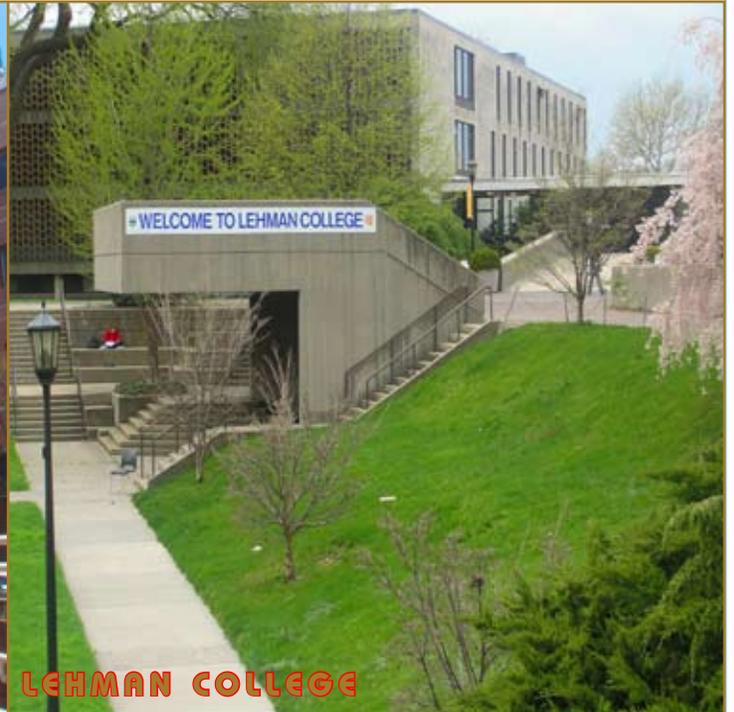
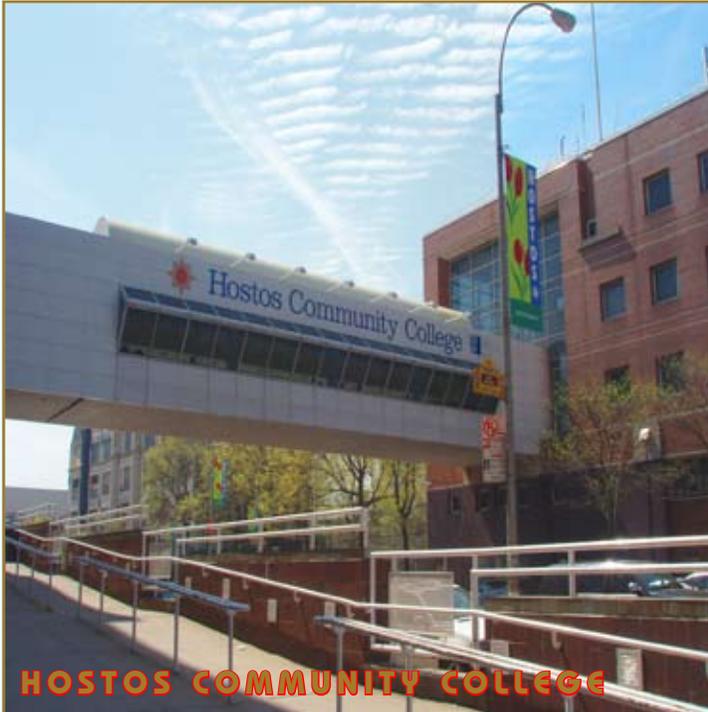


OFFICE OF THE BRONX COUNTY DISTRICT ATTORNEY ANNUAL REPORT 2009



Robert T. Johnson
District Attorney

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Robert T. Johnson,
Bronx County District Attorney

District Attorney's Message

“Of course, public safety is our top priority, and to achieve that goal we constantly seek new tools and programs, striving to balance vigorous prosecution with innovative rehabilitative programs, participation in specialized courts, anti-crime education, victim services, and community outreach.”

This was a year of contrasts and mixed messages. On the plus side, there were fewer Bronx homicides than in any year since 1966, and violent crime in general continued to decrease. On the other hand, arrests rose sharply, shooting incidents rose, felony prosecutions were up, and the Bronx continued to suffer a crime rate which is disproportionate to our share of the City's population. On another front, the worst effects of the current economic crisis appear to have not yet played out, and, as I write, I anticipate the need for severe and unprecedented budgetary measures which will certainly impact on the core functions of my office.

Thankfully, however, for the moment violent crime complaints continue to decrease. In 2009, index crimes decreased by some 7% from 2008. Homicides fell from 132 in 2008 to 113 in 2009, and robbery, rape, and grand larceny auto complaints were also down. However, the number of shooting victims rose, and with 16.6% of the City's population, Bronx shooting incidents represented 29% of the citywide total, a slight

increase from that percentage (27%) in the previous year.

In 2009, we prosecuted 6,118 felony cases, about 6% more than in 2008. Some cases stand out. Among these was the tragic shooting of Sadie Mitchell, a 92-year-old who was shot to death in her own home on East 224 Street. The grand jury indicted an 18-year-old man for firing the fatal shot in the course of a dispute in broad daylight on the street. Although the bullet missed hitting anyone outside, it penetrated the first floor window of Ms. Mitchell's house and struck and killed her. The alleged shooter was indicted for murder in the second degree and related crimes.

Another tragedy involved Sheldon Harris, who was rebuffed when he attempted to get back together with Colleen Brown, the mother of his child. Harris responded by shooting Ms. Brown, her mother, her grandmother, and himself, in the presence of the child. Colleen's mother was killed; the others recovered. On June 26, 2009, a jury found Harris guilty of murder in the second degree. He

was subsequently sentenced to 47 years to life imprisonment.

This year saw an increase in the use of DNA to solve a variety of crimes, from robbery to burglary and assault. Illustrative was the prosecution of Lloyd Farquharson, who, in 2006, invaded an apartment, demanded money from the occupant, and stabbed her during the attack. In the course of the cleanup, the victim found an earring that did not belong to her. Subsequent DNA analysis matched the earring to Farquharson, who had been compelled to provide a DNA sample after a previous robbery conviction. On November 6, 2009, Farquharson was convicted of burglary. He was sentenced to 20 years incarceration.

Moving to other crimes, 2009 saw the prosecution of Jesus Borrero and Joann Encarnacion, who were caught after a high speed chase which began when a witness saw them steal a Dodge Minivan and ended in a collision which severely injured the driver of another vehicle. After their apprehension, the pair admitted that between January 24 and February 28, 2009, they had stolen some 19

vehicles, primarily in the vicinity of the 45th precinct. These included 15 minivans, apparently the pair's target of choice. Both pleaded guilty to assault for causing injury in the course of felony grand larceny. Borrero, the driver of the stolen van, was sentenced to 4½ years incarceration, while Encarnacion received probation.

In the area of economic crime, in 2009 a long-term, joint investigation with the New York City Department of Finance culminated in the convictions of several Bronx restaurant owners for evading more than five million dollars in taxes. So far, the pleas in these cases have recovered over 1.5 million dollars in restitution payments, with more to come in subsequent years.

Of course, public safety is our top priority, and to achieve that goal we constantly seek new tools and programs, striving to balance vigorous prosecution with innovative rehabilitative programs, participation in specialized courts, anti-crime education, victim services, and community outreach. For example, on

April 25, 2009, we partnered with the NYPD to launch a Gun Buyback Program to reduce the number of illegal firearms in the Bronx. Six houses of worship from diverse faiths and neighborhoods served as host sites. This has proved to be the most successful such program in the City to date, netting nearly 1,000 guns, including 296 revolvers, 174 semi-automatic pistols, 242 rifles, and 163 shotguns.

Despite the challenges faced by this Offices in 2009, our legal and support staff provided exemplary service. Examples in which staff members have been recognized for excellence include: Criminal Justice Public Service Fellowship from the New York County Lawyers' Association to ADA Justin Braun.... Career achievement award from the Detective Investigators Association to Deputy Chief Frank Chiara... Thomas E. Dewey medal from the New York City Bar Association to Senior Investigative ADA Jeff Glucksman The 2009 Bronx Legends Award by Bronx Works and a citation from NYS Assembly

to Elder Abuse Coordinator Ellen Kolodney ... National Highway Traffic Safety Administration Award for Public Service from the US Department of Transportation to Bureau Chief Joe McCormack.... Certificate of Achievement Award from the 52nd Precinct Community Council to ADA Leah Takantzas Plaque from DCJS "In Appreciation of your Work on the Development of the NYS License Plate Reader Traffic Safety Initiative," Certificate of Appreciation from the Detective Investigators Association, and Plaque from the Northeast International Association of Auto Theft Investigators to Deputy Bureau Chief William Zelenka.

As we progress in 2010, facing what may prove to be an unprecedented budget crisis, I can only state that we will do the very best we can to maintain the highest level of public service within the means that we are given.

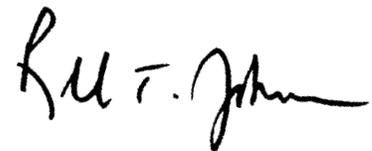


Table of Contents



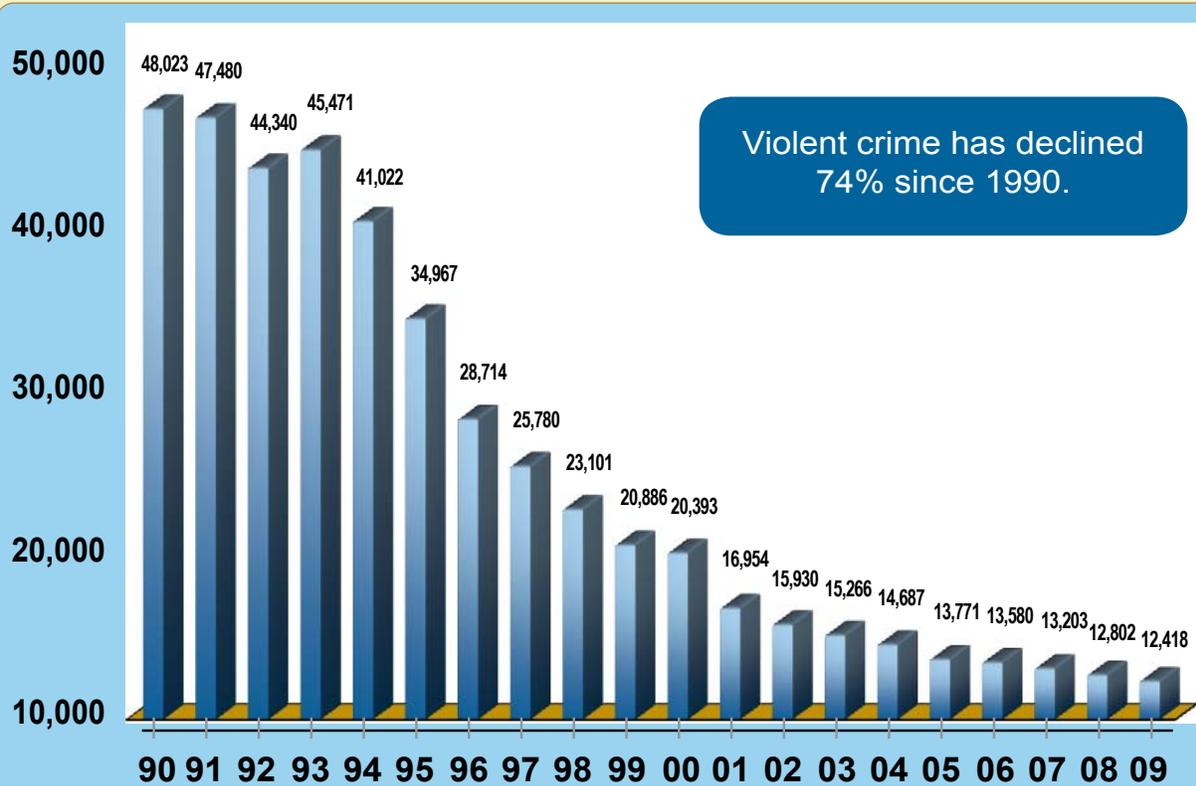
DISTRICT ATTORNEY'S MESSAGE	1
CRIME OVERVIEW	4
Reduction in Crime	4
Bronx County's Higher Proportion of Violent Crime	6
<hr/>	
PROSECUTING CRIME	7
VIOLENT CRIME	8
DRUG CRIME	12
DRUG TREATMENT ALTERNATIVE TO PRISON	12
Technology	14
Financial Crime	18
<hr/>	
CRIME VICTIMS ASSISTANCE	20
CVAU SATELLITE OFFICE	21
BRONX CLOTHES-LINE PROJECT	22
<hr/>	
PARTNERSHIPS AND COLLABORATION	23
DA AND NYPD BUYBACK OF NEARLY 1,000 GUNS	23
SPECIALIZED COURTS AND PROGRAMS	23
BRONX MENTAL HEALTH COURT	24
BRONX COMMUNITY SOLUTIONS	27
OPERATION Weed AND SEED	27
DOMESTIC VIOLENCE	30
GANG PROSECUTION	31
AUTO CRIME INITIATIVES	33
ELDER ABUSE	36
BRONX SEXUAL ASSAULT RESPONSE TEAM	37
MULTIDISCIPLINARY TEAM ON CHILD ABUSE	38
JOINT TRAINING PROGRAM	38
NYPD NEW POLICE OFFICER TRAINING	39
ST. JOHN'S LAW SCHOOL CLINIC	39
INTERNATIONAL VISITORS AND TRAVELERS	39
<hr/>	
COMMUNITY OUTREACH	41

