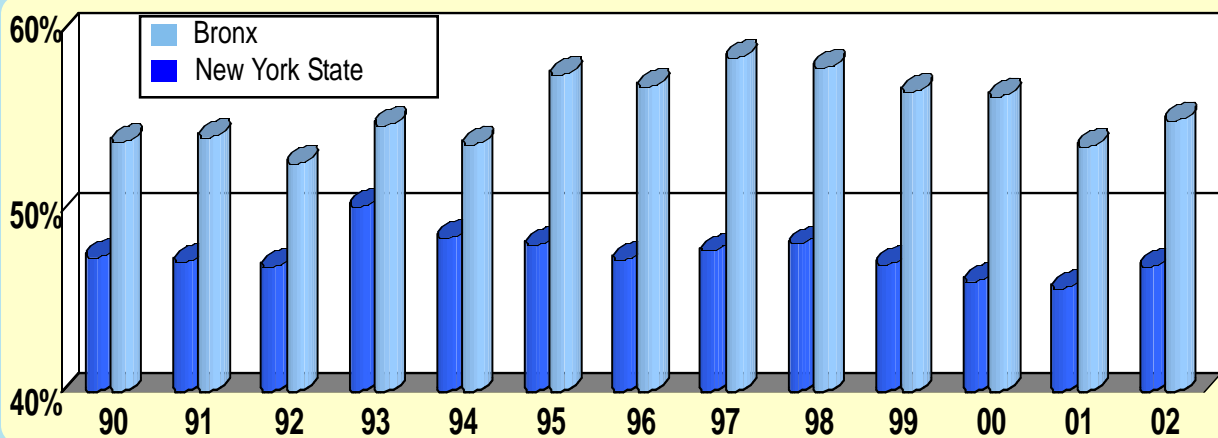
## Bronx District Attorney's Office Felony Prosecutions: 2002



Source: Bronx District Attorney's Office

In each of the past 13 years, this Office sent a higher proportion of convicted felons to state prison than the statewide average.

## Percentage of Convicted Felons Sentenced to State Prison New York State v. Bronx 1990-2002

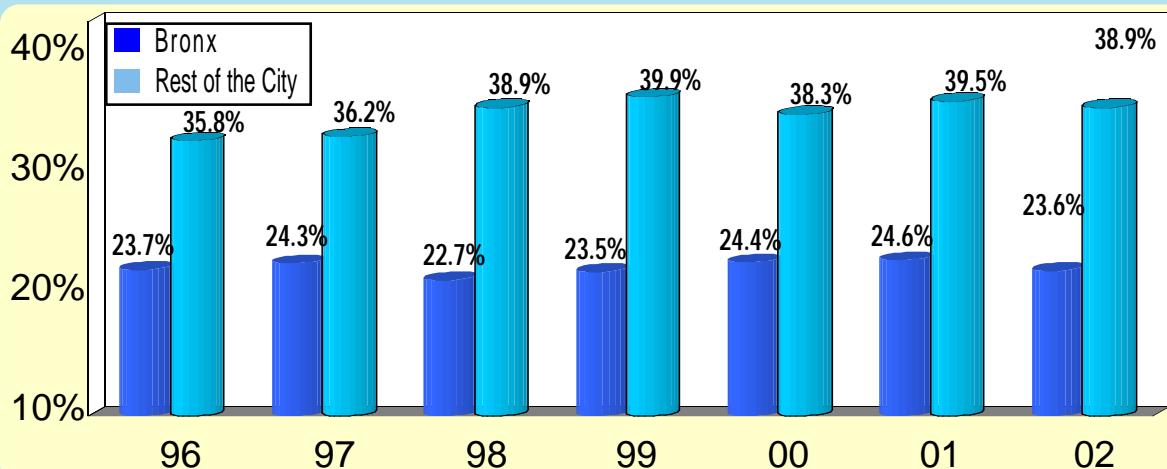


Source: NYS Department of Criminal Justice Services

## LOWER DISMISSAL RATE

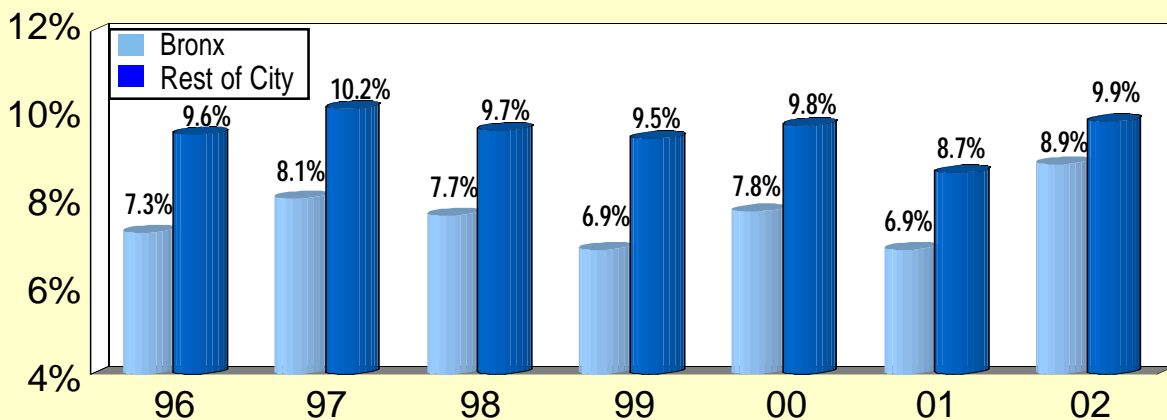
Since 1996 the Bronx District Attorney's Office has had lower Criminal Court and Supreme Court dismissal rates than the rest of New York City.

### Criminal Court Dismissal Rate Bronx v. Rest of City 1996-2002



Source: Office of Court Administration

### Supreme Court Dismissal Rate Bronx v. Rest of City 1996-2002



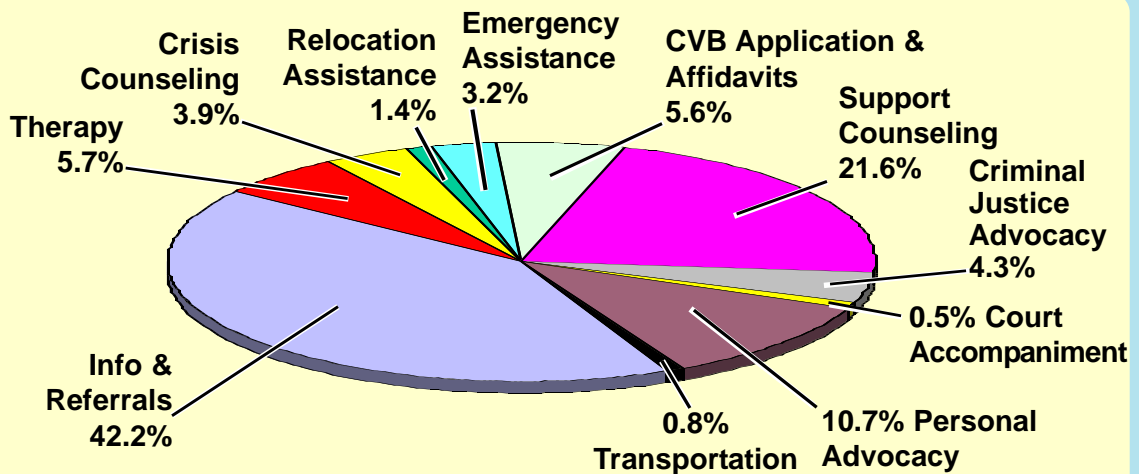
Source: Office of Court Administration

**CRIME VICTIMS ASSISTANCE UNIT**

The District Attorney's Crime Victims Assistance Unit made over 25,000 service contacts with victims and witnesses during 2002.

