

◆ OFFICE OF THE ◆
BRONX COUNTY DISTRICT ATTORNEY
ANNUAL REPORT 2011



CO-OP CITY

Robert T. Johnson
District Attorney

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Robert T. Johnson,
Bronx County District Attorney

District Attorney's Message

“As ever, in addition to criminal prosecution we employ a wide variety of tools to fight crime. These include diversionary and treatment programs, participation in specialized courts addressing drug treatment and mental health, and numerous educational, training, and community-based efforts.”

Last year's disturbing up-tick in certain crime categories continued in 2011. From record low levels in 2009, last year the homicide rate again increased, by a troubling 16.5%, and there was also an increase in the number of shooting victims. The number of burglaries rose by 5%, while robbery and assault rates were essentially flat. Thankfully, rapes declined by some 7%. While crime is still very low by historic standards, these increases, which perhaps do not yet establish a trend, are still a troubling and unwelcome change from the steady decline of the last twenty years. So too is the continuing and disturbing reality that Bronx residents still suffer from a disproportionately high crime rate. For example, with about 16.9% of the City's population, in 2011 the Bronx had 28.7% of the City's murders, as well as 29.4% of the City's shooting victims.

In 2011, we indicted 4,850 felony cases. One standout was the case of James Schlauf, a previously convicted sex offender who attacked three separate young prostitutes at knife point. He was found guilty of

multiple sexual assaults and was sentenced to three consecutive 20-year terms of imprisonment. Another example was the case of Maria Rios, who talked her way into the apartment of 25-year-old Angelica Grullon, a young mother with a 14-month-old son, produced a gun and shot and killed Ms. Grullon when she attempted to escape. Rios, who had five prior convictions for robbery and burglary, was convicted of murder in the first degree and sentenced to life without parole in state prison.

On another note, this year we worked with the defense to vacate the prostitution-related conviction of Jane Doe, a woman who had been an underage victim of sex trafficking. This was the first case in New York State in which an American citizen received relief under a new law, which had been passed in 2010 to provide relief for those essentially coerced into prostitution.

Moving to other noteworthy crimes, in 2011 we obtained a 135-count indictment charging 40 individuals who were part of a major narcotics distribution organization in the Williamsbridge section of the

Bronx. Two of these defendants were charged with operating as “Drug Kingpins,” *i.e.*, major drug traffickers. The enterprise in question is believed to have involved the sale of about \$250,000 of cocaine per week.

At least two other notorious cases deserve special mention. First, in August 2011, we obtained an indictment charging manslaughter and other crimes against the driver of a chartered bus which crashed in the Bronx while en route from the Mohegan Sun casino in Connecticut. The crash killed 15 people and injured 16 others. Second, in October we obtained an indictment charging 16 police officers and five civilians with numerous felony and misdemeanor crimes, some of which involved the wide-scale practice of “fixing” parking and traffic tickets. This was the culmination of a three-year joint investigation with the NYPD into allegations of corruption across a broad spectrum of crimes.

All of these cases, and many others, are more fully described in the following report. As ever, in addition to criminal prosecution we employ

a wide variety of tools to fight crime. These include diversionary and treatment programs, participation in specialized courts addressing drug treatment and mental health, and numerous educational, training,

and community-based efforts. These too are described herein.

It is obvious that 2011 was another very busy year. As we progress into 2012, still in the face of continuing budgetary constraints, I

can only state that once again, we will continue to strive to do the very best we can to maintain the highest level of public service.

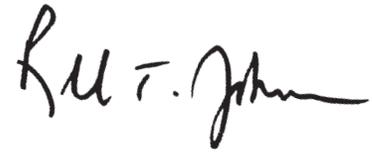


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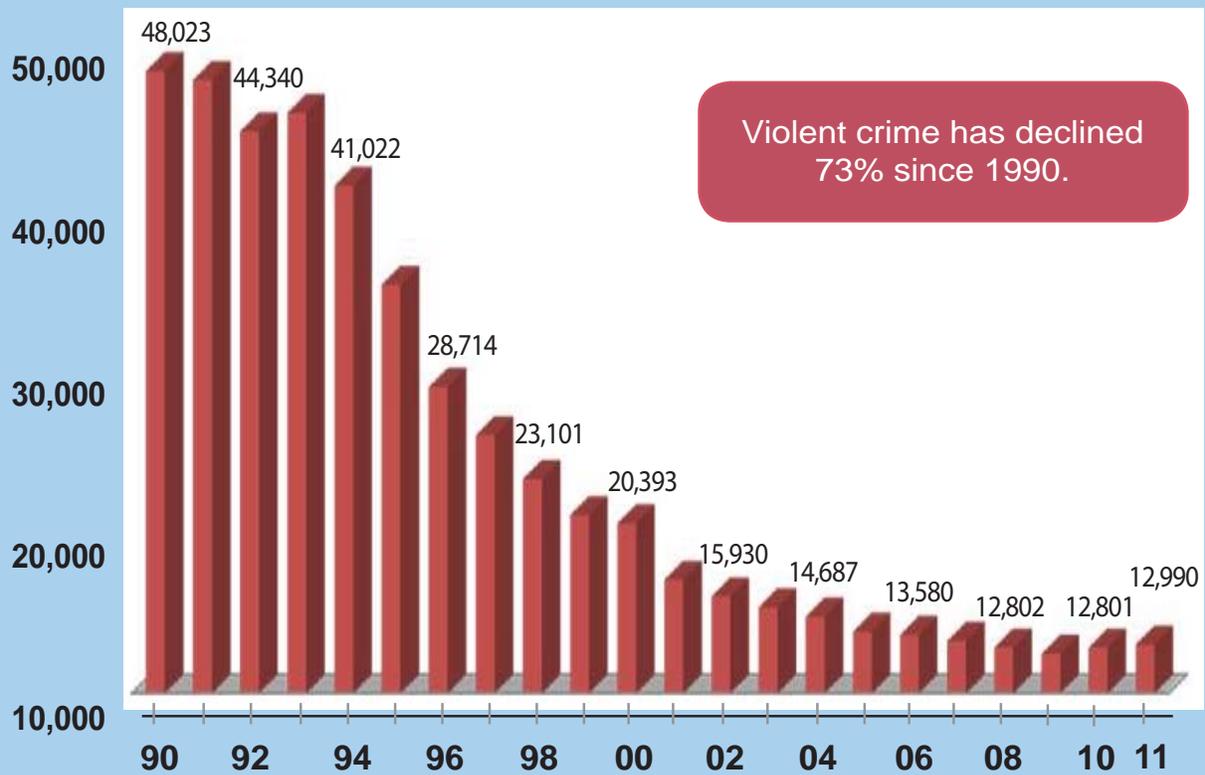


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Crime Overview

Bronx County has made remarkable progress against crime in the past two decades. For 15 consecutive years there have been fewer than 200 homicides in the County, representing a 77% reduction from the homicide rate in 1990. This decline contributed to the overall 73% decline in violent crime over that period. Robberies, for example, have been reduced by 74% compared with 1990.

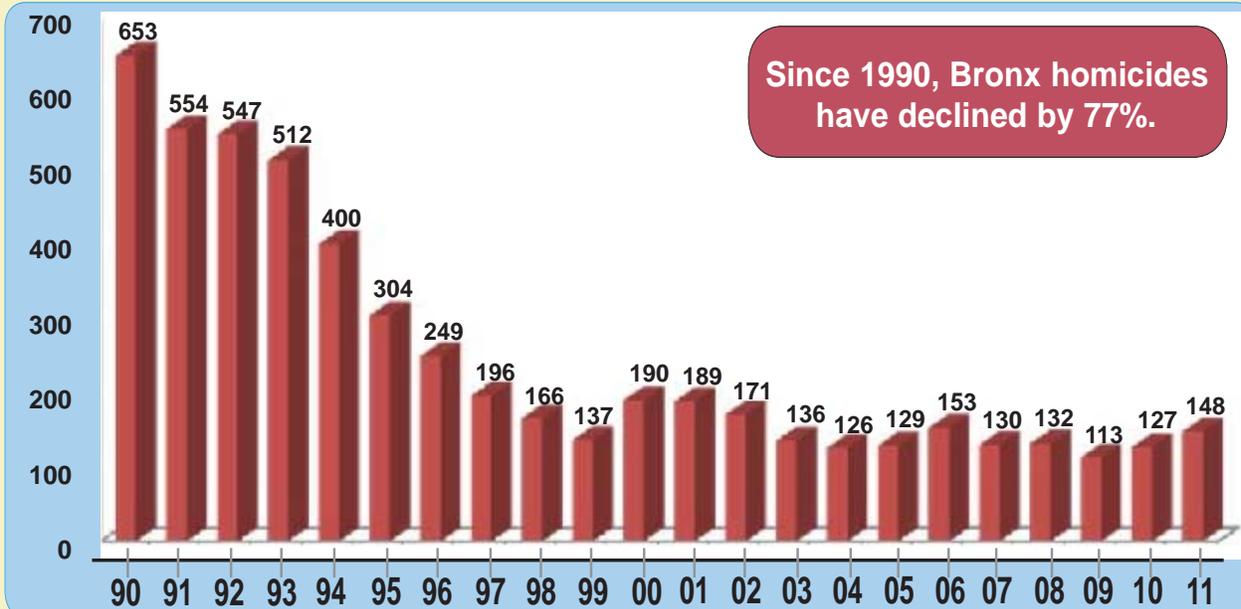
Violent Crime 1990 – 2011



Source: New York City Police Department

Decline In Homicides

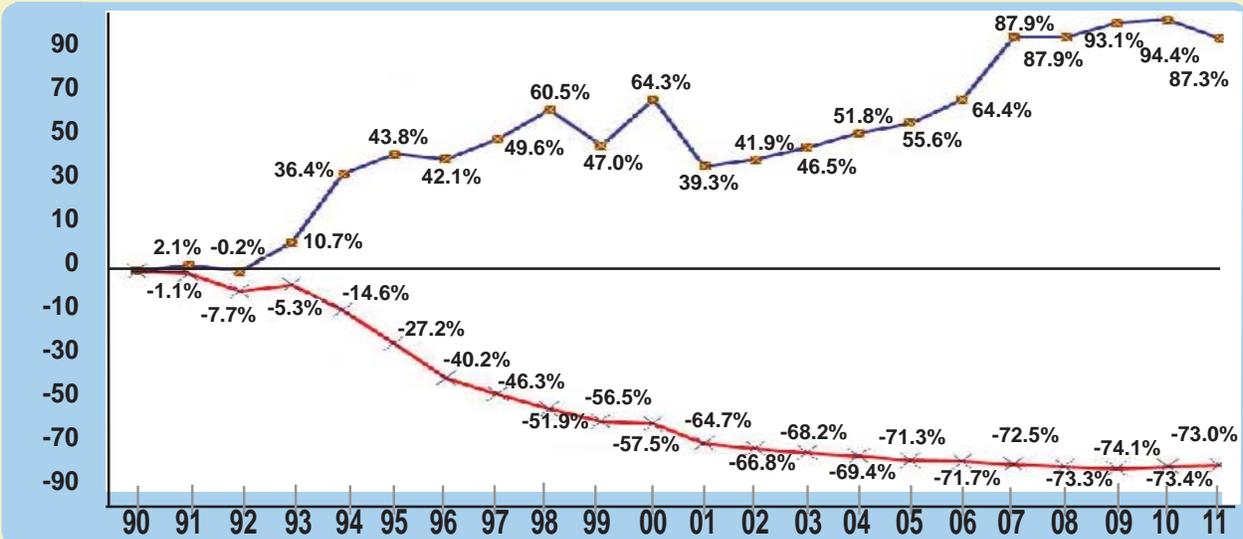
1990 - 2011



Source: New York City Police Department

Bronx Reduction in Violent Crime v. Increase in Arrests

Percentage Change from 1990 - 2011



Source: New York City Police Department

Despite these long-term gains, in the last two years the Bronx has experienced increases in certain crime categories. On January 5, 2012, the *Daily News* stated, "Murders in boro spike: 20 more people dead & 50 more shot last yr. than in 2010." After record low levels in 2009, homicides rose in 2011 by 16.5% over 2010 and burglaries rose 5.1%. Rapes declined 6.8%,

