

**Testimony of New York County District Attorney Cyrus R. Vance, Jr.
Before the New York State Senate Committees on Codes, Crime Victims, Crime and
Corrections, Investigations and Government Operations, and Civil Service and Pensions**

**Hearing on Police Safety and Public Protection
February 4, 2015**

Good morning, Chairman Nozzolio, Chairman Gallivan, Chairman Marcellino, Chairman Golden, and Senators. I thank the New York State Senate for the opportunity to testify today about the role District Attorneys can play in enhancing public safety, and better protecting the men and women in law enforcement charged with this critically important responsibility.

As you know, New York has become an incredibly safe city – the safest big city in America. According to the NYPD, over the last four years New York City’s homicide rate has fallen by 44 percent, while shootings have fallen by 42 percent. Many other cities in the State have similar trends. According to statistics kept by the State’s Director of Criminal Justice, we live in the fourth safest state in the country, and we have the lowest imprisonment rate of any large state.

But recent events remind us that police officers may face grave danger at any time. I would like to address **four initiatives** that I believe will make the jobs of police officers at least a little bit safer, while improving public safety for all of us.

When it comes to protecting our police force, I am not an expert in body armor or bulletproof glass. What I do know is that every day the men and women of the NYPD head into the field and face the unknown, they respond to situations as diverse as the City itself. A call as routine as a domestic violence complaint can turn deadly, not just for those involved in the dispute, but for the responding officers as well. At the very least, officers should have at their fingertips vital intelligence like previous 911 complaint history at an address, and whether there are guns registered there. In 2015, mobile technology has developed to the point that with the right investment of resources, we can provide officers with the most up-to-date information possible about the situations they are walking into.

To that end, my Office has committed significant funds to equip NYPD officers with up to 41,000 **mobile devices**, including tablets for every patrol car, and smartphones for every officer. In partnership with Commissioner Bratton, our initiative will establish NYPD’s mobile technology platform and fund it over the next three years. Officers in the field will have access to all of the terror- and crime-fighting information currently available to them at the precinct, all on one mobile platform for the first time.

When we equip officers in the field with intelligence on credible threats and information on suspects in real time, we are all safer.

The NYPD is also rolling out **body cameras** to officers. While the use of police body cameras is fairly new, early signs indicate that they can be a great success. Officers report that body cameras increase the civility of interactions with residents, reduce false complaints against officers, and, in

case of transgressions on either side, provide potentially vital evidence. These cameras are being rolled out slowly, through a series of smaller pilot projects, and we expect there will be technical and legal hurdles to overcome. For examples, how long will images be saved? Who will review this enormous amount of information? And when do these cameras get turned on, and get turned off? This is a project that I believe will inform police departments around the country.

We also will **enhance safety in public housing developments**, by making essential security upgrades in 15 priority NYCHA developments throughout the city. While only 5 percent of New Yorkers live in public housing, 25 percent of violent crime is committed there. That is unconscionable for the families who live there, it's dangerous for the police who patrol there, and it's something we must address now. This initiative will fund key infrastructure upgrades, and ensure that housing developments are well-lit, well-monitored, and secure.

Finally, we must all work to **improve the relationship** between communities and law enforcement. Because even with public safety at an all-time high, the public's trust in those who keep us safe is flagging. This lack of confidence threatens to disturb the enormous strides we have made over the last decade. For our success to continue, the relationship between the public and the police must be symbiotic, not combative. Communities need the police to keep crime low, and police officers need the support of the public as they go about their difficult and often dangerous jobs.

As elected officials, I believe all of us have a responsibility to foster mutual respect between law enforcement and those we serve. To that end, in addition to reinvesting in our Manhattan neighborhoods, we are taking proactive steps like undertaking an independent racial bias review of our office, and opening a dialogue about making the grand jury process in police shooting cases more transparent. Public institutions are nothing without public confidence. The public must have faith in the system.

Legislative Changes

Many of the initiatives I have outlined are aimed at keeping police and residents safe, particularly in the streets. But we know that the biggest threat many New Yorkers face comes from inside their computers, mobile devices, and online networks. One of the few areas of crime that has not dropped, but instead has rapidly increased, are those that occur in cyberspace. One-third of the new felony cases coming into my office are now related to **cybercrime and identity theft**. This is an epidemic affecting not just Manhattan businesses and residents, but all New Yorkers.

