

**STATEMENT OF
POLICE COMMISSIONER RAYMOND W. KELLY**

**BEFORE THE NEW YORK CITY COUNCIL
PUBLIC SAFETY COMMITTEE
JUNE 29, 2009**

Good morning, Mr. Chairman, and members of the Council.

Six years ago, we had the opportunity to discuss a bill very similar to the bill on the agenda today. Intro. 442 of 2003 would have mandated that banks install bullet-resistant barriers at all teller windows.

At that time, New York City had experienced a dramatic increase in bank robberies, from 249 in 2002 to 408 in 2003. We examined the manner in which bank robberies were committed, primarily by unarmed individuals who presented tellers with notes demanding money, and developed a set of "Best Practices" to enhance bank security, deter robberies, and assist in apprehension of perpetrators. To their credit, the New York Bankers Association adopted the Best Practices and disseminated them to their membership.

The voluntary implementation of those practices, combined with the increased public attention to the issue and the intense focus we placed on responding to and investigating these crimes, resulted in a decrease in bank robberies over the next several years. In light of this decrease, and the cooperation demonstrated by most of the banks in New York City, we did not ask that the City Council approve the bill requiring universal installation of bullet-resistant barriers.

However, 2008 saw a striking resurgence in the commission of bank robberies, with a total of 444 for the year, an increase of 57% compared with the 283 bank robberies in 2007. We have taken several steps to address this disturbing increase, including convening a meeting of banking executives in January, to brief them on the key facts. We presented them with an updated set of the Best Practices and a lesson plan intended to assist in training their employees in the proper actions to take during a bank robbery. We had hoped that this fresh focus on the steps that banks can take to better protect their employees and customers would help to reduce the incidence of bank robbery.

This meeting built upon the already strong partnership the Police Department has forged with most banks operating in New York City, whose participation in the NYPD SHIELD program and constant contact with our Major Case Squad have resulted in better and more timely information-sharing, especially regarding the identification of bank robbers. As a result of solid detective work and substantial cooperation from banks which have suffered robberies, we have made 125 bank robbery arrests so far this year, 11% more than during the same time last year,

including some key arrests of the perpetrators of multiple bank robberies. We can report that starting in April of this year, the upward trend seems to have reversed, with 39 bank robberies from April through June 23rd, compared to 111 for the same period in 2008.

Notwithstanding this welcome news, we must make permanent what could be only a temporary trend resulting from heightened attention to the need to strengthen bank security. Although crime in New York City has reached historic lows, with major felony crime having decreased another 12% this year, the continued incidence of bank robbery fosters the contrary impression that crime is on the rise. Both successful and unsuccessful attempts to rob banks are classified as robberies, and many of these incidents are committed by petty criminals, substance abusers, or emotionally unstable individuals who take a chance, believing that passing a note will result in obtaining cash. Permissive practices by banks that do not use ballistic-resistant barriers, or adhere to the other Best Practices, in fact encourage that belief.

Another very important consequence of the commission of a bank robbery, whether attempted or completed, is the cost of police response. Bank robberies represent a major drain on scarce police resources. We have designed special response plans, tailored to specific locations, so that for example, if a branch near multiple subway stations were to be robbed, officers would respond directly to each of those subway lines, in addition to streets and highways in the vicinity of the bank. Every bank robbery takes police officers and detectives away from other crimes and quality-of-life conditions, both for the immediate response and for the sometimes complex and lengthy investigation that apprehending the perpetrator requires.

Therefore, we recommend that the Council not only mandate the installation of ballistic-resistant barriers, as required by Intro. 960-A, but also further strengthen bank security in a number of ways we will discuss.

It has been argued that the installation of ballistic-resistant barriers is not a total solution, and that banks with barriers continue to be robbed. We have always stressed that ballistic-resistant barriers do not guarantee that a bank will not be robbed; instead, they are essential ingredients in a comprehensive package of Best Practices that has proven to deter robberies in those banks that have adopted and adhered to all of them. Barriers harden the bank as a target, and send a message that the bank is a secure location. The absence of barriers deprives bank tellers of the opportunity of safely walking away from unarmed robbers, and exposes tellers to even greater danger in the presence of armed robbers. We know that banks without ballistic-resistant barriers are far more likely to be robbed than those with barriers. Note that in 2008, TD bank branches, none of which have barriers, were nearly three times more likely to be robbed than Chase branches, which all have barriers. The presence of barriers, allowing the bank to employ a walk-away policy, results not only in a lower incident rate, but also a lower rate of "successful" bank robberies, where the perpetrator is actually able to flee with cash.

In response to our call for the use of ballistic-resistant barriers in all banks as part of the Best Practices, we have met with opposition from some banks. They take the position that the installation of barriers conflicts with their business plans, believing perhaps that they can gain a marketing advantage over their competitors without them. For example, instead of installing barriers, TD Bank has hired NYPD "Paid Detail" police officers to guard their branches, a highly expensive option which is unsustainable over the long term. In fact, in 2009 there have been four instances of TD banks being robbed while the Paid Detail officer was at meal or on a personal break, the most recent occurring last Tuesday on Columbus Avenue in Manhattan, and another the Saturday before, in midtown. In fact, in the course of attempting to apprehend the perpetrator of the midtown robbery, the Sergeant who was working on Paid Detail at the bank was injured as he followed the offender. This illustrates another cost attendant to bank robberies – the possibility of injury to active police officers, which may deplete the uniformed force, as well as injury to other security personnel seeking to safeguard the facility.

Ballistic-resistant barriers are highly visible and ever-present. They carry essentially a one-time cost for installation, with minimal maintenance expense, rather than the millions of dollars which would be spent each year by the bank for a Paid Detail police officer or armed guard in each branch during every hour of the business day. Note that when the 2003 surge in bank robberies occurred, TD Bank's predecessor, Commerce Bank, similarly responded not by installing ballistic barriers but by deploying Paid Detail officers. When the public attention on the issue waned, the use of Paid Detail officers became sporadic at best, confirming our belief that it is unrealistic to expect the long-term employment of Paid Detail officers as a substitute for ballistic-resistant barriers.

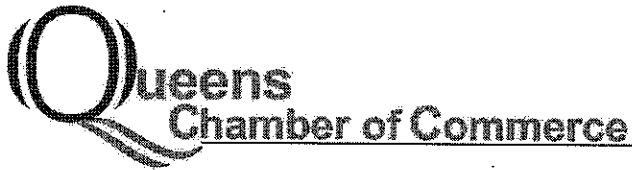
Because some banks have continued to reject this essential element of the Best Practices, we now support mandating the installation of ballistic-resistant barriers which meet Underwriters Laboratories ballistics standards. Based on the concerns that have been raised by the banking industry, we recommend that the bill be amended to remove the requirement that the barriers meet Level II standards, in the hope and expectation that banks will take seriously their responsibility to ensure the safety of their personnel and the deterrence of this crime.

We have some other suggestions regarding the specific language of Intro. 960-A. The bill imposes a civil penalty for violation of the new requirements, but does not specify how the penalty should be enforced. We recommend amending the bill to allow enforcement personnel to issue summonses for violations, perhaps returnable to the Environmental Control Board. We also recommend that the bill provide rulemaking authority to the Police Department, to assist in implementation of the law as needed.

We would also like to recommend revising the exemption in the bill for banks where transactions are conducted primarily by cash-dispensing machines, to ensure that the exemption applies only to ATM facilities, and not to locations where bank employees are present.

I would like to thank Speaker Quinn and the Council for taking this timely action to create legislation that helps to prevent bank robberies and therefore to improve the security of the people of New York City. Beyond ballistic-resistant barriers, however, there are some other vital components of the Best Practices that we believe should be mandated in New York City's banks. We welcome the opportunity to work with your staff on legislation that would incorporate five additional requirements: digital surveillance video systems, properly placed and directed; security training for bank employees; the use of dye packs; the placement of obvious height markers; and conspicuous signage indicating that the premises are under video surveillance with recording. Taken alone, none of these elements will prevent bank robberies from occurring. Taken together, they form a powerful strategy to solidify our recent gains against bank robbery, and to permanently enhance bank security for the safety of all New Yorkers.

Thank you, and I welcome your questions.



FOR THE RECORD

June 26, 2009

Hon. Peter F. Vallone Jr.
Chair of the Public Safety Committee
New York City Council, City Hall
New York, New York 10007

Dear Mr. Chairman:

On behalf of the Queens Chamber of Commerce and its dozen of members from the banking industry, we write in opposition to proposal (Int. No. 960) which mandates the installation of bandit barriers in all New York City banks. We believe the facts against imposing such a burden - particularly since a large majority of New York City banks have bandit barriers, and yet, continue to be the victim of the majority of the bank robberies.

Our member banks are committed to the safety of their customers, employees and the citizens of New York City. They rely on a broad array of bank security measures, all of which were developed in conjunction with the New York Banking Association and the New York City Police Department. We do believe however that banks should have the flexibility to determine their security plans and procedures based upon their individual needs and risk factors.

We are strongly oppose Int. No. 960, in which specific security measures are mandated. We believe that Int. No. 960, is particularly objectionable because it not only mandates one particular measure that may or may not be more effective than any other, but also would require the expensive and unnecessary refurbishment of almost all New York City branches - including the vast majority of branches which already are equipped with bandit barriers . In fact, because of the specificity of this bill's requirements, even branches only recently equipped with bandit barriers, at the City's request, would need to be retrofitted yet again.

We trust our members who believe that the most effective deterrents to bank robbery remain vigilant surveillance, effective communication, aggressive investigation of bank crimes leading to the apprehension and conviction of perpetrators, and the reaffirmation and strengthening of current criminal robbery statutes. Government should also rely on these experts to allow for a flexible and multi-faceted approach to security along with increased penalties for bank robberies. Proposals which mandate specific, one-size-fits all solutions are rarely effective and rarely in the best interests of business.

Sincerely,

A handwritten signature in black ink, appearing to read 'Albert F. Pennisi'.

Albert F. Pennisi
President

A handwritten signature in black ink, appearing to read 'Jack Friedman'.

Jack Friedman
Executive Vice President



**STATEMENT OF
MICHAEL P. SMITH
PRESIDENT AND CHIEF EXECUTIVE OFFICER
NEW YORK BANKERS ASSOCIATION**

**BEFORE THE
NEW YORK CITY COUNCIL
PUBLIC SAFETY COMMITTEE**

**JUNE 29, 2009
NEW YORK, NEW YORK**

Good morning, Mr. Chairman and Members of the Public Safety Committee. My name is Michael P. Smith and I am President and Chief Executive Officer of the New York Bankers Association (NYBA). On behalf of the banking industry and its more than 200,000 employees, I thank you for the opportunity to comment on Int. 960-A, a proposed ordinance which would mandate the installation of bandit barriers at all New York City bank branches. Security is a top priority for all banks in New York. Our Association and its member banks have worked closely and cooperatively with the New York City Police Department (NYPD) and law enforcement to decrease bank robberies and crime in general. Our collaboration has been successful in achieving a significant reduction in the number of bank robberies during 2009 – without the imposition of a one-size-fits all approach to bank security, such as that set forth in proposed Int. 960-A. Since NYBA strongly supports allowing each bank the continued ability to best determine and implement security practices tailored to best achieve its security goals, we oppose this legislative proposal. NYBA is comprised of the commercial banks and thrift institutions that do business in New York State. Our members employ more than 200,000 New Yorkers and have assets in excess of \$9 trillion.

In 2003, during the last economic downturn (and corresponding increase in bank robberies), a similar bill was considered and tabled. We believe that the facts are even stronger today against imposing such a burden – both because the number of robberies per branch has actually decreased since 2003, and because now, an even larger majority of New York City banks have bandit barriers, and yet, these

same bandit barrier locations continue to be the victims of the majority of the bank robberies. Although 2008 saw an up-tick in bank robberies, the total number of bank robberies committed per branch was actually lower than the number committed in 2003 – despite the fact that more than 400 additional branches have opened in the City since then. A total of 1302 branches were located in New York City in 2003, and a total of 408 bank robberies were committed that year (approximately .31 robberies per branch). In 2008, there were 1707 branches, and 444 robberies in New York City (approximately .26 robberies per branch). To date, in 2009, those statistics are down by another 30%- which if this trend continues, means more than 100 fewer bank robberies in New York City in 2009 than in 2008. We believe, this reduction in the rate of bank robberies is due, at least in part, to the arrest of several serial note passing bank robbers. Moreover, statistical data confirms that bandit barriers are not a panacea. According to several member surveys which NYBA has conducted, more than 70% of the bank robberies which occurred in New York City over the last several years, occurred at banks that had bandit barriers. Thus, the belief that passage of Int. No. 960-A, would act as a significant additional deterrent to bank robbers is not supported by the facts.