Crime Overview

REDUCTION IN CRIME

This year was a year of contrasts: there were fewer Bronx homicides in 2009 than in any year since 1966, but the 113 victims included an innocent 92-year-old grandmother. Crime continued to fall sharply, while arrests increased to over 100,000. Among index crimes, which decreased by 7% from 2008, robbery complaints fell by 15%, homicide by 14%, rape by 12%, and grand larceny auto by 18%. Violent crime has also decreased 74% since 1990, with declines each year from 1994 through 2009. While violent crime was decreasing, the number of shooting victims increased about 3% in 2009.

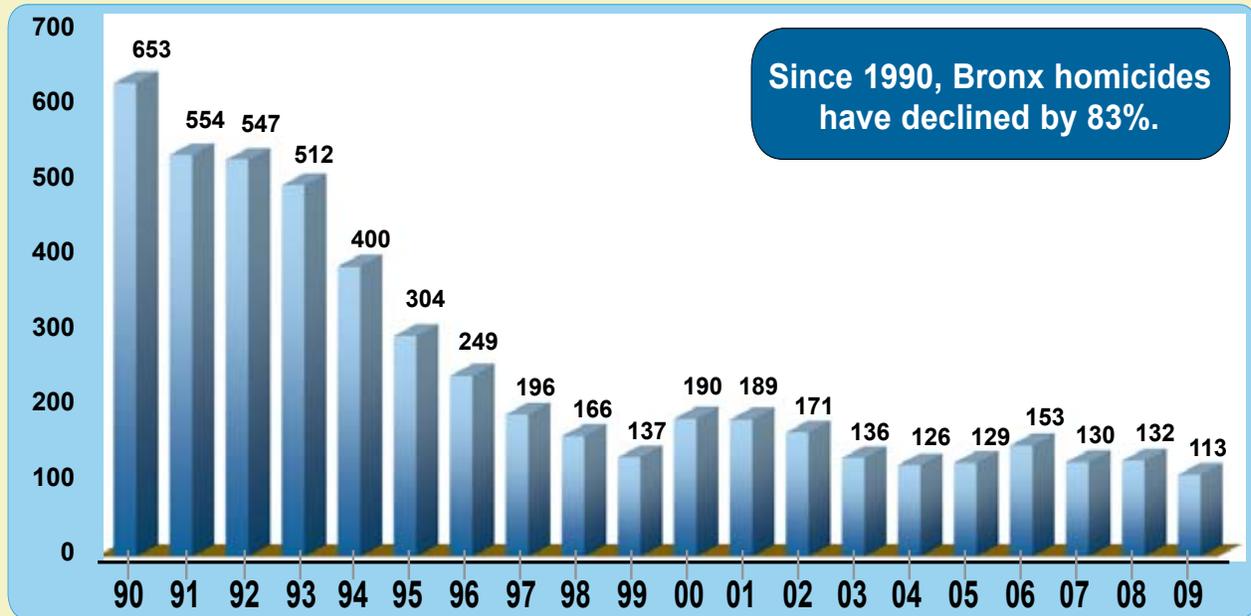
Violent Crime 1990 – 2009



Source: New York City Police Department

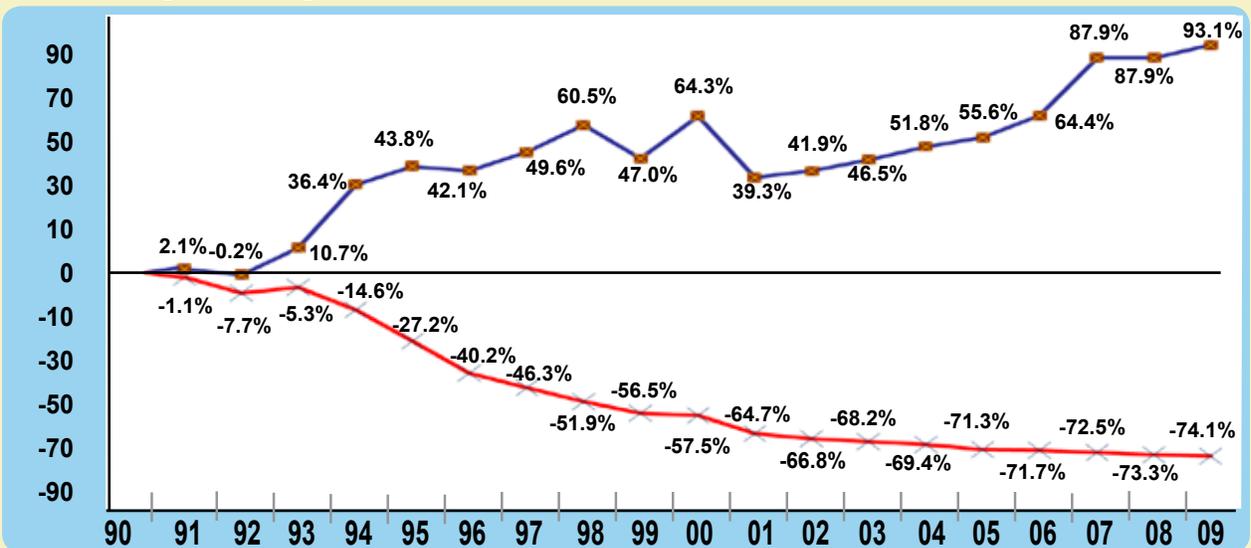
Decline In Homicides

1990 - 2009



Source: New York City Police Department

Bronx Reduction in Violent Crime v. Increase in Arrests Percentage Change from 1990 - 2009



Source: New York City Police Department

Since 1990 the number of homicides in the Bronx has been reduced by 83%, from

653 to 113 in 2009. For each of the past 13 years, there have been fewer than 200 homicides

in the Bronx, a level not seen since the 1960s.

BRONX COUNTY'S HIGHER PROPORTION OF CITYWIDE VIOLENT CRIME

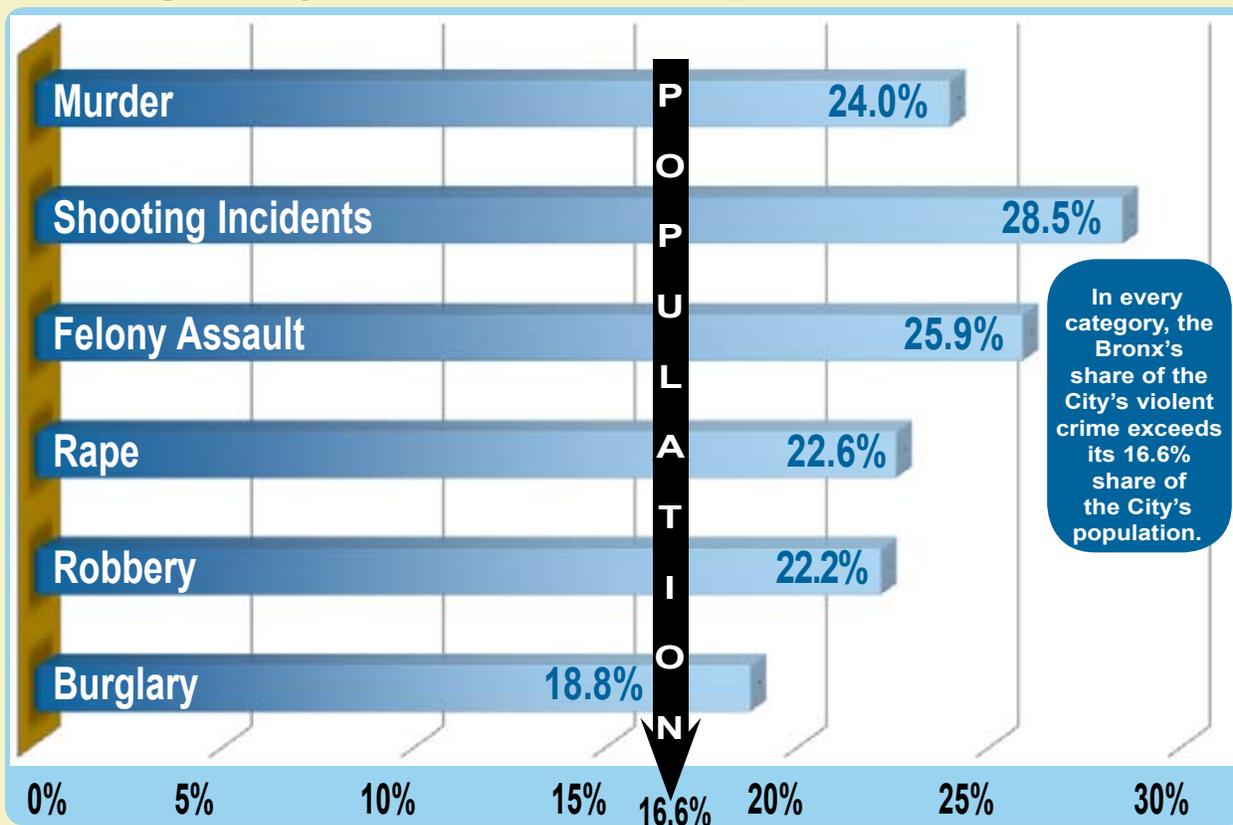
Despite remarkable strides in recent years, the Bronx continues to experience a disproportionately high crime rate. With only 16.6% of the City's population, the 113

murders in the Bronx in 2009 constituted 24% of the citywide total. Bronx shooting incidents represented 29% of incidents citywide. More than one in four of the City's felony assaults, nearly one in four of its rapes, and one of five robberies occurred in the Bronx, giving the county the highest incidence in New

York City per 100,000 residents of murder, rape, robbery, burglary, and felonious assault. Also, last year the Bronx's more than 68,000 Domestic Incident Reports represented 27% of the citywide total, the highest rate per 100,000 population in New York City.

