



THE CONSTANTINE INSTITUTE, INC.

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JOINT LEGISLATIVE FISCAL COMMITTEE HEARING EXECUTIVE BUDGET PUBLIC PROTECTION 26 FEBRUARY 2015 STATEMENT OF TERRY O'NEILL, DIRECTOR THE CONSTANTINE INSTITUTE, INC.

INTRODUCTION

The Constantine Institute, Inc. has been organized to promote the highest constitutional, legal, ethical and professional standards in law enforcement; to encourage innovation in public safety strategy, tactics, training and education and to foster a seamless continuum of cooperation, support and mutual respect among public safety agencies and organizations.

CRISIS IN POLICE/COMMUNITY RELATIONS

Conflict that erupted across the nation over the past year between police agencies and communities of color brought to light the execrable state of police/community relations that has evolved over the past two decades. This was catalyzed, as is well known, by the Ferguson MO and Staten Island deaths of young men of color at the hands of police officers.

Based on my experience as a lawyer and legal reform consultant, including several years as criminal justice advisor to the administration of Governor Mario Cuomo, I have three recommendations to make regarding criminal justice reform in the State of New York that would address this situation in a sweeping and meaningful way that befits its status as the most urgent civil rights issue of the day.

First, over the past two decades, a once vibrant movement toward community policing -- police service founded on true partnership with community stakeholders -- has been all but totally eclipsed by the kind of data-driven policing that Bill Bratton debuted in New York City in 1994. I am a witness to the fact that this style of numbers-driven policing was aggressively promoted throughout the nation and has been hugely influential. It has fundamentally changed the relationship between municipal police agencies and the public they serve and not for the better.

While many credit COMPSTAT and other policing tactics that are descended from it for the historic reductions in crime nationwide, this style of policing has driven a wedge between police and communities of color. Crime may be going down, but public dissatisfaction has been skyrocketing. That is what protesters across the nation are saying. That is what New York City voters were saying when they elected Bill de Blasio. Their complaint is both legitimate and urgent. Whomever is tasked as the state's primary responder to this phenomenon should be given a clear mandate to reignite the community policing movement. That belongs in this Budget.

Second, former Governor Mario Cuomo, may he rest in peace, signed into law Chapter 55 of the Laws of 1983, the Neighborhood Preservation Crime Prevention Act (NPCPA). This DCJS-administered program was intended to foster the creation of an infrastructure of community-based nonprofit organizations that could access new resources and collaborate with police and other municipal agencies to improve quality of life in neighborhoods that otherwise would slide into decay and criminality. This inspired piece of legislation would have empowered neighborhoods and their residents to have a major impact on the quality of life in their communities. Unfortunately, for whatever reason, NPCPA was never funded, staffed, implemented.

The kind of community-based infrastructure NPCPA would have created would have helped neighborhoods and police agencies work together in productive partnership. This law is still on the books. As the administration of Governor Andrew Cuomo moves forward in developing its response to the police/community relations crisis, I would strongly suggest taking up this piece of Mario Cuomo's legacy and fulfilling its promise at last. In fact, the governor has proposed the creation of an Office of Faith-Based Community Development that I believe could be the vehicle for achieving just that. He has proposed spending \$50 million on it and has tapped former Assemblyman Karim Camara to head it up.

My recommendation to the Legislature is to ensure that a portion of that appropriation be expressly applied to encouraging community policing initiatives jointly pursued by law enforcement and community stakeholders. As I have repeatedly pointed out to the governor and his successive advisors and commissioners in the field of public safety, they need only look out their Second Floor windows to see the innovations that the Albany Police

Department has implemented over the past five years with dedicated and sustained support and collaboration of our Albany Community Policing Advisory Council (ACPAC). Entities like ACPAC should be encouraged and given financial and technical assistance.

Third, for over half a century, the decision of the US Supreme Court in *Gideon v. Wainwright* has guaranteed that poor persons who get swept up in the machinery of the criminal justice system should have effective legal representation. As all know, this promise has not been kept. Certainly, were we to address this decisively and dramatically, we would be leveling the playing field between the poor accused and the police and prosecutors who arrest them in their tens of thousands and force them into plea bargains that ruin their lives.

Any thoughtful person who contemplates the many decades over which this issue has been left on the backmost burner can only condemn the total lack of engagement by the Executive, the Legislature, and the Bar in doing what is so obviously the right thing. The shameful fact is that there has been no meaningful judicial reform in New York since the administration of Nelson A. Rockefeller and he accomplished what he did because he made it a top personal goal of his own. I ask Governor Cuomo and this Legislature to accept the challenge of *Gideon* right now when doing so would do the most good.

COMMUNITY POLICING

The concept of community policing has been widely known for nearly three decades. It is based on a police agency's building and working in partnership with community stakeholders to identify and solve problems that degrade quality of life and create an environment in which crime thrives. It has never been systematically promoted by the state of New York. Governor Cuomo's budget proposal offers nothing explicit to suggest that will change.