NYBA and our members are committed to the safety of bank customers, employees and the citizens of New York City. Our members rely on a broad array of bank security measures, all of which are set forth in the Bank Security Best Practices which we developed in conjunction with the New York City Police Department (NYPD) in 2003 (attached). Since that time, we have maintained an

ongoing constructive dialogue not only with the NYPD, but also with the FBI and Nassau and Suffolk County Police Departments. In fact, in January 2009 we worked cooperatively with the NYPD to coordinate a Bank Security Summit at NYPD headquarters, which we, along with a number of our member banks, attended.

However, we believe that banks should have the flexibility to differentiate their security measures based on their individual risk factors and business plans. The overall effectiveness of this strategy has been borne out through the years. As a result, we are strongly opposed to any legislative proposals, such as Int. No. 960-A, in which specific security measures are mandated. We believe that Int. No. 960-A, is particularly objectionable because it not only mandates one particular measure that may or may not be more effective than any other, but also would require the expensive and unnecessary refurbishment of almost all New York City branches – including the vast majority of branches which already are equipped with bandit barriers. In fact, because of the specificity of this bill's requirements, even branches only recently equipped with bandit barriers, at the City's request, would need to be retrofitted yet again.

As stated above, most bank branches in New York City already have bandit barriers, and, as a result of the recent acquisition by J.P. Morgan Chase of Washington Mutual, many more branches are being retrofitted at this very time with bandit barriers, making passage of Int. No. 960-A, at the very least, clearly

unnecessary. Moreover, the minority of branches in the City which do not rely on bandit barriers have an array of other, effective security tools, which they believe are equally effective at deterring crime, and are more in keeping with their banks' individual business plans. This view appears to be well-founded as confirmed in a United States Department of Justice Publication, "Problem-Oriented Guides for Police Problem-Specific Guides Series Guide No. 48 – Bank Robbery", published in March 2007. That guide states: "There is no evidence that every bank or branch needs to adopt the same rigorous and expensive crime prevention practices – practices that can sometimes make a branch look like a fortification. Instead, different branches face different robbery risks, even those that are quite near to one another."

Importantly, the burdensome provisions of Int. No. 960-A that require bandit barriers not only to be installed in every branch, but also to "meet or exceed Underwriters Laboratories Level II ballistics standards" and be "constructed in such a manner so as to prevent an individual from breaching" the partition, would require the vast majority of bandit barriers which are presently installed in New York City (and which meet Underwriters Laboratories Level I ballistics standards) to be replaced at great cost and significant inconvenience to bank customers, for no discernible reason. It is our understanding that there have been no incidences, to date, in which the thickness and strength of the Level I partitions were proved ineffective; yet all Level I partitions would have to be replaced should Int. No. 960 be enacted. Moreover, the requirement that the barriers be constructed to prevent

breaches could be interpreted to require partitions that reach the ceiling – resulting in new and costly ventilation systems and the creation of possible conflicts with the City’s fire code. Yet, the presumed marginal additional safety benefits are at best speculative.

NYBA and its members believe that the most effective deterrents to bank robbery remain vigilant surveillance, effective communication, aggressive investigation of bank crimes leading to the apprehension and conviction of perpetrators, and the reaffirmation and strengthening of current criminal robbery statutes. The fact that so many of the bank robberies are committed by serial robbers clearly illustrates this point. During an April 5, 2009 national radio broadcast on NPR, both the NYPD and FBI asserted that three robbers were responsible for most of the bank robberies in New York City in 2008. These robberies were note-passing, non-violent, serial robberies, in which, fortunately, no one was hurt, and the only damage done was to the victimized banks. Since the apprehension of several of these serial perpetrators, the bank robbery rate has dropped dramatically.

However, unless the penalties for committing this crime are increased, all the bank security measures in the world will not deter criminals from attempting this crime in the future, particularly during times of economic stress.

Bank robbery is a serious crime, which causes trauma for all people in the branch, customers and employees alike. It is an attack against commerce and finance and the citizens in the neighborhoods of New York City, including seniors, who rely on

the branches. At least five states have recognized this fact and passed tough new laws that identify bank robbery as a specific crime. We would urge that New York do the same, sending a strong message to would-be bank robbers that there are serious consequences for those who attempt this crime. This action, we believe, would be far more meaningful and effective than the mandating of bandit barriers or any other particular security measure.

If the Council determines that Intro. 960-A has to be enacted, we urge that a number of modifications be made to incorporate the element of flexibility into the barrier mandate. They include: grandfathering of existing branches which already have such barriers; use of uniformed guards and cash dispensing machines as an alternative to barriers; and a recognition that the penalties for the serious crime of bank robbery should be made stronger so that the punishment will be an effective deterrent.

In conclusion we pledge to continue to work with the NYPD, the Mayor and the New York City Council to reduce the rate of bank robberies in the City. We would also urge that banks in New York City continue to be allowed to rely on a flexible and multi-faceted approach to security. This approach, along with effective communication between banks and law enforcement, and increased penalties for the commission of bank robberies, is the most effective means to ensure the continued decrease in bank robberies while protecting the safety of our customers and employees.

Thank you for the opportunity to testify on this important issue. If you have any questions, I would be happy to answer them.



**New York Bankers Association
Bank Security Best Practices for New York City**

The New York Bankers Association and its members are committed to the safety of bank customers and employees. We are also committed to working with law enforcement to help prevent bank robberies and when they occur to facilitate the timely apprehension and prosecution of criminals.

As part of its efforts to ensure bank security in New York City, NYBA's New York City Bank Security Task Force has developed these Best Practices. These guidelines, however, are not intended to be an exclusive list of the various ways in which banks in New York City can develop and implement effective safety procedures.

Closed Circuit Television Systems (CCTV): High quality digital equipment to capture faces of persons transacting business at teller stations and other key locations, such as entrances and exits. Cameras should be positioned to ensure a full frontal photograph is obtained of perpetrators. Use digital recording systems capable of easy viewing and retrieval of high quality images (i.e., a sufficient number of pixels for improved zoom capabilities), and of transferring the images to a portable form of media such as CD-R or DVD with a minimum amount of technical knowledge. Video surveillance systems of the bank floor/teller areas and ATM area should be aligned properly.

Those banks or branches which do not yet have digital equipment installed, should have CCTV analog equipment and/or 35 millimeter cameras in sufficient quantities and of sufficient quality to accomplish the identification and coverage goals described above. When installing replacement or additional equipment, banks should install high quality digital equipment. Once digital equipment is installed, banks should additionally consider the use of 35 millimeter cameras, to allow bank personnel to capture images of robberies in progress.

Lighting/Cameras: Cameras or interior lighting positioned so lighting does not interfere with processing images of perpetrators captured on security video, or in the development of 35 mm film.

Bullet-resistant bandit barriers: Bandit barriers to protect bank personnel from direct threats and provide a higher degree of security and deterrence. Where banks have instituted a cashless environment, alternatives to bandit barriers may be in order.

Employees to greet customers: Security guards, customer service representatives or greeters to engage customers by greeting them as they enter the branch, should be utilized at a minimum on a floating basis to provide a plain view security presence, not necessarily at predictable times. This practice has been found to be an effective tool in deterring robberies.

Dye packs/serialized currency: Dye packs and serialized currency are strongly recommended as potential aids in prevention, apprehension and prosecution efforts.

Height markers: Height markers at doorways to help establish perpetrator's height.

Direct telephone numbers: Bank branch direct telephone numbers provided to the Major Case Squad and Joint Bank Robbery Task Force to enhance their ability to obtain information expeditiously in the event of a robbery.

Employee training: Employees trained to trigger alarms and security cameras, as soon as reasonably possible to both protect the safety of customers and employees and facilitate apprehension of the robber. Employees should also be trained to call 911 as soon as reasonably possible to provide detailed description of perpetrator and direction of flight.

Employee instructions: Employees instructed to limit amount of currency surrendered, to cover dye packs if utilized, with \$50 and \$100 denominations, to retain demand note when possible, and to minimize contamination of evidence and crime scene. The use of bait or decoy money should also be considered as potential aids in prevention, apprehension and prosecution efforts.

Unobstructed views: Employees' views of teller area should be unobstructed.

Signage: In addition to the signage required by the ATM Safety Act, additional signage regarding bank security, (for example signage placed conspicuously, indicating the presence of surveillance equipment and/or FBI signage) should be utilized.

Alarm systems: Underwriters Laboratories (UL) standards for Central Station Extent #2 to include hold-up alarm buttons at each teller's workstation as well as other key points throughout the bank.

Safes/vaults: UL listed classifications for burglary resistant containers. Vaults/safes rated for tool and torch resistance level based on amount of currency held.

Bank/NYPD Communications: All banks should be connected to the Crime Prevention/Area Police Private Security Liaison (A.P.P.L.) program.

Enhancement of A.P.P.L. Email alert system: Bank supported enhancements to current A.P.P.L. e-mail alert system to include cross institutional/police video communication (including bank-to-police car video communication), to disseminate immediate notifications of bank robberies or attempted robberies and suspect information. This could prove successful in apprehending suspects who, when rebuffed at one location, target another bank until successful.

May 5, 2003

A Public Statement Concerning

**The Need for Improved Physical Security
In Retail Banks within the City of New York**

A Public Hearing Concerning Intro. 960-A—A Local Law to Amend the Administrative Code

Mandating Bullet-Resistant Glazing and Interior Bank Security

Committee on Public Safety, New York City Council

June 29, 2009

Robert D. McCrie, PhD, CPP

Professor of Security Management

The Department of Protection Management

John Jay College of Criminal Justice, the City University of New York

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Good Morning! I'm Robert McCrie, professor of security management from the Department of Protection Management at John Jay. I became a specialist in security management in 1970, and have followed issues pertaining to bank security over this entire period of time.

At the onset, I'd like to state my support for the measure: **Intro No. 960-A**. I commend the supporters of the action and the police commissioner and his aides for doing what they should be doing—advocating reasonable measures to mitigate a specific type of crime that is running contrary to the larger offense within its category. In my opinion, the proposal does have a need for slight revision, and I'll get to that at the end of my remarks.

I'm organizing my statements around four points:

First, how did bullet-resistant barriers become involved as an option for bank security?

Next, do these barriers have any utility; that is, does research exist to show whether they provide any true deterrent value in reducing incidents of bank robbery?

Then, why does this measure have particular applicability in the City of New York?

And finally, how may this proposed law be improved?

Developing Better Bank Physical Security Standards

As a historian of crime and a security management specialist, let me begin with some context. In the 1960's bank crime rose in New York City and other urban centers. It led to passage of a national law: the Bank Protection Act of 1968 (Public Law 90-389).¹ This law required that financial institutions insured by the federal government undertake specific security measures. Those measures were intended to control the rapidly increasing number of bank robberies.

Banks had long been savvy about such crimes as burglary and extortion. And they didn't want legislators providing measures that would deal with much bigger financial risks like internal and external fraud. Therefore, in the late 1960's the focus of the Bank Protection Act was external crime, primarily anti-robbery measures. Many banks had already implemented them at the time. The federal legislation would require all financial organizations affected by the law to follow them. These measures for security devices included the following general categories:

- Surveillance systems in the retail areas of banks
- Robbery and burglar alarm systems
- Training for employees during and after a robbery
- Lighting the vault after hours, if it's visible outside the banking office
- Tamper-resistant locks on doors and windows and
- A security officer for each bank

Note that **no** requirements for bullet-resistant barriers were included in this act. But soon after 1970 a growing number of financial institutions in areas with a high incidence of crime had begun to install bullet-resistant barriers on their own as a commonsense measure. That's because bank robberies increased 90% from 1973 to 1977. In many cases, the metallic grilles that separated tellers from customers were replaced by bullet resisting plastic or glass partitions. This improved security because it made it easier for the customers and tellers to see each other. The customer could watch the teller counting out the money that had been requested. The disadvantage was that it was a little harder for the parties to hear each other.