Our antiquated laws hamper our efforts to combat cybercrime. These laws do not reflect the ways people communicate and businesses operate in the 21st century. And they do not provide adequate punishment for the serious damage suffered by victims.

I urge our legislators to pass a set of sensible, much-needed reforms that would go a long way in helping law enforcement to investigate and prosecute cybercriminals and identity thieves. These proposals include stiffening penalties to reflect the severity of the criminal conduct. For example, under the current identity theft statutes, an identity thief who steals \$2,500 faces the same charges as an identity thief who causes losses of more than \$500,000. Similarly, a defendant who steals the identities of numerous victims may be subject to no greater penalty than a defendant who steals

the identity of a single person. This law, as well as many other related statutes in the penal code, does not adequately address the severity of cybercrime and identity theft.

Similarly, New York's laws related to **the introduction of certain business records in grand jury proceedings** were written long before technological advances significantly altered the way criminals behave. Nearly all crimes today involve critical evidence that exists in cyberspace, for example, from Google, Facebook, or Twitter accounts. In order to present this evidence, we must spend thousands of taxpayer dollars to fly in, house, and feed representatives of these companies only to have them testify for approximately five minutes that the records were produced by that individual's company.

This requirement is extremely expensive and burdensome for New York taxpayers and for companies who must send their employees to New York to testify. It also has a chilling effect on prosecutors' offices whose limited budgets prevent them from investigating large-scale white collar crime cases involving vast amounts of records.

I ask that the state legislature update these laws to make *all* business records, including electronic data, admissible in the grand jury when accompanied by a sworn statement attesting to the authenticity of the records. The federal government and more than half of the states in the U.S. have already revised their laws to eliminate this costly requirement. New York should do the same.

I have already spoken to some of you about these recommendations, and I hope to continue this dialogue going forward. Working together, we can ensure that our laws reflect contemporary criminal conduct, and that our procedures cost taxpayers less.

Public Corruption Proposals

Finally, New Yorkers deserve honest public servants and transparent public processes, now more than ever. Recent events are only the latest reminder that our state criminal statutes do not meaningfully prohibit, penalize, and deter corrupt conduct.

In 2012, as President of the District Attorneys Association of New York, I convened a White Collar Crime Task Force – comprised of prosecutors, defense lawyers, academics and former members of the judiciary – which proposed long-overdue anticorruption legislation, among other recommendations. Our proposals garnered the unanimous support of all 62 District Attorneys statewide, and in 2013, I presented them to the Moreland Commission to Investigate Public Corruption.

Our Task Force's anticorruption findings and recommendations are annexed to my written testimony for inclusion in today's record. Among other changes, we propose eliminating transactional immunity; removing the heightened proof requirement for public officials in bribery cases; and criminalizing undisclosed self-dealing.

Transactional immunity. Contrary to the laws of 49 states, every witness before a New York State grand jury automatically receives full immunity about anything to which they testify. As a result, prosecutors are reluctant to call the very people who know about corruption, for fear of giving them a lifetime pass for their transgressions.

Bribery proof requirement. To prosecute a real estate developer, a labor leader, or even a professional boxer for bribery, I need only prove an “intent to influence” the recipient of the bribe. Public officials, on the other hand, enjoy the benefit of a heightened proof requirement applicable only to them, requiring state prosecutors to demonstrate an illicit “agreement or understanding” between the bribe-giver and the politician – proof of which rarely, if ever, exists.

Undisclosed self-dealing. New York State needs a law that specifically targets public servants who further their own, undisclosed economic interests in the performance of their official duties. [A 2010 U.S. Supreme Court opinion](#) severely limited the ability of our federal partners to prosecute undisclosed self-dealing. This provides an opening for state prosecutors to lead the charge against high-level corruption in New York. More than ten other states punish undisclosed self-dealing as a felony. District Attorneys need a similarly powerful tool.

Corruption in state government has depleted our public coffers, and degraded our public confidence. I encourage you to enact a strong public corruption bill.