

Association for a Better New York Speech  
February 15, 2011

REMARKS AS PREPARED FOR DELIVERY

Thank you, Bill. Thank you for the invitation, and, more importantly, thank you and the Rudin family for the great legacy of the Association for a Better New York.

ABNY was founded in the early 1970's, about 10 years before I started my career in law enforcement. I certainly remember those days in which pundits regularly predicted the downfall of New York. Crime was bad and getting worse; budgets were stretched beyond the breaking point; the air was dirty and the streets filled with litter; New York, it was said, had become ungovernable.

And, it was at this time that a truly great New Yorker named Lew Rudin stepped forward and announced that his firm would voluntarily pre-pay their real estate taxes, and he challenged others to do so as well, to help the City avoid immediate bankruptcy. Others rose to that challenge. But this was not a one-time effort. The Rudin family established this Association, bringing people together time and again, year after year, to inspire dramatic initiatives in the private sector as well as in government – and the result has been the kind of forward thinking and the kind of creative partnerships that have brought this City back.

Today I would like to speak with you about the challenges our office faces in prosecuting 21st century crime and how we are intensively focused and increasingly prepared to meet that challenge. But first let's review some history, which proves, I believe, that working together — New Yorkers in business, government, non-profit; Democrats, Independents and Republicans — there is nothing we can't accomplish; nothing we can't overcome.

In 1971, forty years ago and the year ABNY was founded, there were 1,823 murders in New York. Last year, there were 536, a drop of over 70 percent citywide, with a nearly 90 percent drop in Manhattan. In 1971, there were more than 97,000 robberies in New York City. Last year, there were fewer than 20,000. But the numbers don't tell the real story -- that's more than 80,000 people each year since 1971 who were not victims of robbery, 80,000 people each year who feel safer working and living in New York City, and 80,000 people each year who believe what New Yorkers came to understand during the years since ABNY was founded; that the City IS governable – and we hold our civic leaders and government officials accountable for the results.

But although it may be comforting to compare where we were in the '70's and 80's to where we are today, we are reminded every day when we read the newspaper or watch the news that crime is a constant in our city.

This week we will arraign in both Brooklyn and Manhattan the young man turned killer who went on a rampage in both boroughs, leaving a trail of blood and loss in his wake. Victims were injured or killed, in their homes, in the street and in the subway. This was a terrible reminder that we must, in law enforcement and as members of the public, remain vigilant, because there is no more important responsibility than ensuring public safety.

Nowhere is this a greater challenge than here in Manhattan, because we are confronted with a breadth, variety and complexity of cases unlike any other place in the country. My office prosecutes

roughly 110,000 criminal cases each year, ranging from pick pocketing to murder, identity theft to major financial institution and securities frauds. While certainly not every case involves serious violent crime or complex fraud, our challenges are unparalleled; to give you a point of comparison, last year the Manhattan District Attorney's Office handled more criminal cases than all of the criminal cases filed by the United States Department of Justice nation-wide.

In the area of fighting white-collar crime, the Manhattan District Attorney has always been a leader. Last year, for example, we prosecuted a hundred million dollar mortgage fraud ring, one of the largest mortgage frauds uncovered since the recent economic crisis. The lead defendant, one of 20 individuals convicted, was just sentenced to 8 and 1/3 to 25 years in state prison. Last year we tried and convicted on state racketeering charges the Testwell Company and several of its executives for a dangerous and elaborate scheme to falsify test results for concrete and steel in the construction of major landmarks like Yankee Stadium and the Freedom Tower. And last July we announced a deferred prosecution agreement with Barclay's Bank in the amount of \$149 million dollars. Those funds helped us deliver \$400 million to the City and State of New York in 2010 alone. That is nearly 5 times the annual budget of my Office, and I challenge any of you to find a better return on your investment.

I think it is fair to say that never in our Office's history have we had a more sophisticated approach to prosecuting financial crime that affects Manhattan, nor been more proactive in our investigations. But even as we have moved forward aggressively to battle white collar crime, organized crime and political corruption, we have introduced new approaches to prosecution of street crime as well.

