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JOINT LEGISLATIVE FISCAL COMMITTEE HEARING EXECUTIVE BUDGET PUBLIC PROTECTION

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**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.

As most of you know, our eponymous patron Tom Constantine, former New York State Police Superintendent, Drug Enforcement Administration chief and Oversight Commissioner for the Reform of the Police Service of Northern Ireland, died unexpectedly and untimely a year ago last May. All the more reason to act decisively and promptly to cement and pay forward his extraordinary legacy of achievement in law enforcement.

In addition to bringing down the leaders of the Cali Cartel, the largest and most powerful criminal syndicate in history and ending more than three decades of terrorist violence in Northern Ireland, among Mr. Constantine's accomplishments was to have made the New York State Police a powerful force in combating the ravages of the crack epidemic of the 1980s in the state's most distressed and neglected communities – our inner cities. He did this by redoubling the NYSP's efforts to recruit minorities into the ranks and working steadfastly to end law enforcement's dirty little secret – that the many levels of police agencies we have did not play well together. The result was his signature program the Community Narcotics Enforcement Teams that brought together county, municipal, state and other law enforcement agencies and swept the streets of inner city neighborhoods of the very people that residents all knew were the drug dealers and violent criminals who were making their lives miserable. He did this without indiscriminate stopping and frisking or other heavy-handed policing practices that have come to be so resented by communities of color.

In this post-Ferguson era, our effort to hold up the late Tom Constantine as the paradigm of a police leader who could fight violent crime and drug trafficking so effectively while remaining respectful of the needs, concerns, rights and sensibilities of communities of color is especially timely and uniquely meaningful.

THREE KEY PUBLIC PROTECTION OBJECTIVES FOR THE NEW YEAR

First, as the crisis in police-community relations continues, the Legislature should create a new program to address it head on. We propose a bill that would appropriate funding to the Government Law Center at Albany Law School to bring together community activists, law enforcement executives, and academics from across the state to develop a unified and coherent agenda of criminal justice reform to bring to the state's Executive and Legislature. It's high time we invited the community into the discussion and hosted real dialogue with a shared goal of agreeing upon concrete policy plans. This agenda will promote community policing and confront the crisis in police-community relations head-on and in a sustained manner.

The bill we propose will also give the Division of Criminal Justice Services responsibility for managing a new local assistance program offering technical assistance and small grants to support the creation of community councils dedicated to creating a relationship of partnership between community stakeholders and law enforcement agencies. We have a groundbreaking model that has been developed in Albany in recent years that offers a way forward to all municipalities.

The kind of appointments that President Donald Trump is making for top public safety posts in his administration are unlikely to be sympathetic to our cause. If Governor Cuomo and the Legislature are sincere in their commitment to keeping New York a bastion of progressive public safety policy, they should back this proposal.

Governor Cuomo, as you know, in his budget proposal has offered to revamp the minimum requirements of police basic and supervisory training that have been the purview of the Municipal Police Training Council since 1959. He also proposes a one day conference

bringing together law enforcement executives and community activists to discuss the crisis in police/community relations. I submit that these are very wan and tepid responses to what has erupted as a very serious social problem that has called into question the good faith and competence of law enforcement across the nation in this post-Ferguson era. The initiative I have set forth above would address this crisis in a far more engaged and responsible manner. Please give it serious consideration. (For an example of how this should be done, see the report of Buffalo's Partnership for the Public Good "*Collaboration, Communication and Community-Building: A New Model of Policing for 21st Century Buffalo* -- https://openbuffalo.org/files/documents/community_policing_report_final.pdf)

Second, we succeeded this past year in having legislation introduced that will create a center for the study of transnational organized crime at SUNY. The Centennial of the New York State Police will be marked in 2017. In 1957, that agency made history with the exposure of the existence of the Mafia, leading to decades of engagement by law enforcement agencies all over the nation in the face of the growing threat of organized crime.

In 1985, under the leadership of the late Tom Constantine, the New York State Police initiated an investigation that, six years later, effected the exposure of the operations of Colombia's Cali Cartel in our state, bringing to light the fact that we had been invaded and occupied by a powerful, wealthy, well-armed, ruthless foreign criminal power with tentacles throughout New York. Constantine took over the Drug Enforcement Administration in 1994 and oversaw the defeat and dismantling of the cartel, the largest and most powerful criminal conspiracy in history.

