

# **BRAVE JUSTICE**

**ANNUAL REPORT 2020**



**MELINDA KATZ**  
**DISTRICT ATTORNEY**

Queens District Attorney  
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# A MESSAGE FROM DISTRICT ATTORNEY **MELINDA KATZ**

2020 was a year like no other. From the start, I knew it would take a steady hand to achieve *brave justice* and create a more equitable criminal justice system while keeping Queens' communities safe. On day one, my team and I effectuated new policies, practices and structures designed to create the safest and fairest borough in the city. We immediately began navigating through the challenging implementation of New York State's long awaited historic bail and discovery reform.

I could not have anticipated the challenges to come: those already tumultuous waters deepened in just three months' time, as a world-wide pandemic hit the city. And not long after, our city transformed yet again in the wake of historic protests and calls for meaningful police reform.

This past year, we bravely rose above the turbulent waters. We began building bridges – bridges that will keep our communities safe while embracing new, progressive approaches toward prosecution and the criminal justice system. Inside this book, we will explore the remarkable bridge building we have started, in what has proven to be an unparalleled year:

*A bridge to Trust* – where an emphasis is placed on new progressive leadership, staff training, and a demand for excellence and professionalism throughout a newly structured organization that is designed to further our mission to achieve brave justice.

*A bridge to Fairness* – by instituting new policies that work to address racial and economic disparities, such as reducing prosecution of low-level offenses, utilizing alternatives to cash bail, reducing incarceration, making fair and just plea agreements, and providing more opportunities for rehabilitation and redemption from past violations.

*A bridge to Transparency* – through greater accountability and disclosure of records, providing open and early discovery of trial evidence, adding professionals that focus on forensic science and immigration consequences, creating a Conviction Integrity Unit that reviews and reinvestigates potential wrongful convictions and holding those in positions of trust accountable for their wrongdoings.

*A bridge to Protection* – aggressively prosecuting those who prey upon our most vulnerable, with a focus on gun traffickers, human traffickers and the drivers of violent crime in our neighborhoods, pursuing white-collar criminals and unscrupulous thieves who defraud hard-working residents, and combatting hate-inspired bias crimes.

*A bridge to Partnership* – by opening the doors to our Office, fortifying ties to the many diverse communities of our county, developing new relationships, providing access to meaningful support services and engaging our youth to set the next generation on the proper path.

While we welcome the new year, we know that these challenging waters have not yet receded. Despite our steadfast commitment to work safely through the health crisis, it will undoubtedly take time to responsibly and efficiently work through the tremendous backlog caused by the pandemic. The days ahead will not be easy, but together we can overcome these difficult times. We will bravely move forward, with a steady hand, and continue to fortify the bridges we are building toward a system rooted in fairness, compassion and safety for all of Queens County.

In friendship,



# INTRODUCTION

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The *Brave Justice Annual Report 2020* describes the operations and accomplishments of the Office during District Attorney Melinda Katz's inaugural year. Despite challenging times, DA Katz made significant progress toward addressing the inequities in the criminal justice system while keeping our communities safe for all who visit, live, and work in Queens County. Committed to creating more trust, fairness, transparency, protection, and partnership in the process, she has begun building the bridges that will connect us to a better future.

District Attorney Katz established a top-notch staff, retaining some of the most talented members and adding unique and specialized expertise to the Office. The DA reorganized the Office from the top down-led by the first all-women leadership team. The staff and structure greatly improve inter-office collaboration, connects us with our partners in the community and law enforcement, and better addresses the specific needs of Queens neighborhoods.

New bureaus, positions, and units:

- New Bureaus: Felony Conferencing, Frauds, Hate Crimes, Housing and Worker Protection, Human Trafficking, Major Economic Crimes, Violent Criminal Enterprises
- Professional Experts: Forensic Science Specialist, Immigration Specialist
- Units: Cold Case Unit, Conviction Integrity Unit

DA Katz is assembling one of the most talented and professional district attorney's office in the country, and one that is representative of the wonderful diversity of Queens County: in the new class of Assistant District Attorneys of 2020, more than half are women and people of color. And this past summer, law and college students participated in the first paid internship with a 6-week hybrid schedule.

She has instituted enhanced training and raised the level of professionalism throughout the Office. Training and review now includes:

- Tiered training of all Assistant District Attorneys at various levels
- Mandated Continuing Legal Education courses for all professional staff
- An improved protocol for identifying and addressing mistakes that may impair the Office's ethical standards
- Mandatory attendance at community events

When the pandemic hit, the District Attorney quickly transitioned the Office staff to work remotely, while maintaining essential on-site personnel to continue core office functions. This year, it was necessary to rethink all of our Office and court operations to ensure access to the criminal justice system while keeping people safe.

- The Office reviewed hundreds of defendants' applications for release from jail and actively pursued dispositions on appropriate cases to effect early release of some of the most vulnerable defendants held at Rikers Island.
- DA Katz created a 24/7 Domestic Violence Helpline to assist those in need to connect to safety planning measures.
- The Queens Child Advocacy Center remained open with both on-site and remote capacities to provide a comprehensive response to child abuse victims.
- Our crime victim advocates continued to serve thousands of victims and their families.
- Tens of thousands of arrests were processed, and individuals were timely arraigned.
- Discovery materials continued to be turned over to defense on pending cases.
- Thousands of video conferences, virtual hearings, and other appearances were conducted as well as in person court appearances on essential matters. Matters were conferenced and resolved fairly and expeditiously.
- When the Court impaneled Grand Juries in mid-August, Assistant District Attorneys once again presented felony matters for indictment.

In 2020, our Office processed more violent crime related arrests than the previous year, particularly for cases involving loaded firearms and shooting incidents. Assistant District Attorneys assigned to the Major Crimes and Homicide riding programs are available 24 hours a day to assist the police with investigative needs and have responded to thousands of notifications for assistance and inquiries throughout the year. These requests include:

- 200 homicide crime scene visits
- 100 responses related to sexual assault, elder assault, and child abuse
- 719 subpoenas prepared
- 680 search warrants & cell site warrants prepared (182 were for homicide related cases)

Despite best efforts, the pandemic has created an unavoidable backlog:

- Cases pending disposition in the court system are up over 57% from 2019.
- In February, 3,000 cases were resolved; in April, only 200 cases were resolved.
- There are now much larger caseloads and pending felony dockets have doubled.
- Over 118 homicide indictments are still pending.
- The caseload in Criminal Court exceeds 8,500 pending non-felonies.



The District Attorney started on day one to end unfair practices and institute new policies and initiatives to create a non-discriminatory system that is fair to all involved in the criminal justice process.

District Attorney Katz began forming a new Rehabilitation Program and Restorative Services Bureau, a fulfillment of her promise to keep our county safe while ensuring that justice is administered with compassion and equity. This bureau, slated to launch in January 2021, will work to substantially bolster alternatives and diversion from prison.

- The Diversion and Alternative Sentencing Unit offers opportunities for appropriate interventions and rehabilitative services, both before and after arraignment.
- With the Second Chance Community Justice Program, community members and leaders hear low-level offender cases and offer the opportunity to repair and restore relationships with their community.
- Problem-solving treatment courts offer support and opportunities for successful interventions, including assisting individuals with mental health or substance abuse issues, and by connecting returning veterans to meaningful services.
- The Office also began working to identify, through a Request for Proposals, qualified applicants to implement a program within targeted communities in Queens County that will promote youth development and violence prevention by connecting youth with a variety of services.

In 2020, DA Katz led the Office in compliance with the newly enacted bail statutes effective on January 1 and the amendments that followed in July. Under her leadership, the Office makes certain that all defendants are treated fairly and equitably, while protecting our communities:

- The DA is leading the Office in transition towards ending cash bail in Queens as a person's financial situation should not determine whether they are held in jail.
- The Office is actively exploring pretrial supervision and monitoring options so that more defendants may be released pretrial.
- Committed to ending economic injustices of the cash bail system, the Office now more often requests remand for violent felons rather than requesting an inordinate amount of bail that the defendants cannot afford. In addition, the Office requests more low-level offenders be released with non-monetary conditions rather than held in on nominal amounts of bail they simply cannot make.

As part of DA Katz's mission to address racial disparities and systematic injustice, all low-level arrests are closely evaluated. As a result, the Office declined to prosecute:

- 26% of all violation arrests
- Any new cases of loitering for the purpose of prostitution
- Low-level marijuana offenses and transit fare evasion
- All arrests based solely on violations of curfew, failure to socially distance, or wear a mask during peaceful protests as they disproportionately affected communities of color
- In addition, adolescent offenders 16 and 17 years old charged with committing a felony were removed to Family Court at a 12% rate increase from 2019.

Additional new policies focused on improving fundamental fairness to all include:

- More equitable parole recommendations – to consider not only the facts underlying the crime but the defendants' efforts at rehabilitation
- Permitting defendants to obtain a fair plea offer without waiving any of their rights and no matter when in the process the negotiations occur

In 2020, the number of individuals in jail on a Queens County case has been greatly reduced. The reduction is due to several factors, including:

- Fewer overall arrests
- Mercy releases of inmates during the height of the pandemic
- Fewer bail eligible offenders

In addition, the DA's policies have contributed positively to the reduction of incarceration relating to Queens cases:

- Diversion, alternative sentencing, probation, and conditional discharge sentences are now utilized more frequently.
- Without jeopardizing public safety and consistent with public health concerns, the Office expedited the release of vulnerable defendants through appropriate plea offers, sentence modifications, and bail reductions.

Committed to creating a more transparent Office, the District Attorney has devised policies and positions that serve to restore confidence in the criminal justice system.

The Appeals and Special Litigation Division is comprised of:

- The Appeals Bureau, which is responsible for all post-conviction litigation. In addition, this bureau:
  - Serves as a legal department and research center for all Assistant District Attorneys
  - Responds to motions to seal convictions of ten-year old, non-violent convictions
- The Law Enforcement Officer Witness Unit, which helps to fulfill the District Attorney's obligation to disclose evidence of alleged misconduct by members of law enforcement agencies who will become prosecution witnesses.
- The Immigration Specialist, a position established by District Attorney Katz, and which serves as an office-wide resource to help navigate through plea options and fashion dispositions that will prevent unwanted immigration consequences should the equities call for it. In its first year, the Immigration Specialist has assisted with:
  - More than 30 dispositions
  - 21 cases where defendants had their convictions reduced or vacated entirely
  - 6 cases where the District Attorney recommended a pardon to the Governor so that defendants could avoid deportation consequences
- The FOIL and Civil Litigation Unit, which handles requests under the Freedom of Information Law and in 2020:
  - Responded to 300 FOIL requests
  - Provided the public with access to thousands of pages of documents
  - Under DA Katz's leadership, has broadened the categories of information it now discloses

One of District Attorney Katz's first accomplishments was the creation of the Conviction Integrity Unit, which began on day one and which is designed to ensure that no one has been wrongfully convicted. This new unit is vital not only to restoring justice for the innocent, but for establishing trust between the criminal justice system and the communities our Office serves. In its inaugural year:

- 100 cases have been received
- 20 active re-investigations have started
- In 4 cases, relief was granted
- 7 additional cases have been reviewed and closed



As a newly appointed District Attorney, DA Katz joined a network of progressive prosecutors on the front lines of changing our criminal justice system. Fair and Just Prosecution (FJP) is a national organization that brings together newly elected local prosecutors committed to promoting a justice system grounded in fairness, equity, and compassion. District Attorney Katz supported:

- Creation of the nation's first lifesaving overdose prevention site
- The exercise of independent prosecutorial discretion
- A U.S. District Court's decision granting the NAACP's motion and finding that the President's Commission on Law Enforcement and the Administration of Justice was in violation of the Federal Advisory Committee Act
- A pledge to refuse to enforce laws that criminalize abortion, even if *Roe v. Wade* is overturned
- Free and fair elections and condemnation of efforts to interfere with the Postal Service and undermine the voting process
- Calling upon the President to denounce the attacks on the U.S. Capitol and those who participated in them

2020 brought historic criminal justice reform regarding prosecutors' disclosure of information to the defense prior to trial. DA Katz supports these discovery changes as open and early disclosure of the prosecution's case to the defendant is an essential part of a fair process. The production of documents and new disclosure timing rules have put an unprecedented burden on the resources of the office.

Despite the impact of the pandemic:

- Our Office has disclosed 917,693 documents.
  - 41,934 videos averaging over 20 minutes each or 13,978 hours of video
  - 58% of this discovery was for cases involving released defendants.
  - 19.1% was completed on misdemeanor cases.

With early and open discovery comes increased risks to witnesses, whose personal information must be disclosed under the new statute. Because pretrial harassment, intimidation, and even murder of witnesses are undeniable concerns, the DA has sought protective orders from the court to protect the personal identifying information of certain witnesses prior to trial and to ensure that victims are not re-victimized by their attackers.

A Forensic Science Specialist position was added to serve as liaison to the forensic laboratories and to facilitate the proper presentation of forensic science evidence. The Forensic Science Specialist serves as an office-wide resource and works closely with the Conviction Integrity Unit and the Cold Case Unit.

The Public Corruption Bureau holds all public servants and licensed attorneys accountable for violations of public trust and fiduciary duty. The bureau investigates:

- The use of excessive force by police
- Allegations of wrongdoing by licensed attorneys and public officials
- The unauthorized practice of law
- Criminal impersonation of public officers

DA Katz thoughtfully redesigned and reorganized the Office's structure to greatly improve inter-office collaboration and to better serve the needs of Queens' neighborhoods. In addition to already existing bureaus, the District Attorney has created several new bureaus to address specific concerns facing the borough:

- Violent Criminal Enterprises Bureau, which works to suppress violent crime by identifying and prosecuting drivers of violence including members of street gangs, narcotics distribution operations, and firearms dealers.
- Major Economic Crimes Bureau, created to investigate and prosecute a broad array of financial crimes including white-collar crime; theft is theft, whether the thief wears a mask or a three-piece suit. This bureau includes two specialized units: the Airport Investigations Unit and the Auto Crime Unit.
- Frauds Bureau, which is comprised of specialized units including Elder Fraud, Computer Crimes, and Crimes Against Revenue; their focus is on catching criminals who prey on the vulnerable, steal tax revenue or use financial schemes to victimize the innocent.
- Housing and Worker Protection Bureau focuses on investigating and prosecuting crimes related to homeownership, predatory lending, wage theft and workplace safety.
- Human Trafficking Bureau is dedicated to combatting sex and labor trafficking by aggressively prosecuting traffickers and buyers of sex and connects survivors with meaningful services.
- Hate Crimes Bureau takes a multifaceted approach to stopping hate crimes by working collaboratively with others to combat bias and to develop meaningful programs to bring about positive change.
- Felony Conferencing Bureau, a newly created bureau within the Supreme Court Trial Division that coordinates and facilitates dispositions on felony complaints and works closely with the Grand Jury Bureau.

Since taking office, DA Katz initiated new policies to address vehicular crimes and keep dangerous, drugged, and drunk drivers off the road. Driving a car provides many conveniences, but with it comes great responsibility. Anytime an individual drinks alcohol and/or smokes marijuana and gets behind the wheel, everyone on the road is in danger.

- Dispositions on DWI cases are now more closely aligned with statutory guidelines.
- Many DWI cases are no longer eligible for reduced pleas as they have been in the past.
- The blood alcohol levels acceptable for plea offers has been lowered.
- The Office seeks stronger sanctions in aggravated circumstances.

The newly enhanced and fortified Community Partnerships Division works closely with our communities and alongside the Office's other divisions to keep Queens County safe. The staff emphasizes DA Katz's vision of community prosecution through peer mentoring and collaboration with Cure Violence organizations. The division is made up of three bureaus:

- Community Engagement Bureau actively engages with the community, attends civic meetings, Community Board meetings, Precinct Community Council meetings, and religious services to get to know the residents and better understand how crime is affecting every community.
- Youth Empowerment Bureau uses programs, internships, and events to reach the youth of Queens, creating an opportunity to teach young people to think critically and communicate respectfully.
- Civic Awareness Bureau coordinates the Community Advisory Councils and manages all the District Attorney's sponsored events including gun buy-backs, warrant forgiveness programs, town halls, rallies, and cultural celebrations. Additionally, it is home to the Office of Immigrant Affairs which works with every bureau and unit to protect the rights of all immigrants who are victims of crimes.

The Cold Case Unit is the first unit ever in Queens County dedicated entirely to investigating and solving the borough's oldest and most challenging unsolved homicide cases. The unit uses groundbreaking forensic testing and cutting-edge investigative techniques to examine unsolved crimes to bring long-awaited justice to victims and their families.

To reach the Queens District Attorney's Office, contact information and specialized telephone numbers can be found in the back of the book.







# SECTION I

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## BRIDGE TO TRUST: RESTRUCTURING AND REBUILDING



# EXECUTIVE LEADERSHIP TEAM

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## JENNIFER NAIBURG

CHIEF ASSISTANT DISTRICT ATTORNEY

A 27-year-veteran of the Queens District Attorney's Office, Ms. Naiburg has held many positions within the office, including the Director of Special Projects, Deputy Director of Trial Advocacy, Major Case Advisor, and most recently the first Bureau Chief of the Kew Gardens III felony trial bureau.



## CAMILLE CHIN-KEE-FATT

CHIEF OF STAFF/ADMINISTRATION

Most recently the Director of Administrative Services of the New York City Council, Ms. Chin-Kee-Fatt oversaw a city budget of \$80 million and all aspects of Administrative Services, including Human Resource, Diversity, Fiscal, Procurement/Contracts, IT, Facilities/Mail, Sergeant-At-Arms, Fleet and OTPS for a staff of over 900 employees.



## JOHN CASTELLANO

COUNSEL TO THE DISTRICT ATTORNEY

With 37 years of experience in the Queens District Attorney's Office, Mr. Castellano has handled cases at all levels of the state and federal court system. Most recently, he was the Deputy Executive Assistant District Attorney and Chief Appellate Counsel for the Legal Affairs Division.



## VINCENT CARROLL

COUNSEL TO THE CHIEF ASSISTANT DISTRICT ATTORNEY

In 1976, Mr. Carroll joined the Queens DA's Office and worked in numerous bureaus until 1982, when he became Deputy Chief of the Appellate Division Grievance Committee for the Second and Eleventh Judicial Districts. In 1991, Mr. Carroll returned to the Queens DA's Office and became Counsel to the Chief Assistant in 2002.





## ANGELA ALBERTUS

EXECUTIVE ASSISTANT DISTRICT ATTORNEY OF THE CRIMINAL PRACTICE AND POLICY DIVISION

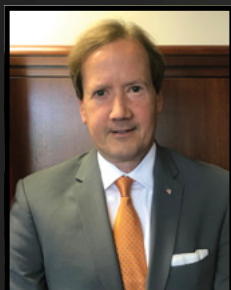
Ms. Albertus has spent the last 14 years with the New York City Law Department, most recently as Chief of the Law Department's Family Court Division, where she oversaw the implementation of the historic Raise the Age Law and led initiatives on diversion programs and community outreach.



## COLLEEN BABB

EXECUTIVE ASSISTANT DISTRICT ATTORNEY OF THE COMMUNITY PARTNERSHIPS DIVISION

Ms. Babb has more than 26 years of experience in criminal justice, particularly related to adolescents and most recently as Queens Borough Chief of the New York City Law Department-Office of Corporation Counsel. She began her career in 1994 as an Assistant District Attorney with the King's County District Attorney's Office.



## GERARD BRAVE

EXECUTIVE ASSISTANT DISTRICT ATTORNEY OF THE INVESTIGATIONS DIVISION

A 37-year veteran of the Queens District Attorney's Office, Mr. Brave most recently served as Chief of the Organized Crime and Rackets Bureau overseeing numerous investigations and prosecutions related to criminal enterprises, vehicle theft and dismantling rings, labor and narcotics racketeering, illegal gambling and more.



## DANIEL SAUNDERS

EXECUTIVE ASSISTANT DISTRICT ATTORNEY OF THE MAJOR CRIMES DIVISION

With more than 39 years of experience, Mr. Saunders joined the Kings County DA's Office in 1981 and worked in many bureaus until he joined the Homicide Bureau and eventually became the Deputy Bureau Chief. In 1992, Mr. Saunders joined the Queens District Attorney's Office, where he handled several high-profile homicide cases. He has overseen the Major Crimes Division for the last 3 years.