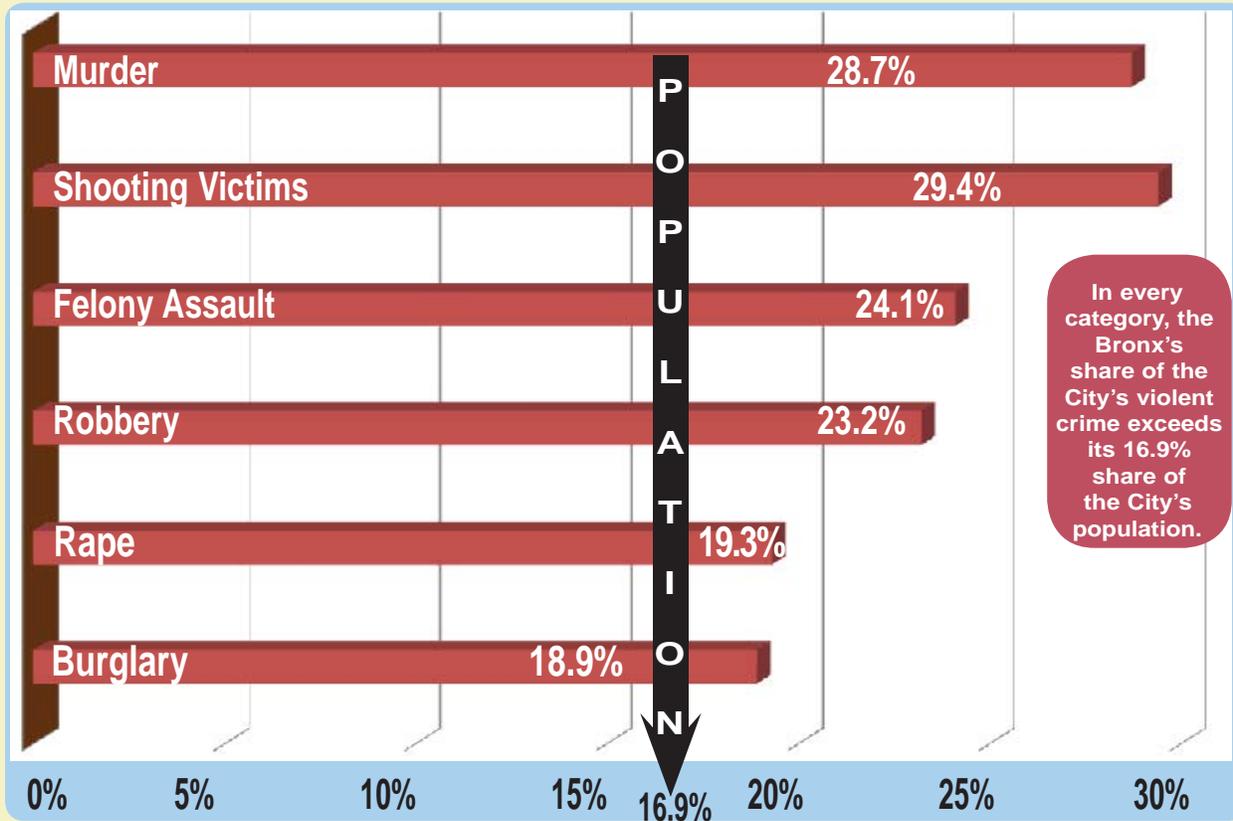
while robbery and assault were flat in 2011 as compared to 2010.

These figures do not yet constitute a trend, but they are a change from the steady declines seen for the past 20 years. The more disturbing reality is that Bronx residents continue to suffer from a disproportionately high crime rate. With only 16.9% of the City's population, Bronx County witnessed one in four

of the City's felony assaults, one in five of its rapes, and nearly one in four of its robberies and burglaries, giving the county the highest per capita incidence of murder, robbery, felonious assault and burglary among the five counties. The 77,287 Domestic Violence Incident Reports originating in the Bronx represented almost a third of all those filed in New York City.

Bronx Violent Crime 2011

Percentage of Citywide Violent Crime v. Population



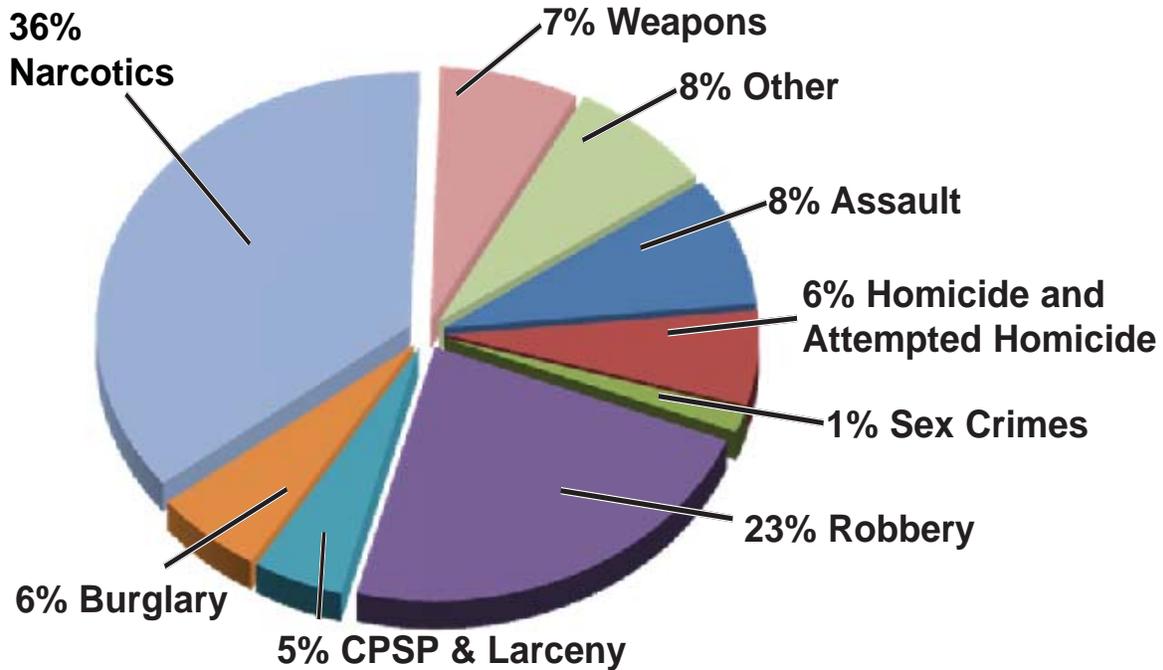
Source: New York City Police Department

Prosecuting Crime

While crime complaints have fallen dramatically, Bronx arrests have risen 87% since 1990. The Bronx District Attorney's Office indicted 4,850 felony-level defendants in 2011. Narcotics cases accounted for 36% of the felony prosecutions in Bronx County.

Bronx District Attorney's Office Felony Prosecutions: 2011

Total Felony
Prosecutions: 4,850



Source: Bronx District Attorney's Office

VIOLENT CRIME

Violent crime inflicts a toll on individuals and communities that is not conveyed by statistics, regardless of the numbers. The following five cases illustrate the consequences of recent crimes in Bronx County and their subsequent prosecution. James Schlau, a previously convicted sex offender, solicited sex for money from three women on separate occasions in 2010. Instead of paying them, he threatened the three with weapons and sexually assaulted them. “Jane Doe” was arrested and convicted on prostitution-related charges multiple times before she sought help; Jane was a victim of sex trafficking. After learning that his federal employment discrimination lawsuit had been dismissed, Paulino Valenzuela went on a shooting rampage that resulted in the death of one former supervisor and serious injuries to two former co-workers. Maria Rios shot and killed Angelica Gullon, leaving Gullon’s 14-month-old son without a mother. When a grandmother kills one of her own grandchildren, it is almost too shocking to comprehend; Angela Barksdale did just that.

Registered Sex Offender Re-Offends and Receives 60 Years in Prison

Forty-six-year-old James Schlau was already a convicted sex offender who had served time in Minnesota for sexual assault when he solicited sex from three women on three separate occasions in 2010 in the Hunts Point section of the Bronx. The three women worked as prostitutes and agreed to perform sexual acts on Schlau in exchange for money.

The first victim was a 32-year-old woman who was picked up at about 11:00 pm on April 18, 2010. Schlau took her to a secluded location, threatened her with a box cutter, and forced her to engage in oral sex.

The second incident was an attempted rape of a 23-year-old woman at about 3:00 am on June 16, 2010. Schlau picked up the victim, drove her to a secluded area, and forced her under the threat of a razor knife to engage in oral sex. Schlau pulled her from the car and tried to rape her. Schlau then fled.

The third incident occurred shortly before 5:00 am on June 28, 2010. Schlau

picked up the 20-year-old victim, drove her to a secluded location, threatened her with a razor knife, and forced her to engage in oral sex. She was then raped in the car.

Police obtained a description of Schlau and the car that he was driving from the third victim. The vehicle was spotted the next night, and Schlau was arrested. The razor knife used in the attacks was recovered along with a gravity knife. Of the three victims, the third and final victim was the only one who reported the crime immediately after it occurred.

All three victims had cases pending against them when they testified at trial with counsel present. Despite this, the jury convicted Schlau after less than one-half hour of deliberation.

One June 24, 2011, Schlau was found guilty of multiple charges of sexual assault and weapons possession, including criminal sexual act in the first degree and rape in the first degree. On July 19, 2011, Schlau was sentenced to three consecutive terms of 20 years in prison, one for each of the three crimes. He was also sentenced to

Registered Sex Offender Re-Offends and Receives 60 Years in Prison (*Continued*)

concurrent terms of one year on a weapons charge, 20 years on a rape charge, and 10 years on each sexual abuse charge. He must

serve a total of 60 years in prison before he is eligible for parole.

“Woman forced into sex trade has prostitution convictions thrown out under new sex-trafficking law”

Headline from *NY Daily News*, 9/22/2011

Jane Doe (pseudonym) was trafficked by pimps for their own profit since she was 13 years old. She was physically and sexually abused. She was required to engage in sex acts for money until she reached an imposed “quota” for the night. Jane was taken to cities along the eastern coast of the US to engage in prostitution. She was “branded” (permanently tattooed) with the name of a pimp to express ownership over her. That pimp was arrested and prosecuted federally for crimes unrelated to human trafficking and is currently serving an extended prison sentence.

Jane was arrested on more than one occasion in the vicinity of Hunts Point in the Bronx for loitering for the purposes of prostitution. She was also arrested in other NYC counties, including Manhattan, for the same conduct. After one arrest she sought help with the assistance of a Legal Aid defense attorney. Finally, Jane was able to leave “the life” of prostitution and

escape the pimps who trafficked her. She is now 22 years old.

Under a 2010 section of the Criminal Procedure Law, Jane sought to vacate her prostitution-related convictions based on her status as an underage victim of sex trafficking. After extensive meetings, the District Attorney’s Office consented to vacate the convictions in light of the extreme circumstances of Jane’s case.

This is the first case in New York State in which an American citizen has sought and received relief under the new statute.

The costs of prosecution can be high. With her convictions dismissed, Jane can begin a new life. Jane is quoted as telling the *Daily News*, “I feel very relieved and really happy. Now I can go and apply for anything without having to worry about anything coming up and people judging me.”

Violent Shooting Rampage by Disgruntled Ex-Employee

Paulino Valenzuela was fired in February 2005 from his job as a maintenance worker at Co-op City. After his termination from the Riverbay Corporation, Valenzuela filed a federal employment discrimination lawsuit. Valenzuela was also a resident of Co-op City and continued to live there after he was fired. Several days after learning that the federal lawsuit had been dismissed, on the morning of August 30, 2007, forty-four-year-old Valenzuela went on a shooting rampage beginning in one of Co-op City's buildings. In a secluded maintenance area of the building, Valenzuela first confronted his former supervisor, 59-year-old Audley Bent. Valenzuela fatally shot Bent in the back of the head with a .38 caliber revolver.

Valenzuela then went outside and accosted two former co-workers who were seated underneath the portico. Valenzuela ambushed his former supervisor, Filip Zadrima, and shot him in the arm. Valenzuela also shot Sander Palaj in the neck, rendering him permanently paralyzed from the neck down. Valenzuela fled the scene by bus. He later surrendered to New York City Court Officers at the Criminal Court Building in the Bronx.

On April 18, 2011, Valenzuela was found guilty of murder in the second degree, attempted murder in the second degree, and assault in the first degree, and of two counts of criminal possession of a weapon in the second degree. He was sentenced on May 5, 2011, to 90-years-to-life in state prison.

Life Without Parole for the Murder of a Young Mother

On February 8, 2007, twenty-five-year-old Angelica Grullon returned home to her apartment from work. Ms. Grullon lived with her 14-month-old son, her sister, and her mother. Her son was being cared for by a family friend, who was in the apartment with Ms. Grullon's son when Ms. Grullon arrived.

After Ms. Grullon put the child to bed, someone knocked on the door. A stranger, forty-three-year-old Maria Rios, asked if she could use the bathroom. After being allowed to use the bathroom, she asked for a drink of water. As Ms. Grullon went into the kitchen, Rios pulled out a gun and forced the two women into a bedroom. Rios ransacked the dresser and took a camera and jewelry. She also asked for money. Ms. Grullon screamed, "my baby,

my baby" and ran out of the apartment. Rios ran after her, firing the gun in the foyer of the apartment. A struggle ensued, observed by neighbors. Rios fired three shots into Ms. Grullon. One bullet perforated her heart and lung. Ms. Grullon died, and Rios fled the building and got into a cab.

After the murder, Rios fled the Bronx for Massachusetts where she had family. Surveillance captured Rios entering and leaving the apartment building. Images from these videos were shown on television news stations, and a friend of Rios recognized her and called local police in Massachusetts. The local Massachusetts police apprehended Rios, and relayed the information to the NYPD. Hair found on Ms. Grullon's clothing contained DNA

Life Without Parole for the Murder of a Young Mother (Continued)

which was matched to Rios. Forensic analysis confirmed that there was a struggle and that Ms. Grullon was shot at close range.