Organized crime gets little press today, preoccupied as we are with the war on terror. But terrorist organizations have symbiotic relationships with criminal enterprises in many nations. Long after the political, ethnic, and religious impetuses for the terror movements we know today dissipate, organized crime will still be with us -- a drag on our economy, corrupting business and politics, preying upon our immigrant communities and a moral blight upon our society.

The 2017 centennial of the state police and the respect and affection that many prominent law enforcement leaders around the world still hold for Constantine provide an auspicious moment and opportunity for launching a new institute that, in years to come, will organize and host annual conferences in Albany bringing together the best minds to develop advice to the world's governments on how to face down the threat of global organized crime. Our bill designates this institute The Thomas A. Constantine Institute for the Study of Transnational Organized Crime.

Third, New York and the entire nation have been going through an historic sea change in attitudes toward drug addiction as the result of the heroin/opioid epidemic. The past two years have seen positive results in New York. There is, however, an important gap in our panoply of prevention programs that we must urgently address.

There has been no generally accepted prevention program that targets the key demographic of high school-aged kids. It is in high school that most kids are first exposed to the opportunity to obtain and experiment with drugs. It is in high school that kids often stop

listening to adults and become more receptive to the opinions of their peers for good or ill. A peer-to-peer approach is the sound approach.

In recent years, I was introduced to Mentor International, an internationally respected youth drug abuse prevention program founded by Queen Silvia of Sweden in 1994. We debuted Mentor in Columbia County last year. I have been working with Gunilla Girardo, CEO of Mentor Foundation USA, the U.S. affiliate set up in 2010, to introduce the program to policymakers at the state level. Mentor has made New York a priority.

Successful introduction of the program here will have national influence. It is supported by the private sector and recruits community leaders in business, government and the nonprofit sectors to serve as mentors to youth and to create mentoring opportunities for kids in a variety of workplaces. The hallmark of the program is its reliance on the peer-to-peer approach in getting kids to take up the cause of influencing their friends to make positive and healthy choices in life.

There is, of course, a role that the Legislature and the Governor can, and should, play in promoting Mentor.

The crisis in police-community relations, the challenge of global organized crime, and the heroin/opioid epidemic are national problems that were little discussed in the recent election. They require urgent, but thoughtful responses. The program outlined here offers a dynamic response to all three. As the political dust settles and we move forward, let's join together to assert New York's historic leadership in confronting the true issues of the day.

GIDEON V. WAINWRIGHT

I would be remiss were I not to bring up the Legislature's historic and decisive action last year in passing the Indigent Legal Services Act. Kudos to Assemblymember Patricia Fahy and Senator John DeFrancisco for their leadership. Inexplicably, Governor Cuomo waited to the last hour of 2016 to veto this measure. I can only urge both Houses to quickly pass the bill again and send it to the governor forthwith. Should he choose to veto it again, override him immediately. We may all then celebrate an historic civil rights victory more than a half century overdue.

CRISIS IN POLICE/COMMUNITY RELATIONS

Conflict that erupted across the nation over the past three years 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. The Black Lives Matter movement 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. Similar cases have occurred in communities across the nation with depressing regularity.

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 Bratton's 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 as Mayor. 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. Sadly, Governor Cuomo has proposed nothing dramatic to respond to this crisis.

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 as 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 four 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, former Director of the US Justice Department's COPS program has noted that while the numbers show that most 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*. And let us not forget the very recent settlement in *Stinson v. City of New York* costing the city \$75 million for years of police harassment of young men of color.

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 the former 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 had 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 police 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 some 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 a 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 and remain 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-five 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 the late Tom Constantine himself.

In 1957, the NYSP made history when it exposed the existence of organized crime in an incident known as the Apalachin organized crime meeting. (See: http://www.slate.com/blogs/crime/2013/11/14/apalachin_meeting_on_this_day_in_1957_the_fbi_finally_had_to_admit_that.html) 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 in legislation first introduced last Session by Assemblymember Patricia Fahy and Senator George Amedore 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.

