

TESTIMONY OF ASSISTANT DISTRICT ATTORNEY YOLANDA L. RUDICH BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC SAFETY, JANUARY 13, 2009

Good afternoon. I am Assistant District Attorney Yolanda L. Rudich. I am Chief of the Sex Crimes/Special Victims Bureau in the Richmond County District Attorney's Office. I am honored to testify today on behalf of Daniel M. Donovan, Jr., the District Attorney of Richmond County and current President of the New York State District Attorney's Association.

Before the committee today are a variety of resolutions grouped together as dealing with child welfare issues and a number dealing with intoxicated drivers. I would like to commend the committee and counsel for its attention to the very real issues dealt with in the various resolutions and, in particular, the effort to aid prosecutors in our efforts to insure that those who harm children are punished in a fashion commensurate with the crimes they have committed. I would also like to commend the committee and counsel for its attention to the intoxicated driver problem. I would like to focus my remarks on the child abuse issues; with respect to that, I will speak to the one that has arisen most frequently in my county and I will leave discussion of the others to my colleagues from other counties. I will also briefly discuss the resolutions dealing with impaired drivers.

Resolution No. 106 urges the creation of felony endangering the welfare of a child. It is, as the resolution observes, of crucial importance to put law enforcement in a position that it can take action to protect each and every child before the way in which that child is being

treated results in the child's serious injury or death. But it is equally important to make sure that acting in a manner injurious to a child in any fashion, physical or otherwise, is appropriately punished. What we have seen in Richmond County is that adults have involved children as young as 1 ½ years old in sexual activity of a sort that is not punishable by any of the Penal Law provisions governing sex crimes, but could be punished only with a charge of Endangering the Welfare of a Child.

Thus, for example:

A defendant who exposed himself to a six year old, and, as she described, made his "pee pee dance" could only be charged with misdemeanor endangering.

A defendant who sexually abused a three year old while a 1 ½ year old lay on the bed nearby could similarly be charged only with misdemeanor endangering with respect to the baby.

I would suggest that this kind of non-contact sexual activity can lead to more serious forms of such conduct. Though not a Richmond County case, there was a Renssalaer County case which highlights the connection, *People v Kuykendall*. Kuykendall had become involved with a 16 year old runaway, plied her with alcohol, marijuana, and pornography and engaged in sexual activity with her. Although he was ultimately convicted only of endangering, this case highlights the connection between endangering in a circumstance in which the act that endangers is a noncontact sexual one and the ultimate sexual contact and abuse.

I will note that there have been a variety of proposals offered to address this problem. We continue to review and consider them. We hope, as you do, that the Legislature will give them serious consideration and enact something that will better protect children.

There are other issues surrounding felony endangering and those, along with the issues underlying your other child welfare related resolutions, will be discussed by my colleagues.

With respect to the driving while intoxicated/impaired issues that you raise, please be aware that the State District Attorneys Association has a subcommittee dedicated to the questions you raise and its chair, Joe McCormack, could not be here today. He is best positioned to help with any concerns or questions you may have and I will be happy to provide you with a phone number at which you or your staff can reach out to him for discussion.

Testimony of A.D.A. Eric Rosenbaum
Special Victims Bureau
Queens County District Attorney's Office
January 12, 2009

Good morning. My name is Eric Rosenbaum. I'm an assistant district attorney for D.A. Richard Brown in Queens County where I am a senior prosecutor within the Special Victims Bureau. I thank the Council for the opportunity to speak today on the question of how to fix New York's child abuse laws to better protect our children.

I have spent most of my 15-year career as a prosecutor in the Special Victims Bureau on the frontline of the fight against child abuse. Sadly, I find myself increasingly frustrated by the inadequacies in the existing laws available to prosecutors to protect the youngest, most vulnerable crime victims in New York. This frustration is shared by child abuse prosecutors with whom I work throughout the City and State. The current state of the law is such that there are significant gaps in the child assault statutes

and a general inability of the criminal justice system to treat serious offenders any differently than those who commit acts of lesser harm.

In every county, child abuse prosecutors see cases of serious, often on-going, child abuse and neglect that we can prosecute only at the misdemeanor level because of the way the laws are written. For example, there is no provision to increase the level of charges against misdemeanor child abusers who have prior misdemeanor child abuse convictions. The laws allow these repeat misdemeanor offenders to be treated as if they were first-time offenders. Similarly, abusers who engage in long courses of endangering a single victim, or who endanger multiple children, typically can be charged with nothing more than misdemeanors despite the aggravating factors that distinguish these cases from lower-level conduct.

Also evading justice are those abusers who inflict sadistic physical and psychological pain, but leave no marks in the process. No matter what torment these abusers visit upon

children, no felony charges are usually available--the acts are categorized as misdemeanors.

For all these types of abusers—the repeat offender, the offender who engages in long courses of abuse, the offender who engages in sadistic acts that leave no lasting marks, the offender who has multiple victims--they face only misdemeanors which means they generally avoid meaningful jail time or even any jail at all. What is more, because misdemeanors are the only available charges, prosecutors lack sufficient leverage to compel these abusers to participate in corrective counseling programs.

We propose strengthening the Penal Law to include felony child endangering for the more egregious types of cases.

Reform to our child abuse laws must not stop with a felony endangering statute, though. We also advocate adoption of a comprehensive child abuse reform package to refine and bring coherence to the patchwork of laws that currently exists. There are terrible gaps in the current statutes that result in serious offenders being prosecuted at only the misdemeanor level despite

extreme and sometimes life-threatening conduct against children. In recent years, different child abuse reform proposals have been suggested to address these problems. They seek to solve the problems in various ways and the answer may be a combination of those suggested. But what virtually everyone can agree on, is that the current statutes need fixing.

By way of example of how the child abuse laws might be fixed, let me discuss for a moment a proposal which was drafted by the child abuse prosecutors of the NYS District Attorneys' Association. It is an example of one such child abuse reform package. In addition to finally including a felony child endangering statute for NYS, this proposal would accomplish other important goals when it comes to protecting our kids: (1) it would simplify confusing existing statutes dealing with child homicides and assaults, many of which are so complicated that they are practically unusable; (2) the proposed law would fill long-standing gaps in the assault statutes that can leave prosecutors with having to choose either the highest level assault or a low

misdemeanor with no options in between—or even worse, with no felony option at all; and (3) the proposed law would correct deficiencies in existing statutes involving the mental state of “depraved indifference;” such statutes make it virtually impossible to prove child abuse homicides and assaults unless the prosecutor can prove specific intent—which is rarely present.