**Crime Victims Assistance Unit  
Contacts By Type of Service Provided**

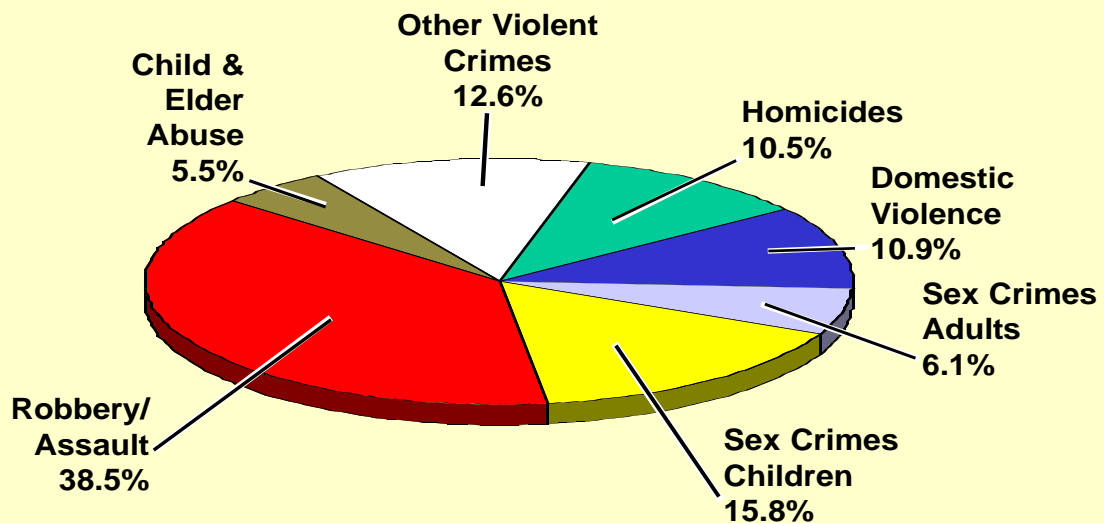
*Total 2002 Service  
Contacts: 25,451*



*Source: Office of Bronx District Attorney*

**Crime Victims Assistance Unit  
Contacts By Type of Crime**

*Total 2002 Client  
Contacts: 2,066*



*Source: Office of Bronx District Attorney*

## VIOLENT CRIME

Among the homicides prosecuted by this Office in 2002, some stand out. Four such cases are summarized below.

### ***Two Bronx Men Plead Guilty to Double Murder*** *Bronx Times Reporter, May 3, 2001*

Mr. and Mrs. Pena, a couple in their late 60s, sometimes sold jewelry from their home. In 1999 Jose Colon and David Rodriguez were only 17 and 16 years old, respectively. Colon and his girlfriend knew the Penas through church and had recently bought a ring from them. On December 10, 1999, Colon and Rodriguez knocked on the door of Mr. and Mrs. Pena's home in the Soundview section of the Bronx. When Mrs. Pena opened the door, Colon kicked the door in and shot Mrs. Pena with a .22 caliber rifle, striking her in the left arm and torso. Colon then shot Mr. Pena several times, striking him in the head and neck. Finally, Colon returned to the screaming Mrs. Pena and shot her in the head. The Penas' bodies were discovered later that day when their adoptive daughter returned home from elementary school.

Before leaving the apartment, Colon and Rodriguez took two bags filled with approximately 350 pieces of jewelry. Colon and Rodriguez fled the scene of the robbery and hid the gun a couple of blocks away. They then went to pawn

some of the stolen jewelry. Later that night they went to a birthday party where they bragged about the murders. A concerned party-goer called police. This witness was able to relate some of the details of the crime and helped police locate the gun that was used to commit the murders.

Colon was arrested the following day with some of the stolen jewelry in his possession. Rodriguez was arrested in front of his home. A search warrant was executed at his home, and during the search several pieces of stolen jewelry were found, wrapped up to be given away as Christmas presents.

Colon pleaded guilty to two counts of murder in the second degree. On July 10, 2002, he was sentenced to two consecutive terms of 15 years-to-life imprisonment. He must serve at least 30 years in prison before becoming eligible for parole. Rodriguez also pleaded guilty to two counts of murder in the second degree and was sentenced on June 18, 2002, to two concurrent terms of 20 years-to-life imprisonment. Rodriguez will not be eligible for parole until he has served 20 years in prison. ♦

### ***FIEND GETS 20-TO-LIFE IN KID SLAY***

*New York Post, December 19, 2002*

In November 2001, 24-year-old Melinda (pseudonym) was admitted to the hospital, leaving her seven-year-old

daughter and three-year-old son in the care of her boyfriend, 26-year-old Jason Lewis. While Melinda was away, Lewis attacked the girl, fracturing her arms and

### **FIEND GETS 20-TO-LIFE IN KID SLAY**

*New York Post, December 19, 2002 continued*

submerging her right arm in boiling liquid, resulting in third degree burns from wrist to elbow. Lewis tied composition books to the child's distorted arms as makeshift splints. The school notebooks had never been used because the child had never been to school.

When Melinda returned from the hospital five days later, she found her daughter beaten and burned. The girl was able to tell Melinda from bed that she had "been bad." Lewis ended the youngster's life in Melinda's presence by cracking her over the head with a wooden walking cane, causing a subdural hemorrhage of the brain. Medical attention arrived too late to save the child. When Lewis heard police sirens, he jumped from the window and broke his ankle. He informed EMS that he jumped to flee because he killed Melinda's daughter. Lewis' stated reason for the killing was the child was "a pain."

The medical examiner testified before the jury that numerous aspects of the injuries could have killed the child. The autopsy states the cause of death as "fatal child abuse syndrome."

Lewis interrupted his trial in November 2002 to plead guilty to murder in the second degree and on December 18, 2002, was sentenced to life imprisonment. He must serve at least 20 years before being eligible for parole. District Attorney Robert Johnson noted, "Life imprisonment is a most appropriate punishment in light of the brutal and senseless nature of this crime against a vulnerable and defenseless child."

Melinda pleaded guilty to endangering the welfare of a child on December 20, 2001. Melinda's son was removed from the home and placed in foster care. Melinda is petitioning Family Court for his return. ♦

### **A Deadly Case of Mistaken Identity**

On Saturday, April 4, 2001, Dwight Milan and his wife had planned to go to a dance. Milan, a 40-year-old family man with two children, was a UPS supervisor as well as an army veteran and former EMS medic. In preparation for their night out, Mrs. Milan went shopping with her disabled mother, while Mr. Milan stopped in at a bodega near his home before taking his son to get a haircut. Because of Miguel

Rivera, Milan never made it to either the barber or the dance.

Twenty-eight-year-old Rivera, a drug dealer who recently served nine years in state prison for attempted murder, shot Milan six times with a .40 caliber semi-automatic pistol after Milan entered the bodega. In an attempt to escape the continuing gunfire, Milan ran from the store and collapsed in front of a church. Milan died later that day at Lincoln Hospital.

## A Deadly Case of Mistaken Identity

*continued*

After the killing, Rivera changed his clothes and hid the weapon at a friend's apartment. He then fled to Florida. Rivera was arrested in September 2001 after returning to the Bronx. At his trial, the jury heard testimony that Rivera admitted shooting Milan because he believed that Milan, who was merely an innocent bystander, had walked into the bodega intending to kill him. No evidence was

offered to show that this could have been Milan's intent. Police believe that Rivera was responsible for violence in the area and he was known to "shake-down" other drug dealers in the area. Rivera was found guilty on December 13, 2002, of murder in the second degree "in a manner evincing a depraved indifference to human life." Rivera was sentenced to 24 ½ years-to-life imprisonment. ♦

## Fiend Gets Life Without Parole

On May 8, 2001, Tamiqua Gutierrez knocked on the apartment door of her neighbor, Clarence Moss, because she wanted to play with his grandson. Moss, a 43-year-old maintenance man with a criminal record that dates back to 1977, invited the 11-year-old inside and raped, sodomized and strangled the little girl. Then, on the way to the roof, he dropped her body in a stairwell, to be found by her father.

A trail of vomit led from the stairs, along the landing, to the killer's door. Vomit was also found on Moss' pants and on a pillow case in his bedroom. DNA analysis showed that the vomit came from Tamiqua.