The materials used for this security barrier were not haphazardly chosen. Standards had been carefully developed by a venerable, independent standards-setting organization. Underwriters Laboratories had been interested in bank security since the 1920's and had issued a

number of standards specifically for financial institutions. In particular, the standard for bullet-resistant materials is ANSI/UL 752. Materials that meet UL 752 provide protection “against complete penetration, passage of fragment or projectiles, or spalling (fragmentation) of the protective material to the degree that injury would be caused to a person standing directly behind the bullet-resisting barrier.”²

Our discussion today concerns only the use of these barriers in banks. But utility has also been demonstrated in such establishments as cash checking businesses, ticket offices, post offices, subway stations, and bus terminals. The same materials are used as access control barriers in computer facilities, police stations, so-called correctional institutions, liquor stores and after-hours retailers, and hospital offices.

In the years since the passage of the Bank Protection Act, the specific measures for physical and procedural bank protection required have changed. These changes reflect developments in technology mostly. But they allow financial institutions lots of latitude in operating their own businesses and do not mandate onerous security requirements. Thousands of financial institutions in our own community, across the nation, and around the world have installed burglary-resistant barriers without any legal requirement to do so.

Are Bullet Resistant Barriers Any Good?

But did they really serve as a visible deterrent to robbery? Did they provide a safer working environment? Did these barriers create an inhospitable commercial environment? Do they interfere with banking operations?

In 1979, Virginia Commonwealth University and United Virginia Bank jointly conducted research on this very topic. The FBI and the Security Commission of the Bank Administration

Institute aided in the research, which was conducted by James Willis.³ The survey studied crime in banks in Virginia. Tellers were queried in banks which both used and did not use barriers.

The research also included a survey of 150 bank customers. Here are the findings:

- Bullet-resistant barriers do serve as valuable deterrents to the crime of bank robbery comparing branches with and without bandit barriers.
- Customer reaction to barriers is positive and barriers pose no real problem affecting customer relations.
- Employees react favorably once they experience working behind barriers. (To the statement: “Your personal security is improved with the use of bullet resistant barriers,” 91% of respondents in such banks agreed.)

This banking industry could do a much better job of supporting research on this and related issues and in making the findings broadly available. But the Willis research shows that such measures do deter such crimes. Bank security directors and their managers have concluded on their own the same thing over the years.

These barriers have **not** stopped bank robberies. Nobody would expect robberies of financial institution to drop to the zero range because of the installation of bullet-resisting barriers. Tellers or cashiers have control over lots of cash. Therefore, inherent risk of victimization always remains present. But incremental improvements that are not unduly costly or complicated to provide are salutary and should be pursued as a public policy.

Why Is This Measure Important in the City of New York?

The FBI defines robbery as “the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or violence and/or by putting the victim

in fear.” In the hierarchy of most important violent and property crimes established by the FBI’s Uniform Crime Reports, robbery ranks third highest, following after nonnegligent homicide and rape.

On a national level, robbery has trended down over the past two decades. From a high of 680,000 in 1991, the number of incidents declined to 445,000 in 2008.⁴

That’s surely a positive trend. But here in our beloved city, the scale of improvement has been prodigious in crime mitigation. Robbery has dropped precipitously since 1990, as Table 1 shows.

<u>Year</u>	<u>Number</u>	<u>Change</u>
1990	100,280	
1995	59,733	(40.4%)
1998	39,003	(34.7%)
2001	27,873	(28.5%)
2008	22,358	(19.8%)
2009*	8,062	(17.1%)

*Through 6/21/2009.

Source: CompStat, Police Department, City of New York

This decline in serious crime—including robbery—over an extended span of time in our city is a great, great human benefice. It is genuine. It has attracted global fascination and the

desire by countless law enforcement organizations elsewhere to replicate the “New York miracle” in their communities.

Yet bank robbery is only one out of many types of robberies. In fact, bank robberies have constituted only 2% to 3% of all robberies nationally in recent years. It was 2.1% last year. This crime does, of course, obtain far more attention than its position numerically might indicate for a number of reasons. These include: the public nature of the crime, the amount of money that can be involved in a successful criminal action, and the potential for violence. What has been the recent pattern for bank robbery nationally?

Table 2 shows that bank robberies have declined substantially in mutual savings banks and savings and loan associations since 1991. They have been uneven in credit unions. We are mostly interested today in commercial banks and the pattern here has been uneven. The data for 2008 showed an increase of bank robberies nationally of 1.1%.

Table 2. NATIONAL BANK ROBBERIES 1991-2008

<u>Date</u>	<u>Comml.</u>	<u>Mutual Savings</u>	<u>S&L Assn.</u>	<u>Credit Unions</u>	<u>Total</u>	<u>Percent Change</u>
2008	5,305	103	127	450	5,985	1.1
2007	5,269	87	112	449	5,917	(14.8)
2006	6,154	114	159	521	6,948	3.5
2005	6,019	129	144	422	6,714	(10.6)
2004	6,687	168	188	467	7,510	0.9
2003	6,530	186	226	500	7,442	(2.6)
2002	6,739	190	195	518	7,642	(9.5)
2001	7,390	203	316	538	8,447	19.2
2000	6,255	184	204	444	7,087	8.0
1999	5,748	219	203	394	6,564	12.8
1998	6,467	263	286	515	7,531	3.9
1997	6,756	253	301	530	7,840	(2.5)
1996	7,042	276	331	396	8,045	19.1
1995	5,831	265	343	317	6,756	(3.9)
1994	5,964	310	429	325	7,028	(18.7)
1993	7,309	408	533	396	8,646	(4.6)
1992	7,634	434	670	324	9,062	(3.4)
1991	7,582	574	906	319	9,381	19.7

Source: FBI's Bank Crime Statistics for federally insured Financial institutions.

However, that's not the situation in this city. New York, the capital of robbery reduction, is also now the capital of bank robbery. Police data report an increase of 57% in 2008, over the previous year, with more increases this year. That's in comparison, as I've said, with a national increase of 1.1%. While the City of New York comprises less than 3% of the nation's population, it is the location for about 8% of the nation's bank robberies.

Therefore, while robbery in general here continues to be driven down, this component of the robbery category is going the other direction. In this circumstance, it is a duty of law enforcement and legislators to endeavor in the public's best interests to reverse this trend.

How May This Proposed Law Be Improved?

My sole complaint is a linguistic one. The words "bulletproof glass" should be changed to something like "bullet-resisting materials." That's because no resistive material is ever *bulletproof*. And while glass may indeed be bullet-resisting, it is too heavy and expensive in most applications. So, transparent plastics and laminates with glass are the preferred materials for such bandit barriers.

However, I'd like to note some complaints made about this bill from a major opponent, the New York Bankers Association (NYBA). The president of this association objected to the measure in a letter sent to Christine C. Quinn, New York City Council Speaker, on April 15, and available on the NYBA's website. The complaints with the bill include the following assertions:

- The problem isn't serious enough to merit the measure. That's because the number of bank branches is increasing which actually decreases the potential for an incident. Prior to the past 18 months, the worst recent year was 2003, when 408 bank robberies occurred, or 0.31 robberies per branch. Last year, following a decline from 2003, the

number rose to 444 robberies. But because of the increase in the number of branches, the incidence had dropped to 0.26 robberies per branch. This sophistic argument overlooks the fact that the situation is deteriorating. This crime cannot be allowed to grow because of arguments that more bank branches equals fewer robberies per branch.

- The measure is objectionable because of cost. NYBA's statement argues: "In fact, because of the specificity of this bill's requirements, even branches only recently equipped at the City's request, would need to be retrofitted again." Let me explain what I think is behind this objection. UL 752 identifies 10 levels of protection extending from Level 1, the lowest, which protects against three shots from 9 mm full metal copper jacket ammunition with lead core to Level 10, the highest, which protects against a .50 caliber single rifle shot from ammunition filled with lead core. The proposed bill calls for UL Level 2 (actually referred to as "Level II") ballistics standards. If some banks installed Level 1 in recent years and would face a retrofit if passed, the Bill's supporters might give these locations a reprieve. That's because the significance of the differences between the various levels is not consequential, in my opinion, to the current risk.
- Bandit barriers don't work because 70% of robberies occur in such equipped facilities as it is. This fact comes from "several member surveys which NYBA has conducted...over the last several years." I have not been able to find these surveys on the NFBA's website or in a wider search of the Web. Let's see their research. Anyway, no proponent of this measure is likely to argue that this measure will eliminate bank robberies, only that it will reduce incidence in the "have not's." Coupled with passage of this measure and other deterrent activities incidental to this bill, bank robberies in this city can be reduced.

The banking industry which has contributed so profoundly to our Great Recession through its support and sale of subprime mortgages and loans and then the securitization of loans and credit derivatives...the banking industry which has reduced the importance of security executives and managers in their daily operations since the 1980's...cannot be turned to as a credible authority for improving its own physical security.

Thanks. And I'll take any questions you may have.

References

1. Authority was confirmed upon the Comptroller of the Currency by Section 3 of the Bank Protection Act of 1968 (82 Stat. 295) to establish minimum security devices and procedures [12 CFR 21].
2. UL 752, *Standard for Safety for Bullet-Resisting Equipment*. 10th edition, Northbrook, IL: Underwriters Laboratories.
3. James Willis, "Employee Safety and Protection against Bank Robberies." Bank Security Research Project #07, June, 1979, Richmond, VA: United Virginia Bankshares Security Division.
4. *Crime in the United States*. Washington, DC: US Department of Justice, various years.

Testimony Submitted in Absentia to the
Committee on Public Safety
Council of the City of New York
June 29, 2009
On
Int. No. 960:

“A Local Law to amend the administrative code of the city of New York, in relation to mandating bulletproof glass and necessary security inside bank buildings.”

by

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and

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TESTIMONY

Members of the committee, thank you for the opportunity to submit this written testimony and to have a short summary of it read aloud before you today. I write on the basis of 40 years of working as a civilian criminologist with police agencies around the world, starting with the New York City Police in 1971. I write with enormous respect for the NYPD’s achievements since Commissioner Kelley was first appointed to lead the NYPD in 1992, and again in 2001. Under his leadership the reductions in New York City’s crime rates have been truly amazing. I nonetheless offer the following facts for your consideration in the spirit of an open and democratic dialogue about what specific measures may be best for New Yorkers who are customers and employees of banks.

Based on my research on behalf of TD Bank and its predecessor company, I can say that the evidence for my testimony on these issues before this committee is even stronger today than it was in 2003. The research supports these four points:

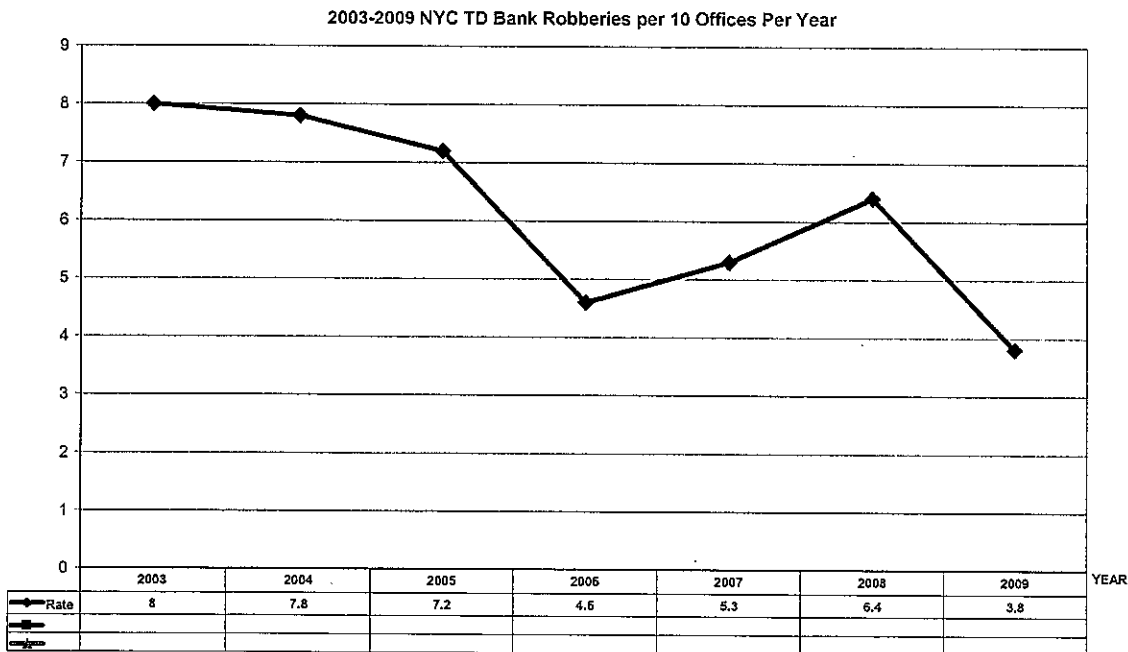
- 1. TD has a perfect safety record in NYC--using other security besides barriers**
- 2. Robberies per bank office are down 50% since 2003, both city-wide and TD**
- 3. Bandit barriers may increase injury to, and hostage-taking of, customers.**
- 4. There is no clear evidence that bandit barriers reduce robberies**

Let me summarize the evidence for each point. The basis for my summary is a *complete* review of the original source evidence, and not a selective “cherry-picking” of only the studies that would support the position of my client TD Bank. I summarize the relevant points from each of the studies that examine bandit barriers in relation to either hostage-taking, robbery frequency, or both. None is definitive, but they are all we have.

