



## **THE CONSTANTINE INSTITUTE, INC.**

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Testimony of Terry O'Neill, Director  
Joint Fiscal Committee Hearing on Public Protection Budget  
New York State Legislature  
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### **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 on May 3, 2015. His many admirers miss him and are resolved to cement and pay forward his extraordinary legacy of achievement in law enforcement.

In addition to bringing down the leaders of 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

municipal agencies to improve quality of life in neighborhoods that otherwise would slide into decay and criminality. That there would be a state program to promote this purpose would give it a sense of order and purpose that would benefit communities all over the state. 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 or implemented.

Recent scholarship based on data gathered over several decades has increasingly established that distressed communities that received the kind of empowerment and support contemplated by NPCPA experienced the most dramatic and long-lasting and positive change. It is never too late to do the right thing.

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 Legislature and the administration of Governor Andrew Cuomo move 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. I urge you to fund the program and to give DCJS a clear and unambiguous directive to make it happen.

Third, we must find a way to assert state leadership in promoting the style of community policing that is responsive to the needs and concerns and respects the sensibilities of those segments of our communities who have historically reason for serious dissatisfaction with law enforcement.

You will have heard that NYPD Commissioner James O'Neill has made what he calls "Neighborhood Policing" the centerpiece of his public safety strategy for New York City. Based on my personal experience in promoting community policing in communities as varied as Albany, the St. Regis Mohawk Reservation and Northern Ireland, there is no way that Commissioner O'Neill could bring about so profound a change in police culture by fiat and within a year of his appointment as commissioner. In fact, we are hearing that this initiative has been resisted by many veteran supervisors. They have been invited to put in their papers.

Over a span of quite a few years now, I have established a network of police, local officials, academics and community activists in any of the state's municipalities. What we need is for the state to take up responsibility for bringing all these players together to develop widely acceptable methods of promoting community policing. I believe that can be accomplished at very little cost.

In the year 2000, the people of Albany after some six years of intensive public discussion adopted a local law that created a way to process public complaints against city police officers. A key component of our law was the creation of a unique role for the Government Law Center at Albany Law School. GLC undertook to train prospective appointees to the Police Complaint Review Board in applicable constitutional and legal principles in order to carry out their duties. GLC also undertook to develop training for investigators whose services the board retained from time to time to carry out its function. This was quite an innovation and it offers a model for moving forward in bringing together interested parties from across the state to develop a program of recommendations for the Legislature and the Executive for the creation of a new program to encourage and assist communities throughout the state in moving toward the community policing model. This could be

to report steadily declining rates of crime. (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 cities have grown safer, opinion polls confirm that Americans still fear crime -- an unfortunate perception that the Trump administration in Washington has embraced.

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 empaneled 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

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. See: *“The Unsung Role that Ordinary Citizens Played in the Great Crime Reduction”*. *New York Times*, 7 November 2017.

(<https://www.nytimes.com/2017/11/09/upshot/the-unsung-role-that-ordinary-citizens-played-in-the-great-crime-decline.html?hpw&rref=upshot&action=click&pgtype=Homepage&module=well-region&region=bottom-well&WT.nav=bottom-well>.)

### 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 was introduced last Session as a bill sponsored by Senator George Amedore and Assemblymember Patricia Fahy. (See: Assembly Bill No. 6862/Senate Bill No. 5311) 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.

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 expansive global network of Constantine Fellows composed of alumni of our future series of annual conferences on transnational organized crime and global terrorism.

#### YOUTH DRUG ABUSE PREVENTION: A PEER-TO-PEER APPROACH

At every level of government, recent years have seen a renewed commitment to addressing the deadly problem of drugs of abuse fired by the opioid/heroin addiction emergency. I would be remiss were I not to bring to the attention of the Legislature the most promising and imaginative concept I have seen that addresses the complete lack of a well-regarded prevention program targeting the audience of high school-aged kids. As you know, the governor has proposed an interagency group to review and standardize health education programs – his Prevention Blueprint – addressing instruction in chemical dependency in our schools. We believe that this would be very positively augmented by encouraging a peer-to-peer approach to the problem bringing young people into active involvement in preventing drug abuse.

In 1988, I had the pleasure of meeting John Heritage, 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. (See: <http://www.Mentorfoundationusa.org>) 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