

Testimony

Of

Bridget G. Brennan
Special Narcotics Prosecutor

Before

The New York City Council
Committees on Public Safety & Finance

**Fiscal Year 2016
Executive Budget Hearings**

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Council Chambers
City Hall**

OFFICE OF THE SPECIAL NARCOTICS PROSECUTOR

FY2016

OVERVIEW

I would like to thank the City Council for its ongoing support of the Office of the Special Narcotics Prosecutor (SNP) and the District Attorney's Offices. The Committee on Public Safety, the Committee on Finance, and Chairpersons Vanessa Gibson and Julissa Ferraras, provide crucial leadership in addressing the criminal justice issues we face as a city.

Your assistance is essential at this time. In March I came before you to describe two areas within my agency that are in desperate need of additional funding: our newly created Heroin Interdiction Team (HIT), which is spearheading efforts to combat the epidemic of heroin abuse and diversion, and our Information Technology (IT) Department, which requires significant infrastructure upgrades and additional staffing. We were disappointed to learn that the Executive Budget includes no increase whatsoever for these critically important needs. Given the law enforcement challenges we face, our request is a relatively modest one. We are asking for \$280,000 for HIT and \$435,000 for IT, as well as funding for a new storage space rental.

Special Narcotics is a unique agency with citywide jurisdiction to investigate and prosecute felony narcotics cases throughout New York City. We work side by side with all the city District Attorney Offices, which assign Assistant District Attorneys to Special Narcotics. Our broad jurisdiction makes us particularly well-suited to track today's heroin distribution networks, which cross county and state boundaries in the course of a day's work. Working closely with local, state and federal law enforcement partners, we target high-level narcotics networks, including international traffickers and money laundering enterprises, as well as neighborhood gangs.

In this day and age, IT is interwoven with every aspect of our work – from wiretap investigations to daily administrative tasks. Technology improves efficiency. For example, it is essential that we track cases to ensure defendants move from arrest to disposition in a timely manner. Without the proper equipment and highly trained staff, our work would grind to a halt with potentially devastating consequences for public safety and due process.

Making matters worse, this year we received notice from the New York State Division of Criminal Justice Services (DCJS) that two state grant programs we had long relied on are discontinued, for a total FY 2016 state funding loss of \$257,100. These grants were the Crimes Against Revenue Program, from which we received \$150,000 yearly since 2007, and the Drug Treatment Diversion Program (DTAP), which had been funded by DCJS for many years at \$107,100 per year.

Today we are asking the City Council to support our request for the additional resources we seek to support all of the work we do by providing the new needs funding to enhance our Heroin Interdiction Unit (HIT) and for Information Technology (IT) in FY 2016.

NEW NEEDS

New Needs: Heroin Investigation Enhancement

In March, I described New York City's role as one of the nation's most significant heroin markets and distribution hubs. This week a joint-investigation by Special Narcotics and our partners in the U.S. Drug Enforcement Administration's (DEA) New York Drug Enforcement Task Force (NYDETF), including the New York City Police Department and the New York State Police, served to underscore this reality. In the largest DEA seizure ever in New York State, 70 kilograms of heroin (154 lbs.) worth at least \$50 million were recovered from a hidden compartment of a Chevrolet Suburban in the Fieldston section of the Bronx. The SUV was parked in a gated lot behind an apartment building where the drug organization maintained a stash location from which we seized \$2 million. This building is located near Horace Mann School and adjacent to Van Cortlandt Park.

This is the fourth largest seizure nationwide in the history of the DEA. According to the DEA Special Agent in Charge for the New York Division, 50% of the heroin seized in the U.S. is here in New York.

To put it in perspective, the load of heroin was large enough to potentially supply a dose of heroin to every man, woman and child in New York City. Alarming, the investigation revealed that this trafficking group was importing a load the size of this weekend's haul at least once a month – possibly biweekly. The heroin was intended for distribution in the five boroughs, as well as Connecticut, Massachusetts, Pennsylvania and Rhode Island.



Special Narcotics Prosecutor Bridget G. Brennan announces a record-breaking seizure of heroin at DEA headquarters in New York.