1. TD has had a perfect safety record in NYC--using other security besides barriers

- No TD customer or employee in NYC has been hurt or taken hostage in a robbery
- TD opened (as Commerce) in NYC in 2001, growing to 73 offices by 2009
- TD's experience in NYC is the equivalent of 340 years at one bank office¹
- Each office has an average of close to 1 million transactions per year
- In some 340 million transactions, over 340 office-years, the rate of customer and no employee injury or hostage-taking = zero.
- Other banks may equal this record; none can surpass it.
- Even though TD has a higher rate of robberies per bank than other companies, that comparison does not take account of TD's concentration in central business areas, with higher transaction counts, that can actually make each transaction safer for customers.²
- There is no better safety record from any other business model in NYC banks.
- The TD model may include greeters, uniformed security, and off-duty police
- The TD business model has never included bandit barriers
- Some criminologists report robbers say "hard" security measures are provocative³
- The lack of injuries may thus be because if the no-barriers rule, not despite it
- Without changing its bandit barriers policy, TD has seen its **annual rate of robbery per bank office drop by more than half since 2003**, from 80 robberies per 100 office years in 2003 to 38 per 100 office-years in the first half of 2009.

Figure 1



¹ This figure is derived by adding up all the years that each TD office has been open in NYC

² See Timothy Hannum, "Bank Robberies and Bank Security Precautions" JOURNAL OF LEGAL STUDIES 11: 83-92 (1982).

³ Jack Katz, THE SEDUCTIONS OF CRIME. New York: Basic Books, 1988.

2. Robberies per bank office are down 50% since 2003, at TD & all banks combined

- Total bank robbery numbers depend on the number of bank offices
- FDIC data show that the number of NYC bank offices has risen from 1,302 in 2003 to 1,698 in 2008—a 30% increase.
- NYPD counts of bank robberies in NYC have fallen from 408 in 2003 to 270 (annualized based on first six months) in 2009.
- The overall rate of bank robberies per 100 office years across all of NYC has dropped by about 50%, from about 3 per year for every 10 bank offices in 2003 to (an annualized rate of) 1.6 for every ten offices in the first half of 2009.
- The total bank robbery count in NYC for each of the past 6.5 years is as follows:

Figure 2:

Annual Total Bank Robberies in New York City						
2003	2004	2005	2006	2007	2008	2009 (Half year)
408	318	229	289	283	444	135

- The annual count data cannot be interpreted without dividing counts by bank offices at risk of being robbed.
- Similar issues are face in computing auto thefts on the basis of people versus cars as the denominator.
- The same applies to computing burglaries based on a denominator of residents versus a denominator of households.
- Using the appropriate denominator of bank offices in operation, both the NYPD and the banking industry should be proud of the fact that they have essentially cut the risk of bank robbery per bank in half over six years.
- To interpret these numbers any other way is to imply that any increase in the provision of banking services, and of employment in the banking sector, is inherently a bad thing because commercial activity inevitably drives up crime rates.
- By focusing on rates of crime per unit of commercial activity, the analysis concentrates on the safety of each commercial transaction for customers and employees, rather than on the total robbery count that is driven primarily by the volume of business activity.
- As long as no one is hurt by robberies, the declining rate of robberies per bank office remains a meaningful indicator of success for all concerned.
- If robbery rates are dropping, one can ask why new legislation is needed.
- This question applies especially to any measure that may increase injuries.

3. Bandit barriers may increase injury to, and hostage-taking of, customers.

- Customers have already been taken hostage in NYC banks with barriers

- Other examples are reported regularly around the US (see Dunlop testimony)⁴

A 1988 UK Police Department (Home Office) study raised this possibility when discussing the impact of such security measures as bandit barriers in “building societies,” a British version of what the US once called “Savings and Loan” establishments:⁵

“The possibility must be considered that the introduction of preventive strategies may cause displacement in a number of ways.....displacement might take the form of robbers taking hostages; either staff during the opening and closing of branches or customers during the course of the robbery. Offenders might consider the former action too risky since it would involve them in negotiations which would increase the possibility of their recognition, and increase the length of time they needed to remain on the premises.”

While injuries during bank robberies are fortunately very rare, they could well increase if all banks had bandit barriers. That is what evidence from Europe suggests, and is consistent with some evidence in New York City.

- Protecting tellers from harm raises the incentive for robbers to threaten, kidnap or injure bank customers.

4

⁴ Sources and Summaries for Hostage-Taking Incidents in Banks Equipped With Bandit Barriers

- On 8/06/08, at about 8 am, two robbers jumped out of a Jeep and accosted two tellers of Pacific Postal Credit Union, 175 Mendell Street, San Francisco, as the tellers walked toward the front door of the bank. The tellers were forced inside the credit union, and one asked the teller who knew the combination to open the vault, while the other was told to turn off the alarm. One assailant grew impatient after two attempts to open the vault and threatened to shoot the other teller. The robbers fled with \$76,300. The tellers had been inside the bank two days earlier, when [the same] two masked men ordered customers to lie on the ground and said they would start shooting if the tellers didn’t open the doors of the bandit barriers. [A bank employee who had been fired over a shortage in her cash drawer was suspected of involvement, and the persons arrested for the robbery were her relatives.] San Francisco Chronicle, 8/10/08, “2d time no charm in S. F. bank-rob attempt” p. B-2. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/08/09/BAIA128AQK.DTL>
- On 7/25/08, a male with a motorcycle helmet entered the Bank of America, 6351 East Spring, Long Beach, California with at least one, possibly two handguns. He told the people in the lobby that it was a robbery, and ordered the tellers behind bandit barriers to give him money. When the teller at first did not, the male threatened the people in the lobby. He fled on a motorcycle with the cash. FBI Press Release, Los Angeles Field Office, 11/13/08, on the Sport Bike Bandits http://74.125.47.132/search?q=cache:_bRVMkxsBjsJ:www.labankrobbers.org/Media_press_releases/SPORTBIKEBANDITS.pdf+bandit+barriers&cd=130&hl=en&ct=clnk&gl=us&client=firefox-a
- On 11/13/07, four men with their faces covered, two with guns, came into the North Shore Bank, 1900 N. Martin Luther King Drive, Milwaukee. One robber held a gun to a customer’s back and demanded that an employee let him through the “bandit barrier.” He then put a gun to an employee’s neck and said she would be shot if she pushed any buttons. They made off with \$90,000. One of the robbers was arrested in April, 2008, and admitted they robbed the bank then because they knew an armored truck had just delivered cash. Milwaukee Journal Sentinel, JS Online, 4/26/08, “Robbers make it past ‘bandit barrier’” <http://blogs.jsonline.com/proofandhearsay/archive/2008/04/26/bank-robbers-make-it-past-quot-bandit-barrier-quot.aspx>

⁵ Clair Austin, THE PREVENTION OF ROBBERY AT BUILDING SOCIETY BRANCHES, Crime Prevention Unit Paper 14. London: Home Office.

- Using a hostage is one way robbers may find they can succeed in getting cash despite bandit barriers. Bandit barriers may increase the risk of a bank customer being kidnapped or killed.
- No research has been done in the US on the risk of injury associated with bandit barriers. But two studies in Europe report reason for great caution in requiring all banks to install barriers, even while a third studies found lower risk with bandit barriers:

First, hostage-taking during bank robberies in Germany rose from zero in 1971-76 to about 6% of all bank robberies in 1977-83 after the widespread introduction of bandit barriers.⁶ The data displayed on p. 210 of that study show the following percentages of bank robbery with hostages taken, by year, with the total number of bank robberies across the jurisdiction

FIGURE 3
Bank Robberies and Hostage Taking, Before and After Introduction of Bandit Barriers in Germany (Where 85% of all Bank Robberies in 1981-83 Took Place in Banks With Bandit Barriers)

Year	Number of Bank Robberies	Percent With Hostages
1971	297	0%
1972	381	0%
1973	308	0%
1974	266	0%
1975	376	0%
1976	503	0%
BANDIT BARRIERS INTRODUCED	BANDIT BARRIERS INTRODUCED	BANDIT BARRIERS INTRODUCED
1977	675	5%
1978	592	5%
1979	530	6%
1980	436	6%
1981	671	6%
1982	805	7%
1983	738	6%
1984	867	8%

The data in Figure 3 show a sharp and then slowly rising increase in hostage taking situations after the introduction of bank barriers. The study also reported (p. 214) that in 40% of the robberies the employees were not behind the barriers at the time of the robbery, thereby implying that the employees were subject to the threat of injury.

⁶ Heinz Leineweber and Heinz Buchler, "Preventing Bank Robbery: The Offense From the Robber's Perspective." In Edwin Kube and Hans U Storzer, eds., POLICE RESEARCH IN THE FEDERAL REPUBLIC OF GERMANY: 15 YEARS RESEARCH WITHIN THE BUNDESKRIMINALAMT." Berlin: Springer-Verlag, 1991.

Second, a UK study found that gun use in robberies rose by 50% after the introduction of bandit barriers in sub post offices, which dispense cash and operate in many respects like banks.⁷ After a large number of sub-post offices installed bandit barriers in 1981-82, the proportion of robberies with firearms in those offices rose steadily from about half to three-quarters of all robberies—in a country with very few handguns and very few gun murders.

- While neither the German nor the UK the study had a comparison (or “control”) group, this is the best evidence available in those countries.

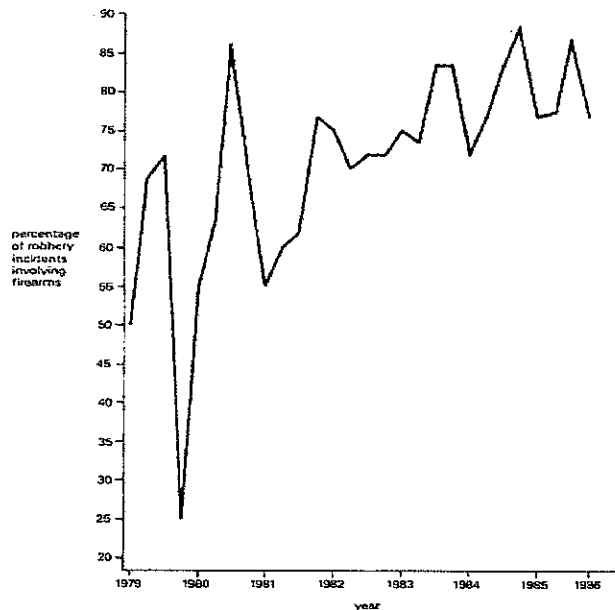
A Swiss study, in contrast, did find in its Table 3 that among some 100 banks robbed in 1979-85, there was a lower percentage of violence reported during robberies in banks that had barriers (20%) than in banks that did not (32%).⁸ This finding suffers several flaws, however. First, the difference is not statistically significant at the conventional level of 5%. Second, the table is in error, with the percentages calculated on the basis of the banks with bandit barriers (not sampled) versus the banks that had violence (in a universe of banks robbed). Third, the finding suffers a high risk of bias in the fact that its Table 3, which reports these data, only described 108 robberies in a sample based upon 152 robbed banks, for a missing data rate of at least 29%. Finally, the study did not disclose the total number of robberies (using only the number of banks) damages the credibility of the finding even further, since the non-response rate for the number of robberies could have been even greater. This is important since the unit of analysis on the table is the robbery event, and not the bank.