Mourners placed candles, flower baskets and balloons near the slain child's

Olinville Avenue home. Friends designed posters that read, "We will always love you" and "We miss you on the block." Relatives came from as far away as Puerto Rico to mourn Tamiqua's death.

On May 30, 2001, a grand jury indicted Moss on nine counts, including murder in the first degree. On September 20, 2002, after two and a half days of deliberations, a jury found him guilty of murder in the first degree and two counts of sexual abuse in the first degree. The judge sentenced Moss to life imprisonment without the possibility of parole. District Attorney Robert Johnson called the sentence "well deserved" and said the defendant will "never escape awareness of the horribly depraved and violent acts that he committed against an innocent child." ♦

## DRUG CRIME

Drug crime has decreased in recent years, both in the number of cases and as a percentage of prosecutions. In 1996 drug cases accounted for more than 65% of the Office's felony-level defendants, while in 2002, just over half of Bronx defendants were prosecuted on drug charges. Nevertheless, drug crime is still a very serious problem in the Bronx.

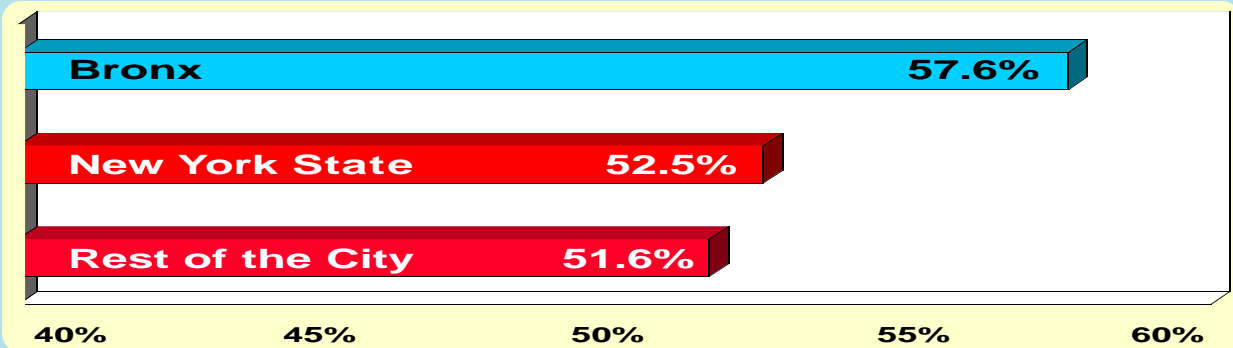
Over the past 13 years combined, 58% of Bronx defendants convicted on felony drug charges were sentenced to state prison, a higher

proportion than that for both New York State (53%) and the rest of New York City (52%). This year, 59% of Bronx defendants convicted on felony

drug charges were sentenced to state prison, a higher proportion than that for both New York State (57%) and the rest of New York City (58%).

### State Prison Sentences

Percentage of Narcotics Convictions from 1990-2002



Source: NYS Department of Criminal Justice Services

#### Heroin dealers get life term

Bronx Times Reporter, May 2-8, 2002

On December 8, 2000, police officers stopped a livery cab for speeding near the intersection of Reservoir and Claflin Avenues in the Bronx. As the two officers approached the car, they noticed that a passenger, 28-year-old Hector Figueroa, was pushing something with his leg, trying to get it under the driver's seat of the cab. The police instructed Figueroa and his fellow passenger, 41-year-old Jose Caba, to get out of the car. A subsequent search of the car revealed that the package pushed under the seat contained 4,598 glassine envelopes of heroin stamped with such brand names as

"Scarface," "Drama" and "Rhumba." These narcotics had an estimated street value of \$46,000.

On April 24, 2002, a jury found both defendants guilty of criminal possession of a controlled substance in the first degree, a class A-1 felony. On May 14, 2002, Caba, who had multiple prior convictions, was sentenced to a term of 17 years-to-life in prison. Figueroa, whose more extensive criminal record includes felony convictions for selling narcotics and assault, was sentenced to life imprisonment on the same date. He must serve at least 23 years before being eligible for parole. ♦

## Heroin Ring Shut Down

Between January and April 2002, the New York City Police Department and the Bronx District Attorney's Office jointly conducted an undercover narcotics investigation into the large-scale sale of crack cocaine and heroin in a neighborhood near the Tremont section of the Bronx. On six separate occasions, undercover police officers purchased over \$15,000 of heroin and cocaine from a well-organized operation that stored and packaged the narcotics in at least two separate locations. Each transaction involved between 300 and 900 glassine envelopes of heroin. Several of the purchases were videotaped from a surveillance van. Telephone calls setting up the sales were also tape recorded.

On April 5, 2002, a search warrant was executed at the home of 29-year-old Juan Quesada. Although he was not home at the time, police recovered more than half a kilogram of heroin with a street value over \$80,000, along with packaging equipment. Quesada went into hiding, but he was found and arrested more than four months later. On August 14, 2002, Quesada pleaded guilty to criminal possession of a controlled substance in the third degree, and on September 4, he was sentenced to 3  $\frac{1}{3}$ -to-10 years imprisonment. Seven other defendants were also involved in the transactions and all pleaded guilty to felony narcotics charges. Sentences for the six defendants who have been sentenced range from five years of felony probation to 4  $\frac{1}{2}$  years-to-life in state prison. ♦

# HATE CRIME

Just after midnight on October 8, 2000, New York State's Hate Crimes Statute went into effect. This was also the eve of Yom Kippur, the holiest Jewish holiday. The new law provides for increased penalties for crimes motivated by bias or hate. Within hours of the law's taking effect, a crime occurred in the Riverdale section of the Bronx which was the state's first violation of the new statute. Two years of prosecutorial efforts resulted in convictions in 2002.



Twenty-three-year-old Mazin Assi and 18-year-old Mohammed Alfaqih purchased several bottles of 160 proof vodka on the evening of October 7, 2000. Later that evening, Assi and Alfaqih attempted to set fire to the Conservative Synagogue Adath Israel of Riverdale by lighting and throwing one incendiary device at the building and placing a second incendiary device at the main entrance of the build-

ing. These molotov cocktails damaged the front door of the synagogue. Two additional people were arrested with Assi and Alfaqih. One defendant's case was handled in Family Court because he was 15 years old, and there was not enough evidence to prosecute the other.

A police sergeant and his partner from the 50th Precinct remembered seeing a red Honda Civic near the synagogue on the night of the crime. They also remem-

*"Hate crimes law to make debut in attack on Bronx synagogue"*

*Daily News, October 20, 2000 continued*

bered entering the Honda's license plate number into their computer to determine whether the car had been reported stolen (it had not). Police traced the car and bottles of vodka found at the scene of the crime to the defendants.

Alfaqih and Assi, both of whom lived in Yonkers, were tried simultaneously by separate juries. The trial lasted three months, and on December 12, 2002, after one day of deliberations, Assi was convicted of attempted arson in the third degree as a hate crime, criminal mischief in the third degree as a hate crime, criminal possession of a weapon in the third degree and aggravated harassment in the first degree. On December 16, 2002, after four days of deliberations, Alfaqih was convicted of criminal mischief in the third degree.

Evidence at the trial showed that Alfaqih's stated motive was hatred of Jews in general. Alfaqih was sentenced to up to four years imprisonment, the maximum sentence allowed by law. He will not be eligible for parole for 16 months. The judge told Alfaqih that his crime had caused divisiveness and had deepened a wedge between the Arab and Jewish communities. In a pre-sentencing victim impact statement, Rabbi Barry Dov Katz said the inci-

dent had rekindled painful memories among many in the community of other events in Jewish history.

Assi was sentenced to the maximum term of 5-to-15 years imprisonment on the arson charge. Attempted arson in the third degree ordinarily carries a maximum sentence of up to seven years imprisonment. However, as a hate crime the maximum sentence is 15 years imprisonment. Assi also received concurrent sentences of 2  $\frac{1}{3}$ -to-7 years imprisonment on the criminal mischief and weapons possession charges and 1  $\frac{1}{3}$ -to-4 years on the charge of aggravated harassment. Assi must serve at least five years in prison before being eligible for parole.

