

Office of the Special Narcotics Prosecutor for the City of New York



2005
Annual Report

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Message from the Special Narcotics Prosecutor



Our annual report offers a special section on technology this year, which is probably long overdue. In the sophisticated world of high level narcotics trafficking, drug dealing and money laundering are carried out by fax, email, point-to-point, and cellular phone. Even lower level dealers conduct business by text message and the Internet. Evidence of narcotics crimes is captured by computers, phone cameras and omnipresent surveillance cameras. But unless prosecutors know how to extract this evidence, preserve it, and present it in grand juries and trials, it is useless to us.

The Office of the Special Narcotics Prosecutor (OSNP) has been at the nation's forefront in conducting complex narcotics investigations for decades, but technological challenges have grown exponentially during the past few years. Not only do we encounter communication devices which did not exist ten years ago, we are working with laws passed long before the devices were even a blip on someone's computer screen. Through hard work, tenacity and creativity, OSNP has maintained its leadership role. Once again this year, OSNP leads the nation in the number of wiretap authorizations obtained, reflecting the effectiveness of this tool in dismantling major narcotics networks.

A review of our major cases reflects our broad mission – from prosecuting an organization transporting millions in drug money on spools of electrical tubing, to spearheading initiatives against drug dealers who degrade the quality of life for thousands who live in public housing complexes. At the same time, we remain firmly committed to offering treatment programs to addicted non-violent defendants. We have sent hundreds of defendants into alternative to incarceration programs since 1992.

This year, we have kept a close eye on the impact of the Drug Law Reform Act of 2004 (DLRA), the most comprehensive revision of the state's drug laws in thirty years. Overall, the full effect of the DLRA has yet to be measured, but we are concerned that the number of applications to our alternative to incarceration programs has trailed off in the year since the DLRA's effective date. The lower prison sentences for all offenders may make treatment a less appealing option for the addicted offender.

While there is no magic pill to cure addiction, perhaps one day technology will help us come up with a way to address its root causes – poor education, lack of employment opportunities and a broken down social network. Until then, OSNP will work hard to keep at bay the crime and violence that goes hand in hand with narcotics.

Bridget G. Brennan

Special Narcotics Prosecutor

About the Office

The Office of the Special Narcotics Prosecutor (OSNP) was created in 1971. It is the only prosecutorial agency in the country dedicated solely to the investigation and prosecution of narcotics felonies. For more than three decades, the office has worked with city, state and federal law enforcement to develop and implement effective strategies against narcotics trafficking and related crime. These efforts have dismantled national and international narcotics networks and have successfully targeted entrenched drug activity in many neighborhoods of the city. The office was also among the first prosecutors' offices in the country to implement alternative to incarceration programs and remains staunchly committed to rehabilitating addicted offenders.

Assistant district attorneys are assigned to the OSNP by the five New York City District Attorneys. Assistant district attorneys are placed in the Investigations Division, the Trial Division or the Alternative Sentencing Division. The Investigations Division is comprised of the Special Investigations Bureau, (SIB) the Narcotics Gang Unit, the Money Laundering and Financial Investigations Unit and the Forfeiture Unit. The division oversees complex, long-term investigations, many involving sophisticated eavesdropping operations. The Trial Division prosecutes the majority of the felony drug complaints referred to OSNP through enforcement initiatives aimed at street-level narcotics activity and investigations into mid-level drug trafficking operations. The Alternative Sentencing Division works with addicted defendants, diverting them into treatment programs rather than prison.

The first Special Narcotics Prosecutor, Frank Rogers, was appointed in January 1972. He was succeeded by Judge Sterling Johnson, Jr., who headed OSNP for 16 years. Robert H. Silbering became the Special Narcotics Prosecutor in 1992.

On May 1, 1998, the five District Attorneys appointed Bridget G. Brennan Special Narcotics Prosecutor for the City of New York. Ms. Brennan established the Narcotics Gang Unit and the Money Laundering and Financial Investigations Units, and has assigned a team of prosecutors and investigators to target the growing problem of Internet drug trafficking.



Bridget Brennan with Drug Enforcement Administration New York Special Agent In Charge John P. Gilbride (left) and New York City Police Commissioner Raymond W. Kelly announcing arrests in a Panamanian drug ring investigation.

Technology's Impact on Drug Prosecution

Evidence Source - Surveillance



Surveillance cameras are everywhere today. Nearby security systems capture images of narcotics transactions and provide critical evidence. Law enforcement agencies can also obtain authorization to install video surveillance equipment when needed.

Evidence Source - Computers

Computers are used with increasing frequency in the narcotics trade to maintain records, communicate, and even solicit business.

Financial records, e-mail, photographs and other evidence are retrieved from computer hard disks.

Internet service providers maintain copies of e-mail stored on mail servers.

Chat, text and e-mail messages traverse the Internet and may be intercepted with court authorization.



Electronic Footprints

Like many legitimate businesses, narcotics related activities leave electronic footprints. Various databases and information resources provide the ability to track participants and proceeds in the drug business.

Financial Transactions - the large sums of cash involved in drug distribution are recorded and tracked in banking systems.

Criminal History - Many drug dealers have prior contact with the criminal justice system somewhere in the country. Information sharing among criminal justice agencies facilitates the investigation of these crimes.

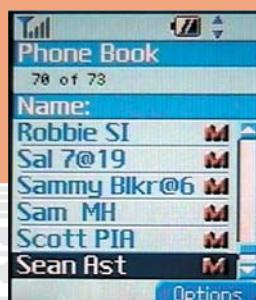
Public Records - simply identifying addresses and personal information may be critical in drug prosecution. Public databases can often provide the information.

Evidence Source - Cell Phones, PDAs

Call Records - information about calls made and received are recorded in memory of the phone, as well as by the carrier for billing purposes.

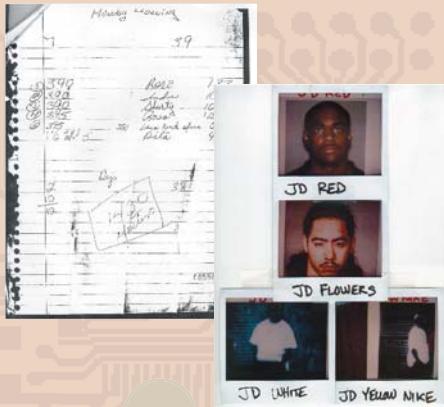
Location Information - When calls are made, and sometimes just when the phone is on, the identity of the cellular tower that receives its signal is recorded. This information can show where a cellphone was at a specific time.

Text Messages, pictures and video created by and sent to the user are stored in the phone's memory.



Digital Conversion

Conventional evidence, such as drugs, weapons and documents, are photographed, video taped or scanned using digital technology to preserve them and facilitate the discovery process.



Preservation and Preparation



Digital evidence is duplicated, analyzed and transcribed. Original evidence is always maintained in a secure environment.

Enhancements, redactions and extracts isolate relevant evidence.

Acquisition

Strict laws intended to protect the privacy of individuals govern law enforcement's access to digital sources of evidence.

Search Warrants must be obtained to access stored communications like text messages on cell phones. Subpoenas are required to obtain call records, cellular site and computer identification information from phone and Internet service providers.