FIGURE 4

⁷ Paul Ekblom, *Preventing Robberies at Sub-Post Offices: an evaluation of a security initiative*. Crime Prevention Unit Paper Number 9. London: Police Department (Home Office).

⁸ Christian Grandjean, “Bank Robberies and Physical security in Switzerland: A Case Study of the Escalation and Displacement Phenomenon.” *Security Journal* 1: 155-159).

Figure 7 Proportion of robbery incidents within sub-post offices where firearms were involved, by quarter



Note 11 The earlier points fluctuate more strongly owing to the smaller numbers on which they are based.

- Thus two clear studies show an increase in risk to customers associated with bandit barriers in Europe.
- One flawed study (in Switzerland) claims the opposite but is not statistically significant.

4. There is no clear evidence that bandit barriers reduce robberies

The research literature shows tests of the hypothesis that bandit barriers reduce robbery. All four tests are flawed, and would not pass the standard of evidence for the USDOJ Report to the US Congress on the effectiveness of crime prevention.⁹

- Thus by Congressionally-mandated standards or rigorous scientific evidence, there is no evidence that bandit barriers reduce robberies

The issue of bandit barriers was included in the 1997 report, in a chapter by John Eck. He reviewed most of the studies described in my testimony, and concluded there was no adequate evidence that bandit barriers reduced robberies.

Using an *unacceptably lower standard of evidence*, the results can be summarized as follows:

- Two US studies find no effect of bandit barriers on bank robbery

⁹ Lawrence W. Sherman, Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter, and Shawn D. Bushway (1997). PREVENTING CRIME: WHAT WORKS, WHAT DOESN'T, WHAT'S PROMISING. A Report to the U.S. Congress. Washington DC: United States Department of Justice.

- Two European studies find fewer robberies with barriers, but
- One of those studies shows an increase in gun use in robberies

An additional UK study focuses only on whether a robbery once attempted will be completed. That study does not test the hypothesis that bandit barriers reduce the number of robberies as the FBI defines them, which includes both attempted and completed robberies.¹⁰ Moreover, the data it reports suggests (see p. 10) that bandit barriers work best at preventing loss of money when there are no customers in the bank (!):

“Robberies were less likely to be successful if bullet resistant security screens are installed at the branch, members of the public are absent from the banking hall, and staff are trained to walk away from counters.”

US Study Number 1: Philadelphia Area.

The first and only published US test of the bandit barrier hypothesis is based on 1975 data from 276 banks in the Philadelphia region.¹¹ This study controlled for a number of factors affecting bank robbery, including location in center city or poverty ghetto areas. It found no statistically significant effect of bandit barriers on the likelihood that a robbery would occur. It did, however, find a statistically significant difference in the risk of robbery between banks with and without guards.

US Study Number 2: Manhattan.

In 2005, my research team and I compared 55 Manhattan banks that had been robbed to 53 that had not been robbed, all in a 12-month period. If a lack of bank barriers prevented robbery, we would expect that a higher proportion of not-robbed banks would have bandit barriers than the banks that were robbed. Instead, we found no difference between the robbed and not-robbed banks in the proportion that had barriers.

- Exactly two thirds of both robbed and robbery-free banks had bandit barriers.
- Bandit barriers did not affect the risk of a New York County bank being robbed.
- This meant that over 150 Manhattan banks that year had no bandit barriers and no robberies, while 38 banks that had bandit barriers got robbed anyway.
- Most banks in Manhattan that year were never robbed; 80% of them had no robberies at all.
- Only 17 of the 55 *robbed* banks we studied had no bandit barriers.
- Most robberies, then and now, occur at banks that already have these barriers.

¹⁰ See Claire Austin, op. cit. This study is NOT a test of the theory that barriers reduce robberies.

¹¹ Timothy Hannum, “Bank Robberies and Bank Security Precautions” JOURNAL OF LEGAL STUDIES 11: 83-92 (1982).

European Study Number 1: Switzerland

The Swiss study also compared samples of banks that were robbed (152) and not robbed (also 152) in the years 1979 through 1985.¹² In this comparison, Table 1 shows that 52 of the 152 robbed banks (35%) had bandit barriers, while 99 (65%) of the not robbed banks had the tellers protected. This difference suggests that in the Swiss context of very few guns, the presence of bandit barriers is a protective factor for reducing the risk of bank robbery.

European Study Number 2: UK Post Offices

The UK study did not compare robbed and non-robbed banks. Instead, it merely examined the before-after difference in the frequency of robberies in Post Offices before and after the installation of bandit barriers.¹³ The trend in question shows a very large increase in the years before the installation of bandit barriers (see Figure 5). It then shows a large drop after the installation of the barriers, returning to almost the same level of frequency as in the few years after the installation of the barriers. This pattern is consistent with the widely known phenomenon of “regression to the mean.” In this phenomenon, policy changes may happen when there is a random spike in the frequency of some event. This means that there might have been a drop of equal magnitude even there has not been a change in security practices. In other words, there is no clear evidence that the bandit barriers caused this effect.

Moreover, in a separate Home Office Report, Claire Austin reports (at pages 4-5) on another hypothesis about why bank and Post Office robberies may have gone down in London after 1982, when the bandit barriers were introduced into Post Offices:

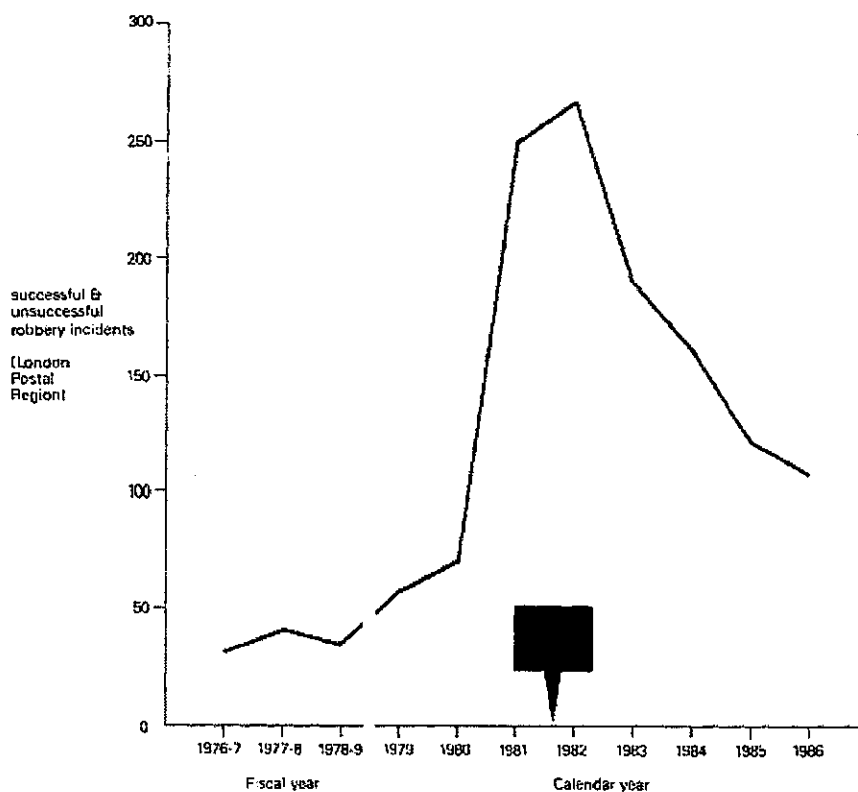
“The fall-back in the figures in 1983 may have been due to the expansion, in 1982, of the Metropolitan Police’s anti-robbery resources, with the inception of a specialised unit to combat the rising number of armed robberies throughout London (Report of the Commissioner of Police of the Metropolis for the year 1982). The success of this Unit may well account for the notable reduction in crime in 1983, particularly since nearly a third of the offences committed were cleared up, many attracting 6-10 year sentences (unpublished, Metropolitan Police).”

FIGURE 5

¹² Christian Grandjean, “Bank Robberies and Physical security in Switzerland: A Case Study of the Escalation and Displacement Phenomenon.” *Security Journal* 1: 155-159.

¹³ Paul Ekblom, *Preventing Robberies at Sub-Post Offices: an evaluation of a security initiative*. Crime Prevention Unit Paper Number 9. London: Police Department (Home Office), 1988.

Figure 1 Number of successful and unsuccessful robbery incidents by year



In summary, we have four studies of the effects of bandit barriers on the frequency of robberies. Two were done in the US, including the only one done in New York City to date. Neither of these US studies finds any difference in robbery frequency between banks with and without bandit barriers. Two were done on Europe, where both find evidence of lower frequency of robberies with bandit barriers. One of those studies, however, has two major alternative theories that could make spurious any conclusion about bandit barriers *causing* a reduction in robberies when it is merely a *correlation*.

Moreover, we know that there are many other factors affecting the frequency of bank robberies besides the presence or absence of bandit barriers. This fact helps to explain the following facts:

- Bank robbery in NYC rose in 2008 by more than 50%, but with no apparent comparable increase in the numbers of banks without bandit barriers.
- Banks with identical security systems have very different rates of robbery.
- A US Justice Department report says that “there is no evidence that all banks need identical security measures.”¹⁴

¹⁴ D. L. Weisel, The Problem of Bank Robbery, Guide Number 48, Center for Problem-Oriented Policing, US Department of Justice, 2007, at p. 12. See <http://www.cops.usdoj.gov/files/RIC/Publications/e03071267.pdf>

Conclusion

This written testimony attempts to provide a complete and unbiased picture of all the evidence on the legislative proposal under consideration. The appendix provides my biography and curriculum vitae. Exhibit 1, below, however, is the most important, because it summarizes the evidence on this question.

None if it is clear and dispositive evidence. None of it meets the standards for the Food and Drug Administration approving new drugs. None of it rules out all potential sources of bias, as in the case of a randomized clinical trial. It is all weak evidence on which to base public policy. That may be the most important point of all: that we need more evidence. More investment in research may, in the long run, be the best way to protect New Yorkers from both violent injury in general, and non-violent or even violent bank robberies.

Exhibit 1
Summary of all the (Weak) Evidence on Bandit Barriers in Banks

Authors	Location	Years	Correlation with Robberies?	Increase in Violence?
Lieneweber and Buchler, 1991	Germany	1971-1984	Down, then Up	Sudden and persistent increase to 7% of robberies with hostages
Hannum, 1982	Philadelphia area	1975	No	Not measured
Sherman, et al 2009	Manhattan	2005	No	Not Measured
Grandjean, 1991	Switzerland	1979-85	Fewer Robbed Banks had Barriers than non-robbed	Not statistically significant
Ekblom, 1988	London	1979-1986	Robberies went down after bandit barriers and creation of a police unit to investigate bank robbers	Increase in percentage of robbers using guns from 55% to 75%

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Lawrence W. Sherman is a criminologist of 40 years experience in research, police executive education, and public policy analysis. Since beginning his career as a civilian research analyst in the New York City Police Department, he has worked in collaboration with police and criminal justice agencies around the world.

Academic Appointments: Wolfson Professor of Criminology and Director, Police Executive Program, Cambridge University; Professor of Criminology, University of Pennsylvania; Adjunct Professor, Australian National University; Distinguished University Professor, University of Maryland, 1982-99.

U.S. Supreme Court Citations: Tennessee v. Garner (1985); Illinois v. Wardlow (2000).

Consultancies: FBI Academy, Swedish Ministry of Justice, Bramshill Police College (UK), Australian Research Council, (US) National Academy of Sciences, TD Bank.

Elected Offices: President, American Society of Criminology (2002), International Society of Criminology (2000-2005), American Academy of Political and Social Science (2001-2005), Academy of Experimental Criminology (1998-2001); Co-Chair, Stockholm Criminology Prize Jury (2005-present).

Honors: Edwin H. Sutherland Award, American Society of Criminology (1999); American Sociological Association Award for Distinguished Scholarship in Crime, Law & Deviance (1993), Bruce Smith Award of Academy of Criminal Justice Sciences (1994); Joan McCord Award for Outstanding Contributions to Experimental Criminology (2006); Beccaria Gold Medal, Criminology Society of German-Speaking Peoples (2009); Fellow, American Academy of Political and Social Sciences (2009), American Society of Criminology (1994), Academy of Experimental Criminology (1999).

