

PRSRT-STD
U.S. Postage
PAID
New York Senate

Winter 2005

Upper West Side

News from

New York State Senate
Deputy Minority Leader

**Eric T.
Schneiderman**

31st Senatorial District

Albany Office • 313 Legislative Office Building, Albany, New York 12247 • (518) 455-2041

District Office • 80 Bennett Avenue, Ground Floor, New York, New York 10033 • (212) 928-5578



Dear Friend,

When I became a Senator in 1999, I was astonished to find that progressive legislation, which had passed year after year in the State Assembly, was presumed dead-on-arrival in the Senate. But over the last few years, we have succeeded in forcing the Legislature to act on some issues by bringing more and

more New Yorkers into the debate. With public pressure, we have fought successfully for an increase in the minimum wage, expanded healthcare for women, stricter gun controls, increased penalties for hate crimes, broader environmental protections, and small but important steps toward reform of the Rockefeller Drug Laws.

As we prepare for the upcoming legislative session, I am increasingly confident that 2006 can be another breakthrough year on some of the most important issues we face. We can relegate the notion of “good schools” and “bad schools” to the dustbin of history by finally giving every public school in our state the resources it needs to foster excellence. We can give non-violent New Yorkers suffering from addiction the treatment that will allow them to become constructive members of their communities—in-

stead of wasting millions of dollars on their incarceration. And we can devote more resources to providing more police officers for our communities—which is a far more effective deterrent than a long prison sentence. We can level the playing field for individuals and small businesses by overhauling our state’s ineffective approach to economic development—in which a select few get tax breaks while the rest of us pick up the tab. And we can make a real commitment to giving every child in New York a fair shot in life by creating universal public health insurance for children.

But we can only succeed if the public stays engaged. In the coming year, I hope that you will join me as we build on the momentum for reform in Albany. It is time for New York State to get past the current era of dysfunction and reclaim its historic role as a national model of responsible and effective government. I thank you for your confidence and support – which enables me to devote myself to this important work – and I look forward to continuing the fight on your behalf in the coming year.

If I can ever be of assistance, please do not hesitate to contact me at (212) 928-5578.

Sincerely,

Eric T. Schneiderman

A Martin Act for Medicaid Fraud

In September, the New York State Senate convened a joint hearing to examine the problem of fraud in New York's Medicaid program. I was honored to be one of the representatives from my Conference on the hearing panel, and to be an active participant in the effort to improve the investigation and prosecution of fraud in New York's vast Medicaid system. Those of us who believe that government programs like Medicaid are essential to the American vision of equal opportunity for all have a duty to be the strongest critics of waste and mismanagement in such programs.

In the course of the Senate's first hearing on this issue it became clear that extensive fraud by healthcare providers persists because there is a diffusion of responsibility in our current system. Jurisdiction is currently divided between the Department of Health, the Attorney General's Medicaid Fraud Control Unit (MFCU), and local authorities. The health department, which reports to the Governor, is responsible for investigating Medicaid fraud and referring cases to the Medicaid Fraud Control Unit (MFCU). The MFCU in turn is responsible for prosecuting cases of fraud.

The hearing also showed that, despite severe reductions in funding from the state over the last decade, MFCU has performed well in its effort to root out fraud, recovering \$79 million in 2004 and \$218 million in 2005 – more than any

other State has recovered in the history of the national anti-fraud effort. Nevertheless, MFCU has been hampered in their ability to fight Medicaid fraud by a lack of clear authority and strong prosecutorial powers under state law.

My own view, which I presented at the hearings, is that we need a comprehensive law to empower New York State to investigate and prosecute Medicaid fraud similar to the Martin Act, which has been effectively used by the Attorney General to deter acts of securities fraud on Wall Street. In his testimony, Deputy Attorney General Peter Pope suggested that their office would welcome such a sweeping reform expanding their investigative powers. The Attorney General has since indicated that he will submit a "Martin Act for Medicaid Fraud" before the 2006 session convenes in January.

Our commitment as a society to providing basic health care for the poor through Medicaid is an essential part of the American vision of equal opportunity for all. To keep that commitment, we must protect the credibility of the institution, and enact laws to insure the effective investigation and prosecution of fraud by Medicaid providers. I believe that if we give the Attorney General the same tools to fight Medicaid fraud that he has used so effectively to root out fraud on Wall Street, he will be able to take major steps towards restoring public faith in the integrity of our Medicaid program.

Those of us who believe that government programs like Medicaid are essential to the American vision of equal opportunity for all have a duty to be the strongest critics of waste and mismanagement.

A Great Victory for Straphangers

New Yorkers who ride the subways and buses celebrated a great victory on election night 2005 when Proposition 2, the Transportation Bond Act, was approved by voters across the state. The Bond Act will provide \$1.45 billion for the Metropolitan Transportation Authority to fund new clean-air buses, new subway cars, track replacements, and safety improvements throughout the system.

These investments are critical for our economic future. About 1.5 million people commute to Manhattan every day, and four out of every five rush-hour commuters to our central business districts use mass transit. The downstate region is also expected to add another 1.5 million jobs in the next 25 years. By making sure that our transit system is equipped to accommodate that growth, we are shoring up a solid foundation for future prosperity.