Bronx Violent Crime 2009

Percentage of Citywide Violent Crime v. Population

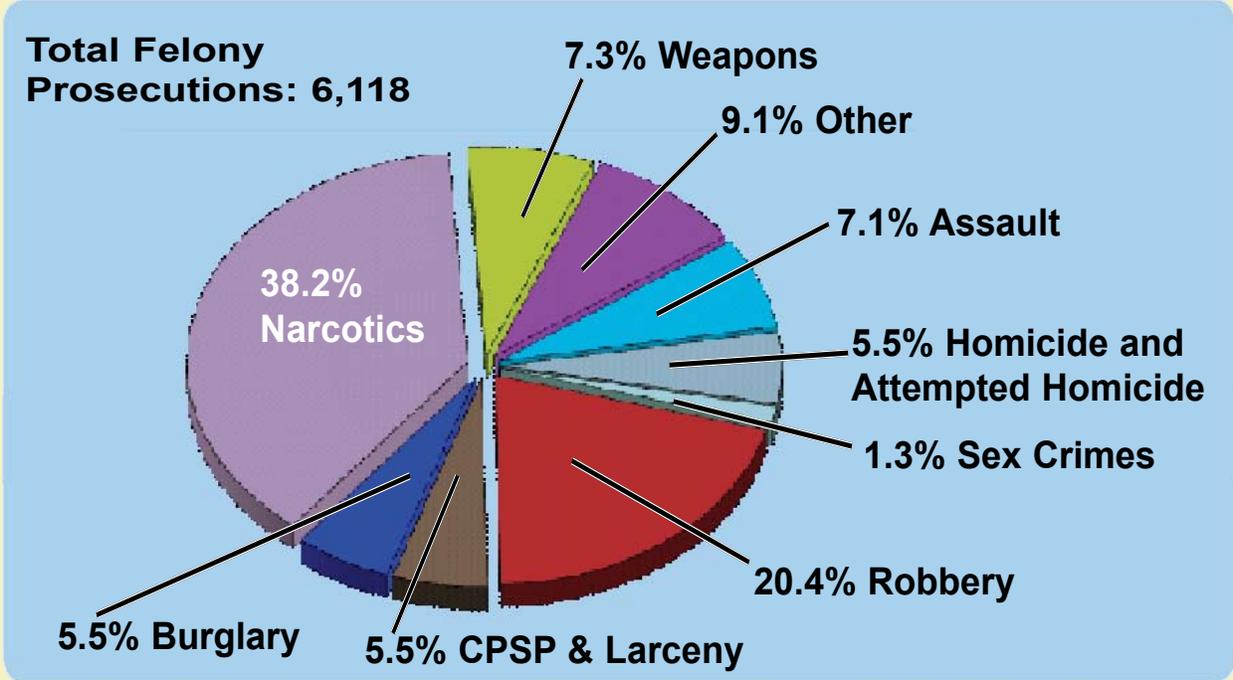


Source: New York City Police Department

Prosecuting Crime

While crime complaints have fallen, Bronx arrests have risen by a staggering 93% since 1990. The Bronx District Attorney's Office prosecuted 6,118 felony-level defendants in 2009, about 6% more than were prosecuted in 2008. Narcotics cases accounted for 38% of the felony prosecutions in Bronx County.

Bronx District Attorney's Office Felony Prosecutions: 2009



Source: Bronx District Attorney's Office

VIOLENT CRIME

Violent crime decreased again in 2009. However, statistics are little consolation to the victims of violent crime. Any violent death is a tragedy, but when an innocent bystander is killed, it is particularly tragic. The first murder case in this year's report involved the death of a 92-year-old woman killed by a bullet intended for someone else. In the other two murder cases, the victims knew their killers. When Sheldon Harris's ex-girlfriend refused to get back together with him, Harris killed her mother, tried to kill the ex-girlfriend, and shot her grandmother. The third case was particularly gruesome: the killer cut up his victim's body and distributed it around the neighborhood. This year's examples of violent crime also include two cases involving incest, one of which ended in murder. Victor Perez raped and repeatedly sexually abused his daughter, beginning when she was nine years old. Miguel Matias's daughter was pregnant with his child when Matias killed her and put her body in the boiler.

At Age 92, a Charitable Life Ends in a Senseless Death

Headline from The New York Times, 10/22/2009

On October 20, 2009, Sadie Mitchell had lived in her home on East 224th Street for over 50 years. At the age of 92, Ms. Mitchell was in good health and an active member of her community. But on this fateful October day, Sadie Mitchell's life was tragically ended when she was struck by gunfire as she stood in her living room.

Eighteen-year-old Jamal Blair and a number of other youths were allegedly engaged in a dispute. Blair allegedly retrieved a firearm that he had stashed in the back yard of one of the private houses, pointed the firearm toward a crowd of people on the street and fired one shot. Although the bullet missed hitting numerous individuals who were outside at the time, it was a fatal shot. This bullet

traveled through the first floor window of Sadie Mitchell's house, striking her, causing her death.

The grand jury indicted Blair on one count of murder in the second degree, one count of manslaughter in the second degree, and two counts of criminal possession of a weapon in the second degree. The charges in this indictment are merely accusations, and the defendant is presumed innocent unless and until proven guilty. The grand jury charged that Blair acted "in a manner evincing a depraved indifference to human life." He faces a maximum sentence of up to 25-years-to-life imprisonment if convicted of the most serious offense, murder in the second degree. Blair is being held without bail and his case is pending.

BEAU GOES BERSERK IN BRONX, SHOOTS GAL PAL AND HER GRANDMA, KILLS HER MOM, WOUNDS SELF: COPS

Headline from New York Daily News, 9/5/2006

Sheldon Harris shot three generations of women from the same family. The vic-

tims were 24, 52, and 76 years old.

Twenty-three-year old Harris and 24-year-old Colleen Brown were in a rela-

BEAU GOES BERSERK IN BRONX, SHOOTS GAL PAL AND HER GRANDMA, KILLS HER MOM, WOUNDS SELF: COPS

Headline from New York Daily News, 9/5/2006 Continued

tionship that lasted several years. They had a daughter together who was almost two years old. The relationship turned sour, but on September 4, 2006, Harris went to see Colleen, played with their child, and attempted to get back together.

Colleen refused to get back together with Harris. In response, Harris pulled out a .40-caliber semiautomatic Ruger pistol and shot Colleen three or four times in the back and arm, causing extensive injuries. He then fired a single shot at Colleen's mother, Joan Brown, striking her in the chest. This shot proved to be fatal. Harris fired another shot at Colleen's grandmother, Clarissa Bryan, who sustained serious injuries to her leg as a result. This violent crime occurred in the presence of Colleen and Harris' daughter.

Brown then apparently turned the gun on himself. He was shot three times.

Colleen's injuries were life-threatening and kept her hospitalized for several weeks. Clarissa's femur was shattered and a metal rod had to be installed. She spent several weeks in a rehabilitation center.

On June 26, 2009, a jury found Harris guilty of murder in the second degree and attempted murder in the second degree. He was sentenced on August 28, 2009, to 47-years-to-life imprisonment. He must spend at least 25 years in prison for the murder of Joan Brown and a consecutive term of at least 22 years for the attempted murder of Colleen. The jury acquitted Harris of the charge of attempting to murder Clarissa.

Ex-Butcher Cut Up Man in Murder, Jury Finds

Headline from The New York Times, 4/9/2009

Forty-four-year-old Victor Gonzalez rented space in his ex-girlfriend's apartment. Gonzalez's ex-girlfriend was Wilfredo Pinto, Jr.'s current girlfriend. The two men had worked together as roofers at two different companies and there was a history of "bad blood" between them. Pinto had been Gonzalez's foreman on one job.

Late on May 10, 2006, Gonzalez came home and exchanged words with 36-year-old Pinto. They got into an argument, and words and punches were thrown. Gonzalez received a bruise on his face. A neighbor came over to break up

the fight. Unfortunately, the dispute flared up again later. Gonzalez provided a statement to police saying Pinto threatened to kill him. Gonzalez ran into his bedroom, obtained a hammer, chased Pinto and hit him on the side of his head with the hammer several times. Gonzalez continued to hit Pinto with the hammer as he fell onto the bed.

After Pinto stopped moving, Gonzalez cut up the body before removing him from the apartment. (Prior to moving to New York, Gonzalez worked as a butcher in Puerto Rico.) Gonzalez placed Pinto's body parts in garbage bags and took the bags from the apartment to

Ex-Butcher Cut Up Man in Murder, Jury Finds

Headline from The New York Times, 4/9/2009 Continued

several areas in the neighborhood.

Pinto was also stabbed several times in the chest. The medical examiner determined the cause of death to be both hammer blows and stab wounds.

Pinto's girlfriend had a neighbor call her brother, and when they found body parts they called police.

On April 7, 2009, a jury found Gonzalez guilty of one count of mur-

der in the second degree in the death and dismemberment of Pinto. The jury deliberated for about five hours before returning the guilty verdict. The jury rejected the defense's claim of self-defense and found that the brutal murder was intentional.

The sentence is still pending. Gonzalez faces a maximum sentence of up to 25-years-to-life imprisonment.

Brave girl, 12, tells judge: Never let my father out!

Headline from New York Daily News, 5/12/2009

Beginning on Christmas of 2005, thirty-nine year old Victor Perez raped and repeatedly sexually abused his biological daughter who was then a nine year old. The abuse continued every other weekend during court ordered visitation until October 7, 2007. During the visits with his daughter, Perez engaged in sexual acts, including vaginal intercourse and oral sexual conduct. Perez videotaped the rapes and sexual abuse of his daughter and even took photos of her in lingerie and high heeled shoes that he forced her to wear.

The crimes came to light on October 7, 2007. This was the last visitation date between father and daughter. The girl's mother noticed a rash in the child's genital area. The child disclosed the sexual abuse, and her mother called 911 and the child was taken to the hospital.

Investigators retrieved 41 separate movie files from Perez's home, and 40 photographs depicting the victim in sexually provocative poses. The jury heard tes-

timony from the victim about the sexual abuse. They heard that Perez had shown her videos that he said were of other fathers having sexual relations with their daughters. Other evidence in the case included testimony from a doctor, DNA, and videos and photographs of the rapes and the child dressed in lingerie and high heels. One photo had her wearing nothing but an American flag.

On April 23, 2009, Perez was found guilty of eight counts of predatory sexual assault against a child, five counts of rape in the first degree, three counts of criminal sexual act in the first degree, five counts of incest in the first degree, three counts of use of a child in a sexual performance, one count of course of sexual conduct against a child in the first degree, and endangering the welfare of a child. At sentencing on May 11, 2009, the daughter told the judge, "I want to ask you to send my father far away and never let him out." Perez was sentenced to 95-years-to-life in state prison.

Bronx superintendent put daughter in boiler, killed teen for using computer

Headline from NY Daily News, 2/17/2008

Thirty-five year old Miguel Matias was employed as a building superintendent in the building where he lived in the Bronx. His 14-year-old daughter Ana lived in Pennsylvania with her mother. However, she and two other siblings often visited Matias on weekends.

On February 16, 2008, Matias strangled his daughter, removed her clothing, and burned her body by placing her in the boiler of the building where he lived and worked.

Matias first admitted to killing his daughter during a telephone call to his uncle and sister. He then made a second admission in a call to a 911 operator. When police arrived at the scene, Matias stated that he had dumped his daughter's body and refused to tell the police where, stating that it was the job of the

police to find her.

The police, finding it suspect that Matias would admit to killing his daughter but not tell the police where her body was, began to scour the building in the hopes of finding Ana. It was then that they came to the gruesome discovery of the burning remains of what appeared to be the body of a young girl locked inside the boiler of the building. DNA testing confirmed that the remains were that of Ana Matias. During the autopsy the medical examiner discovered that Ana was approximately 12 weeks pregnant at the time of her death. Further DNA testing revealed that Matias was the biological father of the unborn child.

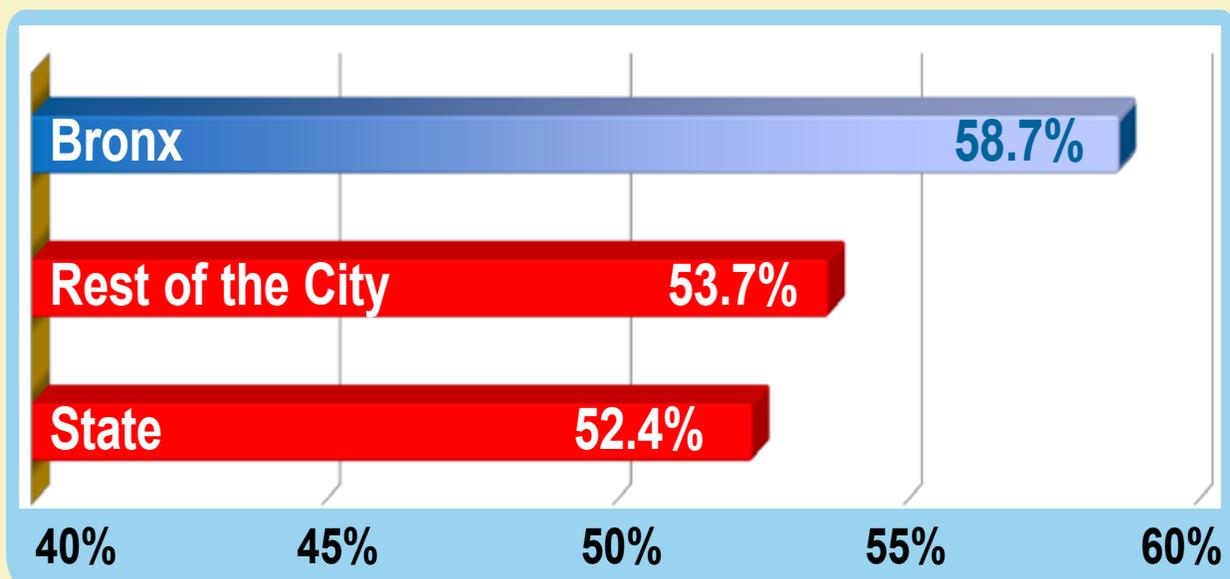
On October 9, 2009, Matias pleaded guilty to murder in the second degree. On November 4, 2009, he was sentenced to 25-years-to-life imprisonment.