District Attorney Robert Johnson responded to the convictions by saying, "This case concerns more than an assault on the Conservative Synagogue Adath Israel of Riverdale on the eve of Yom Kippur, the holiest day in the Jewish year. This case was vigorously prosecuted for the protection of Jews, Arabs, and all citizens of Bronx County. No one should have his or her personal safety or property jeopardized because of their race, religion, gender, ancestry or sexual orientation." ♦

# Partnerships and Collaboration

## BRONX MENTAL HEALTH COURT

The Bronx District Attorney's Office has been diverting defendants to drug treatment for many years. Over time it became clear that some of these defendants were suffering from both drug dependency and mental illness. Staff always tried to place such defendants in treatment programs that were appropriate for persons with dual diagnoses. In 2002 this Office entered into a formal partnership with Treatment Alternatives to Street Crime (TASC) and Research Triangle Institute to create the Bronx Mental Health Court. Using federal funds to provide mental health and drug dependence screening and assessment, placement and program evaluation, staff recommended 98 defendants for placement in 2002. These defendants are subject to the same level of supervi-

sion and sanctions for failure to complete treatment as other diverted defendants.

## BRONX TREATMENT COURT

Since 1999, the Bronx Treatment Court (BXTC) has provided substance abuse treatment under close judicial supervision to felony narcotics offenders as an alternative to incarceration (ATI). BXTC, like the national drug court model, includes swift defendant assessment and placement in treatment, close judicial supervision of offenders, urinalysis and graduated sanctions and incentives. The Bronx Treatment Court is a collaborative effort of representatives from the Office of Court Administration, the Bronx District Attorney's Office, the Bronx defense bar and drug treatment providers. Defendants must be 19 years of age or older, charged

with committing specific crimes, have no prior felony convictions and no prior convictions for violent crimes. BXTC defendants plead guilty to a felony charge with deferred sentence and immediately enter treatment. Defendants who successfully complete the 12-18 month treatment program have their felony charges dismissed or reduced to a misdemeanor. Participants who fail to complete treatment are sentenced to a state prison term of two-to-six years.

In 2002, 160 clients were enrolled in treatment programs through the Bronx Treatment Court. A total of 817 clients were enrolled from its inception in March 1999 through the end of 2002. In addition, this past year almost 700 Bronx defendants who were not eligible for BXTC were diverted through other treatment programs. Since 1993, this Office has placed a total of 7,299 defendants in treatment programs.

## Drug Treatment Enrollment\* 1993 – 2002

PROGRAMS	93	94	95	96	97	98	99	00	01	02	TOTAL
DTAP	N/A	N/A	N/A	N/A	N/A	26	316	488	481	287	1,598
BXTC	N/A	N/A	N/A	N/A	N/A	N/A	285	204	168	160	817
Willard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	57	32	37	126
Mental Health Court	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	98	98
Other Residential	64	24	90	287	548	883	313	477	416	151	3,253
Other	89	205	158	168	15	162	210	152	134	114	1,407
<b>TOTAL</b>	<b>153</b>	<b>229</b>	<b>248</b>	<b>455</b>	<b>563</b>	<b>1,071</b>	<b>1,124</b>	<b>1,378</b>	<b>1,231</b>	<b>847</b>	<b>7,299</b>

*Source: Office of Bronx District Attorney*

\*Note: Drug Treatment Alternatives to Prison (DTAP) is for predicate (second and later) offenders. Extended Willard Drug Treatment is also for predicate offenders and is operated by the New York State Department of Correctional Services in conjunction with the Division of Parole. "Other Residential" includes first-time offenders placed in residential programs. "Other" includes residential and outpatient programs for first-time and predicate defendants.

## One man's odyssey from drug use to drug free

Forty-one-year-old Jason (pseudonym) has a criminal history dating back at least to 1987. Many of his arrests were on drug-related charges. On March 16, 2001, Jason was arrested for selling drugs to an undercover police officer. Ten days later he pleaded guilty to criminal sale of a controlled substance in the third degree. As a predicate felon, Jason was eligible for treatment through the Drug Treatment Alternatives to Prison (DTAP) program. He was placed in Odyssey House, a residential treatment center for people with substance abuse problems.

Despite his past struggles with substance abuse, Jason's record in treatment was exemplary. His quarterly case conferences revealed good progress reports, and Jason completed treatment in just under two years in the program. Because he suc-

cessfully completed the treatment program, Jason's charge was reduced to a misdemeanor and he received a conditional discharge.

Upon graduation from the treatment program, Jason wrote about how treatment changed his life and reordered his priorities. He talked about how he was given everything he needed to "stay clean" and how he regained his sanity. After graduation, Jason entered an after-care program that requires him to attend weekly group therapy and individual therapy sessions. Tests for drugs have produced drug-free results. He is currently working as a floor representative for a company on Long Island, and he attributes much of his current success to Odyssey House. He has been able to obtain permanent housing and lives in his own apartment. ♦

## OPERATION WEED & SEED

Weed and Seed is a federally-funded strategy designed to "weed out" drug traffickers and violent gangs while "seeding" the community with federal, state and local resources to improve the quality of life. This effort combines federal and local resources to identify, target, arrest and prosecute narcotics traffickers, gang members and robbery perpetrators in the Weed and Seed area. The Bronx is home to two Weed and Seed sites, one located in the Soundview/ Bruckner/ Castle Hill neighborhood and the other in Mott Haven.

Each site involves cooperation by the District Attorney's Office, the U.S. Attorney for the Southern District of New York, the NYPD, other local, state and federal law enforcement agencies and the New York City Department of Education. Operation Weed and Seed/Soundview also relies on a close working relationship with the Bronx Borough President's Office, the Bronx YMCA, Kips Bay Boys and Girls Club, Pathways for Youth, the Bronx Lions Club, school-based parent organizations, other community-based organizations and community residents. Operation Weed and Seed/Mott Haven is led by the

South Bronx Overall Economic Development Corporation (SOBRO) and involves collaboration with the NYC Departments of Sanitation and Parks and Recreation, Better Bronx for Youth and St. Ann's Church.

In July 2002, through a federally-funded grant, this office implemented a community prosecution program that linked the two Weed and Seed sites. The linkage was achieved by forming Law Enforcement Advisory Committees (LEACs), comprised of community members who live in the Weed and Seed neighborhoods. The Citizens Committee for New York City will

provide customized leadership training for LEAC members and the NYPD Citizens Police Academy will provide training regarding law enforcement. Once trained, LEAC members will collaborate with the District Attorney's Office to solve problems within the community.

All Weed and Seed sites have "Safe Havens" where programs for

children and adults are offered. In the Bronx these include recreational programs such as *Junior Knicks* basketball, mentoring programs and crime prevention through the arts. Many of the individual programs rely on linkages with other organizations, including the Police Athletic League, Bronx Council on the Arts and Hostos Community College.

This Office's collaborative efforts are not limited to these two neighborhoods, however, and include working closely with the court monitors programs in the 50th and the 47th Precincts. In addition, Office representatives participate in each of the Bronx precinct community councils.

## **INTEGRATED DOMESTIC VIOLENCE PART**

A new court part opened in Bronx Criminal Court on October 22, 2001. This new part is a combined Criminal Court and Family Court Part, the first in the state and the only such part in the City. The underlying rationale recognizes that domestic violence often involves not only criminal matters but other family matters. For example, a woman who has been assaulted by her husband may obtain a "full stay away" order of protection. If the couple has children together and the father wants to see the children, he must go to Family Court to obtain visitation rights. In the past these two cas-

es, in different courts, would have proceeded completely independently. Now both cases are sent to the Integrated Domestic Violence Part for adjudication and heard by one judge, who is aware of the circumstances surrounding both cases.