Publications, Co-Author: Preventing Crime: What Works, What Doesn't, What's Promising: US Justice Department Report to the US Congress (1997); Evidence-Based Crime Prevention (2002); Fairness and Effectiveness in Policing: The Evidence (2004); Restorative Justice: The Evidence (2007); The Kansas City Gun Experiment (1995).
Author: Police Crackdowns (1990); Police and Crime Control (1992); Policing Domestic Violence (1992); Evidence-Based Policing (1998); Trust and Confidence in Criminal Justice (2000); Preventing Murder with Probation and Parole (2007); Evidence and Liberty: The Promise of Experimental Criminology (2008).

Research Partnership Agencies: London Metropolitan Police; Washington, DC Metropolitan Police; Australian Federal Police; Greater Manchester Police (UK); Minneapolis, Milwaukee, Kansas City (Mo), Newark (NJ), Houston and Dallas (TX).

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University of Pennsylvania, Greenfield Professor of Human Relations, 1999-2007; Professor of Sociology 1999-present; Director, Jerry Lee Center of Criminology, 2000-present; Professor of Criminology, 2003-present; Chair, Dept of Criminology, 2003-7

University of Maryland, College Park, 1982-99: Distinguished University Professor, 1998-99, Chair, Department of Criminology and Criminal Justice, 1995-99; Professor, 1984; Associate Professor, 1982-84. **University at Albany, 1976-80**, School of Criminal Justice; Associate Professor 1980; Assistant Professor 1976 **Australian National University**, Research School of Social Science, Adjunct Professor of Law, 1994-2005; **Rutgers University**, Graduate School of Criminal Justice, Seth Boyden Distinguished Visiting Professor, 1987

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Co-Director, Justice Research Consortium UK, 2001-present
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American Sociological Association, 1993
Bruce Smith Sr. Award, Academy of Criminal Justice Sciences, 1994
Edwin Sutherland Award for Outstanding Contributions to the Field of
Criminology, American Society of Criminology, 1999
Joan McCord Award for Outstanding Contributions to Experimental
Criminology, Academy of Experimental Criminology, 2006
President, American Academy of Political and Social Science 2001-2005
President, International Society of Criminology, 2000-2005
President, American Society of Criminology, 2001-2002
Founding President, Academy of Experimental Criminology, 1998
Fellow, American Society of Criminology, 1994
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SERVICE: Jury Co-Chair, Stockholm Prize in Criminology; National Academy of Sciences/NRC; PA Commission on Crime & Delinquency; Governor, Smith Richardson Fndtn.

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2002. "Evidence-Based Policing: Social Organization of Information for Social Control." pp. 217-248 in Elin Waring and David Weisburd, Editors, *Crime and Social Organization*, Vol. 10, *Advances in Criminological Theory*. New Brunswick and London: Transaction Publishers.
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2002. "Policing for Crime Prevention." Pp. 295-329 in Lawrence W. Sherman, David P. Farrington, Brandon Welsh, and Doris MacKenzie (eds.). *Evidence-Based Crime Prevention*. London: Routledge.
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"Preventing Crime." Pp. 1-12 in Lawrence W. Sherman, David P. Farrington, Brandon Welsh, and Doris MacKenzie (eds.). *Evidence-Based Crime Prevention*. London: Routledge.
 36. David P. Farrington, Denise C. Gottfredson, Lawrence W. Sherman and Brandon C. Welsh
2002 "The Maryland Scientific Methods Scale." Pp. 13-21 in Lawrence W. Sherman, David P. Farrington, Brandon Welsh, and Doris MacKenzie (eds.) *Evidence-Based Crime Prevention*. London: Routledge.
 37. Lawrence W. Sherman, Heather Strang, and Daniel Woods
2003 "Captains of Restorative Justice: Experience, Legitimacy, and Recidivism by Type of Offense. Pp. 229-248 in Elmar Weitekamp and Hans-Juergen Kerner, eds., *Restorative Justice in Context: International Practice and Direction*. Dorset: Willan.
 38. Lawrence W. Sherman
2003 "Misleading Evidence and Evidence-Led Policy: Making Social Science More Experimental." *Annals of the American Academy of Political and Social Science* 589: 6-19.
 39. Lawrence W. Sherman

- 2003 "Crime and Delinquency." Pp. 221-230 in Douglas J. Besharov, ed., *Family and Child Well-Being After Welfare Reform*. New Brunswick and London: Transaction.
40. Lawrence W. Sherman,
2004 "Research and Policing: The Infrastructure and Political Economy of Federal Funding." Pp. in Wesley Skogan, ed., "To Better Serve and Protect" *Annals of the American Academy of Political and Social Science* 593 pp. 1-12.
42. Lawrence W. Sherman and Heather Strang
2004 "Experimental Ethnography: The Marriage of Qualitative and Quantitative Research" in Elijah Anderson, Scott N. Brooks, Raymond Gunn and Nikki Jones, eds. *Annals of the American Academy of Political and Social Science* 595.
43. Lawrence W. Sherman
2005 "The Use and Usefulness of Criminology, 1751 to 2005: Enlightened Justice and Its Failures" *Annals of the American Academy of Political and Social Science* 600: 115-135.
44. Robert W. Pearson and Lawrence W. Sherman
2005. "The Achievements, Promises, Frustrations and Promise of the Social Sciences" *Annals of the American Academy of Political and Social Science* 600: 6-13
45. Heather Strang and Lawrence W. Sherman
2006. "Restorative Justice to Reduce Victimization." Pp. 147-160 in Brandon C. Welsh and David P. Farrington, eds., *Preventing Crime: What Works for Children, Offenders, Victims and Places*. Dordrecht, Netherlands: Springer.
46. Lawrence Sherman and Heather Strang
2009. "Crime and Reconciliation: Experimental Criminology and the Future of Restorative Justice." *ACTA CRIMINOLOGICA* 22 (1): 1-14.

C. Monographs

1. Lawrence W. Sherman, Catherine H. Milton, and Thomas Kelley, with a foreword by James Q. Wilson
1973 *Team Policing: Seven Case Studies*. Washington, D.C.: The Police Foundation, 108 pp.
 - Sections reprinted in Roy R. Roberg, *The Changing Police Role*. (San Jose, California: Justice Systems Development, Inc., 1976), pp. 285-299.
 - Steven G. Brandl and David E. Barlow, eds., *Classics in Policing*. Cincinnati, OH: Anderson, 1996. pp. 311-328.
2. Lawrence W. Sherman
1977 *City Politics, Police Administrators, and Corruption Control*. New York: The John Jay Press, 30 pp. 3.
 - *Controlling Police Corruption: The Effects of Reform Policies*. Summary Report. Washington, D.C.: U.S. Government Printing Office, 14 pp.
 - Portions reprinted in Edward A. Thibault, *Proactive Police Management*. Englewood Cliffs, N.J.: Prentice-Hall, 1984.
3. Lawrence W. Sherman

- 1981 The Teaching of Ethics in Criminology and Criminal Justice. Chicago, Illinois: Joint Commission on Criminology and Criminal Justice Education Standards. Revised and republished as 1982 Ethics in Criminal Justice Education. Hastings-On-Hudson, New York: The Hastings Center, 84 pp.
4. Craig D. Uchida, Lawrence W. Sherman, and James J. Fyfe
1981 Police Shootings and the Prosecutor in Los Angeles: An Evaluation of Operation Rollout. Washington, D.C.: The Police Foundation, 38 pp.
 5. Lawrence W. Sherman and Richard A. Berk
1984 The Minneapolis Domestic Violence Experiment. Washington, D.C.: Police Foundation Reports, #1, 8 pp.
 - Reprinted: Robert J. Homant and Daniel B. Kennedy, editors, Police and Law Enforcement, Volume 4, 1985. New York: AMS Press, inc. pp.118-131
 - in James J. Fyfe, Editor. Police Management: Issues and Case Studies. Washington, D.C. : International City Management Association, 1985. pp. 297-310
 - in Steven G. Brandl and David E. Barlow, eds., Classics in Policing. Cincinnati, OH: Anderson, 1996.
 6. Lawrence W. Sherman and Barry D. Glick
1984 The Quality of Police Arrest Statistics. Washington, D.C.: Police Foundation Reports #2, 8 pp.
 7. Lawrence W. Sherman and Jody Klein
1984 Major Lawsuits Over Crime and Security: Trends and Patterns, 1958-82. Institute of Criminal Justice and Criminology, University of Maryland, 55 pp.
 8. Lawrence W. Sherman
1984 Protecting Customers from Crime: Draft Standards with Commentary for Determining the Foresee ability of Crime and Adequacy of Security on Premises Open to the Public. Washington, D.C.: Security Law Institute, 63 pp.
 9. Lawrence W. Sherman and Ellen G. Cohn with Edwin E. Hamilton
1986 Police Policy On Domestic Violence: A National Survey. Crime Control Reports #1. Washington, D.C.: Crime Control Institute, 11 pp.
 10. Lawrence W. Sherman and Ellen G. Cohn
1986 Citizens Killed by Big-City Police, 1970-84. Crime Control Reports #2. Washington, D.C. : Crime Control Institute, 44 pp.
 11. Ray R. Lewis and Lawrence W. Sherman
1986 Drunk Driving Tests In Fatal Accidents. Crime Control Reports #3. Washington, D.C.: Crime Control Institute, 28 pp.
 12. Antony M. Pate, Mary Ann Wycoff, Wesley Skogan and Lawrence W. Sherman
1986 Reducing Fear of Crime in Houston and Newark. Washington, D.C.: Police Foundation, 48 pp.
 13. Susan E. Martin and Lawrence W. Sherman
1986 The Washington, D.C. Repeat Offender Experiment. Washington, D.C.: Police Foundation.
 - Reprinted: Robert J. Homant and Daniel B. Kennedy, Police and Law Enforcement, Volume 5. New York: AMS Press, 1987.
 - Pp. 136-149 in Dennis Kenney, ed., Police and Policing. New York: Praeger, 1989.

14. Lawrence W. Sherman
1987 Repeat Calls To Police In Minneapolis. Crime Control Reports 4. Washington, D.C.: Crime Control Institute, 18 pp.
 - Reprinted: pp. 150-165 in Dennis Kenney, editor, Police and Policing, New York: Praeger, 1989.
 - Reprinted in Victor E. Kappeler, Larry K. Gaines and Gary Cordner, Police Operations: Analysis and Evaluations. Cincinnati, OH: Anderson.
15. Ellen G. Cohn and Lawrence W. Sherman
1987 Police Policy on Domestic Violence, 1986: A National Survey Crime Control Reports # 5. Washington, D.C.: Crime Control Institute, 15 pp.
16. Lawrence W. Sherman, Christine DeRiso, Danee Gaines, Dennis Rogan, and Ellen G. Cohn
1989 Police Murdered In Drug-Related Situations, 1972-88. Crime Control Reports Washington, D.C.: Crime Control Institute.
17. Lawrence W. Sherman, James Shaw and Dennis Rogan
1995 The Kansas City Gun Experiment. Washington, D.C.: National Institute of Justice.
18. Lawrence W. Sherman and Heather Strang
1996 "Policing Domestic Violence: The Problem-Solving Paradigm." Canberra: Australian National University, Research School of Social Sciences. (www.aic.gov.au/rjustice/rise/index.html).
19. Lawrence W. Sherman, Denise Gottfredson, Doris MacKenzie, Peter Reuter, John Eck and Shawn Bushway
1997 Preventing Crime: What Works, What Doesn't, What's Promising. A Report to the U.S. Congress. Washington, D.C.: U.S. Department of Justice, 655 pp.
20. Lawrence W. Sherman and Heather Strang
1997. The Right Kind of Shame for Crime Prevention. RISE Working Paper No. 1. Canberra: Australian National University, Research School of Social Sciences. (www.aic.gov.au/rjustice/rise/index.html).
21. Heather Strang and Lawrence W. Sherman
1997 The Victim's Perspective. RISE Working Papers No. 2. Canberra: Australian National University, Research School of Social Sciences. (www.aic.gov.au/rjustice/rise/index.html).
22. Lawrence W. Sherman and Geoffrey C. Barnes
1997. Restorative Justice and Offenders' Respect for the Law. RISE Working Paper No. 3. Canberra: Australian National University, Research School of Social Sciences. (www.aic.gov.au/rjustice/rise/index.html).
23. Lawrence W. Sherman and Heather Strang
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24. Lawrence W. Sherman, John Braithwaite, Heather Strang, Geoffrey C. Barnes, Jane Christie-Johnston, Sandra Smith, and Nova Inkpen.
1997 EXPERIMENTS IN RESTORATIVE POLICING. Reintegrative Shaming of Violence, Drink Driving & Property Crime: A Randomised Controlled Trial. Canberra: Australian National University, Research School of Social Sciences.