## JOHNNETTE TRAILL

EXECUTIVE ASSISTANT DISTRICT ATTORNEY OF THE APPEALS AND SPECIAL LITIGATION DIVISION

A 28-year veteran prosecutor with the Queens District Attorney's Office, Ms. Trill has briefed, argued, edited and supervised more than 1,000 criminal appeals and federal habeas corpus as both appellant and respondent in the New York Court of Appeals, the United States Court of Appeals for the Second Circuit, the United States District Court for the Eastern District of New York and the Appellate Division, Second Department.



## PISHOY YACOUB

EXECUTIVE ASSISTANT DISTRICT ATTORNEY OF THE SUPREME COURT TRIAL DIVISION

A prosecutor for more than 15 years, Mr. Yacoub joined the Bronx District Attorney's Office in 2005 and has tried numerous cases ranging from murder to high-profile corruption cases in various bureaus, including Criminal Court, General Crimes Felony, Gang/Major Case and Public Integrity. He also successfully tried a case in Federal Court in the Southern District of New York.

# NEW BUREAUS, ON STAFF PROFESSIONALS, UNITS

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## NEW BUREAUS

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### FELONY CONFERENCING BUREAU

Felony Conferencing Bureau, a newly created bureau within the Supreme Court Trial Division that coordinates and facilitates dispositions on felony complaints and works closely with the Grand Jury Bureau.

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The Frauds Bureau's goal is to catch criminals who prey on the vulnerable, line their pockets with tax revenue collected on behalf of the City and State, and anyone else who uses financial schemes and scams to victimize the innocent. Specialized units focus on Elder Fraud, Computer Crimes, and Crimes Against Revenue.

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This bureau is one of the first in the nation dedicated exclusively to preventing, investigating, and prosecuting hate crimes. It engages in extensive community outreach to foster positive ties between impacted communities and law enforcement. The goal is to also combat racism, anti-Semitism, homophobia, and other hate-inspired bias crimes through education. The bureau crafts innovative sentencing programs to address and reform so the offenders do not offend again.

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This bureau focuses on investigating and prosecuting crimes related to homeownership, predatory lending, wage theft and workplace safety. The bureau works collaboratively with other agencies to help identify and hold those who victimize members of our community accountable.

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The Human Trafficking Bureau is exclusively dedicated to combating human trafficking in Queens County. The bureau combats sex and labor trafficking by aggressively prosecuting traffickers and buyers of sex, and connects survivors of trafficking with meaningful services to empower them to escape their traffickers. The bureau provides community outreach, education and information aimed toward preventing and identifying trafficking in our communities.

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This newly established bureau combines the former Organized Crime and Rackets Bureau with components of the former Economic Crimes Bureau. This new crime fighting team investigates and prosecutes a broad array of large-scale financial crimes that often fuel dangerous criminal enterprises in our communities.

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This bureau merges the Office's former Narcotics Investigations and Gang Violence Bureaus. The bureau works diligently to suppress violent crime in Queens County by identifying and prosecuting drivers of violence engaged in organized criminal behavior, including members of violent street gangs, narcotics distribution operations and firearms dealers.

## ON STAFF PROFESSIONALS

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Our Forensic Science staff provides assistance to attorneys regarding forensic matters - particularly DNA evidence - at trial and also in wrongful conviction and cold case investigations.

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An Immigration Specialist is particularly vital in Queens County — the most diverse county in the country, if not the world. Our Immigration Specialist works with the entire office to assist defendants and witnesses and anyone with immigration concerns on the collateral consequences of plea offers made to immigrant defendants. This specialist assists with U-Visa applications, reviews post-conviction motions and engages in community outreach.

## NEW UNITS

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The Cold Case Unit is the first unit in Queens dedicated entirely to investigating and solving the borough's oldest and most challenging unsolved homicide cases. The families of these victims suffered a tragic loss which has been compounded by the additional burdens of years of unanswered questions and unattainable justice. Its mission is to enhance and ultimately solve more cold homicide cases and to bring long-awaited justice to victims and their families. The Unit has already begun working to use ground-breaking forensic testing and investigative techniques to examine some of Queens County's most violent and tragic unsolved crimes.

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The Conviction Integrity Unit, established on day one, is designed to ensure that no one has been wrongfully convicted in Queens County. This new Unit is vital not only to restoring justice for the innocent, but for establishing trust between the criminal justice system and the communities we serve. To date, this new unit has received 100 requested cases to review and has opened 20 active re-investigations of these cases, which includes a ground-up re-evaluation of the case, interviewing new witnesses, and the use of DNA and other forensic testing where available.

# PROSECUTING IN A PANDEMIC

The new discovery and bail laws went into effect on January 1 and Queens prosecutors, like those in every DA's Office across the state, had to adapt to unprecedented demands. By mid-March, those demands grew exponentially as the pandemic took hold of the city. DA Katz quickly transitioned the Office staff to work remotely, while maintaining essential on-site personnel to continue core office functions. The District Attorney and her senior staff coordinated with the Mayor's Office, the Office of Court Administration and public defender organizations to implement new ways to keep the criminal justice system moving as best as possible. At the same time, the Office reviewed hundreds of defendants' applications for release from jail and actively pursued dispositions on appropriate cases to effect early release of some of the most vulnerable defendants held at Rikers Island.

The stress of the pandemic was particularly difficult for some members of our community. According to data collected by the NYS Division of Criminal Justice Services, calls regarding domestic violence increased by 33% across the state. Recognizing no one should feel unsafe in their own home during the pandemic, DA Katz created a **24/7 Domestic Violence Helpline** to assist those in need to connect with safety planning measures and other resources. Throughout the pandemic, the Office staff worked closely with the Family Justice Center to assist survivors with safety planning and emergency shelter, and these resources are now also available virtually.

The **Queens Child Advocacy Center** remained open throughout the pandemic and Assistant District Attorneys continued to coordinate with the police, child protective workers, medical staff and counselors on these investigations and prosecutions. Both on-site and remote capacities were coordinated to provide a comprehensive response to child victims.

Despite extraordinary challenges posed by the pandemic, DA Katz and her **staff continued to perform their essential duties and remained steadfast in their commitment to keep Queens safe**. The Office participated in thousands of video conferences and in person court appearances on essential matters, and conducted virtual hearings and other appearances. By mid-August, the Court impaneled new Grand Juries and Assistant District Attorneys were able to once again present felony matters to the grand jury for indictment.

| 2020 ACTIVITY   |         |
|---|---------|
| ARRESTS PROCESSED                                       | 28,925  |
| ARRAIGNMENTS CONDUCTED                                  | 21,718  |
| GRAND JURY INDICTMENTS                                  | 858     |
| HOMICIDE RELATED INDICTMENTS                            | 39      |
| SUPERIOR COURT INFORMATION                              | 375     |
| DISCOVERY FILES SHARED                                  | 917,693 |
| INDIVIDUALS OFFERED SERVICES FROM CRIME VICTIM ADVOCACY | 4,073   |
| COURT APPEARANCES AND CALENDAR ADJOURNMENTS             |         |
| CRIMINAL COURT  | 75,448  |
| SUPREME COURT   | 24,092  |
| TRIALS CONDUCTED  | 17      |
| DISPOSITIONS  | 18,109  |
| FELONY DOCKETS RESOLVED                                 | 2,444   |
| RESOLVED AFTER MARCH 17                                 | 1095    |
| FELONY MATTERS MOVED TO SENTENCE                        | 1,793   |
| SENTENCED AFTER MARCH 17                                | 920     |



## STREET CRIME RESPONSE

District Attorney Katz brought a steady hand to help stem the tide of violence plaguing our streets. Under her leadership, the Office worked tirelessly with our communities and law enforcement partners to bring justice to those who put our lives at risk.

Guided by DA Katz's vision, her staff works every day to earn the trust of our communities in addressing crime and keeping our neighborhoods safe. Assistant District Attorneys are assigned **24/7 to an immediate response riding program and respond to scenes of serious crimes** in our neighborhoods, including homicides, shootings, robberies, burglaries, domestic violence, sex crimes, child abuse and felonious assaults. Assistant District Attorneys assigned to the **Major Crimes and Homicide** riding programs are available 24 hours a day to assist the police with investigative needs such as search warrants, line-ups and subpoenas, and have responded to **thousands of notifications for assistance** and inquires throughout the year.

### 2020 MAJOR CRIMES AND HOMICIDE RIDING STATS

200

HOMICIDE CRIME  
SCENE VISITS

100

RESPONSES RELATED TO  
SEXUAL ASSAULT, ELDER ASSAULT  
AND CHILD ABUSE

719

SUBPOENAS  
PREPARED

680

SEARCH WARRANTS AND  
CELL SITE WARRANTS  
PREPARED (OFFICE WIDE)

OF WHICH

182

WERE FOR  
HOMICIDE RELATED  
CASES

Our Office processed more violent crime related arrests this year than the previous year, particularly for cases involving loaded firearms and shooting incidents:

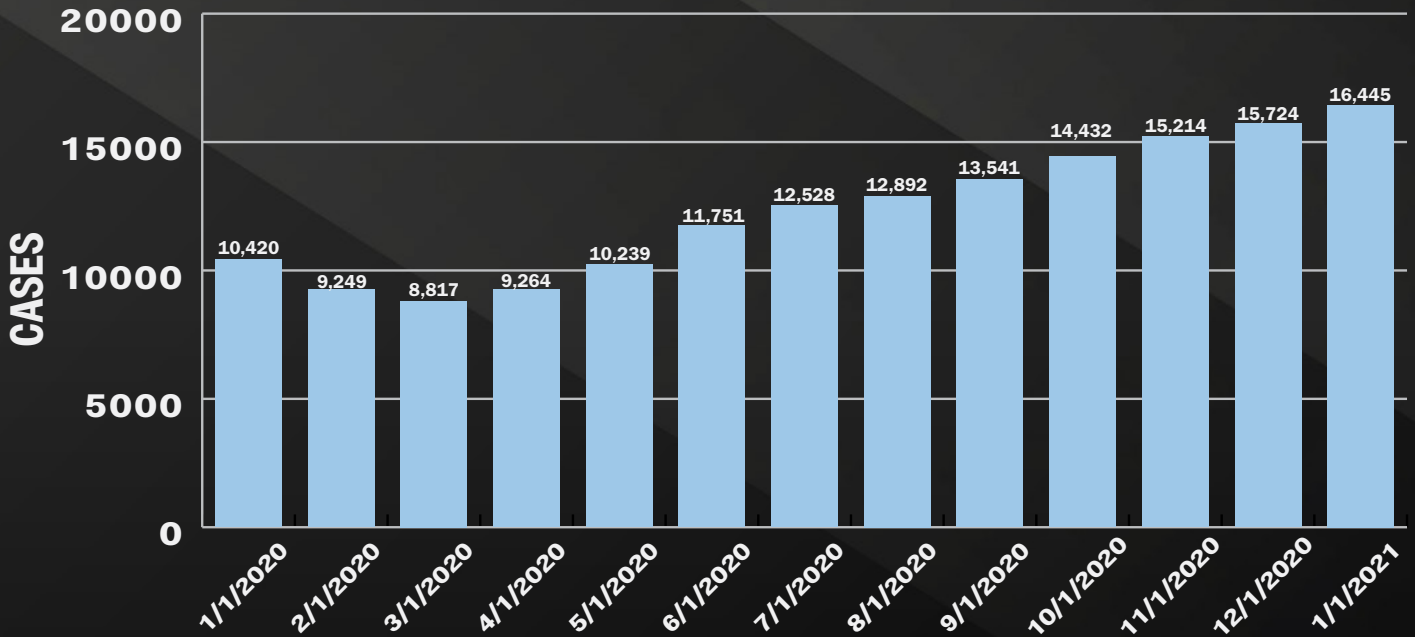
| CASE TYPE   | 2019 CASES<br>ARRAIGNED | 2020 CASES<br>ARRAIGNED |
|---|-------------------------|-------------------------|
| CRIMINAL POSSESSION<br>OF A WEAPON<br>(2ND AND 3RD DEGREES) | 398                     | 555                     |
| SHOOTINGS   | 43                      | 51                      |

## BACKLOG

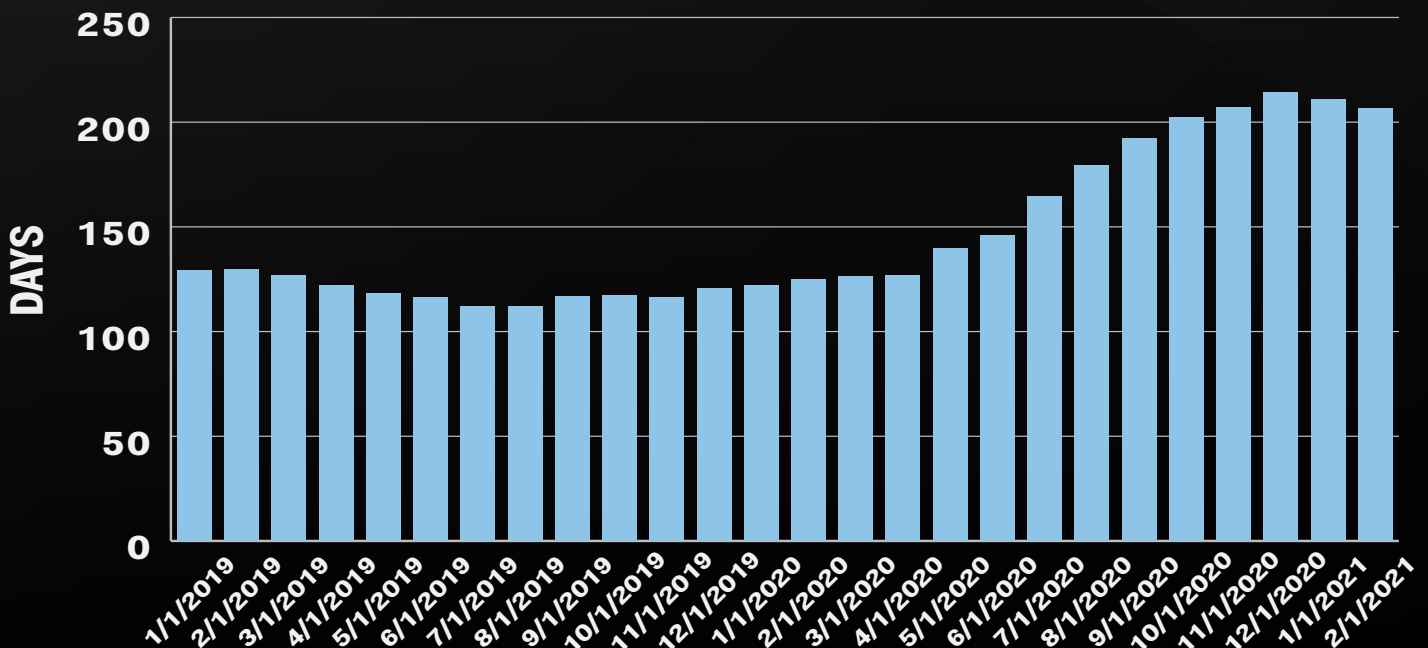
The pandemic has caused a **great backlog** in all aspects of our work. At the close of 2020, a total of **16,445 cases are pending disposition** in the court system – **up over 57%** from the end of 2019. Despite the overall decrease in arrests, the pandemic has slowed the ability to move cases along in the process. In February, we resolved over 3,000 cases; in April, only 200 cases were resolved.

The increase in the average time frame from arraignment to disposition has resulted in much larger caseloads. **Pending felony dockets have doubled**, from approximately 1,775 before the pandemic hit, to approximately 3,500 at the close of 2020. Over 118 homicide indictments are still pending. The caseload in Criminal Court, as of December 31, 2020, exceeds 8,500 pending non-felonies.

### PENDING DISPOSITIONS



### AVERAGE CASE AGE - 2019-2020



# QDA EXPERTS LEADING THE NATION

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The expertise of our staff is frequently sought on a variety of topics at the local, state, national, and international levels. ADAs also teach as adjunct professors at universities and law schools.

In 2020, some of the events at which we have participated include:

**International Society for Forensic Genetics:**

Forensic Biologist Testimony & Ethics . . . . . ADA Valerio

**National Association of Extradition Officials Conference:**

Extraditions in a Sanctuary City . . . . . ADA DeLuca-Farrugia

**National Cybercrime Conference:**

Overcoming Defenses in Child Exploitation Cases. . . . . ADA Gasper

**American Bar Association:**

Racism and Prejudice in the Criminal Justice System. . . . . ADA Yi

**University of Texas Law School:**

Forensic Laboratory Accreditation . . . . . ADA Benjet

**Global Security Symposium:**

Airline Security and Crime Prevention . . . . . ADA Kane

**Metro LALSA Conference:**

Changes in Criminal Law . . . . . ADA Mendoza

**Pace Law School:**

NYS Criminal Justice Reform . . . . . EADA Castellano

**New York Prosecutors Training Institute:**

Openings and Closings . . . . . EADA Castellano

**Harvard Law School:**

State Animal Cruelty Codes . . . . . ADA Caferri

**New York Prosecutors Training Institute:**

2020's New Laws 30 Days In. . . . . ADA Yacoub

**Stony Brook University:**

Alternative Sentencing . . . . . Director Knight

**New York Prosecutors Training Institute:**

The Insanity Defense at Trial . . . . . EADA Saunders

**Rockland County Police Academy:**

Basic Criminal Investigation Courses. . . . . Chief Murphy; Sgt. Falgiano, Sgt. Kehoe,  
ADA Burke, Sgt. Georg, Det. Monaco, ADA Brovner

# TRAINING

DA Katz has enhanced the Office's Legal Training Department to ensure tiered training of all Assistant District Attorneys as well as the continuing legal education of the Office's professional staff. Training programs include the Incoming Orientation Training Program for new hires, a Felony Assistant/Grand Jury Training Program, meant to develop prosecutors as they progress in their career and begin handling felonies, as well as trial advocacy training for both Criminal Court and Supreme Court assistants. In addition to the career programs, the Legal Training Department administers both monthly and weekly continuing legal education both Office-wide and to individual divisions and bureaus, including training on the complexities of providing prosecution services in the most ethnically and racially diverse county in the United States. Assistant District Attorneys are also required to attend at least three community events per year in order to raise their community awareness.

## DEMANDING EXCELLENCE THROUGH RETRAINING

One of DA Katz's highest priorities is ensuring that the QDA staff abide by the appropriately high ethical standards that are imposed upon prosecutors. She has instituted an enhanced protocol for identifying and addressing mistakes that have even the slightest potential to impair the Office's ethical standards and professional reputation. When a lawyer for a defendant submits a credible complaint on appeal or a trial or appellate judge critically comments upon the ethical behavior of a prosecutor, senior staff in the Appeals and Special Litigation Division promptly address the issue. The record is thoroughly reviewed, and errors or potential errors are identified and discussed with the offending prosecutor. Remedial action is imposed when necessary and importantly, the District Attorney and the Chief Assistant DA are briefed on the offending behavior and the remedial measures taken.



# ASSISTANT DISTRICT ATTORNEY CLASS OF 2020

In her inaugural year, DA Katz appointed 35 new Assistant District Attorneys who are a diverse group of talented, dedicated professionals to support the Office's mission to keep those who live and work in Queens safe while helping to ensure the criminal justice system is fairer for all. Of the 35 new Assistant District Attorneys, more than half are women and people of color – representing the diversity of Queens. They participated in an intensive training program before beginning their first assignments in Criminal Court, Intake, Domestic Violence, or the Appeals Bureau. Thereafter, they will be eligible for assignments in the Investigations or Trial Division.



## BRAVE JUSTICE INAUGURAL SUMMER INTERNSHIP PROGRAM

54 law students and 12 college students participated in the first paid internship with a 6-week hybrid schedule. While many internship programs were canceled due to the pandemic, District Attorney Katz kept her commitment to the program and offered an engaging and paid experience to both inform and inspire. The inaugural class was the most diverse group of students in the history of the Queens District Attorney's Office and was carefully selected to reflect the "World's Borough." The students represented 15 different law schools and 11 colleges. Many of them were bilingual, speaking Spanish, Mandarin, Urdu, Farsi, German, Haitian Creole, French, Serbian, Bosnian/Serbo-Croatian and Russian and many were from our local Queens neighborhoods.