I want to thank and congratulate all the people who worked so hard to pass this proposition: the Straphangers Campaign and other transit advocates, labor unions, the business community, environmental advocates and my fellow elected officials.



Council Member Gale Brewer, Representative Jerrold Nadler, and Assembly Members Daniel O'Donnell (obscured) and Scott Stringer joined me at a rally to urge New Yorkers to support the Bond Act.

Fighting for Fair Representation

It is the civil right of every American to have an equal voice in their government. Shamefully, in New York and other states we fail to fulfill this fundamental right because of the way the state allocates political representation for people in prison.

Under the federal civil rights standard of “one person, one vote,” states must create new legislative and Congressional districts every ten years when new federal census data becomes available, and ensure that the new districts reflect any changes in population. Failure to do this would lead to under-representation for people living in areas that have gained population, and over-representation for residents of districts that have lost population.

But, while New York does create new districts using the federal census, residents of New York City and other urban areas are still denied equal representation because the state counts prisoners as residents of the districts where they are incarcerated. This inflates the size and political clout of rural “prison” districts, where 91% of New York’s prisons are located, and dilutes the representation of urban districts, where the vast majority of prisoners actually live.

Prisoners don’t “live” where they are incarcerated. They can’t vote while they are incarcerated, and virtually no one who is released from prison stays in the county where they have been imprisoned. They overwhelmingly move back to where they lived before prison. And, New York State’s constitution actually forbids counting prisoners as residents of the districts where they are incarcerated, stating: “no person shall be deemed to have gained or lost residence... due to incarceration in any public prison.”

I am the Senate sponsor of legislation requiring the State Board of Elections to count prisoners as residents of the communities where they lived before their incarceration. Adriano Espaillat sponsors this legislation in the Assembly and a coalition of activists – united as New Yorkers for Equal Representation – has formed to raise awareness about this gross injustice. For more information, please contact Christina Harvey in my office at 212-928-5578. Together we can ensure that the civil rights of all New Yorkers are respected, and restore a modicum of basic justice to the poor communities that suffer the most from the crime and punishment in the Empire State.

Marching Against Domestic Violence



I was proud to join Assembly Member Adriano Espaillat, Bronx Borough President Adolfo Carrion, Rosita Romero, the Executive Director of the Dominican Women’s Development Center, and Yolanda Jimenez, Commissioner of the Mayor’s Office to Combat Domestic Violence, (pictured) for the 5th New York City Brides’ March against Domestic Violence to raise awareness of the effects of the growing scourge of this destructive but under-prosecuted criminal conduct. On August 24th I joined District Attorney Robert M. Morgenthau for a community forum on ways we can address the silent plague of domestic abuse.

Community Focus

The Westside Crime Prevention Program Moves Uptown

Everyone who works, lives, and goes to school on the Upper West Side today is safer than they would have been a decade or two ago thanks in part to the Westside Crime Prevention Program. In the early 1990's, I served as legal counsel to the WCPP, helping to success-



fully evict drug dealers and close crack houses. As a Senator, I have continued to work closely with WCPP and its executive director, Marjorie Cohen, on expanding their programs.

On October 19th, Marjorie joined me for a forum on crime in Washington Heights to share the lessons about community/police cooperation we have learned here on the Upper West Side. The panel included officials from the NYPD, the Mayor's office, and Manhattan District Attorney's Office. Marjorie was a big hit uptown, where concerned residents are working to replicate some of the programs pioneered by the WCPP in the 1990s. Among other things, Marjorie talked about how to empower people to be more observant and then package the information they get for maximum usefulness to law enforcement. After the forum I was told by community activists that they truly valued the down to earth perspective and practical advice Marjorie brought to the panel.

I am proud to work with this wonderful Westside organization and all who have made it a success over the last 25 years.

Calling on All Business Owners!



Help to make your community safer by becoming a "Safe Haven" store!

Safe Haven is a cooperative community effort, administered by the Westside Crime Prevention Program (WCPP), to make our children safer by giving them more places to go if they are afraid or in trouble.

WCCP trains local merchants and gives them informational resources to offer help and protection to children, and educates parents and children so they know to look for the Safe Haven logo if a situation on the street makes them uncomfortable. **Participating merchants display this bright yellow Safe Haven decal** on their door announcing that the people inside are ready and willing to help.

For more information about this program or to become a Safe Haven store, contact the Westside Crime Prevention Program at 212-866-8603.

How to Report a Crime

Our local law enforcement officials do a great job keeping us safe, but they need our help. If you witness drug dealing or other crimes, please report them by calling:

- Community Board 7 212-603-3080
- 20th Precinct Community Affairs 212-580-6428
- 24th Precinct Community Affairs 212-678-1803
- Recurring Drug Deals 888-374-DRUG (3784)

Westside Crime Prevention Program 212-866-8603

(The WCPP can report crime to the police on your behalf and help you to follow up on reports.)

You May Remain Anonymous!

For emergencies or other crimes in progress, call 911.
(911 calls are not anonymous)

For quality of life complaints like noise and graffiti, call 311.

✂ *Clip and Save*

Senator Schneiderman's district office is accepting applications for internships. For more information, contact our office at (212) 928-5578.