Rios had five prior felony convictions for robbery and burglary. She had spent

14 of the previous 20 years in prison.

On February 16, 2011, Rios was found guilty of murder in the first degree. She was sentenced on March 11, 2011, to life without the possibility of parole.

Violent Grandmother Beats Grandson to Death

On Saturday, February 21, 2009, forty-six-year-old Angela Barksdale called 9-1-1 and reported that her 4-year-old grandson, Kevion Shand, was not breathing. Barksdale was caring for her two grandchildren while their mother served a prison sentence for statutory rape in Pennsylvania. When EMS personnel arrived, they found the child's body in an advanced state of decomposition. The Medical Examiner determined that the cause of death was "blunt force trauma to the head" which caused the brain to hemorrhage.

Barksdale beat Kevion two days earlier on February 19 in the apartment where she lived with Kevion and his 2-year-old sister. Kevion suffered fatal head

injuries when Barksdale took him into the bathroom after he relieved himself and soiled his clothes. After hitting him against fixtures in the bathroom, Barksdale carried the victim into the living room, dressed him in nightclothes and left him lying on a sofa.

Barksdale had a history of intra-familial violence and had a history with the Administration for Children's Services with her own children. She left Kevion on the couch for 48 hours before calling police.

On November 10, 2011, Barksdale pleaded guilty to manslaughter in the first degree. She was sentenced on December 15, 2011, to 15 years in prison and five years post-release supervision.

DRUG CRIME

The Bronx District Attorney's Office approaches drug crime with a combination of careful screening and vigorous prosecution of cases, which contributes to the high proportion of convicted drug offenders who receive state prison sentences. In addition to being tough on for-profit sellers, the Office offers many Bronx defendants drug treatment as an alternative to incarceration. In 2011, nearly 800 drug-involved defendants were diverted to treatment.

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 2011, just 36% of Bronx felony defendants were prosecuted on drug charges. Nevertheless, drug crime is still a very serious problem in the Bronx.

Drug Kingpins

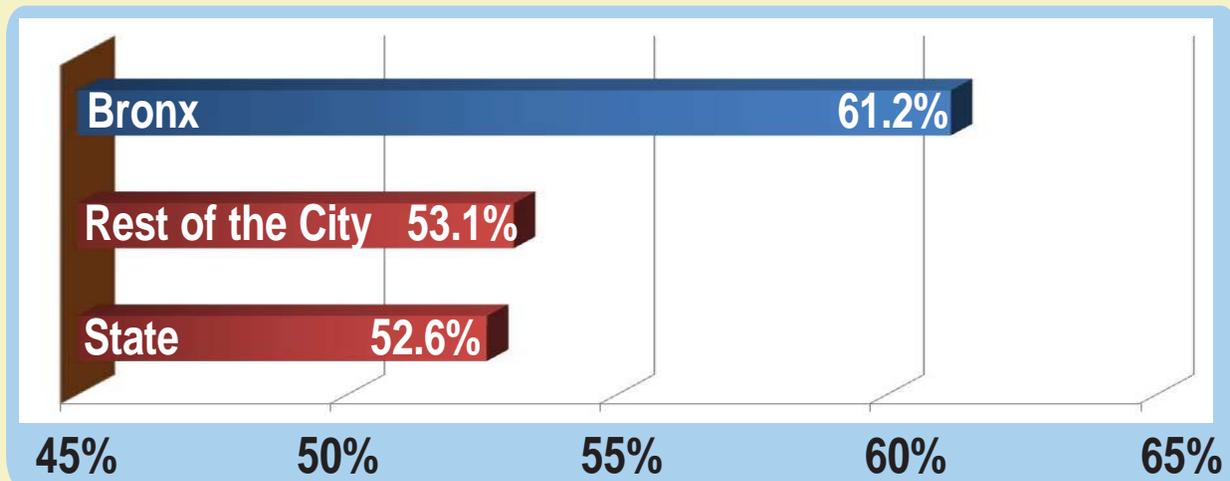
A two-year investigation of a major narcotics distribution organization in the Williamsbridge section of the Bronx resulted in the disruption of a large criminal enterprise. The investigation required close cooperation between the NYPD and the Bronx District Attorney's Office and involved 20 court-ordered wiretaps and the use of numerous informants. During the course of the investigation, it is alleged that more than 50 cocaine sales were made to undercover detectives, in amounts ranging from a few grams to more than 2½ ounces. Thirty-six ounces of cocaine were seized from separate sales to people who came to buy drugs from as far away as upstate New York, Connecticut, North Carolina, Virginia and Tennessee. The investigation resulted in the execution of search warrants that recovered 48 ounces of crack cocaine, powdered cocaine, and heroin, as well as one handgun, three vehicles and over \$67,000 in cash.

In June 2011 the investigation led to a grand jury returning a 135-count indictment charging 40 individuals with various crimes including conspiracy in the second degree, operating as a major trafficker, criminal sale of a controlled substance in the first and second degrees, and criminal possession of a controlled substance in the first and third degrees.

Two defendants who allegedly led the organization were charged with operating as major traffickers. This charge from the so-called "Drug Kingpin Statute" is the most serious offense in the indictment. It is intended for the most serious offenders, with punishment of a mandatory sentence of life imprisonment upon conviction. These two defendants allegedly sold drugs in bulk quantities of eight, ten and sixteen ounces, and allegedly supervised the operations of street vendors along White Plains Road. Their enterprise is believed to have involved the sale of as much as seven kilograms of cocaine per week in either "crack" or powder form with an estimated street value of \$250,000. Fourteen defendants have pleaded guilty to narcotics and conspiracy charges, and have received sentences ranging from one year to four years incarceration with five years probation. The cases of the remaining defendants -- including the two alleged "kingpins" -- are pending, and the investigation continues as bank and financial records are examined in an effort to trace the profits from the illegal enterprise. Profits generated from the sale of illegal narcotics are subject to forfeiture.

State Prison Sentences

Percentage of Felony Narcotics Convictions 2011



Source: NYS Department of Criminal Justice Services

Drug Treatment Enrollment*

1993 – 2011

| PROGRAM | 1993 - 2008 | 2009 | 2010 | 2011 | TOTAL |
|--------------------------|---------------|--------------|------------|------------|---------------|
| DTAP | 3,046 | 258 | 271 | 140 | 3,715 |
| BX Treatment Court | 1,588 | 118 | 74 | 39 | 1,819 |
| Mental Health Court | 847 | 139 | 105 | 58 | 1,149 |
| BX Treatment Misd. Court | 855 | 224 | 103 | 64 | 1,246 |
| Other Residential | 4,079 | 153 | 95 | 127 | 4,454 |
| Other | 2,281 | 187 | 94 | 123 | 2,685 |
| Judicial Diversion | 0 | 0 | 110 | 243 | 353 |
| TOTAL | 12,696 | 1,079 | 852 | 794 | 15,421 |

Source: Office of Bronx District Attorney

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

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

DRUG TREATMENT ALTERNATIVE TO PRISON (DTAP)

Bronx prosecutors have had substantial success in placing drug offenders in treatment programs. Between 1993 and 2011, more than 15,000 Bronx defendants were placed in drug treatment programs as an alternative to incarceration. While the Office's initial experiment with alternative-to-incarceration (ATI) drug treatment focused on first-time offenders, treatment is

now also being offered to some second felony offenders. In late 1995, through the TASC program, this Office began placing offenders with prior non-violent felony convictions in ATI programs. We first received DTAP funding in 1998. From 1998 through 2011, the Office placed 3,715 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 appro-

priate 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 years in prison and two years post-release supervision.

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, hacking, and identity theft by means of stolen data. 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 PROSECUTIONS

The DNA Prosecutions Unit advises the Office on a broad range of DNA-related issues that involve forensic science to enhance investigations and prosecution of cases. The Unit provides grand jury and trial assistance, as well as continuing legal education training, to assistant district attorneys (ADAs) to ensure that the Office continues to use the most updated and state-of-the-art forensic evidence in prosecutions. The Unit also reviews and responds to requests and motions for post-conviction DNA testing. Recent efforts in 2011 have focused on such topics as the NIJ Cold Case grant, partial matching initiative and the passage of the All-Crimes DNA legislation which will come into effect on August 1, 2012.

NIJ COLD CASE GRANT

In October 2011, the Bronx District Attorney’s Office received funding through a grant from the National Institute of Justice to identify, review and investigate unsolved violent crime cold cases. New advances in DNA technology have aided in the analysis of limited, aged, or degraded DNA samples

that previously were unsuitable for DNA testing, allowing investigators the opportunity to pursue new leads in such cases. Roughly 4,162 unsolved homicides were committed in Bronx County between 1985 and 2005. To narrow the grant’s focus to a more manageable caseload, the DNA Prosecutions Unit, working in conjunction with the New York City Police Department, specifically targeted cold case homicides from 1995 through 2000, which involved some form of close contact (*e.g.*, strangulation, stabbing). In the grant’s beginning stages, homicides that fell within these established parameters were reviewed for untested or otherwise probative evidence that may now be suitable for analysis by the Forensic Biology Laboratory.

With the creation and expansion of Combined DNA Index System (CODIS), which operates at the local, state and national level, the retesting of evidence from these unsolved cold case crime scenes has a greater chance of “hitting” to a convicted offender’s profile and resolving cases that, due to technological limitations, were virtually unsolvable at the time of their occurrence. Every state in the country has a statutory provision for the establishment of a DNA

database that allows for the collection of DNA profiles from offenders convicted of qualifying offenses.

NEW YORK STATE DNA DATABASE EXPANSION & THE COLLECTION OF DNA SAMPLES

The goal to expand the New York DNA database came in stages beginning in 1995 and culminated in New York State lawmakers passing the All-Crimes DNA Bill on March 19, 2012. Effective on August 1, 2012, the bill will require a DNA sample to be taken from all those convicted of a felony or penal law misdemeanor. Formerly, only offenders convicted of felonies and 36 qualifying misdemeanors were obligated to provide a sample for inclusion in the New York State DNA database pursuant to the New York State Executive Law, §995(7).

A 2011 review by the NYS Department of Criminal Justice Services (DCJS) revealed that thousands of New York City convicted offenders who were required to provide a sample under the law still owed DNA samples from prior convictions. Approximately 5,000 of those offenders were from Bronx County. As a result, the Bronx District Attorney’s Office,

along with the other four boroughs, instituted a new DNA refusal initiative which authorizes the re-arrest of an inmate for Obstructing Governmental Administration in the Second Degree, PL §195.05, if the inmate owes a DNA sample to the state database for a prior qualifying offense, but refuses to comply after being read a preprinted Notice of Obligation form.

A partial match occurs when a convicted offender whose DNA is on file does not perfectly match the DNA profile from the crime scene in question and therefore is not the contributor of that sample. In these types of cases, however, the forensic biologist can see that this convicted offender shares a sizeable amount of the same genetic profile with the crime scene DNA donor which is an indicator that they might be a blood relative of the actual offender. Several years ago the FBI began allowing states to release this information to law enforcement agencies to use as an investigative lead in open criminal investigations. Prior to this policy change, an accredited DNA laboratory was prohibited from releasing such information to law enforcement. Colorado and California were the first two states in the country to begin releasing partial hit information with great success, including the 2010 apprehension of a suspect in the Grim Sleep serial murder case in Los Angeles.

In April 2011, the Office of the Chief Medical Examiner (OCME) in New York City began releasing selected near matches to the five

NYC District Attorney's Offices. These designated cases are carefully vetted by the OCME and must meet strict guidelines and statistical thresholds before the name is released to law enforcement. The release of the partial hit information can greatly narrow the pool of potential suspects and provide investigators with crucial information which can potentially solve many cases.

In 2011, Bronx County was notified of 453 DNA hits which were linked to known individuals. Those new DNA hits related to an array of offenses including homicides, sexual assaults, robberies and burglaries. Of those DNA hits, 196 were related to known New York State convicted offenders whose DNA was already on file with CODIS. Of that total number, 49 matched to an out-of-state offender who matched to the local crime scene via the national DNA database maintained by the FBI. These DNA statistics do not account for the all the Bronx County cases where DNA casework was performed by the Forensic Biology Department in 2011. Hundreds of other cases and open criminal investigations are pending in which a CODIS-eligible DNA profile was developed from Bronx crime scene evidence submitted to the laboratory but has yet to match a named offender.

Homicides: There were 39 hits to homicide investigations during 2011. Four of those hit to crime scene evidence collected from other states and 13 hit to convicted offenders who were already in the New

York State DNA database for a previous DNA-qualifying conviction.

Sexual Assaults: There were 89 sexual assault hits in 2011. Forty-nine of those hits were to New York state convicted offenders and 17 were hits to an offender whose DNA was on file with another state.

Burglaries: There were 133 burglary hits in 2011. Sixty-two of those hits were to forensic-to-offender matches where the DNA from the crime scene matched an offender on file with CODIS.

Robberies: There were 61 DNA-related hits to robberies in 2011. Thirty of those matches were matched to a convicted offender already on file with the New York State DNA database and nine were a match to an individual in the national DNA database.