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### IN BRIEF

#### Ex-In-House Attorney Files Gender, Age Discrimination Suit Against Con Edison

Attorneys from Seyfarth Shaw are representing Consolidated Edison Co. of New York in a suit in which a former in-house attorney claims she was fired because of her age and gender.

Sharon Goldzweig, 65, who served as associate general counsel at the company from 1999 to 2019, filed suit against the energy company in the U.S. District Court for the Southern District of New York on June 5. Ephraim Jason Pierre and Loric Almon, of Seyfarth Shaw in New York, filed their appearance on behalf of ConEd on June 16, according to the docket.

Goldzweig claims that in November 2018 Chris D'Angelo was appointed as her manager. D'Angelo allegedly began to harshly criticize Goldzweig and accused her of "withhold-

investigated the company over allegations of sexual harassment against women and that the company paid \$3.8 million in 2015 to settle the case.

The complaint further indicates that ConEd has a mandatory retirement age of 65 for executives. The complaint alleges that even though Goldzweig's position was not subject to this rule, it sets the company's attitudes toward older employees.

"This policy reflected a presumption that older workers should be replaced by younger employees regardless of their performance," the complaint states.

Goldzweig is seeking damages for gender discrimination, age discrimination and retaliation. She is seeking compensatory and punitive damages and is also seeking a court order directing ConEd to end its discriminatory practices.

### 'Hybrid' Virtual, In-Person Internships Start in Queens

BY JANE WESTER

QUEENS District Attorney Melinda Katz has been planning her office's internship program ever since she decided to run for DA, and the coronavirus pandemic was not going to stop the program's first summer, she said Wednesday.

A group of 54 law students and 12 college students started the six-week program Monday, joining a video call with Katz and Chief Assistant District Attorney Jennifer Naiburg to discuss what Katz described as a historic moment.

"We've never seen these days before, and hopefully we will never see them again," she said in an interview. "We are in the middle of a pandemic. It is historic. We are going to teach these interns and law students, and they are going to see how the courts can navigate



Queens DA Melinda Katz

through this pandemic, how we are able to be fluid when it comes to delivering justice for the people of Queens County."

Naiburg talked to the new interns for nearly an hour about ethics, Katz said, emphasizing

### 'Humanitarian' Exception: Board Allows Attorney Donations to Poor Clients

BY TOM MCPARLAND

AN ADMINISTRATIVE panel of New York's top judges on Thursday approved an amendment to state ethics rules allowing attorneys to provide financial aid to poor clients in need of assistance.

The Administrative Board of the Courts adopted a so-called humanitarian exception to Rule 1.8(e) of the New York Rules of Professional Conduct, which permits lawyers, firms and legal service organizations to create a fund to help cover the cost of such basic living expenses as groceries, clothes and medical supplies.

Previously, attorneys had been barred from providing financial support beyond advancing courts costs and covering litigation

and attorneys will still be barred from offering loans or other forms of assistance that may make a client " beholden " to a legal services provider.

"The amended rule relaxes the ban on providing financial assistance to clients, allowing lawyers to provide humanitarian assistance to their clients in dire need while keeping appropriate ethical safeguards in place," the New York courts said in a press release.

The change was approved by Chief Judge Janet DiFiore and the four presiding justices of the appellate divisions of the state Supreme Court.

The New York City Bar Association wrote the Administrative Board in April, urging it to revisit Rule 1.8(e) in light of the pandemic, which had forced mass closures of



# PROFESSIONALISM RECOGNIZED

## QUEENS COUNTY WOMEN'S BAR ASSOCIATION

The first all-women leadership of the Queens District Attorney's Office was recognized by the Queens County Women's Bar Association – District Attorney Katz, Chief Assistant District Attorney Jennifer Naiburg and Chief of Staff Camille Chin-Kee-Fatt - for sharing a vision of a more equitable justice system and helping to lead the office.



## THE RICHARD A. BROWN PROSECUTOR OF THE YEAR AWARD

This newly established award is given each year to a prosecutor who demonstrates distinguished professionalism, unwavering integrity, legal ingenuity and acumen, and a steadfast dedication to the pursuit of justice, as exemplified by Judge Brown. This year's inaugural award was presented to Assistant District Attorney Timothy Regan.



## QUEENS ROYAL PRIEST HOOD COMMUNITY SERVICE AWARD

Queens Royal Priest Hood, a violence interrupter organization, presented their prestigious Community Service award to Dan Brown, a special assistant for community engagement in the Community Partnerships Division. Dan was acknowledged for his hard work and dedication in the healing and transformation of Far Rockaway.



### VETERAN'S DAY AWARD

During a moving Veteran's Day Observance Ceremony, DA Katz and Acting Queens Borough President Lee honored the nation's troops past and present, with tributes to four veterans within the Queens community – including one of our own – Detective Investigator John Keeley, along with special recognition to 20 other members of the DA's staff who have served or are currently members of the reserves.



### FIRST AFRICAN-AMERICAN COMMUNITY PARTNERSHIPS AWARD

During Black History Month, DA Katz and Acting Queens Borough President Lee hosted a celebration at the Helen Marshall Cultural Center in Queens Borough Hall and honored Assistant District Attorney Karlton Jarrett with the first African-American Community Partnerships Award.



### DEWEY MEDAL AWARD

The Thomas E. Dewey Medal is awarded each year by the Association of the Bar of the City of New York to an outstanding assistant district attorney in each of the City's five District Attorney's offices and in the Office of the City's Special Narcotics Prosecutor. Domestic Violence Bureau Chief Kelly Sessoms-Newton was the recipient this year for her outstanding work with victims of domestic violence.



### HISPANIC HERITAGE AWARD

As part of Hispanic Heritage Month, Assistant District Attorney Gabriel Mendoza was honored by DA Katz and Acting Queens Borough President Sharon Lee during a virtual event that honored notable people of Hispanic and Latin descent that have positively impacted all of us.



### FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION (FLEOA) FOUNDATION PATRIOT AWARD

District Attorney Katz was presented with the Patriot Award in recognition of the efforts made by this office to provide meaningful civilian employment for our veterans.







# SECTION II

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## **BRIDGE TO FAIRNESS: TURNING POLICY INTO PRACTICE**



# CRIME PREVENTION AND REDEMPTION

Effective strategies for protecting our communities must be multi-faceted and comprehensive. While punishing our most dangerous, violent offenders is always a priority, too many of our communities here in Queens continue to be plagued by the cycle of crime, drug use, delinquency and incarceration that cannot be broken unless we substantially bolster both alternatives to and paths of diversion from prison.

## DIVERSION AND ALTERNATIVE SENTENCING

District Attorney Katz has ensured this strategy is strengthened by the forthcoming **Rehabilitation Programs and Restorative Services Bureau**, scheduled to launch January 2021, which is a fulfillment of her promise to keep our county safe while ensuring that justice is administered with compassion and equity.

A vital part of the Bureau is the **Diversion and Alternative Sentencing Unit**, which is dedicated to ensuring that individuals who have been arrested are offered opportunities for appropriate interventions and/or rehabilitative services.

The Unit offers pre- and post-arraignment diversion opportunities to individuals arrested for low-level offenses, and works closely with collaborative problem-solving courts offering treatment and a supportive court experience rather than an adversarial one. The diversion opportunities provide one-time or short term interventions that typically result in cases being sealed upon successful completion.

The Unit works with all stakeholders, including the judiciary, the defense bar, and service providers to ensure, for example, that those experiencing **substance abuse addiction or mental health issues are connected to meaningful community-based services**.

Additionally, within the Unit, the **Second Chance Community Justice Program** is a diversion program where community members/leaders hear cases referred to them and offer low-level offenders the opportunity to repair and restore their relationships with their communities.

With an emphasis on accountability, offenders are given a chance to understand the impact their crimes have had on the victim and the community. This **“restorative justice”** approach has been shown to reduce recidivism, increase safety, and create stronger communities. Here in Queens, we continue to offer effective — and cost-effective — courts & programs to help non-violent offenders break the cycle of addiction that fuels criminal behavior.





## YOUTH-DEVELOPMENT AND VIOLENCE PREVENTION (QDA-YDVP)

The District Attorney is working to identify, through a [Request for Proposals](#), qualified applicants to implement the Office's Youth Development and Violence Prevention program (QDA-YDVP) within targeted communities in Queens County.

The QDA-YDVP will utilize sports programs and other recreational activities, including basketball and dance, to engage youth while also connecting them with a variety of ancillary wraparound services. The overall goal is to help young people avoid involvement with the criminal justice system while increasing engagement in positive academic, career development and life skills activities.

## TREATMENT COURTS

The Queens Treatment Court (QTC) and the Queens Misdemeanor Treatment Court (QMTTC) continue to be among the most effective in New York State in providing alternatives to incarceration to non-violent offenders in need of substance abuse treatment. The QTC, which has a [retention rate of 79 percent](#), requires offenders to complete a minimum of one-year of treatment before felony charges are dismissed and sealed. The QMTTC helps non-violent misdemeanor offenders who agree to enter treatment for a minimum of six months.

## DRUG TREATMENT ALTERNATIVE TO PRISON (DTAP)

With a [retention rate of nearly 72 percent](#), DTAP gives non-violent, second offenders who need substance abuse treatment the opportunity to have their felony charge replaced by a misdemeanor disposition. A minimum of one year of treatment is required as an alternative to incarceration.

## QUEENS YOUTH PART (QYP)

First-time felony offenders 18 years and older are eligible for diversion through QYP. Participants must undergo treatment or other services for a minimum of one year and return frequently for court monitoring of their progress. [QYP maintains a retention rate of 77 percent](#).

## VETERANS COURTS

Our Queens Veterans courts help offenders who have served in our Armed Forces receive the alcohol, substance abuse or mental health treatment services they need as alternatives to incarceration. Those who successfully complete the year-long program through Queens Veterans Court (QVC) have the charges against them dismissed or reduced. The Queens Misdemeanor Veterans Treatment Court (QMVTTC) incorporates many of the same principles as QVC. Under DA Katz's leadership, veterans are no longer required to plead guilty to participate in Veterans Treatment Court.

## QUEENS MENTAL HEALTH COURT (QMHC)

The Queens Mental Health Court provides an alternative to incarceration for eligible mentally ill felony offenders. Medication compliance and maintenance are the goals of the one-year treatment regimen.

## SHOPLIFTING PREVENTION

Experts say shoplifting is one of the most pervasive crimes committed by young people across the country and here in our city. It is a daily drain on criminal justice and retail resources. To help young offenders make better choices and keep them from further engagement with the criminal justice system, dispositions may require enrollment in the [Shoplifters Alternative Course developed by the National Association for Shoplifting Prevention](#).

# BAIL

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During her first year in office, District Attorney Katz led the Office in compliance with the newly enacted **bail statutes effective on January 1 and the amendments that followed in July**. In conjunction with these new bail laws, DA Katz is also leading the Office in transitioning toward ending cash bail here in Queens.

District Attorney Katz's vision is a criminal justice system **where a person's financial situation does not determine whether they are held in jail** on a pending case. To that end, she is working towards an unbiased system that does not penalize the poor or favor the wealthy. Under DA Katz's leadership, the Office makes certain that all defendants are treated fairly and in a non-discriminatory way, while protecting the communities we serve.

The District Attorney is **exploring pretrial supervision and monitoring options** so that we may increasingly allow more defendants to be released pretrial. Until all the tools and alternatives to incarceration are in place, every request for bail is painstakingly scrutinized.

Like the other 49 states in this country, DA Katz firmly believes that New York should allow judges to consider the **'dangerousness'** of a defendant as a factor in determining whether to hold them in jail pending trial. If someone is a threat to our community's safety because there is a **likelihood they will reoffend** if they are released, then **they should not be on the streets**; if they are not, they should not have to sit in jail awaiting trial regardless of their financial situation.

DA Katz's policies recognize that there are certain individuals who are **drivers of crime** in our neighborhoods who should remain in jail pending the serious charges they are facing. However, rather than simply asking for an inordinate bail amount to hold the defendant, her staff requests that **those defendants be remanded to custody, taking finances and wealth out of the equation**.

While there are certain exceptions, generally, the new bail laws exclude the setting of bail on individuals charged with misdemeanors and certain lower level, non-violent felonies. The arraignment courts must now consider the **potential financial hardship** on the defendant when determining the bail amount. On the remaining bail-qualifying offenses, the Office is making strides to make the criminal justice system more fair and just for the communities we serve.

## DA KATZ'S POLICIES HAVE ALREADY BEGUN TO CHANGE THE LANDSCAPE OF PRETRIAL INCARCERATION.

Comparing securing orders between 2019 and 2020 on bail-qualifying offenses illustrates:

- In approximately 30 additional cases, individuals were remanded rather than held in on high bail.
- Individuals held on monetary bail decreased by 8%.
- Individuals released on supervision, non-monetary conditions, or on their own recognizance increased by 20%.
- A combined total of 67% of those charged with bail qualifying offenses have been released, whether on their own recognizance or with supervision.

## SECURING ORDERS ON BAIL QUALIFYING OFFENSES 2019 AND 2020

|         | 2019  |      | 2020  |      |
|---------|-------|------|-------|------|
|         | #     | %    | #     | %    |
| REMAND  | 102   | 2%   | 131   | 3%   |
| BAIL    | 2,076 | 39%  | 1,511 | 31%  |
| RELEASE | 3,138 | 59%  | 3,283 | 67%  |
| TOTAL   | 5,316 | 100% | 4,925 | 100% |

Committed to removing the **economic injustice** often found in our criminal justice system where a person of modest economic means is **unable to post a nominal bail**, the following chart exemplifies DA Katz's commitment towards removing finances from the equation: in 2020, we **shifted over 10 percent of all cases from a lower bail order to a release on their own recognizance or to supervised release.**

## SHIFT IN ORDERS AND BAIL AMOUNTS BETWEEN 2019 AND 2020

| BAIL QUALIFYING CASE -<br>FELONY | 2019                     |                           | 2020                     |                           |
|----------------------------------|--------------------------|---------------------------|--------------------------|---------------------------|
|                                  | NUMBER OF<br>TOTAL CASES | PERCENT OF<br>TOTAL CASES | NUMBER OF<br>TOTAL CASES | PERCENT OF<br>TOTAL CASES |
| BETWEEN \$100 AND \$10,000       | 1,076                    | 34.6%                     | 792                      | 25.6%                     |
| ROR/NON-MONETARY                 | 1,380                    | 44.4%                     | 1,667                    | 53.9%                     |



# FEWER PROSECUTIONS FOR LOWER LEVEL OFFENSES

Taking a look back at crime statistics for 2020, we see that arrests in Queens decreased by over 30% compared to 2019, in large part due to the pandemic. However, the percentage of cases that were arraigned as felonies increased overall by 8%. Conversely, there was a decline in misdemeanors and violations, and arraignments on those classifications decreased by a corresponding total of 8%.

## ARRAIGNMENTS

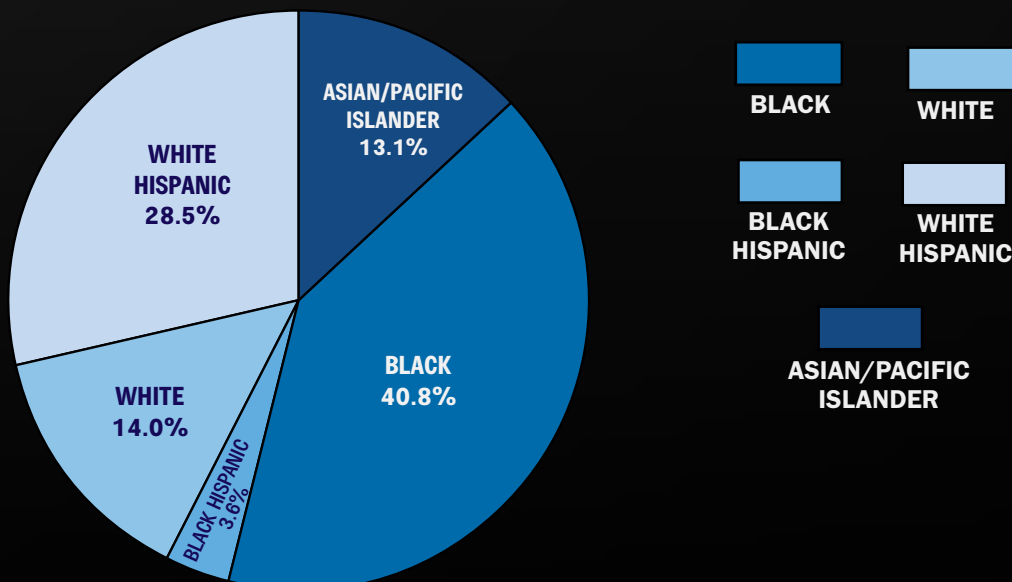
NOTICEABLE REDUCTION IN MISDEMEANORS AND VIOLATIONS AS A PROPORTION OF ALL PROSECUTIONS.

|             | 2019   |      | 2020   |      |
|-------------|--------|------|--------|------|
|             | #      | %    | #      | %    |
| FELONY      | 7,255  | 19%  | 5,807  | 27%  |
| MISDEMEANOR | 30,461 | 78%  | 15,437 | 71%  |
| VIOLATION   | 1,145  | 3%   | 474    | 2%   |
| TOTAL       | 38,861 | 100% | 21,718 | 100% |

## 2020 VIOLATION ARRESTS

RACE/ETHNICITY PERCENTAGES

As part of **DA Katz's mission to address racial disparities and systemic injustice**, all low-level arrests are closely evaluated. The breakdown by race of all defendants charged with violations, according to available NYPD data, in Queens County for 2020 is:

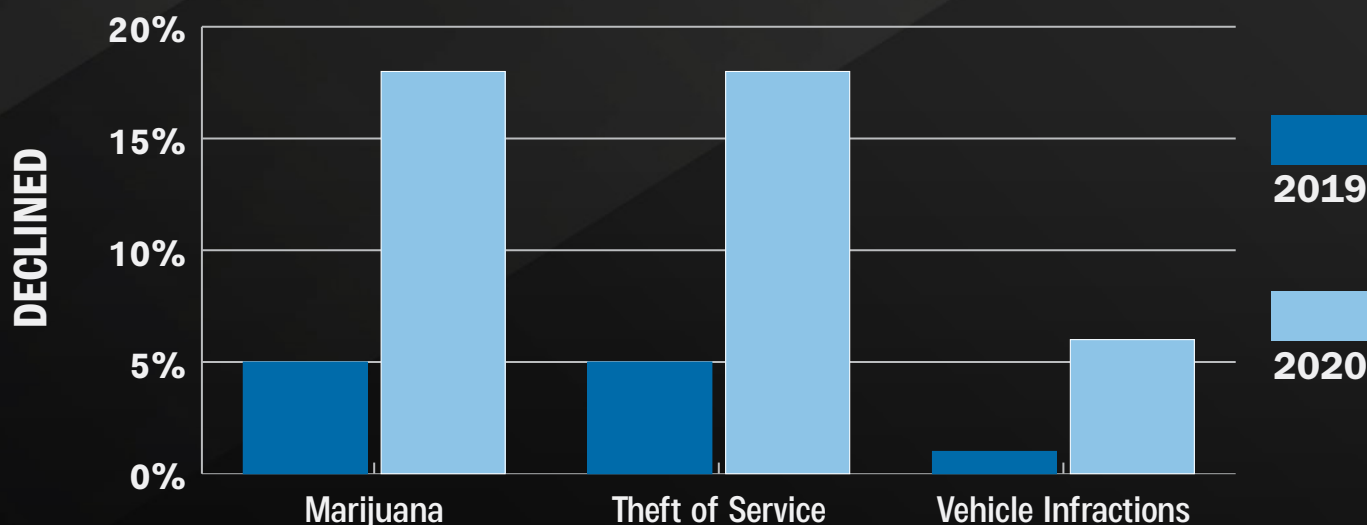


By the end of her first year in office, DA Katz **declined to prosecute 26%** of all violation arrests, a 15% increase in declinations from 2019.