Let me give you some examples of the types of cases that fall through the cracks of existing laws.

In terms of the misdemeanor endangering statute’s inadequacies, let me give you some examples we have actually encountered. One is the case of defendant Helena Piccinini -- a special education teacher -- who left her baby alone everyday for months in her home while she went to work. When found, the house was filthy and even had a dead cat laying in the dining room. Amid the filth, the two-year-old boy was found wearing seven diapers and infested all over with ticks. The child had been kept in near complete isolation, purred like a cat and did not know how to use his thumbs. As a result, the boy had severe

developmental problems. The only felony available to prosecutors at the time was felony reckless endangerment, but today, even that charge would be unavailable under recent court rulings and only a misdemeanor endangering would lie.

In another case, Chiu Chow, dangled an infant by his ankle out of a fifth story window because he would not eat. A neighbor screamed when she saw the child hanging out of the window, and Chow temporarily took the child inside, but within minutes did the same thing again. As in the last example, today, based on multiple recent Court of Appeal's decisions severely restricting the usefulness of child abuse statutes involving "depraved indifference," it is all but certain we could charge only misdemeanor endangering in this case.

The inadequacies of the current misdemeanor endangering statute are further revealed when one looks at other forms of abhorrent behavior against children that carry no more consequence than under a year in jail or, more often, only a short period of jail time or even probation or time served. Examples we

see of egregious behavior that can be charged only as misdemeanors include:

- A mother who for weeks watched her boyfriend punch, slap and shake their seven month old baby. She watched her baby's hands being tied together so tightly and for so long that they became infected. The abuse was so bad the baby had bleeding on its brain and in its eyes. The mother did nothing to intervene, seek safety or get the baby medical attention week after week.
- A child was forced to kneel on pencils for hours. No physical injury resulted, but the child suffered excruciating pain.
- Two sisters were forced to repeatedly gargle with Tabasco sauce and kneel on rice for hours on a regular basis
- A child was forced to sit outside on an icy stoop at night for extended periods in the dead of winter wearing only a t-shirt and underwear.

- A child was submerged in ice cold baths as a form of punishment.
- A child was forced to remain in a closet for hours.
- A bus driver duct taped and strapped a special needs child to a seat for an extended time.
- Deadly narcotics and drugs were hidden in the crib of a child and in the battery compartments of the child's toys.
- An 8 year-old was sent to deliver narcotics.
- A four year old died after drinking methadone that was left in a juice bottle in the refrigerator. Defendant was convicted of manslaughter. However, had the child survived and suffered simple injury, it would have been only a misdemeanor.

In addition, the inadequacies of the existing endangering statute have far-reaching consequences. We all recoil when we hear of horrific child homicides, where a baby is beaten to death in astoundingly violent circumstances. When the investigations are done, we invariably learn that there were multiple instances of

endangering that led up to the murder; horrendous, torturous, cruel abuse that left no marks. These repeated instances of abuse today can only be prosecuted as a series of misdemeanor endangering charges. Yet, if these abusive pre-cursors to the death of a child could be prosecuted as felonies, there would be more opportunities for meaningful intervention, more chances for a successful prosecution, and in some cases where appropriate, more opportunities for more serious sentencing.

It isn't just endangering laws that are out of step with the harm we see in child abuse cases. A case underscoring the inadequacies of the assault statutes today is that of Joseph and Silva Swinton. Their three pound baby was born at home and was nearly starved to death. They gave the baby no breast milk or formula of any kind, but instead provided a bizarre diet of herbal tea, berries, nuts, and juice. Even when told by a relative with nursing experience that the baby needed a doctor, the parents refused to seek attention for the failing baby. When the baby was rescued 1 year and 4 months after her birth, she had

been starved and weighted a mere 10.2 pounds; could not walk, stand, crawl or sit; had no teeth; her bones were deformed from rickets; she was so weak she could not inhale fully or cry. Doctors said she was on the brink of death. To save the baby, doctors had to employ techniques not unlike those used to “refeed” liberated concentration camp victims in World War II.

When charging the defendants, the existing law allowed us only two choices: a high level felony for assault based on the defendants acting with depraved indifference to their child’s life and recklessly causing serious physical injury, or a misdemeanor for recklessly causing simple injury—there was no middle ground. The grotesque 16-months of maltreatment this little baby suffered cried out for more than a misdemeanor, and so the felony assault was charged. A horrified jury convicted the defendants of assault in the first degree after a month-long trial, and the court imposed sentences to five and six years jail, respectively, upon the parents. But that victory was short-lived.

On appeal, the state's highest court found that a key phrase in the Assault 1 statute, the term "depraved indifference," does not mean what prosecutors and lower courts had always interpreted it to mean. As a result, the conviction was reduced to nothing more than a misdemeanor. The defendants got time served.

In the aftermath of this case and the high court's ruling, it is doubtful the Assault 1 statute could ever be used again in a starvation case like this. Were the child to have died, a felony manslaughter prosecution could have been mounted, but because the baby had the good fortune to be rescued before she died, the perverse result is that the only sustainable charges were endangering and misdemeanor assault. The laws must be fixed. This case is an example of just how broken they are.

The children of New York State deserve better. The overly complicated, inadequate, patchwork of statutes we currently use to protect children too often simply doesn't work. We are talking about doing the right thing for the most vulnerable, powerless

citizens of our great City and State. Thank you for the opportunity to address you today, and for caring enough to take up these problems. In your effort to find solutions, the community of child abuse prosecutors stands ready to assist you—you need only ask.

TESTIMONY OF HARVEY WEISS
NEW YORK CITY COUNCIL RESOLUTION 807
JANUARY 13TH, 2009

Good afternoon. I am Harvey Weiss, President of *SYNERGIES*, a nonprofit corporation, and the Executive Director of the National Inhalant Prevention Coalition (NIPC) located in Chattanooga, TN. *SYNERGIES* funding comes primarily from the Federal Government with additional funding from contributions from individuals and corporations.

SYNERGIES initiated its inhalant prevention efforts in 1992 as part of its statewide substance abuse prevention program in Texas. According to Texas statewide surveys our inhalant prevention program led to a 40% reduction in inhalant use at the high school level and over a 50% reduction at the elementary level within 3 years after our program began.

Thank you for this opportunity to speak in support of Resolution 807. This Resolution is to amend current Vehicle and Traffic Laws to include chemicals and products that are misused by intentional inhalation to get "high." This process is commonly called: huffing, sniffing, bagging, glading, dusting, etc.