The leader of the Bronx-based heroin trafficking group was arrested over the weekend along with another defendant. The organization had close ties with Mexican narcotics supplier in Culican Mexico, an area controlled by the Sinaloa Cartel.



Federal agents recovered 70 kilograms of heroin and \$2 million cash in the Fieldston section of the Bronx.

The presence of Mexican narcotics suppliers in New York is a part of a disturbing trend we have seen in our major international investigations. Mexican drug cartels are increasingly exerting influence over the narcotics trade here in New York City and importing their ruthless tactics along with the product. During the investigation, the Mexican supply organization sent a representative to New York to meet with the head of the Bronx group. While here, the Mexican visited Times Square for sight-seeing.

In the past, Mexican cartels arranged for transportation of heroin over the border and across the country to the New York area, often by truck. Their involvement ended when the heroin was handed off to local groups for packaging and distribution.

This is no longer the case. In multiple investigations, we have seen the relatives of New York-based drug traffickers held in Mexico as collateral. Increasingly, members of Mexican supply organizations are travelling from Mexico to New York in order to oversee the delivery of loads and to ensure that the cartel receives payment.

In 2015, we are on track to continue a trend of skyrocketing heroin seizures. Already, SNP cases involved the recovery of over 150 kilograms of heroin (330 lbs.). Last year, investigations resulted in the seizure of over 342 kilograms of heroin (approximately 750 lbs.), which was three times the amount of heroin seized in any given year since SNP began tracking this data more than 25 years ago.

Meanwhile, overdose deaths rates are going up. Between 2010 and 2013, fatal heroin overdoses in the city doubled. In 2013, 54% of all fatal drug poisonings in New York City involved heroin, making it the most common substance involved in overdose deaths. The Bronx has more heroin-related fatalities than any other borough. This development mirrors a nationwide trend, according to the U.S. Centers for Disease Control and Prevention (CDC).

The proliferation of New York City-based heroin distributors and widespread flooding of markets across New York State prompted SNP to create the Heroin Interdiction Team (HIT) in late 2014. We are grateful for the support we received from the City in forming this unit, but if we are to continue our efforts and tackle this spreading epidemic we need more support. HIT is tasked with combating the flow of heroin to the area surrounding New York City, particularly upstate counties. Working with dedicated teams from New York State Police, DEA, NYPD and other law enforcement agencies, HIT focuses on cooperating with local prosecutors and law enforcement to share intelligence and resources to combat the proliferation of major heroin trafficking organizations in New York City to New York State. We are also tracking the exchange of heroin for guns, prostitution and other contraband, which fuel crime and violence in New York City.

Our investigators work with federal, state and local law enforcement partners to identify members of heroin trafficking organizations and the locations that they use, and to shut them down. However, we have followed the principle of doing more with less for so many years that we have reached full capacity. We are in need of additional personnel resources and are requesting \$280,000 to pay for the salaries of four Assistant District Attorneys.

New Needs: Information Technology

To keep up with international traffickers, follow leads from outside jurisdictions and enhance our city-based operations, we rely on collecting and analyzing information rapidly and accurately. Perhaps the most critical challenge for prosecutors today is staying on pace with the ever changing world of Information Technology (IT).

To cite just one example, the internet, social media sites, handheld smartphones and a plethora of other electronic equipment are sources of essential evidence and reliable leads in SNP investigations and prosecutions. In utilizing this valuable evidence and identifying potential leads, IT staff is required at every stage of the process, from extracting and securing that information, to evaluating or developing the highly advanced software that allows that information to be analyzed, to assisting Assistant District Attorneys with the technology required to present the evidence to jurors and grand jurors.

In all areas of agency operations, from internal data analysis, personnel and procurement to investigations, litigation and extraditions, addressing IT challenges requires not only new hardware and improved software, but skilled staff to develop and improve applications, identify and evaluate vendor software, maintain a growing and complex IT infrastructure, and support the ever increasing demands of users.