Technical specialists retrieve and preserve the information obtained for later use. They are often called upon to describe how they gathered the evidence at trial.

Presentation

For Grand Juries and at trial, the various components are brought together to present the evidence in the case.

Technology is used to create a clear picture of the facts, and jurors see the evidence in an effective, familiar method.



Update on the Drug Law Reform Act

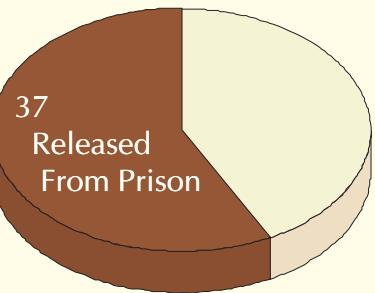
On December 14, 2004, the Drug Law Reform Act (DLRA) was signed into law. It was the most comprehensive overhaul of New York State drug laws in thirty years. The DLRA, and another sentence reduction law passed a few months later, have significantly affected the work of the Office of the Special Narcotics Prosecutor during the past year. The bill changed the drug laws in the following ways:

- ◆ Eliminated life sentences for top narcotics (A-I and A-II) offenders.
- ◆ Allowed those convicted in the past and currently serving prison sentences to apply for “resentencing”, to have previously imposed life sentences eliminated and sentences reduced.
- ◆ Decreased prison terms for most offenders.
- ◆ Expanded judicially authorized treatment programs and increased ways for prisoners to earn time off sentences.
- ◆ Doubled the amount of narcotics required for conviction on top narcotics possession charges. A-I conviction now requires proof of possession of half pound of cocaine or heroin; A-II conviction requires proof of possession of four ounces or more of cocaine or heroin.

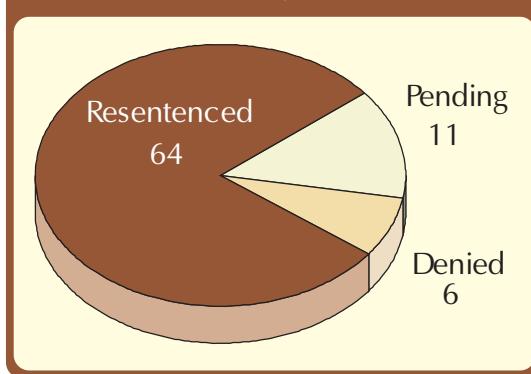
A-I Resentencing

As of March 15, 2006, OSNP had received 81 applications from top narcotics offenders asking the court to reduce their life sentences, handling one quarter of all A-I resentencing requests statewide.

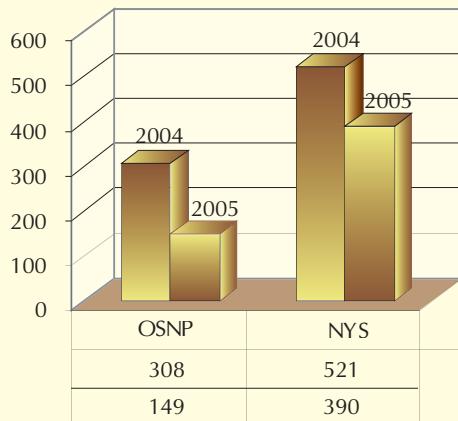
64 A-1 Offenders Resentenced



81 Resentencing Motions Filed



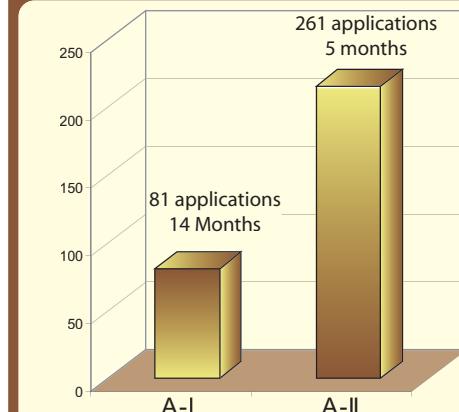
A-Felony Possession Prosecutions 2004-2005



Increased Weights

As a result of the higher weight requirement, the number of arrests for top narcotics possession offenses has declined.

Applications for Resentencing Through March 15th, 2006



A-II Resentencing

On August 30, 2005, Governor George E. Pataki signed into law further revisions to the drug laws permitting prisoners serving life terms on A-II sentences to apply for resentencing. The new law went into effect October 30, 2005. As of March 15, 2006, OSNP had received 261 applications for resentencing on A-II convictions.

Impact of DLRA on Diversion Programs

Predicate Felon Programs

The DLRA significantly reduced the mandated penalties for possession of narcotic drugs in New York State. Although addicted predicate offenders continue to seek placement, there was a drop in retention rates for OSNP's alternative to incarceration programs in 2005. This may be due to the fact that offenders find drug treatment too rigorous and are opting to drop out and serve shorter prison terms under the DLRA.

First Time Offender Programs

There are also warning signs that the DLRA may negatively impact first offender initiatives. First offender programs saw for the first time in four years a 9 percent reduction in applicants from 2004 to 2005. These programs will continue to be monitored to gauge the effects of the DLRA.

OSNP Outreach

For over 30 years, OSNP has had a reputation of excellence throughout the state and the nation. Our experienced staff members regularly address and provide training to all sectors of the criminal justice system in the city, state, and internationally.

Special Narcotics Prosecutor Bridget Brennan participates in a panel on the drug laws at the Milano School for Management and Urban Policy at the New School.



OSNP senior staff gives each new class of New York City Park Rangers a seminar on the principles of courtroom testimony.



OSNP lawyers meet with representatives of the International Monetary Fund to discuss money laundering.



OSNP's Director of Training introduces Barry Kamins, recognized authority on Search and Seizure law.

Twenty French judges and prosecutors visit OSNP to discuss drug policy.

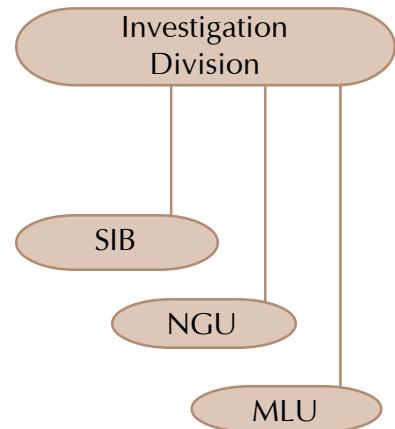


Investigation Division

Special Investigations Bureau (SIB)

The Special Investigations Bureau is dedicated to investigating and prosecuting major drug trafficking activity. It targets large-scale organizations that control the flow of illegal drugs into and out of the metropolitan area, the nation and foreign countries. In 2005, SIB assistant district attorneys worked closely with local, federal and international law enforcement agencies in investigations that extended to Florida, Nevada, Texas, Massachusetts, Pennsylvania and foreign countries including the Dominican Republic, Panama, Colombia and Mexico. These joint efforts dismantled large narcotics organizations and resulted in the recovery of 842 pounds of cocaine and 81 pounds of heroin, as well as substantial seizures of narcotics proceeds.

SIB prosecutors opened 50 new investigations and directed 134 new wiretap operations in 2005, more than any other prosecutor's office in the nation.