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 the caseload that these cases comprise. In 1996 drug cases accounted for more than 65% of the Office's felony-level defendants. In 2009, just 38% of Bronx felony defendants were prosecuted on drug charges. Nevertheless, drug crime is still a very serious problem in the Bronx.

State Prison Sentences

Percentage of Narcotics Convictions 2009



Source: NYS Department of Criminal Justice Services

In addition to being tough on for-profit sellers, the Office offers many Bronx defendants drug treatment as an alternative to incarceration.

DRUG TREATMENT ALTERNATIVE TO PRISON (DTAP)

Bronx prosecutors have had substantial success in placing drug offenders in treatment programs. Between 1993 and 2009, approximately 13,775 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 2009, the Office placed 3,304 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.

Drug Treatment Enrollment*

1993 – 2009

PROGRAM	1993 - 2006	2007	2008	2009	TOTAL
DTAP	2,518	281	247	258	3,304
BX Treatment Court	1,423	86	79	118	1,706
Extended Willard	259	14	8	0	281
Mental Health Court	653	105	89	139	986
BX Treatment Misd. Court	450	247	158	224	1,079
Other Residential	3,785	157	137	153	4,232
Other	1,717	145	138	187	2,187
TOTAL	10,805	1,035	856	1,079	13,775

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.

TECHNOLOGY

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

DNA

The use of DNA in prosecuting Bronx cases originated in two separate tracks: sex crimes and property crimes. Between 2003 and 2006, the Mayor’s John Doe Indictment Project enabled this Office to indict individuals fitting the DNA profile recovered in sex crimes where the offender was neither apprehended nor even initially identified. Filing “John Doe” indictments before the expiration of the ten-year statute of limitations enabled prosecutors to proceed with cases whenever offenders were identified, regardless of how much time passed. The statute of limitations on the most serious sex crimes was eliminated in 2006, making it unnecessary to indict the DNA profile as a “John Doe.”

Beginning in Queens in 2005, with a grant from the National Institute of Justice, the NYPD collected possible biological evidence left behind at the scenes of commercial and residential burglaries and robberies. The New York City Police Department’s Evidence Collection Teams were trained to recognize and collect possible biological evidence left on items, such as clothing, soda bottles, and cigarette butts.

The success of the NYPD pilot program led to its citywide expansion

in January 2006. In April 2007, the Office of the Chief Medical Examiner, Department of Forensic Biology began accepting and testing evidence on property crimes committed within the City of New York. This significant expansion coincided with the opening of a new \$290 million state-of-the-art DNA laboratory, the largest public forensic laboratory in the nation.

“In 2006 New York State passed legislation which greatly expanded the pool of offenders required to provide DNA samples.”

In 2009, there were 86 burglary indictments that resulted from DNA “hits.” Twenty-two

robbery suspects were indicted by the grand jury.

In addition to those suspects who have been identified through DNA testing, we have approximately 36 case-to-case matches in which DNA profiles recovered from separate crime scenes have been matched to each other, but have yet to be matched to an offender profile in the DNA databank. These cases remain open “John Doe” investigations.

In 2006 New York State passed legislation which greatly expanded the pool of offenders required to provide DNA samples. Anyone convicted of a felony (or of an attempt to commit a felony, if the attempt is also a felony) or of specified misdemeanors, must provide a DNA sample for the State DNA Databank. This greatly improves the chances of obtaining a “hit” – linking DNA evidence from a crime scene with DNA from a convicted offender.

In 2009 Bronx DNA hits included 126 sexual assaults, 34 homicides, and 28 assaults. As the cases presented below illustrate, DNA has become a valuable resource for prosecutors both in cases involving violent crimes (e.g., rape, assault, murder) and those involving property crimes (e.g., burglary, larceny).

DNA Matches Solve Property Crimes

DNA is increasingly used to solve both property and violent crimes. The cases below are examples of crimes in 2009 that may not have been solved were it not for alleged DNA matches:

- A robber followed a 70-year-old man into the elevator of his residential building. He followed the victim out of the elevator when it reached his floor and pushed him into the stairwell. He beat the victim unconscious and stole his wallet containing cash and credit cards. The victim suffered multiple injuries including a broken back. Surveillance video showed the suspect entering the building behind the victim with a t-shirt on his shoulders. The surveillance footage showed the suspect leaving the building without the t-shirt. A t-shirt was recovered from the stairwell where the victim was found. It was submitted for DNA analysis and the DNA profile developed matched the suspect's profile in the New York State Convicted Offender DNA database. The case is pending.
- On July 26, 2009, a store's front glass door was shattered, and cigarettes and cigars were stolen. DNA was recovered from blood on the broken front door lock. On September 7, 2009, the front gate lock and window were broken on another store. A laundry bag was left outside the store containing a wrench and cigarette packages with blood on them. On October 14, 2009, a grocery store had its front glass door shattered, and numerous items were missing, including metrocards and cigars, although no DNA evidence was recovered. On October 20, 2009, another grocery store had its front gate broken off and a door's glass shattered. Numerous household goods, such as detergent and beer, were missing from the store, but no DNA evidence was recovered. On October 21, 2009, video surveillance showed three males enter a market and steal several boxes of cigars, cigarettes, cash, and other items. The front gate lock was broken and a flashlight with DNA was left behind. On October 21, 2009, police responded to suspicious activity at a hotel. Two men were in a room. DNA from three of the five burglaries listed above matched one of the suspects. Items found inside the room were positively identified as items taken from the burglaries. The case is pending.

DNA Match Identifies Home Invasion Suspect

On October 19, 2006, twenty-nine-year-old Lloyd Farquharson entered a street-level apartment. He demanded money from Lynn (pseudonym), who was in the apartment folding laundry. A struggle ensued. Farquharson produced a knife and stabbed the complainant on her head, right forearm, and left shoulder. Lynn escaped and ran to an upstairs neighbor's apartment. The neighbor called 911 and Lynn was treated at a nearby Bronx hospital for her injuries.

After returning home, Lynn began to clean up the blood in her apartment. While they were removing sheets from the bed where the stabbing occurred, her son noticed that an earring fell to the floor. The earring did not belong to either Lynn or her son. They wrapped the earring

in tissue paper and gave it to a detective for DNA analysis. A DNA profile was developed from a swab of the earring and uploaded to CODIS (the Combined DNA Index System which links local, state and national DNA databases).

The DNA profile from the crime scene matched a profile on file with New York State. The profile was that of Lloyd Farquharson. He had been compelled to give a DNA sample for inclusion in the New York State DNA Databank after being convicted on March 17, 1998, of attempted robbery in the second degree.

On November 6, 2009, a jury found Farquharson guilty of burglary in the first degree. He was sentenced on November 24, 2009, to 20 years incarceration with five years post-release supervision.

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 ini-

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

The explosive growth of the internet over the last decade has been accompanied by an increase in associated crimes, including crimes committed against children. The majority of the crimes against children involve dissemination of pornographic images. These crimes are committed by people from all walks of life, including doctors, lawyers, clergy, teachers and even law enforcement professionals. The perpetrators often seem to believe that they are insulated from prosecution due to the relative anonymity of the internet. The harmful effects on children can be enormous and enduring. In recognition of this problem, the Office of the Mayor's Criminal

Justice Coordinator formed a Sexual Predator and Electronic Crimes Task Force to coordinate law enforcement efforts.

Perpetrators of these crimes are identified through the use of undercover officers who enter cyber “chat rooms” and engage in explicit sexual chats, posing as

someone the predator believes to be a minor. This is often a time-consuming process because the predator’s trust must be gained. An undercover officer can typically only “chat” with one predator at a time. It frequently takes many hours “chatting” before discussions of meetings take place. In

addition, the perpetrator must be identified through an ISP address because the perpetrator rarely provides a true name or address. Although these investigations are labor intensive, the payoff is enormous when a potential child abuser is arrested and punished.

FINANCIAL CRIME

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

Sometimes the "victim" of financial crime is a government, such as New York City or State. Since 2005 this Office has received grants from NY State under the Crimes Against Revenue Program (CARP). Funds from CARP grants

support prosecutors, detective investigators and forensic accountants to investigate and prosecute individuals and corporations that steal from NY State and/or NY City by failing to pay sales or income taxes. In some cases, the amounts owed may reach

hundreds of thousands or even millions of dollars. The sentences for convictions of such crimes include restitution to the state and/or city of the taxes owed.

Tax Evasion

Failure to pay taxes owed to the State and City are not victimless crimes. New York residents pay for these crimes, particularly during times of fiscal crises, in the form of reduced services and increased taxes and fees to make up for the shortfall.

A number of long-term investigations resulted in convictions in 2009 of restaurant owners for evading taxes. The charges in these cases were the result of audits by the New York City Department of Finance. Auditors reviewed business records, receipts and financial ledgers and discovered discrepancies between the gross sales reported in those records and the sales and profit figures reported on corporate tax returns. Defendants receive sentences of conditional discharge under the condition that restitution payments be made. The pleas in three of these cases resulted in over \$1.5 million in restitution payments paid in 2009. Additional amounts are due in subsequent years.

Four restaurant cases prosecuted in 2009 resulted in guilty pleas and repre-

sent admissions of more than \$5,125,000 in taxes, fines, and penalties owed. These restaurants are:

- Jakes' Restaurant, owned by Margaret Ryan, \$525,000 paid in restitution;
- Fratelli's Restaurant, owned by Ed and Luigi Bastone, \$600,016 paid in restitution;
- Yankee Tavern, President and CEO Joseph Bastone, \$750,000 owed in restitution (\$408,250 paid at time of plea); the remaining balance is due by July 15, 2011.
- Pine Tavern. The case against Pine Tavern, with \$3.25 million in restitution to be paid, is described briefly below.

PINE TAVERN

On December 23, 2009, forty-year-old Anthony Bastone, owner of the Pine Tavern Restaurant, and its corporate entity, Pine Tavern Parking Corporation, pleaded

Tax Evasion

Continued

guilty to evading taxes and insurance premiums owed to New York State and New York City. These guilty pleas were the result of a three-year investigation that was initiated following an audit by the New York City Department of Finance.

Under the terms of the plea agreement, Bastone turned over a check for \$499,135 and forfeited \$820,865 in cash found in the basement and seized during the execution of search warrants on May 1, 2007. Bastone and the Corporation will also pay an additional \$1,930,000 by March 23, 2010. A total of \$3.25

million represents money owed in the form of New York State and New York City sales taxes, New York City General Corporation Tax, New York City and New York State personal income taxes, and premiums to the New York State Insurance Fund.