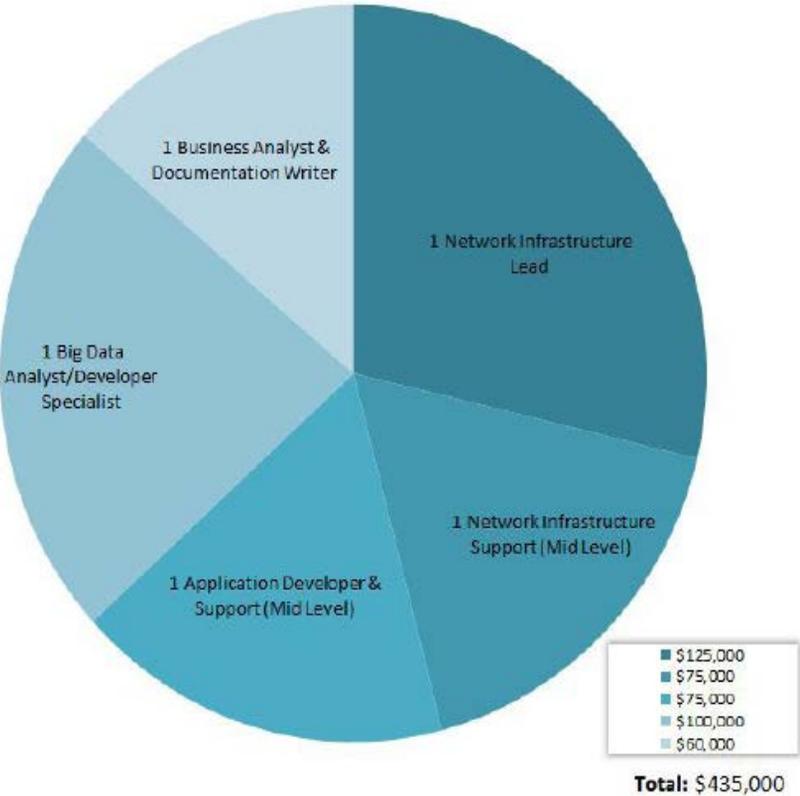
SNP has long endeavored to keep pace with these IT demands with a small, but devoted and skilled staff. But we have reached a point where, without additional funding for staff, we simply cannot keep pace and will continue to fall further and further behind.

We have consulted with experts who reinforced our existing concerns and identified additional risks. The report identified deficiencies and risks that must be addressed in every area of IT, including: network infrastructure, core applications and databases, case management, analytics, and business intelligence.

Our greatest need is to bring on additional IT staff. SNP's IT organization is smaller than peer organizations and in order to address risks and challenges, additional staff and new roles must be added.

We require an additional five new staff positions with projected salaries totaling \$435,000. Due to the highly competitive nature of the IT field, we have to offer salaries commensurate with those offered in the private sector to obtain qualified personnel in this highly competitive field.

NEW IT STAFFING POSITIONS AND SALARY PROJECTIONS



TRENDS

In recent years, we have witnessed a surge in large loads of methamphetamine reaching New York City. Mexican “super labs” are the main producers of “crystal meth” sold here in the city. In April, NYPD detectives stopped a drug trafficker with 25 kilograms of crystal meth in the trunk of his car near the entrance to the Holland Tunnel in Manhattan. This had an estimated street value of \$1.6 million.



Police stopped a drug trafficker with 25 kilograms of crystal meth in his trunk.

Often methamphetamine is being smuggled into the U.S. alongside other narcotics. Last month, a major narcotics trafficker interrupted his criminal trial to plead guilty to charges stemming from the seizure of 51 pounds of crystal meth and 11 pounds of heroin in 2011. Evidence at trial suggested the trafficker had been expecting a load of heroin and cocaine from his Mexican suppliers, rather than the heroin and methamphetamine that he received. The trafficker learned that the suppliers had made the substitution of methamphetamine for cocaine only after the drugs had crossed the border into Texas.

An NYPD detective with the New York Drug Enforcement Task Force served as an expert witness at trial and testified that Mexican cartels began substituting methamphetamine for other narcotics in shipments bound for New York City at around the time of this shipment in 2011 and that this has become a pattern in subsequent cases. The detective testified that the cartels often made the switch without the customer’s knowledge in an attempt to expand the market for methamphetamine.