Supporting this resolution has two important outcomes: (1) closing a loophole in current legislation on driving while intoxicated, and (2) drawing attention to this common, though usually under appreciated form of substance abuse.

Inhalant use or abuse is an activity that results in intoxication, rapid intoxication. The physiological intoxication response to the chemicals in inhalants is almost immediate while the "high" from the inhalants dissipates in a couple of minutes or less. The chemicals in the fumes of inhalants enter the body through the mouth and/or nose and go directly to the lungs. There they are absorbed into the blood stream and go directly to the brain where instantaneous intoxication occurs. Compare this to other substances, such as alcohol: A person gulps a drink; the liquid goes from the mouth, down the throat on its way to the stomach; from there the intoxicating chemicals begin their trek to the brain – via the liver, kidneys, etc. where some toxins are filtered out of the bloodstream and finally to the brain where the chemical

response results in intoxication (the intoxication, and its effects, can last for a significant period of time). My point is that the end result of using inhalants is the same as other psychoactive, intoxicating substances and ought to be treated the same under the law. Also, the rapid onset and dissipation of inhalant intoxication makes it difficult to detect.

Having said this about the commonality of inhalants with other intoxicating substances, inhalants are different because of the difficulty in detecting them. In general, inhalant use is very difficult to detect because general drug screening does not detect inhalants and the effects of inhalants may have dissipated by the time of interaction with law enforcement and/or first responders (in the case of an accident or death).

What to do if inhalant intoxication is suspected?

If unexplained intoxicated behavior or a death without obvious causes is observed:

- check the vehicle and the area adjacent to the law infraction, accident or death scene to see if potentially abused products can be observed;**
- be prepared to conduct specific toxicological tests to determine the existence of intoxicating chemicals; and,**
- if there is an accident scene where there is an unconscious victim, first responders and later emergency room personnel must know what drugs not to administer to the victim.**

To assist with inhalant detection the NIPC urges that a inhalant fact sheet similar to the attached, “INHALANT ABUSE SYMPTOMS & CONSIDERATIONS FOR LAW ENFORCEMENT & EMERGENCY MEDICAL PERSONNEL” be distributed to appropriate New York law enforcement and first responder personnel. The NIPC developed this resource at the request of the Nashville Metropolitan Police Department.

INHALANTS: THE SILENT EPIDEMIC

Inhalants hover below most people’s radar screen even though they are one of the most “popular” substances of abuse ranking third in use after alcohol and tobacco for youngsters. They are usually the first substance a young person experiments with – in fact use may start prior to the teen years. Inhalants can be as addictive as cocaine. There are over 1,000 common, legal household, office and school products that can be intentionally inhaled to get “high.” And, any time an inhalant is used, even the first time, there can be immediate death via cardiac arrest. This is known as “sudden sniffing death syndrome.” Each year about 125 inhalant deaths as reported directly to the NIPC.

In the face of all of these facts inhalant use remains cloaked in the shadows waiting to claim its next victim. Passing Resolution 807 and the subsequent amending of current NY State driving while intoxicated laws to include inhalants will draw public attention to this issue. This attention to inhalant use will alert the public to the dangers of inhalants. This attention will lead to education and awareness the only two viable ways of preventing the intentional misuse of common household products.

As a housekeeping matter we have found that mentioning a specific product brand name can be counter productive. Our vocabulary stresses using generic products such as computer cleaner or duster, air freshener, canned whipping cream, etc. when communicating about inhalant dangers.

Thank for this opportunity to speak in support of Resolution 807. I welcome any questions you may have.

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INHALANT ABUSE SYMPTOMS & CONSIDERATIONS FOR LAW ENFORCEMENT & EMERGENCY MEDICAL PERSONNEL

Paint or stains on clothing or body, especially face and hands

Presence of chemical-soaked rags, plastic or paper bags, socks or clothing
or *latex* balloons

Drunk, dazed, dizzy or drowsy appearance lacking explanations

Anxiety, excitability, irritability

Red or runny eyes or nose

Spots, sores or rash around the mouth or nose

Chemical breath odor

Nausea, loss of appetite, drooling

Unexplained abusable products hidden, nearby or in possession of
suspected abuser (i.e. aerosol sprays or paint, lighters or refills, glues,
solvents, propane, etc.)

Special Considerations:

Approaching a suspected abuser: Use extreme caution, trying not to frighten. Abusers, adult or youth, may be very excitable and given to impulsive or violent behavior. They may use unanticipated physical strength. Any fright may cause sudden heart failure. If unconscious, remove vapor source/bag, use CPR to stabilize.

Accident or death scene investigation: Suspect inhalants when unexplained intoxicated behavior is observed or death without obvious causes, i.e. no other "drugs" evident, no obvious wounds or weapons. Suspect inhalants when victim is found with a bag over head; traces of paint on mouth, nose or hands; or rash around mouth and/or nose. Check vicinity for abusable products and/or paraphernalia. Identify/note location then "bag" suspected products or product labels and paraphernalia for both analysis and cause of death determination by medical examiner, pathologist, toxicologist or coroner.

WHAT TO DO WHEN SOMEONE IS "HUFFING"

REMAIN CALM AND DO NOT PANIC

DO NOT EXCITE OR ARGUE WITH ABUSER WHEN THEY ARE
UNDER THE INFLUENCE

IF PERSON IS UNCONSCIOUS OR NOT BREATHING — CALL FOR
HELP (CPR SHOULD BE ADMINISTERED UNTIL HELP ARRIVES)

IF CONSCIOUS, KEEP PERSON CALM AND IN A WELL VENTILATED
ROOM

DO NOT LEAVE THE PERSON ALONE

EXCITEMENT OR STIMULATION MAY CAUSE HALLUCINATIONS
AND VIOLENCE

ACTIVITY OR STRESS MAY CAUSE HEART PROBLEMS WHICH MAY
LEAD TO
"SUDDEN SNIFFING DEATH"

TALK WITH OTHERS PRESENT OR CHECK AREA FOR CLUES TO
WHAT WAS USED

ONCE RECOVERED SEEK PROFESSIONAL HELP FOR ABUSER:
SCHOOL NURSE
COUNSELOR
PHYSICIAN OR OTHER HEALTH CARE WORKER

IF USE IS SUSPECTED, ADULTS SHOULD BE FRANK BUT NOT
ACCUSATORY IN
DISCUSSIONS WITH YOUTHS ABOUT POTENTIAL INHALANT USE

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WHAT RETAILERS NEED TO KNOW

about inhalants . . .