The epidemic of drug-fueled violence that took hold in the 1980s resulted in the lion's share of public safety resources being invested in prison capacity during the administration of Governor Mario M. Cuomo. The Pataki years saw the emergence of Operation IMPACT, the state's primary local assistance program for law enforcement derived from the widely influential, statistics-driven, technology-based policing made popular under the administration of New York City Mayor Rudolph Giuliani and his first Police Commissioner Bill Bratton under the name COMPSTAT in the mid-1990s.

The popularity of this style of enforcement nationwide has effectively driven police agencies apart from the communities they serve and stymied the growth of the community policing movement. More recently, the "controversial :stop and frisk" practice that was the hallmark of NYPD Commissioner Ray Kelly's long tenure evolved into a serious irritant in police/community relations. It has also, as research first published in 2010 by Dr. Eli Silverman Professor Emeritus of John Jay College and Dr. John Eterno of Molloy College has indicated, resulted in downgrading of felonies and discouraging victims from filing complaints by commanders who are under relentless pressure to report steadily declining rates of crime. I would commend to your attention a book these scholars brought out just three years ago greatly expanding upon their research. (See: *The Crime Numbers Game: Management by Manipulation, Advances in Police Theory and Practice*, Eli Silverman and John Eterno, CRC Press, 2012.) (See also: *The NYPD Tapes: A Shocking Story of Cops, Cover-ups, and Courage*, Graham A. Rayman, Palgrave MacMillan, 2013)

Leading figures in contemporary policing have been saying loudly and clearly that police/community partnership has become severely attenuated. We have turned police cars into rolling high-tech offices. Now, officers won't get out of the "office" and interact with the public. Bernard Melekian, the recently departed Director of the US Justice Department's COPS program has noted that while the numbers show that cities have grown safer, opinion polls confirm that Americans still fear crime.

Even more emphatically, we have seen the New York City Police Department finally brought to heel with respect to that most egregious and widespread abuse of the data-driven policing tactics that debuted under former Mayor Rudolph Giuliani -- i.e. "Stop-and-Frisk". I have characterized Judge Shira Scheindlin's landmark decision in *Floyd v. City of New York* as the most significant court decision affecting police management, supervision and training since the 1978 US Supreme Court ruling in *Monell v. Department of Social Services of the City of New York*.

At this writing, critics of the NYPD and the tactics that characterize the now global "Bratton Brand" of policing have turned their focus toward "Broken Windows", a policing tactic that uses the full force and power of the police to discourage minor public order offenses that are thought to give rise to more serious crime. That assertion remains far from proven. One would say that the unchallenged assertion by proponents of the Bratton Brand that the combination of COMPSTAT, Stop-and-Frisk and Broken Windows is primarily responsible for declining rates of crime over the past two decades are guilty of the logical fallacy of *post hoc ergo propter hoc* in a very big way. They are also forgetting the historic intervention made by this legislature with the 1991 Safe Streets/Safe City Act that reversed the decimated condition in which the NYPD and other agencies of NYC government had been left by the fiscal crisis of the mid-1970s.

In Albany, recent years have seen an extraordinary community discussion on the direction we want our police department to take. This was catalyzed by a number of tragic homicides involving victims and perpetrators of a very young age. These kids are not statistics. In a small city like ours, they have names. The kids in our neighborhoods and schools know them. For nearly four years, however, we had a chief of police who was addicted to the flashy technology we got through Operation IMPACT, created a "strike force" and responded to expressions of public dissatisfaction with the department's service and performance by citing statistics from DCJS indicating a decline in reported crime.

In 2010, Albany went through a very public process of searching for and selecting a new police chief. The people had the opportunity to tell the search committee empanelled by the mayor what kind of chief they wanted. At the same time, the interim team managing the Albany Police Department worked closely with the Common Council to develop a framework for designing and implementing a community policing plan. That plan is now in place. It has as its most visible component the establishment of Neighborhood Engagement Units that have divided the city into eighteen police beats with permanently assigned officers who have a community policing mandate. Fully ten percent of the department's manpower is committed full-time to this program. Officers in these units are in constant communication with patrol and investigative units making theirs a most valuable contribution to our innovative practice of Intelligence-led Policing.

I have the honor of having served on the Buffalo Police Department Reorganization Commission which has a mandate to review the organization and geographic deployment of the department and to develop a plan for the implementation of community policing. Your colleague Assemblymember Michael Kearns was a key player in getting this commission going. A major impetus for the creation of this panel was the notorious City Grill Massacre that took place outside a popular downtown nightclub in August 2010. Eight people were shot, four of them fatally. Though there were over one hundred witnesses to this shocking crime, no one would cooperate with the department's investigation. Obviously, in the city of Buffalo relations between the police and the community had reached a very attenuated state. The Common Council subsequently adopted a resolution creating the commission. The management of the Buffalo PD asserts that it has community policing. I disagree. Buffalo is divided into five large police districts. Two "community police officers" are assigned to each and I've been told that their expertise on community policing will affect the department through some process of osmosis. This is nonsense. Buffalo has almost eight hundred sworn officers. Only ten are assigned to this program.