## INCREASE IN DECLINING TO PROSECUTE VIOLATIONS

|             | 2019   |                      |    | 2020   |                      |     |
|-------------|--------|----------------------|----|--------|----------------------|-----|
|             | TOTAL  | DECLINE TO PROSECUTE | %  | TOTAL  | DECLINE TO PROSECUTE | %   |
| FELONY      | 14,603 | 855                  | 6% | 11,505 | 928                  | 8%  |
| MISDEMEANOR | 25,132 | 874                  | 3% | 12,660 | 883                  | 7%  |
| VIOLATION   | 392    | 37                   | 9% | 146    | 38                   | 26% |
| TOTAL       | 40,127 | 1,766                | 4% | 24,311 | 1,849                | 8%  |

While she has not prosecuted any new case of loitering for prostitution, DA Katz has also declined, when appropriate, to prosecute violations of low-level marijuana offenses and transit fare evasion.



## PROTESTS

In Queens County, we saw a number of **peaceful protests** and hundreds participated in organized marches for justice and the end of racial inequality. **District Attorney Katz declined to prosecute** all arrests based solely on violations of curfew or the failure to socially distance or wear a mask, as they disproportionately affected communities of color.

In 2020, we had only two individuals arrested during the protests, both of whom District Attorney Katz refused to prosecute. These protesters were exercising their constitutional right to protest, they did not commit any acts of violence, no one was injured, and they were not engaged in additional illegal activity. They were part of a larger group of protesters who failed to disperse well after curfew from the public roadway despite the police officers' repeated requests to disperse.

# RAISE THE AGE AND ADOLESCENT OFFENDERS

Under New York's Raise the Age law, adolescent offenders are 16 and 17 year old defendants who have been charged with committing a felony.

- Misdemeanor cases are sent directly to Family Court and are not reviewed by our Office.
- Most non-violent felony cases are removed to Family Court.
- Violent felony cases are reviewed by the Supreme Court Youth Part presiding judge.
  - To retain a violent felony in the Supreme Court Youth Part, the judge must review the affidavits and determine if one of the factors in the 3-prong test is present.
  - Generally, if none of the 3 factors are present, the violent felony case is removed to Family Court.

## THE 3-PRONG TEST

During the course of the crime, the adolescent offender:

1. Caused significant injury to the complainant, or
2. Displayed a firearm, rifle, shotgun or deadly weapon, or
3. Engaged in unlawful sexual intercourse, oral sexual conduct, anal sexual conduct or sexual contact as defined in Penal Law section 130.00 with the victim.

If the Youth Judge determines the 3-prong test was not met, the District Attorney may file a motion to retain the violent felony based on 'Extraordinary Circumstances' within 30 days of the decision.

In 2020, adolescent cases increased by 43% from the previous year. Under DA Katz's leadership, there was a 12% increase in adolescent offender cases removed to Family Court:

# 78% vs 90%

In 2019, 78% of all adolescent offender cases were removed to Family Court.

In 2020, 90% of all adolescent offender cases were removed to Family Court.

## EQUITABLE PAROLE RECOMMENDATIONS

Under District Attorney Katz's leadership, the Office has **rejected a hardline policy** on parole recommendations. While the prior administration routinely filed letters opposing release on parole, DA Katz has implemented a policy that takes into account not only the facts underlying the crime but the defendants' **efforts at rehabilitation**. The District Attorney believes that we must consider the defendants who have demonstrated that they are good candidates for parole and also consider the enormous daily costs of housing additional prisoners who are ready to reenter society under the supervision of parole.



# FAIR AND JUST PLEA OFFERS

Immediately upon taking office, District Attorney Katz ended the prior administration's policy that required defendants to waive their rights prior to indictment in order to obtain a plea to a lesser charge. Under the prior policy, incarcerated defendants were required to waive their right to have a grand jury promptly hear their cases in order to obtain a plea offer. In addition, all defendants charged with a felony were also required to waive their rights to a speedy trial while plea negotiations took place. On day one, District Attorney Katz repudiated these policies and implemented a new policy that now **permits defendants to obtain a fair plea offer without waiving any of their rights and no matter when in the process the negotiations occur**. This policy puts into practice District Attorney Katz's belief that defendants should not be forced to give up the rights they have been afforded by statute.

## MERCY RELEASES

Early this year, the COVID-19 pandemic took the city by storm. Queens County was one of the hardest hit boroughs and the city's epicenter of the coronavirus. As the virus spread quickly throughout the city, there was an immediate concern for the safety of those living and working within the confines of the city jails. Recognizing the particular risk faced by those within the close quarters of Rikers Island, DA Katz immediately called upon her staff to identify those who may be released to further reduce the jail population. Under her leadership, the Office worked daily to prioritize and expedite the release of the most vulnerable. While the **large volume of mercy release requests** were received in the early months of the pandemic, the Office continues to review new requests from the Mayor's Office and defense attorneys on potential releases due to the health crises. In 2020, we reviewed nearly 470 requests for release.

The goal in making the release request determinations is to protect the health of inmates, the corrections workforce, and the community at large without jeopardizing public safety. In considering release of an incarcerated individual, **we balance public health and public safety**, carefully weighing all factors, considering any and all alternatives, and determining the most appropriate and just decision in light of all the facts and circumstances surrounding the crime. The concerns for reducing health risks are always contemplated in conjunction with concerns for public safety.

### COVID-19 MERCY RELEASE REQUEST DATA

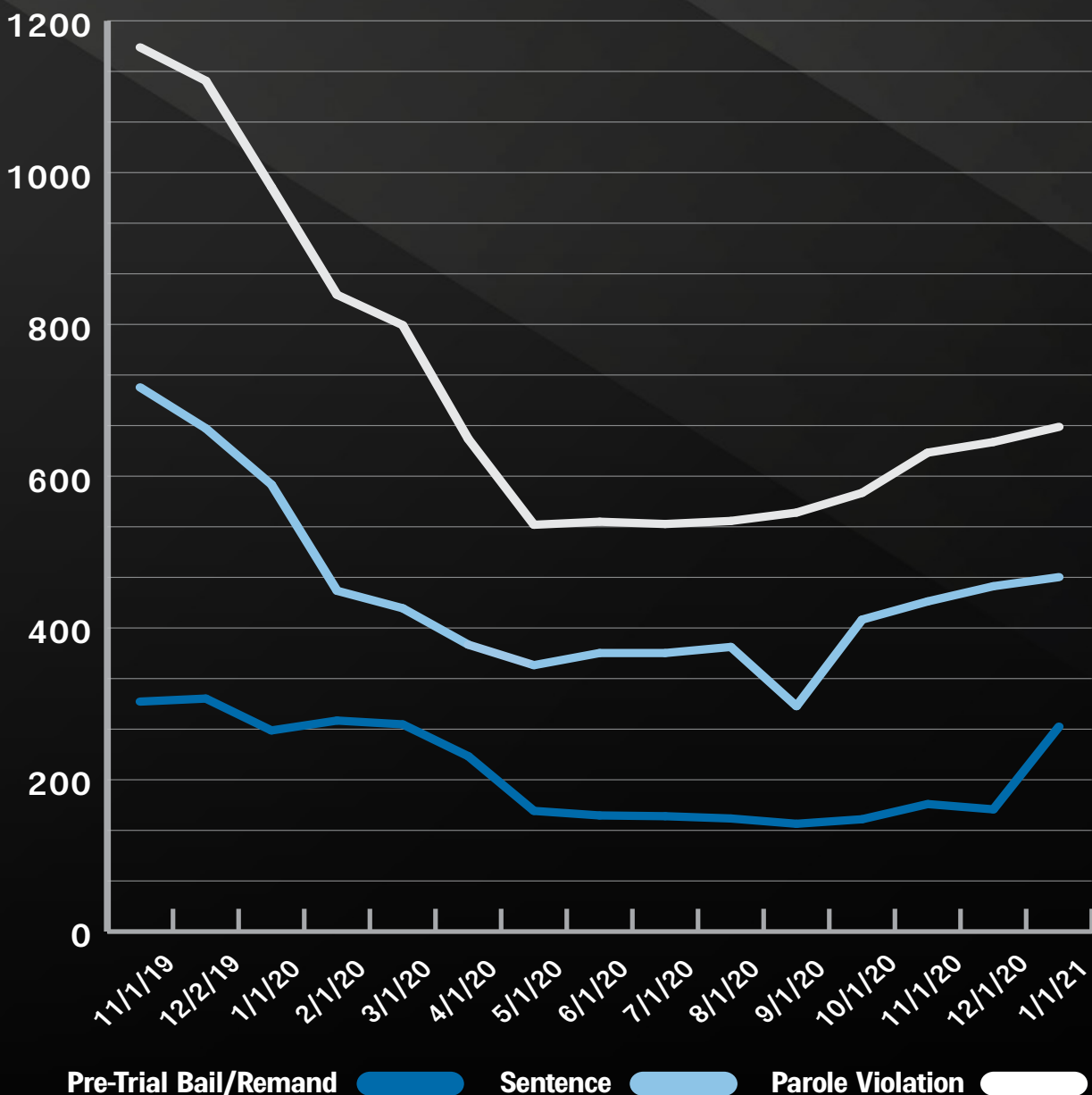
AS OF SEPTEMBER 15, 2020

| QUEENS DEFENDANTS  | 455 DEFENDANTS/<br>469 APPLICATIONS |
|--|-------------------------------------|
| RELEASED DEFENDANTS  | 321                                 |
| MAYOR'S OFFICE RELEASE   | 52                                  |
| PAROLE HOLD LIFTED   | 70                                  |
| BAIL MODIFIED OR RE-SENTENCED  | 65                                  |
| PLEA EFFECTUATING RELEASE  | 16                                  |
| DISMISSAL EFFECTUATING RELEASE   | 4                                   |
| OTHER: RELEASED OR DETAINED UNRELATED TO REQUEST                           | 119                                 |
| DEFENDANTS STILL IN JAIL   | 134                                 |
| QUEENS RELEASED DEFENDANTS THAT WERE RE-ARRESTED THROUGH DECEMBER 31, 2020 | 98                                  |

# REDUCTION IN JAIL POPULATION

While the pandemic makes a comprehensive analysis of our jail population more complicated, the data is clear: since District Attorney Katz took office, the number of individuals in jail on a Queens County case has been greatly reduced. **Recognizing that incarceration is not the only way to keep our communities safe, the DA's policies are making a difference.**

## JAIL POPULATION ON A QUEENS CASE



The reduction in jail population is due to several factors, including fewer arrests in 2020, mercy releases of inmates during the height of the pandemic, and fewer bail eligible offenses. In addition, District Attorney Katz's policies such as more frequent utilization of **diversion, alternative sentencing, probation, and conditional discharge sentences have worked to reduce incarceration relating to Queens cases.** Moreover, DA Katz and her staff work with our communities to engage youth, break the cycle of crime, and offer a better path forward.

In her first year as District Attorney, DA Katz has doubled the use of a probation sentence in both misdemeanor and felony cases. Those charged with misdemeanors in 2020 saw a 10% decrease in jail sentences and a 12% increase in the sentence of probation or conditional discharge. In addition, DA Katz saw to it that her staff worked to identify and expedite dispositions, either by plea, sentence, or modification of sentence to effectuate release of vulnerable inmates during the pandemic. Alternatives to incarceration and other programs were also utilized to effectuate release from Rikers Island.

## SENTENCES BY CHARGE LEVEL OF CONVICTION

| TOP CONVICTION CHARGE | 2019   |              |                                |           |       |                               |
|-----------------------|--------|--------------|--------------------------------|-----------|-------|-------------------------------|
|                       | TOTAL  | STATE PRISON | CITY SENTENCE/ PROBATION SPLIT | PROBATION | FINE  | CONDITIONAL DISCHARGE / OTHER |
| FELONY                | 2,032  | 996          | 542                            | 247       | 0     | 247                           |
|                       | 100%   | 49%          | 27%                            | 12%       | 0%    | 12%                           |
| MISDEMEANOR           | 5,039  | 1            | 2,406                          | 266       | 551   | 1,815                         |
|                       | 100%   | 0%           | 48%                            | 5%        | 11%   | 36%                           |
| VIOLATION             | 17,507 | 0            | 2,502                          | 1         | 7,108 | 7,896                         |
|                       | 100%   | 0%           | 14%                            | 0%        | 41%   | 45%                           |
| TOTAL                 | 24,578 | 997          | 5,450                          | 514       | 7,659 | 9,958                         |
|                       | 100%   | 4%           | 22%                            | 2%        | 31%   | 41%                           |

| TOP CONVICTION CHARGE | 2020  |              |                                |           |       |                               |
|-----------------------|-------|--------------|--------------------------------|-----------|-------|-------------------------------|
|                       | TOTAL | STATE PRISON | CITY SENTENCE/ PROBATION SPLIT | PROBATION | FINE  | CONDITIONAL DISCHARGE / OTHER |
| FELONY                | 905   | 377          | 254                            | 159       | 1     | 114                           |
|                       | 100%  | 42%          | 28%                            | 18%       | 0%    | 13%                           |
| MISDEMEANOR           | 1,425 | 2            | 543                            | 157       | 120   | 603                           |
|                       | 100%  | 0%           | 38%                            | 11%       | 8%    | 42%                           |
| VIOLATION             | 5,391 | 0            | 1,092                          | 1         | 1,708 | 2,590                         |
|                       | 100%  | 0%           | 20%                            | 0%        | 32%   | 48%                           |
| TOTAL                 | 7,721 | 379          | 1,889                          | 317       | 1,829 | 3,307                         |
|                       | 100%  | 5%           | 24%                            | 4%        | 24%   | 43%                           |







# SECTION III

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## BRIDGE TO TRANSPARENCY: RESTORING CONFIDENCE IN THE SYSTEM



# APPEALS AND SPECIAL LITIGATION DIVISION

The Appeals Bureau is responsible for all the Office's post-conviction litigation at both the state and federal level and serves as a legal department and research center for all Assistant District Attorneys. The bulk of the work in the Appeals Bureau involves defending trial convictions in the Appellate Division, Second Department.

The Appeals and Special Litigation Division is comprised of the Appeals Bureau, the FOIL and Civil Litigation Unit, and the Law Enforcement Officer Witness (LEOW) Unit. The Immigration Specialist, a newly created position by District Attorney Katz, is also in the division.

**This past year, the Appeals Bureau successfully secured affirmances in the following cases among others:**

- In *People v. Bernard Laufer*, 187 A.D.3d 1052 (2d Dept. 2020), the defendant was convicted after trial of Attempted Murder in the Second Degree as a Hate Crime and other offenses after he repeatedly stabbed the victim, who was dressed in traditional prayer garb, outside of a mosque in Flushing, as the defendant shouted, "I kill Muslim."
- In *People v. Arjun*, 188 A.D.3d 1235 (2d Dept. 2020), the defendant was convicted of second-degree murder after trial for strangling her nine-year-old stepdaughter in the bathroom of their apartment in Richmond Hill.
- In *People v. Kevin McClinton*, 180 A.D.3d 712 (2d Dept. 2020), the defendant was convicted of second-degree murder after he and an accomplice fired several times at a Q6 bus, killing a fourteen-year-old girl, who was a passenger on the bus.

## POLICE DISCIPLINARY RECORDS: THE LEOW UNIT

The Law Enforcement Officer Witness Unit, LEOW, is devoted to complying with the District Attorney's **obligation to disclose evidence of alleged misconduct** by members of law enforcement agencies who will become prosecution witnesses. The District Attorney has a legal and ethical obligation to inform the lawyer for the accused of any misconduct our witnesses may have committed in the past that could have an impact on the credibility of the witness's testimony. The LEOW Unit gathers information from various sources, such as the NYPD Internal Affairs Division and the Civilian Complaint Review Board, compiles the relevant information into a disclosure letter, and provides it to the assigned prosecutor for disclosure to the defense. The LEOW Unit is supervised by experienced prosecutors who also provide legal advice and guidance to the Office's trial prosecutors in meeting their disclosure obligations and preparing such matters for litigation.

As have so many others within the criminal justice system, the LEOW Unit has faced some daunting challenges over the past year. The new discovery law created an enormous increase in demand for LEOW information and significantly narrowed the time limit for compliance. Of course, right on the heels of this new reform came the COVID-19 pandemic, requiring our staff to quickly shift to filling these demands remotely.



## IMMIGRATION SPECIALIST

To better serve our immigrant community, District Attorney Katz created the position of Immigration Specialist in April 2020. A broad range of criminal convictions may trigger severe immigration consequences for noncitizen defendants such as removal from the United States and denial of other benefits. The Immigration Specialist serves as an office-wide resource and primarily helps Assistant District Attorneys navigate through plea options; together they may fashion dispositions that **will prevent unwanted immigration consequences** should the equities call for it, while at the same time, closely honor what would be a similar disposition for a citizen. Since the creation of the position, the Immigration Specialist has been involved in over 30 such dispositions.

In addition, and in her first year in Office, DA Katz agreed to **reduce or vacate entirely the convictions of 21 defendants in order to avoid harsh immigration consequences**. These convictions were based on the defendant's prior pleas of guilty and were validly obtained, but later resulted in immigration proceedings that were not contemplated at the time of the plea. Ordinarily, the prior conviction would be vacated and the defendant would be **allowed to re-plead to a lesser offense** that did not carry the same immigration consequence as the original offense. In some of these cases, the defendants were able to avoid deportation as a result of the reduced plea because the new offenses did not qualify as a basis for removal under federal law (the Immigration and Naturalization Act). In others, the reduction of the offense allowed the defendant to seek relief from an immigration court that would not otherwise be available. And in some cases, the District Attorney proactively provided more relief than requested to ensure that no immigration consequence would accrue to the defendant. In all of these cases, **the District Attorney's consent and cooperation was required to allow the defendant to avoid the immigration consequence**.

In 6 other cases, DA Katz **recommended a pardon to the Governor** so that the defendants could avoid deportation consequences attendant to their convictions. In some of the cases, the pardon eliminated a barrier to naturalization. In others, the defendant was given an opportunity, by virtue of the reduced offense, to argue for relief in immigration court that would not otherwise be available. And in all of the cases, **significant immigration consequences were avoided**.

## FOIL RESPONSES

Within the Appeals Bureau is the FOIL and Civil Litigation Unit that handles requests under the Freedom of Information Law and responds to inter-agency and law enforcement requests for records on specific cases as well as subpoenas for records or testimony in civil litigation. In 2020, the Unit responded to approximately **300 FOIL requests, providing the public with access to thousands of pages of documents**.

Under DA Katz's direction, the FOIL Unit is responding swiftly to these requests and has also increased reporting on the number of police officers involved in job-related civil lawsuits. Where permissible under the law, the Office has **broadened the categories of information we now disclose**.

## SEALING CONVICTIONS

A significant function of the Appeals Bureau is to respond to motions to seal convictions pursuant to the Criminal Procedure Law that allows for sealing of ten-year-old, non-violent convictions under certain circumstances. The public can find information on how to make an application to seal a case on the website of the Office of Court Administration. Although we do not ultimately determine these motions, the Appeals Bureau routinely does not oppose them if the applicant qualifies for this relief. This past year, the courts **sealed thirty-one convictions**, freeing those applicants of the encumbrance of decades-old, non-violent convictions.

# CONVICTION INTEGRITY UNIT

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The new Conviction Integrity Unit (CIU) was established by District Attorney Katz on day one, and has been actively working to **make sure that no one has been wrongfully convicted** of a crime in Queens County. This Unit is the District Attorney's signature initiative and one of the first promises made to the people of Queens when she became the county's top law enforcement officer. To date, the Conviction Integrity Unit has received 100 cases for review.

The Unit is dedicated to reviewing credible cases and empowered to make recommendations on anyone who should be exonerated if found to be wrongfully convicted. No one is perfect. No system is without flaws. And we know, mistakes can happen, resulting in a miscarriage of justice. Without a doubt, a wrongful conviction destroys a life. But, it also devastates that wrongfully convicted person's family. It is worth noting that when an innocent individual is locked away for a crime he or she did not commit, it means the guilty party has evaded justice and is free to commit other crimes.

