

◆ OFFICE OF THE ◆
BRONX COUNTY DISTRICT ATTORNEY
ANNUAL REPORT 2006



Robert T. Johnson
District Attorney

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Robert T. Johnson,
Bronx County District Attorney

District Attorney's Message

“...my Office fought crime through a strategy which included vigorous prosecution combined with innovative rehabilitative programs, anti-crime education, and community outreach.”

In 2006, there was again good news regarding crime in the Bronx. In contrast to the national trend of increasing violent crime, crime in the Bronx generally continued to decrease. Crime complaints for index crimes decreased by some 4% from 2005. Rape and burglary complaints each declined by 7%, while grand larceny auto crime declined by 16%. However, there was an increase in homicide, and although the actual number (153) remains very low by historic standards, this nevertheless highlights the need for continued vigilance and even greater effort.

In 2006, we prosecuted 5,950 felony cases. As usual, there were some new approaches. One of these was the “cold case” conviction of a multiple murderer for a series of murders of young girls in the late 1980s through 1990, achieved by the use of new technology which has made it easier to match partial latent fingerprints. DNA advances

also made it possible to prosecute an eight year old case involving the rape of a child in Van Cortlandt Park, as well as more than 60 burglaries and robberies, which were solved by a new form of DNA database matching known as “Biotracks.”

Other efforts included an 18-month, multi-jurisdictional task force investigation which, among other things, involved the interception of 10,000 cellular telephone calls, and led to the indictment of 21 people who worked together to import kilos of heroin, cocaine, and marijuana from Arizona and Puerto Rico into the Bronx.

Finally, with regard to official corruption, former New York City Police Commissioner Bernard Kerik pleaded guilty to accepting improper gifts and failing to properly report loans and was sentenced to pay a fine of \$206,000 plus \$15,000 in civil penalties. In another case, six NYC Department of Correction employees, three of whom were Correction

Officers, were charged with accepting bribes to smuggle contraband into city jail facilities.

As in prior years, my Office fought crime through a strategy which included vigorous prosecution combined with innovative rehabilitative programs, anti-crime education, and community outreach. We continue to seek new tools to continue these efforts. For example, we are currently exploring the possibility of creating a Family Justice Center and a Child Advocacy Center to better address domestic violence and child abuse.

I remain confident that no matter what future challenges we face, we will continue to serve the people of the Bronx ably.

A handwritten signature in black ink that reads "R. T. Johnson". The signature is fluid and cursive.

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Crime Overview

REDUCTION IN CRIME

The news regarding crime in the Bronx in 2006 is again good –“NYC is Safest City as Crime Rises in U.S., FBI Says” (*Bloomberg.com*, June 12, 2006) and “Bronx crime drop contributes to NY’s Safest Big City designation” (*The Bronx Times*, September 28 - October 4, 2006). In contrast to the national trend of increasing violent crime reported by the FBI for 2005, crime in New York City and the Bronx has continued to decrease both in 2005 and 2006.

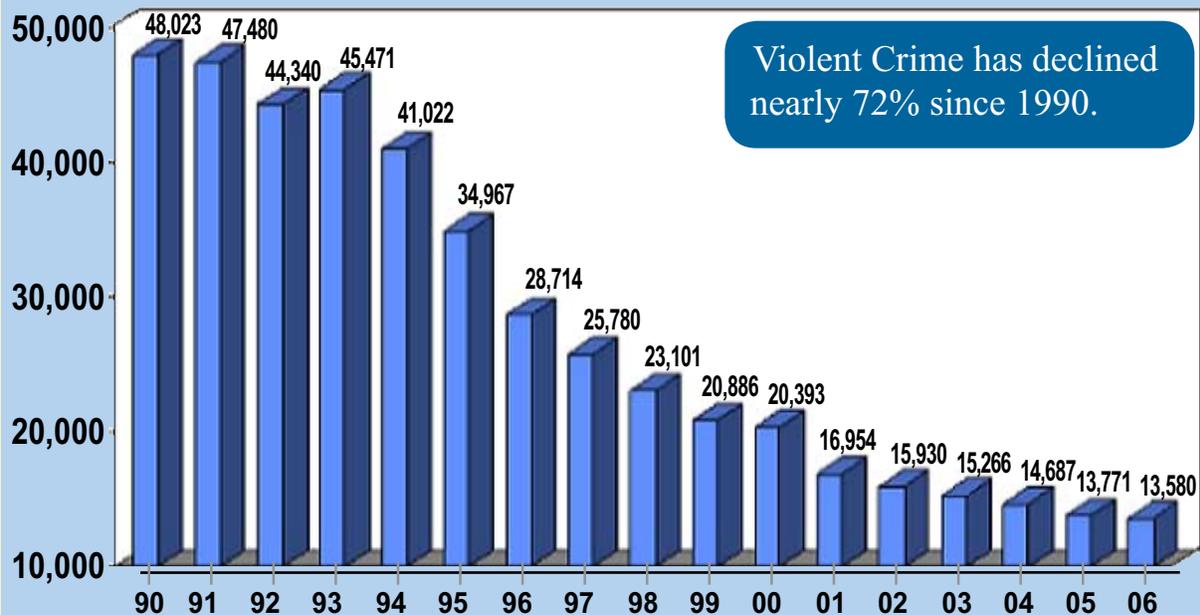
There is no question that violent crime has decreased sharply since 1990. In 2006 homicides remained near the historically low level they have been for the past few years. Other violent crimes, such as

rape and assault, continued to drop, contributing to a 72% decrease in violent crime since 1990.

In 2006 crime complaints for index crimes again decreased -- 4% from 2005. Rape and burglary

complaints each declined by 7%. The largest decrease (16%) was in grand larceny auto, contributing to an 85% decrease since 1990.

Violent Crime 1990 – 2006



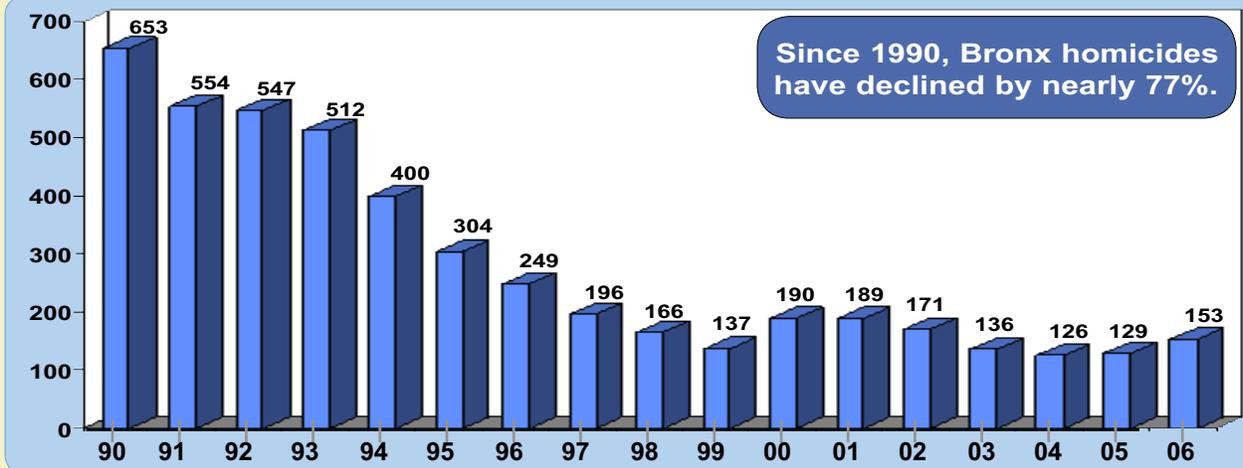
Source: New York City Police Department

Since 1990 the number of homicides in the Bronx has been reduced by 77%, from 653 in 1990

to 153 in 2006. For each of the past ten years, there have been fewer than 200 homicides in the Bronx.

The number of homicides remains at levels not seen since the 1960s.

Decline In Homicides 1990 - 2006



Since 1990, Bronx homicides have declined by nearly 77%.

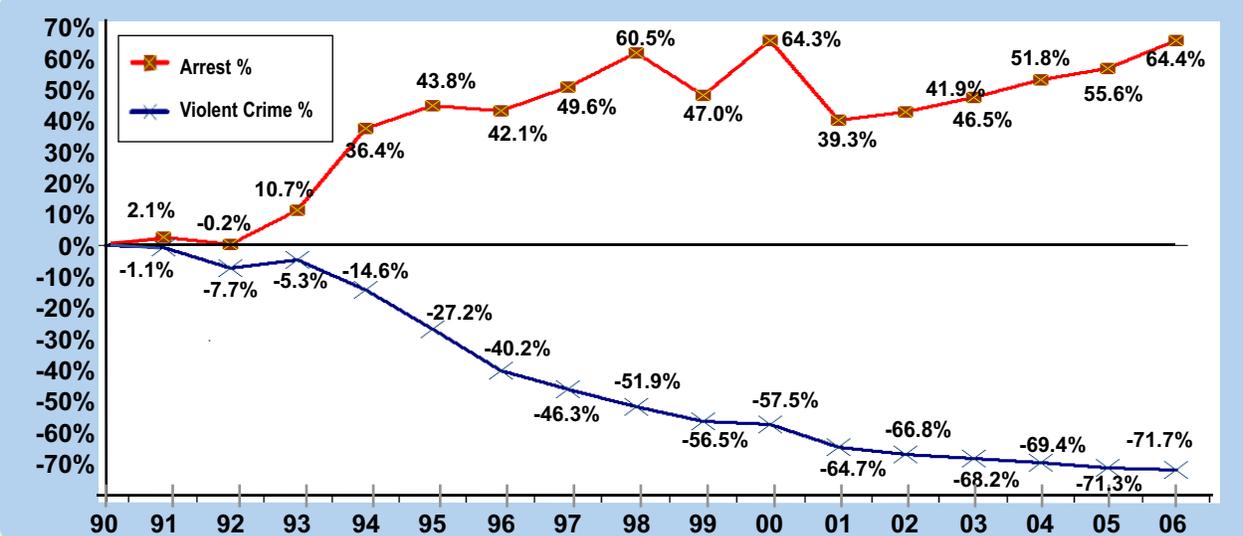
Source: New York City Police Department

Overall violent crime in the Bronx decreased every year between 1994 and 2006. In 2006, violent crime was 1% lower than in 2005

and 72% lower than in 1990. During the same period, arrests in the Bronx increased by 64%. Despite decreases in crime, increasing arrests and

diminishing resources create significant caseloads.

Bronx Reduction in Violent Crime v. Increase in Arrests Percentage Change from 1990 - 2006



Source: New York City Police Department

BRONX COUNTY'S HIGHER PROPORTION OF CITYWIDE VIOLENT CRIME

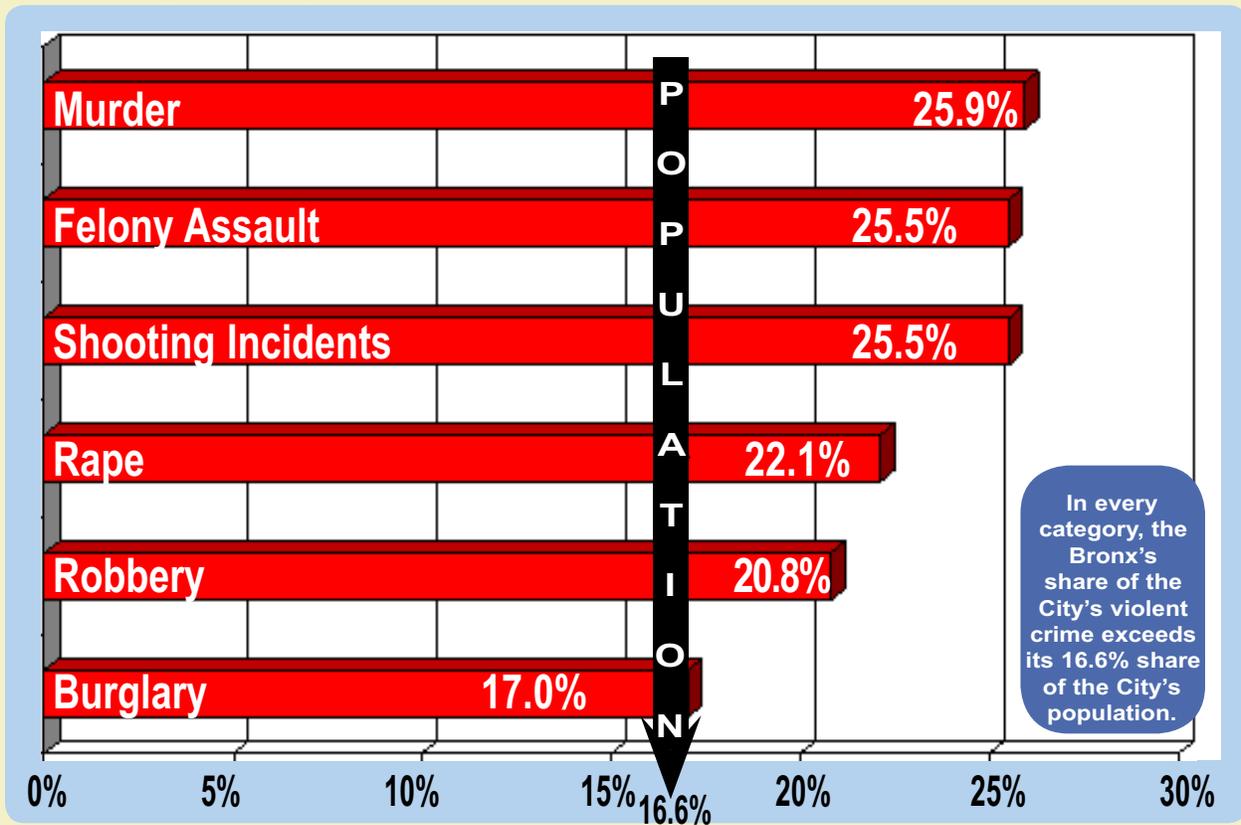
Although crime decreased in 2006 by more than 4% from 2005, some of the statistics are not so positive. *The New York Times* (September 29, 2006) reported, "Despite Continuing Decrease in Crime in the City, Troubling Signs Emerge." In the Bronx the most troubling of these is the spike in murders from 129 in 2005 to 153 in 2006.

