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“Intelligence-Driven Prosecution”

Good morning. It is truly a privilege to be speaking with you today, and I thank the Crime Commission and Richard Aborn for extending the invitation.

The Crime Commission has played a leadership role in helping to make New York the safest big city in the country, as have so many criminal justice policy experts in this room today. So let me start by thanking you for all you have done for our city.

When I took office in January 2010, however, I saw a dichotomy: there was a sense of safety in the city because violent crime had declined, but lives were still being lost in barrages of gunfire. The year I became District Attorney, there were 234 shooting victims in Manhattan, and 70 homicides. The fact that we lived in the safest big city in the country was of no consolation to the victims and their families.

And so, I pledged to do even more to reduce violent crime. I began with the idea that, in an era in which crime by nearly every measure had dropped to historic lows, if the District Attorney’s office was to play a role in driving crime even lower, further progress was unlikely unless the office modernized its approach. That is how what we now call “intelligence-driven prosecution” was started.

Let me tell you what that means. As a first step in modernizing, we had to change our institutional mindset. In my experience, prosecutors have historically and appropriately seen their job primarily as taking arrests from NYPD, weighing each case fairly, and doing their level best in the courtroom. But I wanted more, frankly. I wanted our assistants to take responsibility for — and be proud of — their ability to reduce crime in neighborhoods throughout Manhattan through proactive initiatives undertaken by our office.

Since 1976, most of the violent crime my office handles goes to one of our six trial bureaus. That is an organizational structure that has served us well, but it is not a structure that was designed with a crime-reduction strategy in mind.

Quite simply, two shootings committed in the same neighborhood might be prosecuted by two different attorneys, in two different bureaus, located in two different buildings. Those very capable ADAs might never realize the assailants belong to the same gang, or see a larger crime pattern, or have information necessary to act on it. Opportunities to build far-reaching cases, which more forcefully impact public safety, were slipping through our fingers.

We quickly realized that to address that, our office needed to better understand, in real-time, where crime was happening and who was driving it, block-by-block, building-by-building, in every corner of our borough, and get that information to the ADAs who could best use it. Something similar to, but at the same time very different from, the NYPD’s CompStat program.

Our office handles about 100,000 cases each year, the sheer volume of which is matched only by the variety and complexity of those cases. To give you a point of comparison, that is more criminal cases that we handle in a year than the entire Department of Justice handles nationwide.

But we all know that no case occurs in a vacuum. So valuable information acquired in one case should not be lost to the rest of the office simply because a case is closed. In fact, the DA's office is in many ways uniquely capable of gathering this kind of intelligence. After all, the police department might keep a gun possession case for only 24 hours through the arrest process, but our office might keep it for months, learning about the defendant, his source of guns, his associates, and about other crimes.

I believed when I took office we were not mining those cases and the massive amounts of relevant data they represent as well as we could for information that could be used proactively, to identify pockets of violent crime in neighborhoods and incapacitate those people who are driving it. And, although mining these cases was a great beginning, it was not enough: we also needed to get to know our neighborhoods and their individual crime problems by listening to community residents and keeping in close touch with the NYPD officers responsible for patrolling those communities.

In short, we knew that our prosecutive strategies could no longer be driven only by the four corners of a given case file. We had to do better.

So the second step was organizational; an intelligence unit inside our office that, without dismantling the trial bureau system, would enable us: first, to connect the dots between ongoing prosecutions and investigations; second, to know where the cases we prosecute fit into our crime reduction and prevention efforts; and, third to allocate our resources where they are most beneficial to those efforts.

To do that, we created the Crime Strategies Unit in 2010 to be the functioning arm of intelligence-driven prosecution. The premise was simple: let's bring all this information I've been talking about under one umbrella, where it had never been before, having been scattered instead on 10,000 legal pads throughout the Office and in closed case files.

This valuable intelligence can be and now is centrally held by CSU, and shared with the more than 500 ADAs to help them build stronger individual cases and engage in more and more successful proactive investigations directed at pockets of violence and the individuals who drive it.

The new structure also required geographic alignments with the communities we serve. So we divided Manhattan into 5 areas made up of groups of adjacent precincts. To each area we assigned a senior assistant district attorney and one or more analysts. Their jobs are not to try cases or run investigations, but instead to gather — in real time — intelligence from every relevant source. For example:

- We look within our office, to debriefings of defendants, witnesses, informants, and factual narratives that connect cases to one another.

