

**POLICE COMMISSIONER RAYMOND W. KELLY
TESTIMONY BEFORE THE U.S. SENTENCING COMMISSION
U.S. COURT OF INTERNATIONAL TRADE
FRIDAY, JULY 10, 2009 – 1200 HRS.**

Chairman Hinojosa. Distinguished commissioners and members of the Commission.
Thank you for this invitation to appear before you today.

I want to begin by congratulating you on the 25th anniversary of this Commission, which I believe has significantly strengthened America's criminal justice system. It has done so by fostering transparency, predictability and fairness in federal sentencing across the nation. That is a legacy worth reflecting upon as we consider the future of sentencing guidelines and policy alternatives that could have the unintentional effect of halting the progress we have made to reduce violent crime in the United States.

I have been asked to discuss the core policing strategies that have enabled New York City to drive crime rates down dramatically while also helping to reduce the state's prison population. First, I'd like to give you some historical perspective. Since 1989 UCR index crime in New York City has fallen each and every year and by 72% overall. This has taken place even as the city's current population has grown by 1 million since 1990 to 8.4 million.

That year the City recorded an all-time high of 2,245 murders. In 2002, for the first time, New York experienced fewer than 600 homicides, something we've accomplished every year since. And in 2007, we had fewer than 500 murders. The actual number was 496. It was the first time the murder rate fell below 500 since at least 1961, the earliest year to which valid comparisons can be made. This year we're on track to break our record with homicides down 19% this year and 11% from two years ago.

That is all the more significant given the fact that New York has about 5,000 fewer police officers today than we did in 2001, when staffing was at its peak. Despite this

decline in resources, and the dedication of 1,000 police officers to the mission of counterterrorism, major felony crime is down by 36% from eight years ago.

We have been able to do more with less thanks largely to an initiative called Operation Impact. Since 2003, we've taken at least two thirds of every graduating police academy class, teamed them with experienced supervisors, and assigned them to areas of the city where we've registered an increase in serious crime. These areas can be as large as an entire precinct or as small as one city block.

To give you some idea, we've seen double-digit reductions in crime of up to 30% in impact zones throughout the life of the program. This year major felony crime is down by 24% in impact zones. Rapes are down 46%. Robberies are down by 34%. And grand larcenies are down by 28%.

We've adopted a similar, intensely-targeted application of resources to other areas of our mission such as school safety. The NYPD is charged with the safety of more than one million public school students. Through our School Safety Division, we assign more than 5300 sworn and unsworn personnel to New York City's public schools. Since 2001, major crime in that system is down 44% because of the Police Department's "Impact for Schools" initiative.

We've also been extremely active in our enforcement of quality of life violations such as aggressive panhandling, illegal peddling, graffiti, and many others. Since 2002 we've issued more than 635,000 summonses for quality of life violations. In 2007 and 2008, police officers issued more criminal summonses than any time in the department's history.

We find again and again that when we go after low-level offenses, when we write the summonses and make the arrests, we catch career criminals, many of them with outstanding warrants. In this way quality of life enforcement yields broader crime-fighting benefits.

This approach is one of the reasons subway crime is at an all-time low in a system that is one of the world's largest. Nineteen years ago, an average of 48 crimes were committed in the subways each day. In 2000 that number was 12. Today it's down to five crimes a day, even as ridership is the highest it's been in 44 years at more than 5 million people a day. It turns out that in some cases the people jumping turnstiles and moving between cars are the same people making armed robberies and dealing drugs.

Another way we've been able to realize greater efficiencies is through technology. Four years ago, we opened our Real Time Crime Center, a state-of-the-art crime-fighting computer facility. Its core is a massive database with billions of public and law enforcement records. Crime center detectives take calls around the clock from investigators in the field, looking to follow up on leads. Our detectives conduct instant searches, using data-mining software that makes it easier to identify criminal patterns and relationships between those connected to a crime. This has dramatically reduced investigation times and led to faster arrests.

We have also benefited substantially from our close collaboration with federal law enforcement agencies. In the wake of September 11th, we placed an even greater emphasis on these relationships, which have yielded important gains for counterterrorism and crime-fighting alike.

We work closely with our federal partners through a variety of task forces. These include the Joint Terrorism Task Force; the Joint Organized Crime Task Force; the Drug Enforcement Task Force; the Joint Firearms Task Force; and the Joint Bank Robbery Task Force among others.

Whether through these entities or in close cooperation with the various U.S. district attorneys, we seek to refer as many cases as possible to the federal court system. That is especially true of our efforts to get illegal guns off the street.

We are active participants in Operation Triggerlock, in which we partner with the U.S. Attorneys for the Eastern and Southern Districts of New York to obtain federal prosecutions of gun cases. We pay relentless attention to the details of post-arrest follow-up to ensure the best prosecutions possible. We created a special Gun Enhancement Unit to improve the collection of evidence and intelligence.

We let anyone arrested for a gun crime know that if they have a prior felony conviction we will do everything we can to have them tried in federal court where penalties are tougher. For example, the federal mandatory minimum sentence for a first offense while carrying a firearm during a crime of violence or drug trafficking crime is five years, compared to three for the state. The prospect of a stricter sentence has convinced a number of suspects to give up information.

This illustrates the deterrent role of federal sentencing. Even though the vast majority of our cases are prosecuted in state and city courts, we view it as an additional, powerful tool to support our 36,000 police officers. Their outstanding work on every front has enabled New York City to drive crime down to historic lows even in the face of diminishing resources and a persistent terrorist threat. And with far fewer city residents committing serious crimes, admissions from New York City into the state prison system have declined by 50% since 1990, proof that success in crime-fighting can lead to smaller, not larger prison populations.

It follows that the best way to reduce the prison population is to reduce crime, not the length of sentences. That is why I would caution against new approaches that circumvent the well-defined guidelines already in place.

One such experiment taking place at the state level is New York's recent Drug Law Reform Bill, which repealed the so-called "Rockefeller Laws." Our concern is that drug traffickers will make unsupported claims for treatment to avoid sentencing and invite the kind of revolving door justice that produced so many victims of addiction and violent crime in the not-too-distant past.

Advocates of alternative sentencing often cite the rising costs of incarceration as evidence of the need for change. But what about the costs of policies that allow convicted criminals to evade jail time and increase their likelihood of committing more crimes against society?

We must refuse to go back to the past. Over the last two decades, New York City's economy has been transformed because of the enormous gains made in public safety. To provide just one perspective from the real estate market, from 1989 to 2007, as crime plummeted the price of an average Manhattan apartment skyrocketed by more than five times. You'll find similar trends in home prices across the five boroughs.

There are many reasons people seek to live and own a residence in New York City. The most important one is that it is safe. We intend to keep it that way. We'll ensure New York remains the safest big city in America with effective police strategies backed by strong sentencing. We hope the Commission will continue to support this goal for many years to come.

Thank you again for this opportunity to testify today.