Grand Larceny Auto: In 2011 there was a marked increase in NYPD evidence collected from stolen vehicles. As a direct result, there were 21 DNA hits on stolen vehicles recovered in 2011. Twenty matched a known convicted offender. Many of those identified offenders had a long history of vehicle theft and auto stripping convictions.

Pattern Cases: In 2011, there were over 20 DNA patterns which linked different crime scenes both locally and nationally. These patterns included a series of sexual assaults linked to a homicide; a large scale burglary pattern linked to a robbery; and a brutal home invasion matched to a series of motor vehicle thefts in the Bronx and Manhattan.

DNA Matches Solve Crimes

● **DNA ON HAT LINKED TO ROBBER** - The defendant robbed three bodegas. During each robbery the defendant was carrying a black pistol and wearing a ski mask. DNA that matched the defendant was collected from a hat left behind at one of the crime scenes. He was brought in for questioning and confessed to the other two incidents which had been caught on surveillance video.

● **DNA ON GLOVE IDENTIFIES INTRUDER** - Two victims were asleep in their basement when they awoke to find two scarf-wearing intruders. One defendant took off his glove and tied the victims to a pole in the basement with duct tape, while the other took the victims' money and debit card. Both defendants then left the premises, leaving behind the glove that the first defendant had removed. DNA from inside the glove produced a profile from a convicted offender who was subsequently apprehended.

● **DNA FROM FRUIT SOLVES BURGLARY** - The defendant broke into a house and took a laptop and cell phones. During the burglary, the defendant grabbed a green apple from the victim's kitchen, took a few bites, and left it on the bed in the master bedroom. DNA taken from the bite mark matched a convicted offender's sample from the state DNA database.

● **CHURCH BURGLARY PATTERN** - A large burglary pattern, in which the intruder's modus operandi was breaking into local churches, was directly linked to four burglaries in the pattern from DNA evidence left at the crime scenes. In one instance, DNA was found on a butter knife that the defendant had used to break a hole in an interior office door. Blood matching the suspect was found at two other scenes near a pastor's door and by a window. At the last of these four crime scenes, the defendant stole rolls of coins from a lockbox in the church office. Those coins were found in the defendant's home. The defendant's DNA profile found on the lockbox matched the defendant's DNA profile in the state DNA database.

● **DNA FOUND ON FIREARM USED IN SHOOTING** - The defendant and victim were both at a bodega near the defendant's apartment. After a dispute inside the store, both men left. As they walked in the direction of the defendant's building, the defendant shot the other man. No one was able to identify the shooter. Police found the firearm in the lobby of the defendant's apartment building near the victim's body, and they discovered several shotguns stashed on the apartment building's roof. Swabs from the gun used in the shooting and from those left on the roof matched the defendant's DNA profile.

● **DNA FOUND AT SCENE OF THREE BURGLARIES** - In 2008, the defendant broke into an Italian restaurant through the bathroom window and took \$600. Police found an open Snapple bottle containing DNA which matched the defendant's DNA profile in the state DNA database. It also matched DNA from two other unsolved burglary cases in Bronx County. In one of those burglaries, the defendant entered a salon, destroyed office equipment and stole \$1,200, a passport, a wallet and insurance cards. A DNA sample which matched the defendant was taken from a cigarette box that was left behind. The defendant's DNA was also found as a match at a crime scene at Yeshiva University where the defendant stole air conditioners and a truck. Swabs taken from a screwdriver left at the scene matched the defendant's DNA profile.

● **DNA FOUND ON FIREARM USED IN MURDER** - In 2008, the defendant shot and killed a victim and shot and missed another man. Prior to trial, the police received information about the whereabouts of the murder weapon. Detectives then found the .22 caliber revolver from the shooting sealed inside a wall in an apartment. The gun was swabbed for DNA and a mixture of two profiles was detected. Applying the Forensic Statistical Tool, the Office of the Chief Medical Examiner (OCME) was able to determine that it was 1.92 million times more probable than not that the defendant was included in the mixture of DNA found on the weapon.

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 2010, there are close to 400,000 Bronx residents who are under the age of 18. Many of them use computers daily.

In 2001 this Office received a federal grant to establish an Internet Crimes Against Children (ICAC) Investigative Satellite initiative. Through this program, detectives and assistant district attorneys

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

The explosive growth of the internet over the last decade has been accompanied by an increase in associated crimes, including crimes committed against children. The

majority of these crimes involve the 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 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 preda-

tor at a time. It frequently takes many hours of "chatting" before discussions of meetings take place. In addition, the perpetrator must be identified through an Internet Service Provider 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.

Child Pornography

The New York State Internet Crimes Against Children (ICAC) task force alerted the NYPD computer crime squad that an account belonging to 53-year-old Luis Rodriguez was uploading child pornography. A joint investigation conducted by the NYPD and the Bronx District Attorney's Office followed and led to the execution of a court-ordered search warrant at Rodriguez's home. Rodriguez's computer was seized and examined by computer forensic experts. Over 100 images and videos of boys engaging in sex acts with other boys and adult men were found on the computer.

Rodriguez was arrested on

December 6, 2011. He confessed on video to downloading the images over the internet. He attempted to justify his actions by saying that he looked at pictures instead of abusing children in the neighborhood. Rodriguez has multiple prior convictions for sex offenses against children and was already a Level 3 sex offender at the time of his arrest.

Rodriguez waived an indictment and pleaded guilty, less than ten days after his arrest, on December 15, 2011, to promoting a sexual performance by a child. He was sentenced to nearly the maximum sentence for the offense: 3-6 years imprisonment plus sex offender registration.

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.

Two of the cases illustrated below are "CARP" cases. One involved a defendant who evaded

more than \$800,000 of NY State and City cigarette taxes. The defendant in the second case stole close to \$600,000 in NY State sales tax. The final case is that of George Henry who abused his position as a Housing Coordinator to steal more than \$50,000 in rent checks.

Trafficking Untaxed Cigarettes

Thirty-six-year-old Ablasse Sore (AKA Abdul) trafficked in large quantities of untaxed cigarettes. His activities were documented during a long-term sting investigation into cigarette tax evasion and bootlegging undertaken jointly by the New York State Department of Taxation and Finance and the Bronx District Attorney's Detective Squad.

Between August 4, 2009, and August 3, 2010, Sore met with undercover officers and a confidential informant over 60 times to purchase untaxed cigarettes. Sore spent \$695,000 on 16,711 cartons of untaxed cigarettes and evaded \$809,766 in combined City and State taxes.

On December 8, 2011, Sore pleaded guilty to New York Tax Law 1814(c)(1)--possessing 10,000 or more untaxed cigarettes. He was sentenced on December 22, 2011, to 2-6 years in prison and forfeited \$14,500. In addition, the court ordered a judgment of \$3,326,700 in favor of the Department of Taxation and Finance for evaded taxes and penalties. Sore faces possible deportation upon completion of his sentence when he will be paroled to ICE.

Approximately 19 other defendants were indicted separately for similar crimes during this multi-million dollar tax evasion investigation.

Tax Fraud

Sixty-year-old Jose Torres owned a popular Bronx restaurant called “Joe’s Place.” After executing a search warrant on December 1, 2010, detectives from the District Attorney’s Office and investigators from the New York State Department of Taxation and Finance seized business records and computers from the restaurant. The records revealed that from July 2003 through November 2010, Torres and his corporation “Joe’s Place” collected \$581,938 more in state sales tax than he paid. Gross sales were \$6,715,804 more during this period than what Torres reported on his sales tax returns. After a joint investigation by the Bronx District Attorney’s Office and the New York State Department of Taxation

and Finance, Torres was arrested and charged with grand larceny in the second degree and criminal tax fraud in the second degree.

On September 8, 2011, Torres pleaded guilty to criminal tax fraud in the fifth degree, a misdemeanor. His corporation “Joe’s Place” pleaded guilty to criminal tax fraud in the second degree, a felony. Therefore, Torres pleaded guilty to a misdemeanor and his corporation pleaded guilty to a felony. Under the terms of the plea agreement, Torres must pay back \$581,938 to the State of New York by January 2015. He will then be sentenced. To date, he has paid back \$200,000.

Grand Larceny

Between March 2010 and February 2011, fifty-year-old George Henry worked as a Housing Coordinator at Jasper Hall, a supportive housing complex located in the Melrose section of the Bronx. As Housing Coordinator, Henry’s primary responsibility was to collect rent. Henry used this position to steal more than \$50,000 by cashing tenants’ rent checks for himself and by forging tenants’ signatures on public assistance checks.

Jasper Hall contains 31 units for families with special needs and 22 units for young adults who have aged out of foster care and also have special needs. Jasper Hall provides on-site social service programs for tenants, including counseling, case management, and employment and education assistance.

From March 2010 through February

2011, Henry collected money orders from tenants for rent. He then took the money orders to a check cashing store and cashed them, keeping the money for himself. As a result, the tenants had rent arrears and faced proceedings for eviction.

Henry also forged letters from the NYC Department of Housing Preservation and Development instructing tenants to pay additional money each month or face eviction. About thirty-three tenants gave money orders for the specified amount to Henry each month.

Henry targeted tenants who received Social Security benefits. He made himself the representative payee for two tenants. Thus it was his responsibility to cash the Social Security check and use the money for the benefit of the

Grand Larceny (Continued)

payee. Instead, he cashed the checks and kept most of the money for himself.

The Lantern Organization, which operates Jasper Hall, fired Henry and reimbursed tenants for their losses to Henry's scam.

On October 13, 2011, Henry pleaded guilty to grand larceny in the second degree. He was sentenced on October 27, 2011, to three-to-six-years in prison and ordered to pay \$74,331 in restitution.

When people we trust to administer government programs or enforce the law subvert it to their own advantage, the public's faith in government is undermined. Public employees are expected to honor the public trust and behave ethically and within the law. While

the vast majority of public employees deserve the public's trust, the District Attorney vigorously prosecutes those who betray it.

Although none of the cases have been disposed, allegations that a large number of Bronx police officers were involved in ticket fix-

ing have already affected outcomes in several criminal cases. When the public believes that the police have behaved inappropriately or criminally, credibility becomes more of an issue during trials in which they testify.

Police Corruption

On October 28, 2011, Bronx District Attorney Robert T. Johnson and New York City Police Commissioner Raymond Kelly announced the indictment and arrests of 16 members of the NYPD and five civilians on numerous felony and misdemeanor charges stemming from a nearly three-year long joint investigation into allegations of corruption across a broad spectrum of crimes.

The investigation began in December 2008 when an anonymous tip received by the NYPD Internal Affairs Bureau alleged that a police officer assigned to the 40th Police Precinct in the Mott Haven section of the Bronx engaged in various illegal business activities with a reputed drug dealer. It was alleged that large quantities of marijuana were being sold, on a regular basis, at two barbershops that the police officer owned. This police officer allegedly committed such crimes as robbery, attempted grand larceny, transporting what he believed to be a shipment of heroin for drug dealers, selling counterfeit CDs and DVDs in his barbershops, and disclosing the identity of a confidential informant who was providing information on a series of shootings and homicides. The investigation expanded when detectives

uncovered unrelated evidence of an organized and wide-scale practice of "fixing" parking and traffic tickets and criminal and other summonses. The investigation also exposed the alleged failure of police officers to make an arrest and attempt to cover-up an assault by a defendant with a PBA connection. The exhaustive investigation employed the use of court-ordered wiretaps on more than two dozen telephone lines involving more than ten thousand calls, undercover "sting" operations by NYPD Internal Affairs investigators which were captured on video and audio recordings, and traditional surveillance techniques.

On March 22, 2011, a special grand jury was empaneled to hear evidence uncovered during the investigation regarding alleged crimes by police officers, including attempted robbery, grand larceny, attempted criminal possession of a controlled substance, obstructing governmental administration and official misconduct. The grand jury also reviewed evidence of crimes by civilians, including felony assault, criminal sale of marijuana, and criminal sale and possession of a firearm.

In addition, 11 New York City police officers were indicted on a variety of charges related to having or attempt-

Police Corruption (Continued)

ing to have summonses “fixed,” with no liability to the persons who received them. This essentially involved summonses issued to family members, friends and acquaintances of police officers. The indictments allege that between September 29, 2009, and November 22, 2010, the charged officers repeatedly “acted in concert” with other NYPD officers to remove, destroy, or otherwise prevent NYC parking summonses, Department of Motor Vehicle traffic summonses, and NYC Criminal Court summonses from being properly processed by their respective agencies. In total, the grand jury returned 22 indictments charging 21 defendants with

1,600 felony and misdemeanor counts. The majority of those charged were delegates and trustees of the Patrolmen’s Benevolent Association. The cases are pending.

District Attorney Johnson said, “We looked into allegations of crimes being committed, and succeeded in obtaining indictments against those allegedly responsible for serious acts of corruption and criminal conduct. The Bronx District Attorney’s Office, along with the NYPD, will continue to work together to combat crime no matter who commits it or whatever career title he or she may hold.”