In October 2002, Bronx Borough President Adolfo Carrion, in collaboration with the Office of the Bronx District Attorney and Sanctuary for Families, received grant funding from the U.S. Department of Justice's Violence Against Women Office. With resources from this grant, the Borough President's Office has formed an advisory committee that will initiate domestic violence awareness projects. Grant funds are also used to staff the court part, and

to enable Sanctuary for Families, a non-profit organization dedicated to meeting the needs of victims of domestic violence, to provide legal and other services to crime victims.

The following cases illustrate two different ways in which the IDV part resolved cases. The cases show how placing related matters before a single judge facilitates the identification and resolution of family matters. In the first case, a wife needed protection from a husband who was threatening her. In the second case, which involved children, the solution did not require a Criminal Court conviction. In some cases Criminal Court convictions may not be the most desirable outcome.

### **Guilty Plea Obtained In IDV Court Part**

In October 2001 Jane filed a Family Court case against her husband, 37-year-old John (pseudonyms), alleging abuse. Jane was granted a temporary order of protection. In November 2001 John menaced Jane with a gun and was arrested for violating the order of protection. Within

one month the case was sent to the Integrated Domestic Violence (IDV) court part. John pleaded guilty to the misdemeanor charge of criminal possession of a weapon in the fourth degree. In exchange for his plea, the Department of Probation would monitor John and his wife would be given an order of protec-

## Guilty Plea Obtained In IDV Court Part

*continued*

tion requiring that he stay away from her for three years. Because she received a three-year order of protection on the Criminal Court case, Jane agreed to dismiss the Family Court case.

Seven months later, on June 14, 2002, John violated the Criminal Court order of protection by going to Jane's workplace and threatening her with a knife. He was arrested again, and this new

case was sent to the IDV part because his prior case had been resolved there. The IDV judge deciding the case was already familiar with the parties and their history. Within one month in the IDV part, John pleaded guilty to the misdemeanor charge of criminal contempt in the second degree and received a sentence of six months in jail. His wife was given a new three-year order of protection. ♦

## The Same Court Part, But a Different Outcome

In September 2001 Maria obtained a temporary order of protection from Family Court against her 33-year-old, common-law husband, Jeff (pseudonyms). The order of protection required that Jeff stay away from Maria. In July 2002 Jeff went to Maria's house and verbally harassed her. Jeff was angry because he wanted to see their children.

Jeff was arrested for criminal contempt in the second degree. Both the Family Court case and the Criminal Court case were sent to the IDV part. Maria did not want Jeff to go to jail, but

she did want an order of protection. In November 2002, with Maria's consent, the criminal contempt case against Jeff was dismissed. In January 2003 Jeff filed a request in the IDV part for visitation with his children. By the end of the month, the parties had worked out a consent agreement for visitation.

Jeff had never been arrested before this incident and has not been arrested since. While the criminal case did not result in a conviction, the arrest did lead to a resolution of important family matters. ♦

## URBAN HIGH CRIME NEIGHBORHOOD INITIATIVE

The Bronx District Attorney's Crime Victims Assistance Unit (CVAU) provides comprehensive services to crime victims. The location of the unit, in the District Attorney's Office on 161st Street in

the South Bronx, is generally convenient because of its proximity to the courts. But for some crime victims who reside in the northern end of the county, transportation is a problem.

In September 2002, this Office received a one-year planning grant from the federal government for an innova-

tive project to bring services closer to victims in Community District 12. Under this Urban High Crime Neighborhood Initiative, the District Attorney's Office will work with representatives from law enforcement, schools, hospitals, faith-based organizations, local media, local government, youth services, child welfare and com-

munity-based organizations to identify the needs of the community and develop an implementation plan to provide services in the community.

The Project Director (who is the CVAU Director) has assembled an Advisory Committee composed of representatives from these organizations and from the community at large. The Advisory Committee meets regularly and,

in collaboration with the District Attorney's staff, will develop and conduct a needs assessment to determine the best use of limited resources during the implementation phase of the project. Assessment results will guide the project by tailoring the type of services and the logistics of their delivery to the needs of the community.

Although the specific services and location have yet to be determined, the initial plan is to open a satellite office that will provide services similar to those offered at the District Attorney's Office. The Advisory Committee is currently developing a referral network linking service providers in the community for those services that cannot be provided by CVAU staff.

## **BRONX DISTRICT ATTORNEY'S GANG INITIATIVE**

Despite the decline in violent crime in 2002, shooting incidents in the Bronx increased nearly 15% over 2001. In response to the growing violence, this Office launched a Gang Initiative that brings representatives of bureaus throughout the Office together through periodic meetings to discuss cases and strategies. Intelligence is shared across office divisions. This approach to gang-

related criminal activity encourages communication and coordination of prosecutorial efforts. A liaison with the NYC Department of Correction provides further gang intelligence.

Gang Initiative meetings are led by a member of the District Attorney's executive staff and by an assistant district attorney who is the Office's Director of Gang Prosecutions. Gang-related cases may be prosecuted by assistants of the various bureaus that participate in the Gang Initiative, such as Narcotics, Rackets,

Major Case/ Housing Task Force, Criminal Court, Grand Jury/Evaluation, Trial Division, and Domestic Violence/Sex Offense. The Office's Detective Squad and Detective Investigators also participate in the Initiative. A computer program is used to collect information on gang-related incidents and defendants. The Gang Initiative provides mechanisms to coordinate a response to gang-related crime in the Bronx.

### **The Adams Place Boys**

Beginning in 1996, the NYPD received numerous complaints and made numerous arrests on Adams Place, a block in the Bronx composed of residential buildings, private homes and a house of worship. The majority of the complaints were directly related to the sale of narcotics.

In 2001 the Bronx District Attorney's Gang Unit and the NYPD's 48th Precinct and Bronx Narcotics initiated a joint investigation into narcotics

activity on Adams Place. This investigation identified the individuals responsible for the majority of the crimes committed within this target area, who proved to be members of a group who called themselves the "Adams Boys." Their leader was 25-year-old Pablo (pseudonym).

The Adams Boys operated a profitable and sophisticated narcotics business which produced an estimated \$10,000 in weekly profits. The Adams Boys processed and sold crack cocaine mostly in white or green bags for \$5 or \$10 to street cus-

## The Adams Place Boys

*continued*

tomers. They used violence and threats of violence to protect their interests and turf. They provided legal representation and bail money when gang members were arrested. Managers distributed the crack and collected payments.

Police initiated a sting operation when an informant provided information about the gang and explained that his life was at risk. Pablo was arrested when he arrived for a meeting with the informant at a local restaurant, armed with two semi-automatic handguns, a .45 Caliber Sig Sauer and a .40 Caliber Glock. Subsequent ballistics tests revealed that these same guns had been used in three attempted murders of rival drug dealers. During the course of this arrest, a search warrant was obtained for Pablo's apartment. The execution of the search warrant produced two additional semi-automatic handguns, a large amount of ammunition and drug paraphernalia. Pablo's

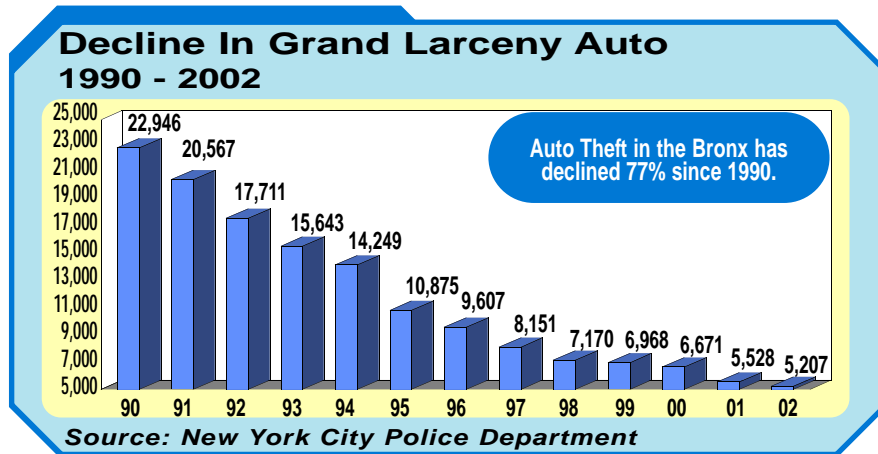
common-law wife was also subsequently arrested for endangering the welfare of a child because of the presence of loaded weapons and drug paraphernalia in the home with young children.