The term “inhalants” refers to over a thousand household and commercial products that are intentionally misused by sniffing, bagging or “huffing” (inhaling through the mouth) to get high. These products are legal and serve useful purposes in our society. But when misused, they can cause permanent physical and mental damage, even death. Retailers can play a part in stemming the tide of inhalant use by learning about the problem. Educate yourself about your state laws and learn how to protect your store, property and the youth in your community.

TIPS FOR RETAILERS

- Monitor the sale of harmful products to young people and refuse to sell unusual quantities of abusable substances without parental consent. Question young people who buy several containers at a time of glue, rubber cement, spray paint, air freshener, cooking spray, whipping cream cans or other inhalable products.
- Watch for minors that regularly buy inhalable products. Note any unusual consumption of certain products, particularly on weekends, and decline to sell the products if you have reason to believe they are being abused.
- Shoplifting inhalants is a common practice. Keep track of missing products to know if you have sniffers regularly stealing from your store.
- Consider placing abusable products where they can be monitored by store employees.
- Know your state laws regarding the sale of inhalants to minors.
- Display warning signs regarding the products and/or prevention posters in a visible area near the register.
- Educate your employees, especially at point of sale.
- Talk to the young people in your life about inhalants and let them know the dire consequences of abusing these poisonous chemicals.
- Share this information with retailers in your area and see what actions can be taken as a group.
- If someone is found huffing on your property, remain calm and do not try to aggravate the user. Inhalant users can experience hallucinations or increased aggression. Also, sudden scares or stress can increase the chance of Sudden Sniffing Death.

ABUSABLE PRODUCTS

VOLATILE SOLVENTS

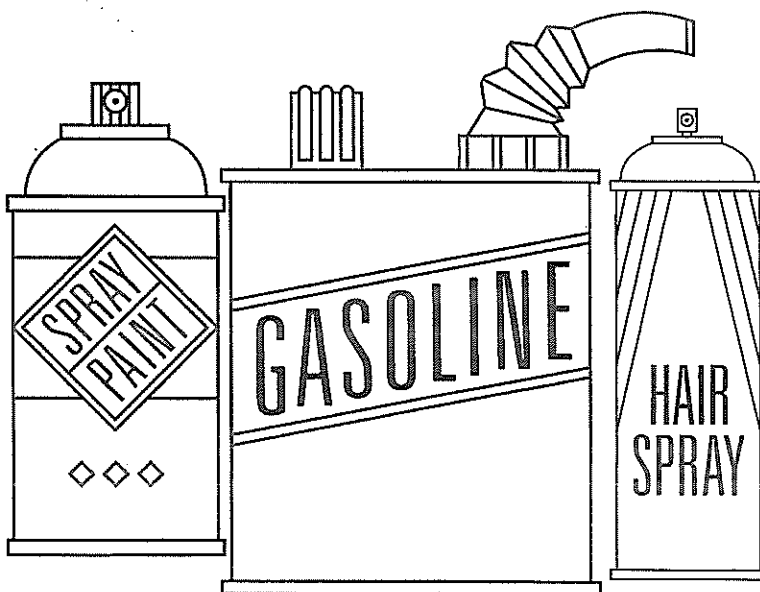
Adhesives: model airplane glue, rubber cement, household glue
Aerosols: spray paint, hair spray, air freshener, deodorant, fabric protector
Solvents & Gases: nail polish remover, paint thinner, correction fluid and thinner, toxic markers, pure toluene, cigar lighter fluid, gasoline, carburetor cleaner, octane booster
Cleaning Agents: dry cleaning fluid, spot remover, degreaser
Food Products: vegetable cooking spray, dessert topping spray (whipped cream), whippets
Gases: nitrous oxide, butane, propane, helium

ANESTHETICS

nitrous oxide, ether, chloroform

NITRITES

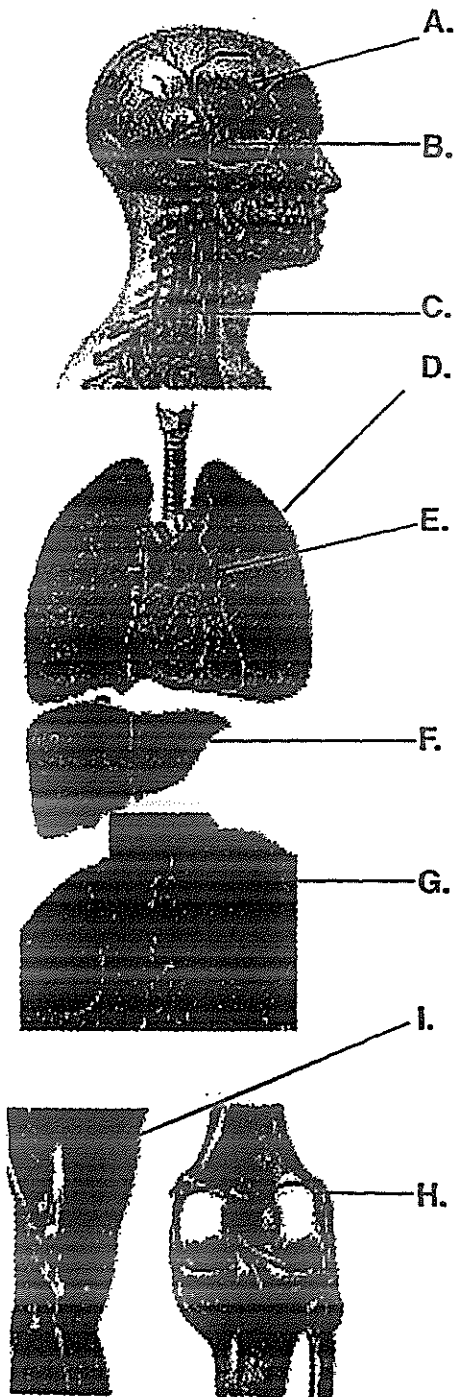
amyl, butyl (marketed as video head cleaner), nitrite room odorizers (also called “poppers,” “rush,” “locker room”)



Please copy and distribute to retailers in your community. For more information on inhalants, call NIPC at 800-269-4237.

(insert your name and logo here)

THE DAMAGE INHALANTS CAN DO



A. BRAIN

The chemicals abused by inhalant users affect different parts of the brain, producing a variety of sensory and psychological disorders. Many inhalants are thought to dissolve the protective myelin sheath that surrounds neurons - brain cells - resulting in cell death (see brain diagram).