In 2006 the Bronx experienced a disproportionately high

incidence of crime in relation 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) have 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 2006 the 153 murders in the Bronx constituted 26% of the citywide total. Bronx shooting incidents represented 26%

of such incidents citywide. More than one in four of the City's felony assaults and one in five of its rapes and robberies occurred in the Bronx, giving the county the highest incidence in New York City per 100,000 population of murder, rape, robbery and felonious assault. We are particularly concerned that in 2006 the number of shooting incidents in the Bronx rose another 2.5%, after a 17.8% increase in 2005. There is no question that we have made great strides in fighting crime, but work remains to be done.

Bronx Violent Crime 2006
Percentage of Citywide Violent Crime v. Population



Source: New York City Police Department

Prosecuting Crime

The Bronx District Attorney's Office prosecuted 5,950 felony-level defendants in 2006, a 3% increase over the 5,768 defendants prosecuted in 2005. Narcotics cases accounted for close to half the felony prosecutions in Bronx County.

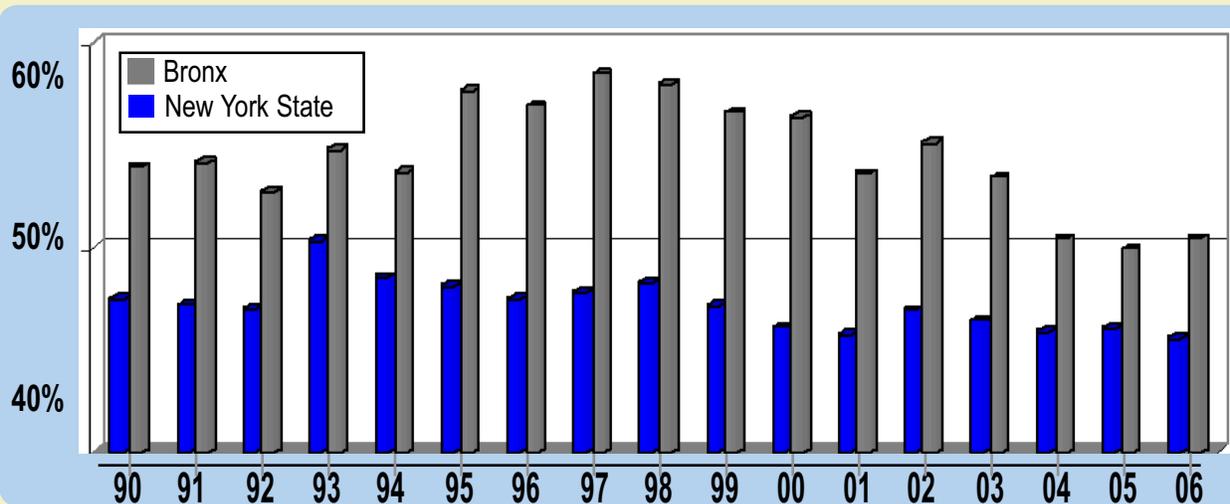
Bronx District Attorney's Office Felony Prosecutions: 2006



Source: Bronx District Attorney's Office

In each of the past 16 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 1990-2006



Source: NYS Department of Criminal Justice Services

VIOLENT CRIME

The rate of violent crime continued to decline in 2006; but however low the numbers, there are always crimes that shock us with their brutality. The four cases described here are homicides prosecuted in 2006, one involving a woman killed by a man on crack. Another case involves a domestic violence homicide in which a man killed the mother of his two children because he suspected her of cheating on him. The third case involves a brutal beating by six men of a 37-year old man. The fourth case illustrates how advances in technology enabled police to solve three “cold case” homicides.

Killer Evidence: DA counting on vid in slay trial

New York Post, 3/25/2006

Forty-nine-year-old Gregory Taylor and 41-year-old Ana Almono Fowler lived in a temporary housing facility for clients with HIV. They met on a staircase in the building when Taylor was on a four-day “crack” binge. He negotiated with Ms. Fowler to have sex in exchange for drugs and money.

The woman’s body was found on the roof five days later on May 11, 2004, during a routine inspection by the New York City Fire Department. She had a black plastic bag tied around her head. According to the Medical Examiner, the cause of death was blunt force impact to the head and compression of the chest and neck. She probably died from strangulation. However, the cause of death was unclear and there were no witnesses to her murder.

A New York City Police Department

detective and a Bronx assistant district attorney located a security video showing Taylor carrying the apparently lifeless body of the victim to the roof on May 6. The detective carefully interrogated Taylor, taking 17 increasingly incriminating statements. At trial, the assistant district attorney argued that the victim was probably alive but in a weakened state when she was taken to the roof.

The jury deliberated for about an hour before finding Taylor guilty of murder in the second degree on March 27, 2006. On April 21, 2006, Taylor was sentenced to 25-years-to-life imprisonment. Taylor is a career criminal who had three prior felony convictions for assault, robbery and witness intimidation. He admitted at sentencing that the prosecution was correct about how the murder took place.

Her dad gets life for hacking mom

New York Daily News, 5/18/2006

It should have been a happy time. Rafael Castro arrived in the Bronx from the Dominican Republic on April 23,

2003. He traveled with Martha and intended to marry her daughter, 21-year-old Rosa (pseudonyms). Castro and Rosa were the parents of two daughters.

Her dad gets life for hacking mom

New York Daily News, May 18, 2006, Continued

Twenty-four-year-old Castro suspected Rosa of cheating on him with another man. On May 13, 2004, Castro struck Rosa several times in the head and neck with a machete. When Martha returned home, she saw her fatally injured daughter. Castro then struck his future mother-in-law, now a witness to murder, in the head with the same machete, causing massive injuries. Castro remained in the apartment with his two children and their mother's body until the morning of May 14 when he took the 18-month-old baby to a neighbor and the seven-year-old to school. Castro then fled to the Dominican Republic. He eventually surrendered to authorities.

Neighbors called 911 and reported Rosa and Martha missing. Martha was left in the apartment for 37 hours before police arrived. NYPD's Emergency Service Unit

entered the apartment and found Rosa's body in the bathtub and Martha semi-conscious in the bedroom. Martha survived her injuries.

Castro's elder daughter wrote in a letter to the Court, "Sometimes I dream about seeing my grandmother with blood on her head. I also remember seeing my little sister with blood on her back. Me and my sister miss our mom . . ."

After less than a day of deliberation, the jury found Castro guilty of murder in the second degree for killing Rosa, attempted murder in the second degree for attacking Martha, and two counts of endangering the welfare of a child. On May 17, 2006, Castro was sentenced to 25-years-to-life imprisonment for murder and 25 consecutive years for attempted murder, for a total sentence of 50-years-to-life imprisonment.

Beaten to Death

On July 9, 2003, six people dragged 37-year-old Washington "Daniel" Rojas by his ankles out of his building. Rojas was wearing only boxer shorts. They circled, kicked and stomped him repeatedly in the courtyard. Nineteen-year-old Luis Pinales body-slammed Mr. Rojas. Seventeen-year-old Jacob (AKA Grande) Reyes put Mr. Rojas' head under his arm and, using his weight for momentum, slammed Mr. Rojas face-first into the pavement. The group then continued to kick and stomp Mr. Rojas as they dragged him to the gate of the courtyard. Mr. Rojas begged them not to hit him again. Twenty-one-year-old Raphael Quezada (AKA Mete), who

participated in the beating, responded that they would not hit him again, but then Reyes shattered a 40-ounce beer bottle over Mr. Rojas' head. Reyes laughed and pointed at the "old" man as he lay motionless on the ground.

The group dragged Mr. Rojas down the street to a light post. All six people circled Mr. Rojas and kicked and stomped on him. Reyes grabbed Mr. Rojas' head and struck it against the post at least five times. Sirens sounded and everyone scattered. Rojas got up and staggered, taking some of his final steps.

Although the deadly beating occurred just after midnight, a witness saw what happened at the light post.

Beaten to Death

Continued

“Freddy” lived in a first floor apartment and sold grilled cheese, beer, hot chocolate, and candies to this group who ran a drug-dealing operation. He watched the beating from his first floor window, and then from the roof of his building. The next day, Freddy came to the District Attorney’s Office to report what he had seen. Freddy was given a cell phone, and he notified police when he saw all six on a step. Detectives appeared shortly thereafter in uniform and were able to arrest three of the six. The other three remain unapprehended.

Freddy, feeling in danger for his life, was moved to Florida with his wife. He was attacked on the street there and told that “Mate had a message for him,” so he was moved to another state. He has not seen his wife or children since this incident.

While in jail awaiting trial, Reyes was arrested twice in 2004, once for punching a correction officer and another time for being in possession of a piece of metal, marijuana and tobacco. Jacob Reyes’ case was severed from that of Pinales and Quezada. The jury found Reyes, a predicate felony offender, guilty of manslaughter in the first degree on February 9, 2006. Reyes was sentenced on August 9, 2006, to 25 years in state prison. Shortly thereafter, he received another year, to be served concurrently, after pleading guilty to the felonies promoting prison contraband in the first degree and assault in the second degree.

The jury found both Quezada and Pinales guilty of manslaughter in the first degree on March 29, 2006. Quezada was sentenced to 20 years imprisonment on May 1, 2006, and Pinales was sentenced to 15 years imprisonment on May 25, 2006.

FINGER POINTS TO CRIME: New technology helps the NYPD nab murderers from cold cases

New York Daily News, 9/18/2005

James Johnson murdered three young girls during burglaries. The first of the three murders occurred on September 15, 1988, when a 13-year-old girl left her apartment to throw away garbage and was confronted by Johnson, who was then 20 years old. He had been on the roof smoking crack. He forced the girl back inside her apartment, tied her hands and feet and stabbed her numerous times. He ransacked and burglarized the apartment. The deceased victim was found by her sister when she returned from work.

More than two years later, on November 6, 1990, Johnson followed two

young women, 15 and 17 years old, into a building and forced his way into the younger girl’s apartment. The girls were bound and stabbed multiple times. A third young woman who witnessed the crime was able to escape.

A decade and a half later in July 2005, Johnson was charged and indicted for the murders as a result of partial fingerprints left at the murder scenes, advances in technology, and the persistence of NYPD detectives from the 43rd Precinct and the Latent Print Section. The defendant was identified by matching partial fingerprints collected in both apartments to Johnson through a computerized national

FINGER POINTS TO CRIME: New technology helps the

NYPD nab murderers from cold cases

New York Daily News, 9/18/2005, Continued

print database. The development of new technology has made it easier for investigators to match partial fingerprints with full fingerprints. When the evidence in the murder cases finally came together in 2005, Johnson was already in state prison serving time for an attempted robbery he had committed in 1995.

On December 6, 2006, Johnson pleaded guilty to three counts of murder in the second degree. He was sentenced to two concurrent 15-years-to-life and one consecutive 15-years-to-life sentences. Johnson is now 39 years old and must serve at least 30 years in state prison before becoming eligible for parole.

DRUG CRIME

Drug arrests have decreased in recent years, resulting in a reduction in both the number of felony drug prosecutions and the percentage of our caseload that these cases comprise. In 1996 drug cases accounted for more than 65% of the Office's felony-level defendants. In 2006, fewer than half of Bronx felony defendants were prosecuted on drug charges. Nevertheless, drug crime is still a very serious problem in the Bronx.

Operation Good Neighbor

Because local residents expressed concern over drug-dealing activity in the 46th Precinct, in May 2003 detectives from the New York City Police Department's Bronx Narcotics began a long-term undercover narcotics investigation. The operation ran through November 2003 and was nicknamed "Operation Good Neighbor." The operation involved the use of several undercover officers who purchased crack/cocaine, heroin and marijuana on over 50 occasions from a total of 27 dealers, many of whom operated as "drug crews."

One of the dealers caught in the operation was 19-year-old Jose Santana. He was involved in 10 sales of crack/cocaine to an undercover officer. The officer purchased \$100 worth of crack/cocaine directly from Santana or one of his "crew" members. These sales all took place within 1,000 feet of a local elementary school on Mt. Hope Place.