Narcotics Gang Unit (NGU)

The Narcotics Gang Unit works on joint investigations with NYPD Narcotics Division detectives and members of the New York Drug Enforcement Task Force, especially the REDRUM Unit. These investigations identify and target violent narcotics gangs and narcotics-robbery rings operating on a block or a specific area of the city. In 2005, the unit's investigations netted over 100 arrests involving narcotics, drug related robberies and weapons possession.

Money Laundering and Financial Investigations Unit (MLU)

Millions of dollars in narcotics proceeds are laundered and sent out of the country each year through a variety of methods. Stopping this money flow is vital. The drug trade is a business: affecting its bottom line by removing the profit motive from it is one of the most effective ways to combat narcotics traffickers. In 2001, OSNP established a Money Laundering Unit, which focuses on investigations and prosecutions of narcotics related money laundering activity.

231 pounds of cocaine were recovered in car and apartment in Riverdale.

Investigation Division Case Highlights

Narcotics Groups Linked to Terrorist Group

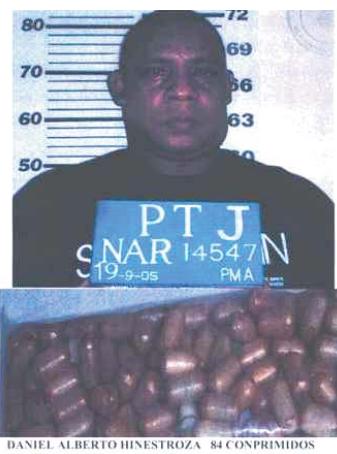
OSNP broke up two narcotics and money laundering rings with ties to the United Self-Defense Forces of Colombia (AUC) — a group listed as a *Foreign Terrorist Organization* by the U.S. State Department. The New York organizations were part of a network of narcotics and weapons traffickers



in Miami, Florida and Las Vegas, Nevada. Two organization managers stored cocaine in the Bronx and controlled drug locations in Queens. On March 16, 2005, they were arrested in Queens by members of the New York Drug Enforcement Task Force (NYDETF) who, working closely with SIB attorneys, recovered 44 pounds of cocaine from a trap in a car and 187 pounds of cocaine from a Bronx apartment. Both defendants pleaded guilty and were sentenced to prison terms. Also linked to AUC was another organization which supplied narcotics to a drug distribution group in Harlem. Five members of the AUC-linked organization are scheduled to go to trial in 2006.



Millions of dollars were shipped to Miami from Queens.



Swallower ingested more than a pound of heroin in 84 pellets.

Millions Shipped Inside Electrical Tubing

On December 2, 2005, four men were indicted for Money Laundering in the First Degree. They sent millions of dollars collected from local narcotics traffickers out of the country. In a Queens warehouse, the defendants made and stored wooden reels and electrical tubing. They stuffed rolls of bills into the conduit tubing, wrapped the tubing around the wooden reels, and shipped the money to Miami en route to South America. During the nine-month investigation with the New York Drug Enforcement Task Force, agents, working closely with SIB prosecutors, recovered over \$9 million. The defendants pleaded guilty to 14 counts of Money Laundering.

Operation Panama Express Shuts Down Professional Heroin Swallowers

An organization that used swallowers to smuggle heroin into the United States was shut down when 20 members were indicted on conspiracy and narcotics charges. Those arrested included four Panama-based leaders who oversaw the recruitment of American and Panamanian swallowers; the manager who ran the New York distribution; two swallowers; three members of the transportation organization; a Bronx-based heroin supplier; and three New York traffickers. The investigation with the New York City Police Department, the Drug Enforcement Administration, and Panamanian authorities traced the swallowers as they transported pellets full of heroin from South America to the New York area. One transporter traveled on 22 different occasions to the United States, Venezuela, Costa Rica, Panama, Mexico, Ecuador, Peru, England, Holland and France. The organization paid about \$8,000 for a kilogram (2.2 pounds) of heroin in Panama. The wholesale value of a kilogram in New York is \$50,000; its retail value is more than \$300,000. Over six pounds of heroin were seized in Manhattan, the Bronx and Brooklyn.

Forty-Four Pounds of Heroin Recovered in Staten Island

In October 2005, nine individuals were arrested, more than 44 pounds of

heroin valued at over \$10 million were seized in Staten Island, and two heroin mills, one in Manhattan and one in Queens, were dismantled. The heroin was transported from Texas near the Mexican border to Atlantic City. Total money seizures included \$99,950 on July 12, 2005, over \$1 million seized from a van less than a week later, and \$1.4 million seized from the trunk of a car on July 25, 2005. The defendants were indicted on top narcotics charges.

Massachusetts Drug Trafficker Indicted

In November, 2003, the body of a Manhattan narcotics trafficker was found by Connecticut authorities on Interstate Highway 95. He had been shot in the back six times, his body stuffed inside the trunk of his BMW, and the car set on fire. The investigation linked the shooting victim with a Massachusetts drug trafficker and an auto shop in the Bronx, New York, where hidden compartments were installed in cars. In connection with the investigation, in January, 2005 six individuals were indicted on conspiracy and narcotics charges.

Over 162 Pounds of Cocaine Seized in the Bronx

After an investigation, three men were arrested in the Bronx in July, 2005 when NYDETF members recovered 61½ pounds of cocaine from their minivan—44 pounds were found in a large duffel bag and 17½ pounds were inside a knapsack. A subsequent search at the Bronx location from which the defendants had boarded the minivan led to the recovery of over 102 additional pounds of cocaine stored in two large duffel bags inside a second floor apartment.

Fugitive Wanted for Murder and Kidnapping Returned

OSNP's efforts to extradite a fugitive from the Dominican Republic led to his return to the United States on June 27, 2005. He was indicted in 2003 for kidnapping three people and the shooting of one of the victims in 1999. The victims were abducted to find out the whereabouts of a dealer who had reneged on a drug debt and gone into hiding. The homicide and kidnapping case is being prosecuted by OSNP in conjunction with the New York County District Attorney's Office.

Organization Selling Heroin and Cocaine in Co-op City

A wiretap investigation of narcotics trafficking in the Bronx's Co-op City led to the apprehension of a Bronx man who attempted to escape arrest by crashing his truck through the gate of the Throgs Neck Bridge's toll plaza, speeding away at more than 100 miles per hour. He abandoned the truck and was picked up on the side of the highway. Police recovered over two



The body of a Manhattan drug trafficker, riddled with bullets, was found in the trunk of this charred BMW.

'99 slay suspect nabbed

A MAN ACCUSED OF kidnapping, torturing and killing a Washington Heights cabby is expected to be arraigned today on murder charges after he was nabbed in the Dominican Republic following a six-year search.

The office of Special Narcotics Prosecutor Bridget Brennan tracked down Juan Rincon, 30, accused of killing Manuel Gonzalez, 30.

Rincon and three others took Gonzalez, his wife, and her father to a Washington Heights apartment in 1999 to force Gonzalez to disclose the whereabouts of drug dealer Wilson Wilson, who cheated the quartet of thugs out of cash, officials said.

The drug dealers had just bought 100 pounds of cocaine and were looking for Wilson after he vanished without paying them for 5 kilograms of cocaine, accord-

ing to authorities.