Unfortunately, while our commission had a panel of dedicated and capable volunteers to accomplish its task, it had no meaningful resources or administrative support. As the time drew near for producing the commission's mandated report, I wrote to DCJS Executive Deputy Commissioner Michael Green requesting that his agency provide that support under a long-extant statutory program (Executive Law §837(5)) that provides advice and technical support for county and municipal police agencies under the rubric "management studies." I was subsequently informed by DCJS that this program can only be used at the specific request of the chief executive of a police agency. Unlike what happened in Albany and in several other instances I've been involved in that directly and successfully addressed a poor state of police/community relations through a concerted dedication to community input, the management of the Buffalo PD offered no meaningful cooperation with the commission. We were not able to hold the kind of public hearings and community forums that worked so well in Albany. Commissioner Daniel Derenda believes that the fact that he has assigned -- out of a force of some eight hundred sworn police officers -- two "community police officers" to each of five very large and populous police districts in the city constitutes the delivery of neighborhood policing. That is utter nonsense. In Albany, nearly 10% of the Albany Police Department's workforce is assigned full-time to provide community policing in eighteen neighborhood beats.

Clearly, Executive Law §837(5)) needs to be amended to give DCJS a mandate to respond to requests from municipal authorities other than the police department for assistance in reviewing police management issues.

What we need to do in this year's budget is to take a good hard look at the local assistance we send to local law enforcement. Governor Cuomo re-branded Operation IMPACT to focus on gun-related crime where it heretofore emphasized subsidized police overtime and acquisitions of pricey technology. We should respond to his willingness to sharpen the program's focus and his funding for the non-police Operation SNUG anti-violence program that existed during one budget cycle during the Paterson administration by opening the door even wider. We should be providing leadership from the state level that encourages local law enforcement to move in the direction of community policing and partnership with

neighborhood stakeholders. Communities with a healthy sense of trust and partnership with their law enforcement agencies are attractive to home-buyers, business investment and tourism. There should be a strong state program to encourage it as an essential component of our economic development efforts in all our distressed communities.

THE CONSTANTINE INSTITUTE

In 1999, then Assemblyman Edward Griffith, a longstanding member of the Ways and Means Committee celebrated for his conscientiousness and his ethical punctiliousness, paid his first visit in many years to his native Panama. On his return, he told me that he had been shocked and appalled to see the war damage still evident in Panama City from the military incursion that President George H. W. Bush had ordered to effect the arrest of Panamanian strongman and drug trafficker Manuel Antonio Noriega ten years earlier. I explained to him that United States had had to take action because Noriega had basically allowed Colombian and Mexican drug cartels use his country's financial institutions as piggy banks and money laundries. (See: *Our Man in Panama*, John Dinges, Random House, 1990) In fact, sovereign governments of many small nations in the Caribbean Basin were vulnerable to this phenomenon. Mr. Griffith wanted to do something.

At Mr. Griffith's request, I developed a legislative proposal that would mobilize the intellectual resources of our state's great public university system to develop recommendations to guide the state and the nation on confronting transnational organized crime. In its current iteration, this proposal is appended to this written testimony in the form of draft legislation. I offer it to the committees for your consideration and we would be happy to work with any and all of you. What Mr. Griffith wanted to do in 1999 is still as well-considered and even more timely today that it was then.

It has been my ambition for twenty years now to make New York a center for research and development on cutting-edge ideas in public safety, tackling problems ranging from youth gangs and street crime to transnational organized crime and terrorism. These difficult times challenge us to be resourceful in finding the means to create and sustain new programs and initiatives. We must be creative in looking at resources we possess of which we have not realized their maximum value. We do, in fact possess a unique and untapped resource of great value in the unique and pioneering record of the New York State Police and our eponymous (i.e., the person our organization is named for) patron Tom Constantine himself.

In 1957, the NYSP made history when it exposed the existence of organized crime in an incident known as the Appalachian organized crime meeting. That incident sparked a historic engagement on the part of the federal government and law enforcement agencies all over the nation to confront and combat what has today grown into a global network of criminal enterprises. (See: *McMafia: A Journey through the Global Criminal Underworld*, Misha Glenny, Vintage Books, 2009) The United Nations estimates that criminal organizations worldwide profit over \$2 trillion a year, twice what all the nations on earth spend on their annual military budgets.

In 1991, under the leadership of then State Police Superintendent Tom Constantine, the operations of Colombia's Cali Cartel were exposed in New York after a six-year investigation that began with the 1985 discovery of a cocaine processing lab in rural Montgomery County.