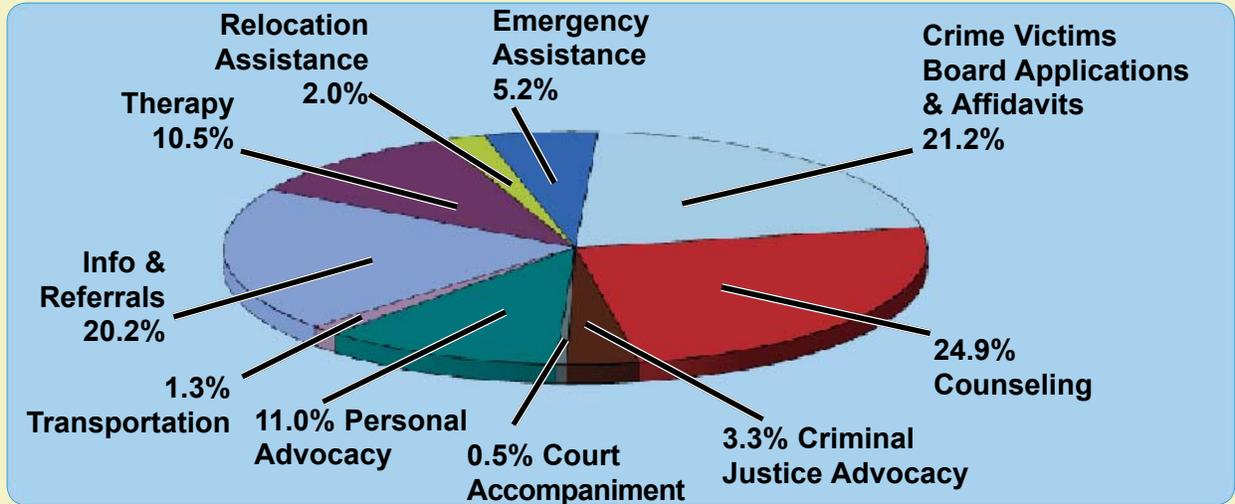
District Attorney Johnson said at the time of the plea, "At a time when the state and city are struggling to balance budgets it is imperative that everyone pays his or her fair share of taxes owed. This conviction should put wrongdoers on notice that cheating on taxes has consequences."

Crime Victims Assistance

The District Attorney's Crime Victims Assistance Unit (CVAU) saw a total of 2,500 new clients in 2009, an increase of 9.5% over 2007. CVAU staff made more than 16,000 service contacts with victims and witnesses during 2009. These services were provided from both the main office on 161st Street and the CVAU satellite office in the northeast Bronx.

Crime Victims Assistance Unit Contacts By Type of Service Provided

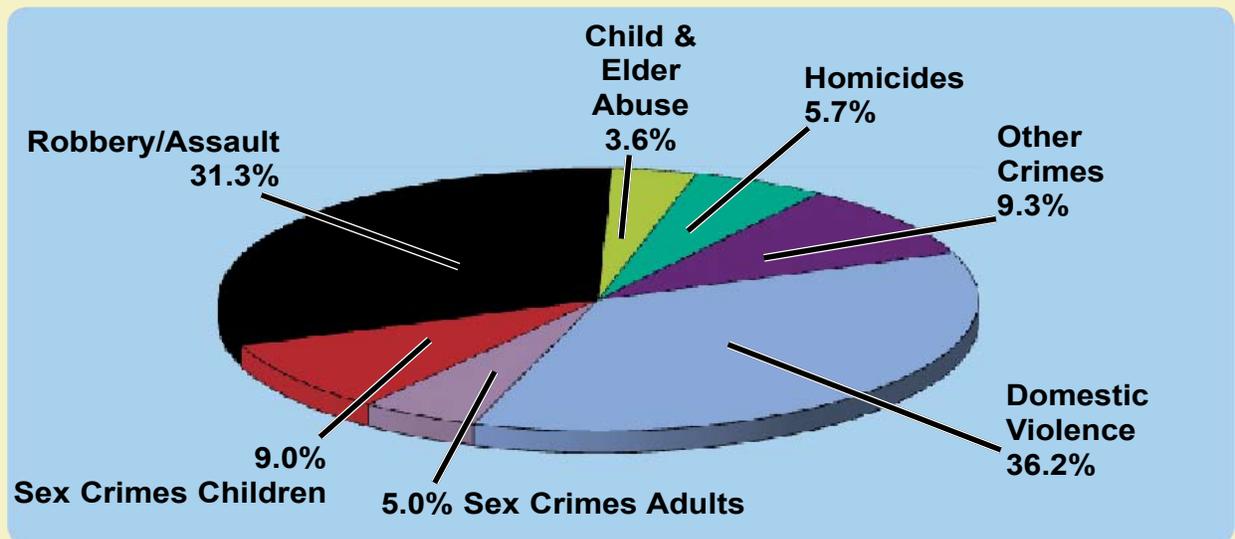
Total 2009 Service
Contacts: 16,390



Source: Office of Bronx District Attorney

Crime Victims Assistance Unit Contacts By Type of Crime

Total 2009 New Client
Contacts: 2,500



Source: Office of Bronx District Attorney

Victim to Parole Board: "...my sentence will never, never end."

Kim (pseudonym) was raped and sexually abused by her biological father beginning at age 12 and continuing until she disclosed the abuse at age 13 in 1997. The abuse was "almost daily" at times. She had to testify at two trials because the first trial ended with a hung jury. The second trial resulted in a conviction in April 1999; he was found guilty of rape in the first degree. In October 1999 he was sentenced to 12½-25 years incarceration. CVAU's involvement in this case dates back to 1997 when Kim's abuser was arrested. Advocates helped the young woman navigate the criminal justice system and were present during testimony at both trials.

The convicted rapist became eligible for early release in December 2009. The parole hearing was scheduled for August 2009. At the time of the conviction, the advocate registered Kim to be notified when he became eligible for parole. In July 2009, Kim was notified by the New York State Division of Parole and asked if she would like to meet with the parole board to make a victim statement. Because Kim now lives in Chicago, the initial plan was for her to make a statement via phone conference from her home.

Kim again contacted the Crime Victims Assistance Unit for assistance reviewing her prepared statement. The CVAU advocate asked Kim if she would prefer to make the statement in person. She replied through tears that she would like

to do so, but could not afford the trip. The advocate did some research and found the It Happened to Alexa Foundation. This organization helps rape survivors and their families with travel expenses during the litigation process. The advocate contacted the Foundation and asked if they would expand their definition of the litigation process to include victim impact statements to the parole board as part of that process. The Foundation agreed to approve Kim's application to receive round-trip air fare, ground transportation, and one day of lost wages so that she could travel to the Bronx.

The advocate accompanied Kim to the parole board to make her statement on July 31, 2009. In her statement, Kim noted that "as the years have passed the memories never do. . . My virginity was stolen from (*sic*) a man who has the title of my father. . . I never want his sentence to end . . . I know my sentence will never, never end."

In the statement, Kim talked about how she lived between her father's place in New York and her mother's place in Chicago; how she turned to "bad behavior" such as drinking and smoking marijuana after being raped; and how disclosing her rape led to foster care. By being able to present the statement in person, Kim felt empowered because she had taken back control of her life. Kim noted, "I am proud of myself for having the courage to speak out and do the right thing." In November 2009 Kim was informed that the parole board denied early release.

**CRIME VICTIMS ASSISTANCE UNIT
SATELLITE OFFICE**

The Bronx District Attorney's Crime Victims Assistance Unit

(CVAU) provides comprehensive services to crime victims, ranging from information and referrals to individual and group therapy. The location of the unit, in the District

Attorney's Office on 161st Street in the South Bronx, is generally convenient because of its proximity to the court. But for some crime victims who reside in the northern

end of the county, transportation is a problem.

In September 2002, we received a one-year planning grant from the federal government for an innovative project to bring services closer to crime victims in the Northeast Bronx. We received three additional grants in 2003, 2004 and 2005 which supported the program's implementation.

A need for additional space resulted from the program's expansion. Consequently, in 2005 renovation began on unoccupied third floor space donated by the City, rent-free, in the building which houses Community Board 12. These renovations are complete and the entire third floor is furnished and occupied by the Satellite Office.

Although federal funding ended in late 2006, this Office continues to work with an Advisory Committee composed of representatives from law enforcement, schools, hospitals, faith-based organizations, local media, local government, youth services, child welfare and community-based organizations to tailor the type of services and their delivery to the needs of the community. From this satellite office CVAU staff provide services similar to those offered at the District Attorney's main office. During 2009 staff provided 1,325 services to clients at the satellite office, and 140 new crime victims received services at the Satellite Office. These clients were victims of crimes such as domestic violence, assault, and elder abuse.

2009 NATIONAL CRIME VICTIMS' RIGHTS WEEK

The 2009 Annual Display
of the
Bronx Clothesline Project

Tuesday, April 28, 2009 9:00am - 7:00pm

At
Eugenio Maria de Hostos Community College
of the City University of New York
Bridgeway and Atrium
475 Grand Concourse
Bronx, NY 10451

Sponsored by:
**The Bronx Committee for
National Crime Victims' Rights Week**

Wheelchair accessible

For information call:
The Bronx District Attorney's Office
Crime Victims Assistance Unit
(718) 590-2115, (718) 798-5892

25
years of
Rebuilding
Lives

BRONX CLOTHES-LINE PROJECT

In April 2009, the Bronx District Attorney's Crime Victims Assistance Unit collaborated with the Bronx Committee for National Crime Victims' Rights Week to host the annual display of the Bronx Clothes-Line Project. The national theme for 2009 — "25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act" — recognized the profound impact of the Victims of Crime Act on victims rights and resources. As it has each year since 1996, the Crime Victims Assistance Unit worked with a partnership of allied professionals and community volunteers to create and organize the Bronx Clothes-Line Project. The Clothes-Line Project is a striking visual presentation of t-shirts designed by survivors of crime

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

Partnerships and Collaboration

CHURCHES JOIN BRONX DA AND NYPD BUYBACK OF NEARLY 1,000 GUNS

On April 25, 2009, the Bronx District Attorney's Office collaborated with the NYPD to launch a Gun Buyback Program to reduce the number of illegal firearms in the borough. Although the Bronx was the last borough to host an event like this, it was the most successful program to date, netting close to 1,000 guns. Six houses of worship from diverse faiths and neighborhoods served as host sites for the event. Participants received a \$200 pre-paid bank card for each operable weapon turned in, and \$20 for BB guns and air pistols. All handguns, rifles, and shot guns, except for those owned by law enforcement officials, were eligible for exchange. Participants were able to turn in up to three guns per visit at any of the six locations, and all transactions were completely anonymous and conducted on a "no questions asked" basis.

District Attorney Johnson said, "Ending the proliferation of guns on our streets has been a priority since I became District Attorney 20 years ago. Vigorous enforcement efforts and tougher sentences for the illegal possession of guns have been helpful, however an amnesty program

such as the Gun Buyback also has a role to play. Guns are instruments of death that are responsible for much pain and suffering, and whatever we can do remove them from circulation should be encouraged."

"Nearly 1,000 guns were recovered with a total payout of \$179,196. These included 296 revolvers, 242 rifles, 174 semi-automatic pistols, and 163 shotguns. In hopes of making the Bronx a safer place for all of its residents, the gun buyback will certainly be the first of many more to come."

Police Commissioner Kelly said, "This is good news, life-saving news for the Bronx. District Attorney Johnson's support means a doubling of the usual reward and a strong partnership with the Bronx clergy - two essential ingredients in getting guns off the street."

Aside from one participant bringing into one of the sites a live grenade, which was handled swiftly and carefully by the NYPD, the event proved to be a great success. Nearly 1,000 guns were recovered with a total payout of \$179,196. These included 296 revolvers, 242 rifles, 174 semi-automatic pistols, and 163 shotguns. In hopes of making the Bronx a safer place for all of its residents, the gun buyback will certainly be the first of many more to come.

SPECIALIZED COURTS AND PROGRAMS

This Office plays a key role in Bronx County's specialized courts and programs. There are currently a number of such specialized courts within the county, including the Bronx Treatment Court and the Bronx Mental Health Court. The Bronx District Attorney's Office has diverted defendants to drug treatment for many years and developed formal partnerships to do so in October 1992. As can be seen from the table on page 13, in 2009 the Bronx District Attorney's Office diverted 1,079 defendants to treatment through the Drug Treatment Alternative to Prison (DTAP) program, the Bronx Mental Health Court, and other programs.

BRONX MENTAL HEALTH COURT

Over time it became clear that some candidates for diversion suffered from both drug dependency and mental illness. While staff always tried to place such non-violent defendants in treatment programs that were appropriate for persons with dual diagnoses, in 2002 we entered into a formal partnership with Treatment Alternatives for Safer Communities (TASC) and Research

Triangle Institute to create the Bronx Mental Health Court. As the grantee, this Office administers grants and sub-grants, monitors compliance with the terms of grants and with sub-grantees' letters of agreement, has fiscal responsibility, and provides staff to work in the court part.