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25. Lawrence W. Sherman
1998 Research in Brief. Preventing Crime: What Works, What Doesn't, What's Promising. Washington, DC: National Institute of Justice, 20 pp.
 26. Lawrence W. Sherman
1998 Evidence-Based Policing. Washington, DC: Police Foundation. Ideas in American Policing Series. (www.policefoundation.org)
 27. Lawrence W. Sherman, Heather Strang, Geoffrey C. Barnes, et al.
1998 EXPERIMENTS IN RESTORATIVE POLICING 1998. A Progress Report on the Canberra Reintegrative Shaming Experiments (RISE). Canberra: Australian National University, Research School of Social Sciences. (www.aic.gov.au/rjustice/rise/index.html).
 28. Heather Strang, Geoffrey Barnes, John Braithwaite and Lawrence W. Sherman
1999 EXPERIMENTS IN RESTORATIVE POLICING 1999. A Progress Report on the Canberra Reintegrative Shaming Experiments (RISE). Canberra: Australian National University, Research School of Social Sciences. (www.aic.gov.au/rjustice/rise/index.html).
 29. Lawrence W. Sherman, Heather Strang, and Daniel J. Woods
2000 "Recidivism Patterns in the Canberra Reintegrative Shaming Experiments (RISE)"
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 30. Lawrence W. Sherman and Heather Strang, with Daniel J. Woods, Caroline M. Angel, Nova Inkpen, Dorothy Newbury-Birch, and Sarah Bennett
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 31. Lawrence W. Sherman and Heather Strang
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F. REVIEW ESSAYS

1. Lawrence W. Sherman
1977 "Law Enforcement in a Democracy: A Review of Policing a Free Society," by Herman Goldstein. Criminal Law Bulletin 13, 5:401-409.
2. _____
1978 The Behavior of Law, by Donald Black. Contemporary Sociology 7, 1:10-15.
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1991. "Problem-Oriented Policing by Herman Goldstein" Journal of Criminal Law and Criminology, Vol. 82 (3), pp. 690-707.
4. _____
2003 "Experimental Evidence and Governmental Administration." Review of Frederick Mosteller and Robert Boruch, eds, "Evidence Matters: Randomized Trials in Education Research." Washington, D.C.: Brookings Institution, 2002.

G. NEWSPAPER ARTICLES

1. Lawrence W. Sherman
1981. Transcribed Interview on Gun Control, The New York Times, April 5, p.E3.
2. Lawrence W. Sherman
1982. "There's A Fair Way To Nab Capitol Crooks," Los Angeles Times, May 2. Reprinted in three other newspapers.
3. Lawrence W. Sherman and Eva F. Sherman
1983. "Crime Liability: A New Business Burden," Los Angeles Times, January 13. Reprinted in thirteen other newspapers.
4. Lawrence W. Sherman
1984. "Dogging Could-Be Felons: How Short a Leash?", Wall Street Journal, May 9.
5. Lawrence W. Sherman and Anthony V. Bouza
1984. "The Need to Police Domestic Violence," Wall Street Journal, May 22.
6. Lawrence W. Sherman
1986. "Uncertain Risks, Uneasy Criminals," Wall Street Journal, September 11.
7. Lawrence W. Sherman
1986. "Make Sure Job Seekers Are Not Career Criminals," Wall Street Journal, October 6.
 - Reprinted: Roger Miners and Al Ringleb, The Legal Environment of Business. St Paul, Minn.: West Publishing Co., 1987.
8. Lawrence W. Sherman
1987. "What's New In Prison Jewelry." Wall Street Journal, January.
9. Lawrence W. Sherman
1987. "Free Police From the Shackles of 911," Wall Street Journal, March 20.
10. Lawrence W. Sherman
1987 "Changes in Hiring of Police Would Arrest Trouble," Wall Street Journal, August 26.
 - Reprinted: Oklahoma State Trooper's Journal, 1987.
11. Lawrence W. Sherman
1989. "Why Clean Sweeps Shouldn't Be Condemned" The Washington Post, January
12. Lawrence W. Sherman
1989. "The Death of Euclid Lewis." Wall Street Journal, July 10.
 - Reprinted: Deanne Milan, ed. Improving Reading Skills. N.Y.: McGraw-Hill.
13. Lawrence W. Sherman
1989. "Police Corps Plan is Poor Weapon Against Crime." Wall Street Journal, August 2, p. A 14.
14. Lawrence W. Sherman

1989. "The Drug Battle Doesn't Need Martyrs." *New York Times*, August 15, p. A 21.
15. Lawrence W. Sherman
1989. "Business and Urban Crime: Battles Won and Lost: Small Merchants' Big Burdens" *Wall Street Journal*, October 23, p. A 14..
 16. Lawrence W. Sherman
1990. "Patrols Are Better Than Arrests" *New York Times*, September 22, 1990, p. 23.
 17. Lawrence W. Sherman
1997 "Hot Spots and Shame" *Baltimore Sun*, February 11, p. 5c.
 18. Lawrence W. Sherman and Heather Strang
1997 "Hopeful Experiment in Justice" *Canberra (Australia) Times*, April 22, p. 1.
 19. Lawrence W. Sherman
1997 "A Bottom Line for Crime" *Wall Street Journal*, August 6.
 20. Lawrence W. Sherman
1998 "Family Conferences Are Fine, But Do They Really Work?" *New Zealand Herald*, Nov. 2, p. A14.
 21. _____
1998 "Needed: Better Ways to Count Crooks" *Wall Street Journal*, December 3.

H. ARTICLES IN POLICY AND PRACTITIONER JOURNALS

1. Lawrence W. Sherman
1972 "Street Work History Includes Three Stages," *YMCA Forum* 53 (May) 5:17-24. (Published version of A.M. thesis, University of Chicago, 1970).
2. Lawrence W. Sherman and Warren Bennis
1977 "Higher Education for Police Officers: The Central Issues," *Police Chief* XLIV (August) 8:32-34.
3. _____
1978 "Higher Education for Police Officers: The Central Issues," *Police Chief* XLIV (August) 8:32-34.
 - Reprinted: *ACJS Today* 1, 5:9-14 (1977). *Training Aids Digest* 2, 11:103 (1977).
4. _____
1978 "College Education for Police: The Reform That Failed?," *Police Studies: The International Review of Police Development* 1, 4:32-38.
5. _____
1979 "The Case for the Research Police Department," *Police Magazine* 2, 6:58-59.
6. _____
"Learning Police Ethics," *Criminal Justice Ethics*, Vol. 1, No.2, pp. 10-19.

- Reprinted: John Sullivan and Joseph Victor, eds., Annual Editions: Criminal Justice Guilford, Connecticut: Dushkin Publishing, 1988.
 - Karen M. Hess, Criminal Procedure, St. Paul: West Publishing.
 - Henry Wroblewski and Karen Hess, Introduction to Law Enforcement and Criminal Justice 3rd edition. St. Paul: West Publishing.
 - Karen M. Hess and J. Scott Harr, Seeking Employment in Law Enforcement, Private Security, and Related Fields, St Paul: West, 1990.
 - Michael C. Braswell, Belinda R. McCarthy, and Bernard J. McCarthy, eds., Justice, Crime and Ethics. Cincinnati, OH.: Anderson, 1991.
 - Paul Cromwell, ed., Criminal Justice, Englewood Cliffs, NJ: Prentice Hall, 1996.
7. _____ and Eva F. Sherman
1984 "What is Adequate Security?", Security Management 27, 1:24-26.
 8. _____
1984 "Should Police Target Repeat Offenders?", Hastings Center Report, April, pp. 18-19.
 9. _____
1986 Learning What Works: A Draft Research Agenda on the Effectiveness and Adequacy of Security on Public Premises", pp. 7-14 in Journal of Healthcare Protection Management (publication of the International Association for Hospital Security), Vol. 1, No. 3.
 10. _____
1990 "Police Crackdowns," NIJ Reports, March.
 - Reprinted: State Police Officers Journal (summer 1990) pp. 99-102, 124.

L. TESTIMONY BEFORE THE US CONGRESS

1. 1987 Testimony on Police Use of Deadly Force before U.S. House of Representatives Subcommittee on Criminal Justice, Hon. John M. Conyers, Chair
2. 1987 Testimony on Reauthorization of National Institute of Justice before House Government Operations Subcommittee
3. 1987 Testimony on Police, Drugs and Homicide in the District of Columbia before the U.S. Senate Committee on Appropriations, Subcommittee on the District of Columbia, Hon. Robert Packwood, Chair.
4. 1990 Testimony on Emerging Criminal Justice Issues before the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Criminal Justice, Hon. Charles Schumer, Chair, April 19, 1990, pp. 220-229, Serial No.126.
5. 1994 Testimony on "Domestic Violence: Not Just a Family Matter." U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, Hon. Charles Schumer, Chair, June 30.

6. 1997 Testimony on "Preventing Crime: What Works, What Doesn't, What's Promising" before Committee on Education and the Workforce, Subcommittee on Investigations, Hon. Pete Hoekstra, Chair, June 24, 1997.
7. 1997 Testimony on Youth Violence before US Senate Committee on the Judiciary, Subcommittee on Youth Violence, Jeff Sessions, Chair, October.
8. 1998 Testimony on the Justice Department Budget before the U.S. House of Representatives Committee on Appropriations, Subcommittee on Justice, Commerce and State, Rep. Harold Rogers, Chair, April.
9. 1998 Testimony Before Democratic Forum on Youth Violence, US Senate, with US Attorney General Janet Reno, Senator Christopher Dodd, Chair, May.
10. 1999 Testimony Before the U.S. Senate Finance Committee, May.
11. 1999 Testimony Before the U.S. House of Representatives, Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, John Mica, Chair, May.
12. 2007. Testimony Before U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, February.

M. TESTIMONY BEFORE STATE LEGISLATURES, FEDERAL COMMISSIONS, AND FOREIGN GOVERNMENTS

1. 1979 "Regulating Police Practices," pp. 73-79 in *Police Practices and the Preservation of Civil Rights*. Washington, D.C.: Testimony before the U.S. Civil Rights Commission.
2. "Research and Data Needs," pp. 170-174 in *Police Practices and the Preservation of Civil Rights*. Washington, D.C.: Testimony before the U.S. Civil Rights Commission.
3. "Arrest for Domestic Violence," Testimony before Senate Judiciary Committee, Maryland General Assembly, March.
4. 1994 "Controlling Police Corruption" Testimony Before the Mollen Commission on Police Corruption, New York City, October.
 - Reprinted: *New York City Police Department, Police Academy Journal*, April, 1994.
5. 1994 "Mandatory Arrest for Domestic Violence," Testimony before Senate Judiciary Committee, Ohio State Legislature, March.
6. 1996 *Punishing--And Preventing--Crime: Legislating for More Shame and Fewer Opportunities for Crime* Testimony before Committee on Appropriations, House of Delegates (Jan. 18) and Maryland Bar Association Joint Session of House and Senate judicial committees (Jan. 30), Maryland General Assembly.
7. 1998 Testimony before the Legislative Council (upper house), Parliament of New South Wales, Sydney, Australia, on "Preventing Crime: What Works?" October 27, 1998.
8. 1998 Testimony Before the Maryland General Assembly, orientation for new members, on "Preventing Crime: What Works." December 1.

9. 2005 Testimony Before the Criminal Justice Committee, Scots Parliament, Edinburgh
10. 2006. Testimony Before the Pennsylvania Senate, Committee on the Judiciary, on Homicide Prevention. July.
11. 2007 Testimony Before the Philadelphia City Council on Probation Strategies. March.
12. 2007 Testimony Before the Pennsylvania House of Representatives, Committee on Appropriations, on homicide prevention, April.