Four years later, as head of the Drug Enforcement Administration, Constantine presided over the dismantling of the cartel and the capture, extradition, sentencing and imprisonment of its leaders and the forfeiture of some \$8 billion of their criminal assets. The Cali Cartel is acknowledged to have been the largest and most powerful criminal conspiracy in history. (See: *Drug Lords: The Rise and Fall of the Cali Cartel, the World's Richest Crime Syndicate*, Ron Chepesiuk, MILO Books Ltd., 2003) An alumnus of our New York State Police took it down. And the New York State Troopers who exposed the old Mafia in 1957 dragged the New Mafia out into the light of day in 1991.

Between 2000 and 2003, Constantine, serving as Oversight Commissioner for reform of the Police Service of Northern Ireland, played a major role in ending more than three decades of terrorist violence in the British Isles by giving the people of the province a police service that is committed to the highest legal and ethical principals, excellence in professionalism and the philosophy of community policing. This is a remarkable achievement and it stands as a model of what needs to be achieved in many areas of the globe that do not have so trusted an institution to maintain public order.

This unique and internationally acknowledged legacy of pioneering achievement is an asset of considerable but unrealized value for purposes of developing a privately-funded and ultimately self-sustaining endowment to support research, development, training and education in the struggle against transnational organized crime and terrorism.

The Constantine Institute proposed for the SUNY system by the appended draft legislation will marshal the intellectual resources of our great public university system and serve as a focal point for research and deliberation on the control of transnational organized crime and terrorism. Modeled on the prestigious Nathanson Centre for Transnational Human Rights, Crime and Security established in 1997 at Osgoode Hall Law School at York University in Toronto (<http://nathanson.osgoode.yorku.ca/>), the institute will sponsor a diverse research program that will reflect a balance among the issues relating to legal, operational, social, political, and economic aspects of responding to these threats. It will organize conferences and symposia that will bring together the best minds among academics, law enforcement professionals, the military services, the intelligence community, lawmakers, the diplomatic corps and the business and financial sectors to develop strategies, tactics, relationships and legal and diplomatic frameworks for more effective international cooperation.

Since its inception in 1987, the Lt. Col. Henry F. Williams Homicide Investigation Seminar hosted by the New York State Police has brought together thousands of what have become known as Williams Associates, a powerful network of professional colleagues from all over America and a growing number of foreign nations. We envision an even more capable global network of Constantine Fellows composed of alumni of our future series of annual conferences on transnational organized crime and global terrorism.

THE NEIGHBORHOOD PRESERVATION CRIME PREVENTION ACT

As I mentioned in my introduction, there is a moribund statutory framework in New York to promote a type of community-based problem-solving that focuses on neighborhood preservation and renewal. It is the Neighborhood Preservation Crime Prevention Act (NPCPA) (Chapter 55, Laws of 1983). It was intended to promote the creation of an

infrastructure of community-based nonprofits that would partner with local police and other municipal agencies to preserve and renew neighborhoods and thereby reduce crime. DCJS was charged with administering the NPCPA and tasked with awarding small grants and providing technical assistance to the nonprofits encouraged by the program.

This forward-looking legislation, which Albany County District Attorney David Soares has called "one of the most brilliant pieces of legislation ever drafted, empowering neighborhoods and empowering people," was never implemented. In fact, early in the Mario Cuomo administration, DCJS' entire community crime prevention program was abruptly terminated. But neighborhood deterioration, specifically the abandoned building problem, continues to be a major criminogenic problem in all of our in all of our cities. We should, if not activate the NPCPA, at least come up with a program that fully integrates neighborhood preservation into our overall crime-fighting strategy. As I have suggested, Governor Cuomo's proposed Office of Faith-Based Community Development Services can be easily adapted to fulfill this purpose.

PRISON INMATE RE-ENTRY

Between 1983 and 1994, the population of the state prison system exploded from 17,000 to 71,000 at its peak. Today, the Department of Correctional Services releases almost as many individuals in a year as were in prison in 1983. Very slowly has our system moved to put in place the network of community resources that are needed to ensure that these people make a successful transition back to the community. Since former President George Bush proposed and Congress passed the Second Chance Act, there has been positive development in this direction. In New York, DCJS has administered funding to support prisoner re-entry task forces in a number of the state's counties. President Obama has empanelled a Cabinet-level re-entry task force to co-ordinate programs of a range of federal agencies in support of state and local re-entry efforts. Congress is apparently authorizing a continuing if reduced commitment of federal funding for these programs.

Several years ago, I worked with Albany County District Attorney David Soares on an effort to integrate an inmate re-entry program into the county's total public safety strategy. In Albany County, there are some 600 persons under parole supervision at any given time. The problem of caseload overburdening of parole officers leading to lax supervision of parolees is well known. The rate of recidivism of ex-convicts can rise to two-thirds in many places. These facts cannot be responsibly ignored by any subdivision's public safety authorities.