The CIU's mandate is to reinvestigate and resolve credible claims of actual innocence or wrongful convictions. In addition to the hard work of traditional fact investigation, the Unit utilizes cutting-edge DNA technology and other state-of-the-art forensic techniques to ensure the confidence of previous convictions. The Unit's work is informed by research on proven exonerations nationwide involving eyewitness misidentification, unreliable scientific evidence and false confessions.

In 12 months, 100 cases have been submitted to the Conviction Integrity Unit and 20 active re-investigations have been opened. Thus far, in 4 cases, relief was granted and 7 additional cases have been closed.

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# 100

Cases submitted  
to CIU

# 20

Re-investigations  
opened

# 4

Cases where  
relief granted

# 7

Additional cases  
closed

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## QUEENS DISTRICT ATTORNEY FILES JOINT MOTION WITH DEFENSE TO VACATE CONVICTION OF INNOCENT MAN

*PRESS RELEASE-JUNE 23, 2020*

The District Attorney filed a joint motion to vacate the murder conviction of Samuel Brownridge, who was incarcerated for more than 25 years for a crime that he did not commit. Mr. Brownridge was convicted based on 2 eyewitness identifications. The motion filed details new evidence that both undermines the reliability of those eyewitness identifications and implicates a violent felon, as the actual shooter in the 1994 execution-style murder of a 32-year-old man in St. Albans, Queens.

District Attorney Katz said, "This is a profoundly poignant day for Mr. Brownridge. After decades of voicing his innocence - this man who served 25 years for a crime he did not commit - will finally be unencumbered by this miscarriage of justice. When we created the Conviction Integrity Unit, it was my goal to do our best to undo the wrongs when our

justice system makes life-altering errors. This is our first case and we will continue to work diligently to investigate credible wrongful convictions."

"We must always keep in mind, that when an innocent person is imprisoned for a crime he or she did not commit, the real perpetrator evades justice and is free to commit other atrocities," the DA added. "In this case, the actual shooter was never held accountable for this violent crime."

Mr. Brownridge presented substantial new evidence of innocence to the Conviction Integrity Unit (CIU). The CIU then conducted its own investigation and reached the conclusion that Mr. Brownridge is actually innocent. According to the motion filed today, the jury that convicted Mr. Brownridge did not hear evidence that would have changed the outcome of the trial.



# QUEENS DISTRICT ATTORNEY MELINDA KATZ FILES JOINT MOTION WITH DEFENSE TO VACATE MURDER CONVICTION AND RELEASE A MAN INCARCERATED FOR NEARLY 26 YEARS

PRESS RELEASE-NOVEMBER 19, 2020

The District Attorney filed a joint motion with the defense to vacate the murder conviction of Ernest “Jaythan” Kendrick, who has been incarcerated for nearly 26 years.

The motion was based on newly discovered witnesses and the results of agreed-upon DNA analysis, which contradict significant aspects of the evidence used during trial testimony to convict Mr. Kendrick. The new DNA testing - which was not available in 1995 - revealed that the victim’s DNA was not found on or inside a black purse that was recovered in the defendant’s apartment and believed to have belonged to the victim.

“Mr. Kendrick’s case was submitted earlier this year to the Conviction Integrity Unit that I created at the start of my term,” DA Katz said. “This case is a prime example of why the CIU exists. We can’t stand idly by when new evidence is presented that undermines confidence in an original jury verdict.”

“Submitted for review by the Innocence Project and the WilmerHale Law Firm, the CIU began a thorough re-investigation,” the DA continued. “In addition to DNA testing, the CIU’s investigation included interviews of new witnesses and multiple crime scene visits by me and my team that demonstrated several trial witnesses were not reliable. Therefore, I have recommended Mr. Kendrick’s conviction be set aside and he immediately be released from prison.”

According to Court records, on November 30, 1994, a 70-year-old woman was stabbed twice in the back by someone trying to steal her purse on the grounds of the Ravenswood Houses in Long Island City. Witnesses heard the victim, scream and looked out their windows. A 10-year-old witness provided a description of the assailant - his clothing and his direction of flight to the police.

Mr. Kendrick was interrogated by the police over the course of several days. He consistently maintained his innocence but made several statements which detectives found suspicious. Additionally, during their canvass, police obtained a statement from a second witness who told police that he saw Mr. Kendrick fleeing the murder scene with a black purse under his arm.

Absent physical evidence tying Mr. Kendrick to the crime, the defendant was convicted based largely on the following. The 10-year-old’s identification of Mr. Kendrick as the assailant and testimony that the black purse recovered from the



defendant’s apartment appeared similar to what he saw taken from the victim. The second witness’ testimony that he saw Mr. Kendrick running past him with a black purse under his arm.

According to the motion filed today, the jury that convicted Mr. Kendrick did not hear the following evidence that would have changed the outcome of the trial. Forensic DNA test results, which excluded the victim from DNA detected on or inside the recovered black purse. This handbag was connected to the victim at trial by the 10-year-old eyewitness, who testified that it looked like the stolen purse. The forensic DNA test results contradict this testimony.

Four new witnesses who undermine the credibility of the second witness’ testimony that he saw Mr. Kendrick run past him with a black purse. A neighbor who lived directly below the 10-year-old’s apartment saw the assailant flee in the opposite direction from where the second witness claimed to have seen Mr. Kendrick run.

Two witnesses who were the first to approach the victim and render aid contradict the second witness’ account of seeing the victim alone. A new witness - whose apartment the second witness claimed to have been visiting - told the CIU that she was not at home at the time the second witness stated that he was with her.

Taken together, DA Katz said, these new witnesses and the exculpatory DNA results create a reasonable probability that the jury would have acquitted Mr. Kendrick. Under the standard articulated in C.P.L. §§ 440.10 (1) (g) & (g-1), this new evidence requires that Mr. Kendrick’s conviction be vacated. Since the trial testimony has been severely undermined, the CIU has recommended the indictment be dismissed following vacatur of the conviction.



# DA KATZ JOINS PROGRESSIVE PROSECUTORS ON CRUCIAL ISSUES

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District Attorney Katz has joined a network of progressive prosecutors on the front lines of changing our criminal justice system. **Fair and Just Prosecution (FJP)** is a national organization that brings together newly-elected local prosecutors committed to promoting a justice system grounded in fairness, equity, and compassion. FJP focuses on finding ways to move beyond traditional incarceration-driven approaches by developing policies that promote a more equitable justice system and safer communities.

Coordinated by the Fair and Just Prosecution organization, DA Katz joined current and former prosecutors and law enforcement leaders across the nation on crucial issues affecting the fair operation of our criminal justice system.

## JULY 2020

Law enforcement leaders across the country filed an amicus curiae brief before the U.S. Court of Appeals that supported the nation's first **lifesaving overdose prevention site**, noting that such sites are proven harm reduction tools that save lives, fortify community trust in the justice system and help alleviate the adverse impact of substance use disorder.

## AUGUST 2020

DA Katz participated in a statement in support of the **exercise of independent prosecutorial discretion** and its crucial role in the effective operation of our justice system. In response to a decision by a Virginia Supreme Court that required detailed written justification for the prosecutor's decisions to dismiss, charge and settle cases in her jurisdiction, 63 current and former prosecutors filed a brief arguing that the court's order is a clear violation of well-settled prosecutorial independence and an infringement on the will of the people.

## OCTOBER 2020

A joint letter was filed in support of a U.S. District Court's decision granting the NAACP's motion and finding that the President's Commission on Law Enforcement and the Administration of Justice was in violation of the Federal Advisory Committee Act. In support of **"inclusive and transparent discussions about the future of policing,"** 76 prosecutors and law enforcement leaders, including DA Katz, agreed the "flawed process ... is the last thing a nation in crisis needs."

## OCTOBER 2020

A joint pledge was made with 63 other prosecutors, elected to protect the health and safety of every member in the community, to **refuse to enforce laws that criminalize abortion**, even if *Roe v. Wade* is overturned. The prosecutors will not bring charges against "women and healthcare professionals who might otherwise be placed in the untenable position of choosing between the exercise of personal healthcare choices and the threat of criminal prosecution."

## NOVEMBER 2020

**Recognizing that the right to vote** is fundamental to our democracy, a constitutional right and, ultimately, a public trust and safety issue, DA Katz joined law enforcement officials around the nation to **call for free and fair elections and condemn all efforts to interfere with the Postal Service and undermine the voting process.**

## JANUARY 2021

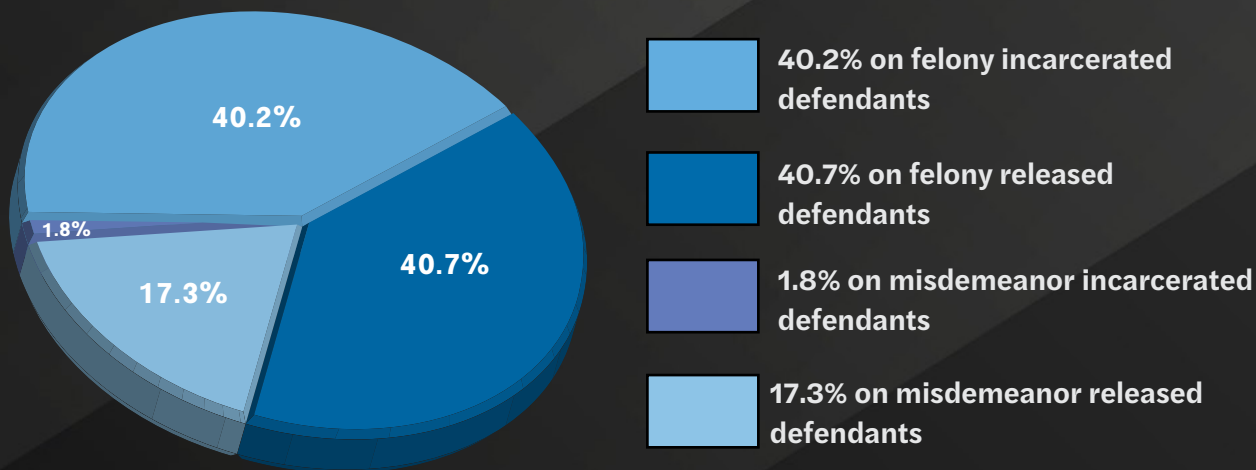
In response to the **attack on the U.S. Capitol**, criminal justice leaders called upon President Trump to **denounce the attacks and those who participated in them** in no uncertain terms, to cease perpetuating mistruths that are fanning distrust and division in our nation, and to accept the results of the 2020 election.

# DISCOVERY REFORM

2020 brought historic criminal justice reform regarding prosecutors' disclosure of information to the defense prior to trial. DA Katz supports these changes. She knows that open and early disclosure of the prosecution's case to the defendant is **an essential part of a fair process**. The DA's commitment to disclosure is evident in the work she and her staff have done this year to comply with the new obligations.

In the first year of the new discovery rules, and despite the impact of the pandemic, our Office has disclosed 917,693 documents to defendants. This includes 41,934 videos.

*In 2020, the District Attorney's Office disclosed 917,693 documents to defendants. This included 41,934 Body Worn Camera videos averaging over 20 minutes each, or 13,978 hours of videos.*



*58% of discovery was completed on released defendants and 19.1% of discovery was completed on misdemeanor defendants*

Where previously much information about the case against the defendant was withheld until the time of trial, now all information concerning the case must be turned over, as a general rule, within days of charges filed. Specifically, disclosure must be made within 20 days for incarcerated defendants and within 35 days for defendants at liberty.

The production of these documents and new disclosure timing rules have put an **unprecedented burden on the resources of the office**. District Attorney Katz encourages a strong work ethic to diligently meet these deadlines. She has inspired her staff to contribute countless additional hours of work toward complying with these discovery demands. The District Attorney has also put in place over 60 additional paralegals specifically dedicated to the fulfillment of the new discovery obligations. This new hiring has been supplemented by the internal development of new, unprecedented software to assist in the sharing of files between the police department, laboratories, the District Attorneys' offices, and the defense bar.

With early and open discovery comes increased **risks to witnesses**, whose personal information must be disclosed under the new statute. Because pretrial harassment, intimidation, and even murder of witnesses are undeniable concerns, the District Attorney has sought **protective orders** from the court to protect the personal identifying information of certain witnesses prior to trial and to ensure that victims are not re-victimized by their attackers. Good samaritans and other eyewitnesses should not suffer because they have agreed to cooperate with the court system. In addition, where trial judges have denied our requests for these orders, we have invoked a novel procedure in the statute allowing further review by appellate judges. These efforts to protect vulnerable victims and witnesses have succeeded: in one of the first cases the office brought to the appellate level, the appellate judge overturned the trial court's ruling, granting a protective order to prevent personal identifying information from consciously or inadvertently getting into the wrong hands.



## FORENSIC SCIENCE SPECIALIST

In her inaugural year, DA Katz created a position of Forensic Science Specialist to support the forensic investigation and litigation related to nearly all criminal prosecutions at the Queens District Attorney's Office. The Forensic Science Specialist facilitates the presentation of forensic science evidence in the grand jury and at trial, conducts office-wide training regarding DNA, ballistic, and fingerprint evidence, collaborates with the Conviction Integrity Unit and the Cold Case Unit, and handles all complex *Frye* litigation relating to reliability and relevancy of expert witnesses.

The Forensic Science Specialist acts as liaison to the Office of Chief Medical Examiner Forensic Biology & Toxicology Laboratories and the New York City Police Department Laboratory for all ballistics, latent fingerprint and trace analysis sections.

## PUBLIC CORRUPTION AND ACCOUNTABILITY

DA Katz's Public Corruption Bureau holds all public servants and licensed attorneys accountable for violations of public trust and fiduciary duty. It investigates the use of excessive force by police, allegations of wrongdoing by licensed attorneys and public officials, the unauthorized practice of law, criminal impersonation of public officers, election fraud, larceny, and perjury. It also investigates allegations against civilians who attempt to subvert the integrity of public servants by offering bribes.

We are trying to define what policing means to us in this country- in our city and in our communities. DA Katz's commitment to real criminal justice reform is not just lip service. She recognizes that our police officers risk their lives every day performing a dangerous job and is grateful for their service. But she also ensures that police officers that **violate our trust and safety are held accountable for their actions**.

As DA Katz has stated, public safety and police accountability are not contradictory. In fact, they are complementary approaches to criminal justice. If the community feels that when there is police misconduct there is police accountability, the community will feel better protected and will be more willing to work alongside the police to combat criminal activity in their communities. Under DA Katz's leadership, this bureau is the **first in New York State** to prosecute a police officer under the newly enacted bill known as the **Eric Garner Anti-Chokehold Act**.



# DISBARRED ATTORNEY CHARGED WITH BILKING CASH FROM CLIENTS

PRESS RELEASE-JULY 21, 2020

The District Attorney announced that a disbarred lawyer, who had an office in Fresh Meadows, Queens has been charged with 3 counts of grand larceny. The defendant allegedly stole more than \$150,000 from 3 of his clients from June 2013 through June 2017.

District Attorney Katz said, "The defendant in this case is accused of breaching the trust of his clients and unjustly enriching himself. The victims trusted the defendant to act on their behalf, when they hired him to handle various legal matters. Instead the defendant allegedly pocketed tens of thousands of dollars that should have been distributed to his clients. The defendant now faces serious charges and will be held accountable for these alleged criminal acts."

The defendant, 70 of Sands Point, Long Island was arraigned in Queens Criminal Court on a complaint charging him with 3 counts of grand larceny in the second degree. If convicted, the defendant faces up to 15 years in prison.

According to the charges, said District Attorney Katz, an investigation which included interviews with clients and detailed forensic review of bank records allegedly showed that the defendant stole funds held in multiple bank accounts that should have been disbursed to his clients. The victims, however, were either left empty-handed or given just a fraction of the funds they were due.

DA Katz said, according to the charges, on August 30, 2016 victim 1 was the executor of an estate and hired the defendant to handle the sale of estate

property in Woodside, Queens. The real estate sold for approximately \$868,000 with \$358,000 payable to the executor. The victim received 2 checks in the amount of \$75,000 and another for \$25,000. Bank records allegedly showed that the account which held the funds as of June 30, 2017 had a balance of just \$19,000. The victim never received the remaining proceeds from the estate sale.

Continuing, the DA said, in July 2015, victim 2 hired the defendant to handle a personal injury case. The civil matter was settled for \$90,000. When the victim asked the defendant for the money, he allegedly told victim 2 that there was a delay due to an outstanding medical bill. That bill totaled about \$4300. The victim allegedly never received a dime of the settlement money even though the funds were deposited in a bank account controlled by the defendant.

Continuing, DA Katz said, according to the charges, victim 3 was an administrator for a deceased relative's estate and hired the defendant to handle the sale of property in Douglaston, Queens. In June of 2013, the property sold for about \$650,000 and the funds were deposited into an account controlled by the defendant. However, the victim only received \$100,000 in proceeds from the sale of the real estate.

The District Attorney noted that the defendant voluntarily resigned from the bar in January 2019 for disciplinary reasons.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*

***"The defendant in this case is accused of breaching the trust of his clients and unjustly enriching himself."***

*-District Attorney Melinda Katz*











# SECTION IV

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## BRIDGE TO PROTECTION: ENSURING PUBLIC SAFETY



# VIOLENT CRIMINAL ENTERPRISES BUREAU

In her inaugural year, District Attorney Katz re-organized bureaus and divisions to better serve the needs of the communities she was elected to protect. Through her thoughtful redesign, collaboration was born, and **divisions and bureaus now work in partnership** to dismantle criminal organizations operating in Queens County.

The Violent Criminal Enterprises Bureau merges the Office's former Narcotics Investigations and Gang Violence Bureaus and works diligently to suppress violent crime in Queens County. They identify and prosecute **drivers of violence engaged in organized criminal behavior**, including members of violent street gangs, narcotics distribution operations and firearms dealers.

The District Attorney is committed to ridding our neighborhoods of **violent gangs, gun runners and drug traffickers**. At the same time, the Office works with members of the community to try to make Queens a safer place, and to focus resources on **helping our youth find meaningful outlets** for their energy and hopeful opportunities for their futures.

This reconfigured bureau uses every resource available to ensure criminal networks, gang activity and other organized operations run by drivers of crime are dismantled and that the drugs and weapons they peddle are taken off our streets. A number of significant cases have already been developed this year.





## QUEENS MAN INDICTED ON ATTEMPTED MURDER CHARGES IN GANG-RELATED SHOOTING

PRESS RELEASE-OCTOBER 5, 2020

Queens District Attorney announced that a reputed gang member has been arraigned on an indictment charging the defendant with attempted murder and other crimes for a gang-related May 17, 2020 shooting in Far Rockaway, Queens.

District Attorney Katz said, "Shots fired from an illegal firearm on a residential street endangers everyone in the neighborhood. Those who choose to settle disputes by callously firing away without regard for human life will be prosecuted to the fullest extent of the law. The alleged shooter in this case is in custody and will be held accountable."

The defendant was arraigned on a 5-count indictment and charged with attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second

and third degree. The defendant was ordered held without bail. If convicted, the defendant faces up to life in prison, as a mandatory persistent felon.

According to the charges, the 20-year-old victim was leaving a residence, when the accused was observed standing partially inside the neighboring building with a silver firearm. As the victim began to exit the building, he heard gunshots and was struck by gunfire. Continuing, DA Katz added that video surveillance from the location allegedly depicts the defendant with a silver firearm, pointing it in the direction of the victim and firing multiple shots striking him in the leg.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*

## REPUTED GANG MEMBER INDICTED ON ATTEMPTED MURDER CHARGES FOR JULY SHOOTING OUTSIDE UMBRELLA HOTEL IN KEW GARDENS

PRESS RELEASE-SEPTEMBER 11, 2020

Queens District Attorney Melinda Katz announced that a reputed gang member was indicted by a Queens County grand jury for attempted murder, assault and other charges for allegedly shooting and injuring a Queens Village resident moments after he stepped out of the Umbrella Hotel in Kew Gardens on July 3, 2020.

District Attorney Katz said, "This senseless act of violence demonstrates yet again the consequences of the volatile combination of gangs and guns. A young man has been apprehended for this shooting and will be held accountable for his alleged actions."

Unrelated to these charges, police along with members of the DA's Violent Criminal Enterprises Bureau, are investigating a second shooting that occurred at the hotel on August 9th. Reports of other alleged crimes at the hotel are being investigated as well.