- We also use sources in the police department, like open complaints, as well as conversations with precinct commanders, NYPD intelligence officers and cops on the street;
- And we gather information from the people who live with crime every day, who live in communities we serve. This comes to us at community meetings, in discussions with business and community leaders, and even from letters sent to us anonymously — like one letter which led us to a narcotics investigation last year that charged 35 members of a violent drug gang selling PCP that had terrorized an entire housing development in East Harlem for years.

With CSU up and running in mid-2010, one of the first deliverables they gave me was a precinct-by-precinct analysis of crime. It mapped out everything from quality of life issues to the most serious gang warfare and other violent crime. We now had the hotspots of crime identified, and the information to target individuals and groups driving that crime. The intelligence developed by the CSU became our roadmap of where to focus our street crime resources in the coming years.

One of the most obvious objectives was to identify the pockets of gang-driven violence, and to systematically target these gangs. When I first saw this data, it was daunting. Initially, we saw about 27 gangs spread throughout the borough. And as we all know, it can take years to build proactive gang cases, and months to try them.

But we were confident that by focusing on the areas of greatest impact — the most serious pockets of violence and gang activity — we could take down gangs and crime drivers one by one, and make a measurable difference in public safety.

To date, since the creation of CSU, we've crippled 13 gangs in total, almost all from the initial group, by prosecuting the lion's share of their most significant members at once. And we have recovered more than 100 guns from these cases alone, a number that doesn't include the 440 other guns recovered from our firearms trafficking investigations and the like. That's hundreds of guns that can't be used to shoot kids or neighbors, and will never be pointed at a cop.

Let me give you an example, a recent case that highlights how CSU works and what we're dealing with.

In 2009, a teenager was shot at the Johnson Houses in East Harlem, a crime that was still unsolved and assigned to a prosecutor in my Office when we created the Crime Strategies Unit in 2010. CSU identified this area generally as a "hot spot" because of a spike in violent crime.

Recognizing this had the potential to test the possibilities of intelligence-driven prosecution, our ADAs and analysts, working with the NYPD, scoured the neighborhood's crime data, poring over similar crimes both solved and unsolved. There were shootings that had similar victims, similar details, first a dozen, and then two dozen, then three — until we identified 46 seemingly-related incidents, and a motive for the shootings began to crystallize.

What we learned was that, in response to that old shooting, scores of young men in three adjacent housing developments had formed three rival gangs around Lexington Avenue. They engaged in a bloody gang war that claimed the lives of at least three teenagers. As our charges later detailed, they are alleged to have trafficked weapons, shot dozens of people, and put bounties on their rivals' heads. This was violence for its own sake, not motivated by narcotics, or any economic gain whatsoever, just brutal, senseless disputes over "turf" and "respect."

Members of these gangs communicated constantly by Facebook, and many of those messages are chilling. Gang members are alleged to have celebrated their murders, and taunted their rivals. The indictment charges that in one message, a gang member promised to pay \$300 to anyone who would kill any member of an opposing gang before October. One Facebook message said of the neighborhood, "this is the new Iraq."

By gathering intelligence from within our office, the community and the NYPD, we were ultimately able to identify well over a hundred gang members, but that was just the first step. Equally challenging was parsing through all the evidence to determine which of those gang members could be charged with crimes.

And this is where technology comes into play. I used to think that a crime scene was a street corner cordoned off by yellow police tape. But not today. Today, the Internet is the 21st century crime scene. To help us with cases just like this, I created an in-house state of the art cyber lab to handle the increased volume of computer forensic and cellphone analysis our investigations require. In this gang investigation, we uncovered in our cyber lab critical data by analyzing social media postings and smartphone data.

It is scarcely an exaggeration to say that social media – like Twitter, Facebook, and Instagram – have become our most reliable informants, providing evidence of gang members planning shootings, bragging about them after they committed them, and possession of weapons and other proceeds of crime.

Ultimately, we obtained three indictments charging 63 defendants with Conspiracy to commit murder, as well as Attempted Murder, Gang Assault, and other very serious charges.

These cases provide just one example of intelligence-driven prosecution, and I believe and hope it will end a cycle of violence in East Harlem that had become self-sustaining and would undoubtedly have continued had we not disrupted it.

The cases represent three of six gangs whose members were indicted just in the last two months alone, each one thanks to our intelligence-driven prosecution model. That's 122 alleged gang members of different kinds, marking a shift in strategy for our office. Today, when we take players like these off the streets en masse, we do it based on sound analysis of intelligence and an overarching goal to eliminate violence. And as we have all seen time and again, removing the crime drivers in a given community can quickly lead to an immediate, positive impact on public safety.