In the course of developing a proposal for Mr. Soares, I learned that there are many organizations in the community that collectively offer a full range of services that transitioning inmates need. It has become increasingly accepted that generic transition programs are not the most effective. Each returning inmate has different needs. Each is most effectively served by a program individually tailored to meet those needs. It is in our interest to have available the widest array of options out of which to fashion individual reentry programs. To date, the established providers have not been coordinated, they have competed against one another for resources and clients and some large providers have monopolized the field. The county re-entry task forces have begun the process of cataloging and coordinating services. But we think we could do something more.

That something is represented by a program in Albany called Lydia's House, Inc. Several years ago, Tamika Williams, an Albany woman who had done time in state prison, organized a nonprofit corporation to own a house offering temporary housing and assistance in accessing transition services to up to six women returning to the community from prison. A small, intimate and most importantly, community-based program. We strongly support this kind of program. I am distressed to say that Ms. Williams has experienced discouraging bureaucratic red tape in her quest to provide this service.

For decades now, our distressed and mostly minority neighborhoods have produced most of our prison population. These neighborhoods, which, outside of New York City, Have very often been Operation IMPACT zones, are where most individuals under parole supervision cluster. They are also the neighborhoods where lie much of the abandoned housing stock in our cities. Lydia's House is an example of neighbors helping neighbors. In this instance, ex-offenders were being housed and served, a building in an IMPACT zone is being used in a way that reduces the risk of recidivism and the people of the neighborhood are being empowered. And when combined with community policing and a renewed investment in neighborhood preservation, perhaps by providing job training in the building trades for returning inmates, a win-win-win situation.

RESTORATIVE JUSTICE THE SPINAL CORD INJURY RESEARCH PROGRAM

Just over four years ago the shooting in Tucson, Arizona that took the lives of six people and left former U.S. Representative Gabrielle Giffords with a gunshot wound to the head dominated the headlines. An injury such as Representative Giffords sustained is very serious. No one sustains an injury like that without lasting neurological consequences. And so, she resigned from the Congress. This tragedy underscores the fact that it is critical that medical research toward better treatments for such brain and spinal cord injuries goes forward. New York has, in fact, invested more than \$70 million in such research under the Spinal Cord Injury Research Program (SCIRP) over the past decade.

SCIRP was created in 1998 by Paul Richter of Albany, a former State Trooper whose career was ended when he was shot and paralyzed near Lake Placid on September 30, 1973. With the support of many retired law enforcement officers and veterans' organizations, we were able to accomplish the extraordinary legislative feat of getting the SCIRP bill introduced, passed and enacted in the space of four months as Chapter 338 of the Laws of 1998. The bill was sponsored by former Ways and Means Committee member Edward Griffith who regarded it as the crowning achievement of his career in the Legislature.

The Act imposes a small surcharge on Vehicle & Traffic Law fines that goes into a fund from which grants are made to medical research facilities in our state. In effect, the program puts the state's entire force of law enforcement officers to work, not only making our roads and highways safer and free of drunk drivers, but generating up to \$8.5 million annually that goes directly into research leading to treatment and cure of spinal cord injury (SCI) paralysis, traumatic brain injury (TBI) and many other neurological conditions. As traffic accidents are the leading cause of SCI and TBI, we consider it the most extraordinary example of restorative justice we've yet seen. Moreover, TBI is at epidemic levels among our military personnel because of the enemy's weapon of choice in recent overseas conflicts, the IED.

Our commitment to neurological research has brought aid, comfort and hope to tens of thousands of military families. I would also add that the surcharge annually brings in many times over SCIRP's \$8.5 million in General Fund revenue. Last year it amounted to some \$151 million.

Beginning in 2010, SCIRP revenue was diverted to other general government purposes. Two years ago, the Legislature restored SCIRP funding in the amount of \$2 million. That was increased \$6 million for the following fiscal year. I would urge the Legislature to ensure that the next Budget restore the full \$8.5 million in its recognition of the soundness of investing in an industry that holds great promise for New York's future prosperity and great hope for our citizens who live with neurological impairments of various causes, including gunshot wounds and motor vehicle accidents.

THE MISSING AND EXPLOITED CHILDREN'S CLEARINGHOUSE FUND

In the late summer of 1994, a little girl named Sara Anne Wood disappeared from the roadside in Herkimer County. Her disappearance was hugely newsworthy and sparked a lengthy and large-scale investigation and search by the New York State Police. The man who took Sara Anne was caught and convicted. Sadly, Sara Anne has never been found. (See: *Little Girl Lost*, <http://www.constantinescircus.org/bkch06.htm>)

This case got so much publicity at the time that an obscure DCJS program, the Missing and Exploited Children's Clearinghouse, became the subject of considerable media attention. An unexpected result was that the program started receiving offers of contributions from concerned members of the public. There being no mechanism for accepting and spending such gifts, I consulted the offices of Senator Dean Skelos and then Assemblyman Dan Feldman. The result was the creation of the Missing and Exploited Children's Clearinghouse Fund in the custody of the State Comptroller. It accepts gifts, grants and bequests which are to be expended on advertising and public education efforts to better protect children. In recent years, the fund has been receiving around \$300,000 in the form of state income tax return check-offs. I bring it up here because it has repeatedly come to my attention over the years since its creation that large amounts of money have accrued to this fund that have either not been expended or, more objectionably, have been expended for purposes not authorized by the statute. Let's make sure that this year's Budget provides that every penny of this money be spent to protect children as soon as possible.