New York State law provides enhanced penalties for those who

sell drugs within 1,000 feet of school grounds. In November 2003, twenty-three drug dealers were arrested, including Santana and two juveniles. All of the drug dealers arrested in the operation were convicted, and an additional subject is currently in federal custody.

Following a two-week jury trial in Bronx Supreme Court, Santana was convicted of five counts of criminal sale of a controlled substance on or near school grounds. On February 23, 2006, he was sentenced to five concurrent terms of 10-20 years incarceration.

Despite his youth, Santana has a considerable criminal record. In addition to this case, Santana has two felony convictions and four misdemeanor convictions. He was first arrested in August 1998, four months before his 16th birthday, for committing a violent robbery against a 58-year-old victim. In addition, Santana was arrested twice while in jail for promoting prison contraband and assault.

Multiple Defendants Committing Multiple Crimes in Multiple Jurisdictions

A partnership among law enforcement agencies successfully ended a drug dealing operation. In this case at least 21 individuals worked together to bring drugs from Arizona and Puerto Rico to the Bronx for distribution in New York and Delaware. The Bronx County District Attorney's Office spearheaded this multi-jurisdictional and multi-agency investigation and prosecution of the cocaine, heroin, and marijuana distribution ring centered in and around Bronx County. This 18-month investigation was conducted primarily by Bronx assistant district attorneys and the Bronx County District Attorney's Office Detective Squad. The New York Office of the Drug Enforcement Administration (DEA) was also instrumental in the investigation. This drug ring imported kilos of cocaine, heroin, and marijuana from Arizona and Puerto Rico to the Bronx, and then distributed the drugs within New York State and Delaware.

The investigation culminated in the Spring of 2006 when a Bronx County Supreme Court Justice issued multiple warrants authorizing the interception of calls on 10 cellular telephones used by the drug gang. This phase of the investigation lasted more than three months, during which more than 10,000 telephone calls were intercepted and monitored. This telephonic evidence directly led to the seizure of three kilos of cocaine, more than 300 grams of heroin, more than 10 pounds of marijuana, and one handgun. Also as a result, the New York City Police Department apprehended in Phoenix, Arizona an associate of the drug gang who was wanted for murder in Manhattan.

A Bronx County grand jury issued multiple indictments charging a total of 21 men and women with conspiracy in the second degree and other related charges. Eighteen of the 21 defendants have been apprehended,

including all of the alleged ring leaders. Many of the defendants had previously been convicted of felonies in New York State.

Although the alleged leaders of the organization are awaiting trial, ten members of the organization with supporting roles have pleaded guilty.

- Ramon Arroyo, 26, attempted conspiracy in the second degree, sentenced to three-to-six years in prison.
- Luis Aponte, 30, conspiracy in the second degree, sentenced to five years probation.
- William Mejia, 32, conspiracy in the fourth degree, sentence pending.
- Melquisedec Carrero, 31, criminal possession of a controlled substance in the third degree, sentenced to 42 months in prison.
- Julio Cintron, 31, conspiracy in the fourth degree, sentenced to 18 months-to-three years in prison.
- Farrah Rodrigues, 27, attempted conspiracy in the second degree, sentenced to a conditional discharge.
- Myra Fuentes, 33, attempted conspiracy in the second degree, sentenced to five years probation.
- Gilberto Mantilla, 32, conspiracy in the second degree and criminal sale of a controlled substance in the second degree, sentence is pending.
- Luis Rivera, 46, conspiracy in the second degree, sentence is pending.
- Rey Rodriguez, 34, attempted conspiracy in the second degree, sentenced to three-to-six years incarceration.

The Bronx District Attorney's Office continues to work with the DEA in New York and Delaware and the Delaware State Police to enhance this investigation and prosecution further. The Pinal County Attorney in Arizona supplemented our prosecution by indicting a defendant for money laundering after he was found with another co-defendant in possession of \$250,000 cash on March 8, 2006.

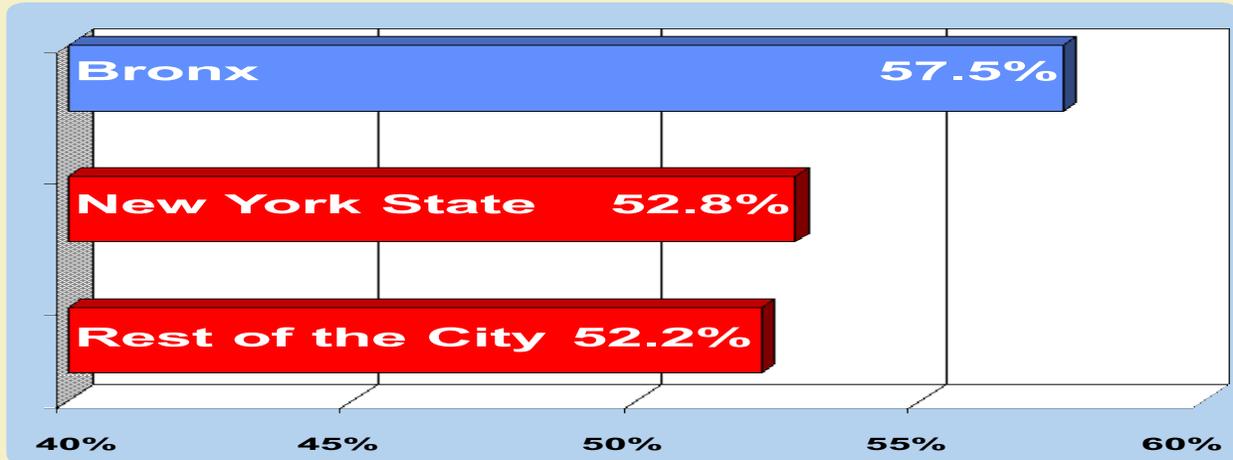
Over the past 17 years combined, nearly 58% of Bronx defendants convicted on felony drug charges were sentenced to state pris-

on, a higher proportion than that for either New York State (53%) or the rest of New York City (52%). This year, 58% of Bronx defendants con-

victed on felony drug charges were sentenced to state prison.

State Prison Sentences

Percentage of Narcotics Convictions from 1990-2006



Source: NYS Department of Criminal Justice Services

When people we trust to enforce the law, such as police or correctional officers, subvert it to their own advantage, the public's faith in government is undermined. Given the degree of power these officers exert, the issues of excessive force by and corruption among them are serious. While the vast majority of officers deserve the public's trust, the District Attorney vigorously prosecutes those who betray it.

The two cases presented below are very different in nature. The first case is the high profile case of former New York City Police Commissioner Bernard Kerik who admitted to accepting gifts from a contractor who was seeking to do business with the City and who admitted that he failed to disclose loans obtained from a real estate developer. The second involves a New York City Correction Officer who was convicted of receiving a bribe and attempting to sell narcotics to an inmate in the city jail on Rikers Island.

Admitting Free Work on Apartment, Kerik Pleads Guilty to Accepting Gift

The New York Times, 7/1/2006

The Bronx District Attorney's Office and the New York City Department of Investigation conducted a lengthy joint investigation into conduct by Bernard Kerik as a public official. The investigation was launched in December 2004 as a result of information that came to light following the defendant's decision to withdraw as President Bush's nominee as Secretary of the U.S. Department of Homeland Security.

As a result of the investigation, on June 30, 2006, Kerik pleaded guilty to violating Section 2604 (b) (5), Prohibited Conflict of Interest, of the New York City Charter. This section makes it a crime for a public official to accept a valuable gift from a person or firm which the public servant knows to be either engaged in business dealings with the City or intending to become engaged in business dealings with the City.

Kerik also pleaded guilty to the crime of Failure to Report, a misdemeanor, in violation of the New York City

Administrative Code (12-110 b.15). Kerik admitted that he failed to list loans from a real estate developer totaling approximately \$28,000 when he filed an annual disclosure report with the Conflicts of Interest Board after leaving City service.

Under the guilty plea, Kerik admitted that he accepted a gift valued at approximately \$165,000 in the form of renovation work on his co-op apartment in the Riverdale section of the Bronx while serving as Commissioner of the New York City Department of Correction. The work was performed by Interstate Companies or a subsidiary between August 1, 1998, and December 31, 2000. During this time the company was actively seeking to do business with the City. On two separate occasions Kerik spoke with City officials about Interstate Companies, and on one occasion he permitted the use of his City office for a meeting between representatives of Interstate Companies and officials of the Trade Waste Commission, an entity of the City of New York. Investigators also discovered that when Kerik filed financial

Admitting Free Work on Apartment, Kerik Pleads Guilty to Accepting Gift

The New York Times, 7/11/2006, Continued

disclosure forms with the Conflicts of Interest Board in February 2002, he failed to list indebtedness in excess of \$5,000 to realty developer Nathan Berman.

Under the terms of the plea agreement, Kerik was sentenced to pay \$206,000 in fines and \$15,000 in civil penalties to the Conflicts of Interest Board. Kerik also waived his right to appeal the two convictions.

Department of Investigation Commissioner Rose Gill Hearn said, "There is now from Mr. Kerik a clear, unequivocal admission of wrongdoing that

accurately reflects the criminal conduct of which he is guilty. It is now a matter of public record that he abused his position to benefit himself financially."

District Attorney Johnson said, "The laws which criminalize conduct of this nature are designed to ensure the public's trust in government officials. The crimes committed by Bernard Kerik have eroded that trust. Hopefully, prosecution and conviction, along with the hefty fines imposed, and the defendant's public admission of guilt, will help restore that trust and repair some of the damage."

Caught off guard at Rikers

New York Daily News, 5/22/2006

After receiving tips from inmates and employees, the New York City Department of Investigation initiated a sting operation designed to reduce misconduct among the staff of the City's jail system. This extensive investigation resulted in six arrests. Three of the six arrested were correction officers and three were civilian Department of Correction employees (one nurse's aide and two cooks). On 10 separate occasions these six individuals allegedly met with Department of Investigation undercover agents and accepted bribes ranging from \$50 to \$1,000 to smuggle cocaine, marijuana, tobacco, and a cell phone into various City jail facilities. Five of these cases are still pending, but one was disposed in 2006.

George Heyward was a 37-year-old City correction officer. On January 21, 2006, Heyward accepted a \$500 payment to smuggle a cellular telephone to an

inmate at the George Motchen Detention Center on Rikers Island. It is against the rules and regulations of the New York City Department of Correction for employees to bring items for inmates into a detention facility. Furthermore, inmates are prohibited from possessing cellular telephones. Heyward delivered the cellular telephone the next day. Two days later on January 24, 2006, he accepted a cash payment of \$1,000 and took possession of a bag containing a white powdery substance that he believed to be more than half an ounce of cocaine. The bag was delivered to an inmate at the Center on January 27, 2006.

Heyward was arrested on April 26, 2006, following an investigation by the New York City Department of Investigation. During the sting, Heyward was approached by an undercover agent who pretended to be the girlfriend of the inmate to whom Heyward delivered the cellular telephone and simulated cocaine.

Caught off guard at Rikers

New York Daily News, 5/22/2006, Continued

On May 4, 2006, Heyward pleaded guilty to one count of bribe receiving in the third degree and one count of attempted criminal sale of a controlled substance in the third degree. On May 22, 2006,

Heyward was sentenced to two years in prison with one year post-release supervision for the narcotics conviction, and a concurrent one-year term for the bribery conviction.

TECHNOLOGY

Technological advances have provided law enforcement with new tools for investigation and prosecution of cases that were never before possible. At the same time, however, changes in technology have generated new types of crimes.

In cases in which an offender has been neither apprehended nor even identified, the John Doe Indictment project enables this Office to indict the individuals possessing the profile of the DNA recovered from sex crimes before the statute of limitations on the crime expires. The Biotracks program uses DNA recovered from the scenes of burglaries and robberies to prosecute defendants. Similarly, in 2006 advances in fingerprint analysis enabled law enforcement to match partial fingerprints recovered from a crime scene to those of an offender.

Among the crimes that did not exist prior to the “computer age” are identity theft and internet crimes against children.

JOHN DOE INDICTMENT PROJECT

In August 2003 the Mayor launched a coordinated, citywide initiative to prevent sex offenders from escaping prosecution by using the statute of limitations. The John Doe Indictment Project identifies the most serious unsolved sex crimes and indicts the perpetrators based on their DNA profiles. By filing John Doe indictments before the ten-year period has elapsed, prosecutors can proceed with the case whenever the offenders are identified, regardless of how much time has passed.

Beginning in July 2004 and ending in December 2005, the Bronx District Attorney’s Office used grant

funding (obtained through the Mayor’s Criminal Justice Coordinator) to hire a former NYPD detective to conduct investigations of rape cases nearing the ten-year statute of limitations. For those in which an identifiable DNA profile was developed, the detective searched for the victim and, if she successfully located the victim, would bring her/him to testify before the grand jury. Through this process, the Office brought 19 John Doe indictments by December 2005. In 2006 the first of those “John Does” was matched to an offender who was arrested on the indictment. In addition, in 2006 the statute of limitations on the most serious of sex crimes was repealed.