B. BLOOD

Some substances like nitrites and methylene chloride (paint thinner) chemically block the oxygen carrying capacity of the blood.

C. NERVOUS SYSTEM

Chronic inhalation of nitrous oxide (whipped cream propellant) and hexane (found in some glues and camp stove fuels) results in damage to the peripheral nerves. Symptoms can include numbness, a tingling sensation or total paralysis.

D. LUNGS

Repeated use of spray paint as an inhalant can cause lung damage. Cases of asphyxiation have been reported when concentrated solvent fumes actually displace oxygen in the lungs.

E. HEART

Abuse of inhalants can result in "sudden sniffing death syndrome." The top two substances causing death are toluene and butane. Freon interferes with the heart's pace-making mechanism, provoking cardiac arrest. Amyl and butyl nitrites also affect the heart's rhythm.

F. LIVER

Halogenated compounds like trichloroethylene (a component of aerosol paints and correction fluid) have been linked to permanent tissue damage.

G. KIDNEY

Inhalants containing toluene impair the kidney's ability to control the amount of acid in the blood. This is reversible when toluene leaves the body but, in the long-term, kidney stones may develop.

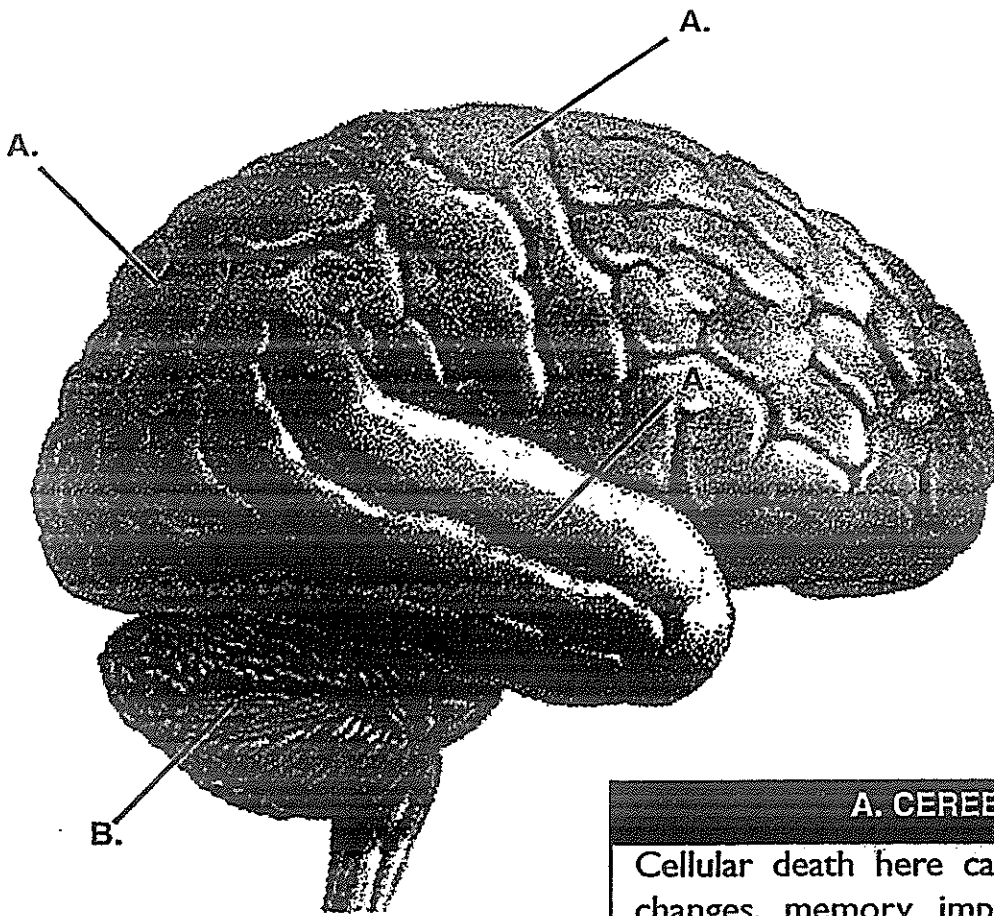
H. BONE MARROW

Benzene, a component of gasoline, has been shown to cause leukemia.

I. MUSCLE

Chronic inhalant abuse can lead to muscle wasting, reduced muscle tone and strength.

THE DAMAGE INHALANTS CAN DO



A. CEREBRAL CORTEX

Cellular death here causes permanent personality changes, memory impairment, hallucinations and learning disabilities.

B. CEREBELLUM

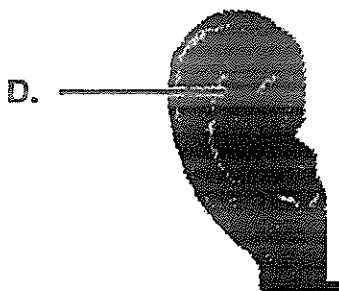
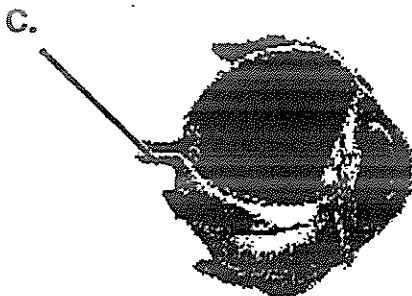
This is the center for most of the body's involuntary functions. Severe inhalant abuse affects the nerves that control motor movement. Inhalant-related damage results in loss of coordination and slurred speech. Chronic abusers experience tremors and uncontrollable shaking.

C. CRANIAL AND OPTIC NERVE

Toluene has been shown to atrophy these nerves, causing sight disorders and poor eye coordination.

D. ACOUSTIC NERVE AND MUSCLE

Toluene inhalation destroys cells that relay sound to the brain. Chronic abusers become deaf.



TIPS FOR TEACHERS

School-based Prevention Programs

Recent studies show that the problem of inhalant use continues to rise and the need for more education in the classroom is increasingly apparent. With the help of informed educators and a quality program, educators can take this dangerous opponent to bat, and make significant changes in the rising rate of inhalant use. Isabel Burk, a drug prevention consultant, has developed guidelines for school professionals who talk to students about inhalants. In addition to ascertaining students' knowledge at each level and building on existing skills and information, she suggests the following strategies:

Ages 4 to 7:

- Teach about oxygen's importance to life and body functioning.
- Discuss the need for parental supervision and adequate room ventilation for cleaning products, solvents, glues and other products.
- Be a good role model; let students see you reading labels and following instructions.