These two arrests led to a historical conspiracy prosecution case that successfully shut down this narcotics trafficking operation. A historical conspiracy case allows the prosecution to introduce evidence of past crime (in this case from January 1996 to June 2002) to establish a continuing course of conduct. In June 2002 a 50-count indictment was brought against seven defendants. This was the first use of such a historical conspiracy case in Bronx County. The charges included such crimes as attempted murder, gun possession, narcotics trafficking and conspiracy.

Two street-level "pitchers" have pleaded guilty to conspiracy in the fourth degree. Cases against the other defendants are still pending. Narcotics activity on the block has abated. ♦

## AUTO CRIME INITIATIVES

The Office of the Bronx District Attorney has operated the Bronx Anti-Auto Theft Program since 1995. The program, which has been supported with resources provided by yearly grants from New York State, was designed to increase the number of successful prosecutions of defendants charged with grand larceny of a motor vehicle, criminal possession of stolen property, illegal possession of a vehicle identification number, auto stripping and/or unauthorized use of a vehicle. It was also expected to result in an increased number of stolen cars recovered pursuant to arrests made and/or search warrants executed. In 2002 detectives recovered



185 vehicles, with a total value of more than \$3.3 million. In the last few years, the program has been expanded to include document and insurance fraud.

In 1999 the effort was expanded to include night-time surveillance and investigations of auto-related crimes. This

expansion was made possible through a grant from the New York State Motor Vehicle Theft and Insurance Fraud Prevention Board, which provides funds for equipment that enables detectives to conduct surveillance operations at night (or in other low-light conditions).

## He Says He's Homeless but Drives a 2000 BMW 740i

A silver 2000 BMW 740i, valued at \$38,000, was stolen from the 13th Precinct in Manhattan on May 3, 2002. Two months later, on July 11th, an officer from the 49th Precinct in the Bronx observed a double-parked, silver BMW, ran the license plate, and determined the car had been stolen. As the officer watched, two individuals entered the car and drove away.

When the officer stopped the car, the driver said the car was not stolen, and belonged to his mother. He also said he was homeless and his name was David Davis. The officer told Mr. Davis that the car had indeed been stolen,

and that he could be charged with giving the officer false information. The 25-year-old Mr. Davis then told the officer that his name was Ron Stewart, he knew the car was stolen, and he had bought it for \$200.

Davis/Stewart was arrested and charged with criminal possession of stolen property and other felony charges. He had a history of arrests involving cars and had already served time in state prison. On July 18th, Davis/Stewart pleaded guilty to criminal possession of stolen property. He was sentenced to serve three years in prison and must serve at least 18 months before he will be eligible for parole. ♦

## ELDER ABUSE

"Elder abuse" can take many forms, including neglect or abuse of a physical, financial, psychological, emotional or sexual nature. Although anyone can be a victim of crime, age may render victims physically weak, physically or emotionally isolated or mentally disabled.

These conditions make the criminal justice system more difficult to negotiate and increase the trauma of victimization.

In 2000 the District Attorney hired an Elder Abuse Coordinator to serve as a liaison among the bureaus and units of the Office, obtain services from outside agencies for elderly victims and serve as a resource for

educating the community. The Coordinator, who improves services to victims while facilitating the legal process, is the first point of contact for elder abuse victims referred to the Office. In 2002 the Coordinator handled over 200 calls regarding suspected elder abuse and neglect.

## Elder Abuse in a Family

Twenty-nine-year-old Julian Millan lived with his 70-year-old mother, Lillian (pseudonym). For 13 months between February 2001 and March 2002, Millan demanded approximately \$100 per month from Lillian. These demands occurred after Lillian cashed her SSI benefit checks. There was a history of domestic violence in the relationship; on a prior occasion

Millan had broken his mother's nose.

Lillian felt bad about pressing charges, but she wanted her son to get help. A concerned neighbor assisted Lillian by bringing her to the District Attorney's Office.

On April 5, 2002, Millan pleaded guilty to the misdemeanor crime of criminal contempt in the second degree. He was sentenced on June 6 to a conditional

## Elder Abuse in a Family

*continued*

discharge and placement in a program to treat mental health and drug dependency problems. In addition, a full permanent order of protection was issued to prevent continuation of the abuse.

This case illustrates how the criminal justice system ultimately provided the nec-

essary therapeutic remedy for this family. The resolution to the case provided the protection Lillian needed, and she was able to make connections with social service agencies. Millan received the inpatient residential rehabilitation he needed. ♦

## Financial Elder Abuse

Between approximately May 1, 2001, and February 18, 2002, twenty-nine-year-old Raquel Sanchez fraudulently used the personal and credit information of both her mother-in-law, Janet, and an elderly, retired school teacher, Verona (pseudonyms). Both Janet and Verona were in their seventies. Sanchez met and befriended Verona while buying Lotto tickets. Sanchez submitted credit card applications and received and used credit cards in the names of both Verona and Janet without their knowledge or permission. Using other people's good credit, Sanchez racked up more than \$40,000 in American Express, Mastercard and Optima credit card purchases on fraudulently opened accounts.

Sanchez, who worked at a car dealer-

ship, also co-signed a loan for the purchase of a \$53,628 General Motors sport utility vehicle by forging Verona's name on a loan application and insurance papers.

On July 25, 2002, Sanchez pleaded guilty to three counts of grand larceny in the third degree and one count of forgery in the second degree. On September 5, 2002, Sanchez was sentenced to five years probation with the special condition that she receive court-ordered psychiatric intervention monitored by the Department of Probation. In addition, permanent orders of protection were issued against Sanchez in favor of Verona and Janet. Finally, Court Orders of Restitution by Civil Judgment were issued for each of the credit card companies in the amounts charged by the defendant. ♦

In 1998 the Bronx District Attorney formed an elder abuse committee to develop strategies to enhance prosecution in elder abuse cases and to increase the coordination of services to elderly victims. The committee is comprised of staff from the Arson/Economic Crime Bureau, Domestic Violence/Sex Offense Bureau, the Community Affairs Unit and the Crime Victims Assistance Unit. As an

outgrowth of this committee, an Elder Abuse Multidisciplinary Task Force was created in 2002. The complexities of elder mistreatment and neglect necessitate a comprehensive, multidisciplinary approach. The Task Force is co-chaired by the Elder Abuse Coordinator at the Bronx District Attorney's Office; the Assistant Director of ElderServe, the Community Services Division of the

Hebrew Home for the Aged at Riverdale; and the Bronx Borough Director of Adult Protective Services. This bimonthly gathering of law enforcement, social service, healthcare, financial, business, governmental and private agencies enables the sharing of expertise and facilitates the coordination of efforts to prevent, investigate and remedy the abuse of our most vulnerable seniors.

## PROJECT SAFE NEIGHBORHOODS

Project Safe Neighborhoods (PSN) was introduced in January 2002 as a national strategy designed to reduce gun violence in America through the combined efforts of local police and prosecutors, the U.S. Attorney's Office and the federal Bureau of Alcohol, Tobacco and Firearms (ATF). Under this grant program, the Bronx District Attorney is collaborating with the U.S. Attorney for the Southern District of New York to reduce the number of illegal guns on the streets of the Bronx.

As part of this effort, defendants charged with either illegal sale or possession of guns are interviewed. A Detective Investigator and an assistant district attorney debrief such defendants in an effort to



**Joint District Attorney - Federal Investigations Result in Gun Seizures and Prosecution of Traffickers**

obtain information that will form the basis for long-term investigations of weapons trafficking and the issuance of search warrants for the seizure of weapons. This

effort is further enhanced with state funding, which provides resources to conduct complex sting operations and purchase illegal guns.