DNA results in arrest of 1998 park rapist *Bronx Press Review, 11/23-29/2006*

On April 23, 1998, twelve-year-old Ricky (pseudonym) was at a bus stop across the street from Van Cortlandt Park on his way to school. Twenty-year-old Emmanuel Taveras allegedly approached the boy and asked for assistance in finding the baseball field. It is alleged that as the child accompanied him, Taveras pulled Ricky into a wooded area, punched him in the face and forced him to engage in oral and anal sexual acts. The victim made an immediate outcry and was taken to a hospital where a sexual assault evidence

kit was collected. The anal swab was tested and a male DNA profile was developed.

Taveras was not identified as a suspect until 2006. Nevertheless, the grand jury returned an indictment in this case on June 6, 2005. The indictment named “John Doe” whose only identity at the time was the DNA profile that had been developed from the rape kit in the 1998 attack. John Doe was indicted on two counts of criminal sexual act in the first degree, two counts of sexual abuse in the first degree and one count of endangering the welfare of a child.

DNA results in arrest of 1998 park rapist

Bronx Press Review, 11/23-29/2006, Continued

The profile from the sexual assault evidence kit was developed and entered into the Combined DNA Index System (CODIS), a national data bank that links federal, state and local DNA data banks containing forensic biological evidence collected from crime victims. The profile was identified as a match for Taveras as a result of his 2006 conviction on a drug offense in Bergen County, New Jersey, which resulted in uploading a sample of his DNA to the national database. Taveras was arrested on November 10, 2006, and

became the first arrest of a defendant in Bronx County charged with a crime in a “John Doe” indictment based on a DNA profile. Taveras faces a maximum sentence of up to 25 years imprisonment if convicted of the most serious offense.

District Attorney Robert Johnson said, “This arrest underscores the importance of the expansion in recent years of law enforcement’s use of DNA technology . . . We now have a huge opportunity to solve open sexual assault cases that might otherwise have gone unsolved.”

DNA - BIOTRACKS

Biotracks matches crime scene DNA evidence with local, state and national DNA databases to identify perpetrators in “No-Suspect” burglary and robbery cases. Begun as a pilot program in Queens County, the success of this program led to its citywide expansion in January 2006. The NYPD, the Chief Medical Examiner, the NYS Division of Forensic Services and all five District Attorneys work collaboratively, focusing on hundreds of “cold case” burglaries and robberies. Currently NYPD Evidence Collection Teams are being trained to recognize and collect biological evidence left behind on items such as clothing, soda bottles or cigarettes.

This program shows enormous potential to combat the City’s most vexing crimes--the no-suspect robberies and burglaries which

leave the police searching for witnesses or fingerprints and leave victims feeling frustrated. Since January 1, 2006, more than 60 burglaries and robberies in Bronx County have been solved through Biotracks. Twenty-seven of these defendants have been indicted and 14 have pleaded guilty. One defen-

dant was linked by DNA to five burglaries and is currently under indictment. The presence of DNA evidence also encourages defendants to plead guilty, reducing trial costs. In addition, we have 19 “John Doe” cases in which the DNA has been recovered and analyzed, but not yet linked to an individual.

Biotracks

Many Biotracks cases would never have been solved were it not for DNA matches linking defendants to crime scenes. Examples of cases solved through Biotracks include:

- A suspect left his DNA on the rim of a Pepsi bottle left at the scene of a residential burglary. The DNA matched two individuals who are identical twins. One of the twins was incarcerated at the time of the crime; the other brother pleaded guilty to burglary in the third degree and was sentenced to 7-to-14 years in state prison.
- A defendant involved in a residential burglary several years ago left his DNA on the outside of a backyard door handle. He pleaded guilty to burglary in the second degree and received a three year prison sentence.
- A defendant involved in a residential burglary left a wad of gum in the victim’s refrigerator and drank from her orange juice container. His DNA was found on both items and his case is pending.
- A defendant whose DNA was recovered on tools found at the scenes of two commercial burglaries pleaded guilty and received a sentence of 3-6 years in state prison.
- Another defendant was placed at the scene of a commercial burglary of a Subway sandwich shop through DNA found in blood from the crime scene. He pleaded guilty to burglary in the third degree and was sentenced to two years imprisonment.

INTERNET CRIMES AGAINST CHILDREN

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

In 2001 this Office received a federal grant to establish an Internet Crimes Against Children (ICAC) Investigative Satellite initiative. Through this program, detectives and assistant district attorneys have developed excellent contacts in the law enforcement community with whom they share ideas and expertise. The agencies include New York State's ICAC Task Force and Attorney General, numerous District

Attorneys' Offices, the New York State District Attorneys Association, U.S. Customs, the Federal Bureau of Investigation and the U.S. Secret Service. In addition, members of the Satellite Task Force are members of numerous other task forces and committees dedicated to the investigation and prosecution of internet crimes against children.

The explosive growth of the internet over the last decade has been accompanied by an increase in crimes committed via the internet, including crimes committed against children. The majority of these crimes against children involve dissemination of indecent materials - specifically pornographic images. These crimes are committed by people from all walks of life, including doctors, lawyers, clergy, teachers and even law enforcement professionals. The perpetrators often seem to believe that they are insulated from prosecution due to the relative anonymity of the internet. The harmful effects on children can be enormous

and enduring. In recognition of this problem, the Office of the Mayor's Criminal Justice Coordinator has formed a Sexual Predator and Electronic Crimes Task Force to coordinate law enforcement efforts.

Perpetrators of these crimes are identified through the use of undercover officers who enter cyber "chat rooms" and engage in explicit sexual chats, posing as someone the predator believes to be a minor. This is often a time-consuming process because the trust of the predator must be gained. An undercover officer can typically only "chat" with one predator at a time. It frequently takes many hours "chatting" before discussions of meetings take place. In addition, the perpetrator must be identified through an ISP address because the perpetrator rarely provides a true name or address. Although these cases are investigation-heavy, the payoff is enormous when a potential child abuser is arrested and punished.

Child Pornography on the Internet

The internet can provide a platform to commit crimes against children. In the privacy of his home, thirty-five-year-old Seth Ritchie uploaded child sex assault/abuse images in June 2005 through *yousendit.com*. This site allows for the transfer of large files over the internet. Ritchie traded and exchanged pictures and video clips of children being sexually assaulted. The children pictured range in age from 12 years to as young as toddlers.

Site administrators from the company *yousendit.com* became concerned and notified the National Center for Missing and Exploited Children (NCMEC). Once NCMEC investigators determined that the material in question was "child pornography," they traced the source of the material to Ritchie's address in the Bronx and contacted the NYPD Computer Crimes Squad. Detectives executed a search warrant at Ritchie's home and seized a computer hard drive, floppy discs

Child Pornography on the Internet Continued

and compact discs containing hundreds of images of children engaging in sexual acts with adults. Ritchie's computer was recovered along with 69 CDs, two VHS tapes, two floppy disks, and 12 DVDs, all containing child sex abuse images. Many of the images involved children younger than four years old engaging in sexual acts with adults.

Although Ritchie has an arrest

record, this was the first time he was prosecuted for a crime of this nature. Ritchie tried to argue that he suffered from a mental illness, both as a justification for his behavior and to help mitigate his sentence.

On December 7, 2006, Ritchie pleaded guilty to two counts of promoting a sexual performance by a child, a Class D felony. His sentence is pending.

IDENTITY THEFT INITIATIVE

Despite an increase in awareness, the problem of identity theft and related crimes is growing in the Bronx. Several factors contribute to the identity theft problem, including the ease of using fraudulent identity on the internet; the increased availability of identity "mills" to produce forged, official-looking documents; and the difficulty in investigating and prosecuting sophisticated or elusive perpetrators. In response to this trend, Mayor Bloomberg's Office of the Criminal Justice Coordinator has recently formed an Identity Theft Task Force comprised of bureau chiefs from each borough's District Attorney's Office respon-

sible for investigating and prosecuting these crimes. High-ranking members of various New York City Police Department units that investigate identity theft are also members of the Task Force. The goal of the Identity Theft Task Force is effective coordination of efforts between the police and District Attorneys' Offices to combat this growing problem. The Task Force meets to discuss how each borough is combating the problem, to discuss specific cases, and to share information. The Task Force also intends to develop training programs and draft or recommend legislative changes.

Identity theft is a uniquely difficult crime to investigate and solve. When one uses another person's

identity to purchase goods or services, it may be impossible to identify and apprehend the offender unless there is a strong paper trail to the perpetrator or photographic or other identification evidence. Identity thieves are rarely caught during the actual commission of the crime. The mastermind of an identity theft ring is often insulated from the crime, for example by using teenagers to make the actual purchases. These young offenders are usually unwilling to cooperate with law enforcement. Even when they do cooperate, corroboration may not be readily obtainable. Therefore, it takes a significant amount of investigative work to identify the main perpetrator.

Bx. Man gets jail for identity theft *New York Daily News, 4/21/2006*

Although identity theft has become a common crime, it is still very damaging. Thirty-eight-year-old Harold Charles realized that through identity theft he could

profit from the comfort of his wheelchair at his neighbors' expense. So Charles tampered with unsecured mail left in a common area in Co-op City in the Bronx. Using information collected from the mail

Bx. Man gets jail for identity theft

New York Daily News, 4/21/2006, Continued

and assuming other people's identities, Charles would open additional lines of credit on existing accounts. When Charles was caught he had over 100 pieces of mail belonging to residents of Co-op City. The mail contained bank, pension and credit card statements, in addition to other personal information. Investigators believe that Charles obtained the mail as a result of an informal "honor system" that Co-op City residents use for undelivered mail. He used the information to open credit card accounts and steal money from unsuspecting victims. Some victims were elderly and some were students. Charles engaged in a variety of scams, and he even stole the identity of a deceased individual.

Charles fraudulently obtained a temporary credit card on a department store account that belonged to a victim who worked as a correction officer. Charles used the credit card during a two-day shopping spree at J.C. Penney Department Store at Bay Plaza in Co-op City where he purchased \$2,800 worth of jewelry, shoes, sneakers, and other items including a jumbo grill and a back massager. Charles claimed to be the victim's fiancé and was issued a temporary credit card on February 11, 2004, after producing the woman's social security

number and a photo ID in the name of yet another person. Charles began buying things immediately and returned to the store the following day to continue his shopping spree. The victim was alerted when the unauthorized purchases showed up on her bill. She immediately notified store personnel.

In December 2003, Charles went to a Northfork Bank branch in Co-op City and fraudulently withdrew nearly \$3,800 from the bank account of another victim. Charles was given the money after filling out withdrawal slips on December 12th, 13th and 15th in the amounts of \$500, \$1,600 and \$1,700. The theft was discovered when the victim went to the bank on December 19th to inquire about his account balance. Charles was arrested the next day on December 20, 2003, when he returned to the bank in an attempt to make another unauthorized withdrawal.

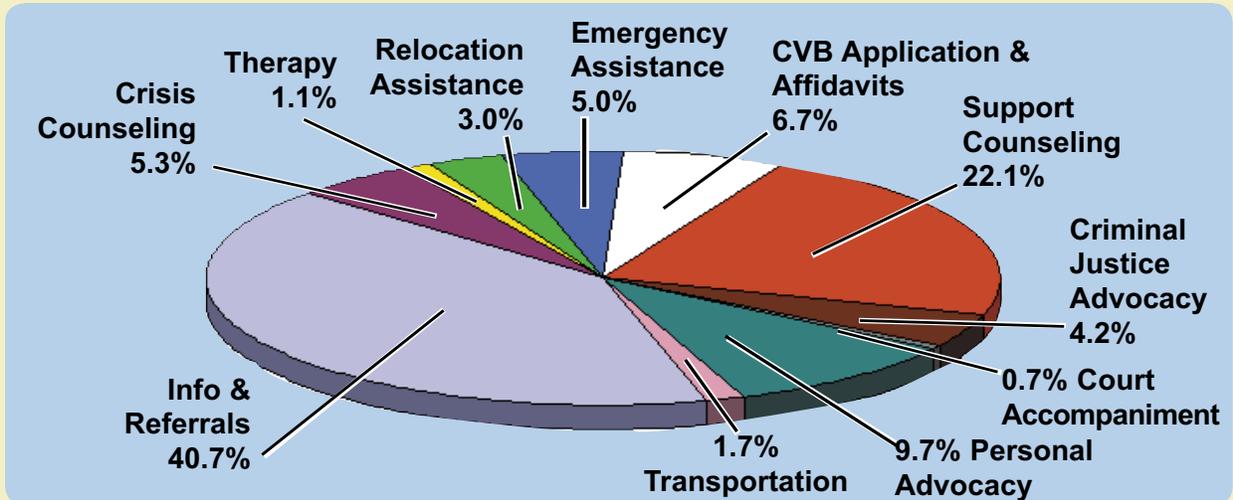
On January 19, 2006, Charles pleaded guilty to identity theft in the first degree and grand larceny in the third degree. He was sentenced on April 19, 2006, to two consecutive two-to-four year prison terms. He must serve at least four years before becoming eligible for parole. He must also repay more than \$3,000 to a Co-op City bank.

Crime Victims Assistance

The District Attorney's Crime Victims Assistance Unit (CVAU) made approximately 18,000 service contacts with victims and witnesses during 2006, an increase of 3% over 2005. These services were provided from both the main office on 161st Street and the CVAU satellite office in the north Bronx.