Ages 7 to 10:

- Define and discuss the term "toxic"; students can practice reading labels and following instructions.
- Teach about oxygen's importance to life and functioning, with emphasis on body systems and brain functions.
- Discuss the need for parental supervision, following directions and adequate room ventilation.
- Be a good role model; let students see you reading labels and following instructions.
- Discuss and discourage "body pollution" and introducing poisons into the body.

Ages 10 to 14:

- Discuss negative effects of oxygen deprivation.
- Teach/reinforce peer resistance skills.
- Discuss environmental toxins and personal safety issues.

Ages 14 to 18:

- Describe and discuss implications of other gases replacing oxygen in the blood.
- Describe and discuss short/long-term effects of inhaling toxic products.

- Describe and discuss negative effects of volatile chemicals on fatty brain tissue.
- Where appropriate, offer access to counselor or other qualified professional.
- Respond to questions concerning specific products by describing negative effects and consequences.

DO

- ☺ Review the school/agency policy and procedures regarding abuse and referral
- ☺ Provide awareness and training for all
- ☺ Use appropriate vocabulary: toxins, poisons, chemicals, fumes
- ☺ Discourage "body pollution"
- ☺ Link inhalants to safety or environmental issues
- ☺ Stress skills, attitudes and behaviors, not just knowledge
- ☺ Teach and reinforce appropriate skills:
 - ♦ reading labels
 - ♦ recognition of poisons/toxins
 - ♦ safety precautions
 - ♦ following directions
 - ♦ refusal skills
 - ♦ awareness of body/physical condition
 - ♦ decision-making skills

DON'T

- ☹ Link inhalants solely with drugs or drug lessons
- ☹ Tell too much, too soon
- ☹ Rely on scare tactics
- ☹ Glamorize or promote usage
- ☹ Limit prevention to a single lesson or event
- ☹ Wait until high school age

Ticket fritz

Police officers issued fewer summonses for minor offenses in 2008 than in 2007.

MOVING VIOLATIONS (traffic offenses such as speeding and running a red light)

2007 1,031,510

2008 969,921 a 6% drop; and down 7.7% from 2006

PARKING TICKETS

2007 1,639,368

2008 1,437,488 a 12.3% drop

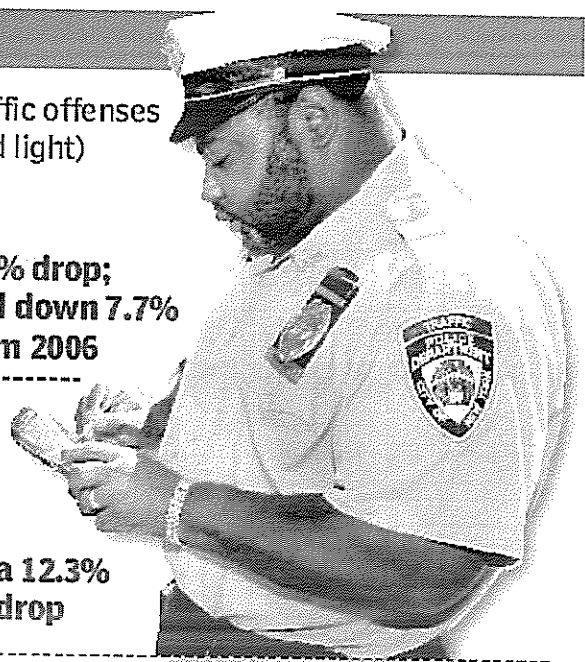
CRIMINAL VIOLATIONS (loitering, urinating in public and drinking alcohol in public)

2007

539,515

2008

501,143 a 7.1% drop



Bolker Arellano, Matthew Moshermott, Dan Callister

CD	Name and Address of Building	# of Parking Spaces	ULURP Number	Zoning Res Section #	Date of CPC Action	Related ULURP #s	Reason for Permit
1	121 Reade Street	89 spaces	C970613ZSM	13-562	12/3/97		Special Permit to allow public parking garage for 89 spaces in a new 122 unit residential building.
1	2 Broadway	180 spaces	C970619ZSM	13-561	7/22/98		Special Permit enlargement of existing 56 space accessory parking garage in an office building to 180 spaces.
1	River Terrace Apartments 34 River Terrace	44 spaces	N970397ZAM	84-31	8/18/97		Authorization to permit location of 44 accessory parking spaces for residential building within subzone A5 of Battery Park City without regards to lot line.
1	24-30 Laight Street	14 spaces	N990594ZAM	13-551	5/19/99	N990378ZAM	Authorization to allow accessory parking for 15 spaces in a residential loft dwelling in MI-5 Special Lower Manhattan Mixed Use District.
1	18 Platt Street	114 spaces	N990435ZAM	91-511	10/20/99		Authorization to permit 115-space accessory parking garage for an off-site residential building within Special Lower Manhattan District.
1	Catherine Village	114 spaces	N990589ZAM	74-52	5/5/99		Special Permit for 114 space public parking garage.
1	27 North Moore Street Ice House	66 spaces	C980173ZSM	13-561	8/3/98		Special Permit to allow accessory parking for 66 vehicles in cellar and sub-cellar of existing residential and retail building in the Special Lower Manhattan Mixed Use District
1	Catherine Village Pk. 336-344 Broadway A/K/A 91 Worth Street	114 spaces	C990281ZSM	13-562	05/05/99		Special permit to allow a 114 space public parking garage on the 1 st , cellar & subcellar floors in an as-of-right residential building with 15 stories.
1	15 Cliff & 99 Jhon Street	156	C000002ZSM	74-52	01/17/01		Special permit fro an attended public parking garage for 156 cars
1	239-241 Church Street	60 spaces	I990654ZSM	13-562, 74-53	In process		Special Permit to construct a public parking garage with attended parking on hydraulic lifts for 60 vehicles in teh subcellar of a building in the Special Lower Manhattan Mixed Use District

PEN - Penal

Title B - PRINCIPLES OF CRIMINAL LIABILITY

Article 15 - (15.00 - 15.25) CULPABILITY

Article 20 - (20.00 - 20.25) PARTIES TO OFFENSES AND LIABILITY THROUGH ACCESSORIAL CONDUCT



Rockaways Tiger
147 Beach 113 Street
Rockaway Park, NY 11694-2404

§ 15.05 Culpability; definitions of culpable mental states.