In 2003, eligibility for diversion to the Bronx Mental Health Court was extended to defendants with serious mental illness (with or without drug dependency). In

2004, the court's capacity was further expanded to provide services for mentally ill defendants with HIV/AIDS. Using federal funds to provide mental health and drug dependence screening and assessment, placement and program evaluation, we recommended 139 defendants for placement in 2009. These defendants are subject to the same level of supervision and sanctions for failure to complete treatment as other diverted defendants.

The long road to recovery

On August 2, 2007, fifty-one-year-old Mr. F was arrested for selling narcotics. On October 29, 2007, F was referred to the Bronx Mental Health Court Program. After completing an assessment and evaluation, F pleaded guilty to criminal sale of a controlled substance. The Mental Health Court Program diagnosed him with bipolar disorder and substance abuse.

F was born in New York City. He and his siblings were raised by his mother, stepfather and extended family members. F's mother had "fits" and threw him out of a window when he was seven years old. She took medication for depression. F's stepfather was a "gambler" who accepted "odd jobs" to earn money. F recalled an incident when he was holding his mother's hand and his stepdad shot her in the face. F was then taken from his mother for two weeks to keep him from telling what happened to his mother. During this time, he was repeatedly beaten and raped by his uncle. F believed that the gunshot killed his mother, until two weeks later when he was returned to her.

F's early school experience was positive and he was a "gifted kid." His

attendance became "sporadic." At 16, F left school, obtained a GED, and received a scholarship to Williams College. F's girlfriend became pregnant; F withdrew from college after one year and obtained a full-time job. They married following the birth of their child and he enrolled at John Jay College. At 19 or 20 years of age F became overwhelmed by working, attending school full-time, and parenting. He spent approximately six months in a psychiatric institution and was diagnosed with major depression.

Following his release from the hospital, F joined the Army. He believed he would die during his tour of duty because he chose to "jump out of planes." F received an "other than honorable discharge" after three years of service. After his return from the Army, he found himself "in and out" of depression and mania. He was hospitalized approximately five to six times due to depression, suicide attempts, and flashbacks. He recalled one attempt where he was drinking on the roof of a six-story building and decided to jump off. He did so, but landed on the roof of a neighboring four-story building. After he realized his attempt had been unsuccessful,

The long road to recovery

Continued

F stated, "I was upset; everything that I did was a failure." He ingested pills in a second suicide attempt.

F's first substance use occurred at the age of 14, when he tried to "be like the big boys" by drinking alcohol. By the time he entered high school, he was drinking two to three times per week. He also tried mescaline, acid, and cocaine for the first time at 14. Following his return from the Army, he began using cocaine on weekends. In his late 20s, F tried heroin. He took an immediate liking to the substance and began injecting it multiple times daily. He estimated he often spent \$100/day on heroin. In his 30s, F tried crack/cocaine. He mixed it with alcohol "to smooth it out." F stated he would ingest whatever substance is available to "take me outside of myself." F has an arrest history that dates back to 1983. He has been arrested numerous times on narcotics charges, and twice served time in state prison for drug offenses.

During his evaluation, F expressed a desire to abstain completely from illegal substances. He had reconnected with a former Narcotics Anonymous sponsor and was attending NA meetings every night. Prior to his 2007 arrest, he was working as at the Howie the Harp Peer Training

Program. He expressed a desire to "get back on track" and work his way back to a similar position.

In December 2007, F began attending The Bridge, an outpatient treatment program for individuals who are mentally ill, chronic abusers. His experience with the Bronx Mental Health Court Program was a series of successes. Once engaged with his treatment program, F began working again with the Howie the Harp Peer Training Program and in March 2008 was accepted into The Resource Center's Credentialed Alcohol and Substance Abuse Counselor (CASAC) training program. In May 2008, F moved into The Bridge's Supportive Housing program. In June 2008, after completing the Howie the Harp Peer Intern training program, F began interning at H.E.L.P. PSI as a peer counselor. He also began volunteering at the NY Harm Reduction Center and the Manhattan Psychiatric Center. On May 14, 2009, F successfully completed his time with the Bronx Mental Health Court Program and his case was dismissed. He continues to attend the Bridge's outpatient mental health counseling program and live in their supportive housing.

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 suc-

cessful and sustained operation of the court. In 2009, groups came from as far away as Guam and from jurisdictions across the United States, including Kalamazoo, MI; Montgomery, PA; Houston, TX, and the District of Columbia to visit the court.

In 2007 federal funds enabled us to further expand treatment capacity to defen-

dants who have tested positive for HIV/AIDS or are at risk of contracting HIV (but do not necessarily have a mental illness). To raise awareness of the risks of HIV, on December 1, 2009, World AIDS Day, this Office and our grant partners sponsored a display of sections of the AIDS Memorial Quilt in the Bronx County Hall of Justice.



Display of AIDS Memorial Quilt sections



Display of AIDS Memorial Quilt sections

BRONX COMMUNITY SOLUTIONS

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

In 2009, Bronx Community Solutions handled about 12,000 misdemeanor cases. Of those, approximately 6,740 received community service sentences, and some 4,500 completed at least one day of service. Community service crews performed numerous restitution projects, including graffiti removal, sorting donated food for a faith-based charity, street sweeping and maintaining local parks. In addition, Bronx Community Solutions provided services such as job training and drug treatment. Based on an average of 3.1 days of service per participant, BCS estimates that more than 99,000 hours of community service were completed in 2009. Community service is sometimes performed in partnership with community-based organizations.

In addition to community service, Bronx Community Solutions

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

OPERATION WEED & SEED

The federally funded Weed and Seed program focuses federal, state and local resources on specific communities to “weed out” drug trafficking, violent gangs, and robbery perpetrators, while “seeding” the community with resources to improve the quality of life. Since the late 1990s, Bronx County has been home to two Weed and Seed sites, one located in the Soundview/Bruckner neighborhood and the other in Mott Haven (which reached maximum funding and closed in 2006).

The Soundview/Bruckner Weed & Seed involves collaboration among the District Attorney’s Office, the U.S. Attorney for the Southern District of New York, the NYPD, other local, state and federal law enforcement agencies and the New York City Department of Education. Operation Weed and Seed/ Bruckner also relies on close

“An integral component of any Weed and Seed site is its ‘Safe Haven,’ where programs for children and adults are offered.”

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.

An integral component of any Weed and Seed site is its “Safe Haven,” where programs for children and adults are offered. In the Bronx these include recreational programs such as *Junior Knicks* basketball, mentoring programs and crime prevention through the arts. Many of the individual programs rely on linkages with other organizations, including the Police Athletic League, South Bronx

Overall Development Corporation, and Phipps.

Each year since 2007, Weed and Seed has operated a Volunteer Income Tax Assistance (VITA) program that provides free tax

preparation services for community members. In 2009 VITA volunteers at the Bronx River Houses Community Center prepared and filed (electronically) 209 returns for community residents. As a result,

they generated \$165,845 in refunds for the community.

Operation Weed and Seed/Bruckner has been a principal partner in National Night Out in the 43rd Precinct for several years.

In 2009 the event was chronicled in *INSites*, Weed and Seed's national e-magazine: **The Bronx River Weed and Seed's National Night Out in New York**, hosted by the New York Police Department's 43rd Precinct and local Weed and Seed partners, was a huge success. Dozens of community and faith-based organizations as well as local businesses and New York City government agencies worked tirelessly to ensure that this year's event was even bigger and better than last year's 25th Anniversary observance. Their planning and dedication paid off. Attendance this year was well over 2,500 people, surpassing last year's large turnout.

Residents received brochures and give-away items at information booths. The site increased community awareness of the agencies and services that are available, including crime prevention workshops and services offered by the Bronx District Attorney's Office. Local merchants also had the opportunity to promote their businesses. Residents also stopped by the spa for some welcome pampering or the cooling station to take refuge from the heat.

Young people and teens burned excess energy on a rock climbing wall, demonstrated their skills on a variety of carnival games, and soaked eager volunteers perched on a dunk-tank hot seat. Children had their choice of face painting, engaging in creative play at a crafts table, and bouncing to their hearts' content on an amusement ride.

The entertainment continued non-stop during the seven-hour event as a senior citizens dance troupe, gospel singers, youth dancers, a comedian, and a magician each took their turn on stage to the delight and applause of a large crowd of onlookers. The entertainment culminated with a two-hour jazz concert from 8:00 p.m. to 10:00 p.m.

Residents also took their chances in rounds of raffle and won tickets to a New York Yankees baseball game, toys for children, and tickets to a show at Harlem's famed Apollo Theater.

As a result of all the festivities, the residents worked up big appetites. Police officers from the 43rd Precinct were happy to ease their hunger. Working the barbeque grills, the officers served up more than 3,000 hot dogs and 2,000 hamburgers, as well as many other snacks and cool beverages.

GREAT

The Gang Resistance Education and Training (GREAT) Program is a school-based classroom curriculum. GREAT is a prevention program, designed to “immunize” participants against delinquency, youth violence, and gang membership. GREAT lessons focus on providing life skills to students to help them avoid delinquent behavior and violence to solve problems.

The Bronx District Attorney’s Office operated a GREAT program within the 43rd Precinct between June 2008 and November 2009. More than 1,000 students completed the

13-week curriculum during this time. The GREAT curriculum was taught by certified GREAT Officers who have attended special training. In the Bronx, a Bronx District Attorney’s detec-

tive investigator, supplemented by a retired NYPD officer, taught the classes. In 2009, GREAT staff members also provided a summer program for middle school students.



GREAT Summer program



GREAT Cake for end of summer program celebration

DOMESTIC VIOLENCE

In 2009 the Bronx continued to suffer the highest rate of domestic violence reports per 100,000 population among the five boroughs. The Bronx's more than 68,000 Domestic Incident Reports represented 27% of the City's total. The Office has pursued many strategies to address the domestic violence problem. These include its work with criminal justice agencies and non-profit organizations in Bronx County's Domestic Violence court parts, and its collaboration with local agencies, most prominently the Bronx Borough President's Office.

Most recently, this Office has worked with the Mayor's Office on a new Bronx County Family Justice Center, which will open in April 2010 and will be located in our main building at 198 East 161st Street. Although many of these initiatives have been supported by some level of grant funding, those funds have waned.

Beginning in 2002 this Office, in partnership with

other City agencies and non-profit victim services providers, received a series of domestic violence grants from the Office on Violence Against Women of the U.S. Department of Justice. With resources from these grants, the Bronx Borough President's Office formed an advisory committee that initiates domestic violence awareness projects. Grant funds have also been used for some of the District Attorney's staff in the Domestic Violence Court Parts, and to enable the non-profit partners to provide services to domestic violence victims.

"In 2009 the Bronx continued to suffer the highest rate of domestic violence reports per 100,000 population among the five boroughs."

In 2007 we and our partners received an additional two-

year grant award. Resources from this award have enabled the NYC Department of Probation to expand to misdemeanor offenders a program of intensive supervision originally designed for felony domestic violence offenders. These funds also enabled us to place Safe Horizon's crime victims advocates in Bronx police precincts with high rates of domestic violence. Through such collaborations we hope to increase victim safety, improve prosecution and hold batterers accountable.

In 2009 the Mayor's Office to Combat Domestic Violence Fatality Review Committee, of which this Office's Domestic Violence Bureau Chief is a member, identified Community Districts in the Bronx which had the highest number of domestic violence fatalities in New York City. In an effort to understand and remediate this problem, the Committee has undertaken a survey to determine gaps in services in those communities. The results will inform the Committee's recommendations for increasing services in those areas.

Cops: Boyfriend confesses to young mom's murder *Headline from Boston Herald, 4/15/2008*

Thirty-six-year-old Carlos Cruz and 18-year-old Chelsea Frazier lived in Massachusetts. Cruz persuaded Chelsea to go on a "shopping trip" for baby cloth-

ing to New York with their son the night of April 13, 2008. Cruz had family in the Bronx.