For example, we have created a new intelligence-driven prosecution model that, I believe, is unique in a prosecutor's office. Our new Crime Strategies Unit assigns Assistant District Attorneys, analysts, investigators and community affairs specialists to different geographic regions of Manhattan. For example, a senior ADA is responsible for the 4 precincts that include the Upper West Side and Washington Heights. They are tasked with knowing everything that is going on in the neighborhoods, including the crime trends, the locations overrun by violent crime, and the gang members and dangerous individuals who are behind the violence.

In short, the focus is on identifying the people – and we know it is a relatively small number of repeat offenders who cause a disproportionate amount of crime – and the places – which we call “hot spots” – where organized violent activity is prevalent or increasing, and to assign teams of prosecutors to dismantle those gangs or individuals behind it.

One of the great ironies of law enforcement is that the best detectives in the world might search in vain for a person of interest in a homicide, only to learn that the person tried to beat the subway fare, got arrested, arraigned, and released, before the detectives could be notified. And so, our Crime Strategies Unit has put into place a computerized notification system, like a “Google Alert,” that sends a message directly to my assistants' Blackberries – which we introduced Office-wide just last year – as soon as a person of interest has been arrested. That gives us the opportunity to question suspects or witnesses; it also enables us to bring more information to our bail applications in arraignment court.

But our crime strategies are by no means limited to computers and PDAs. At least as important is the human element. Community leaders and police always need a person to call, and that person has

to be not just someone assigned to answer a phone, but someone who is held responsible for following up on information, formulating effective strategies, and getting results.

Already, the Crimes Strategies Unit is making a difference. And one case comes to mind to illustrate its success. On July 16 of last year, a man named Naim Jabbar bumped into a man in midtown, and then claimed the man had broken his glasses. Jabbar aggressively demanded money for the glasses, and when the victim handed him \$40, Jabbar demanded \$60 more, which the victim paid.

As it turns out, Jabbar had been arrested plenty of times before; he had FORTY previous misdemeanor convictions, and had never been indicted as a felon or received more than five months in jail. He cycled through misdemeanor court and went back to the streets, shaking down tourists and residents, making them feel unsafe and unwelcome in our City.

But by this arrest, our Crime Strategies Unit was already familiar with Mr. Jabbar, and so his arrest triggered an alert on our CSU system. Quickly, the assistant handling the case, together with the NYPD, had the information she needed to prove that this was not just a street scam, it was a robbery — a mugging — disguised as a street con. So we immediately knew this was not a case for plea-bargaining. We secured an indictment for felony robbery and a conviction for that robbery after trial, and he was recently sentenced to 3 and ½ to 7 years in prison.

And if you ask, why should someone who commits 40 misdemeanors not automatically face enhanced punishment the 41st time, I would say that is an excellent question. This spring I plan to present to the legislature a proposal that would, under very carefully defined circumstances, enable us to enhance the potential penalties for career misdemeanants to felony levels.

Our greatest focus in the Crimes Strategies Unit is on violent activity, often associated with guns and drugs, which have a devastating impact on our communities. Statistics reveal a part of the problem, and they are concerning. In 2010, there were 36% more shooting incidents reported in Manhattan than in 2009, and 27% more shooting victims. Shooting homicides increased 31% year over year. And of the 320 defendants indicted last year for carrying loaded weapons, 96 of them — nearly 30 percent — were 18 years of younger. These are young men and women who should be headed to college, not prison.

But again, statistics speak only in cold and abstract numbers. We need to translate these numbers to human terms to understand the impact of violence on our county. Gang and gun violence, for example, resulted in the random shooting death of 17-year old Cheyenne Baez in Harlem last October, for example; a completely innocent young girl who was caught in crossfire. And gunfire several weeks ago in East Harlem from a semi-automatic missed the intended target and struck a 13-year old in a nearby minivan.