K

When Manuel Gonzalez refused to reveal where his cousin was, the gang tortured him and shot him in the head, officials said.

Rincon is the last to be prosecuted. In the past two years, Juan Pilne, 31, of Harlem and Rafael De Los Santos, 46, of Orlando pleaded guilty to murder. Ellerman Valverde, 24, of Harlem, pleaded guilty to attempted murder.

Narcotics prosecutors began trying to extradite Rincon in April 2003 after learning he had been arrested in the Dominican Republic for chopping off three fingers of a man in a fight.

Rincon was sent back to New York via a presidential decree after the cabby's widow testified at an extradition hearing in the Dominican Republic about her husband's execution. Barbara Ross



Juan Rincon

To collect on a drug debt, an innocent victim was kidnapped, tortured and shot to death.

Truck transporting cocaine made regular crossings from Los Angeles to New York.



pounds of cocaine and 225 grams of heroin thrown from the truck onto the highway. They also seized heroin and drug paraphernalia at a Bronx home, \$70,447 at an apartment, and \$61,558 from a bank account. Defendants have pleaded guilty and were sentenced to state prison terms.

Transport Ring Busted

An investigation with the New York Drug Enforcement Task Force and the Southwest Border Initiative identified a group transporting dozens of pounds of cocaine in tractor trailers from the Mexican border to the Hunts Point area of the Bronx. On July 27, 2004, task force members arrested a member of the ring's New York cell in the Bronx and seized over 52 pounds of cocaine from the trunk of the defendant's car. He pleaded guilty and was sentenced to four years in December, 2004. On March 15, 2005, agents recovered 66 pounds of cocaine from a truck belonging to the organization at the Vince Lombardi Service Area in Ridgefield, New Jersey.

Fifteen Pounds of Cocaine Rolled Up in Sofa Bed

An investigation with the New York Strike Force identified a narcotics supplier who conducted sales from his apartment in the Bronx. When he was arrested on February 22, 2005, the defendant threw a bag containing one pound of heroin out of a rear window. A search yielded 15 pounds of cocaine and drug paraphernalia hidden inside the mattress of a sofa bed. At year end, the defendant had pled guilty.



Defendant stashed over 15 pounds of cocaine in this sofa bed.

2005 EAVESDROPPING ACTIVITY

WIRETAPS

Total Intercept Orders:	224
Originals	134
Extensions	80
Retroactive Amendments	10

Breakdown

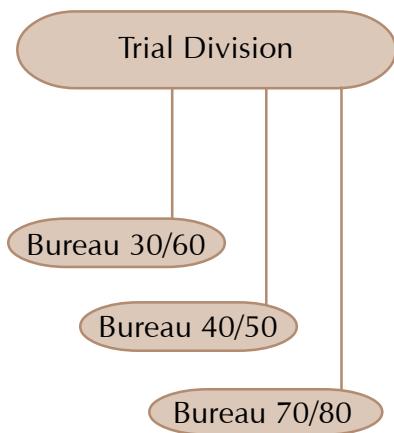
Cellphones	196
Landlines	4
Beeper	14
Video Surveillance	2
Audio Surveillance	2
E-Mail Accounts	3

Trial Division

The Trial Division consists of bureaus 30/60, 40/50, and 70/80. Each bureau is headed by a Chief and a Deputy Chief. Trial Division assistants prosecute the majority of street-level drug felonies referred to the office. They oversee short-term and mid-level investigations and participate in targeted enforcement operations with the New York City Police Department and OSNP's investigators. The 79 investigations initiated in 2005 included probes into narcotics sales over the Internet and drug dealing activity in the city's public housing developments.

Assistants assigned to the division work closely with NYPD Narcotics Division teams, New York Drug Enforcement Task Force agents, Port Authority Police, New York State Police and a number of city and state task forces. They are on 24-hour call to provide support to law enforcement personnel seeking legal advice and court orders such as search warrants.

In 2005, OSNP processed 2,930 drug felony complaints, 4,011 defendants were charged, and 2,423 indictments and Superior Court Informations were prosecuted. A total of 931 search warrants were drafted. Total convictions numbered 2,202, which reflects a conviction rate of 85 percent. Case dispositions were as follows: 1,175 defendants received state prison terms; 174 were diverted to treatment, either to OSNP's Alternative Sentencing Programs or Manhattan Treatment Court; 426 served jail time, 205 were sentenced to probation and jail time; and 189 were placed on probation.



The Trial Bureaus were named to correspond with specific Supreme Court parts.

Trial Division Case Highlights

Prescription Drugs for Resale

Four men were indicted in May, 2005 for buying prescription drugs from Medicaid patients at a Brooklyn bodega. The drugs included HIV medicines, Percoset, Vicodin and others. Medicines with an estimated value of \$303,000 were recovered along with pill counters, re-labeling machines, empty pill bottles, aluminum seals with pharmaceutical stamps and business records. The investigation was conducted with the New York City Police Department's Manhattan Borough Narcotics North and the New York City Human Resources Administration's Bureau of Frauds.



Prescriptions purchased from Medicaid patients in Brooklyn bodega.

Home of Purple Haze Shuttered

On October 21, 2005, 21 members of two drug groups operating on Post Avenue in Upper Manhattan were charged with cocaine and marijuana sales. In the first nine months of 2005, the four-block strip was the site of 11 shootings and four homicides and accounted for 10 percent of all narcotics complaints received by the Police Department's Manhattan North Narcotics. A 19 count Special Narcotics indictment charged 16 individuals with Conspiracy and Criminal Sale of a Controlled Substance. Another



Inside a Bronx garage, \$9 million worth of cocaine and half a million in cash seized.

Police seized heroin and crystal meth valued at \$30,000, weapons, ammunitions and drug paraphernalia.

group that sold large quantities of marijuana on the street was dismantled. The four blocks were known as "Home of the Haze" because of the availability of "Purple Haze," potent marijuana that sells for as much as \$6,000 a pound.

842 Pounds of Cocaine and Half a Million in Cash

Two men were convicted of top narcotics possession charges and sentenced to 25 years to life on December 14, 2005. The defendants and an associate were arrested in the Bronx in 2003 with 842 pounds of cocaine that had been crammed into 16 suitcases and loaded into a Dodge Caravan. Police also seized the tractor trailer used to transport the drugs and recovered \$562,000 hidden inside the trailer's refrigeration unit ready for transportation back to Mexico. Also recovered were a .9mm automatic and .45 caliber automatic weapon.

321 Edgecombe Avenue Operation

In response to complaints, an investigation with NYPD's Major Case Unit targeted 321 Edgecombe Avenue, a residential building in Upper Manhattan with substantial narcotics activity. A local drug seller was arrested in March 2005, for supplying cocaine to street dealers and narcotics traffickers operating out of several of the building's apartments. A separate drug group sold marijuana in front of the building. Searches of three apartments led to the recovery of narcotics, drug proceeds and drug paraphernalia. On June 10, 2005, six marijuana sellers were indicted for narcotics crimes. The local drug seller pleaded guilty to Possession with Intent to Sell and was sentenced to four years in prison. Remaining cases were calendared for 2006.