In a carefully planned crime, Cruz allegedly contracted with his 25-year-old

Cops: Boyfriend confesses to young mom's murder
Headline from Boston Herald, 4/15/2008

cousin to execute Chelsea and to inflict a flesh wound on Cruz to make the crime look like a robbery/car jacking gone bad. After the murder, Cruz's cousin visited him in the hospital and detectives became suspicious. Cruz confessed his involvement in the crime to detectives. Cruz admitted he paid his cousin \$700 to kill Chelsea because she no longer wanted to be in an intimate relationship with him. Cruz also worried about having to pay child support. Cruz drove Chelsea and their one-year-old son to the Bronx, where his cousin allegedly executed

Chelsea, firing a 9 mm handgun eight times as she sat behind the steering wheel of her car. The toddler was physically unharmed in the backseat. Cruz's cousin allegedly shot Cruz in the thigh before fleeing in a green SUV in a scheme to avoid prosecution by making the "hit" look like a robbery. Three witnesses saw the crime unfold. Cruz's cousin lived less than one mile from the crime scene.

On June 11, 2009, after his trial began, Cruz pleaded guilty to murder in the first degree. Cruz's cousin's case is pending.

**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, or 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.

The Bronx District Attorney's Office has received

"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."

DoVE grants since 2006. The Office uses 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.

GANG PROSECUTION

The NYPD reports that in 2009 there were 1,291 gang-related or gang-motivated crime incidents in the Bronx. These ranged from homicides and other violent crimes, to weapons and drug possession, and various property crimes. This gang activity contributes to the

Bronx's disproportionate share of violent crime. The Bronx District Attorney's Case Bureau assigns experienced prosecutors to investigate growing and increasingly violent gang activity in the Bronx. The two cases highlighted below illustrate the brutality of these gangs.

Two Gang Homicides Less Than One Month Apart

The street gang GMC (or "Get Money Click") was a drug selling crew located at Melrose Houses, a housing development in the Bronx. BGS (or "Bronx Gunslingers") was a rival group that robbed drug dealers. GMC and BGS became enmeshed in a gang war.

Twenty-two-year-old Dexter Roman had ties to BGS. Eighteen-year-old Carlos Arauz was a member of GMC. Roman and Arauz became involved in a personal dispute. Arauz believed that this dispute had been resolved. Witnesses later testified that a truce had been brokered to encourage Arauz to lower his guard so Roman could get close enough to execute Arauz in an ambush killing.

On December 29, 2005, Roman shot and killed Arauz on a public walkway at the Melrose Houses. Roman walked up to Arauz, greeted him, and shot him at least five times with a 9 mm handgun. Arauz was taken to Lincoln Hospital and pronounced dead less than an hour later. He was shot in the right thigh, left upper back, and right forearm, but it was a bullet that severed major blood vessels and arteries in the neck that killed him. That lethal bullet also pierced his right lung before exiting his body through his right upper back. A few days after the homicide, Roman gave the murder weapon to his friend, Carlos Lora, to hide inside his apartment which is located within the Melrose Houses.

After Arauz's death, Arauz's close friend, 19-year-old Laurice Arthur, began

wearing sweatshirts designed as memorials. The shirts displayed a photographic image of Arauz and contained the text "RIP Ckali GMC."

On January 17, 2006, Arthur was wearing one of the sweatshirts. Roman and an accomplice, 21-year-old Christopher Bright, followed Arthur into a bodega on Courtlandt Avenue and exchanged words with him. Bright pulled out a .22 caliber revolver and attempted to fire it at Arthur but it jammed. Bright cleared the jam outside while Roman kept Arthur inside the bodega. Once the gun was working again, Bright shot Arthur once or twice. Roman then took the gun from Bright and shot Arthur three or four times in the face with the same handgun. Arthur was pronounced dead at Lincoln Hospital several hours later. Minutes after the homicide, Bright and Roman went to Lora's apartment, within Melrose Houses, and secreted the murder weapon.

In response to gang-related violence, detectives at the 40th Precinct Squad formed the Courtlandt Avenue Task Force. The work of the Task Force resulted in arrests for these murders.

On October 7, 2008, Christopher Bright pleaded guilty to one count of manslaughter and was sentenced on November 24, 2008, to 24 years imprisonment. Another defendant, 22-year-old Carlos Lora, pleaded guilty on August 9, 2007, to two counts of hindering the prosecution and one count for each murder weapon he hid in his house for "safekeep-

Two Gang Homicides Less Than One Month Apart

Continued

ing.” He was sentenced on September 6, 2007, to a prison term of two-to-six years.

Lora testified against Roman at trial.

Roman was found guilty by a jury of his peers on December 5, 2008, of two counts of murder in the second degree for

the murders of Arauz and Arthur. He was sentenced on January 5, 2009, to two consecutive terms of 25-years-to-life imprisonment. He must serve at least 50 years in prison before becoming eligible for parole.

BFA Gang Activity Leads to Shootings, Murder, and Arrests

In the summer of 2008, members of a gang that called itself BFA (“Brothers From Another”) were selling drugs and targeting rival gangs in and around the Edenwald Houses. The gang was responsible for a number of shootings that caused serious injuries to eight people and a death. On December 15, 2008, Aaron Wescott was gunned down in a public area known as the “horseshoe” where alleged gang members frequented and sold narcotics. Of the nine individuals who were shot, three were innocent bystanders. The rest were members of rival gangs.

An eight-month long joint investigation by the Bronx District Attorney’s Office and the NYPD led to the arrest of 21 alleged members of the Bloods-associated BFA gang in April 2009. On multiple occasions during the course of the inves-

tigation, varying quantities of narcotics were recovered from sales to undercover detectives. Detectives also confiscated a Luger 9MM semi-automatic handgun, one .45 caliber revolver, one .25 caliber semi-automatic handgun and one .357 Magnum Revolver.

The seventy-eight count indictment includes charges of gun possession, the distribution and sale of narcotics, murder (of Aaron Wescott) and conspiracy to commit murder. It is alleged that gang members recruited children as young as 13 to sell drugs, stash firearms and carry out shootings and other violent crimes. Additionally, four of the defendants are charged with rape in the first degree for attacking a rival female gang member. The alleged members of BFA charged in the top counts of the indictment face prison sentences of 25 years to life. The cases are pending.

AUTO CRIME INITIATIVES

The Office of the Bronx District Attorney has operated the Bronx Anti Auto Theft Program since 1995. In 2009 alone this Office recovered 428 stolen vehicles (for return to their rightful own-

ers). These cars were valued at \$4,997,025. The Anti-Auto Theft program, which has been supported with resources provided by state grants, was designed to increase the number of successful prosecutions of defendants charged with grand larceny of a motor vehicle, criminal

possession of stolen property, illegal possession of a vehicle identification number, auto stripping and/or unauthorized use of a vehicle. It was also expected to result in an increased number of stolen cars recovered pursuant to arrests made and/or search warrants executed.

A Pattern of Stealing Cars

Seventeen-year-old Laquan Hanley stole a 2009 Mitsubishi Galant in Nassau County on Long Island. He was arrested for possession of the stolen vehicle on July 22, 2009, in the Bronx. Hanley was arraigned and released on his own recognizance. The court issued a bench warrant on August 13, 2009, when he failed to return to court. Instead, he stole a 2007 Toyota Camry, again in Nassau County. On September 20, 2009, he was arrested in the Bronx for possession of that stolen vehicle, and he was arraigned and remanded on his open warrant. Bail was ultimately set at \$10,000 on each indictment (cash only).

On November 24, 2009, Hanley pleaded guilty to two counts of criminal possession of stolen property in the third degree. He was placed in Phoenix House, a residential drug treatment program with the Phoenix Academy, for 18-24 months. Under the terms

of his guilty plea, if he successfully completed treatment, Hanley would receive Youthful Offender status on both cases and receive probation or a conditional discharge. If he failed to complete treatment, Hanley would receive a jail alternative of $2\frac{1}{3}$ –7 years in prison with no Youthful Offender status.

On December 8, 2009, Hanley was admitted to the treatment program. The next evening, on December 9, Hanley walked off the program's property. He did not say why he was leaving and refused to come back as he walked down the road.

Later that month, on December 29, 2009, Hanley was arrested in Nassau County for allegedly operating a stolen 2006 Chrysler Pacifica. This Nassau County case is pending. Hanley is scheduled to be sentenced to $2\frac{1}{3}$ –7 years imprisonment on each Bronx indictment to run concurrently. He will not receive Youthful Offender status.

15 Missing Minivans

On February 28, 2009, thirty-one-year-old Jesus Borrero and 25-year-old Joann Encarnacion drove a minivan into the residential neighborhood of Pelham Bay Park. An eyewitness saw Borrero get out of the minivan and approach a neighbor's 2002 Dodge Caravan. He then inserted an object into the door lock, entered the Caravan and drove away. Encarnacion followed in the other minivan. The eyewitness called 9-1-1.

The police had been investigating a pattern of stolen Dodge minivans in the 45th Precinct and surrounding precincts. They responded to the call and were led on

a high-speed pursuit of the stolen minivan on Bruckner Boulevard heading south. Police terminated the pursuit in the Hunts Point section of the Bronx. Nevertheless, Borrero ran several red lights and collided with a 1996 Nissan. The driver of the Nissan was severely injured. Encarnacion, who had abandoned the first minivan and joined Borrero in the stolen Caravan, was apprehended at the scene of the accident. Borrero was apprehended after a foot chase about two blocks from the accident scene.

Borrero and Encarnacion were interviewed by police. Borrero admitted that between January 24 and February 28, 2009, they stole 19 vehicles (including 15

15 Missing Minivans

Continued

minivans) primarily in the vicinity of the 45th Precinct. Both have substantial criminal records, Borrero for charges including attempted grand larceny and auto stripping and Encarnacion primarily for criminal possession of a controlled substance.

Borrero and Encarnacion both

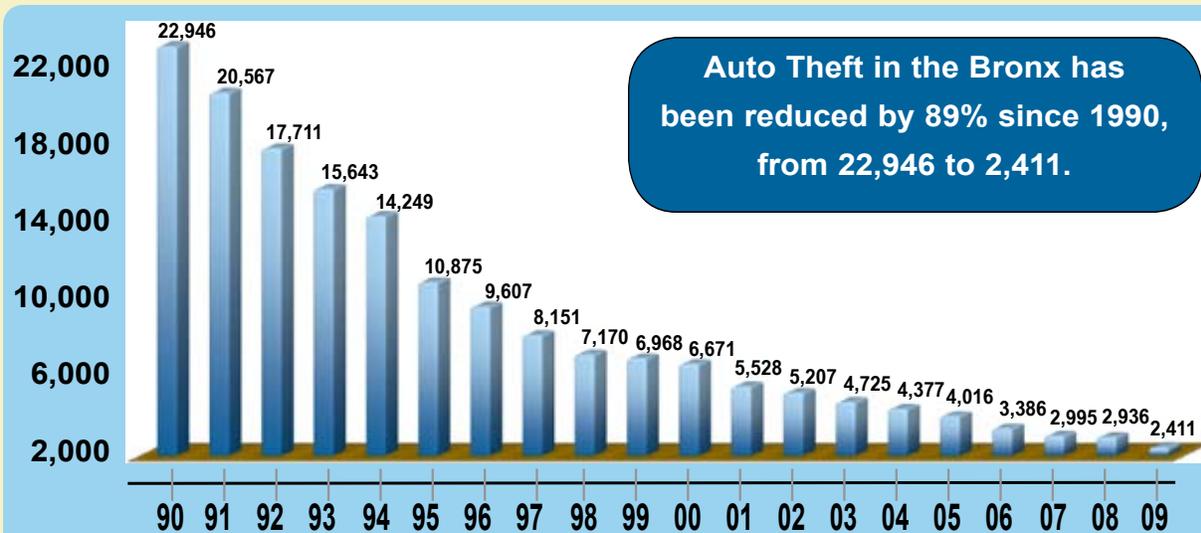
pleaded guilty to assault in the second degree for causing injury in the course of the commission of felony grand larceny. Borrero was sentenced to 4½ years incarceration on July 17, 2009. Encarnacion was sentenced to five years probation on September 10, 2009.

Although, as is evident from the graph below, this program has been very successful, in 2006 (the

most recent statistics available) auto theft in Bronx County remained at the highest rate in the state per

100,000 registered vehicles and fourth highest rate per 100,000 population (highest in New York City).