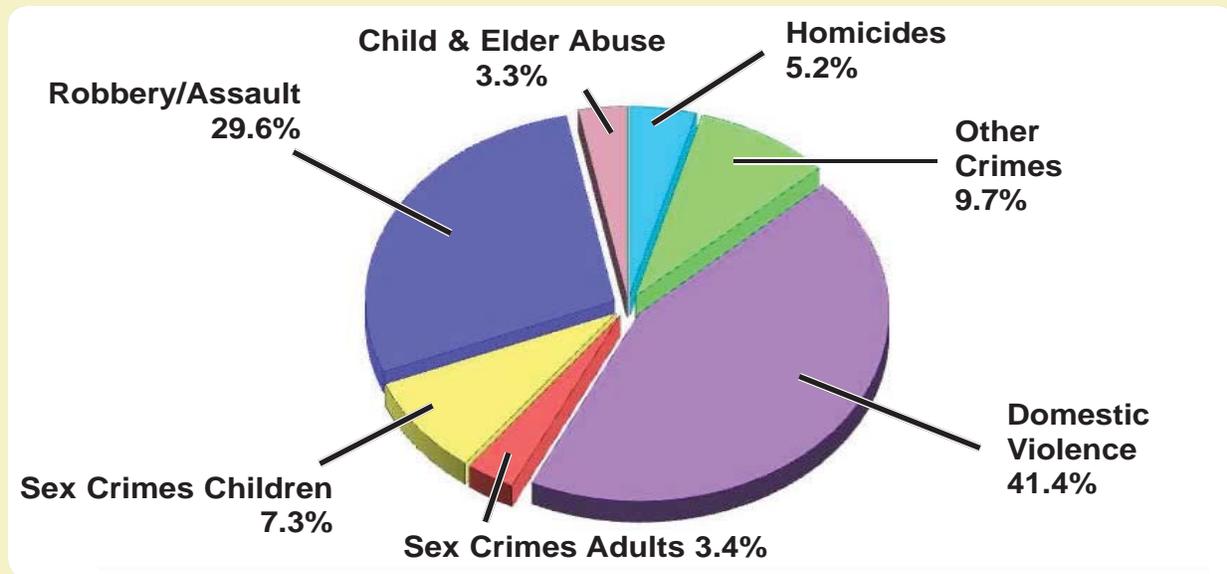
Crime Victims Assistance

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 locations of the unit, in the District Attorney's Offices on 161st Street in the South Bronx, are generally convenient because of their proximity to the court.

The CVAU saw a total of 3,117 new clients in 2011. CVAU staff made more than 39,000 service contacts with victims and witnesses during 2011. These services were provided from both the Unit's three sites on 161st Street and the CVAU satellite office in the northeast Bronx.

Crime Victims Assistance Unit Contacts By Type of Crime

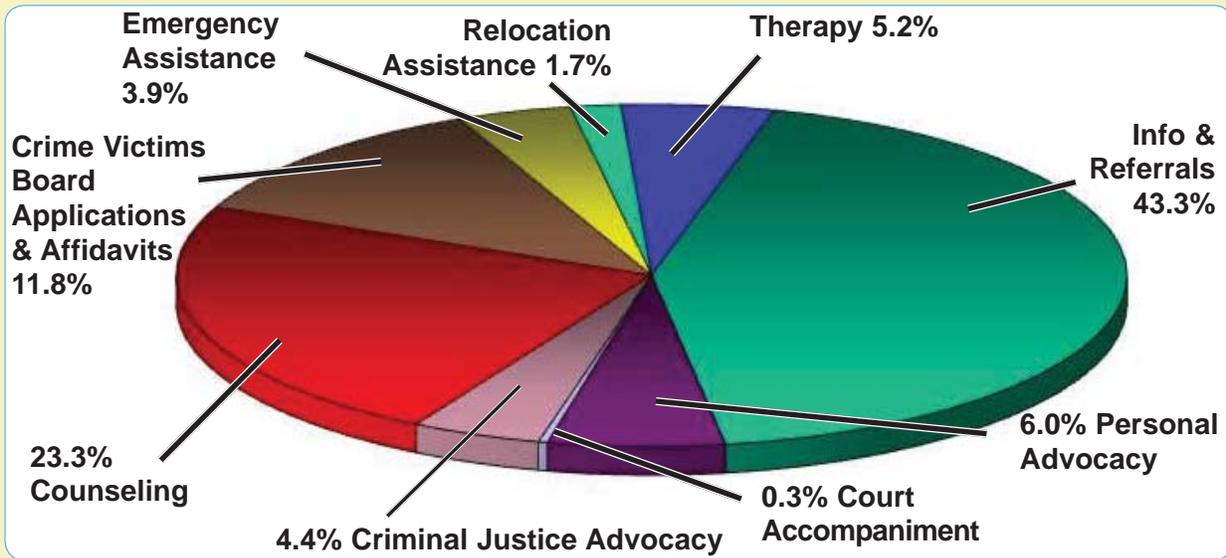
Total 2011 New Client
Contacts: 3,117



Source: Office of Bronx District Attorney

Crime Victims Assistance Unit Contacts By Type of Service Provided

Total 2011 Service
Contacts: 39,061



Source: Office of Bronx District Attorney

SEXUAL ASSAULT AWARENESS MONTH

April is Sexual Assault Awareness Month. In an effort to educate the Bronx Community about sexual violence, the Crime Victims Assistance Unit, along with a group of youth from Effective Alternatives in Reconciliation Services, created a skit depicting two scenes in which sexual violence takes place. The first scene stimulated the audience to think about the various forms of sexual violence and the conditions in a community that encourage or are tolerant of sexual violence. The second scene showed the terror experienced by a victim of a sexual assault. After the skit was performed, the characters stayed in their roles and the audience had an opportunity to have a

dialogue with them. This workshop, the Many Faces of Sexual Assault, was a part of the Adult Workshop Series provided to the Bronx Community.

DOMESTIC VIOLENCE AWARENESS MONTH

In October 2011, as part of Domestic Violence Awareness Month, the CVAU held its third annual Purple Door Project. CVAU staff covered all of the Unit's doors in purple, the designated color for domestic violence. Their hope was that the services we deliver to victims will lead to domestic violence stopping at our doors. In addition, they invited the rest of the staff to show support by displaying purple on their office door or around their cubicle.

As part of its adult workshop series, the Office held a Roundtable Discussion. Seated around the table were the Chief of the Domestic Violence Bureau, the Director of CVAU, a therapist, the Director of the Bronx Family Justice Center, and two domestic violence survivors. The survivors shared their stories in front of an audience composed of community members. The professionals then had an opportunity to ask questions, followed by questions from the audience.

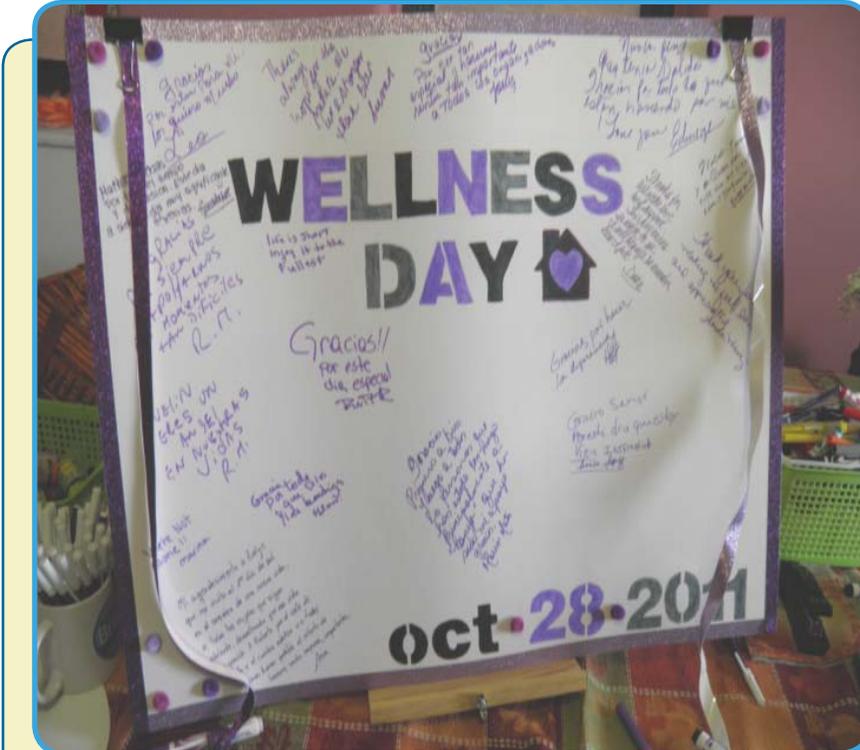
CRIME VICTIMS ASSISTANCE UNIT SATELLITE OFFICE

This Office's Crime Victims Assistance Unit (CVAU) provides comprehensive services to crime victims, both at the Office's main

location on 161st Street and also at a satellite office that opened in Community District 12 in 2003 to make services available throughout the Bronx. The satellite office grew from a series of federal grants from 2002-2005 that funded an Advisory Committee tasked with planning and implementing a referral network to link clients to community service providers for services that cannot be provided by CVAU staff. During 2011 we held special events at the satellite office, including a Wellness Day during Domestic Violence Awareness Month and Coping with the Holiday Blues in December.

WELLNESS DAY

On October 28, the CVAU hosted a day of wellness for victims and survivors of domestic violence. The Wellness Day mind/body/spirit workshop promoted a positive and healthy way of feeling, thinking and living. Twenty-five women attended the event. Clients learned healthy coping skills, ways to reduce stress and reconnect with their inner selves through a variety of holistic and beauty techniques that included beauty, creative art, dance, and yoga classes facilitated by professional instructors who volunteered their time to be part of this special event. Clients also volunteered their time to share their personal stories and assist staff and instructors in facilitating the classes. The clinical staff provided clinical services on site and instruction behind the scenes.



Wellness Day Thoughts

The classes were **Tease, Toss, and Spray** (which provided tips on how to enhance or change your hairstyle to make you feel your best to create an environment to reflect on appearance prior to and after abuse); **The Many Faces** (designed to learn how to use creative techniques to express inner feelings and thoughts by creating a mask of yourself); **Shake It** (a dance class used to reconnect physically and emotionally with inner selves alone and with others using music); and **“De-Stress”** (a yoga class designed to introduce victims/survivors to a holistic approach to healing using movement and mental and spiritual connection while also focusing on breath work to help improve overall health and provide a sense of relaxation and insight).

After each class, clients were asked to take a group picture as a commemoration of their class participation. Clients were given lunch and refreshment/snacks throughout the day, another approach to ensuring that clients make healthy choices. Throughout the day, clients were asked to write on a poster board designed and provided for the event so as to capture their thoughts and feelings.

COPING WITH THE HOLIDAY BLUES

There were two events at the CVAU satellite office on Saturday, December 10, 2011 - the Coping with the Holiday Blues Workshop and Book Drive, and the Tree of Angels. Holidays are a time of cheer and celebration, but many crime

victims do not feel joyful and merry. The workshop was designed to help those who were struggling through the holiday season make the transition from crime victim to survivor.

Twenty-five CVAU clients and their families were invited to participate in the workshop. The adults participated in a therapeutic art activity focused on what the holidays meant prior to their victimization, what they mean since then, and their outlook for the future. Led by an art therapist who donated her time, the participants each created a scrap book. While the adults were involved in this activity, the children participated in their own therapeutic art activity, led by child therapists. Each child received one or two new books (donated by District Attorney's Office staff).

The workshop was followed by a tree lighting ceremony. The "Tree of Angels" was started by Milagros Guzman, whose 10-year-old daughter Jessica was murdered in 1990. In 2011 Ms. Guzman, who now lives out of state, requested that the Tree of Angels continue to be placed outside the CVAU Satellite Office. Families and friends of homicide victims were invited to commemorate the angel they lost by hanging an angel ornament on the tree.

NATIONAL CRIME VICTIMS' RIGHTS WEEK EVENTS

In April 2011, CVAU was involved in the yearly presentation of the National Crime Victims' Rights Week (NCRVW) Candle

Light Vigil, the kick-off event that recognizes the plight of victims and survivors. The national theme for 2011 — "Reshaping the Future. Honoring the Past." — focused on the progress made toward reaching the ideals that inspired the victims' rights movement. CVAU then coordinated and organized, through the Bronx Committee for NCVRW, Healing Through the Arts at the Bronx Museum of the Arts. This event was graced with artwork created by victims/survivors that depicted the impact of trauma associated with a criminal incident.

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.

*Annual Celebration of the
Bronx Survivor's Tribute in
Recognition of
National Crime Victims'
Rights Week
2011*

*Wednesday, April 13, 2011
6:30pm – 8:00pm
Bronx Museum of the Arts
Upper Gallery*

Sponsored By:
Office of the Bronx District Attorney
Bronx Planning Committee for National
Crime Victims' Rights Week

Survivor's Tribute

Survivors of domestic violence, rape, child abuse, elder abuse, assault and other crimes of violence decorated the t-shirts with messag-

es, poems, photographs and drawings. Some t-shirts were memorials to victims of homicide. On the final day of NCRVW, a Survivor's

Tribute was held where the NYPD's Commissioner Ray Kelly addressed over one hundred people from many different backgrounds.