MENTOR INTERNATIONAL

The fiscal crisis has made it difficult to commit police personnel to the Drug Abuse Resistance Education Program. Federal support for this long-established police program has dried up. Cops and kids still belong together especially when issues of the health and safety of children are concerned.

In 2010, I was introduced to Mentor International, a global organization that promotes innovative and scientifically vetted youth anti-drug abuse programs. (www.usamentorfoundation.org) At its Prevention Awards Gala in Washington that October, Mentor's founder Queen Silvia of Sweden recognized outstanding programs selected from nominations representing fifty nations.

New York has world class institutions on the cutting-edge of medical, mental health and social welfare research, law enforcement organizations with a proven commitment to kids and organizations that teach, guide and advocate for children. Bring them together on a regional basis to brainstorm and develop concepts for next generation youth anti-drug abuse programs.

The Mentor Awards are given every two years. If we set a goal now and go after it with resolve, imagination and all of the intellectual resources we have at our disposal, we can proudly have a new program to be New York's nominee in the near future. As early, perhaps, as this fall, when Her Majesty will again present her awards at a Royal Gala in Washington.

TRIAD -- PROTECTING OUR GROWING POPULATION OF ELDERS

In December 1991, I read an article in *The New York Times* about the nature and extent of elder abuse and many forms it takes. As the state had no public safety program to address this problem, I set out to find one. I almost immediately encountered the Triad program, the joint creation of the American Association of Retired Persons, the National Sheriffs' Association and the International Association of Chiefs of Police. Since it was first proposed in 1988, Triad has evolved into the nation's preeminent public safety program focused on the needs and concerns of our rapidly growing population of senior citizens. Working with then Assemblymember RoAnn Destito and Senator Dean Skelos, we prevailed upon the Legislature to send Governor Mario Cuomo a bill (Chapter 111, Laws of 1993) that gave DCJS a mandate to promote the Triad program throughout the state.

When Chapter 111 was enacted in 1993, we knew the proportion of our state's population over the age of 65 was exploding and the exposure of this population to a variety of criminal and other forms of victimization was increasing exponentially. Indeed, violent victimizations of the elderly are currently on the rise, according to a new study released by the federal Bureau of Justice Statistics (BJS). Rates of nonfatal violent crime against Americans age 65 or older increased 27 percent from 2003 to 2013, from 3.4 to 4.4 victimizations per 1,000 people. About 2 percent of all violent crimes involved elderly victims between 2003 and 2013, according to the study, which is based on data from BJS's National Crime Victimization Survey (NCVS), which measures nonfatal crimes. Nonfatal violent crime includes rape or sexual assault, robbery, aggravated assault and simple assault.

Since 1993, there has been a statutory framework for addressing this rising tide of elder victimization in the Executive Law as the result of this Legislature's enactment of Chapter 111. This is a time when we should be calling upon Governor Cuomo's to find creative ways to use the vast network of OGS resources throughout the state to encourage the formation and flourishing of Triad programs statewide. With Chapter 111 on the books, the governor does not have, as bureaucrats say, to "re-invent the wheel." He merely has to issue a directive through his executive budget proposal in January to encourage DCJS and other agencies and organizations to devote fresh attention to the cause of promoting this program. The Triad concept was fresh, innovative and endlessly adaptable in 1993 when it was signed into law. It still has those qualities and the need, as we foresaw, continues and has grown greater over time.

CIGARETTE TAXES

The illicit trafficking of tobacco -- much of it in the form of counterfeited name-brand products -- is a multibillion-dollar global business today, fueling organized crime and corruption, robbing governments of tax revenue, and spurring addiction and disease. So profitable is the trade that tobacco is the world's most widely smuggled legal substance. It is estimated that fully half the cigarettes sold in New York alone are untaxed. The association representing convenience store owners estimates that the state loses \$1.7 billion a year in lost revenue from untaxed cigarette sales. And they know nothing of the revenues lost through bootleg tobacco traffic. This fixation that we have on the state's Native American communities and their refusal to collect and remit state taxes misses the point entirely. Bootleg tobacco products are produced and trafficked by powerful organized crime syndicates in many nations, most notably the Peoples Republic of China and North Korea.