When I travel around Manhattan as the District Attorney, I see evidence of violence in our communities with my eyes, too. Just two weeks ago I attended services at the Elmendorf Reform Church in East Harlem, but to enter the sanctuary I had to walk around the yellow tape and plastic evidence markers left by crime scene detectives from a shooting earlier that morning. That same week, only a block away from the Elmendorf Church, I hosted a Town Hall meeting to talk about crime issues. Only 15 minutes after I left the meeting, gunfire and violence erupted on the same block where I had met with community leaders and residents.

Every day I sit with prosecutors in my office from our Crime Strategies Unit who, working with the talented prosecutors in our Office and hand-in-hand with the NYPD, focus on how we can identify and aggressively target gang-related crews who have brought guns, drugs and gang violence into our identified “hot spots” in Manhattan. Many use violence to protect their narcotics trafficking business, fight with rival gangs, use children under 16 to package and carry drugs, and girls to carry and hold their guns, because they are less susceptible to suspicion and arrest. This is, however, just the beginning. We have assigned teams of prosecutors to build cases against those who are driving the crime in those areas, and intend, one-by-one, to take them down.

Our intelligence-driven prosecution model is but one example of new approaches to crime fighting. Another tool you’ve heard a lot about is DNA evidence. But what you may not know is that we are entering a new era of DNA case-building, thanks to two sets of technological improvements. First, new DNA techniques permit us in some instances to get profiles from infinitesimal traces of biological material – one one-millionth of a grain of sugar. Second, vast improvements in computing capacity enable us, where the law allows, to compare a profile recovered from a crime scene to vast databases of known subjects.

And so, I have formed a new Forensic Science/Cold Cases unit. Under the leadership of Assistant District Attorneys Martha Bashford and Melissa Mourges, longtime prosecutors and the national leaders in this field, the unit is now undertaking what I believe is the largest review of unsolved homicides ever undertaken in the United States. Using the incredible advances in forensic sciences, their unit is reviewing 3,000 unsolved homicide cases that stretch back to the 1970s.

Shortly after beginning this extensive project, Martha and Melissa began a fresh look at two unsolved cases that have haunted New York since the 1970s: the brutal murders of Cornelia Crilley and Ellen Hover. Despite nearly four decades of investigation, critical evidence eluded police and prosecutors, and no suspect had been charged.

For those not familiar with these cases, they had their differences – Cornelia Crilley was found raped and strangled inside her Upper East Side apartment in 1971 while Ellen Hover’s body was found dead and abandoned in Westchester in 1977. But the cases also had their similarities. Both women were bright, excited 23 year olds, living in Manhattan. Ms. Crilley was a flight attendant, Ms. Hover the daughter of a famous nightclub owner. Both cases vexed police and prosecutors for two generations, as leads turned cold as the years wore on.

Our Cold Case Unit re-examined the evidence, and interviewed more than 100 witnesses here and across the country, and this month we announced that a Grand Jury has indicted Rodney Alcalá for both murders. Alcalá is currently incarcerated in San Quentin prison on a conviction for a set of murders in California. We have started the extradition process from California, and seek to try him in New York on our two pending indictments. Some have asked why bother, considering he is serving a life sentence in California. The simple answer is because no one should get away with murder.

Just as technological developments have transformed the way we investigate cases, so too has it changed the ways in which crimes can be committed. Chief among these is cybercrime. I have often said that the internet is the crime scene of the 21st Century. But it is an unusual crime scene, in that criminal and victim can be, and often are, separated by many thousands of miles. Cybercrime, and its cousin identify theft, are among the fastest growing crimes in the country.

This is a real and growing threat. To combat it aggressively, last year we created the Cybercrime and Identity Theft Bureau. Composed of 10 ADAs who spend all of their time on these matters, and about 70 who spend at least part of their time, the bureau is primarily tasked with addressing all cyber-related issues – from stalking, to child pornography, to data intrusions to high-tech fraud.

The Cybercrime Bureau has two primary responsibilities. First, it is tasked with providing supervision and expertise for 200 to 300 new identity theft cases per month. The overwhelming majority of these cases come from arrests by the NYPD.