### Long-Term Investigation Stops Gun Smugglers

A recent long-term gun investigation resulted in the arrest of three defendants and prevented additional guns from being brought into the Bronx. The investigation began when an undercover detective from the Firearms Investigations Unit of the New York City Police Department learned of an individual's interest in selling guns. In December 2001 the detective bought a .45 caliber semi-automatic pistol for \$1,350 from Naashan Wauchope, who was handed the gun by Sean (pseudonym) immediately prior to the sale. Over the next two months, the undercover bought 25 guns in five separate transactions for a total of \$10,100.

In late February 2002 the three defendants traveled to Arizona where they rented a minivan. One of the trio, 27-year-old Latoya Collins, obtained an Arizona state ID card using a false address. She then purchased thirty-three .22 caliber semi-automatic pistols from two gun shops in the Phoenix area. On March 3, 2002, the three defendants were stopped by a New Mexico State Police Officer for speeding. A search of the vehicle produced 31 of the 33 guns Collins had purchased in Arizona.

Although the guns were seized for suspected firearms trafficking, the defendants were released because in New Mexico the possession of even 31 guns is not against the law. Two days later, on March 5, 2002, the remaining two guns were sold to the undercover detective in the Bronx. The investigation widened from gun trafficking to drug dealing on March 15, 2002, when the undercover bought 28 pills of the drug ecstasy from Wauchope. That same day, all three defendants were arrested.

On April 4, 2002, Collins pleaded guilty to attempted criminal sale of a firearm in the third degree. This arrest was Collins' first offense. On May 22, 2002, she received a sentence of six months in jail and five years of intensive supervised probation. Wauchope and Sean, who were 23- and 27-years-old at the time of the illegal gun transactions, were charged with criminal sale of a firearm in the first degree, a class B felony. Wauchope subsequently pleaded guilty to eight counts of gun trafficking and one charge of drug possession. He faces a sentence of 12 years in prison. Sean is awaiting trial. ♦

In its efforts to eradicate gun violence, this Office will continue to cooperate with the U.S. Attorney to determine whether a particular case is best prosecuted in state or federal court. Defendants with prior domestic violence convictions can be prosecuted federally. Defendants who are over the age of 18 and either have entered the country illegally or have a prior felony conviction are eligible for federal prosecution in gun cases. Furthermore, if a gun has been defaced to thwart its identification, the defendant can be prosecuted federally even without a prior conviction. Under these conditions, when convicted in federal court, gun violators receive stiffer prison sentences than they would for the same conviction in state court.

### **MULTIDISCIPLINARY TEAM ON CHILD PHYSICAL AND SEXUAL ABUSE**

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The Multidisciplinary Team is a coalition of representatives from the Office of the Bronx District Attorney, Bronx hospitals, mental health service providers, school districts, the Administration for Children Services, the New York City Corporation Counsel, the NYPD and the Juvenile Rights Division of the Legal Aid Society. Its purpose is to improve communication among participating agencies and coordinate their involvement in child abuse cases. The pri-

mary benefit of this multidisciplinary approach is the minimization of system-induced trauma to the victim. The Multidisciplinary Team assists hospital personnel in identifying and treating victims of child abuse, and acts as a network for further referrals.

This team approach affords a number of benefits. First, it enhances the quality of evidence available to all participants by affording them the opportunity to be present to ask questions at the victim's first interview. Second, it minimizes the additional trauma to the victim who, if subjected to repeated interviews, must revisit incidents that may have been emotionally devastating. Third, it avoids problems associated with having victims repeat their stories, such as details forgotten or inadvertently omitted, and having victims becoming tired and uncooperative. In 2002, members of the Multidisciplinary Team reviewed over 1,500 cases and conducted approximately 250 joint interviews. Through its participation in the Multidisciplinary Team, the Office has significantly improved its ability to prosecute child abusers effectively while addressing the needs of child abuse victims.

### **INTERNET CRIMES AGAINST CHILDREN**

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Ever-increasing access to computers and the internet opens doors for both children and adults

to acquire a wealth of information without ever having to leave their homes. Unfortunately, however, the availability of this technology may also give sexual predators access to our children. According to the U.S. Census 2000, there are close to 400,000 Bronx residents who are under the age of 18. Many of them use computers daily.

In 2001 this Office received a federal grant to establish an Internet Crimes Against Children (ICAC) Investigative Satellite initiative. Through this program, detectives and assistant district attorneys have developed excellent contacts in the law enforcement community with whom they share ideas and expertise. The agencies include the New York State ICAC Task Force, New York Attorney General, numerous District Attorneys' Offices, the New York State District Attorneys Association, U.S. Customs, the Federal Bureau of Investigation and the U.S. Secret Service. In addition, members of the Satellite Task Force are members of numerous other Task Forces and Committees dedicated to the investigation and prosecution of internet crimes against children.

As a result of this investigative work, a number of defendants have been prosecuted for internet crimes against Bronx children, including the defendant in the case presented below.

### ***School guard guilty on perv rap***

*New York Post, November 1, 2002*

On October 15, 2002, Ben Auerbach, a 47-year-old School Safety Officer, went to meet a 13-year-old girl at her home, expecting to have sexual relations with her. Instead, he met detectives from the Bronx District Attorney's Office who arrested him.

In late September 2002, using the screen name "Hotrod 1047," Auerbach began a series of Internet conversations with someone he believed to be a 13-year-old girl. But the girl he met in a chat room called "I Like Older Men" was really a detective. After a number of conversations, Auerbach told the "girl" he wanted to have sexual relations with her and described the specific sexual acts he would like to perform. He proposed a date and arranged to

meet her at her home. There he was arrested and charged with attempted rape in the second degree and attempted disseminating indecent materials to minors, both felonies. At the time of the arrest, Auerbach had four condoms in his possession.

On October 31st, Auerbach pleaded guilty to one count of attempted disseminating indecent materials to minors. On December 10th he was sentenced to serve six months jail followed by 4½ years probation. In addition, Auerbach was required to register as a level one sex offender.

The arrest and prosecution were the result of an ongoing effort of the Bronx District Attorney's Internet Crimes Against Children Task Force Satellite Initiative, which is funded by the US Department of Justice. ♦

### **JOINT TRAINING PROGRAM WITH THE NYPD**

In January 2002 the Office launched the BXDA/NYPD Joint Training Program. This is a monthly program conducted in the Litigation Training Unit of the Office of the Bronx District Attorney. The faculty is comprised of a group of experienced attorneys designated to teach specific topics. During each session approximately 30 - 35 uniformed members of the New York City Police Department are trained together with approximately ten assistant district attorneys.

The experience level of the police and attorneys vary. There are

usually two patrol officers per precinct and two Bronx Task Force officers, plus officers from specialized units and a Precinct Training Sergeant. The attorneys are from various prosecution bureaus and usually have one to two and one-half years of experience.

The purpose of the program is to educate and promote an open discussion on criminal law and procedural issues and to keep communication open between the two law enforcement agencies. This will help both agencies to better serve the public and the criminal justice system.

The basic core of program topics is (1) New York Law, including search and seizure, identifica-

tion and statement evidence, (2) Complaint Room Procedures, (3) Domestic Violence Issues and (4) Case Preparation and Presentation.

### **COLLABORATION WITH THE AMERICAN RED CROSS AND THE MANHATTAN DISTRICT ATTORNEY'S OFFICE**

Following the tragedy of September 11, 2001, the outpouring of both financial and emotional support was uplifting to a grieving nation and city. Unfortunately, however, some people tried to profit from what they saw as easy money.

## Trying to Profit from the Nation's Tragedy

Early in 2002 the American Red Cross contacted this Office for assistance with individuals cashing or attempting to cash disaster relief checks. In late February and March 2002, eight individuals were arrested for cashing or attempting to cash counterfeit American Red Cross disaster relief checks in Bronx County. All eight defendants were charged with criminal possession of a forged instrument in the second degree, a class D felony. They all pleaded guilty and were ordered to pay restitution in the amount of the cashed checks.