New York has to recognize that every time we jack up the taxes on cigarettes, as we did three years ago, we increase the value of this form of contraband quite considerably, drive the expansion of the black market, contribute to the profitability of criminal enterprises the world over and, yes, we support terrorist organizations. Having gone forward with this dubious initiative, we should, at the very least, turn the Petroleum, Alcohol and Tobacco Bureau of the Department of Taxation and Finance, which investigates revenue crimes, into a fully empowered and capable police agency because its employees are facing on a day to day basis increasingly powerful and vicious criminal organizations engaged in ever-growing and lucrative contraband trafficking. It's not the Indians they're up against. It's the global Mafia.

THE NEW YORK STATE POLICE -- 1917-2017

On April 11, 1917, Governor Charles Whitman signed Chapter 161 of the Laws of 1917 which created the Department of State Police. Col. George Fletcher Chandler, the first Superintendent of State Police, set up shop in Room 100 of this very building a few weeks later. Two years hence, we will be celebrating the centennial of the NYSP here in Albany and at troop headquarters and sites of significance in the history of the New York State Troopers all over the state. We have already begun laying plans to make the most of this occasion to project the prestige of the State Police, the dedicated service of generations of Troopers and the compelling saga of New York's pioneering history of leadership and achievement in advancing the best in policing. We look forward to years of exciting collaboration with the Legislature toward making this a celebration to remember.

CONCLUSION

I thank you once again for this opportunity to appear before you and share some thoughts about the public protection aspects of this most challenging year of budget-making. I first sat through one of these hearings in 1984. At that hearing, on the dais sat Deputy Speaker Arthur Eve. Sitting where I now sit was Corrections Commissioner Thomas A. Coughlin, III. The two engaged in a memorable colloquy about the prison system budget at the very inception of the vast prison expansion we engaged in over the following decade. All the history I have witnessed since then has impressed upon me the great work that this

MEMORANDUM IN SUPPORT OF LEGISLATION

BILL NUMBER(S):

Senate No.

Assembly No. .

SPONSOR(S):

In Senate:

In Assembly:

TITLE OF BILL:

AN ACT in relation to establishing the Thomas A. Constantine Institute for the Study of Transnational Organized Crime within the State University of New York and making an appropriation therefor

PURPOSE OF BILL:

This legislation will establish a focal point for research and deliberation on the control of transnational organized crime. The institute will sponsor a diverse research program that will reflect a balance among the issues relating to legal, operational, social, political, and economic aspects of transnational organized crime and terrorism. It will organize conferences and symposia that will bring together the best minds among academics, law enforcement professionals, the military services, the intelligence community, lawmakers, the diplomatic corps and the business and financial community to develop strategies, tactics, relationships and legal and diplomatic frameworks for more effective international cooperation in the control of transnational organized crime. Its ultimate goal is to be a valuable and practical resource for the world's law enforcement agencies, governments and the international business community.

SUMMARY OF PROVISIONS:

Section 1 of the bill is a declaration of legislative findings and intent.

Section 2 of the bill establishes within the State University of New York the Thomas A. Constantine Institute for the Study of Transnational Organized Crime. Such institute shall organize conferences and seminars, develop training programs for law enforcement officers, sponsor and promote research, publish its proceedings and maintain a library. The bill directs that the Chancellor and Trustees of the State University shall appoint a person well qualified by education and experience to administer such institute. Such institute is authorized to establish a development program to build its own endowment.

Section 3 of the bill makes an appropriation of \$500,000.

JUSTIFICATION:

Transnational society today includes multinational corporations, nongovernmental organizations, criminal conspiracies and terrorists networks. In this environment, organized crime has gone global. It is estimated that this global network of evil profits some \$2 trillion a year, more than twice the combined annual military budgets of every nation on earth. Were it not for the existence of this shadowy empire, terrorist groups like al Qaeda would be unable to function. They would have no

market for their contraband and no means of laundering their monies, moving their operatives or acquiring weapons and other war materiel.

With the internationalization of organized crime and the emergence of global terrorism, the challenge to law enforcement has grown exponentially. To meet that challenge, we must develop the legal and diplomatic frameworks within which the law enforcement authorities of many nations may cooperate along with the essential personal and professional relationships that build trust and unity of purpose. There is an urgent need for research, policy development, law reform, diplomatic initiatives and education to confront the threat of transnational organized crime and terrorism.

This legislation establishes the Thomas A. Constantine Institute for the Study of Transnational Organized Crime within the State University of New York. Inspired by Mr. Constantine's extraordinary career achievements and the international respect he has earned in the field of public security, this entity will provide a focus for research and deliberation on the control of these phenomena and for public education about their manifestations.

The institute will sponsor a diverse research program reflecting a balance among the issues relating to legal, social, political, and economic aspects of international organized crime and terrorism. It will organize conferences and symposia bringing together the best minds among academics, law enforcement professionals, the intelligence community, lawmakers, the diplomatic corps and the business and financial community to develop strategies, tactics, relationships and legal and diplomatic frameworks for more effective international cooperation in the control of transnational organized crime and terrorism.

LEGISLATIVE HISTORY:

This is new legislation.