Crime Victims Assistance Unit Contacts By Type of Service Provided

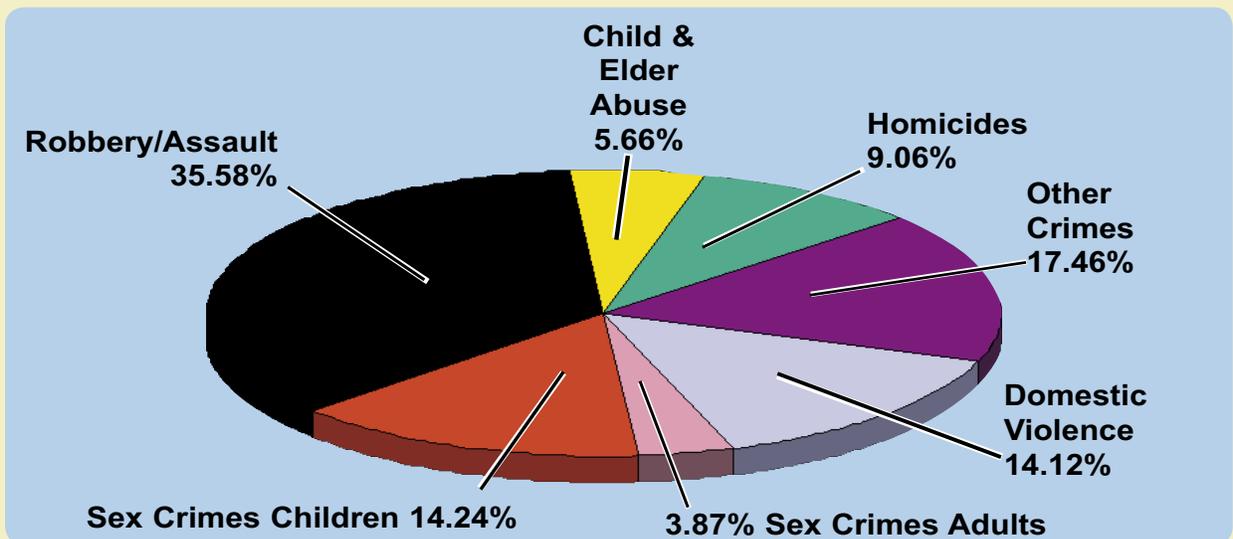
Total 2006 Service
Contacts: 18,044



Source: Office of Bronx District Attorney

Crime Victims Assistance Unit Contacts By Type of Crime

Total 2006 Client
Contacts: 1,678



Source: Office of Bronx District Attorney

DOMESTIC VIOLENCE EMPOWERMENT (DoVE)

The New York City Council created the DoVE Initiative to support organizations in their efforts to provide domestic violence services in neighborhoods throughout the city. The DoVE initiative places priority on communities with high rates of domestic violence or whose members are more vulnerable due to factors such as poverty, immigration status, and limited English proficiency. As part of a broader DoVE network, funded organizations have the opportunity to connect and collaborate with each other through forums such as advocacy groups, training programs and conferences.

In 2006 the Bronx District Attorney's Office received a DoVE grant through the efforts of Councilwoman Maria Baez. The Office is using the funding for a bilingual therapist to provide both

individual and group therapy for domestic violence survivors. We also hired a bilingual advocate who works evening hours in the Bronx District Attorney's Complaint Room, providing crisis intervention, explanation of court process and procedures, information, accompaniment, advocacy and referrals. These staff members also provide educational seminars to the Bronx community and work closely with the Community Affairs Unit at the District Attorney's Office.

The DoVE project links the education and outreach work of Community Affairs with the direct services provided by CVAU through expert bilingual domestic violence counseling.

CRIME VICTIMS ASSISTANCE UNIT SATELLITE OFFICE

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 court. But for some crime victims who reside in the northern end of the county, transportation is a problem.

In September 2002, we received a one-year planning grant from the federal government for an innovative project to bring services closer to crime victims in the North Central Bronx. We received three additional grants in 2003, 2004 and 2005 which supported the program's implementation. Although federal funding ended in late 2006, this Office continued to work with an Advisory Committee composed of representatives from law enforcement, schools, hospitals, faith-based organizations, local media, local government, youth services, child welfare and community-based organizations to tailor the type of services and their delivery to the needs of the community.

Ms. D

Thirty-five-year-old Ms. D was referred to the Bronx District Attorney's Crime Victims Assistance Unit (CVAU) Satellite Office by the New York City Police Department (NYPD) in June 2006 as a victim of domestic violence. She had negative feelings about contacting the police, but she feared for her safety and saw no other option. During her initial contact with the Satellite Office, Ms. D stated that her husband became both physically and verbally abusive at the start of 2006. Ms. D became very emotional when discussing her

marriage. She initially tried to salvage her marriage, but the violence increased. Ms. D described one incident in which she was pushed against a wall. Based on the severity of the violence and concern for safety, she made the difficult decision to separate from her husband. Despite this decision, Ms. D did not want a criminal case brought against her husband.

Ms. D and a crime victim advocate discussed a variety of service needs. The advocate mentioned counseling services and Ms. D immediately expressed interest. The advocate made the service referral. During

Ms. D

Continued

the follow-up contact, Ms. D expressed a great deal of relief in being able to meet with the staff therapist to help her cope with the acrimonious ending of her marriage.

Ms. D also needed housing assistance. After separating from her husband, she and her teenage daughter moved in with relatives as a temporary arrangement. The advocate assisted Ms. D in completing and submitting a New York City Housing Authority (NYCHA) application and in applying for low-income housing.

The advocate also assisted Ms. D in completing the New York State Crime Victims Board Application. Although not seriously injured, Ms. D was a crime victim, and was therefore entitled to complete and submit an application to help her obtain services she might need, including medical or mental health care associated with the documented domestic violence, and moving expenses when permanent housing is located.

One of Ms. D's concerns was immigration status. She had applied for and obtained a green card, so she is eligible to reside and obtain employment in the country. Her husband had agreed to sponsor her daughter's citizenship request, but he hesitated as the marriage turned violent. Ms. D was concerned she might be deported or thrown in jail, or that her

daughter might be forced to leave the country. The advocate told her that her husband did not have the authority to do this, but the advocate also realized that she needed appropriate legal assistance.

The advocate referred Ms. D to the New York Association for New Americans (NYANA) for assistance with her immigration matter. Soon after the referral, Ms. D requested that the advocate draft a letter of support on her behalf and submit it to her legal representative with NYANA. The representative informed the advocate that Ms. D was seeking citizenship benefits under provisions of the Violence Against Women Act (VAWA). The advocate drafted the letter of support without hesitation and forwarded it to the NYANA representative as part of the package being submitted to the U.S. Citizenship and Immigration Services (USCIS). The request is pending.

Ms. D has expressed gratitude for the assistance she received from CVAU. She has stated that the referral to the Satellite Office has allowed her to deal with the end of her marriage and has given her the strength to move forward with her life. CVAU will continue to be a resource to her, both to follow-up with services she has already received and to provide additional services if future needs arise.

BRONX CLOTHES-LINE PROJECT

In April 2006, the Bronx District Attorney's Crime Victims Assistance Unit collaborated with the Bronx Committee for National Crime Victims' Rights Week to host the ninth annual display of the

Bronx Clothes-Line Project and Tribute to Survivors. The theme for 2006 was — "Victims' Rights: Strength in Unity," which paid "tribute to crime victims and survivors who, for many decades, have joined together in mutual support and advocacy to promote victims' rights and services." As it has each year since 1996, the Crime Victims

Assistance Unit collaborated with a partnership of allied professionals and community volunteers to create and organize the annual Bronx Clothes-Line Project. The Clothes-Line Project is a striking visual presentation of t-shirts designed by survivors of crime to break the silence surrounding victimization and to make their voices heard by

others who support them in their struggle for healing. Each shirt symbolizes pain, survival, healing and empowerment, and provides a window into the life of a victim who survived violence. The messages on the shirts are individualized – some

poetic, some plaintive – allowing the artists to express their feelings in their own way. This visual presentation tells the stories of hundreds of survivors of abuse, violence and neglect. The dramatic illustration of t-shirts hanging side-by-side pro-

vided viewers with a glimpse of the devastating effects of crime on victims. Survivors of domestic violence, rape, child abuse, elder abuse, assault and other crimes of violence decorated the t-shirts with messages, poems, photographs and drawings.



**The 2006 Annual Display of
The Bronx Clothesline
Project**

**&
Tribute to Survivors**

**A Community
of Strength**

**April 25, 2006
6:00 PM – 7:30 PM**

**at
John Philip Sousa Middle School 142
Gymnasium**

**3750 Baychester Avenue
Bronx, NY 10466**

Sponsored by

*The Bronx Committee for
National Crime Victims' Rights Week*

Wheelchair Accessible

For information call:
The Bronx District Attorney's
Crime Victims Assistance Unit 718 590-2115/718 537-7167



Partnerships and Collaboration

COURT MERGER: BRONX SUPREME COURT, CRIMINAL DIVISION

In November 2004 the New York State Office of Court Administration (OCA) implemented a court merger program to address the backlog of misdemeanor cases. This merger, the first in the state, created the Criminal Division of Supreme Court which handles felony and misdemeanor proceedings that were previously divided between Supreme Court and the New York City Criminal Court. This Office has cooperated fully with OCA, including reorganization of our Criminal Court Bureau, enabling the new Criminal Division to operate more efficiently.

Although the backlog of cases decreased initially, pending cases have begun to increase again, partially as a result of OCA transferring judges from the Criminal to the Civil Division. In December 2003 there were 8,639 pending misdemeanor cases. Following the court merger, in December 2005 the number of pending misdemeanor cases decreased to 5,147. By the end of 2006, however, there were 6,861, an increase of nearly 35%. Pending felony cases also decreased from 5,007 (in 1996) to 2,750 in 2003. Following the merger, pending felonies began a steady increase to 3,312 in 2005

and 3,765 in 2006, an increase of 37% from 2003 to 2006.

BRONX MENTAL HEALTH COURT

The Bronx District Attorney's Office has been diverting defendants to drug treatment for many years and developed formal partnerships to do so in October 1992. Over time it became clear that some of these defendants were suffering from both drug dependency and mental illness. While staff always tried to place such non-violent defendants in treatment programs that were appropriate for persons with dual diagnoses, in 2002 we entered into a formal partnership with Treatment Alternatives for Safer Communities (TASC) and Research Triangle Institute to create the Bronx Mental Health Court. As the grantee, this Office administers the grants and sub-grants, monitors compliance with the terms of grants and with sub-grantees' letters of agreement, has fiscal responsibility, and provides staff to work in the court part.

In 2003, eligibility for diversion to the Bronx Mental Health Court was extended to defendants with serious mental illness (with or without drug dependency). In 2004, the court's capacity was further expanded to provide services for mentally ill defendants with HIV/AIDS. Using federal funds to pro-

vide mental health and drug dependence screening and assessment, placement and program evaluation, we recommended 156 defendants for placement in 2006. These defendants are subject to the same level of supervision and sanctions for failure to complete treatment as other diverted defendants.

In 2006 the US Department of Justice designated the Bronx Mental Health Court a national model for treatment alternatives to incarceration for defendants with serious mental illness. As one of just five national "learning sites" the Bronx Mental Health Court provides other jurisdictions with an opportunity to observe and study all aspects involved in the successful and sustained operation of the court. Bronx District Attorney Robert T. Johnson said: "We join with our partners in this effort because of the importance that we place on treating certain mental and medical conditions that may be contributing factors in the criminal conduct of some individuals. Our objective in this approach is to make life better for the entire community including the afflicted defendants who come before the court. This designation as a 'learning site' will enable us to show how our collaborative efforts have made a difference here and thereby help other communities develop solutions to help themselves."

A Mental Health Court Success Story

At the request of the District Attorney's Office, on May 1, 2004, the Court referred Janet (pseudonym) to the Bronx Mental Health Court. Based on its assessment, the Bronx TASC Mental Health Unit determined mental health treatment with drug counseling would be in Janet's best interests, with a view toward returning her to society as a contributing member. Janet, 41, pleaded guilty on June 14, 2004, to criminal sale of a controlled substance in the third degree. She was told she would receive a prison sentence of 4½-to-9 years if she did not remain successfully in treatment.

Janet reported a "lonely" childhood even though she has three siblings. She often witnessed her father's frequent physical and emotional abuse of her mother. It was not until later in Janet's treatment that she was able to admit that she also was physically abused by her father. She remembers running away from home at age 11 only to be brought back by the police the next day. At the age of 14, she hitchhiked cross-country to California. She supported herself in California by working at fast food restaurants and stealing food. She was eventually located by the police and returned home.

Janet reports doing well in school, although she recalls "fighting all the time, I just didn't fit in." She dropped out of school in 10th grade, but later earned a GED. Janet says her alcohol use started around the age of eight, and slowly progressed to daily drinking. At 13, she began using marijuana and at 18 graduated to cocaine. At 21, she began freebasing. By the time she was 30 years old, Janet was using crack on a daily basis.

As Janet's drug use grew, so did her rap sheet. Her first arrest was at the age of 17. All of Janet's 23 arrests occurred in the context of drug dependency. Five of the

arrests were felonies and one resulted in state prison time. Her many misdemeanors caused her to return to Rikers Island "like I was going through a revolving door."