Mr. G

Mr. G came to the US on a tourist visa from the Dominican Republic where he was a criminal law attorney. He came to visit because he always wanted to see New York City and experience "this beautiful and amazing place that everyone talks about."

On September 2, 2008, Mr. G was assaulted by two robbers as he walked home. As a result of the attack, Mr. G was severely injured. An eyewitness called 911 to report the crime, and the robbers were arrested and charged with attempted murder in the second degree, robbery in the first degree, robbery in the second degree, assault in the third degree, and grand larceny in the fourth degree. Mr. G was in the Intensive Care Unit in a medically-induced coma and was hospitalized for two months.

On October 10, 2008, while Mr. G remained hospitalized, a CVAU crime victims advocate met with Mr. G's mother and aunt. After conducting a case assessment, a New York State Office of Victim Services application was completed to assist Mr. G with medical bills and other expenses related to the crime while Mr. G endured months of rehabilitation. The advocate met with Mr. G when he was released from the hospital in January 2009 to address issues such as covering medical expenses and dealing with his insurance agency.

In December 2008, Mr. G was assigned to meet with a therapist and was

diagnosed with a hypoxic brain injury, hearing loss, and impaired vision. Mr. G experienced nightmares, decreased appetite, difficulty sleeping, poor concentration, motor restlessness, tearfulness and increased startle reactions, as well as fear of violence.

After the assault, Mr. G feared that the perpetrators were coming back after him. His flashbacks and nightmares felt very real because his sense of security was shattered. Mr. G expressed feelings of helplessness and emotional detachment. Medication contributed to mood swings. Mr. G continues to struggle with accepting his new condition of dependence on others. In a matter of seconds, his life changed. Therapy sessions have helped Mr. G through the healing and growth process, and he again can view life with optimism and a renewed sense of determination. He strives towards independence and self-fulfillment.

In May 2009, Mr. G began taking English classes offered by the local public library. Prior to the attack Mr. G had intended to return to the Dominican Republic. Because of the extent of his injuries, however, that was no longer an option. The advocate helped Mr. G understand the process of becoming a US citizen. The advocate also kept Mr. G informed of the progress of the court case against his attackers. On January 2, 2010, one of the defendants pleaded guilty to assault in the first degree and

Mr. G (Continued)

was sentenced to eight years incarceration and five years post-release supervision, and Mr. G was granted an order of protection until 2026. On January 15, 2010, CVAU provided a referral letter to assist Mr. G in entering a men's shelter to obtain housing. He was later granted an apartment through the NYC Department of Housing Preservation and Development. The second defendant pleaded guilty on September 16, 2010, to robbery in the second degree and was sentenced to 5½ years incarceration plus five years post-release supervision.

From May through September 2010, CVAU assisted Mr. G with obtaining a new resident card (his old one was lost during the crime) so he could apply to become a United States citizen.

The CVAU advocate provided a letter addressed to the US Naturalization Services explaining Mr. G's situation and how victimization had a profound detrimental effect on his life. On January 26, 2011, Mr. G's application for citizenship was accepted under the category of a person with disabilities. He was subsequently able to receive Supplemental Security Income benefits.

The advocate continues to keep in touch with Mr. G and provides supportive services. Although the crime occurred in 2008, Mr. G continues to struggle from the aftermath and CVAU continues to provide services. Mr. G will likely always suffer from the traumatic head injuries that he sustained from the crime.

“Carnage on I-95 After Crash Rips Bus Apart”

Headline from *The New York Times*, 3/12/2011

Early in the morning of March 12, 2011, a chartered bus traveling from the Mohegan Sun casino in Connecticut crashed on I-95 in the Bronx en route to Chinatown in Manhattan. The horrific crash resulted in the death of 15 people. In addition, 16 people were injured, seven seriously. In August 2011, a Bronx grand jury indicted the bus driver and charged him with manslaughter in the second degree, assault in the second degree, and criminally negligent homicide.

On August 29, 2011, the NYS Office of Victim Services (OVS) requested that CVAU contact the family members of the deceased and injured victims and offer assistance with filing victim compensation claims and provide other supportive services. CVAU contacted victims, next

of kin and family members, and, in some instances, attorneys hired by surviving family members. Many of the individuals were of Chinese descent, and it was necessary to use an interpreter who spoke Mandarin and Cantonese to communicate with victims and families. CVAU contacted family members or representatives of 14 of 15 of the deceased and 12 of the 16 injured victims. This was a major undertaking, and it took two weeks of making many phone calls during evenings and weekends to make these contacts.

On September 20, 2011, CVAU assisted the NYC Police with returning property that belonged to the passengers. The day was dedicated to providing services to survivors. As expected, receiving their property was accompanied by an

“Carnage on I-95 After Crash Rips Bus Apart” (Continued)

Headline from *The New York Times*, 3/12/2011

outpouring of emotions with which CVAU assisted. Other services were provided to survivors throughout the day in collaboration with the New York Asian Women’s Center, a Chinese interpreter, the New York State Police, and a representative from the NYS Office of Victim Services. These services included crisis intervention, assistance with OVS compensation applications and other entitlements, court information, and individualized services and advocacy.

On September 22, 2011, CVAU dedicated the day to assisting family members of those who died in the crash with the help of the New York State Police, the NYS Office of Victim Services, the interpreter, CVAU advocates and a therapist. A special day was dedicated to these loved ones because it was believed their

emotional and other needs differed from those who were injured in the crash. CVAU provided services such as crisis intervention, court information, assistance with filing OVS claim applications for reimbursement of funeral expenses and other expenses incurred as a result of the loss. Property belonging to the deceased was returned to family members and loved ones, and CVAU staff and the prosecutor handling the case were available to answer questions and provide emotional support. CVAU’s entire staff was available to provide services. After these initial meetings, all survivors were encouraged to contact their specially assigned advocate and/or therapist with additional needs. Some have had extensive contact with CVAU since then, whereas others have had minimal contact.

Partnerships and Collaboration

CHURCHES JOIN BRONX DA AND NYPD GUN BUYBACK

On June 4, 2011, the Bronx District Attorney's Office collaborated with the NYPD and the Bronx Borough President's Office to implement a Gun Buyback Program to reduce the number of illegal firearms in the county. Three houses of worship from diverse faiths and neighborhoods served as host sites for the event. Following very successful programs in 2009 and 2010, the 2011 program netted 354 guns, including one Uzi and four AK-47 style assault rifles.

Participants received a \$200 pre-paid bank card for each operable handgun turned in, and \$20 for operable rifles and shot guns. Participants were able to turn in up to three guns per visit at any of the four locations, and all transactions were completely anonymous and conducted on a "no questions asked" basis.

District Attorney Johnson said: "We are gratified that Commissioner Kelly and Borough President Diaz recognize the deadly threat that guns pose in our community and once again are being proactive. Now it's up to all of our citizens to

do their part in getting these guns off the streets before they cause more deaths, serious injuries and destroy families."

The danger posed by the availability of illegal guns is illustrated by the case below in which a minor confrontation turned deadly. These guns often find their way to the streets of the Bronx through gun traffickers such as the one described below.

Gun Violence

A five dollar entrance fee gained admittance to the party at a rented community room in the Bronx on April 27, 2008. An unauthorized person allegedly collected \$5 as people entered the building, and this led to a confrontation at the party. When the party ended, a participant in this confrontation handed twenty-year-old Anthony Brewer a gun. Brewer then opened fire at the crowd, shooting a 20-year-old male once through his heart and killing him, and shooting a 15-year-old female in her ankle.

Brewer had no prior criminal history, and he apparently did not know the victims. In fact, he had no clear motive to shoot them. Yet this senseless crime was caused, at least in part, by the availability of an illegal, unlicensed handgun.

On December 20, 2011, Brewer pleaded guilty to manslaughter in the first degree. He was sentenced to 20 years incarceration plus five years post-release supervision.

AKA Gat Tony

Twenty-five-year-old Phillip Washington, AKA Gat Tony, sold five guns to an undercover police officer during the course of an investigation into gun trafficking. The joint investigation, conducted by the Firearms Investigation Unit of the NYPD and the Rackets Bureau of the Bronx District Attorney's Office, began in October 2006 and ended when Washington was arrested on January 18, 2007. Washington was indicted for selling guns and about a pound of marijuana. He was arraigned while awaiting trial and was arrested for bail jumping. During the apprehension, he was observed jumping out a window of a Brooklyn apartment building with a firearm in his waistband while attempting to throw three loaded firearms out a window. He was indicted by a Brooklyn grand jury on those gun possession charges.

During the trial, the defense raised questions about the defendant's identity because the undercover officer only knew the defendant by his street name ("Gat Tony"). However, an internet search uncovered a YouTube rap video depicting the defendant in front of the location of one of the gun sales engaging in a hand-to-hand exchange (such as those used by drug dealers) rapping about his open felonies and referring to himself as "Gat Tony." The judge admitted the video into evidence, and the jury watched it.

On November 19, 2010, Washington was found guilty of one count of criminal sale of a firearm in the third degree and criminal sale of marijuana in the first degree. He was sentenced on February 10, 2011, to 13 years in state prison.

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 2011 the Bronx District Attorney's Office diverted 794 defendants to treatment through the Drug Treatment Alternative to Prison (DTAP) pro-

gram, 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 which were appropriate for individuals with dual diagnoses, in 2002 we entered into a formal partnership with Treatment Alternatives for Safer Communities (TASC) and Research Triangle Institute (RTI) to create the Bronx Mental Health Court. As the grantee, this

Office administers grants and subgrants, monitors compliance with the terms of grants and with subgrantees' 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. These defendants are subject to the same level of supervision and sanctions for failure to complete treatment as other diverted defendants.

Treatment as an Alternative to Incarceration

Forty-two-year-old Mr. B (pseudonym) was arrested for selling narcotics. The Bronx TASC Mental Health Program diagnosed him with Schizoaffective Disorder, Bipolar type and Opiate Dependence. On March 24, 2010, Mr. B pleaded guilty to criminal sale of a controlled substance in the third degree and he was diverted to substance abuse treatment through the Bronx TASC Mental Health Program.

Mr. B was born in Manhattan and raised in the Bronx by his mother until age eight, when he “burned his hand on a stove” and was placed in a group home. He entered foster care and was physically and sexually abused while growing up. He was in Special Education classes for dyslexia. He was diagnosed with hyperactivity and prescribed Valium, Thorazine and Zoloft. At 17, Mr. B left vocational school to work for a construction company. He earned a carpentry certificate and had a few short-term jobs over the years. At the time of his arrest, Mr. B had been working as a babysitter every day, four hours per day, for six years. He lived with his common-law wife of 27 years.

Mr. B was first arrested at age 20. He received psychiatric care while in jail. Mr. B had eight prior arrests, mostly on drug-related charges. On March 24, 2010, Mr. B was accepted into the Promesa Methadone Maintenance outpatient program.

Mr. B received mental health care

starting at eight years old. In addition to his bipolar disorder and depression, Mr. B reported a past diagnosis of schizophrenia. Mr. B was treated for Type 1 diabetes, hepatitis C, back problems, ulcers, high blood pressure and dental problems (due to the diabetes). Mr. B described having both auditory and visual hallucinations in the past. He has heard voices expressing negative views as well as suicidal ideations (“Why don’t you just kill yourself?”).

Mr. B reported “at least six” suicide attempts, beginning at the age of five. He recounts a history of cutting his face, arms and hands when depressed (this had happened most recently a year before his TASC Mental Health assessment). His step-daughter passed away a month prior to assessment. Mr. B and his common-law wife were granted custody of their grandchildren. Mr. B relapsed, using cocaine again, after the one-year anniversary of his daughter’s passing. He increased his attendance at meetings and successfully maintained his sobriety. Prior to graduation from TASC, Mr. B was diagnosed with prostate cancer. Despite having various medical issues, Mr. B successfully graduated the Bronx TASC Mental Health Program on October 28, 2011, and received a conditional discharge of his criminal case. At the time of his completion, Mr. B was compliant to his medication and treatment requirements and was also able to secure Section 8 housing for his family.

In 2007 federal funds enabled us to further expand treatment capacity to defendants who have tested positive for HIV/AIDS or

are at risk of contracting HIV (but do not necessarily have a mental illness). In 2010 we received a grant to enhance treatment and

services for defendants with alcohol and drug abuse/dependence and those with co-occurring mental disorders.

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 2011, Bronx Community Solutions handled about 11,080 misdemeanor cases. Of those, more than 7,000 received community service sentences (5,338 community service only, 1,753 social and community services). Seventy-nine percent of offenders who appeared for intake completed their mandate. Community service projects included 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. On average participants performed three days of service. BCS estimates that 91,707 hours of community service were completed in 2011. 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.

BCS also operates special initiatives. The Mental Health Initiative (MHI) completed its second full year in 2011; MHI screening identified 1,272 clients, 79% of whom completed their mandates. In addition, 2011 was the first full year of the Prostitution Initiative. BCS staff worked with 205 Prostitution clients and had a 72% completion rate.