Community Initiatives

Special Narcotics is committed to supporting neighborhoods impacted by narcotics trafficking, not only through enforcement, but through community initiatives. Earlier this month, SNP funded new athletic equipment, including a scoreboard and 24-second clocks, for Wadleigh Secondary School for the Performing and Visual Arts in Harlem. This was done in collaboration with the NYPD, the Police Athletic League (PAL) and the New York City Housing Authority (NYCHA). The unveiling was followed by a basketball game between the school's varsity team and members of the NYPD.



Special Narcotics Prosecutor Bridget G. Brennan unveils new athletic equipment at Wadleigh Secondary School in Harlem.

Wadleigh Secondary School for the Performing and Visual Arts is located adjacent to the A. Philip Randolph Houses, a NYCHA housing development, which has historically been the site of open drug markets. In 2013, the Special Narcotics Prosecutor's Office the NYPD's Narcotics Bureau Manhattan North spearheaded enforcement efforts to dismantle narcotics groups in the area. Over the course of a year, detectives successfully identified drug traffickers who regularly operated on the block, including street-level dealers and managers. In October 2013, six of those individuals were indicted and arrested, including two brothers who together oversaw a narcotics operation. Additionally, the investigation identified a vacant apartment in 269 West 114th Street that drug dealers use as a headquarters for the preparation of crack-cocaine, the collection of money, and as a safe haven from law enforcement.

FUNDING

Overall Funding Outlook

In current FY 2015, despite the fact that both our state and federal grant funds have declined, our total funding has increased substantially. Collective bargaining (CB) funds received from the City attributed to the majority of this increase. However, these funds have been used to cover cost of living adjustments made in accordance with the recently settled labor contracts.

In next FY 2016, net CB funds mentioned above, our total funding from all sources, City, State and Federal will be \$229,983 or 1.2% less than what we received in fiscal 2015. This decrease is caused by the loss of two state grant programs.

City Funding Needs

After years of financial struggle our adopted FY 2015 city budget was finally brought back to FY 2010 level. We are very grateful for the support we have received from the City Council during this difficult time.

In FY 2016, as I have mentioned in my preliminary budget testimony, while we continue combating the prescription drug epidemic and the increased heroin investigations, another area has become more challenging: Information Technology (IT). Over the past decade, we have hardly requested any additional resources for this ever changing, highly specialized and extremely demanding area. As a result, it has become more challenging for us to keep up with recent advancements in the IT area. In December 2014, we met with the Office of Management and Budget (OMB) staff to explain our concerns and to demonstrate our needs for additional IT personnel. A funding request for \$715,000 was then submitted to OMB to enable us to hire new staff for IT and Heroin Investigation Enhancement (HIT).

Although OMB seemed to understand the critical challenges we face, our request was nonetheless denied. Because additional resources for IT are so crucial to the operations of our office, we are left with no other choice but to resubmit our request in the hopes that OMB will reconsider and fund us through the adoption process. We ask that the City Council advocate for our office for the additional funding for FY 2016 and out years.

State Funding Reductions

We have been informed by DCJS that two of our state grants, the Crimes Against Revenue Program and the Drug Treatment Diversion Program (DTDP) have been discontinued for FY 2016. Our total annual loss in state funding alone is \$257,100 or 24%. This loss is the equivalent of total salaries for four junior Assistant District Attorneys.

Over the past 10 years, State funding for our longest running grant, the SNP Aid to Prosecution program, has been cut six times ranging from a 2% cut (\$23,000) to a cut as high as 15% (\$214,000).

Federal Funds

Our total federal grant funds for FY 2016 is projected at \$217,279, which is \$554,189 or 72% less than what we received in FY 2011.

The one-time case-related funding we were awarded by the Federal government for the past five years unfortunately ended in FY 2015. Our long-term and recurring federal grant fund has plummeted by a staggering 85% or \$557,468, from \$687,468 in 2002 to \$100,499 in FY 2015. The only Federal funding remaining is the Byrne Justice Assistance Grant, which has decreased substantially over the years.