Janet remembers hearing voices at eight years old. Often the "whispers would tell me good and bad things." She had episodes where "I can't slow down, can't sleep, can't think." Her depression would last for months, and she would become suicidal. At 16, Janet slashed her wrists in one of many suicide attempts. She says she was hospitalized "at least 50 times." As a result she has been on various antipsychotic medications and mood stabilizers. At the time of her referral to the Bronx Mental Health Court, Janet had a diagnosis of Schizoaffective Disorder and Borderline Personality Disorder.

On October 6, 2004, Janet was admitted to Harbor House, a Bronx residential program for mental illness and chemical abuse (MICA). Janet initially had difficulty settling into the routine of her schedule. On January 1, 2005, Janet left the program against clinical advice after a relapse. A few days later, Janet contacted the TASC office to talk about the relapse and her treatment. Harbor House expressed a desire to continue working with Janet. When Janet received this information, she responded, "That's it. No one has ever wanted to do anything with me. They expect so much of me. I don't know what to do with that." Janet received a brief remand to jail and returned to Harbor House to continue treatment.

Upon returning to treatment, Janet complied with her group schedule and increased her individual sessions with her primary counselor. She completed two program certificates: HIV Counseling and Substance Abuse Training. She learned basic computer skills. As a result of her MICA intern training, Janet has co-facilitated Double Trouble Groups at Harbor House.

A Mental Health Court Success Story

In March 2006, Janet completed residential treatment and moved to an apartment in the Bronx. She continues outpatient services with Argus Community and has signed up for classes to complete a Certified Alcohol and Substance Abuse Counselor (CASAC) certificate. With help from vocational counselors, Janet completed a resume and is looking for work as a

peer specialist in the substance abuse field.

Reflecting on her treatment at Harbor House, Janet believes that a major catalyst for the positive changes in her life was “the fact they wanted me back, you wanted me back. No one ever did that before.” On April 20, 2006, Janet’s charge was reduced to an A misdemeanor and she was sentenced to time served.

DRUG TREATMENT ALTERNATIVE TO PRISON (DTAP)

Bronx prosecutors have had substantial success in placing drug offenders in treatment programs. Between 1993 and 2006, nearly 11,000 Bronx defendants were placed in drug treatment programs as an alternative to incarceration. While the Office’s initial experiment with ATI drug treatment focused on first-time offenders, treatment is also appropriate for some second felony offenders. In late 1995 through the TASC program, this Office began placing offenders with

prior non-violent felony convictions in alternative to incarceration programs and first received DTAP funding in 1998. From 1998 through 2006, the Office placed 2,518 defendants in drug treatment through DTAP. The DTAP model involves: (1) Identification of drug-involved offenders; (2) assessment of the offender’s drug and alcohol treatment needs; (3) referral to appropriate treatment; and (4) continuous case management.

Bronx participants in the DTAP program are required to plead guilty to a class B felony. If

they complete the program, their felony plea is set aside, and they are permitted to plead guilty to a misdemeanor. However, those who withdraw or fail to complete the program satisfactorily receive a sentence of three and one-half years in prison.

In addition, this past year more than 900 Bronx defendants who were not eligible for DTAP were diverted through other treatment programs.

Drug Treatment Enrollment* 1993 – 2006

| PROGRAM | 1993 - 2003 | 2004 | 2005 | 2006 | TOTAL |
|--------------------------|--------------|------------|------------|--------------|---------------|
| DTAP | 1,814 | 165 | 298 | 241 | 2,518 |
| BX Treatment Court | 994 | 162 | 151 | 116 | 1,423 |
| Extended Willard | 196 | 27 | 17 | 19 | 259 |
| Mental Health Court | 199 | 102 | 196 | 156 | 653 |
| BX Treatment Misd. Court | -- | -- | 108 | 342 | 450 |
| Other Residential | 3,367 | 138 | 158 | 122 | 3,785 |
| Other | 1,460 | 73 | 21 | 163 | 1,717 |
| TOTAL | 8,030 | 667 | 949 | 1,159 | 10,805 |

Source: Office of Bronx District Attorney

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

BRONX COMMUNITY SOLUTIONS

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

In 2006, Bronx Community Solutions worked with over 10,500 clients, a 67% increase in caseload over 2005. Clients of Bronx Community Solutions performed more than 70,000 hours of community service and provided services to the Bronx community such as painting over graffiti, cleaning streets and maintaining local parks. Participants attended over 700 social service classes taught by Bronx Community Solutions clinical staff and partner agencies. After completing their mandates, close to 1,300 participants accepted voluntary referrals for affiliated community-based programming for services, including vocational training and job placement, substance abuse treatment, health and mental health counseling, and housing assistance. By scheduling clients to begin community

service immediately, identifying new community service partners, developing its own clean-up crew, and closely monitoring the work of clients, Bronx Community Solutions has created visible improvements to neighborhood conditions in the Bronx. These outcomes were achieved with compliance with court orders averaging about 70%.

OPERATION WEED & SEED

Weed and Seed is a federally funded strategy designed to “weed out” drug traffickers and violent gangs while “seeding” the community with federal, state and local resources to improve the quality of life. The law enforcement strategies that are part of this effort have combined federal and local resources to identify, target, arrest and prosecute narcotics traffickers, 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 neighborhood and the other in Mott Haven.

Each site involves collaboration among the District Attorney’s Office, the U.S. Attorney for the Southern District of New York, the NYPD, other local, state and federal law enforcement agencies and the New York City Department of Education. Operation Weed and Seed/Soundview also relies on close working relationships with the Bronx Borough President’s Office, the Bronx YMCA, Kips Bay Boys and Girls Club, the Bronx Lions Club,

Parkchester Kiwanis Club, clergy, elected officials, school-based parent organizations, other community-based organizations and community residents. Operation Weed and Seed/Mott Haven is led by the South Bronx Overall Economic Development Corporation (SOBRO) and involves collaboration with Better Bronx for Youth, St. Ann’s Church and the NYC Departments of Sanitation and Parks and Recreation.

In July 2002 through a federally-funded grant, this office implemented a community prosecution program that linked the two Weed and Seed sites. As part of this program, we formed Law Enforcement Advisory Committees (LEACs), comprised of community members who live in the Weed and Seed neighborhoods. In 2004 the Citizens Committee for New York City provided customized leadership training for LEAC members. In addition, the NYPD Citizens Police Academy provided training regarding law enforcement. LEAC members now collaborate with the District Attorney’s Office to solve problems within the community.

Each Weed and Seed site has at least one “Safe Haven” where programs for children and adults are offered. 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 Legacy Coalition, Department of Education, and the New York City Housing Authority.

INTEGRATED DOMESTIC VIOLENCE PART

The Bronx has the highest rate of domestic violence incident reports per hundred thousand population in the City. The Bronx's nearly 50,000 Domestic Incident Reports represent 25% of the city-wide total. On October 22, 2001, a new integrated domestic violence (IDV) court part opened in Bronx Criminal Court, the first in the State. This part now combines Supreme Court's Criminal and Civil Divisions and Family Court. It was implemented in recognition that domestic violence often involves not only criminal matters but other family matters as well. For example, a woman who has been assaulted by her husband may obtain a "full stay away" order of protection in Criminal Division. If the couple has children together and the father wants to see the children, he must go to Family Court to obtain visitation rights. If either party seeks a divorce, he or she must do so in Supreme Court, Civil Division. In the past these cases, in different courts, would have proceeded completely independently. Now all

three cases are sent to the IDV Part for adjudication and heard by one judge, who is aware of the circumstances surrounding each case.

This process is clearly a step forward, even though the part requires us to provide ADAs at a time when resources are limited. Between 2002 and 2006 the Bronx Borough President's Office, in collaboration with this Office and Sanctuary for Families, received grant funding from the Office on Violence Against Women of the U.S. Department of Justice. With resources from these grants, the Borough President's Office formed an advisory committee that initiates domestic violence awareness projects. Grant funds were also used for some of the District Attorney's staff in 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.

BRONX DISTRICT ATTORNEY'S GANG INITIATIVE

In 2002 this Office launched a Gang Initiative to combat violent crime. The Gang Initiative brings

together senior trial attorneys and staff from bureaus throughout the Office at periodic meetings to discuss cases and initiatives. This approach to gang-related criminal activity encourages communication and coordination of prosecutorial efforts. The Office's Detective Squad and Detective Investigators also participate in the Initiative. A liaison with the NYC Department of Correction provides our office and other law enforcement agencies with gang intelligence. Gang Initiative meetings are led by a member of the District Attorney's executive staff and by the Chief of the Office's Gang Prosecutions Bureau.

Although gang-related cases may be prosecuted by any of the various bureaus that participate in the Gang Initiative (such as Narcotics, Rackets, Criminal Court, General Crimes, Domestic Violence and Child Abuse/Sex Crimes), the Gang Prosecutions Bureau specializes in gang prosecutions. A computer program is used to collect information on gang-related incidents and defendants. The Gang Initiative and the bureau provide mechanisms to coordinate a response to gang-related crime in the Bronx.

Bullets fly at Bx. Bodega; 3 wounded & 1 arrested *New York Daily News, 2/12/2004*

On February 10, 2004, twenty-two-year-old Jomo Delesline and three other individuals shot three people. The perpetrators ("Crips") were attempting to kill their ("Bloods") gang rivals to settle a dispute.

Three innocent bystanders became victims of this violent crime. All three victims were shot multiple times in the back. The three victims were mistakenly believed to be "Bloods" gang members. The victims were 16, 17 and 21 years old when the incident

Bullets fly at Bx. Bodega; 3 wounded & 1 arrested
New York Daily News, 2/12/2004, Continued

occurred. One victim was shot in the back and became paralyzed from the waist down.

NYPD detectives who worked on the case were unable to find an eyewitness who could identify any of the perpetrators. The only lead was Delesline himself because he was apprehended within minutes of the shooting about 100 yards from the crime scene in possession of a silver 32-caliber firearm. In an effort to secure a confession from Delesline, detectives retrieved approximately ten NYPD Viper Unit surveillance tapes from a Viper Base. While the defendant was in custody, the detectives reviewed hours of footage and observed four males matching the description of the perpetrators inside an elevator right before the shooting. Delesline was pictured in the video waving a silver handgun. The video showed the four suspects walking from the elevator, through the lobby, and into the courtyard of the building, and then running back inside the building after the shooting. The tapes also showed them trying to escape from the building, and they showed Delesline being apprehended.

The detectives printed still photos of Delesline with his gun in the elevator,

and these photos were shown to Delesline during interrogation. Delesline admitted to going to the crime scene and putting a gun to someone's head. However, he stated he froze and was unable to pull the trigger. This statement was contradicted by ballistic evidence, which showed that the trigger was pulled although the gun did not fire. Delesline went on to state that another member of his gang came around the corner, and that person fired about ten rounds at the three victims, causing each of them to drop to the ground.

The video was crucial to the case because it helped prove that Delesline, although he did not fire the gun that shot the three individuals, did act in concert with the other perpetrators. Delesline tailored his testimony at trial around the video tape evidence.

On March 22, 2006, Delesline was found guilty of three counts of attempted murder in the second degree. On April 5, 2006, he was sentenced to three concurrent terms of 25 years in state prison. He must serve a minimum of 21 years imprisonment before becoming eligible for parole, and he must serve five years post-release supervision.

AUTO CRIME INITIATIVES

The Office of the Bronx District Attorney has operated the Bronx Anti-Auto Theft Program since 1995. The program, which has been supported with resources provided by state grants, was designed to increase the number of successful prosecutions of defendants charged with grand larceny of a motor vehicle, criminal possession of stolen property, illegal possession

of a vehicle identification number, auto stripping and/or unauthorized use of a vehicle. It was also expected to result in an increased number of stolen cars recovered pursuant to arrests made and/or search warrants executed. In 2006 this office recovered stolen vehicles valued at nearly \$3 million.

Although this program has been very successful, in 2004 (the most recent year for which statewide statistics are available) auto theft in

Bronx County remained at the highest rate per 100,000 registered vehicles in the state and second highest rate per 100,000 population.

"In 2006 this office recovered stolen vehicles valued at nearly \$3 million."

Decline In Grand Larceny Auto 1990 - 2006



Source: New York City Police Department

In the last seven years, the program has been expanded to include document fraud and insurance fraud. In 1999, we expanded our effort to include night-time surveillance and investigations of auto-related crimes. This expansion was made possible through a series of grants from the New York State Motor Vehicle Theft and Insurance Fraud Prevention Board which

provide funds for equipment, investigators and prosecutors.

Since September 2006, Bronx District Attorney's Office Detective Investigators have worked with NYPD precincts three to four days and three to four nights per week using a License Plate Reader (LPR) provided by the National Insurance Crime Bureau. LPR technology uses specialized cameras and computers to capture large numbers of license

plates quickly, convert them to text and compare them quickly to a large list of plates of interest. LPR systems can identify a target plate within seconds of contact with it, allowing law enforcement to identify target vehicles that might otherwise be overlooked. By the end of 2006, these collaborative efforts resulted in a total of 21 arrests, 106 summonses issued, and 72 stolen vehicles recovered.