Decline In Grand Larceny Auto 1990 - 2009



Source: New York City Police Department

The Bronx District Attorney's Office owns two bait cars. Working jointly with precincts that experience an increase in auto-related crime, the bait cars are positioned in high crime areas, with plainclothes police officers stationed nearby. After a suspect breaks into the car and removes property, the police move

in to make an arrest. Break-ins in a given area are often committed by relatively few people. Removing these offenders from the streets can greatly reduce a neighborhood's auto damage and petit larceny incidents. There have been numerous arrests in the last year based on the use of the bait cars, and this Office

continues to deploy them around the county in an ongoing effort to reduce break-ins.

Over the years we have added components to the Anti-Auto Theft Program. In 1999, we added nighttime surveillance and investigations of auto-related crimes. In the last eight years, we expanded the pro-

gram to include document fraud and insurance fraud. This expansion was made possible through grants from the New York State Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) Board, which provides funds for equipment which enables detectives to conduct surveillance operations at night (or in other low-light conditions).

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 com-

puters 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, within seconds of contact, identify a plate as either stolen or wanted, allowing law enforcement to target vehicles that might otherwise be overlooked. In January 2008, using MVTIFP grant funds, the Office purchased an additional LPR.

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 184 calls in 2009 regarding suspected elder abuse and neglect and is often the first point of contact for elder abuse inquiries.

Elder Abuse

Sixty-five-year-old Mr. O is mentally disabled, but he was able to hold down, and retire from, a menial job with a utility company. During his whole life Mr. O lived in a private home with his mother and aunt, the co-owners. His mother died several years ago. When his aunt died in 2006, he was alone in the home. Well known to the community, Mr. O generally brought out the best in his neighbors. While most took on a protective and caring watch over him, his neighbor's daughter, Mrs. D, saw an opportunity to exploit his vulnerability and trusting nature.

Mrs. D promised to take care of Mr. O and relieve him of the responsibilities and expenses of homeownership. She promised to make improvements in the home and to provide a place for him to

live for the rest of his life. Without a lawyer, Mr. O signed over his home to Mrs. D for \$10 (who had legal representation). Shortly thereafter, Mrs. D began to harass Mr. O to leave his home.

Mr. C, an active community resident, took over responsibility for Mr. O's well-being. He was in the process of formally applying for an Article 81 Guardianship in February 2009 when he brought this case to the attention of the Bronx District Attorney's Office. Mr. C had a comprehensive cognitive/psychological assessment completed of Mr. O that documented that, due to his diminished cognitive and intellectual functioning, Mr. O could not have understood the real estate transaction, the financial implications, or the value of money.

A senior investigative assistant dis-

Elder Abuse *Continued*

trict attorney from the Bronx District Attorney's Office interviewed the attorney who represented Mrs. D for the real estate transaction and the attorney who represented Mr. O. As a result, in lieu of prosecution, Mrs. D agreed to return the homestead and to forfeit any money she may have spent on improvements to the house. Mr. O is now free to live his life in his own home, free of intimidation and

fear of further exploitation.

This case is an example of a multidisciplinary effort involving a caring community, the civil court system, the medical profession and the District Attorney's Office to undo an unethical and potentially criminal act. A wrong was made right, and by May 2009 a senior citizen was made whole again with improved supports and caring oversight.

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 the Office's 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, and the Bronx Borough Director of Adult Protective Services. This bimonthly gathering of law enforcement, social service, healthcare, financial, business, governmental and private agencies enables the sharing of expertise and facilitates the coordination of efforts to prevent, investigate and remedy the abuse of our most vulnerable seniors.

During National Crime Victims' Rights Week, the Bronx

District Attorney's Office participated in the second annual senior information fair at Capital One Bank (formerly NorthFork Bank). The Elder Abuse coordinator also conducted in-service training sessions for professionals, including doctors, nurses, social workers, and law enforcement.

The Bronx District Attorney's Office was selected in early 2006 to become a CASE ("Communities Against Senior Exploitation") Model Site. The CASE partnership is an elder fraud prevention and intervention program. The Bronx District Attorney's Office is one of approximately 50 sites across the country that work with faith-based communities and senior centers to combat elder fraud and exploitation. As part of this program, staff from the District Attorney's Office conduct training in the community using CASE resource materials. During 2009, the program made 31 CASE presentations to community groups, churches, senior cen-

ters, tenants' associations, social service providers, *etc.* This program is currently implemented without funding, staffed by volunteers from the Office.

BRONX SEXUAL ASSAULT RESPONSE TEAM

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

Mayor's Office obtained funding for a Bronx Sexual Assault Response Team (SART).

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

In 2008, Bronx SART participated in the establishment of a city-wide protocol which mandates that any city ambulance transporting a sexual assault victim bring the victim to a SART-based hospital. In the Bronx, that includes North Central Bronx, Jacobi and Lincoln Hospitals. Also in 2008, Bronx SART was a major impetus in the development of a "Suspect Evidence Collection Kit" which is now being used to collect important forensic evidence in appropriate cases from the person of an alleged perpetrator of a sexual assault.

The Bronx SART is supported by federal and state grants and consists of a group of 12 - 14 Sexual Assault Forensic Examiners

(SAFEs) who are coordinated by a project director who works from North Central Bronx Hospital. The examiners conduct a physical examination, collect potential DNA evidence, and document both internal and external injuries. In 2009 Bronx SART hospitals covered 248 of these cases. In 97% of those cases, a SART examiner responded to the hospital within one hour of admission of the sexual assault victim to the Emergency Room. Eighty-six percent of the victims admitted to the Emergency Room consented to a forensic exam. In 37% of the cases, the physical examination of the victim revealed findings of genital trauma. In 50% of the cases, the physical examination revealed findings of non-genital injury.

MULTIDISCIPLINARY TEAM ON CHILD PHYSICAL AND SEXUAL ABUSE

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

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

This team approach affords a number of benefits. First, it enhances the quality of evidence available to all participants by affording them the opportunity to be present to ask questions at the victim's first interview. Second, it minimizes the additional trauma to the victim who, if subjected to repeated interviews, must revisit incidents that may have been emotionally devastating. Third, it avoids problems associated with having victims repeat their stories, such as details forgotten or inadvertently omitted, and having victims become tired and uncooperative. In 2009, the District Attorney's Office responded to 264 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.

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 uniformed members of the New York City Police Department are trained together with assistant district attorneys. Since 2002 approximately 500 assistant district attorneys and more than 1,200 police officers received this training. Of these, 69 assistant district attorneys and 113 police officers participated in six trainings in 2009.

The experience levels of the police and attorneys vary. There are usually two patrol officers per precinct. The attorneys are from various prosecution bureaus.

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

The basic core of program topics includes (1) New York Law, including search and seizure, identification evidence and statement evidence, (2) Complaint Room Procedures, (3) Domestic Violence Issues and (4) Case Preparation and Presentation.

NYPD NEW POLICE OFFICER TRAINING

In 2005 the Bronx District Attorney's Office began a training program for newly appointed police officers in Bronx County. The train-

ing 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 incidents, Complaint Room policies and procedures (including how to complete supporting depositions), and what to do when lodging a prisoner at Central Booking.

The training is provided by the Chief of Vehicular Crimes, the Chief of Arraignments and Complaint Room, and NYPD Supervisors from Bronx Central Booking. The Office receives cooperation and support from the NYPD Patrol Borough Bronx Commanding Officer and the Borough Training Officer, who 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 2009 there were two sessions, each with 25 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. In addition, the training sessions continue to open communication within law enforcement. The officers rate the training very highly and have requested that "refresher" courses be offered every six months and that their supervisors also attend the training.

ST. JOHN'S LAW SCHOOL CLINIC

Since 1999, staff from the Bronx District Attorney's Office have participated in a clinical program for law students at St. John's University School of Law in which several law students are designated as student assistant district attorneys. Each year the students prosecute cases under a special designation to practice order issued by the Appellate Division, First Department. The students handle misdemeanor cases and are permitted to argue their cases in Court. The students are supervised by Bronx District Attorney's Office staff. In addition to the clinical component, a member of the Bronx District Attorney's Office staff, Assistant District Attorney Joseph McCormack, Chief of Vehicular Crime Prosecutions, teaches coursework related to this program at St. John's University. In 2006, 2007 and 2008 he was named Clinical Professor of the Year at St. John's University.

INTERNATIONAL VISITORS AND TRAVELERS

Over the past several years representatives of governments around the world have visited the Bronx District Attorney's Office. Some of these have been part of the International Visitor Leadership Program of the US Department of State. Others have come independently. In return members of our staff have been invited to make international visits.

In September 2009, as part of the International Visitor Leadership Program, the editor of a daily newspaper in Thailand visited the Office to learn how journalists in the United States cover terrorism, international crime and human trafficking.

In December 2009 two individuals from Estonia, the Executive Director of the Estonian Business Software Association and an attorney who specializes in Intellectual Property Rights, visited. According to the US Department of State, the purpose of their visit was to gain insight into how the federal, state and local authorities in the United States combat intellectual property rights infringement, to examine best practices regarding intellectual property protection, and to understand the laws and legislative process with regard to intellectual property. This Office's Senior Investigative

Assistant District Attorney discussed how we prosecute intellectual property crime in Bronx County.

In honor of the 400th anniversary of Henry Hudson's trip to Manhattan, 12 Dutch workers were paired with New Yorkers for a two-week job swap and cultural exchange in September. One of the Americans who visited Amsterdam

was Assistant District Attorney Amy Litwin from this office. Through the exchange the participants learned how much the Dutch legal system differs from the American. For example, the Dutch have no juries; rather, a judge or panel of judges decide defendants' fates. Additionally, trials are very brief and have no live testimony; there is no plea bargaining.



ADA Amy Litwin and her Dutch counterpart Alexandra Oswald

Community Outreach

Community residents and business people often serve as the “glue” that holds together collaborative efforts among public and private sector agencies and thereby enhance 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 pre-

vention 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 around issues of crime prevention and intervention.

The programs highlighted below are just a sample of those

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

ASK THE BRONX D.A.

Ask the Bronx D.A., winner of a 2004 “Telly” award, is a 12-part series co-hosted by the District Attorney and Bronxnet’s Melanie Torres that serves to educate Bronx residents about the criminal justice system. The show was created as part of an outreach effort to edu-



National Night Out



National Night Out

cate 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. Eighteen mentor/mentee pairs were matched in 2009.

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 and support staff address community, religious, civic and student groups regarding various topics within the criminal justice system. Speakers discuss a variety of issues of specific interest to the community. In addition, staff members are available to conduct tours of the courthouses and explain how a case proceeds through the criminal justice system.

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

The S.T.A.R. program uses a multi-faceted approach to 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 300 students participated in the S.T.A.R. program in 2009.

YOUTH TRIAL ADVOCACY PROGRAM

The Bronx District Attorney's Office Youth Trial Advocacy Program (Y.T.A.P.) provides moti-

vated students with an opportunity to explore a career in law. Students meet with assistant district attorneys to discuss legal careers and the criminal justice system. Students are then divided into teams, each with up to four assistant district attorneys serving as coaches or mentors. Each team learns how to develop advocacy skills and 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. 385)

Elementary school students from P.S. 385 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, prosecutor, 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.



Weed and Seed Training

LAW, GOVERNMENT AND JUSTICE MENTORING PROGRAM

The Law, Government and Justice Mentoring Program was designed in collaboration with the School for Law, Government and Justice to introduce seventh grade students to volunteer professionals from the criminal justice field. The mentors provide insight into their professions, while providing guidance, adult friendship and positive reinforcement to mentees. There were 12 pairs in the 2009-2010 school year.

THE ADULT WORKSHOP SERIES

The Adult Workshop Series provides the District Attorney's Office with an avenue to educate Bronx residents about various issues related to the criminal justice system. Workshops such



NYPD Community Affairs Officers Breakfast

as “After the Arrest,” “You Be the Judge,” “Safeguarding Your Child on the Internet,” “Perspectives on Protecting Your Identity,” “Gang Awareness,” “Domestic Violence,” “Sexual Assault,” 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.

PRECINCT COUNCIL REPRESENTATIVES

There are 12 precinct community councils and two Police Service Areas (PSAs) in the Bronx that meet monthly. Fourteen assistant district attorneys have volunteered to attend these meetings. These representatives assure that the District Attorney

is kept informed about issues of significance to the community.

SPECIAL PROJECTS

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