OPERATION WEED & SEED

The 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. Beginning in 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 site has also reached maximum

funding and is now a “graduated” site. Although we no longer receive federal funding, activities and programs continue to be offered.

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 working relationships with the Bronx Borough President’s Office, Kips Bay Boys and Girls Club, the Bronx Lions Club, Parkchester Kiwanis Club, PEP Senior Center, clergy, Children’s Arts and Science Workshop, Inc., St. Raymond’s Community Outreach, elected officials, school-based parent organizations, other community-based organizations and community residents.

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 2011 VITA volunteers at the Bronx River Houses Community Center prepared and filed (electronically) 223 returns for community residents. As a result, they generated \$230,095 in federal tax refunds for the community. In 2011 funding from Councilwoman Palma enabled us to pay one person to manage the VITA Center for three half-days per week during tax season.

CONCEPT – CREATING OPPORTUNITIES NECESSARY TO CREATE EMPOWERED POSITIVE TEENS

CONCEPT is a school-based program taught by a member of the District Attorney's staff and offered at the following Middle Schools: The Albert Einstein School IS 131, the William W. Niles School MS 118, and John Philip Sousa MS 142. These schools, located in the 43rd, 47th, and 48th precincts, are in neighborhoods with significant gang and gun problems. Five hundred students in the seventh grade and 150 students in the eighth grade participated in CONCEPT during the 2010-2011 school year.

The CONCEPT program engages students in healthy dialogue, questioning the legal consequences of criminal activity. Students are able to share their perceptions of the law. As part of the program, students participate through the use of role playing in skits and other structured, interactive classroom activities that relate to each week's lesson. Students become familiar with the S.O.D.A.S. decision-making model: Define the Situation; explore your Options; evaluate the Disadvantages and Advantages to each option; Select the option that will benefit you and others. Students in the class observe and assess various video clips relating to the topic and

use what they have learned to respond to practical hypothetical situations. Finally, students practice information analysis relating to unclear or misleading messages from different media and peer groups and learn how to research whether information is credible.

DOMESTIC VIOLENCE

In 2011 the Bronx continued to suffer the highest rate of domestic violence reports per 100,000 population among the five boroughs. The Bronx's 77,287 Domestic Incident Reports represented 30% 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. Although many of these initiatives have been supported by some level of grant funding, those funds have waned.

In 2011 the Bronx Borough President's Office, in partnership with the Bronx District Attorney's Office, Safe Horizon (a non-profit provider of victim services), and the NYC Department of Probation, received funding under a Grant to Encourage Arrest Policies from the Office on Violence Against Women.

This 24-month grant provides funding for prosecution staff; an interpreter; and two probation Officers. Funding also provides support and services for domestic violence victims, and a Batterers Intervention Program for probationers.

In 2011 this Office continued to work with the Mayor's Office to Combat Domestic Violence on the Bronx County Family Justice Center (FJC), which opened in April 2010 and is located in our main building at 198 East 161st Street. The FJC houses the Bronx District Attorney's Domestic Violence Bureau, as well as representatives from a vast array of social service organizations, legal services providers, and City agencies (e.g., NYPD, Probation, NYCHA). Services are available in English, Spanish, and other languages. The FJC is a one-stop center for domestic violence victims and their children.

In the two years since opening in April 2010, the FJC served 10,092 clients seeking domestic violence services. During the same period, 2,286 children were supervised in the Children's Room. There were 25,794 total client visits (new and repeat) to the FJC between April 26, 2010, and April 27, 2012.

Burglary by Former Boyfriend Turns Violent

On October 19, 1987, Jose Ortiz pleaded guilty to ten felonies (including three counts of murder in the second degree and three counts of burglary in the first degree) and one misdemeanor stemming from a single incident. He was sentenced to 15-years-to-life in state prison.

About 1½ years after being paroled, 39-year-old Ortiz met 39-year-old Sophie (pseudonym). They dated briefly, and then Ortiz moved in with Sophie and her teenage daughter. Ortiz moved out a few months later, but continued to come to the apartment even though Sophie wanted to move on. While there had been no violence between the two, Ortiz was consistently jealous because he believed Sophie was with other men.

On February 7, 2009, Ortiz entered the apartment without Sophie's knowledge. She believes Ortiz made a key to her home without her permission. Ortiz hid, waiting. When Sophie returned home, she went to her bedroom to sort clothes to do laundry. Ortiz came up behind Sophie and hit her on the back of her head. She fell to the floor, not knowing what had happened. When she got up, she saw Ortiz coming towards her. He grabbed her by the neck and began to strangle her, and then he began stabbing her with a knife.

She heard the blade hit the floor when the knife broke, and bloody marks on the front of the knife drawer indicated where he found a second knife. Ortiz returned to the bedroom and continued to stab her, and then he left. Sophie was able to crawl from the bedroom, through her apartment and to her front door. She knew that if she did not get out of her apartment she would die there. A young neighbor entering the building saw her, bloodied, as she opened her front door. She told him who committed the crime, and he called the police.

Sophie suffered bruising to her neck from the attack, as well as multiple stab wounds to her head, face, hand and arm. One of the stabs severed her facial nerve. She required surgery, but the repair was not successful. She suffers permanent paralysis to the left side of her face.

On April 21, 2011, Ortiz was found guilty of assault in the first degree and two counts of burglary in the first degree. On August 2, 2011, he was sentenced to 20 years imprisonment plus five years of post-release supervision, to run consecutive to his life sentence from his previous conviction.

GANG PROSECUTION

In 2011 gang-related or gang-motivated crime incidents in the Bronx ranged from homicides and other violent crimes,

to weapons, drug possession, and various property crimes. This gang activity contributes to the Bronx's disproportionate share of violent crime. The Bronx

District Attorney's Gang/Major Case Bureau assigns experienced prosecutors to investigate growing and increasingly violent gang activity in the Bronx.

“Jury to Hear Recordings, Not Witness, on Murder”

Headline from *The New York Times*, 6/28/2011

A birthday party held at an apartment in the Bronx on November 15, 2008, drew both invited and uninvited guests. After the party broke up at about 2 am on November 16, eighteen-year-old Brandin Santiago argued with a friend of the young man celebrating his birthday. Santiago showed up at the party with some friends who were members of the “280” gang, a subset of the Crips. As Santiago walked away from the building, he turned and fired shots from a 9 mm handgun into the crowd of about 30 young people. He hit his intended target in the leg. He also hit another young man in the leg. A fatal shot hit 17-year-old Nadairree Walters, a high school student who had nothing to do with the argument. Walters was struck in the chest as she ran towards the building for safety, and she died within minutes.

Santiago was identified almost immediately and was apprehended that same day. He was held at Rikers Island without bail while awaiting trial. In April 2010, pursuant to Department of Correction policy, all known gang members were interviewed and their cells were searched in response to gang activity at the jail. Investigators found highly stylized, incriminating “Crip” writings in Santiago’s cell that contained pleadings to fellow 280 gang members to get rid of witnesses.

Despite the many people present at the time of the crime, only one young

woman was truly cooperative with investigators from the beginning. The shooting was even captured on video. Young men did not want to be labeled as “snitches.” The two shooting victims and their friends did not cooperate.

During the course of the trial, the Office obtained material witness orders for witnesses, including two of the defendant’s friends. Such orders compel witnesses to appear to testify. One of these witnesses was brought in after he was shot during the course of the trial while in the presence of a member of the 280s. Santiago had threatened this former friend in his writings from jail because the friend had “ratted him out.” Some of these writings were admitted into evidence at trial. The friend, now a shooting victim, still refused to testify. At a hearing outside the presence of the jury, it was determined that threats and actions of Santiago and his gang were the basis for this refusal to testify. The judge allowed a prior statement implicating Santiago to be read to the jury without his testifying in person.

Santiago was found guilty on July 8, 2011, of murder in the second degree and two counts of attempted murder in the second degree. On July 27, 2011, Santiago was sentenced to a term of 25-years-to-life imprisonment for the murder, and two consecutive terms of 25-years-to-life for each attempted murder. He must serve a term of 75-years-to-life in prison.

Mayhem on the 5 Train

Nineteen-year-old Rayquon Story went to a block party in the Bronx with some friends on August 12, 2007. One of Story’s friends was hit over the head dur-

ing a brawl at the party, and he went to a hospital. Because they were outnumbered, the friends left the party. They went to the subway and got on to the number 5 train

Mayhem on the 5 Train *(Continued)*

bound for East 180th Street.

Before the train left the station, 16-year-old Robert Denis and 15 of his friends entered the subway car and continued the dispute that began earlier at the party. After a few minutes, Denis and his friends exited the train and walked on to the subway platform. They stood on the platform outside the middle door of a subway car and continued to argue with Story and his friends.

Denis, a reputed member of the Bloods gang, then pointed a loaded .38 caliber revolver into the subway car and fired at Story and his friends. Story was hit

in the neck and leg and killed. Three other victims were shot in the elbow, abdomen, hand, and a fourth received a graze wound. Denis shot a total of five teenagers on a New York City Transit Authority subway after they left the party. He was identified by a friend of the deceased who witnessed the gunfire and was able to point investigators to photographs of Denis on his account on a social networking site.

Denis was found guilty of manslaughter in the first degree on February 14, 2011. On March 2, 2011, Denis was sentenced to 29 years in state prison.

AUTO CRIME INITIATIVES

The Office of the Bronx District Attorney has operated the Bronx Anti Auto Theft Program since 1995. In 2011 alone this Office recovered 266 stolen vehicles (for return to their rightful owners). These cars were valued at \$3,536,330. The Anti-Auto Theft program, which has been supported with resources provided by state grants, was designed to increase the number of successful prosecutions of defendants charged with grand larceny of a motor vehicle, criminal possession of stolen property, illegal possession of a vehicle identification number, auto stripping and/or unauthorized use of a vehicle. It was also expected to result in an increased number of stolen cars recovered pursuant to arrests made and/or search warrants executed.

Although this program has been very successful, in 2010 (the most recent statistics available) auto theft in Bronx County remained at the highest rate per 100,000 registered vehicles in the state and second highest rate per 100,000 population (highest in New York City).

The Bronx District Attorney's Office has owned bait cars for several years. In 2010 the Office received a Legislative Grant through State Senator Klein which provided funding which enabled us to purchase two additional bait cars. Working jointly with precincts that experience an increase in car theft, the bait cars are positioned in high crime areas, with plainclothes police officers stationed nearby. After a suspect breaks into the car and removes property, the police move in to make an arrest. Break-ins in a given area are

often committed by relatively few people. Removing these car thieves from the streets can significantly reduce a neighborhood's auto damage and petit larceny numbers. In 2011 Bronx District Attorney's staff participated in 41 bait car operations which resulted in 33 arrests. This Office continues to deploy bait cars around the county in an ongoing effort to reduce break-ins.

The Anti-Auto Theft program was expanded in 1999 to include night-time surveillance and investigations of auto-related crimes. In the last 10 years, we expanded the program to include document fraud and insurance fraud. This expansion was made possible through grants from the New York State Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) Board. Since September 2006, Bronx District Attorney's Office Detective

Investigators have worked with the NYPD using a License Plate Reader (LPR). LPR technology uses specialized cameras and computers to capture large numbers of license

plates quickly, convert them to text and compare them to a large list of plates of interest. LPR systems can identify a target plate within seconds of contact with it, allowing

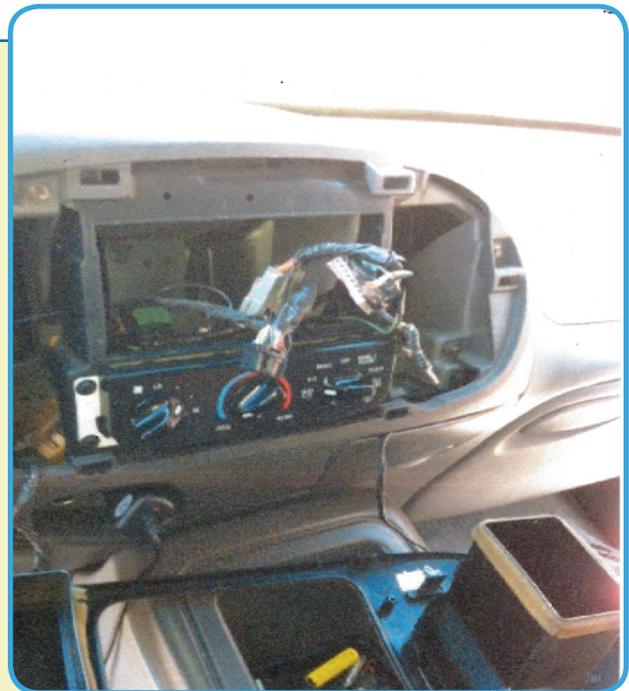
law enforcement to identify target vehicles that might otherwise be overlooked.

Auto Stripping

On July 26, 2011, thirty-three-year-old David Benabe was observed by an auto repair shop owner inside a vehicle which its owner dropped off earlier to be repaired. The repair shop owner observed that the rear window of the 1997 Ford Expedition had been smashed, and Benabe was sitting in the front passenger seat. Upon seeing the shop owner, Benabe exited the vehicle and ran about a block, at which point he was caught by the shop owner. The police were called and the shop owner held Benabe until the police arrived. At the time of his arrest, Benabe was wearing a backpack, inside of which

was the radio from the Expedition and a screwdriver. The dashboard to the vehicle, which was intact when it was dropped off, was badly damaged (see photos).