FISCAL IMPACT:

The bill appropriates \$500,000 from the General Fund. These monies will fund a campaign to build an endowment for the Constantine Institute. It is projected that \$3 million can be raised from private sources to support this initiative in perpetuity. To the maximum extent possible, the endowment campaign will draw upon the resources of the State University of New York and the efforts and talents of willing members of the university community.

EFFECTIVE DATE:

Immediately.

AN ACT in relation to establishing the Thomas A. Constantine institute for the study of transnational organized crime within the state university of New York and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows

:
Section 1. Declaration of legislative findings and intent. Transnational society today includes multinational corporations, nongovernmental organizations, criminals, and terrorists. In this environment, organized crime, in particular, has gone global. It has emerged as the mortal enemy of democratic institutions worldwide and it infects and distorts world commerce and financial institutions. It has forged alliances with terrorist organizations and links to outlaw states. It is ruthless and inhuman and has raised a capital of such gargantuan proportions that these organizations can make themselves masters of governments through intimidation, violence and corruption.

New York has a unique and celebrated tradition of leadership in confronting and eradicating organized crime. With the 1957 Apalachin incident, the New York state police dramatically exposed the existence of La Cosa Nostra to an unsuspecting world sparking decades of intense effort to combat criminal conspiracies that had grown pervasive and entrenched.

In 1991 the New York state police, under the leadership of Thomas A. Constantine, exposed the operations of Colombia's Cali cocaine cartel when the culmination of a six-year investigation disrupted a far-reaching and sophisticated organization that had been established in the state by the cartel. It was again the first time that a state law enforcement agency had brought the secretive hierarchy of a major criminal conspiracy out into the light of day -- this time, one based in a foreign country and with tentacles in many nations.

Mr. Constantine made further history when, as head of the US drug enforcement administration, he oversaw an international effort that led to the surrender of the Cali Cartel's leaders and the effective break-up of its organization during the mid-nineties. This investigation stood in stark contrast to the previous effort to eradicate Pablo Escobar's Medellin-based cartel which was prosecuted by the Colombian government through paramilitary proxies and a campaign of horrific extra-legal violence that cost the lives of many innocent civilians and brought discredit on the government.

Mr. Constantine is a most accomplished and unique figure in American law enforcement. Not only had he a hand in bringing down the Cali Cartel -- generally acknowledged to have been the largest and most powerful criminal conspiracy in history -- but soon after he retired from the DEA, the British government recruited him to oversee the reform of the royal Ulster constabulary and its reestablishment as the police service of Northern Ireland. This reform was a major factor in ending more than three decades of terrorist violence in Northern Ireland.

In both of these signature career accomplishments, Mr. Constantine demonstrated that the key to successfully confronting the threats of transnational organized crime and terrorism is honest, dedicated, professional law enforcement operating within the bounds of the strictest constitutional, legal and ethical standards. Mr. Constantine is recognized and respected

worldwide among his peers as the paradigm of that kind of professional law enforcement. The problem of transnational criminal conspiracies is growing and metamorphosing at a frightening rate. We are already in mortal confrontation with organizations that threaten peace, prosperity and public confidence in law enforcement's ability to protect our people, our democratic institutions and our economic well-being. With the internationalization of organized crime and the emergence of global terrorism, the challenge to law enforcement has grown exponentially. To meet that challenge, we must develop the legal and diplomatic frameworks within which the law enforcement authorities of many nations may cooperate along with the essential personal and professional relationships that build trust and unity of purpose. There is an urgent need for deliberation, research, policy development, law reform and education to confront the threat of transnational organized crime and terrorism.

This legislation establishes the Thomas A. Constantine Institute for the Study of Transnational Organized Crime within the state university of New York. Inspired by Mr. Constantine's extraordinary career achievements and the international respect he has earned in the field of public security, this entity will provide a focus for research and deliberation on the control of these phenomena and for public education about their manifestations. Its ultimate goal is to provide a valuable and practical resource for the world's law enforcement agencies, governments and the international business community.

§ 2. There is hereby established within the state university of New York the Thomas A. Constantine Institute for the Study of Transnational Organized Crime. Such institute shall organize conferences and seminars, develop training programs for law enforcement officers, sponsor and promote research, publish its proceedings and maintain a library. The chancellor and trustees of the state university shall appoint a person well qualified by education and experience to administer such institute. Such institute shall be authorized to establish a development program to build its own endowment.

§ 3. The sum of five hundred thousand dollars (\$500,000), or as much thereof as may be necessary, is hereby appropriated to the state university of New York from any monies in the state treasury in the general fund for the purposes of carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of taxation and finance, or his duly designated representative in the manner provided by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chairman of the state senate finance committee and the chairman of the assembly ways and means committee. Such budget and a copy of each such amendment shall be filed with the state comptroller, the chairman of the state senate finance committee and the chairman of the assembly ways and means committee.

§ 4. This act shall take effect immediately.