"These incidents will be investigated and prosecuted with every tool available to law enforcement," DA Katz said. The defendant was arraigned on a 6-count indictment charging him with attempted murder in the second degree, assault in the first degree, criminal use of a firearm in the first degree, criminal possession of a weapon in the second degree and reckless endangerment in the first degree. If convicted, the defendant faces up to 10 years in prison.

According to the charges, just before midnight on July 3rd a 17-year-old walked through the lobby of the Umbrella Hotel on Queens Boulevard in Kew Gardens, Queens. He passed through a crowd that included the defendant. The 17-year-old exited the building with the defendant following him out. Video surveillance of the scene shows the defendant allegedly pulling out a handgun and firing it several times. The 17 year old victim was hit in the right leg, shattering his femur. The victim fell to the ground and rolled under a car in an attempt to hide from the shooter.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*



## TWO CREWS OF DRUG DEALERS AND GUN TRAFFICKERS DISMANTLED IN QUEENS FOLLOWING LONG-TERM INVESTIGATIONS

PRESS RELEASE-MAY 2, 2020

Queens District Attorney Melinda Katz announced that two interconnected dangerous and complex illegal enterprises selling drugs and firearms throughout Jamaica, Queens have been dismantled with the arrests of 7 defendants and 1 previously arrested in March. Two long-term investigations led to a single supplier for both crews that sold drugs in our communities with one gun runner pushing a steady supply of illegal firearms every week.

District Attorney Katz said, “I promised the citizens of Queens County that I would go after drug dealers and gun runners to keep our communities safe. Even during this global pandemic, our on-going investigations continued with 11 guns seized and several ounces of cocaine and quantities of fentanyl and heroin taken off our streets. I want to thank the hard work of all the prosecutors within my office, as well as the members of the NYPD’s Gun Violence Suppression Division. Our combined unrelenting efforts will help keep Queens residents safe.”

Utilizing complex court-authorized warrants, surveillance, undercover buys and other investigative tools, the District Attorney’s newly formed Violent Criminal Enterprises Bureau – formerly the Narcotics Investigations Bureau – along with the Gun Recidivist Investigations Program (GRIP) – part of the NYPD’s Gun Violence Suppression Division – conducted two separate on-going investigations dubbed Operation Blast Off and Operation Ace in the Hole. Undercover detectives investigated dealers distributing both guns and drugs in Queens County and allegedly discovered a common thread – a single drug supplier that provided narcotics to both crews.

The defendants are variously charged with conspiracy, criminal sale of a controlled substance, criminal sale of a firearm and other crimes. According to the charges, said District Attorney Katz, the Operation Blast Off investigation began in November 2018 and focused on the alleged criminal activity of one defendant who on several occasions allegedly sold drugs to a buyer who was actually an undercover detective. Meets were set up with this “buyer” at a Queens gym used as cover,

with the drug for cash exchange occurring inside a vehicle right outside the business. Continuing, DA Katz said, in November 2019, Operation Ace in the Hole commenced and infiltrated a second network of alleged drug traffickers that included running guns. A second defendant, an unnamed defendant and another co-defendant allegedly sold cocaine, heroin and fentanyl. The crew also allegedly sold illegal guns – transported into Jamaica, Queens via weekly deliveries by another co-defendant who allegedly supplied them with narcotics as well. The separate investigations connected when it became apparent that a suspect of the Operation Blast Off investigation was also the alleged drug supplier to the crew being pursued by Operation Ace law enforcement agents.

Further, said DA Katz, the defendant allegedly sold firearms on different occasions to buyers who were actually undercover police between February 5, 2020 and March 16, 2020. The defendant was charged with selling 6 firearms, multiple high capacity magazines and several rounds of ammunition in other instances to a “buyer” who was an undercover detective. Purchase prices for guns ranged from \$500 to \$1,100 each. Defendant also allegedly reached out to his customer base weekly with offerings of new merchandise from the weekly deliveries.

Law enforcement executed a court-authorized search warrant at the residence of the defendant and allegedly recovered more than 45 grams of cocaine, cash and a single 9mm bullet. Police also allegedly found the defendant to have in his possession a scale containing cocaine residue, additional cash, 2 cell phones and a twist containing a quantity of cocaine.

Additional court-authorized searches were executed at the homes of other defendants and police allegedly recovered 2 grams of cocaine at an apartment on Jamaica Avenue and 36 grams of cocaine from inside a speaker at an apartment on Guy R. Brewer Boulevard.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*



# GUN RUNNERS INDICTED BY QUEENS COUNTY GRAND JURY FOR TRAFFICKING ILLEGAL FIREARMS USING THE IRON PIPELINE

PRESS RELEASE-DECEMBER 2, 2020

CREW ALLEGEDLY SOLD WEAPONS IN QUEENS THAT WERE PURCHASED IN VIRGINIA; LAW ENFORCEMENT SEIZED 23 HANDGUNS, HIGH CAPACITY AMMO FEEDERS AND STOCKPILE OF BULLETS; MAIN DEFENDANT FACES UP TO 25 YEARS IN PRISON IF CONVICTED



Queens District Attorney Melinda Katz announced that a crew of gun runners led by a Jamaica resident was arraigned in Queens Supreme Court, following a grand jury handing up a 182-count indictment. The defendants are variously charged with criminal sale of a firearm, criminal possession of a weapon, conspiracy and other crimes. Between September 2019 and July 2020, the crew mainly purchased guns from the South - where the laws are not as strict - then allegedly hauled a variety of pistols, revolvers and other weapons into New York State via Interstate 95 to sell.

"Getting guns off our streets is one of my top priorities," said District Attorney Katz.

"Accomplishing that means investigating and prosecuting those responsible for allegedly bringing deadly guns into our region. One of the firearms recovered by police was once banned and is the type of weapon that is meant to kill as many people in as short a period as possible. These kinds of firearms do not belong in our communities. Each weapon seized during this investigation is a potential life saved. We will continue to work with all our law enforcement

partners to put gun runners out of business. DA Katz further acknowledged the great work of NYPD's Firearm Suppression Section and my team for their tireless efforts."

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*





# MAJOR ECONOMIC CRIMES BUREAU

The District Attorney maintains a strong policy of aggressively prosecuting white-collar crime. **Theft is theft, whether the thief wears a mask or a three-piece suit.** Whether it is stealing a car or a family's financial security through fraud, the perpetrators will be prosecuted. DA Katz has established three **specialized bureaus to focus on various types of financial crime: Major Economic Crimes, Frauds, and Housing and Worker Protection.**

As part of her vision for the office, DA Katz has implemented a comprehensive approach to crime fighting with the knowledge that economic crimes frequently have ties to criminal organizations that pose a threat to the community. The Major Economic Crimes Bureau (MECB) combines the former Organized Crime and Rackets Bureau with components of the former Economic Crimes Bureau and investigates and prosecutes a broad array of **large-scale financial crimes that often fuel dangerous criminal enterprises in our communities.**

This bureau works to target organized groups engaging in check-cashing and credit card fraud, phishing and identity theft schemes, auto theft, insurance fraud rings, gambling and loan sharking operations, as well as fraudulent medical mills. MECB collaborates with a variety of local, state, and federal law enforcement partners, often in combination, to achieve these ends. These investigations utilize sophisticated crime fighting strategies, such as wiretapping and location data, and makes use of New York's Enterprise Corruption statute where appropriate.

## AIRPORT INVESTIGATIONS UNIT

Queen County's airports are critical to our national and regional economies and essential to our way of life, keeping people free to live, work, and travel safely. In 2019, 62 million passengers, over 1.4 million tons of freight, and 90 thousand tons of mail passed through JFK Airport. During the pandemic, while passenger air travel has temporarily decreased, the air cargo industry has expanded dramatically. JFK Airport has become a central hub, receiving food, necessities and vital medical supplies including PPE, test kits, and vaccines supplying the region, the country and the world. Yet the very things about airports that attract travelers, workers, and businesses—their vast size, the scope of their facilities, the volume of passenger and cargo traffic—also attract thieves, smugglers, internal conspiracies, traffickers, and terrorists. Crime at our airports is of paramount concern.

The Airport Investigations Unit handles the investigation and prosecution of major crimes at both JFK International and LaGuardia Airports. Characteristic offenses include internal conspiracies, air cargo theft, passenger baggage theft and fraud schemes, terroristic and bomb threats, robberies, assaults, and other crimes affecting the security and safety of Queens residents and the traveling public.



# MULTI-AGENCY INVESTIGATION TAKES DOWN HEISTS CREW ACCUSED OF STEALING AND SELLING MILLIONS IN DESIGNER GOODS FROM JFK; DEFENDANTS CHARGED WITH CONSPIRACY, LARCENY AND OTHER CRIMES

PRESS RELEASE-OCTOBER 29, 2020

Queens District Attorney Melinda Katz and Port Authority Police Chief Security Officer John Bilich, announced that six individuals involved in two cargo heists and selling the proceeds have been indicted and variously charged with grand larceny, conspiracy, criminal possession of stolen property and other crimes for allegedly carrying out complex heists from John F. Kennedy International Airport earlier this year. Using insider information, the defendants allegedly hauled tractor trailers loaded with more than \$6 million worth of designer merchandise, including Chanel handbags and jewelry, Gucci purses, sunglasses, sneakers and clothing, along with Prada bags, ready-to-wear and accessories.

District Attorney Katz said, "The safety and security of this county's airports are a top priority. Teaming up with our law enforcement partners, we relentlessly pursued the suspects, who allegedly used forged documents and their insider knowledge as former airport workers to steal air cargo. Of course our airports must be safe and secure for travelers, but they also must be trusted by international companies transporting cargo to our region - especially during a pandemic when our City needs PPE, test kits, medical supplies and equipment. I would like to thank both the PAPD and the FBI's JFK Task Force for their diligence in taking down this crew."

Port Authority Chief Security Officer Bilich said, "This multi-agency effort was a success for the security of the region and the rule of law. Detectives from the Port Authority Police Department along with FBI Agents, and the Queens DA's Office displayed unrelenting dedication and commitment to solving this case and making sure that the perpetrators will be prosecuted to the fullest extent of the law."

According to the charges, this first heist netted the defendants approximately \$804,000 in Prada bags, clothes and accessories. A few days later on February 4, 2020, police located the trailer used in the robbery. The inside was empty, except for the interior being doused in bleach. Continuing, according to the indictment, on May 17, 2020, the same routine was repeated in a second JFK heist.



One of the defendants posed as a truck driver and presented another forged document authorizing the release of merchandise from the same air cargo import company. Defendants allegedly hauled away 5 air freight pallets containing thousands of pieces of Chanel and Gucci merchandise valued in excess of \$5.3 million.

DA Katz said, in June 2020, police traced the defendants to a non-operational beauty salon allegedly used as a stash house for the stolen goods. Surveillance video shows the defendants going in and out of the non-operational beauty salon in Jamaica. It appeared as if the establishment was allegedly used by the defendants to store their stolen merchandise.

When police arrived to search the beauty shop they allegedly interrupted a sale of stolen designer goods. According to the charges, another unapprehended co-conspirator allegedly was the middle man and arranged to sell 117 items – mostly Chanel handbags. Law enforcement observed the loading of more than \$300,000 worth of merchandise into the back of a white Mercedes SUV. Continuing, said the DA, once inside police executed a Court-authorized search warrant and discovered mountains of boxes stuffed with stolen merchandise still in the manufacturers' packaging. In all police recovered more than 3,000 Gucci items – clothes and bags and other accouterments. Just over 1,000 Chanel products – purses, jewelry, sunglasses and other accessories. The estimated value of the recovered merchandise totals more than \$2.5 million.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*



## AUTO CRIME UNIT

Auto theft crime and scams have a large impact on the quality of life for those who live, work, and visit Queens. Whether it is the theft of cars and car parts from the streets of Queens, the use of stolen identities to obtain cars from Queens dealerships, or car scams which deprive Queens residents of their hard-earned money, these crimes are a burden on our community.

Through a variety of innovative legal and investigative techniques and the use of cutting-edge technology, the Auto Crime Unit combats these crimes at every level, from the thieves and scammers up to and including those running sophisticated criminal organizations.

This unit specializes in the investigation and prosecution of complex auto theft rings involving multiple offenders with specialized functions, such as thieves, dismantlers, brokers, exporters, and black market dealers. The unit also investigates and prosecutes scams involving vehicles, which often prey upon the Queens immigrant communities.

## TIRE AND RIM STREET CREW BUSTED FOR SWIPING EXPENSIVE WHEELS AND LEAVING CARS ON CRATES IN QUEENS

PRESS RELEASE-DECEMBER 17, 2020

Queens District Attorney Melinda Katz, and New York City Police Commissioner Dermot Shea, announced that three defendants have been variously charged with grand larceny and other crimes for allegedly stealing tires and rims from cars parked on streets in Queens. The pit-stop style strippings occurred throughout the borough, and in the middle of the night, between November 2019 and May 2020.

District Attorney Katz said, "Under the cover of darkness, and armed with car jacks and lug wrenches, these defendants allegedly stole tires and rims from more than a dozen cars. This kind of thievery costs car owners thousands of dollars, but this crew is now officially out of business. I want to

thank the NYPD's Auto Crime Division for their hard work throughout this investigation and my team for their diligence in getting these alleged criminals off the streets."

The 30 year old main defendant fled the state and was apprehended in Pennsylvania and extradited to Queens to face charges. All three men are variously charged in three complaints with auto stripping in the first degree, criminal possession of stolen property in the fourth degree and grand larceny in the fourth degree. In all, the defendants allegedly stole up to approximately \$42,000 worth of tires and rims.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*



# QUEENS MAN CHARGED WITH ARSON AND OTHER CRIMES AFTER ALLEGEDLY SETTING FIRE TO VEHICLES IN TOW YARD; MORE THAN 100 FIREFIGHTERS RESPONDED TO JULY 2020 BLAZE

PRESS RELEASE-NOVEMBER 4, 2020

Queens District Attorney Melinda Katz, and New York City Fire Department Commissioner Daniel Nigro, announced a 30 year old defendant was charged with arson, criminal mischief and other crimes for allegedly setting a fire to his own tractor truck in a tow company's lot after the vehicle had been impounded. The blaze burned the defendant's vehicle and multiple other automobiles, as well as a building on the lot, in July 2020, causing more than \$100,000 in damages.

District Attorney Katz said, "The defendant allegedly set a fire that not only destroyed his property but others' belongings as well and then he tried to profit from his own alleged criminal actions. An FDNY investigation foiled the defendant's plans. I want to thank Commissioner Nigro's team for their hard work. We will be prosecuting the defendant to the fullest extent of the law."

On July 20, 2020, video surveillance allegedly shows the defendant enter B&M Towing's lot on Almeda Avenue in Arverne and set fire to the 2008 Volvo Tractor and a flatbed tow truck, according to the complaint. The fire quickly spread to a building and other vehicles on the lot. When the flames were extinguished, there was more than \$100,000 in damages.

According to the surveillance video, the defendant and another unidentified individual

allegedly entered the tow yard from atop a shipping container in the rear of the property. The defendant pulled two bottles from inside his clothing, approached a tow truck and doused it with liquid, believed to have been an accelerant. The defendant then allegedly poured liquid onto the flatbed tow truck. Moments later, using a lighter, he reached through the window of the flatbed tow truck and started a fire. In an instant, there was a vapor explosion that blew flames directly into his face. The defendant reeled back and clutched his face. Undeterred, the defendant allegedly continued on to his vehicle and set it on fire as well.

Continuing, the District Attorney said, several days later on July 24, 2020, the defendant and his girlfriend contacted the insurance company and allegedly reported their tractor, valued at approximately \$30,000, completely destroyed. The defendant reportedly told an insurance agent he had been on a fishing trip when the truck was damaged. Investigators reported that when the defendant was interviewed, he had injuries to his face that were not present before the alleged arson incident, including visible signs of burn injuries and trauma to his left eye and face.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*





# FRAUDS BUREAU

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The Frauds Bureau's goal is to focus on **catching criminals who prey on the vulnerable**, line their pockets with tax revenue collected on behalf of the City and State and anyone else who uses financial schemes to victimize the innocent. This bureau investigates and prosecutes a wide variety of financial crimes affecting Queens residents and businesses. Members of this bureau and its specialized units are specially trained to aid residents of Queens who are victims of embezzlement, organized theft schemes, pattern commercial burglaries, confidence schemes, trademark counterfeiting, investment scams, computer crimes, environmental crimes, government fraud, and financial crimes against the elderly. Frauds Bureau prosecutors also regularly engage in public speaking events to educate the public on how to avoid being victimized by trending scams and schemes.

## CRIMES AGAINST REVENUE UNIT (CARU)

The CARU team investigates, prosecutes and deters crime adversely affecting government revenue. When possible, the team recoups revenue siphoned from City and State coffers. The unit works to hold accountable those who deliberately fail to pay tax obligations and to crack down on illegal, untaxed cigarette trafficking. Over the course of 2020, **this unit has secured more than \$2.2 million** from defendants caught and prosecuted for operating illegal, tax-evading enterprises.

In one investigation conducted this year by the Frauds Bureau and investigators with the New York State Insurance Fund, the New York State Department of Financial Services and the New York State Inspector General's Office, business owners were charged with theft for allegedly failing to pay insurance premiums of more than \$2 million for workers' compensation insurance covering employees. Another business owner was charged in a fraudulent practice that allegedly concealed \$3 million in revenue during their audits with the New York State Insurance Fund and allegedly defrauding the Fund of more than \$460,000 in insurance premiums.

District Attorney Katz said, "Employees depend on the worker's compensation insurance for their much-needed wages and medical care when they are injured on the job. This is a promise that must be kept to our hard-working labor force. These two employers allegedly pocketed money that should have helped fund the insurance program. This is unacceptable. I want to thank my law enforcement partners for their diligence in investigating these two cases. Both defendants will be held accountable."

## COMPUTER CRIMES UNIT

This unit investigates and prosecutes cases that involve technology-facilitated crimes against children as well as adults. These crimes include the possession of child sexual abuse material and attempts to lure children online for sex offline, revenge porn, unlawful surveillance, email scams, ransomware and other offenses committed using technology.

## ELDER FRAUD UNIT

The Elder Fraud Unit investigates and prosecutes financial crimes and schemes involving theft of property or savings from senior citizens. The unit has been instrumental in returning deeds to exploited homeowners and securing restitution. Additionally, the unit focuses on prevention through community outreach with events aimed at educating seniors and the entire community on how to avoid being victimized by scammers.



**PRESS RELEASE-DECEMBER 4, 2020**

**Continuing, according to the charges, in the fall**

DA Katz said the elderly mother was under the impression the monthly deposits had stopped due to the financial institution filing bankruptcy. The scheme was discovered when a new, kind and compassionate health care attendant realized the household was not receiving monies to support the mother and her incapacitated daughter and made a referral to the Queens County District Attorney's Elder Fraud Unit.

A close-up photograph of a magnifying glass with a dark, textured handle and a silver-colored frame. The lens is positioned over a document, focusing sharply on the word "fraud" in a large, bold, black serif font. Above "fraud", the word "crime" is visible in a smaller, regular serif font. The background of the document is filled with other text in various serif fonts, some of which are blurred due to a shallow depth of field. The lighting is soft, highlighting the metallic texture of the magnifying glass and the crispness of the printed text.



# HOUSING AND WORKER PROTECTION BUREAU

The new Housing and Worker Protection Bureau focuses on investigating and prosecuting crimes related to **homeownership, predatory lending, wage theft and workplace safety**. This bureau works collaboratively with other agencies and across disciplines to bring the full power of the District Attorney's office into play to identify and hold those who victimize members of our communities accountable.

Far too often, people are swindled into giving away their property. Unscrupulous criminals often target vulnerable people in real estate scams, convincing them to sign on a dotted line that literally gives away their home. This new bureau investigates those crimes. In many instances, education is the key to combating these kinds of cons. The Housing and Worker Protection Bureau focuses on prosecuting these crimes while also educating the community on how to avoid being the victims of charlatans who use manipulation to take advantage of people.