Guns, Crystal Meth and Heroin in the Bronx and Queens

A three-month investigation conducted with the New York City Police Department focused on the manager of an apparel store in the Bronx, who was selling heroin and crystal methamphetamine. Police recovered one pound of crystal methamphetamine, several ounces of heroin, drug proceeds, cutting agents and a weapon from the store. A search at the defendant's home led to the recovery of more than a pound of crystal meth, a weapon and bullets.

California Supplier of Crystal Meth Indicted

An investigation with the New York City Police Department ended in the arrest of one individual who sold crystal methamphetamine from his home in Southern California to dealers in New York City. Undercover officers purchased one ounce of crystal methamphetamine on five different occasions. The California resident was returned to New York in October and is awaiting trial.



One Million Dollars Worth of Cocaine in Trunk

An individual was arrested in March 2005 while transporting 66 pounds of cocaine. He was stopped after he drove his vehicle through a red light at the corner of 181st Street and Haven Avenue in the Washington Heights section of Manhattan. Inside the trunk of the car, police recovered a suitcase which contained 20 kilogram bricks of cocaine, individually wrapped in plastic covering. The defendant pleaded guilty in September and was sentenced to prison.

Over a million in cocaine seized in Washington Heights.



Narcotics Sold at Blimpie Restaurant

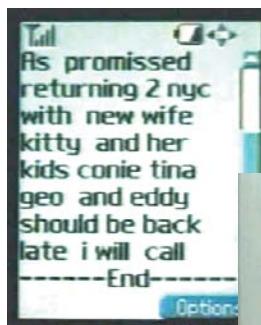
An investigation with NYPD's Manhattan North Narcotics uncovered drug sales at a Blimpie franchise at 1633 Amsterdam Avenue in Manhattan. A group of dealers including the owner and the manager of a Blimpie franchise used the restaurant to sell crack and cocaine. Undercover drug purchases inside the restaurant ranged from ½ to two ounces or more of cocaine. The defendants were indicted on top narcotics charges in July and at year end all but one had pled guilty.



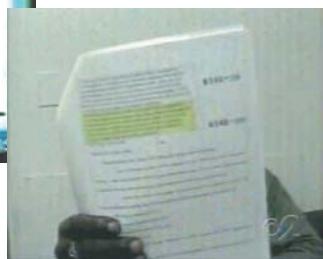
Decoded Text Messaging Reveals Drug Deals

Three men were arrested snorting drugs inside a Lincoln Navigator in Greenwich Village. According to the men, they obtained the crystal meth in Pennsylvania. Police recovered over \$44,000, large quantities of crystal meth, cocaine, ketamine, and ecstasy, numerous cell phones and laptop computers. Search warrants on the phones and the computers provided text messages showing extensive drug dealing activity. Guilty pleas concluded cases against all defendants in 2005.

Blimpie used to sell crack and cocaine; drugs stored inside refrigerator among deli meats.



Search warrants on seized phones were executed by OSNP technical specialist.



Housing Initiatives

Since 1994, OSNP has worked in partnership with the New York City Police Department on drug enforcement initiatives in the city's public housing developments. In 2005, OSNP participated in two major investigations at the Dyckman Houses in Upper Manhattan and the Butler Houses in the Bronx.



Marijuana, a loaded 9mm Luger and drug proceeds recovered at the Dyckman Houses.

Butler Houses

Complaints about shootings, drug dealing and gang activity prompted an initiative at the Butler Houses, a building complex in the Bronx that houses an estimated 4,300 tenants. A joint enforcement effort by the New York City Police Department's Bronx Narcotics and OSNP began in March 2005. On August 17, 2005, 40 individuals were arrested — 18 had been previously indicted by OSNP. Ten had prior violent felony convictions including assault, robbery and weapons possession. The investigation involved more than 100 sales of heroin and crack/cocaine. The majority of the defendants lived in the Butler Houses complex.

Dyckman Houses

A three-month long investigation at the Dyckman Houses, a 14-story, seven-building complex that houses 2,500 residents in Upper Manhattan ended in March, 2005. During the investigation, undercover detectives purchased marijuana and cocaine. Nine defendants, all Dyckman Houses residents, were indicted for these sales. Searches yielded marijuana, cocaine, narcotics proceeds and a loaded .9mm Luger.

Internet Investigations

In 2005, OSNP assigned trial division attorneys and investigators to Internet investigations. Information stemming from investigations indicates that drug activity over the Internet continues to escalate despite the fact that illegal drugs cost much more when purchased on the Internet. Below are examples of cases:

- ♦ After making contact over the Internet, a vice president of a bank sold 51 ecstasy pills and ¼ an ounce of cocaine in front of the bank where he works.
- ♦ A parolee and a church worker became partners in the illegal drug business, reselling drugs bought on the street using e-mail to solicit customers and negotiate delivery.
- ♦ A young woman sold marijuana over the Internet and delivered it to clients in Lower Manhattan and the Financial District. To avoid detection, she rented a different car every few months.

Alternative Sentencing Division

Since the late 1980's, OSNP has been at the forefront of a national movement seeking alternatives for addicts who fuel the drug trade and burden the courts and prison systems. Prior to the development of strategies and initiatives to divert drug addicted offenders into treatment, there were no formal mechanisms linking criminal justice sectors, government agencies and the treatment community. Voluntary programs for addicted drug offenders generally had low rates for retention and completion and high rates of relapse. The integration of alternative sentencing programs into the criminal justice system has proven a very effective tool in encouraging addicts to stay in treatment.

OSNP Alternative Sentencing Programs

From the outset, OSNP's Alternative Sentencing programs have targeted addicts who require special care, who would present the greatest economic costs to incarcerate: pregnant women, mentally ill, handicapped and HIV/AIDS positive offenders.

Pregnant and Addicted Mothers Intervention and Rehabilitation (PAIR) was the first program instituted by OSNP in response to a specific consequence of the crack epidemic. Implemented in 1989, PAIR diverted into treatment a rapidly growing population of addicted female offenders who were pregnant and/or headed households with underage children.

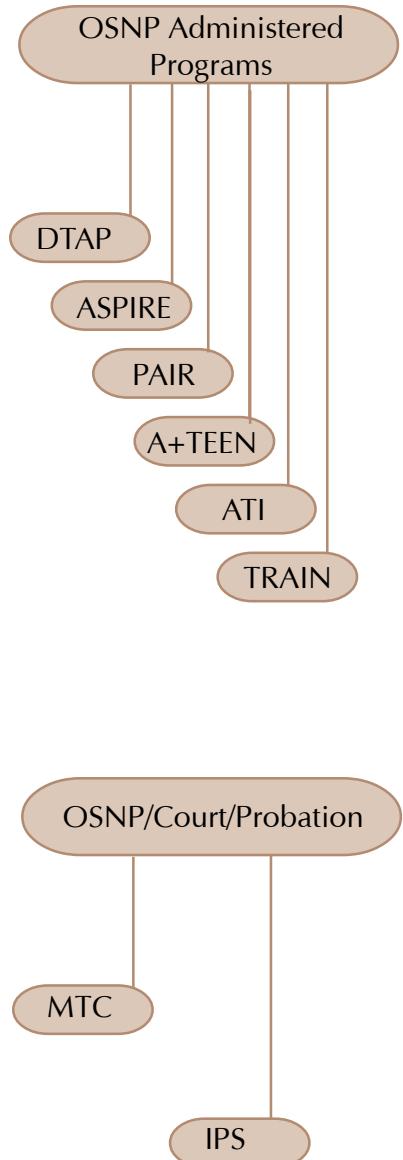
In the early 1990's OSNP implemented its own model of the state's **Drug Treatment Alternative to Prison (DTAP)** program. The program, which places addicted predicate drug offenders in residential treatment programs, has been very successful. OSNP-DTAP averages a 72 percent retention rate for placements, a 7 percent recidivism rate for graduates after one year, and a 27 percent recidivism rate after five years.