But crime is not all about violent gangs and drug dealers that terrorize neighborhoods. There

are a number of serial offenders – a small number of criminals causing a disproportionate amount of crime – who are responsible for anything from crimes of violence to misdemeanor quality of life offenses. These individuals too frequently were slipping through the cracks at the arraignment stage, undercharged or being made plea offers that were too lenient and did not adequately consider the impact on the community of their repeat offenses.

To address this problem, we developed a robust alert system within CSU, which operates much like a Google alert. We have a target group of the most active offenders – including serial misdemeanants, violent offenders returning from state prison, and active gang members. For the past three years, when one of them is arrested, it triggers an alert to CSU, which, in turn, has developed the criminal history and criminal context for each of them – not just number of convictions, but information like gang affiliation, orders of protection, and the like. Because we know these offenders are highly likely to come back into the system, CSU has pre-written bail applications for many of them.

When they do come back, all ADAs focusing on that defendant receive an alert on their Blackberries, which have been standard issue for ADAs since 2010. Information compiled by CSU is then provided to the assistant in the complaint room writing up the case. This enables the assistant to understand they are dealing with a seasoned criminal who is having a large criminal impact on a given community.

This kind of real-time intelligence has applications well beyond gang prosecution, and is invaluable not only for setting appropriate bail, but for our Office to look at an offender in the broader context of his crimes to determine a just outcome. Some offenders will benefit from alternatives to incarceration. Others, quite simply, need the book thrown at them.

Here's an example: About two years ago, one Naim Jabbar intentionally jostled a tourist in midtown, and then claimed the tourist had broken the defendant's glasses. Mr. Jabbar demanded money for the glasses, and when the victim handed him \$40, Mr. Jabbar demanded \$60 more, which the victim paid.

Sound familiar? This street scam happens time after time, and, in fact, Mr. Jabbar had plenty of experience with it, having had 40 prior misdemeanor convictions just like this, but had never served more than a few months in jail. He cycled through misdemeanor court again and again, making tourists and residents alike unsafe and unwelcome in our City.

But by his last arrest, CSU was already familiar with Mr. Jabbar, and so his arrest triggered an alert. Quickly, the young assistant in the complaint room handling the case had at her fingertips the full background on Mr. Jabbar to prove this was not just a run of the mill street scam, but a mugging, a robbery using threat of force, disguised as a street con.

Mr. Jabbar was charged with robbery in the third degree, a felony, as opposed to the typical misdemeanor charge of jostling or fraudulent accosting, was held in on bail, and we refused to plea bargain the case. Instead, we secured an indictment, and eventually a trial conviction. The defendant was sentenced to 3 ½ to 7 years in prison, and a persistent offender was now off the streets. Thanks to real-time intelligence now available to all our assistants through CSU, fewer recidivists like Mr. Jabbar are slipping through the cracks, and ultimately, our

streets are safer and our quality of life is better.

But while dismantling violent gangs and incapacitating repeat offenders certainly makes our neighborhoods safer, I don't measure success by the number of convictions alone, but by whether we have comprehensive strategies to reduce crime and prevent it from happening in the first place. Although it's too early to see the results of our prosecution of the three gangs I just told you about, I am particularly proud of another large gang prosecution that we did on 137th street in 2011. After that case, involving gang members armed with deadly weapons, we continued to monitor crime in that community.

What we saw was that where once there were 11 shootings and 3 murders in a small four-block area in the three years leading up to our takedown, there was not a single shooting within the following 12 months. That statistic, to me, is even more important than the across-the-board convictions we won and fair dispositions we advocated for.

I do not claim that our Crime Strategies Unit alone will eliminate gang violence, although I believe it is making a real difference in everything we do. I can tell you that in Manhattan, I believe in part because of our efforts to identify and dismantle violent gangs and incapacitate crime-drivers, the number of shootings has declined significantly each year, culminating in 177 people shot last year, compared to 234 in 2010 and only 37 to date in 2013.

And, at the risk of further bringing upon us the fury of the Fates — to date this year in Manhattan, we have had exactly 9 homicides. That is, of course, 9 too many, but it is also a testament to the value of innovation, in our office and the NYPD, our critical partner. And of course, all we do is not possible without the assistance of the communities we serve.

Of all the changes we've seen over the last generation, the greatest, I think, is a radical shift in expectations. Put quite simply, a generation ago, we expected things to get worse. Now, we expect things to get better — and we accept personal responsibility to ensure that they do.

There are many people who deserve the credit for that small miracle. Many of them are right here. It is in no small part due to the Citizens Crime Commission that we continue to benefit from their vision. And for that, I sincerely thank you.