Benabe was initially charged with the misdemeanor charges of auto stripping, petit larceny, and criminal mischief. Because of a prior auto stripping conviction within the last five years, the auto stripping charge was elevated to an E felony. Benabe pleaded guilty to the felony count of auto stripping in the second degree. As a predicate felon, he was sentenced to two-to-four years in prison.



Insurance Fraud

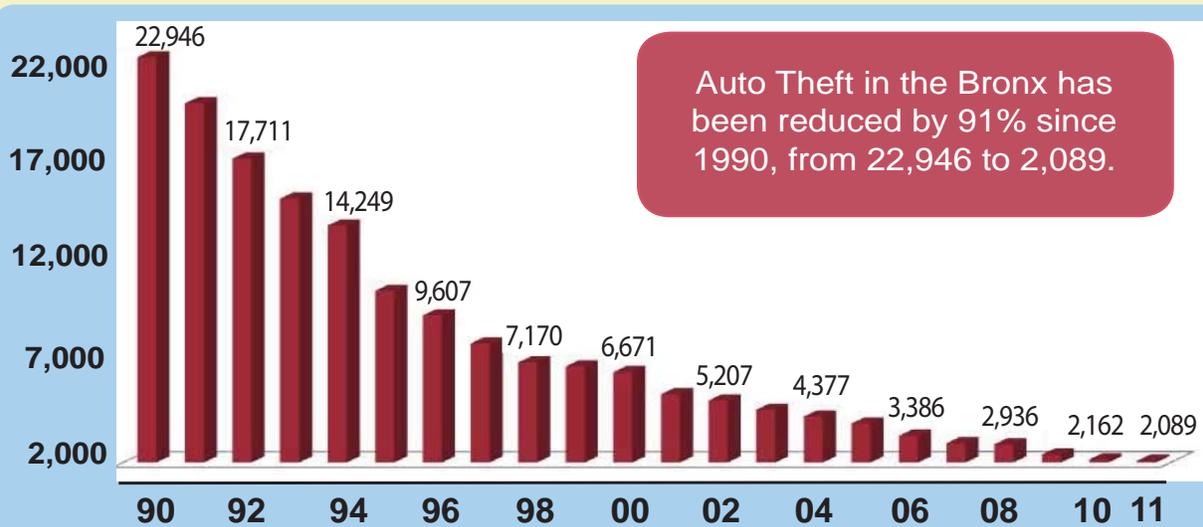
Nine occupants of three different automobiles reported being involved in a rear-end accident. They fraudulently received no-fault covered medical benefits worth more than \$75,000.

Nearby surveillance cameras recorded the early morning incident. The perpetrators approached a deserted intersection in three vehicles. They staged the accident by stopping the vehicles, signaling to each other, and then bumping the vehicles into each other. They exited, looked at the lack of damage, re-entered and repositioned the cars. The surveillance footage shows the defendants repeatedly bumping the cars into each other, driving around the block, returning to the intersection, and bumping the cars into each other again.

They then called the police.

After a referral to the police department from one of the insurance carriers, an investigation was opened and the security camera was discovered on the side of an adjacent building. After review of the video, the District Attorney's Office authorized the arrest of all nine occupants. Five of the perpetrators have pleaded guilty to A-level misdemeanor crimes involving fraud against the insurers Allstate and GEICO. Three of these offenders were sentenced to three years probation, one paid restitution of \$1,000, and one was sentenced to community service. The remaining four defendants have future court dates.

Decline In Grand Larceny Auto 1990 - 2011



Source: New York City Police Department

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 is often the first point of contact for elder abuse inquiries. She handled 64 elder abuse cases and 180 elder abuse calls in 2011.

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. Now in its 11th year, the Elder Abuse Multidisciplinary Task Force, as an outgrowth of the Office’s committee, continues to meet. 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. At each meeting an expert in his/her field speaks and advises members about elder abuse. In 2011 speakers came from mental health service organizations to discuss challenging cases, another NYC Multi-Disciplinary Elder Abuse Team to share strategies and best practices, the NYC Department for the Aging research team to present on the methodology and findings of the NYS Elder Abuse Prevalence Study, Legal Services of New York, Bronx Office, and the NYPD’s Community Outreach Unit to discuss gangs and their effect on the elderly, particularly grandparents bringing up grandchildren.

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 2011, the Elder Abuse Coordinator gave 15 CASE, “ID Theft and Scam Recognition, Prevention and Remedy,” and vari-

ous Elder Domestic Violence presentations to community groups, churches, senior centers, tenants’ associations, social service providers, banks, colleges, and at national, state and city conferences, *etc.* This program is currently implemented without funding, staffed by volunteers from the Office.

The Elder Abuse Coordinator continues to represent the Bronx District Attorney’s Office in various NYC Elder Abuse Coalitions and Multi-Disciplinary Teams.

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 treat-

ment 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, those are 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 primarily supported with NYC funds and consists of a group of 12 - 14 Sexual Assault Forensic Examiners (SAFEs) who are coordinated by a project director based at North Central Bronx Hospital. The examiners conduct a physical examination of the victim, collect potential DNA evidence, and document both internal and external injuries. In

2011 Bronx SART hospitals covered 243 of these cases. In 95% 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-nine percent of those victims eligible for a forensic examination consented to be examined. In 19% of the cases, the physical examination of the victim revealed findings of genital trauma only. In 13% of the cases, the physical examination revealed findings of non-genital injury only. Twenty-seven percent of the examinations revealed both genital and non-genital injuries, and 42% showed no visible 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, the NYC Department of Education, 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 hos-

pital 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 2011, the District Attorney’s Office responded to 275 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.

NYPD NEW POLICE OFFICER TRAINING

In 2005 the Bronx District Attorney’s Office began a training program for newly appointed police officers in Bronx County. The training is provided to officers after they have had four-to-six months of street experience and covers basic legal issues (*e.g.*, citizen/police encounters and laws

governing identification and statements), 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 provide coordination and assign 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 2011, reflecting an increase in NYPD hiring to make up for the past few years of budgetary limits, there were four separate sessions with a total of 250 officers trained.

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, the Chief of Vehicular Crime Prosecutions, teaches coursework related to this program at St. John's University. In four of the last five years, he was named Clinical Professor of the Year at St. John's University.

INTERNATIONAL VISITORS

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.

ADA Maria Cortese was invited by the Deputy Prosecutor of the International Criminal Court located in The Hague to serve as a guest lecturer for the International Criminal Court (ICC) in June 2011. She discussed trial strategies for interviewing victim witnesses emphasizing critical psychological issues and comparative differences between trial strategies employed in New York Criminal Court in contrast with the ICC. In a more informal setting with lawyers of the ICC Office of the Prosecutor, Prosecution Division, she also discussed winning trial strategies. She also presented on a panel entitled "Comprehensive Modalities for Addressing Victims' Needs" and addressed the complexities that come to bear when different evidentiary standards are applied before and during trial. Also presenting on this panel were attorneys from the Office of the Prosecutor, Prosecution Division, Investigation Division Gender and Children Unit, all organized by the Legal Advisory Section of the Office of the Prosecutor

From July 11-19, 2011, two prosecutors from the Netherlands visited the Office. Between 9:00 am and 1:00 pm each day they met with Bronx District Attorney's staff and toured various justice system components, including Central Booking, the Complaint Room and Rikers Island. Afternoons were devoted to observing trials



DA Robert Johnson with Prosecutors from the Netherlands

As part of the Justice Sector Strengthening Program of the United States Agency International Development, in October 2011 a group of seven individuals from South Africa visited the Office. The group included prosecutors, a judge, a microbiologist/epidemiologist, and administrators of the Women's Justice and Empowerment Initiative program. The focus of the visit was a study tour on Gender-based Violence and Sexual Offenses. The group spent a week in Washington, DC and a week in New York. The purpose of the tour was to strengthen prosecution and adjudication of sexual offenses and gender-based violence cases.

Community Outreach

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

In these collaborations the Community Affairs Unit (CAU) is often the connection between the District Attorney and the residents of Bronx County. For example, the Community Affairs Unit facilitates community involvement in the Office’s Felony Trial Training program for new assistant district attorneys. CAU staff reach out to Bronx residents over the age of 18 at community meetings, schools, churches, senior centers, *etc.* to serve as mock jurors for the training.

Staff from the unit attend community meetings, and the unit provides speakers and tours of the courts, offers education and prevention programs, participates in interagency committees, and interacts regularly with community residents, neighborhood leaders and others. The unit also keeps residents informed of the status of

cases as they progress through the criminal justice system.

While the Office’s programs are coordinated by the unit, 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.

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 mentors allows students to experience the work environment and learn about the functioning of the criminal justice system. Twenty mentor/mentee pairs were matched in 2011.

READ-TO-ME PROGRAM

In partnership with two local day care centers, staff from the Bronx District Attorney’s Office hold weekly reading sessions. Support staff and assistant district attorneys volunteer their time 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. Most requests are from the Bronx, but we also receive requests from foreign delegations, universities and suburban school districts. 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 battle 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. Approximately 260 students participated in the S.T.A.R. program in 2011.

YOUTH TRIAL ADVOCACY PROGRAM

The Bronx District Attorney's Office Youth Trial Advocacy Program (Y.T.A.P.) provides motivated students with an opportunity to explore a career in law. Students meet with assistant district attorneys to discuss legal careers and the criminal justice system. Students are then divided into teams, each with up to four assistant district attorneys serving as coaches or mentors. Each team learns how to develop

advocacy skills and debate 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.

THE ADULT WORKSHOP SERIES

The Adult Workshop Series provides the District Attorney's Office with an avenue to educate Bronx residents about various issues related to the criminal justice system. Workshops such as "After the Arrest," "You Be the Judge," "Safeguarding Your Child on the Internet," "Perspectives on Protecting Your Identity," "Gang Awareness," "Domestic Violence," and "Sexual Assault" 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.

A new workshop was added to the series in May 2011. The "Bias Crime" workshop was developed in response to community questions and concerns about recent alleged bias crimes in the Bronx. The Bronx District Attorney's Chief of the Bias Crime Unit, along with

representatives from the Interfaith Center of New York and the NYC Commission on Human Rights, presented the workshop to a room full of Bronx residents

COURT MONITORING

State Senator Jeffrey Klein organized a Bronx court monitoring program in 2010. The Community Affairs Unit cooperates by providing information regarding court dates and other case-related information. Senator Klein's office organizes residents, provides transportation, signage, *etc.* The program began by monitoring graffiti cases and expanded to auto crime cases in the Senator's district.

PRECINCT COUNCIL REPRESENTATIVES

There are 12 precinct community councils and two Police Service Areas (PSAs) in the Bronx which 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 devel-

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

National Night Out, held each year on the first Tuesday in August, is one of the unit's biggest special projects. Planning begins in June and involves collaboration with community residents and leaders, faith-based organizations, and the NYPD. Bronx District Attorney's staff members volunteer their time to participate in the evening's activities in all 12 police precincts and the two Police Service Areas in the Bronx. In 2011 approximately 40 staff members participated.

PAL PLAY STREET AND TEEN CENTER

In January 2011, a long-term, joint investigation between the Bronx District Attorney's Gangs/Major Case Bureau and the NYPD's Narcotics Borough Bronx led to the indictment and arrest of 22 alleged drug dealers at the River Park Towers housing complex. Prior to the Bronx District Attorney's takedown in River Park Towers, the Special Narcotics Prosecutor dismantled a nearby drug network. These prosecutions enabled this Office and the Special Narcotics Prosecutor's Office to use asset forfeiture funds to support a Police Athletic League (PAL) Play Street in July and August 2011 in the area previously controlled by drug dealers. These funds were also used to support a PAL



National Night Out

2011 BRONX LAW DAY

Teen Impact Center in IS 229 for six months, beginning December 5, 2011. The Impact Center provides a range of activities, including Cops & Kids basketball, volleyball, dance, and cultural events. It also includes a prevention component designed to reduce risk-taking behaviors.

On Monday May 2, 2011, the Bronx District Attorney's Office hosted some of the top high-school students in the Bronx for the first annual "Law Day." The purpose of this day is to expose high-school students who are interested in law to the different types of units and jobs that are available in the Criminal



Police Athletic League

Justice system. The students were able to speak to the Office's Director of Public Information, Director of Information Technology, and an assistant district attorney about what they do in the office and what they had to do in their careers to get to their current positions. The students were also able to take a tour

of the Criminal Court Building. A Court Officer spoke to the students regarding what it takes to be a Court Officer and what it's like to work in the Criminal Court Building.

The final part of Law Day provided an opportunity for the students to meet with and speak to District Attorney Robert Johnson.

The District Attorney shared his experiences in the Office and what it took for him to become the District Attorney. He also talked about the tough decisions that have to be made on a daily basis in the Office. The students were given certificates at the end of the program.