Alternative Sentencing Pre-Indictment Intervention & Rehabilitation Effort (ASPIRE) diverts into treatment defendants who are gainfully employed and who have strong community ties.

Adolescent +Treatment Education Evaluation Now (A+Teen) designed for non violent drug offenders between the ages of 16 to 21.

Alternative To Incarceration (ATI) diverts non-predicate felons who require residential treatment.

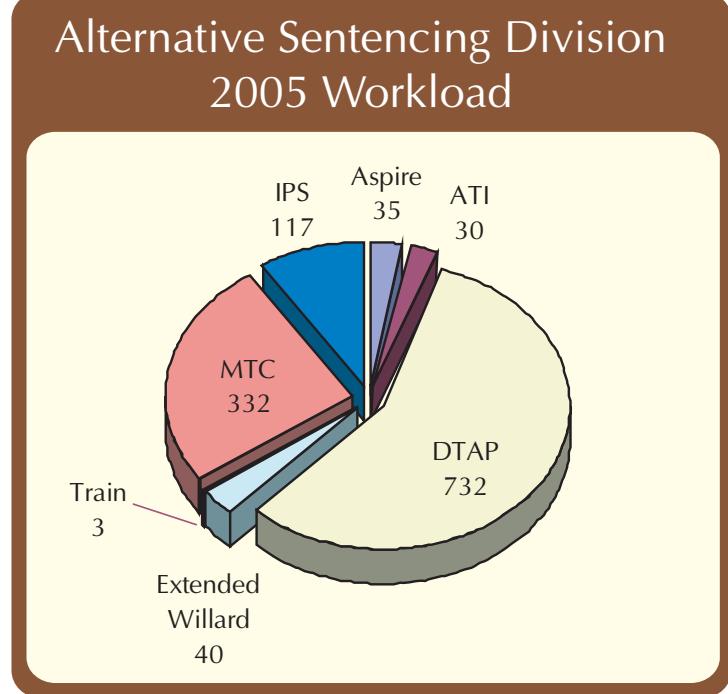
TRAIN is a program for defendants at high risk for addiction and career drug dealing that provides vocational training, education and intervention.



In conjunction with the Office of Court Administration and the New York City Department of Probation, the division participates in the following programs for first-time offenders:

Manhattan Treatment Court (MTC), a cooperative effort in conjunction with the Office of Court Administration (OCA) and the NYC Department of Probation targeting non-violent, first time felony narcotics drug addicted offenders.

Interim Probation Supervision (IPS), in cooperation with OCA and the NYC Department of Probation, places stringent conditions on probationary terms to closely supervise addicted, non violent offenders and identify those in need of treatment rather than probation supervision.



Investigators Unit

In 1992, OSNP established the Investigators Unit to develop cases and follow-up on narcotics information derived from investigations. OSNP investigators, the majority of whom are veterans of law enforcement with years of experience in NYPD's Narcotics Division and the New York Drug Enforcement Task Force, work jointly with SIB, Trial Division assistants and federal, state and local law enforcement agencies in the city and across the country.

Unit investigators are skilled in surveillance operations, search warrant executions, and undercover operations. They provide support to the Alternative Sentencing Bureau in the form of pre-placement and post-treatment investigations of defendants scheduled for diversion, and assist in locating and returning defendants who abscond from treatment programs. They also oversee the movement of prisoners - a task they perform in conjunction with the Extraditions/Detainer Unit.

OSNP's Chief Investigator supervises the investigators, monitors all investigative-related expenditures such as buy money and payments to confidential informants, and acts as liaison with the squad of Police Department detectives assigned to the office.

2005 Investigations

Thirty-Five Pounds of Cocaine Recovered in Midtown Hotel

An investigation conducted by OSNP investigators, SIB prosecutors, and members of the NYDETF ended with the arrest in April 2005 of a Mexican national who sold and delivered a kilogram (2.2 pounds) of cocaine to an undercover investigator and negotiated the sale of 16 additional kilograms of cocaine. A search of his hotel room in Manhattan led to the seizure of the additional narcotics. He pled guilty and is awaiting sentence.

178 Pounds of Cocaine Stashed in Mini Storage

One hundred and seventy eight pounds of cocaine were recovered at a mini storage facility at 800 West 58th Street. Two men were arrested at that location in possession of over 20 pounds of cocaine. A search warrant executed at the facility led to the seizure of more than 150 additional pounds of cocaine. The street value of the cocaine seized is over \$2 million dollars. Both defendants have pled guilty to narcotics charges.



Cocaine seized in hotel room.

Internet Investigations

During 2005, the unit assigned two investigators to work with two Trial Division assistants on Internet investigations. These efforts resulted in the arrest of 20 defendants selling drugs over the Internet. The majority of the narcotics sales involved relatively small amounts of powdered cocaine, but also involved sales of crystal methamphetamine, marijuana and heroin, in addition to ecstasy and other designer drugs.



Defendant sold marijuana over Internet and delivered it inside bags of potato chips and pop corn.

Investigators Unit Activities in 2005

New Investigations	21
Arrests	84
Drug Seizures	Cocaine Heroin
Warrants Executed	16

Legal Training Unit

The Legal Training Unit is responsible for the administration of all aspects of the agency's professional development program. The unit offers a curriculum of training programs available to assistants at every level of experience. Last year, special lectures included: *Law of Electronic Surveillance, Effectively Conducting Legal Research, Conducting a Long Term Narcotics Investigation, Overview of the Drug Law Reform Act of 2004 and Recent Developments in Search and Seizure.*

Through Legal Training, experienced assistants assigned to the Special Investigations Bureau have the opportunity to participate in advanced investigative training workshops which last year included the following topics: *Money Laundering and Financial Investigations, Jurisdiction, Admissibility of Audio Recordings, Use of Expert Testimony, Disclosure Issues* and many others.

All programs comply with the regulations and guidelines of the New York State mandatory Continuing Legal Education program and are open to prosecutors from District Attorney Offices in the five boroughs of the city and other New York State counties. The office became an accredited provider of the state's Continuing Legal Education Credit in 2000.