The following definitions are applicable to this chapter:

1. "Intentionally." A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct.

2. "Knowingly." A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists.

3. "Recklessly." A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.

4. "Criminal negligence." A person acts with criminal negligence with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

Paul Schubert
Rockaways Tiger
147 Beach 113 Street
Rockaway Park ny 11694-
2404

§ 20.25 Criminal liability of an individual for corporate conduct.

A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or in behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

§ 15.10 Requirements for criminal liability in general and for offenses of strict liability and mental culpability.

The minimal requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform an act which he is physically capable of performing. If such conduct is all that is required for commission of a particular offense, or if an offense or some material element thereof does not require a culpable mental state on the part of the actor, such offense is one of "strict liability." If a culpable mental state on the part of the actor is required with respect to every material element of an offense, such offense is one of "mental culpability."

§ 195.00 Official misconduct.

A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit:

1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or

2. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a class A misdemeanor.



Paul Schubert
Rockaways Tiger
147 Beach 113 Street
Rockaway Park, NY 11694-2404

PEN - Penal

Article 15 - CULPABILITY

15.00 - Culpability; definitions of terms.

15.05 - Culpability; definitions of culpable mental states.

15.10 - Requirements for criminal liability in general and for offenses of strict liability and mental culpability.

15.15 - Construction of statutes with respect to culpability requirements.

15.20 - Effect of ignorance or mistake upon liability.

15.25 - Effect of intoxication upon liability.



Paul Schubert
Rockaways Tiger
147 Beach 113 Street
Rockaway Park, NY 11694-2404

§ 15.00 Culpability; definitions of terms.

The following definitions are applicable to this chapter:

1. "Act" means a bodily movement.

2. "Voluntary act" means a bodily movement performed consciously as a result of effort or determination, and includes the possession of property if the actor was aware of his physical possession or control thereof for a sufficient period to have been able to terminate it.

3. "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.

4. "Conduct" means an act or omission and its accompanying mental state.

5. "To act" means either to perform an act or to omit to perform an act.

6. "Culpable mental state" means "intentionally" or "knowingly" or "recklessly" or with "criminal negligence," as these terms are defined in section 15.05.

§ 20.00 Criminal liability for conduct of another.

When one person engages in conduct which constitutes an offense, another person is criminally liable for such conduct when, acting with the mental culpability required for the commission thereof, he solicits, requests, commands, importunes, or intentionally aids such person to engage in such conduct.

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**New York City
Department of Transportation**

**Office of the
Queens Borough Commissioner**
120-55 Queens Boulevard, Room 285
Kew Gardens, NY 11424
Tel: 718/286-0886 Fax: 718/286-0845

Janette Sadik-Khan, Commissioner

Web: www.nyc.gov/dot

November 7, 2008

Mr. Paul Schubert
Rockaway's Tiger
147 Beach 113th Street
Rockaway Point, NY 11694

Dear Mr. Schubert:

This is in response to your August 26th e-mail regarding the operation of the traffic signals at the intersections of Woodhaven Boulevard with Metropolitan Avenue, Liberty Avenue and Rockaway Boulevard.

An investigation completed last month found these signals operating properly as designed with an adequate amount of time allocated for the pedestrian crossings. We provide a minimum of 35 seconds to cross Woodhaven Boulevard, a distance of 120 feet, which equates to a walking speed of 3.42 feet per second. The crossing time is adequate even for slower paced pedestrians (the average walking speed is considered 4 feet per second).

Thank you for your interest in this matter.