In one case, our Office returned over \$38,000 to victims of a real estate scheme. Through a series of emails, a daughter and her father fell victim to a person posing as their lawyer; they paid a down payment for an apartment they believed they were buying and which was to be placed in their attorney's escrow account. In reality, the daughter had been misdirected by the imposter to send the money to a bank which the scammer had accessed. Through a joint investigation with the New York City Police Department and law enforcement agencies in Texas, it was revealed that the victim's money was actually diverted to a bank account in Texas. From that account in Texas, over \$10,000 of the victims' money was withdrawn. We were, however, able to recover a substantial amount of the funds to the victims before it was too late. This investigation is on-going to ensure no additional victims fall prey to this scheme.

**The outbreak of the coronavirus pandemic inspired greed and manipulation as some individuals and businesses took advantage of people's fears to line their own pockets.** In one such case, the bureau, together with the New York City Police Department and Homeland Security Investigations (HSI) New York investigated and is prosecuting 2 individuals who allegedly sold medical face masks from a grocery store at an inflated price. They were formally charged with a New York City Administrative Code violation under the Department of Consumer and Worker's Protection's Emergency Price Gouging Rule.

The Housing and Worker Protection Bureau also goes after crimes related to **dangerous construction sites** that put workers in harm's way and employers who fail to pay the prevailing wage. They pursue contractors who take money-saving shortcuts at the expense of worker safety, employers who skim wages from their employees and those who refuse to pay the prevailing wage. Where appropriate, the bureau enforces construction codes and the penal law to ensure that those in power are held accountable for any wrongdoing.

Working with outside agencies, unions, and employers, the bureau informs workers in the construction trades about their rights and responsibilities. This helps to ensure that employees are informed and aware of safety measures that should be in place at worksites and will be able to recognize when they are being victimized.





# QUEENS CONTRACTOR AND HIS BUSINESS PLEAD GUILTY TO VIOLATING PREVAILING WAGE LABOR LAWS AND STEALING MORE THAN \$1.5 MILLION FROM WORKERS

PRESS RELEASE-SEPTEMBER 22, 2020

The District Attorney and the New York City Department of Investigation Commissioner announced today that a Glen Oaks resident, and his business Laser Electrical Contracting Inc., pleaded guilty to a labor law violation on paying a prevailing wage to workers. The business owner pocketed more than \$1.5 million that should have gone to employees between 2014 and 2018. The defendant secured City contracts for his company worth millions of dollars. Any company doing business with the City is required to pay its workers union wages, or the equivalent if the employees are not union members.

District Attorney Katz said, "Earlier this year I created the Housing and Worker Protection Bureau to combat this kind of malfeasance. When an employee puts in a day's work, they deserve to be paid the prevailing wage. In this instance, the defendant paid his employees less than what was required and siphoned the difference into his own pocket. This is unacceptable and will not be

tolerated in Queens County. I would like to thank the DOI Commissioner and her team for their hard work investigating this case."

According to the charges, the defendant played out a scheme commonly referred to as a prevailing wage scam. Laser Electric won contracts with the New York City School Construction Authority and the New York City Department of Education. With any City agency, company's doing City projects must pay a prevailing wage to its employees. For approximately four years, however, this defendant swindled 11 employees. He paid them substantially less and took the remainder of the funds for himself.

On behalf of his company, the defendant pleaded guilty to a felony failure to pay a prevailing wage. As part of the negotiated plea, the owner was required to make full restitution and also reimburse the City approximately \$160,000 to cover the cost of the investigation.

***"When an employee puts in a day's work, they deserve to be paid the prevailing wage."***

***-District Attorney Melinda Katz***





# HUMAN TRAFFICKING BUREAU

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This newly formed bureau, the first at any prosecutors' office in the City, combats sex and labor trafficking. The bureau works to **aggressively prosecute traffickers** and buyers of sex and also connects survivors of trafficking with **meaningful services to empower them** to escape their traffickers. This bureau also provides community outreach, education and information aimed toward preventing and identifying trafficking in our communities.

The sex trafficking industry is a brutal, degrading, and illegal enterprise that far too often profits by forcing women, children, and members of our transgender community into prostitution. But there are other forms of trafficking, such as forcing individuals to work with little or no pay. This new and dedicated bureau combats those who would victimize others with aggressive investigations to end this industry.

Additionally, the Human Trafficking Bureau is focused on helping the victims find a path to freedom with services and programs that will give them positive change in their lives and a future without fear.

The 2019 Trafficking in Persons Report, issued by the U.S. Department of State, reveals that a staggering 24.9 million people are robbed of their freedom and basic human dignity by sex and labor traffickers. Here in the United States, traffickers often use violence, threats, deception, debt bondage and other manipulative tactics to force people to engage in commercial sex or to provide labor or services against their will.

Queens County is well known for its rich cultural and ethnic diversity. The borough is home to two airports and to a large percentage of foreign born and undocumented persons. Therefore, Queens is a prime geographic location for traffickers to target and exploit those most at risk. Trafficking is not only a local issue, but one involving our world community. **Traffickers often target already vulnerable and marginalized members of our society**, such as our homeless youth, undocumented immigrants, those with substance abuse or mental health issues, as well as those who face discrimination or gender inequality, and have little economic or social support systems. With respect to foreign born and undocumented persons, traffickers routinely use threats and fear of imprisonment and deportation to maintain control over their victims to continue their exploitation.

## STATEMENT IN SUPPORT OF REPEALING THE LOITERING LAW IN REGARDS TO PROSTITUTION

*PRESS RELEASE-JUNE 1, 2020*

District Attorney Melinda Katz announced her support for a bill that would repeal the crime of loitering for the purposes of prostitution from the New York State Penal Law. Since taking office on January 1st the District Attorney has not charged or convicted a single individual for the crime of loitering for the purposes of prostitution and until the law is repealed, she will decline to prosecute anyone arrested on this charge in Queens County.

District Attorney Katz said, "This decision was made after careful consideration, which included an analysis of historical data that demonstrated enforcement of this statute is often used to arrest and harass people based on their gender or appearance and adversely impacted already

marginalized members of our community. Our objective is not to penalize people who are being victimized or commercially exploited sexually, but rather to connect them to meaningful services, support, and tools to enable them to safely exit the sex trade industry."

The District Attorney's Office is committed to combating human trafficking by implementing policies designed to provide much-needed services and assistance to victims. The DA reiterated that victims of sex trafficking will not face charges in Queens. But those responsible for forcing these victims into the sex trade industry will be held responsible and will be prosecuted to the fullest extent of the law.

# ACCUSED SEX TRAFFICKER INDICTED BY QUEENS COUNTY GRAND JURY FOR COERCING TEENAGE GIRL INTO PROSTITUTION

PRESS RELEASE-OCTOBER 29, 2020

The District Attorney announced a 30-year-old defendant has been indicted by a Queens County grand jury and arraigned on charges of sex trafficking of a child, compelling prostitution, rape, and other crimes. The defendant allegedly forced a 16-year-old girl to trade sex for cash with strangers. District Attorney Katz said, "Sex trafficking is not a choice – it is forced submission to trade sex for money using intimidation, physical abuse, and manipulation. The defendant in this case allegedly used brute aggression to make this youngster perform sex acts with men. He is also accused of using her for his own sexual gratification. This cannot stand. The defendant was apprehended as he waited for the victim to finish working for him. Now, he awaits judgment by a jury of 12."

The defendant, from Brooklyn, was arraigned on a 17-count indictment charging him with sex trafficking of a child, sex trafficking, compelling

prostitution, promoting prostitution in the second degree, rape in the third degree, criminal sexual act in the third degree, criminal obstruction of breathing or blood circulation, assault in the third degree, attempted rape in the third degree, endangering the welfare of a child and criminal possession of a controlled substance in the fifth degree. If convicted, he faces up to 25 years in prison.

According to the charges, from September 1st through October 1st of this year the defendant allegedly took the victim to various hotels where he allegedly forced her to have sex with various men for money. The defendant set a pay scale for short sexual encounters and for longer interactions. He told the girl she owed him money and she was forced to turn over all the money for having sex with strangers to the defendant.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*

## QUEENS MAN CHARGED WITH SEX TRAFFICKING TEENAGE GIRLS

PRESS RELEASE-JULY 9, 2020

The District Attorney announced that a 29-year-old Queens man was charged with sex trafficking and other crimes for allegedly holding 2 teenage girls against their will at a Jamaica, Queens, hotel last month and forcing them to have sex with strangers for money and then pocketing the cash. The defendant was charged with the new sex trafficking of a child law enacted just over a year ago.

The defendant, a 29 year old living in Jamaica, Queens was arraigned on a complaint charging him with 2 counts each of compelling prostitution, sex trafficking, sex trafficking of a child, promoting prostitution in the second degree and rape in the third degree. If convicted, the defendant faces 10 to 50 years in prison.

According to the charges, on June 5, 2020, the defendant, and the teens, 16 and 17, entered the JFK Hotel, along with an unapprehended female and stayed there through at least June 12, 2020. While at the above location, the defendant allegedly engaged in sexual intercourse with the 16-year-old girl. He later told the teenager that she would be having sex with other men for cash. When the girl refused, the defendant allegedly told her "I will kill you." He further instructed her to tell the strangers she had sex with that she was born in June 2000 – making her legally old enough to consent to sex.

The second victim, who is 17, was also allegedly told by the defendant that she would be having sex with men for money at the same hotel. During her time at the hotel, the 17-year-old had repeated sex dates with strangers. The money was allegedly collected by the unapprehended female, who would later give the cash to the defendant. The 17-year-old, just like the other victim, was never given any money nor was she fed by the defendant or the unapprehended female. This victim also feared that if she didn't comply with the defendant's demands that the defendant would beat her or worse.

According to the charges, the 2 victims were kept separated from each other. Receipts obtained during the investigation from the JFK Inn indicate that the defendant, who provided identification to the hotel, rented room #333 between June 5, 2020 and June 12, 2020. In addition, video surveillance obtained from the JFK Inn, depicts the defendant and an unapprehended female walking into the location with the 2 teenage girls on June 5, 2020 and additional video surveillance depicts the defendant and the 16-year-old girl walking in and out of Room #333 on June 12, 2020 and at least one unidentified male entering the room.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*



# HATE CRIMES BUREAU

Queens County is known as the 'World's Borough' because it is home to the most diverse population of any county in the nation. As a result of this diversity, the District Attorney formed a dedicated Hate Crimes Bureau in the newly reorganized Supreme Court Trial Division. **The new bureau is one of the first in the nation committed exclusively to preventing, investigating and prosecuting hate crimes.**

People from all over the world come to this borough to work, live, and make a new life for themselves and their families. It is this amazing diversity that is our strength and makes our borough so vibrant. But, because of this diversity, some who have hate in their heart will seek to wreak havoc and attempt to weaken and divide us through disgusting and cowardly bias crimes.

The individual hate crime victim often suffers significant psychological harm on top of the economic or physical injury caused by the underlying criminal act. Also, members of the victims' group, and other minority groups, can suffer secondary injury by becoming fearful and isolating from others. By aggressively addressing hate crimes, the District Attorney's Office is making clear that hate crimes will not be tolerated and this bureau will aggressively tackle these issues.

The Hate Crimes Bureau takes a **multifaceted approach to stopping hate crimes** by working collaboratively with others to combat bias, as well as developing meaningful programs to bring about positive change. The bureau vigorously prosecutes anyone who hurts others based on their own prejudices and hate. **Notably, hate crimes related arrests in Queens County have declined by 26% in 2020.**

Additionally, the District Attorney's Hate Crimes Bureau engages in extensive community outreach to foster positive ties between impacted communities and law enforcement. The goal is to also combat racism, anti-Semitism, homophobia and other hate-inspired bias crimes through education. The bureau crafts innovative sentencing programs to address and reform so individuals do not offend again. This specialized bureau works closely with our Office of Immigrant Affairs and with the NYPD Hate Crimes Task Force to achieve these objectives.



# QUEENS MAN CHARGED WITH HATE CRIMES FOR SHOOTING AT VICTIMS WHO WERE DRIVING IN HIS NEIGHBORHOOD

PRESS RELEASE-JUNE 8, 2020

Queens District Attorney Melinda Katz announced that a defendant was charged with attempted murder as a hate crime and other charges after he followed a vehicle that was driving in his neighborhood, then pulled out a gun and fired on the occupants of the car.

District Attorney Katz said, "Public streets belong to everyone – and it offends the public conscience to think that someone believes they have the right to chase down and shoot at anyone because they're not from the neighborhood. This could have ended with someone being killed. The defendant is accused of being a vigilante hell-bent on clearing his neighborhood of the 2 black men who drove through. The defendant is being charged with numerous hate crimes and will be held accountable for his alleged actions."

The defendant, of Jamaica, was arraigned on a complaint charging him with attempted assault in the first-degree as a hate crime, attempted murder in the second-degree as a hate crime, reckless endangerment in the first-degree as a hate crime, criminal possession of a weapon in the second degree, reckless driving and avoiding intersection

or traffic control device. If convicted, the defendant faces between 8 and 25 years in prison.

On June 6, 2020 at the intersection of 73rd Avenue and Parsons Boulevard a police vehicle that was stopped by a traffic light observed a black Chevy Tahoe speeding toward him on the wrong side of the road. The driver of the Tahoe pulled along the side of the police car and told the officers that someone was following them and pointed at the on-coming black Dodge Durango and said they had shot at him.

Moments later the police pulled the car over and at that time the defendant allegedly stated to the officers "those guys were in my neighborhood. I'm sorry officer, I didn't do anything wrong. They were scouting my whole neighborhood the whole day."

According to the charges, police allegedly recovered a loaded gun and one spent shell casing inside the .357 revolver. The defendant seeing the police retrieve the weapon allegedly admitted that he had fired the gun. "I wasn't shooting to kill them – just shooting to scare them." The defendant was immediately taken into police custody.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*

# WOMAN CHARGED WITH HATE CRIME IN REGO PARK ASSAULT

PRESS RELEASE-NOVEMBER 13, 2020

Queens District Attorney Melinda Katz announced a defendant has been charged with assault as a hate crime for allegedly attacking a couple outside of their Rego Park home in front of their two children on November 6.

District Attorney Katz said, "Hate crimes are unacceptable. The defendant allegedly took part in a malicious assault that included physical violence and repugnant taunts of hatred. A family was terrorized because of their religious beliefs. Such bigotry will be confronted and prosecuted in Queens County."

The defendant was arraigned on a complaint charging her with assault in the second degree as a hate crime, three counts of aggravated harassment in the second degree, four counts of endangering the welfare of a child and one count of disorderly conduct. If convicted, she faces up to 15 years in prison.

District Attorney Katz said that on November 6, 2020, the defendant and another allegedly approached a family in the rear parking area of their

apartment building on Woodhaven Boulevard, where both the family and the defendant live. According to the complaint, the defendant allegedly grabbed the woman's hijab while yelling "f----- Muslim" at her. According to the charges, the defendant had previously harassed the woman and her children in the parking area of the building on September 27, 2020.

According to the complaint, on November 6th, the victim's husband placed his arm between his wife and the defendant and asked them to leave his family alone. The unapprehended male then pushed his hands into the male victim's face and chest, causing him to fall to the ground.

The DA said, while the victim was on the ground, the defendant allegedly kicked him multiple times in the stomach and shouted obscenities, while the unapprehended male kicked him in his head and face and threatened to kill the entire family.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*



# VEHICULAR CRIMES

Since taking office, District Attorney Katz initiated new policies to help keep dangerous, drugged, and drunk drivers off the road. Under District Attorney Katz's administration, criminal drivers are held accountable.

Amidst the COVID-19 pandemic, traffic in and around Queens has gotten significantly heavier as more people are choosing their automobiles over public transportation. **Driving a car provides many conveniences, but with it comes responsibility.** Any time an individual drinks alcohol or smokes marijuana and gets behind the wheel, everyone on the road is in danger. Even a small amount of alcohol can severely impair judgment and result in calamity.

In 2020, we saw a 27.7% increase in fatal collisions from the year prior. Our Office handled several cases that underscore the terrible consequences of impaired driving. In one, a man pleaded guilty to aggravated vehicular homicide and faces up to 15 years in prison for causing a seven-car pile-up that killed another man and his two dogs. In another tragedy, a Queens grand jury has indicted a man on vehicular homicide and other serious charges for a car crash that killed the defendant's eight-year-old son. If convicted, he faces up to 8 1/3 to 25 years in prison.

**Utilizing a balanced approach to prosecution,** intervention methods, and treatment programs, the District Attorney is committed to combat the problem of under-influence driving in the borough of Queens. Under the DA's new policies, the Office has lowered the blood alcohol levels acceptable for plea offers and seeks stronger sanctions in aggravated circumstances. Dispositions on DWI cases are now more closely aligned with statutory guidelines. While each case is examined on its own merits, **many DWI cases are no longer eligible for reduced pleas as they had been in the past.**

In addition, while people are held accountable for their actions, the District Attorney makes every effort to ensure they do not return to the criminal justice system for the same mistakes. As part of that effort, in appropriate cases where incarceration is not warranted, we seek to provide treatment for the defendant's alcohol or drug abuse problem and verifying treatment compliance with the use of a Secure Continuous Remote Alcohol Monitor or other alcohol monitoring device for a minimum of 90 days during the initial stages of treatment. Further, we utilize technology to insure that a driver who is intoxicated cannot continue to drive by mandating the installation of an ignition interlock device which requires a sober breath sample to start the automobile. These effective accountability measures make our streets safer and save lives. Our recidivism rate for defendants placed on rigorous monitoring is less than five percent, with the proportion of defendants who successfully complete the 12-month program at over 90 percent.



**IN 2020, THERE WAS A 27.7% INCREASE  
IN FATAL COLLISIONS**

# ROADS SAFER FROM DRUGS AND ALCOHOL: QUEENS' DA ON PROTECTING THE CITY FROM IMPAIRED DRIVERS

-NEW YORK DAILY NEWS – OP-ED – NOVEMBER 27, 2020

As we enter the holiday season of this extremely challenging year, much attention has been focused — and rightly so — on how to see families and loved ones while keeping safe from the pandemic. But it is also a time to urge caution on the roads, and to remember that lives are lost when one gets into a car impaired or intoxicated by alcohol and drugs.

When the pandemic first hit and our streets became eerily quiet, traffic as we knew it virtually disappeared. Unfortunately, the empty streets paved the way for too many motorists to disregard traffic rules and speed limits, and to drive recklessly or under the influence of drugs or alcohol.

Now that there are more cars, motorcycles, cyclists and pedestrians back on the roads here in Queens, one of the consequences has been a marked increase in fatal vehicular collisions. In fact, year-to-date as of Nov. 24, our office has seen a 27.7% increase in fatal collisions throughout the borough.

Recent tragedies underscore the role alcohol and drugs can play. In the last few months alone, we've seen an 8-year-old killed by a car crash where the driver's breathalyzer allegedly showed .118 blood alcohol content and a test for cannabis was positive.

Early in November, a 32-year-old female passenger was killed when the car veered off the roadway, slamming through a fence and crashing into trees. The driver's blood alcohol content was allegedly two times above the legal limit.

And just this past weekend, a 52-year-old Queens Hospital technician who drew and tested blood samples and assisted with COVID-19 cases was killed on his way to work when his car was slammed by another vehicle. The crash data recorder from the second car indicated that its driver, who has been charged with manslaughter in the second degree, driving while under the influence and other crimes, was allegedly traveling at 97 mph one second before the collision.

Since taking office in January, I have redefined and tightened our guidelines on all vehicular crimes, working within the framework of the laws available. The fact is, we need policies that reflect the real threat and harm these preventable crimes have on our families and communities.

Few choices are more selfish than driving while under the influence of alcohol or drugs. A drunk or drugged driver not only puts his own life at risk but also the lives of everyone else on the road. Making

that choice, the driver is effectively saying, "I don't care who I injure, I don't care who I kill."

This threat to our safety exists whether a collision occurs or not. Just getting behind the wheel is enough. Under my administration, these drivers are being held accountable. I have ensured that dispositions on DWI cases are now more closely aligned with statutory guidelines. While each case is examined on its own merits, many DWI cases are no longer eligible for reduced pleas as they had been in the past. We have lowered the blood alcohol levels acceptable for plea offers and seek stronger sanctions in aggravated circumstances.