The unit offers an extensive training program for newly-assigned assistant district attorneys. The programs include lectures, tours, and workshops that cover such topics as *Case Assessment, Complaint Drafting, Case Management, Search Warrant Practice, Introduction to Discovery and Motion Practice, Trial Preparation, Debriefing Cooperating Witnesses, Preparing an Undercover Officer for Trial, Introduction to Conspiracy Law and Practice, and Ethical Obligations.*

For over 30 years, OSNP has had a reputation of excellence throughout New York State and the rest of the nation. Experienced staff members regularly provide lectures and presentations to all sectors of the Criminal Justice System in the city, state and abroad. On an ongoing basis, OSNP senior staff lectures at the New York Prosecutors Training Institute (NYPTI), NYPD's Patrol Division and Narcotics Division, and the High Intensity Drug Trafficking Area Task Force (HIDTA). The Director of Training presents a monthly lecture at HIDTA Regional Training Center on *Preparing for Grand Jury and Trial*. Last year, participating agencies included: NYPD, United States Department of Homeland Security, United States Secret Service, United States Postal Service, City of New York Correction Department, White Plains Police Department, Metropolitan Transit Authority Police, Suffolk County Police, Essex County Sheriff's Department, and the New York City Sheriff's Office.



Legal Training hones the skills of the the class of 2005.

NYPD Special Narcotics Team

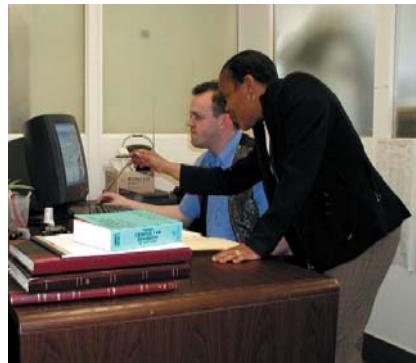
The New York City Police Department first assigned a team of detectives from the Organized Crime Control Bureau to OSNP in 1972. The team, known within the Narcotics Division as the Special Projects Unit, is led by a senior lieutenant, who also serves as a liaison between agencies. The detectives assigned to the team are experts in the preparation of search warrant applications, as well as tracking, control and presentation of electronically recorded evidence. They also provide escort assistance for the extradition of out of state fugitives. In addition to their other duties, they are responsible for providing custodial care for a citywide electronic evidence repository and the OSNP search warrant database, which provides comprehensive histories for all search warrant cases. OSNP provides the detectives with the technical equipment, computers and office space necessary to these functions, which are located within our Search Warrant and Technical Units

Search Warrant Unit

The Search Warrant Unit pre-screens search warrant requests from field investigators, prepares the required affidavits for prosecutorial review and expedites requests through the court. The unit is also responsible for maintaining a record of all confiscated evidence and a database on arrests and seizures resulting from the execution of search warrants. In 2005, the unit processed 931 search warrants.

Technical Unit

The Technical Unit tracks and controls "chain of custody" for electronically recorded evidence, and ensures the security of audio/video evidence. The unit processes transactions involving issuance, post-investigative receipt, maintenance, duplication, and pre-trial release procedures of various types of analog and digitally recorded evidence. In 2005, the Technical Unit handled 3,128 original evidence recordings, including 1,173 recordings associated with wiretap investigations, 425 individual audio recordings and 317 video surveillance recordings.



Narcotics Division search warrants are written by team members.

Detectives maintain digital evidence obtained in narcotics cases throughout the city.



Support Services Units

Forfeiture

The Forfeiture Unit was established in 1985. The unit works with assistant district attorneys, investigators and law enforcement personnel from other agencies to identify the assets of narcotics organizations and other criminal enterprises. Real and personal property as well as cash are targeted, seized and forfeited under New York State and federal law. In 2005, 168 federal forfeiture actions were started and 225 completed. At the state level, 355 actions were initiated and 366 were completed.

Public Information

The Public Information Unit is responsible for disseminating information and responding to inquiries from members of the media, government agencies, advocacy groups, and individuals on issues that include the status of cases, legal decisions, legislative action, citywide drug trafficking trends and joint enforcement efforts.

Bureau support staff perform duties that are vital to the office.



Trial Preparation Assistants (TPAs)

Trial preparation assistants work with prosecutors from the Trial Division, the Special Investigations Bureau, Part N, and the Alternative Sentencing Bureau. Trial Division and SIB TPAs track cases, maintain case records, gather reports and legal papers required by assistant district attorneys, handle arrangements when prisoners have to be produced in court, and help assistants prepare for grand jury and trial presentations. Alternative Sentencing Bureau TPAs interview defendants who are diverted to treatment and track their progress. Part N TPAs assist in tracking plea offers, grand jury action and case dispositions that take place in the Part.

Extraditions/Detainers

The unit administers the return of fugitives apprehended or in custody in other jurisdictions and in foreign countries that have extradition treaties with the United States. Defendants who are serving prison sentences in the asylum state are returned to the city under the Interstate Agreement of Detainers. Those not facing criminal charges in another jurisdiction are returned under the Uniform Extradition Act.

Stenographers record and transcribe verbatim testimony given in the Grand Jury.



Grand Jury Reporters

The Grand Jury Reporters Unit is responsible for producing and maintaining transcripts of confidential testimony presented before the grand juries.

Interpretation and Translation Services

The unit interprets and translates for non-English speaking witnesses in discussions with investigators and assistant district attorneys and during

testimony before the grand jury; provides written translation and transcription services for evidentiary consent and wiretap recordings that contain dialogue in a foreign language; and provides translation of foreign language documents.

Fiscal

The Fiscal Unit monitors the office's fiscal activities. The unit has oversight responsibilities over funding requests submitted to federal, state and city agencies and oversees agency expenditures. It reviews and approves purchases and payment vouchers, disbursement of funds including petty cash and payroll coordination; enforces fiscal policy; conducts internal audits; and reviews and approves agency procurements.

Personnel

The Personnel Unit administers the assignment or transfer of assistant district attorneys and the recruitment of managerial, administrative and clerical staff. The unit participates in planning, developing and implementing employee programs, policies and procedures that are applicable to all staff. Unit personnel dispense information on employment programs and procedures for all city agencies and monitor their implementation. They maintain time and leave records for all staff, distribute paychecks and serve as liaison with the citywide payroll management system.

Information Technology

IT administers agency-wide computer and telephone communications systems. IT identifies communications needs, develops and implements solutions to expedite the integration of agency procedures and emerging needs with new technology. IT prepares audio visual presentations for assistants to present before grand juries and at trials, and provides technical support during the delivery of such presentations. IT inputs all case related data and produces statistical reports on indictments, dispositions, drug seizures and trafficking trends. IT includes PC/Communications Support, Case Information Management, Records Management and Personnel Support Services.

PC/Telecommunications provides technical and maintenance support of all equipment, and provides training to legal, managerial and support computer users.

Case Information inputs, updates and tracks data pertaining to complaints, arrests, defendants, charges, indictments and dispositions of cases prosecuted by the office. The section prepares weekly, monthly and quarterly reports that track caseloads and dispositions. Case Information also provides *ad hoc* reports on narcotics activities, trends, and statistical analyses.

Paralegals in Part N provide assistance to the legal staff and record case transactions.



Records Management files and registers closed and bench warranted case files and processes parole requests.

Prosecution Support Services expedites and coordinates the receipt, inventory and distribution of Police Department laboratory reports on confiscated drugs, and expedites input and dissemination of data regarding court related case activities. A section of the unit's staff works as bureau coordinators in the Trial Division. The unit also prepares indictments and motions for assistants and provides telephone support to Trial Division assistants and Executive Office personnel.