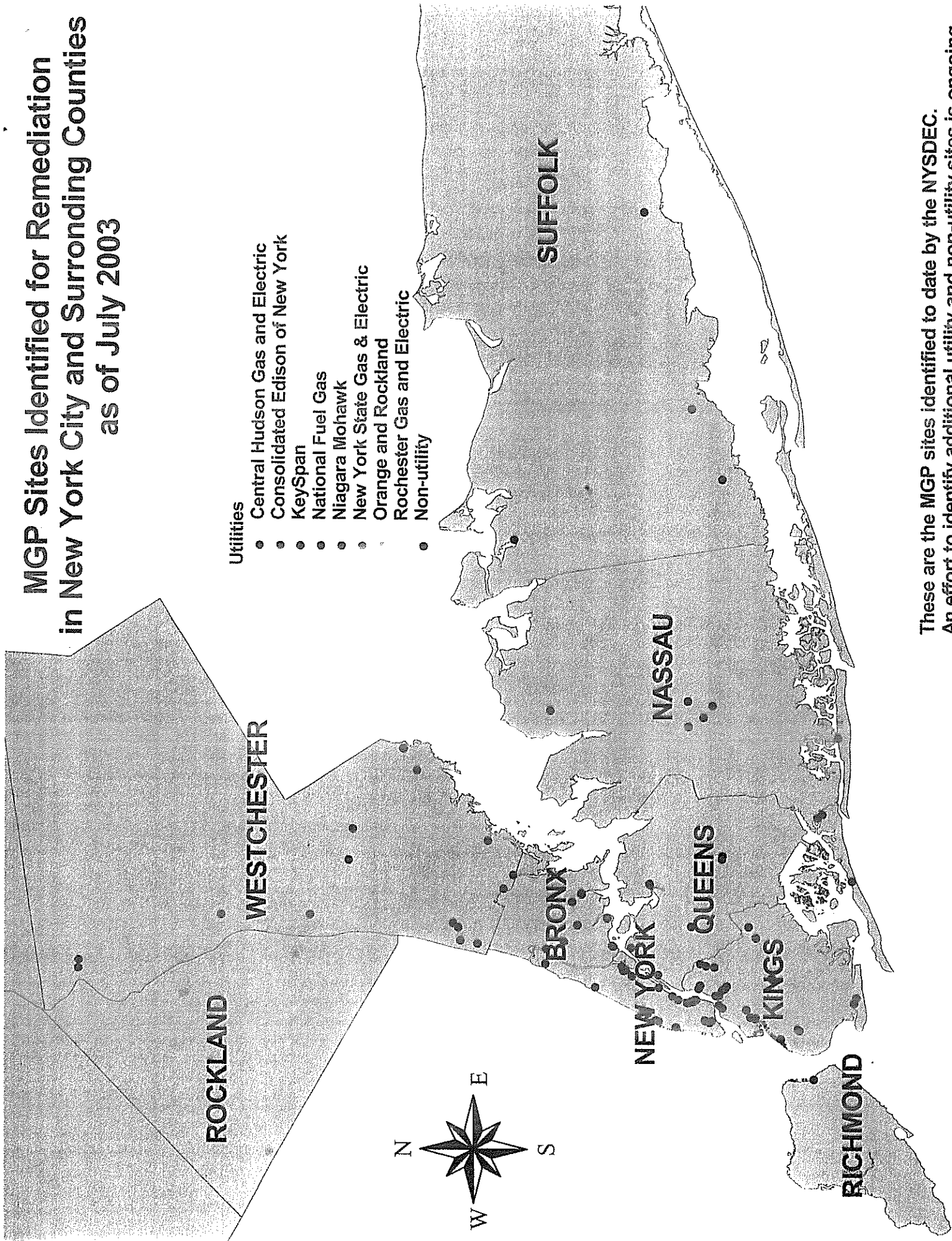
Sincerely,

Maura McCarthy
Queens Borough Commissioner

MM:ea:cd
CQ08-1403A
CCU08-5471
Ea3pg27

MGP Sites Identified for Remediation in New York City and Surrounding Counties as of July 2003

- Utilities
- Central Hudson Gas and Electric
 - Consolidated Edison of New York
 - KeySpan
 - National Fuel Gas
 - Niagara Mohawk
 - New York State Gas & Electric
 - Orange and Rockland
 - Rochester Gas and Electric
 - Non-utility



These are the MGP sites identified to date by the NYSDEC.
An effort to identify additional utility and non-utility sites is ongoing.

CITY COUNCIL HEARING - RESOLUTION 145

Suspended or revoked licenses and general dangerous and deadly drivers

I speak today on behalf of my 14 year old son Andre Frederick Anderson who was fatally struck from behind on September 24, 2005 on Shorefront parkway and beach 77th Street in Rockaway Beach. Immediately after that moment I am forced to live with this intense loneliness in my heart of not been able to see or to touch my only son again. There are times at night when it feels like there is a huge sore in my heart and all I can do is cry and scream his name. Andre was and still is the love of my life and I know none of us was meant to roam earth forever so it is not his absences that is eating away at my heart, it is the fact that Jose Vicens saw him ahead of him for quite some time but he refuses to honk his horn or even stop before approaching the cyclist instead he struck Andre from behind and kill him. Yet he was never charged with any crime he was even allowed to take his truck home the same day.

I hereby extend my support for resolution 145 and would also like the panel to add to this resolution drivers who are not mentioned in any of the categories stated in resolution 145.

That is drivers who have a clean license and are not impaired and because of their careless and reckless actions cause the death of pedestrians and cyclists. There exist such a rapidly growing group of drivers and they must also be held accountable for their actions. I believe that the vast majorities of these crashes are preventable, however because these drivers have a Psychological awareness that if they are sober and their license is clean and they remain at the scene of the crash they will not be charged or prosecuted they display no regards for the life of the non drivers on the streets.

Hence they could care less of the lives they take or of the families destroyed forever as it is business as usual for them immediately after the crash.

If the desire is to address the inadequacies of all aspects of vehicular death one must be aware that there are a number of loop holes that need to be closed in order to arrive at a decision that is morally beneficial to all involved - even the dead after all they too have the same civil rights as us the right, the right to live.

I believe any object or device used carelessly and recklessly to inflict bodily harm to an individual is a weapon. Therefore I ask the question, why is it that when a driver who is sober or is driving with a clean license and because of his careless and reckless actions cause bodily harm to anyone on the street resulting death **not treated** as those drivers who are impaired or have suspended or revoked licenses or as one who uses a gun to cause the same harm? Don't you think all lives lost should be treated equally?

We owe it to ourselves and the people we love to take a step in the right direction and have the current law amended to reflect this change and have a greater degree of punishment for all drivers who kill.

But what is the purpose of changing the law if the agency responsible for investigating these deaths, the NYPD, refuses to abide by their own training as set forth in the NYPD IN SERVICE TRAINING COURSES - ACCIDENT INVESTIGATION.

As the decision to prosecute anyone is determined after the investigation how can the NYPD consult the law to decide if a crime has been committed when a proper investigation was not executed?

Yes the NYPD will state that all their fatal crashes investigations were done according to procedure but ask this question of them, how many of those drivers were given a blood content screening test at the scene of those crashes?

As in the case of Andre's death when I question whether or not the driver was given a breathalyzer I was told yes and was even provided with a copy of a letter written by the 100 precinct Captain Charles Neacy which states that the driver "Jose Vicens did have a blood alcohol screening test administered at the hospital immediately following the incident."

But guess what he was never at the hospital! That was his testimony at a deposition hearing.

I implore of you to convene a panel to analyze all the data with regards to fatal crashes in 2008 involving both cyclists and pedestrians so as to address the inept investigations that is been performed by the nypd. This is a major problem as these drivers are allowed back on the street the next day only to destroy another family.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 807

in favor in opposition

Date: 13 January 2017

(PLEASE PRINT)

Name:

HARVEY WEISS

Address:

506 Barton Avenue

I represent:

Chattanooga - TN 37405

Address:

SYNERGIES National Inhalant Revue

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name:

Anna Dwinah

Address:

350 Jay Street, Bklyn. NY - Kings County DA's Office

I represent:

Charles Hyros - DA - Brooklyn

Address:

350 Jay St., Bklyn. NY 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: _____

Address: _____

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: BERTHEI, Christa

Address: 348 W 33rd

I represent: CHEKPEDS

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/13/09

(PLEASE PRINT)
Name: MARY BETH KELLY

Address: 310 RIVERSIDE DR #1707 NYC 10025

I represent: MYSELF

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: ERIC ROSENBAUM A.D.A.

Address: QUEENS D.A., SPECIAL VICTIMS BUREAU

I represent: _____

Address: 12501 QUEENS BLVD, KEN GARDEN, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 106 etc

in favor in opposition

Date: 1/13/09

(PLEASE PRINT)

Name: YOLANDA L. RUDICHI
Address: 130 STUYVESANT PLACE STATEN ISLAND
I represent: RICHMOND COUNTY DISTRICT ATTORNEY
Address: 130 STUYVESANT PL, SI NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 106

in favor in opposition

Date: January 13 2009

(PLEASE PRINT)

Name: Joseph Muroff
Address: Bronx District Attorney's Office
I represent: The Bronx District Attorney
Address: 198 E 161st St Bx, NY 10451

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 145

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Audrey Anderson
Address: 409 B 47ST
I represent: Andre Anderson
Address: 409 B. 47 ST FAIR HOCKAWAY