Auto Stripping

Thirty-eight-year-old Kevin Maloney had a long arrest history that dated back to December 1991. His first arrest was for attempted grand larceny auto. After a number of misdemeanor arrests, he was arrested in 1994 on robbery charges which led to a felony conviction in 1995. He received a sentence of 2 1/3 -to-7 years in prison.

After his release, Maloney was in and out of jail until October 30, 2005. On that date he was observed sitting in a

car by the owner's brother Greg (pseudonym). The car's window had been broken and the car's radio was lying on the front seat along with a screwdriver that did not belong to the car's owner. Greg approached Maloney and called out for his brother Nick, who ran out to the parking lot. The police were called and the two brothers held the defendant while they waited for the police to arrive.

Maloney was arrested and charged with auto-stripping in the third degree, a

Auto Stripping *Continued*

class A misdemeanor. Using the enhanced provisions of the penal law concerning recidivist auto strippers, the defendant was indicted on the class E felony of auto stripping in the second degree. On April 18, 2006, Kevin Maloney pleaded guilty to auto stripping in the second degree, the top count.

This case illustrates the Arson/Economic Crime Bureau's policy of elevating misdemeanor auto stripping arrests

to felony charges whenever the case is factually and legally sufficient. The defendant must have a prior auto stripping conviction within the last five years. In April 2005 Maloney had pleaded guilty to auto stripping, making the 2006 case eligible to be elevated. Because Maloney was a predicate felon, the felony auto-stripping indictment resulted in a mandatory state prison sentence. On May 1, 2006, he was sentenced to 1½ -to-3 years in prison on the E felony.

Bust 14 in 3-year sting of car theft ring *New York Daily News, 12/22/2004*

A three-year investigation of a stolen car ring resulted in a 161-count indictment of 14 individuals who were involved in the systematic theft, storage, and illegal dismantling of stolen motor vehicles worth nearly \$1 million. These individuals also engaged in the sale and distribution of the component parts of the stolen vehicles.

The investigation was conducted jointly by the Bronx District Attorney's Office, NYPD's Organized Crime Investigation Division, and the New York City Business Integrity Commission. During the course of the investigation, detectives and prosecutors used court-ordered electronic audio and video surveillance, and telephone wiretaps. With a court order, they also used a Global Positioning System satellite tracking device that was secreted in a van regularly used to transport ring members to and from vehicle theft locations, chop shops and delivery locations for stolen car parts.

The two primary leaders of the stolen car ring were 35-year-old Steven Lugo and 46-year-old Victor Estrella. Lugo and Estrella admitted to overseeing the day-to-

day activities of the criminal enterprise. They also admitted to the "theft, possession and dismantling of stolen vehicles" as well as the "distribution of the stolen vehicles and their dismantled component parts." The defendants' admissions confirmed that members of the criminal enterprise conducted business from various abandoned lots that were converted into open air "chop shops" to dismantle stolen vehicles. These locations were used to take orders for vehicle parts, dismantle vehicles, alter Vehicle Identification Numbers (VIN) on parts, rebuild motor vehicles using stolen parts, and arrange for the disappearance of vehicles in connection with the filing of fraudulent insurance claims. The ring engaged in criminal activities involving mostly "high end" motor vehicles, a garbage truck and a tractor trailer.

In addition to the open-air "chop shops," the criminal enterprise used an automobile sound and security shop to support illegal activities. On January 24, 2006, the corporate entity that operated Auto Sports during the course of the investigation pleaded guilty to a single count of attempted enterprise corruption.

Bust 14 in 3-year sting of car theft ring
New York Daily News, 12/22/2004, Continued

On June 12, 2006, Steven Lugo and Victor Estrella each pleaded guilty to one count of enterprise corruption, three counts of criminal possession of stolen property in the third degree, three counts of grand larceny in the third degree, and one count each of insurance fraud in the third degree, auto stripping in the first degree, unlawful transfer or disposal of junk and salvage vehicles, and criminal possession of forgery devices. On June 30, 2006, Lugo was sentenced to five-to-ten years in state prison and Estrella

was sentenced to three-to-nine years imprisonment. Lugo and his common-law spouse forfeited their van to the District Attorney's Office and the NYPD. The 12 other defendants and one corporate entity have pleaded guilty to various crimes for their role in this criminal enterprise, and four received state prison sentences. Some of these defendants forfeited monies or automobiles to the District Attorney's Office and paid restitution to the victims of the thefts or to insurance companies.

ELDER ABUSE

"Elder abuse" can take many forms, including neglect or abuse of a physical, financial, psychological, emotional or sexual nature. Although anyone can be a victim of crime, age may render victims physically weak, physically or emotionally isolated, or mentally disabled. These conditions increase the trauma of victimization and make the criminal justice system more difficult to negotiate. The Bronx District Attorney's Office hired an Elder Abuse Coordinator in 2000 to serve as a liaison among the bureaus and units of the Office,

obtain services from outside agencies and serve as a resource for educating the community. The Coordinator handled 283 calls in 2006 regarding suspected elder abuse and neglect and is often the first point of contact for elder abuse inquiries.

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. As an outgrowth of this committee, an Elder Abuse Multidisciplinary Task Force was created in 2001. The complexities of elder mistreatment and neglect necessitate

a comprehensive, multidisciplinary approach. The Task Force is co-chaired by the Elder Abuse Coordinator at the Bronx District Attorney's Office, the Assistant Director of ElderServe Licensed Home Care Services Agency of the Hebrew Home for the Aged at Riverdale, and the Bronx Borough Director of Adult Protective Services. This bimonthly gathering of law enforcement, social service, health-care, financial, business, governmental and private agencies enables the sharing of expertise and facilitates the coordination of efforts to prevent, investigate and remedy the abuse of our most vulnerable seniors.

Home Aide Convicted of Stealing \$1.5 Million From Doctor, 88

The New York Times, 7/15/2006

Dr. Zelma Wessely lived a long life. She was born in Austria in 1914, but fled at the beginning of World War II. She settled in the Bronx and was licensed to

practice medicine in New York in 1954. After a career as a pathologist, Dr. Wessely was befriended by 48-year-old Liloutie Rampersaud. In 1999 Rampersaud became Dr. Wessely's home health care attendant.

Home Aide Convicted of Stealing \$1.5 Million

From Doctor, 88

The New York Times, 7/15/2006, Continued

In December 2002, a fraud investigator from Washington Mutual Bank contacted the Bronx District Attorney's Detective Squad (the "Squad") to report the possible theft of \$1.5 million from Dr. Wessely by Rampersaud. He reported that Rampersaud had recently transferred this amount of money from Dr. Wessely's bank account and purchased two long-term annuities through the bank's financial products employee. Rampersaud placed both annuities, one valued at \$500,000 and the other at \$1 million, in her own name as the sole owner. Because of the large amount of money involved and the strange circumstances surrounding the transactions, the Washington Mutual fraud investigator visited Dr. Wessely's apartment to speak with her directly. When he introduced himself, Dr. Wessely asked every few seconds, "Who are you?" Dr. Wessely was confused, unable to understand who he was. When asked if she really wanted to transfer money from her account into annuities in Rampersaud's name, Dr. Wessely replied, "Oh dear, I don't have that kind of money." Dr. Wessely was a widow and had no children.

A lengthy investigation followed, and it became clear that Dr. Wessely suffered from severe dementia, and that she did not understand the nature and consequences of her actions. The dementia was so advanced that she was unable to care for herself physically.

As the transactions were inspected in detail it became apparent that Rampersaud had liquidated all of Dr. Wessely's private pensions and annuity contracts with private companies (approximately \$600,000). In addition, more than one hundred checks had been written out to Rampersaud's family, mostly checks in the thousands of dollars. The Rampersaud family (about 12 members) received more than \$400,000 over a one-year period.

Rampersaud insisted that the money and the annuities were hers as "gifts" from Dr. Wessely. Rampersaud reneged on several pre-arrest deals and went into hiding, causing the Squad to devote months to tracking her down. She was located through an examination of her Medicaid prescription pattern. A detective laid in wait for Rampersaud at her pharmacy where she appeared to pick up a prescription. She was then arrested in May 2004.

On July 14, 2006, a jury found Rampersaud guilty of grand larceny in the first degree and criminal possession of stolen property in the first degree. Dr. Wessely's testimony was not sought because she suffered from an organic mental syndrome. In fact, Dr. Wessely died in 2004. On October 25, 2006, Rampersaud was sentenced to an indeterminate term of four-to-twelve years imprisonment. She also signed a court order of restitution in the amount of \$1.5 million.

In 2006 staff from the District Attorney's Office participated in the hearing on Elder Abuse-Financial Crimes held by New York City Council Committee on Aging. Office staff also led a workshop at the annual Adult Abuse Conference of New York State titled, "How to Make an Elder Abuse Referral to a District Attorney's Office: Elements Needed for a Successful Prosecution." Through a grant received by the National Committee for the Prevention of Elder Abuse (NCPEA), the Elder Abuse

Coordinator attended a conference on aging. As a consequence of this training, attendees developed a NYC Elder Abuse Network. This group has met bi-monthly since August 2006 and is working on a project to train bank personnel to recognize financial fraud/exploitation and to develop steps to prevent and report suspicious bank activity involving vulnerable elderly clients.

The Bronx District Attorney's Office was selected in early 2006 to become a CASE ("Communities Against Senior Exploitation") Model Site. The CASE partnership is an elder fraud prevention and intervention program. The Bronx District Attorney's Office is one of over 20 sites across the country that are working with faith-based communities and senior centers to combat elder fraud and exploitation. As part of this program, staff from the District Attorney's Office conduct

training in the community using CASE resource materials. During 2006, the program recruited 17 community partners and presented 23 seminars. This program was initially implemented without funding, staffed by volunteers from the Office. In 2006, the Office received a small grant from the National Consumers League for educational efforts on telemarketing fraud. This grant has been used to print 5,000 covers for the CASE "Power Against Fraud" handouts (and to translate them into Spanish) as well as for producing CASE marketing brochures.

PROJECT SAFE NEIGHBORHOODS

Project Safe Neighborhoods (PSN) was introduced by the US Department of Justice in January 2002 as a national strategy designed to reduce gun violence in America through the combined efforts of

local police and prosecutors, the US Attorney's Office and the federal Bureau of Alcohol, Tobacco and Firearms (ATF). Under this grant program, the Bronx District Attorney collaborates with the US Attorney for the Southern District of New York to try to reduce the number of illegal guns on the streets of the Bronx.

As part of this effort, we interview defendants charged with illegal sale or possession of guns. A Detective Investigator and an assistant district attorney debrief such defendants in an effort to obtain information to form the basis for long-term investigations of weapons trafficking and the issuance of search warrants for the seizure of weapons. Between April 2000 and March 2006, this effort was further enhanced with state funding which enabled us to conduct complex sting operations and purchase illegal guns.

Two plead guilty to gunrunning *New York Daily News, 2/2/2006*

The NYPD's Firearms Investigation Unit conducts extensive, long-term undercover investigations in an effort to remove guns from the streets of the Bronx. One such investigation resulted in the conviction of individuals involved in a gun-running operation between South Carolina and the Bronx. In this operation, guns were purchased out of state and then sold illegally in the Bronx. On five separate occasions, 25-year-old Daniel Blanding traveled from South Carolina to the Bronx to sell firearms to an undercover detective. The guns he sold included an SKS assault rifle, HiPoint 9 MM and .380 caliber

semi-automatic pistols, H&R Magnum .32 caliber revolvers and a Taurus .44 caliber revolver. The guns were purchased for approximately \$9,500. All sales occurred on sidewalks at various locations.

On February 2, 2006, Blanding pleaded guilty to five counts of criminal sale of a firearm in the third degree and two counts of criminal possession of a weapon in the third degree. Blanding pleaded guilty during his trial after several days of testimony by one of the undercover detectives involved in the investigation. On May 17, 2006, he was sentenced to nine years in state prison.

Blanding did not act alone. Two

Two plead guilty to gunrunning
New York Daily News, 2/2/2006, Continued

co-defendants had limited involvement in the illegal gun sales. But both 20-year-old Quincey Jackson and 27-year-old Curtis Doctor were with Blanding on some occasions when guns were sold to the undercover detective.

On January 31, 2006, Doctor plead-

ed guilty to criminal sale of a firearm in the third degree. On March 1, 2006, he was sentenced to six months in jail and five years probation. Jackson pleaded guilty on January 31, 2006, to criminal possession of a firearm in the third degree and on March 1, 2006, he was sentenced to five years probation.

Project Safe Neighborhoods builds on existing relationships and agreements with these agencies to share assets and intelligence to investigate weapons trafficking and prosecute gun cases more effectively. This Office works very closely with the US Attorney's Office, particularly in the two Bronx Weed and Seed sites, where the law enforcement focus is on gangs and violent crime.

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

Although the New York gun law enacted in November 2006 provides for tougher sentences in state court, certain gun offenses, including guns possessed in a home or place of business, can still be more effectively prosecuted in federal court.