Second, our full-time and other major case ADAs conduct intensive, long-term investigations and prosecutions of national and international criminal organizations as part of our Investigation Division. This mission includes developing long-term malware, hacking and intrusion investigations as well as cases involving offenses committed against children.

What is striking about many of these cybercrime investigations is that major investigations often begin as local arrests having nothing to do with cybercrime. In one case, we had a pattern of thefts from lockers in a gym. As we investigated, we learned that the personal information culled from those thefts was used in a vast identity theft ring. In other instances, cases began as summary arrests of a person presenting a single forged check at a bank window. Investigation revealed that the check was evidence of a sophisticated ring of organized identity theft and fraud.

There is no way to detect these patterns other than the laborious task of sifting through individual cases as they come into our Office. Every morning, a representative of our Cybercrime Unit reviews every case that was written up in our complaint room the day before. Where the allegations suggest that identity theft may be a motive, or where we suspect that cybercrime may be involved, the Cybercrime Unit reaches out to the assigned prosecutor, to begin to explore the potential outline of the underlying criminality. As I say, it is a painstaking task, but we in the District Attorney's Office have access to a nearly limitless store of raw intelligence. Our task is to devote the hard work necessary to make sense of it. And time and again, that hard work has paid off.

This past September, for instance, we announced the indictments of 36 individuals for their participation in several large-scale international identity theft and cybercrime rings that stole large amounts of money from 34 separate corporate and individual victims in the United States. And earlier this month we announced the indictment of 27 others in connection with "S3," a credit card forgery and identity theft ring based in Brooklyn that compromised hundreds of bank accounts, and fraudulently purchased Apple products from stores around the country to resell for profit. Disturbingly, we see an increasing correlation between cyber criminals and organized street crime. When law enforcement executed search warrants against the "S3" members, they found not just hard drives, but hundreds of thousands in hard cash and firearms.

When I became District Attorney at the beginning of last year, I promised that I would evaluate everything my office does by two principles: does it make us safer and is it fair. Implicit in this is a commitment to adopt policies that are forward thinking, and that are proactive.

Recently I visited the Bedford Hills Correctional Facility for women north of the city. As I toured the facility, I asked the Commissioner of Corrections, Brian Fisher, what I could do to help him

meet the daunting tasks he faced. His reply was, if you can do one thing, find a way to treat non-violent mentally ill offenders in the community rather than sending them to my prisons.

The Commissioner's remark identifies one of the most urgent issues we face in the criminal justice system. A recent report from the U.S. Department of Justice reveals that, nationwide, over one-half of state and federal inmates exhibit symptoms of mental illness, including approximately one-third with symptoms of major depression or mania, and approximately one in 10 report psychotic delusions. Those nationwide statistics were born out by what I have seen at Bedford Hills and other state penitentiaries – men and women with acute mental illness cycling in and out of city jails and state prisons – punished for crimes they committed, but in many cases as a consequence of serious mental illness.

That is why we proposed, and with the support of the Office of Court Administration now have, a mental health court in New York County. This initiative will divert non-violent, mentally ill offenders whose evaluations reveal they are susceptible to treatment, to a newly designated court. There, a mental health professional will evaluate the defendant and, under the guidance of a specially trained judge and in collaboration with counsel, formulate a course of treatment to meet the needs of the individual defendant. The goal is to provide treatment that addresses and hopefully cures the underlying illness that caused the crime to occur. And if successful, it will reduce chances of re-offending, which would make us safer, which is the first question I ask in evaluating any program we undertake. Equally important, it is a fairer approach to a complex criminal justice problem than simply warehousing the mentally ill.

Each of my predecessors, in their own ways, faced complex challenges, and adapted and implemented novel strategies to fight crimes that threatened us in new ways. But no matter the threat or challenge, we can never lose sight of the traditions of fairness, non-partisanship and integrity that have always defined and distinguished this Office. I intend to build on and continue those traditions, and to strive to achieve greater public safety without sacrificing fairness. Safety and fairness; they are the twin sides of justice, inextricably connected. One without the other is, in my opinion, unacceptable.

It has been a great privilege to be with you this morning, and I welcome any questions you may have.

Thank you.