Operations

The Operations Unit is responsible for Office maintenance, reproduction of documents, mail delivery, messenger services, housekeeping requests, and office supply inventory and disbursement.

2005 Workload	
Arrests	4,019
Indictments & Superior Court Informations	2,423
Trials Completed	81
DISPOSITIONS	
Convictions	2,202
Overall Conviction Rate	85%
FELONY SENTENCES	
State	1,134
Jail	425
Jail & Probation	205
Probation	189

Around the Office...



Executive & Legal Staff

Bridget G. Brennan

Special Narcotics Prosecutor

Steven M. Goldstein

Chief Assistant District Attorney

Arlette Hernes

Executive Assistant District Attorney

Rhonda Ferdinand

Deputy Chief Assistant
Chief of Alternative Sentencing

Joseph J. Tesoriero

Executive Assistant District Attorney
Chief of Investigations

Robert B. Re

Senior Supervising Attorney

Thomas G. Van Noy

Deputy Administrative Assistant
District Attorney

Catherine A. Christian

Director of Legal Training

Jane E. Tully

Chief
Bureau 30/60

Lisa DePasquale

Chief
Bureau 40/50

Peter M. Kougasian

Chief
Bureau 70/80

Jodie E. Kane

Deputy Bureau Chief SIB

Gilbert C. Hong

Deputy Bureau Chief

Marcel J. Philippe

Deputy Bureau Chief

Paul H. Harvey

Deputy Bureau Chief

Susan Krischel

Deputy Bureau Chief SIB

Susan N. Lanzatella

Chief
Narcotics Gang Unit

Lisa M. Tompkins

Narcotics Financial Crimes
Coordinator

Meggan K. Dodd

Counsel to
Special Investigations Bureau

Leon Schwartzman

Chief Investigator

Magda Gandasegui

Public Information Director

ASSISTANT DISTRICT ATTORNEYS

NEW YORK COUNTY

Clark S. Abrams*
Ikiesha Al-Shabazz
Craig A. Ascher
Edward Burns
Catherine A. Christian
Edward K. Chung
Patrick C. Daly
Lisa DePasquale
Meggan K. Dodd
Kathleen V. Doyle
Christopher C. Edel
Nigel I. Farinha**
Rhonda Ferdinand
Kelly A. Frawley
Margaret Gandy
Abraham M. George
Steven M. Goldstein
Nancy R. Greenberg
Arlette Hernes

JOYMARIE HOHENTHANNER

Gilbert C. Hong
Joseph T. Ippolito
Maurice A. Johnson
Jodie E. Kane
Christine M. Kelly
Eli Koppel
Peter M. Kougasian
Susan Krischel
Susan N. Lanzatella
Lawrence G. Lee
Heather C. Manley
Abigail S. Margulies
Nicholas J. Mauro
Karen F. McDonald
Jessica Medoff
Terence J. O'Leary
Luis F. Peral
Marcel J. Philippe
Sean Pippen

SERINA QUINONES

Robert B. Re
Marisel Rodriguez
Aaron Rubin
Matthew C. Singer
Shelley Solomon
Sean Sullivan
Joseph J. Tesoriero
Noreen P. Travers
Jane E. Tully
Thomas G. Van Noy
Rosemary Yu
Daniel A. Zambrano

KINGS COUNTY

John T. Carlton
Frederick S. Hartwell
Ingrid MacDonald
Anju Malhotra
John McNiff
Steven R. Miller
Ayodele A. Olosunde
Ari M. Rottenberg

QUEENS COUNTY

Paul H. Harvey

RICHMOND COUNTY

Ryan Sakacs

BRONX COUNTY

Brian N. Dobbins
Maria C. Mostajo
Lisa M. Tompkins
Adam S. Wolrich

Managerial & Support Staff

ADMINISTRATION/PERSONNEL

Beatrice Miller, Director
Mary Davis, Deputy Director
Diane Johnson
Sylvia Lucas
Lisa Thomas

FISCAL

Lei Yuan, Director
Regina Mavasheva
Krisna Ramkhelawan

PUBLIC INFORMATION

Magda Gandásegui, Director

INVESTIGATORS

Leon Schwartzman,
Chief Investigator

INFORMATION TECHNOLOGY

William Power, Director
Chanyute Ottamakorn,
Deputy Director
Management Information Systems
Joseph Cullen
Beliza Miranda
Christopher Spies
Arnaldo Vega
Gregory Wilson

Case Information

Belinda Berry, Supervisor
Debra Danielson
Lucille Martin
Pilar Quinones
Sylvia Rhodes
Anne Roy

Prosecution Support Services

Jocelyn Pilotin-Lazar,
Supervisor
Stephanie Andrews
Jocelyn Daniel
Karen Johnson
Marsha Ledford
Renee Williams
Edward Montes

FORFEITURE UNIT

John Polizzotto, Coordinator

EXECUTIVE/ ADMINISTRATIVE MANAGEMENT

Joan Maloney, Supervisor

Grand Jury Reporters Unit

Gladys Ayan
Carol Bach
Bonnie Greenstein
Mirelle Monestime
Reva Palmer

Interpretation and Translation Services

Rosa Ruales

Operations

Gregory Duncan
Harry Reyes

EXECUTIVE SUPPORT

Hysa Moultrie-Miller
Carla Jenkins
Alisa Figueroa

TRIAL PREPARATION ASSISTANTS

Alternative Sentencing Bureau

Rochelle Davis, Supervising TPA
Akua Akoto
Hema Panlall
Ismelda Sanchez
Karen Collo
Sandra Davermann
Andrea Obregon

Bureau 30/60

Philip Lambert, Supervising TPA
Jessica Surret

Bureau 40/50

Michelle Myton, Supervising TPA
Chanmattie Panlall

Bureau 70/80

William Reeves, Supervising TPA
Maddalena Coppola

Extraditions

Carla Jenkins, Coordinator

Narcotics Gang Unit

Brandon Twichell

Part N

Desiree Creary
Victor Rodriguez

Special Investigations Bureau

Linda O'Leary, Supervising TPA
Luisa Boireau
Justin Piccione
Regan Serlin
Samina Tahir

BUREAU SUPPORT PERSONNEL

Special Investigations Bureau

John Collins,
Investigative Analyst
Diana Valentin

Investigators Unit Support

Belinda McNeill

Alternative Sentencing Bureau

Berneatha Champagne

NYPD TEAM

Lt. John McNulty
Det. Marc Conelli
Det. Brenda Jordan
Det. Edward Rendos
Det. Lori Simonetti

GRAND JURY WARDENS

John Gillespie, Sergeant
Dennis Creegan
Kim Foster
John Roam

Credits

Editors

Arlette Hernes
Joseph J. Tesoriero
Lisa DePasquale
Thomas G. Van Noy

Managing and Copy Editor

Maggie Gandasegui

Design & Layout

William Power

Photography

Chanyute Ottamakorn
Detective Edward Rendos
Laura Badger, New York County District Attorney's Office
New York City Police Department
Drug Enforcement Administration
New York City Human Resources Administration
OSNP Information Technologies