During the course of the investigation of the Bronx cases, the assistant district attorney prosecuting the cases learned that one defendant, Isata Pearson, was also known as Alia Thomas. Using the name Thomas, the defendant had cashed other relief checks in Manhattan. In cooperation with the Manhattan District Attorney's Office, the prosecutor arranged for a member of the Bronx District Attorney's Detective Squad to arrest Pearson/Thomas

as she emerged from Bronx Supreme Court Part A on May 7, 2002 following her arraignment on the Bronx charges.

The detective took Pearson/Thomas to Manhattan, where she was indicted for applying for 9-11 World Trade Center disaster relief. The basis for her application was that she had lost her job at the "Century 21" department store because of 9-11. Pearson/Thomas had never worked at Century 21 and submitted a forged employee identification card as documentation.

On August 15, 2002, Pearson/Thomas pleaded guilty to criminal possession of a forged instrument in the second degree in the Bronx case and received a sentence of "time served." Because the check cashing establishment had refused to cash the check, there was no restitution.

Pearson/Thomas was not so lucky in the Manhattan case. On September 4, 2002, she pleaded guilty in New York Supreme Court to forgery in the second degree, and on October 15th, she was sentenced to one year in jail. ♦

# Community Outreach

Community residents and business people often serve as the “glue” that holds together collaborative efforts among public and private sector agencies and enhances each group’s efficacy in preventing crime and improving quality of life. The Bronx District Attorney and his staff actively participate in a variety of programs and community activities to better serve the residents of the county.

In these collaborations the Community Affairs Unit often serves as a liaison between the District Attorney and the residents of Bronx County. Staff from the unit attend community meetings, and the unit provides speakers and tours of the courts, offers educational programs, participates in interagency committees, and interacts regularly with community residents, neighborhood leaders and others. The unit also keeps residents informed of the status of a case as it progresses through the criminal justice system.

The Office’s programs are coordinated by the unit, but volunteers from both legal and support staff are needed to implement them. These individuals use their own time, often during evenings and weekends, to work with the Bronx community.

The programs highlighted below represent only a sample of



“Read to Me” Celebration at P.S. 205

those offered by the Office. Some of the other programs, such as the Elder Abuse Initiative and Operation Weed & Seed, are discussed elsewhere in this report. Still other programs have been in existence for a number of years and are described on the Office’s web site: [www.bronxda.net](http://www.bronxda.net).

## ASK THE BRONX D.A.

*Ask the Bronx D.A.*, a show co-hosted by the District Attorney and Bronxnet’s Melanie Torres, is a 12-part series that serves to educate Bronx residents about the criminal justice system. The show was created as part of an outreach effort to educate the public on matters of concern ranging from on-the-street drug sales to elder

abuse. Each show is a half-hour long and deals with a particular topic. People from the community are invited to ask the D.A. and his staff various questions related to that topic. Topics of discussion thus far have focused on: Economic Crime, Quality of Life, Domestic Violence, Narcotics, Community Outreach, Elder Abuse, Homicide Survivors, The Abandoned Baby Protection Act and the Bronx Multidisciplinary Team on Child Abuse.

## PROJECT JUMP

Sophomores, juniors and seniors from the Law, Justice and Public Service Academy at Theodore Roosevelt High School are matched with volunteers from

the Bronx District Attorney's Office on a one-to-one basis. Mentors provide much needed support and inspiration to students making their way through school. Traveling to the Bronx District Attorney's Office to meet with their mentors allows students to experience the mentors' work environment and learn about the functioning of the criminal justice system. Fifty mentor/mentee pairs were matched in 2002.

#### TOURS AND SPEAKERS

The Community Affairs Unit coordinates requests for tours and speakers. Assistant district attorneys address community, religious, civic and student groups regarding the criminal justice system. Speakers discuss a variety of issues of interest to the community. In addition, assistant district attorneys are available to conduct tours of the courthouses and explain how a case proceeds through the criminal justice system.

#### STUDENTS TOGETHER AVOIDING RISK (STAR)

The STAR program uses a multi-faceted approach to battling narcotics and violence. Trained staff at the District Attorney's Office participate in a three-part community outreach program for 5th and 6th grade children and their parents. This program pro-

vides age-appropriate information on the negative effects of gangs, gun violence and drugs. The program also provides information on the people and operations of the District Attorney's Office and the criminal justice system. Over 700 students participated in the STAR program in 2002.

#### THE BRONX HIGH SCHOOL FOR LAW, GOVERNMENT AND JUSTICE CAREER EXPLORATION PROGRAM

Once a week for four weeks, 10th grade students from the Bronx High School for Law, Government and Justice travel to the Bronx District Attorney's Office to participate in modules designed to give an overview of the Office's various bureaus and units. The students record their observations in a journal which is reviewed by a coordinator. The students are also encouraged to share their experiences.

#### YOUTH TRIAL ADVOCACY PROGRAM

The Bronx District Attorney's Office Youth Trial Advocacy Program (YTAP) provides motivated students with an opportunity to explore a career in law. Students meet with assistant district attorneys to discuss legal careers and the criminal justice system. Students are then divided into teams, with an assistant district attorney serving as a coach or mentor. Each team learns how to develop advocacy skills and debating techniques. Students then test their newly acquired skills in a moot court competition. At the end of the program, every student is awarded a certificate marking successful participation in the program.

#### PEOPLE'S COURT PROGRAM (P.S. 156)

Elementary school students from P.S. 156 travel to the Bronx District Attorney's Office



**District Attorney Johnson Speaks to Children from Middle School 80**



*“Workshops such as*

*‘After the Arrest,’  
‘You Be the Judge’  
and  
‘Gang Awareness’*

*have been developed  
to inform citizens  
about issues...”*

**- Photo by David Greene**

to participate in mock trials. Incidents violating school rules are brought before the mock court and the children act as defense counsel, prosecutor and court officers. With the assistance of assistant district attorneys, the students learn how trials are prepared and conducted. The program also assists the students by helping them to develop effective communication skills while learning more about the complexities of the judicial system.

### THE ADULT WORKSHOP SERIES

The series provides the District Attorney's Office with an avenue to educate Bronx residents about various issues related to the criminal justice system. Workshops such as "After the Arrest," "You Be the Judge" and "Gang Awareness" have been developed to inform citizens about issues such as criminal court arraignment,

trial procedures and the presence of gangs in our schools and neighborhoods. Staff are currently developing new workshops on "Safeguarding your Child on the Internet" and "Court Monitoring."

### PRECINCT COUNCIL REPRESENTATIVES

There are 12 precinct community councils in the Bronx that meet on a monthly basis. Twelve assistant dis-

trict attorneys have volunteered to attend these meetings. These representatives assure that the District Attorney is kept informed about issues of significance to the community.

### SPECIAL PROJECTS

The Community Affairs Unit also implements several special events and programs throughout the year to address various community needs. Special programs are developed with community organizations to afford various segments of the Bronx community an opportunity to interact with the Bronx District Attorney and his staff.

### CLOTHES-LINE PROJECT

Each year since 1996, the Bronx District Attorney's Crime Victims Assistance Unit collaborated with a coalition of crime victims advocates and service organizations to create and organize the annual Bronx Clothes-Line Project. The



**"You be the Judge" Workshop**

Clothes-Line Project is a display of t-shirts designed by survivors of crime to break the silence surrounding their victimization and make their voices heard by others who support them in their struggle for healing. Each shirt symbolizes pain, survival, healing and empowerment, and provides a window into the life of a victim who survived violence or died as a result of it. The messages on the shirts are individualized – some poetic, some plaintive – allowing the artists to express their feelings in their own way.

In the aftermath of September 11th, the theme for 2002 was “Bringing Honor to Victims.” This theme is reflective of the country’s heightened awareness of the harsh and tragic impact of crime on victims, while underscoring the critical



importance of helping victims rebuild their lives.

District Attorney Robert Johnson said, “This exhibit is a poignant reminder that news headlines and crime statistics are about tragic and painful events in the lives

of real people. It puts a human face on our continuing efforts to combat crime and certainly should increase everyone’s respect for the courage and tenacity of those who manage to survive the often brutal criminal conduct of others.”