MENTOR INTERNATIONAL

In 1988, I had the pleasure of meeting John Herritage a career New York State Trooper, when he was appointed by Governor Mario Cuomo to head the Bureau for Municipal Police

at the Division of Criminal Justice Services. One of John's top priorities was to bring the Drug Abuse Resistance Education Program (D.A.R.E.) to the schoolchildren of New York. This program, which had been pioneered by the Los Angeles Police Department a few years earlier, marked a positive new departure in our society's struggle against drug abuse and addiction. It was all the more historic because it came at a time of raging urban violence fueled by the crack cocaine epidemic of the 1980s. John succeeded in achieving his goal within a very short time. It wasn't long before successive cohorts of D.A.R.E officers from police agencies around the state were being trained, certified and deployed in classrooms across the state. In its time, D.A.R.E. was a true innovation and a hopeful new approach to the problem of youth drug involvement.

As the years have gone by, much has changed in our knowledge of and attitudes toward the epidemic of drug addiction. Indeed, much about addiction has changed, as well. Today, abuse of prescription drugs is on the rise and the problem has moved from inner cities to suburbs and rural communities. We are re-thinking many of the harsh penal policies we adopted at the height of the crack epidemic. We have also increasingly come to view the problem of chemical dependency as a public health, rather than a public safety, issue. To that end, many of us involved in the process of making public policy on drug abuse prevention have been looking for a next generation of strategies for reaching young people with an effective anti-drug abuse message. I am convinced that we have found one.

In 2010, at the invitation of His Excellency Jonas Hafström, then Ambassador of Sweden, I was introduced to Mentor International. Her Majesty Queen Silvia of Sweden established Mentor International in 1994 in collaboration with the World Health Organization. Since then, the organization has grown to provide support to youth in over 80 countries reaching more than 6 million children. Mentor International, together with Mentor Foundation USA and the other affiliated Mentor organizations around the world, is today the leading international not-for-profit network empowering youth and preventing substance abuse. Its mission is to prevent drug abuse among youth while helping them identify and pursue their goals. Mentor views drug prevention and the success of our youth in life and career as a collective civil responsibility. Therefore, it partners with the business community, government agencies, schools, and parents to create healthy and productive pathways for youth. Since opening its offices in Washington DC in 2010, Mentor Foundation USA has reached more than 140,000 youth across the United States.

In November 2015, with funding from the Rip Van Winkle Foundation, an organization dedicated to promoting preventive medicine and headquartered in Hillsdale, Columbia County, Mentor was debuted in three Columbia County high schools. Some 1,300 students participated. Mentor was again presented in those schools this past fall with more schools and counties planned for next school year. Mentor Foundation USA has also announced that it is the recipient of a grant from the Conrad N. Hilton Foundation that will directly support the research efforts of "an innovative new substance misuse prevention program (i.e.; Mentor) in Columbia County, Hudson Valley, NY, that builds on the power of positive peer-to-peer messaging and peer driven community initiatives." The research will measure how Counter Marketing Prevention through positive peer-to-peer messaging can help offset the negative messages that youth are influenced by. Counter Marketing Prevention uses commercial marketing tactics to combat negative media influences, increase positive health messages, and reduce the prevalence of substance misuse in the state and its communities.

Mentor is taking a profoundly new direction in youth substance abuse prevention, one that is very much in line with the positive and progressive view that society's problem with drugs is a public health issue, not a criminal justice issue. The 2016 report of the Assembly Minority's Task Force on Opiate Addiction trenchantly made the point that peer-to-peer approaches to drug abuse make abundant sense in reaching a high school aged audience. I would strongly recommend that this year's budget contain funding for evaluating Mentor's innovative peer-to-peer approach to youth anti-drug abuse programming.

THE NEIGHBORHOOD PRESERVATION CRIME PREVENTION ACT

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. I have suggested that Governor Cuomo's 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 and Community Supervision 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 W. 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 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.

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 much more.

For decades now, our distressed and mostly minority neighborhoods have produced most of our prison population. These neighborhoods are where most individuals under parole supervision cluster. They are also the neighborhoods where lie much of the abandoned housing stock in our cities. We need a program that brings together the problem of abandoned properties and people who come out of our prison system needing shelter, job training and employment. Investment in neighborhood preservation, perhaps by providing job training in the building trades for returning inmates, is a win-win-win situation.