In 2006 the Department of Justice split the PSN funding into two separate programs: the original anti-gun program and a new anti-gang program. While this Office received funding under both programs, the total was substantially lower than that received in prior years for the gun program alone. The Bronx District Attorney's PSN Anti-Gang program was implemented in the Soundview/Bruckner Weed and Seed area and has both a prevention component and an enforcement component. The prevention portion involves the Explorers programs from the 43rd Precinct and Police Service Area (PSA) 8, which serves NYCHA developments in the area. PSN funds were used to purchase uniforms and insurance required to participate in the Explorers and to purchase pressure

washers and materials for removal of gang-related graffiti. In addition, this Office conducted a number of anti-gang workshops for children, youth and adults in the area.

The Bronx District Attorney's anti-gang enforcement strategy focuses on problems with a number of gangs in the area, including Crips, Bloods, and "Dominicans Don't Play," commonly known as DDPs. In addition to coordinating with federal and local partners, improving collection and sharing of gang-related intelligence, the Chief of the Bronx District Attorney's Gang Prosecutions Bureau has assigned an assistant district attorney to prosecute gang cases from this area. The Office also assigned a detective investigator to be dedicated to gang investigations in the 43rd and 40th Precincts. Cases from the area are reviewed by the Chief of the Bronx District Attorney's Gang Prosecutions Bureau and the detective investigator. In addition, this detective debriefs all defendants with suspected gang involvement who are arrested in the area.

BRONX SEXUAL ASSAULT RESPONSE TEAM

In 2002 the Bronx Adolescent and Adult Sexual Assault Task Force began meeting at the District Attorney's Office. The goal of the Task Force is to identify and respond to system challenges and develop solutions to improve services for victims of sexual assault. The Task Force is composed of representatives from hospitals and the medical community, the New York City Criminal Justice Coordinator's Office, the New York City Alliance Against Sexual Assault, nonprofit crime victim service providers, the New York City Police Department, and the Bronx District Attorney's Office. The members identified a need and with the aid of the Mayor's Office obtained funding for a Bronx Sexual Assault Response Team (SART).

The Bronx SART began delivering advanced forensic and counseling services in April 2004 to every sexual assault victim seeking treatment at any of the three municipal hospitals in the Bronx. The Bronx SART is on-call around-the-clock, every day of the year to respond within one hour. The responders include a specially-trained forensic examiner and a rape crisis advocate. Compassionate and competent care delivered promptly helps sexual assault victims overcome the trauma from the attacks. The rapid response is also meant to ensure that critical evidence is properly collected as soon as possible after

an attack, which assists with the investigation and prosecution of these violent crimes.

The Bronx SART is supported by federal and state grants and consists of a group of 12 - 14 Sexual Assault Forensic Examiners (SAFEs) who are coordinated by a project director who works from North Central Bronx Hospital. The examiners conduct a physical examination, collect potential DNA evidence, and document both internal and external injuries. Between April 2004 and September 2006, the Bronx SART handled 614 cases. In 96% of those cases, a SART examiner responded to the hospital within one hour of admission of the sexual assault victim to the Emergency Room. In 77% of those cases, the physical examination of the victim revealed findings of either genital or non-genital trauma consistent with the alleged sexual assault.

MULTIDISCIPLINARY TEAM ON CHILD PHYSICAL AND SEXUAL ABUSE

The Multidisciplinary Team on Child Physical and Sexual Abuse is a coalition of representatives from the Office of the Bronx District Attorney, Bronx hospitals, mental health service providers, school districts, the Administration for Children's Services, the New York City Corporation Counsel, the NYPD and the Juvenile Rights Division of the Legal Aid Society. Its purpose is to improve communication among participating agencies

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

This team approach affords a number of benefits. First, it enhances the quality of evidence available to all participants by affording them the opportunity to be present to ask questions at the victim's first interview. Second, it minimizes the additional trauma to the victim who, if subjected to repeated interviews, must revisit incidents that may have been emotionally devastating. Third, it avoids problems associated with having victims repeat their stories, such as details forgotten or inadvertently omitted, and having victims become tired and uncooperative. In 2006, the District Attorney's Office responded to 286 joint interviews with members of the Multidisciplinary Team. Through its participation in the Multidisciplinary Team, the Office has significantly improved its ability to prosecute child abusers effectively while addressing the needs of child abuse victims.

CRIMES AGAINST REVENUE PROGRAM

In 2005, with funding from the NY State Division of Criminal Justice Services (DCJS), this Office initiated a Crimes Against Revenue

Program. The goals of the program are to investigate and prosecute those who violate tax laws, to reclaim lost revenue and to increase voluntary compliance with applicable laws. In collaboration with other City, State and Federal agencies, the Bronx District Attorney's Office conducts investigations into businesses and individuals who sell both legitimate and illegal goods and services. The Office collaborates in such investigations on a regular basis with the New York State Department of Taxation and Finance and the New York City Department of Finance.

Although individuals involved in illegal activities do not generally report revenue derived from these activities as income, such illegal revenue is taxable as

income within the meaning of the Tax Law. New revenue investigations will be generated by a careful review of our pending inventory of cases as well as new arrests involving larceny (employee dishonesty, identity theft, frauds, prostitution, fencing, gambling, narcotics and unstamped cigarettes).

JOINT TRAINING PROGRAM WITH THE NYPD

In January 2002 we launched the BXDA/NYPD Joint Training Program. This program is conducted regularly in the Litigation Training Unit of the Office of the Bronx District Attorney. The faculty is comprised of a group of experienced attorneys and NYPD supervisors

designated to teach specific topics. During each session approximately 30 - 35 uniformed members of the New York City Police Department are trained together with assistant district attorneys. Between 2002 and 2006, approximately 300 assistant district attorneys and nearly 900 police officers and detectives received this training.

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



Joint Training Program.

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

NYPD New Police Officer Training

In 2005 the Bronx District Attorney's Office began a training program for newly appointed police officers in Bronx county. The training is provided to officers after they have had four-to-six months of street experience and covers basic legal issues (*e.g.*, citizen/police encounters and laws governing identification and statements), proper procedures when responding to domestic violence incidence, and Complaint Room policies and procedures (including how to complete supporting depositions).

The training is provided by the Deputy Chief of the Criminal Court Bureau, the Deputy Chief of the Domestic Violence Bureau, and the Deputy Chief in charge of Arraignments and Complaint Room. The Office receives cooperation and support from the NYPD Patrol Borough Bronx Commanding Officer and the Borough Training Officer,

who provides coordination and assigns officers to attend the training. Depending on the size of the Police Academy graduating class, there are three to four training sessions per year. In 2006 there were three sessions, each with 90 - 100 officers per class.

These training sessions have resulted in marked improvement in new officers' paperwork, particularly in completing supporting depositions and in articulation of the facts of the case to establish probable cause to justify the arrest. The officers rate the training very highly and have requested that "refresher" courses be offered every six months.

St. John's Law School Clinic

Since 1999, staff from the Bronx District Attorney's Office have participated in a clinical program for law students at St. John's University School of Law in which several law students are designated as student

assistant district attorneys. Each year the students prosecute cases under a special designation to practice order issued by the Appellate Division, First Department. The students are supervised by Bronx District Attorney's Office staff. In addition to the clinical component, a member of the Bronx District Attorney's Office staff, Mr. Joseph McCormack, teaches coursework related to this program at St. John's University. In 2006 he was named Clinical Professor of the Year at St. John's University.

INTERNATIONAL VISITOR LEADERSHIP PROGRAM

In 2006, for the fourth year, Bronx District Attorney's Office staff assisted the US Department of State as speakers for the International Visitor Leadership Program. During this year staff addressed representatives from Italy, Brazil, Greece, and a 13-member delegation representing a number of countries from around the world; the topic was intellectual property rights.



International Visitor Leadership Program



International Visitor Leadership Program

The countries included Bangladesh, Iceland, India, the Slovak Republic, and United Arab Emirates.

In addition, the Office's Arson/Economic Crime Bureau Chief was invited by the US Patent and Trademark Office to travel with a delegation to China to dis-

cuss intellectual property crimes enforcement and prosecution from a local perspective. The delegation traveled to Shanghai, Shenzhen, Guandzhou, Beijing, and Shenyang from November 6 - 17, 2006. In each city they met with representatives of the local prosecutors, the

High Court, US business, China Customs, police, the Vice Governor of Beijing, and Intellectual Property officials. As one of the chief speakers, the Bureau Chief discussed local laws, methods of investigation, and collaborations with law enforcement and industry.

In September 2006 approximately 30 lawyers from the Bar Association of the Antilles visited the Office for a two-day conference. While they were here, the representatives from the Dominican Republic and Haiti met with Bronx District Attorney's Office staff who discussed methods we use to deal with such issues as public and private corruption, identity theft and internet scams. Additionally, the visitors toured the Complaint Room, court rooms and other parts of the Office.



International Visitor Leadership Program

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

In these collaborations the Community Affairs Unit is often the connection between the District Attorney and the residents of Bronx County. Staff from the unit attend community meetings, and the unit provides speakers and tours of the courts, offers education and prevention programs, participates in interagency committees, and interacts regularly with community residents, neighborhood leaders and others. The unit also keeps residents informed of the status of cases as they progress through the criminal justice system.

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

The programs highlighted below are just a sample of those

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

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 street-level drug sales to elder abuse. Each show lasts one half-hour and deals with a particular topic. People from the community are invited to ask the District Attorney and his staff various questions related to that topic. Topics of discussion have included: Economic Crime, Quality of Life, Domestic Violence, Narcotics, Community Outreach, Elder Abuse, Homicide Survivors, the Abandoned Infant Protection Act and the Bronx Multidisciplinary Team on Child Abuse, Project Safe Neighborhoods, Safeguarding Your Child on the Internet, Bias Crime, and the Bronx District Attorney’s Crime Victim

Assistance Unit Satellite Office. This series airs on Bronxnet, Channel 67 in various time slots each week.

PROJECT JUMP

Sophomores, juniors and seniors from the Law, Justice and Public Service Academy at Theodore Roosevelt High School are matched with volunteers from the Bronx District Attorney’s Office on a one-to-one basis. Mentors provide much-needed support and inspiration to students making their way through school. Traveling to the Bronx District Attorney’s Office to meet with their mentors allows students to experience the mentors’ work environment and learn about the functioning of the criminal justice system. Thirty-four mentor/mentee pairs were matched in 2006.

READ-TO-ME PROGRAM

In partnership with two local day care centers, staff from the Bronx District Attorney’s Office hold monthly reading sessions. Support staff and assistant district attorneys volunteer their time once a month to read stories to children between the ages of two and five at the Marshall England Early Childhood Learning Center and at the Paradise Learning Center.

TOURS AND SPEAKERS

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

STUDENTS TOGETHER AVOIDING RISK (S.T.A.R.)

The S.T.A.R. program uses a multi-faceted approach to battling narcotics and violence. Trained staff at the District Attorney's Office participate in a three-part community outreach program for 5th and 6th grade children and their parents. This program provides age-appropriate information on the 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. Close to 400 students participated in the S.T.A.R. program in 2006.

YOUTH TRIAL ADVOCACY PROGRAM

The Bronx District Attorney's Office Youth Trial Advocacy Program (Y.T.A.P.) provides motivated students with an opportunity

to explore a career in law. Students meet with assistant district attorneys to discuss legal careers and the criminal justice system. Students are then divided into teams, each with 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, and the top two participants are awarded Summer Internships within this Office.

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

Elementary school students from P.S. 156 travel to the Bronx District Attorney's Office to participate in mock trials. Incidents violating school rules are brought before the mock court and the children act as defense counsel, prose-

cutor, jury and court officers. With the aid of assistant district attorneys, the students learn how trials are prepared and conducted. The program also assists the students by helping them to develop effective communication skills while learning more about the complexities of the judicial system.

EAGLE ACADEMY MENTORING PROGRAM

The Eagle Academy is an all-boys public charter school that stresses academic excellence. Students from the Eagle Academy are matched with male mentors from the Bronx District Attorney's Office. A staff member from the Office meets with personnel from the Academy to coordinate group activities for the mentor/mentee pairs and provides support and advice on fostering a positive relationship with mentees. There were 24 pairs in the 2006-2007 school year.



National Night Out

THE ADULT WORKSHOP SERIES

The Adult Workshop Series provides the District Attorney's Office with an avenue to educate Bronx residents about various issues related to the criminal justice system. Workshops such as "After the Arrest," "You Be the Judge," "Safeguarding Your Child on the Internet," "Perspectives on Protecting Your Identity," "Gang Awareness" and "The Fundamentals of Court Monitoring for Community-Based Groups" have been developed to inform citizens about issues such as identity theft, criminal court arraignment, trial procedures, dangers lurking on the Internet and the presence of gangs in our schools and neighborhoods. Workshops are presented monthly on a rotating basis. In 2006 the Adult Workshop series expanded to include "Domestic Violence."

PRECINCT COUNCIL REPRESENTATIVES

There are 12 precinct community councils and two Police Service



After the Arrest Workshop

Areas (PSAs) in the Bronx that meet monthly. Fourteen assistant district attorneys have volunteered to attend these meetings. These representatives assure that the District Attorney is kept informed about issues of significance to the community.

SPECIAL PROJECTS

The Community Affairs Unit also implements several special events and programs throughout the year to address various community needs. Special programs are developed with community organizations

to afford various segments of the Bronx community an opportunity to interact with the Bronx District Attorney and his staff.