These new policies strengthen our ability to keep these drivers off the road and prevent further harm, but stricter guidelines alone are not enough.

Every DWI plea and sentence includes mandatory participation in the state Impaired Driver Program, an intensive educational program focused on high-risk alcohol and drug use behaviors. This program consists of weekly classroom sessions, presentations, guided discussions, individual and group activities. Individuals are screened to identify risk factors for alcohol or substance abuse and, where appropriate, may undergo a comprehensive clinical assessment and receive further treatment.

We also work to identify cases where additional meaningful treatment programs can improve driving behavior and reduce recidivism. Moreover, to help reduce the number of alcohol-related injuries and deaths, technology can monitor alcohol use and help ensure that a driver who is intoxicated stays off our streets.

These programs work. In fact, 95% of defendants who complete them do not return to the system on DWI-related offenses. These effective accountability measures make our streets safer and save lives.

Drunk and drugged driving takes loved ones from us and leaves others behind to find a way to heal, knowing that the preventable tragedy could have been avoided but can never be undone.

As we all try to keep our families and friends protected during this pandemic, let's remember that all those on the roads — drivers, passengers, bicyclists, pedestrians — deserve to return to their loved ones safely as well.

Please have a healthy and a safe holiday season.

Katz is the District Attorney of Queens.



# QUEENS DRIVER INDICTED BY GRAND JURY IN DEATH OF FEMALE PASSENGER; DEFENDANT CHARGED WITH AGGRAVATED VEHICULAR HOMICIDE, MANSLAUGHTER AND OTHER CRIMES

PRESS RELEASE-NOVEMBER 10, 2020

DEFENDANT WAS ALLEGEDLY DRUNK AND DRIVING IN EXCESS OF 97 MPH;  
ONE-VEHICLE CRASH KILLED 32-YEAR-OLD WOMAN;  
ACCUSED FACES UP TO 25 YEARS IN PRISON

Queens District Attorney Melinda Katz announced that a driver was charged in a 13-count indictment with aggravated vehicular homicide, manslaughter, DWI and other crimes for a deadly car crash in September in Far Rockaway, Queens.

Queens District Attorney Melinda Katz said, "A car hitting speeds of nearly 100 mph was a death sentence for a 32-year-old woman in the passenger seat of this defendant's car. The defendant allegedly got drunk and then drove recklessly and with total disregard for every person on the road. My office will not tolerate drivers who drink and then selfishly drive."

According to the charges, soon after 6:30 p.m. on September 26, 2020, the defendant was behind the wheel of a 2015 BMW headed eastbound on Rockaway Boulevard. He was allegedly exceeding the speed limit and at one point approached an unmarked police car so fast, the officer driving had to swerve to avoid being struck. Moments after

approaching the police vehicle, the BMW veered off the roadway, slammed through a metal fence, travelled approximately 100 yards and crashed into a scrub of trees.

Continuing, the DA said, the police officers witnessing the crash approached the vehicle and saw the defendant as he got out of the BMW. After

securing a Court-authorized search warrant, police recovered the automobile's crash data recorder, which indicated the driver was traveling at 97 mph just 5 seconds before the collision. The front passenger,

a 32-year-old victim, sustained severe trauma to both her head and body and was pronounced dead at the scene.

A Court-authorized search warrant for the driver's blood was granted and a laboratory analysis revealed him to have a blood-alcohol level almost twice the legal limit.

*The charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.*

**"My office will not tolerate drivers who drink and then selfishly drive."**

**-District Attorney Melinda Katz**

**POLICE LINE DO NOT CROSS**

# BROOKLYN MAN SENTENCED TO PRISON AFTER PLEADING GUILTY TO AGGRAVATED VEHICULAR HOMICIDE FOR CRASH THAT KILLED A MAN AND HIS TWO DOGS

PRESS RELEASE - OCTOBER 30, 2020

FOUR OTHER PEOPLE INJURED IN SEVEN-CAR PILE UP  
CAUSED BY DRUNK DRIVING DEFENDANT



District Attorney Melinda Katz announced that a defendant, 31 years of age, of Hart Street in Bedford-Stuyvesant has been sentenced to up to 15 years in prison after pleading guilty to aggravated vehicular homicide and other crimes. The defendant admitted he got behind the wheel of a car after drinking alcohol and smoking marijuana in August 2018. The ensuing car crash caused by the defendant killed a 38-year-old Brooklyn man, his dogs and injured four other people.

District Attorney Katz said, "A man is dead because the defendant chose to get high and drive. Getting behind the wheel of a car after smoking and drinking endangers everyone on the road. In this instance, a loved one is tragically gone, as well as the family's beloved dogs. The defendant has admitted his guilt and the Court has now ordered him to prison for his criminal actions."

The defendant pleaded guilty on July 30, 2020 to aggravated vehicular homicide, assault in the second degree and two counts of overdriving, torturing, or injuring an animal. This morning, the defendant was sentenced to 6 to 15 years in prison.

District Attorney Katz said the defendant was driving a Chevy northbound on the Van Wyck Expressway near Jewel Avenue shortly before 5 a.m. on August 18, 2018. The defendant weaved in and out of the early morning traffic and crossed multiple lanes. At more than 80 mph, the defendant crashed

into the back of an Acura that was being driven by a 27-year-old woman. The woman was with her friend and his two dogs were in the back seat.

According to the charges, the impact of the collision forced the Acura into the center guardrail and sent it airborne. The Acura landed upside down on the southbound side of the Van Wyck Expressway, where it was struck by another vehicle. The victim, a 38-year-old man, was crushed on impact and died at the scene. His two dogs were thrown from the car and were also killed. The driver survived the collision but sustained facial fractures, a broken arm, and injuries to her torso. In all, seven vehicles were either struck with debris or crashed into attempting to avoid being hit, including a TSA K-9 Unit that was headed to Kennedy International Airport. Five people, including the defendant, were injured in the collision.

DA Katz said the defendant was treated at a nearby hospital for head injuries. At that time, a Court-authorized search warrant was executed for the defendant's blood. Forty minutes after the crash, the defendant's blood alcohol level was .16. The defendant also tested positive for the presence of THC, a compound of marijuana, in his blood stream. Surveillance video showed the defendant at a strip club earlier in the evening, drinking Hennessy and smoking marijuana, before he got behind the wheel of the Chevy.









# SECTION V

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## BRIDGE TO PARTNERSHIP: BUILDING MEANINGFUL RELATIONSHIPS



# COMMUNITY PARTNERSHIPS DIVISION

District Attorney Katz has created a Community Partnerships Division to work closely with our communities and alongside the Office's other divisions to keep Queens County safe. This division is comprised of community associates, a response team, community outreach coordinators and liaisons. They emphasize District Attorney Katz's vision of community prosecution through peer mentoring and collaboration with cure violence organizations. The division is made up of three bureaus: the Community Engagement Bureau, Youth Empowerment Bureau, and the Civic Awareness Bureau.

## COMMUNITY ENGAGEMENT BUREAU

The Community Engagement Bureau serves as "boots on the ground" for District Attorney Katz. The members of this bureau are actively engaging with the community, attending civic meetings, Community Board meetings, Precinct Community Council meetings, and religious services to get to know as many members of the community as possible and to understand how crime is affecting every community.

Their relationship building has resulted in their ability to reach out to leaders quickly when an event occurs and, in turn, to be a resource to community leaders.



## **YOUTH EMPOWERMENT BUREAU**

The Youth Empowerment Bureau reaches hundreds of youth on an ongoing basis, creating an opportunity to teach young people to think critically and communicate respectfully. They also provide opportunities for students to increase their knowledge and awareness of the law and legal issues.

The Youth Empowerment team has several programs. Due to the pandemic, some of these programs have been placed on hold until it is safe to continue.

### **LEGAL EXPLORERS PROGRAM**

The Legal Explorers Program trains a new generation of prosecutors, defense lawyers, judges, police officers and other criminal justice professionals. The program is designed to educate high school students about the legal system and various careers within law and law enforcement.

### **MOCK TRIAL COMPETITION**

The bureau works with the New York State Bar Association to administer the high school Mock Trial Competition each year. The Bar Association creates case materials which are distributed to participating schools. The bureau works with court staff to provide courtrooms for the competition and also recruits attorneys to preside as judges over the proceedings.

### **NeON PROGRAM**

This past summer, our Office partnered with the NYC Department of Probation to deliver the Neighborhood Opportunity Network (“NeON”) Program to selected Queens’ youth. The program was designed to teach young people workplace soft skills and help them prepare for a path forward with career readiness.

### **PATHWAYS TO KNOWLEDGE PROGRAM**

The Pathways to Knowledge Program has expanded the Office’s Star Track Program, which originally focused on the Far Rockaway community, to other targeted schools throughout Queens. This program is designed to build bonds between law enforcement and young people, teach social responsibility, provide alternatives to drugs and crime, and encourage better decision-making.

### **STUDENT ADVISORY COUNCIL**

The Student Advisory Council is a program designed to educate both students and our staff about the views of young people on legal issues that affect their lives. The bureau brings students of varied backgrounds from schools all over Queens to discuss issues that affect the law and to help identify their own personal biases and debate matters in civil discourse.

### **SUMMER YOUTH EMPLOYMENT PROGRAM AND OTHER INTERNSHIPS**

High school and college interns under the Summer Youth Employment Program and our Far Rockaway Initiative learn through training sessions, cultural enrichment trips as well as career readiness and financial responsibility training.

### **YOUTH EVENTS IN THE COMMUNITY**

The bureau has attended numerous events within the community both virtually and in person to connect with Queens’ youth. Our staff educates them on the role of the District Attorney’s Office, and how our work impacts their community. Additionally, our staff stresses how important it is for them to make the right choices in life, and how the wrong choices can have a lasting impact on their lives. At these events, our staff, also networks with people who can expand our access to young people, such as school administrators, teachers, coaches, and religious leaders.



## CIVIC AWARENESS BUREAU

The Civic Awareness Bureau coordinates the Advisory Councils to the Queens District Attorney. Additionally, the Civic Awareness Bureau manages and operates all District Attorney sponsored events including gun buy-backs, warrant forgiveness programs, town halls, rallies and cultural celebration events. The Office of Immigrant Affairs is also part of the Civic Awareness Bureau and their services are described below.

## COMMUNITY ADVISORY COUNCILS

The Civic Awareness Bureau is managing the formation of Community Advisory Councils. These advisory groups are organized to enhance communications between the Office and the various communities that comprise the most diverse county in the United States.

District Attorney Katz has created these councils to change the dynamic of community relations. **The first time people interact with the Office of the District Attorney should not be during a time of crisis or tragedy.** The District Attorney is determined to “open the doors” of the Office, invite the community in, hear their concerns, and ensure that communities are familiar with the Office.

Nearly 400 Queens residents from all walks of life have joined our Community Advisory Councils. Our Office will continue to form new advisory councils as the opportunities arise, including a Middle Eastern/North African Advisory Council in 2021. So far, each advisory council consists of approximately 45 members who will share information and observations, particularly about crimes that are under-reported to the police because of language barriers or immigration concerns. To date, the following nine individual advisory councils have held virtual organizational meetings to kick off the important work they are set to accomplish.

- |  |  |
|--|--|
| 1. The African-American Advisory Council | 6. Service Employees Labor Council                 |
| 2. The Clergy Advisory Council           | 7. The Latino Advisory Council                     |
| 3. The Pacific Asian Advisory Council    | 8. The LGBTQ+ Advisory Council                     |
| 4. The Jewish Advisory Council           | 9. The South Asian/Indo Caribbean Advisory Council |
| 5. Building Trades Labor Council         |  |

## OFFICE OF IMMIGRANT AFFAIRS

The Office of Immigrant Affairs (OIA) works with every bureau and unit to protect the rights of all immigrants who are victims of crimes. OIA is focused on **helping immigrants navigate the criminal justice system**, educating our communities on their rights, issuing U and T-Visa certifications and protecting the rights of all immigrants regardless of their immigration status.

OIA also offers trainings and presentations at events to educate our communities on their rights and works closely with other agencies to promote immigrant rights.

In 2020, OIA processed hundreds of U-Visa and T-Visa applications to assist undocumented witnesses who have cooperated with the prosecution of their cases or been the victims of trafficking crimes.

## GUN BUY BACK PROGRAM

As the city and our borough continues to address the ongoing effects of gun violence, DA Katz has been proactive in fighting back. The District Attorney reminds us all that a gun can never be un-fired and a life taken can never be restored. Our Office is **working tirelessly to get guns off the street**, and we have organized three gun buy-back initiatives. To date, these gun buy-backs have taken more than 200 operable firearms off the street.

The Queens District Attorney's Office and the New York Police Department (NYPD) co-hosted these gun buy back events across the borough with local community groups and churches, including Our Lady of Mount Carmel Roman Catholic Church in Long Island City, the Center of Hope International (COHI), the Community Church of Astoria, the Greater Springfield Community Church in Jamaica, and the Macedonia Baptist Church in Far Rockaway. The funding for these events is provided by DA Katz and the NYPD.

These events are an effective tool to diminish access to operable guns and reduce gun violence. Many individuals turned in firearms, with no questions asked, and received a \$200 bank card for each surrendered handgun. Every gun collected represents a potential tragedy averted.



## COMMUNITY RALLY FOR PEACE

Our Bureau organized a Rally for Peace at Roy Wilkins Park that brought hundreds of residents, community members and leaders, clergy, cure-violence groups and law enforcement together in unity to condemn gun violence.









# SECTION VI

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## IMPORTANT INFORMATION



## COLD CASES

**IF YOU HAVE ANY INFORMATION, PLEASE CALL  
1-800-577-TIPS  
OR EMAIL: [NYPDCrimeStoppers.com](mailto:NYPDCrimeStoppers.com)  
OR DOWNLOAD AND USE THE CRIME STOPPERS APP: CS-NYC  
TIPS ARE CONFIDENTIAL**



**CLEOPATRA BARLOW**  
AGE 47

On May 25, 1994, at approximately 10:30 pm, Cleopatra Barlow was shot and killed in the vicinity of 145-37 230 Place, Rosedale, Queens.



**HELEN BROCK**  
AGE 54

On Thursday, August 2, 1984, Helen Brock was the victim of a home invasion where she was shot and killed inside of 78-04 220 street in Bayside, Queens.



**MARISHA CHEONG**  
AGE 24

On February 16, 2013, the body of Marisha Cheong washed up at the shoreline of Rockaway Boulevard and Bayside Avenue in Breezy Point with her hands bound behind her back. She had been reported missing on December 20, 2012.



**CHARISSE NELSON DAVENPORT**  
AGE 21

On September 9, 2003, at approximately 9:00 pm, four family members were brutally stabbed to death in their own home at 109-22 139th Street in Jamaica, Queens: Charisse Nelson Davenport, James Armstead (79), Robert Armstead (73) and Hattie Morris (81).



**CHRISTINE DIEFENBACH**  
AGE 14

On February 7, 1988, Christine Diefenbach was found bludgeoned to death near 89th Avenue and 121st Street in Richmond Hill, Queens.



**MICHILENE DIGIROLOMO**  
AGE 20

On Saturday, August 13, 2011, at approximately 3:24 am, Michilene Digirolomo was shot and killed in the vicinity of 107-48 160th Street, Jamaica, Queens.



**MAURICE JOHNSON**  
AGE 24

On March 8, 2012, at approximately 12:06 am, Maurice Johnson was found shot to death in the vicinity of 172-44 133 Avenue in Rochdale, Queens.



**BRIDGET MANDERSON**  
AGE 24

On June 4, 1979, aspiring model Bridget Manderson was struck in the head and killed by a cinder block thrown from the roof of 7-25 166 Street in Whitestone, Queens.





**PRISCILLA PIMENTEL**  
AGE 24

On November 24, 2006, at approximately 1:30 pm, Priscilla Pimentel was found stabbed to death inside of a bathtub with her hands bound behind her back at 102-09 87th Avenue in Richmond Hill, Queens.



**NESHAWN PLUMMER**  
AGE 16

On August 30, 2015, at approximately 9:00 pm, Neshawn Plummer was shot and killed in the vicinity of 25-18 Seagirt Avenue in Far Rockaway, Queens.



**SHAWN PLUMMER**  
AGE 18

On July 13, 2012, at approximately 2:45 pm, Shawn Plummer was shot and killed on Seagirt Boulevard between Beach 30th and Beach 28th Streets in Far Rockaway, Queens.



**BRAHM RISHI PRASAD**  
AGE 26

On November 14, 2010, at approximately 4:00 am, Brahm Rishi Prasad was stabbed and killed outside Otro Rollo Tropical nightclub at 29-40 Northern Boulevard, Long Island City, Queens.



**ROSARIO PRESTIGIACOMO**  
AGE 64

On February 10, 2009, at approximately 2:15 pm, Rosario Prestigiacomo was found stabbed to death inside his own home at 2031 Green Avenue in Ridgewood, Queens.



**JUSTIN RIVERA**  
AGE 27

On May 26, 2009, at approximately 2:20 am, Justin Rivera was shot and killed in front of 94-32 86th Road in Woodhaven, Queens.



**TIVELL SMALLING**  
AGE 26

On March 19, 2016, at approximately 1:50 am, Tivell Smalling was shot and killed inside the doorway of the basement apartment located at 120-82 131 Street, South Ozone Park, Queens.



**LEAH TAGLIAFERRI**  
AGE 32

On April 6, 2002, Leah Tagliaferri was found dead, strangled with a scarf tied tightly around her neck inside her own home at 61-20 43rd Avenue in Woodside, Queens.



**SOFIA VALE**  
AGE 34

On April 14, 1995, the body of Sofia Vale was found stuffed in the trunk of a stolen car which had been set on fire outside of 139-15 91st Avenue in Jamaica, Queens. Sofia was last seen being dropped off at her home on April 9, 1995, at approx. 3:30 am in the vicinity of 2111 La Fontaine avenue in the Bronx.



**EFRAIN VARGAS**  
AGE 24

On Sunday, January 29, 2017, at approximately 3:30 pm, Efrain Vargas was found stabbed to death inside his own apartment located at 89-29 91st Street in Queens.



**IAN WELCH**  
AGE 19

On January 14, 1990, at approximately 2:20 am, Ian Welch was shot and killed while sitting inside his vehicle (1985 Cadillac) outside of 166-19 120th Avenue in Jamaica, Queens.



**LESLIE ZARET**  
AGE 17

In the early morning of August 17, 1974, the body of Leslie Zaret was found near Public School 203 in the vicinity of 53-11 Springfield Boulevard in Bayside, Queens.



OFFICE CONTACTS

CALL THE QUEENS DISTRICT ATTORNEY’S OFFICE

|   |              |
|---|--------------|
| Queens District Attorney General Number ..... | 718.286.6000 |
| 24 hour Hotline.....                          | 718.286.6580 |
| Case Information .....                        | 718.286.6000 |
| Community Partnerships.....                   | 718.286.6400 |
| Communications .....                          | 718.286.6315 |
| Consumer Fraud.....                           | 718.286.6673 |
| Computer Crimes Unit.....                     | 718.286.6590 |
| Crime Victims Advocate Program.....           | 718.286.6812 |
| Domestic Violence Helpline 24/7 .....         | 718.286.4410 |
| Elder Abuse Project Social Worker .....       | 718.268.6562 |
| Elder Fraud .....                             | 718.286.6578 |
| Gang Violence.....                            | 718.286.7045 |
| Hate Crimes Bureau.....                       | 718.286.7010 |
| Housing and Worker Protection Helpline .....  | 718.286.6673 |
| Human Trafficking Bureau.....                 | 718.286.6548 |
| Immigration Hotline.....                      | 718.286.6690 |
| Intergovernmental Affairs & Policy .....      | 718.286.6506 |

EMAIL THE QUEENS DISTRICT ATTORNEY’S OFFICE

|                                      |                     |
|--------------------------------------|---------------------|
| General Information.....             | Info@queensda.org   |
| Conviction Integrity Unit .....      | CIU@queensda.org    |
| Work at the Queens DA's Office ..... | Career@queensda.org |

Visit our website at [www.queensda.org](http://www.queensda.org)



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**MELINDA KATZ**  
**DISTRICT ATTORNEY**