THE MISSING AND EXPLOITED CHILDREN'S CLEARINGHOUSE FUND

In the late summer of 1993, 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 sympathetic legislators. 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 annually 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. More recently, State Comptroller Tom DiNapoli issued a report on the performance of this and several other taxpayer gift funds authorized

by law. He found that they have been steadily declining in public support. One strongly suspects that the reason for this is that the agencies responsible for spending these monies are not doing so in a very newsworthy way. Let's find a way to show the public that some bang is being got for its bucks.

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 the 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, 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 recent 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 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 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.

CAMPUS/HOMELAND SECURITY

In the recent past, I assisted the union that represents police supervisors for the State University Police in promoting their proposal to centralize the administration of all the SUNY campus police departments. In investigating their issue, Chief Frank Wiley of SUNY

Albany Police Department brought a very important problem to my attention that affects all of New York's institutions of higher learning. Simply put, campus security agencies are not eligible for federal homeland security funding -- even those whose officers have full statutory police status as do the SUNY Police. I believe, and I hope you will agree, we should be working with our Congressional delegation to change that. How many more campus shooting rampages do we need to make this case?

Our institutions of higher learning constitute an engine of future economic development and prosperity for the state and people of New York. The SUNY system alone is comprised of some 1.6 million students, faculty, scientists, researchers, administrators and many others who live, learn and work on its campuses. These campuses house billions worth of sophisticated equipment, laboratories and other critical infrastructure. They are developing valuable intellectual property that is a target for theft, espionage, sabotage and worse. Our investment in this infrastructure of higher learning and research and development is critical to national security and to our state's continued economic competitiveness. These institutions need to be better protected.

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 four 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 (PATB) 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. Under current law, PATB investigators are rather confusingly classified as both police and peace officers with complicated restrictions on the exercise of the powers of both. (See: CPL, section 1.20 (34) (q); CPL, section 2.10 (47))

With respect to this issue, let me make a personal note. On 9/11, I lost a very dear colleague and friend who was an employee of the Department of Taxation and Finance. Charles M. Mills was head of the Petroleum, Alcohol and Tobacco Bureau. Friends who communicated

with him in his last moments that morning tell us that he stayed on the scene coordinating the evacuation of many people from the building until it was too late for him to save himself. Mr. Mills had had a most distinguished career as a police officer and police executive in the many years before he died leading PATB. Nonetheless, the committee charged with approving additions to the Roll of Honor of the State of New York Police Officers' Memorial at Empire State Plaza has, for all these years, disallowed the addition of Mr. Mills' name to the memorial. If it takes an amendment to the law to right this wrong, please do it forthwith!

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 the Capitol a few weeks later. This year, 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.

The SUNY Thomas A. Constantine Institute for the Study of Transnational Organized Crime described above has been presented to Albany County and city officials as our community's special gift to the Troopers, whose headquarters has been in Albany since the Division's inception in 1917. I hope this fact will prompt all of you to support this initiative and put the New York State Police, Albany, SUNY and New York on the global map as the nerve center of policy development in confronting the growing challenge of organized crime.

THE LONG, GRAY LINE

Lyric and music by Terry O'Neill, 1991

On a summer day back in Nineteen Seventeen
Came a troop of riders trottin' smartly 'cross the green.
Tell me, who are they in the purple and the gray?
They're the new State Troopers on parade.

Well, they saddled up and they journeyed far and wide
Bringing law and order to the rural countryside.
Not with words but deeds did they write some history
And the tale ain't over, no, siree!

'cause they still ride proudly in the purple and the gray
Though their boots and saddles have been long since put away.
And there's no one anywhere can say he ever saw
The like of our Gray Riders of the Law.

Sure, they've come a way since they were Chandler's Cavalry
But they're still a paragon of guts and gallantry.
It's the Long, Gray Line riding tall and proud and fine
With their heads high and their colors flyin'.

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 Legislature undertakes to give form to the society we live in and rise to meet its ever-evolving challenges. It has always been a privilege to participate in this process. The result of your hard and diligent work has always worked out to the benefit of the state and people of New York. Steep declines in rates of crime in recent years has been one result. You are to be congratulated on this achievement. But you must also pay heed to the eruption of protest we have witnessed over recent years by communities of color. The protesters are giving voice to legitimate concern over the kind of policing tactics that have become commonplace in America since their inception in New York City in 1994. People don't like being treated like dots on one of Bill Bratton's crime maps. Crime turned around in New York City when this Legislature acted to give the city the means to do the job. Today's rising chorus of dissatisfaction merits your attention just as urgently.