N. ENDOWED OR NAMED LECTURES

---George Beto Lecturer, Sam Houston State University, October, 1988. "Reinventing the Police"

---Gwynne Nettler Lecturer, University of Alberta, March, 1989. "Hot Spots of Crime and the Criminal Careers of Places"

---Frank Cullen Lecturer, University of Cincinnati, May, 1997. "Restorative Justice and Procedural Justice"

--Edwin M. Sutherland Lecturer, American Society of Criminology, November, 1999. "The Defiant Imagination: The Effects of Criminal Sanctions on Criminality."

---Albert M. Greenfield Memorial Lecturer on Human Relations, University of Pennsylvania, March, 2000 "The Defiant Imagination: Consilience and the Science of Sanctions."

---Fortunoff Lecture in Criminal Law, New York University Law School, February, 2001. "Trust and Confidence in Criminal Justice."

--Joan McCord Memorial Lecturer, Academy of Experimental Criminology, November, 2006. "The Power Few: Experimental Criminology and the Reduction of Harm."

GUEST LECTURER (selected):

Korean Institute of Criminology (2009)

City University of Hong Kong (2009)

Oxford University (2002, 2008)

University of Barcelona (2008)

University of Pretoria (2007)

Tokyo University (2005)

Edinburgh University (2005)

University of Erlangen-Nuremberg (2003, 2005)

Columbia University Law School (2004)

University of Salamanca (2004)

Stockholm University (2002)

Yale University (2002, 1996)

Harvard University (1998, 1981)

Duke University Law School (1993, 1984)

Cambridge University Institute of Criminology (1992, 2002, 2004)

University of Virginia Law School (1999)

Pennsylvania State University (1992, 1997)

Stanford Hoover Institution (1980)

University of Minnesota (1993, 1982, 1994)
 University of Arizona (1975)
 Kobe University/Japan Urban Security Institute (1992)
 Australian Institute of Criminology (1993, 1992, 1985)
 U.S. National Academy of Sciences (1987, 1989, 2002, 2003)
 FBI National Academy (1980-2000)
 Northwestern University (1978, 1988, 1990, 1994, 1996)
 Hebrew University, Jerusalem (1999)
 Australian National University (1997, 2000, 2005)
 Franklin and Marshall College (2002)

FUNDED RESEARCH [AS SOLE OR SENIOR AUTHOR OF GRANT
 PROPOSAL]

1. 06/71-07/73 - Principal Consultant, \$21,800 Police Foundation study of team policing in seven cities.
2. 09/72-06/73 - Sole Grantee, \$5,500 Ford Foundation Travel and Study Grant, Institute of Criminology, Cambridge University.
3. 09/74-07/76 - Co-Project Director (with Albert J. Reiss, Jr.) of a \$33,496 grant from the National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, on "Controlling Police Corruption: The Effects of Reform Policies."
4. 04/76-06/78 - Project Director, \$146,000 Police Foundation Project on Higher Education for Police Officers.
5. 06/78-09/80 - Project Director, \$124,765 grant from the Center of Studies in Crime and Delinquency, National Institute of Mental Health on "Homicide by Police Officers: Social Forces and Public Policy."
6. 09/80-05/83 - Project Director, \$56,000 National Science Foundation Study of "Organizational Misconduct."
7. 09/80-05/82 - Co-Project Director (with Barry D. Glick) of \$120,000 National Institute of Justice study of "The Validity of Arrest Data for Cross-Sectional Analysis."
8. 10/80-04/81 - Project Director, \$30,000 Law Enforcement Assistance Administration Study, "Evaluation of Operation Rollout."
9. 01/81-09/83 - Project Director of \$323,000 National Institute of Justice study of "The Use of Arrest in Spouse Assault Cases: A Field Experiment."
10. Project Director of \$300,000 Multi-Foundation funded Experiment in First Line Supervision.
11. 1982-84 - Overall Supervisor of \$2 Million National Institute of Justice grant for Experiments in Fear Reduction.
12. Supervisor of Multi-Foundation funded \$850,000 Experiment in Community Crime Prevention.
13. Supervisor of \$800,000 evaluation of New York State Gun Law.
14. Project Director, \$30,000 National Institute of Justice Grant on "Specific Deterrent Effects of Jail Time For Drunk Driving."

15. 02/83-02/85 - Project Director (with Barry D. Glick) of a \$257,000 National Institute of Justice experiment in "The Specific Deterrent Effects of Arrest" for shoplifting.
16. 06/85-08-86 - \$43,000 Smith-Richardson Foundation Grant For Book on "Privatizing the Police: Costs and Benefits."
17. 10/85-6/86 - \$30,000 National Institute of Justice Grant on "Crackdowns."
18. 1986-88 - Project Director of \$248,000 National Institute of Justice Grant for "Repeat Complaint Address Policing Experiment: RECAP"
19. 1986-9 - Project Director of \$700,000 grant for Milwaukee Domestic Violence Arrest Experiment.
20. Project director (with David Weisburd) for \$551,000 NIJ grant on "Policing the Hot Spots of Crime: A Field Experiment."
21. Co-Project Director (with David Weisburd) of \$189,000 NIJ grant on "Effects of Sanctions on Recidivism: Experimental Evidence."
22. Co-Project Director of \$135,000 NIJ grant on "Criminal Careers of Places."
23. Co-Project Director of \$110,000 NIJ grant on "Policing Violent Taverns: A RECAP Project."
24. Project Director, \$180,000 Subcontract from Kansas City Police Department, NIJ grant on Data, Research and Analysis for Geographic Narcotics Targets.
25. Project Director, \$220,000 phase II of DRAGNET.
26. Project Director, \$191,000 NIJ grant for evaluation of Kansas City Weed and Seed Project for controlling retail level drug marketplaces.
27. Project Director, \$1.5 million Australian National University Project on Re-Integrative Shaming Experiments (RISE), funded by Australian Commonwealth Department of Health and Australian Criminology Research Council.
28. Project Director, \$200,000 NIJ grant for Report to the Attorney General on a critical assessment of crime prevention programs.
29. Project Director, \$80,000 grant from Maryland Governor's Office of Crime Control and Prevention for Statistical Consulting to Police Agencies on Gun Crime Analysis.
30. Project Director, \$100,000 Planning Grant for and Experiment in Gun Crime Reduction, funded by anonymous philanthropic organization.
31. Project Director, \$230,000 NIJ Grant on Community Justice Conferences.
32. Project Director, \$250,000 Smith Richardson Grant on Preventing Crime: What Works? A Continuation Effort.
33. Project Director, \$105,000 Abell Foundation Grant on Crime Prevention in Baltimore: A Review of the Investment Portfolio.
34. 1997-2002 - Project Director, \$1.05 Million Jerry Lee Fellowship Fund
35. 2001-2003 – Co-Project Director, \$3.5 Million Home Office (U.K.) Project for Developing and Testing Restorative Justice in Courts, Prisons and Probation.
36. 2004-2006 Co-Project Director, \$3 Million Home Office/Metropolitan Police/Jerry Lee Foundation Project for Testing Restorative Justice as a Diversion From Prosecution.
37. 2005-2010 \$1.5 million program on reducing homicide in Philadelphia

PROFESSIONAL SERVICE

Co-Chair, Prize Jury, Stockholm International Prize in Criminology, 2005-
Editor, Annals of the American Academy of Political and Social Science, 2002-
2005

Deputy Criminology Editor, Journal of Criminal Law and Criminology.
1990-1994

Associate Editor, Criminology, 1984-87; consultant, 1987-91.

Associate Editor, Evaluation Review, 1988-1991.

Executive Editor, Security Law Newsletter, 1981-2001

Contributing Editor: Criminal Law Bulletin, 1977-1981.

EDITORIAL AND RESEARCH ADVISORY COMMITTEES (SELECTED)

Journal of Criminal Law and Criminology, 1980-1995; National Academy of
Sciences Workshop on the Future of Department of Justice Research, 1982;
National Institute of Mental Health Review Committee, Special Reviewer, 1983;
National Institute on Alcoholism and Alcohol Abuse, Special Reviewer, 1984.
External Reviewer for National Science Foundation and National Institute of
Justice since 1980; National Academy of Sciences Committee on Workshop on
Communities and Crime, 1987-88. Program on Human Development and
Criminal Behavior Working Committee on Desistance and Continuation of
Criminal Careers (NIJ and MacArthur Foundation Project of Castine Research
Corp.) 1988.

COMPLETED PH.D. DISSERTATIONS CHAIRED (SUPERVISED)

Ellen Hochstedler (1980)

Craig D. Uchida (1982)

Elizabeth B. Croft (1983)

Mark Blumberg (1983)

Patrick R. Gartin (1992)

Abraham Tennenbaum (1993)

James Shaw (1994)

Elizabeth Marciniak (1994)

John E. Eck (1994)

Christopher Koper (1995)

Stephanie Sweet (1996)

June Stansbury Jones (1997)

Geoffrey C. Barnes (1999)

Angela Moore Parmley (1999)

Jami Long Onnen (2000)

Caroline M. Angel (2005)

Reagan M. Daly (2005)

Meredith Rossner (2008)

Testimony Submitted to the
Committee on Public Safety
Council of the City of New York
June 29, 2009/Int. No. 960:
Testimony for Robert Dunlop

Good morning. My name is Bob Dunlop, and I am the Senior Vice President and director of security for TD Bank. Prior to joining Commerce Bank now TD Bank, I was in Law Enforcement for 30 years, most recently as Deputy Superintendent of the New Jersey State Police. My bio is attached to my written testimony. Please let me expand on Dr. Sherman's testimony by describing what has happened in banks with bandit barriers, but which has never happened in a TD Bank—where our business model precludes the use of bandit barriers.

First let me read two NYPD summaries of incidents that occurred in Jamaica, Queens, in 2003 at two different bank companies. In both cases, the banking office had installed bandit barriers prior to the robberies. In both cases, the criminals took customers hostage. The kind of events I describe have not, to my knowledge, ever occurred in a TD bank.

On 4/23/2003 Chase Bank at 165-40 Baisley Blvd. Jamaica NY 12:06 PM. Suspect walked into bank that was equipped with bandit barriers. He put a knife to the neck of an elderly female customer and then demanded money from the teller. The suspect was apprehended by Rochdale Security, a private security firm that provides security for Rochdale Village, a nearby residential housing apartment complex. NYPD 61 #2003-11-60887

On 5/12/2003 Northfork Bank 145-15 243 Street, Jamaica NY 3:10 PM. Two suspects entered the branch. One of the suspects approached the first teller window and held up a note announcing a robbery. The teller who is behind the bandit barrier locked her draw and walked away. The suspect approached the next teller window and the employee at that station hits the alarm and also walks away. The suspect then shouted "don't walk away, come back. I will kill somebody". According to bank officials, he then took an elderly male and throws him to the ground. The other suspect then places his arm around a customer's neck and forcibly removed the customer's pocketbook. Both suspects fled the branch. NYPD 61 #2003-105-62212.

These incidents are not confined to New York. Thankfully they are relatively infrequent in the US, although not in Europe where bandit barriers are far more common. Our search for incidents of hostage-taking in the US reveals several more illustrations recounted in full in the appendix to my testimony.

On 8/4/2008, two bank tellers were threatened with being shot at through bandit barriers at a San Francisco Credit Union. Two days later, the tellers were taken hostage as they approached the bank, where they were forced to open the vault and give the robbers \$76,300.

On 7/25/2008, a Bank of America branch in Long Beach (CA) had its customers held at gun point and threatened with death while tellers behind the bandit barriers gave the

robber money to avoid injuries.

On 11/03/2007 a Milwaukee bank customer suffered a gun being pointed into his back while a robber demanded access to the area behind the bandit barrier. When admitted, a robber held a gun to an employee's neck and threatened to shoot her until she gave him \$90,000.

As a bank security officer, these are the kinds of incidents that I fear will happen at our own bank if we are forced to install bandit barriers in every branch. That is why I have worked closely with Dr. Sherman since 2002 to make sure that we do everything possible to protect our customers and employees. This included my commissioning him to conduct the study of bandit barriers in Manhattan back in 2005. I am therefore happy to answer any questions you may have based on any aspects of the testimony we have offered on behalf of TD Bank here today, including Dr. Sherman's written summary as read by Mr. Meyer.

Thank you.

Appendix 1:

Sources and Summaries for Hostage-Taking Incidents in Banks Equipped With Bandit Barriers

1. On 8/06/08, at about 8 am, two robbers jumped out of a Jeep and accosted two tellers

of Pacific Postal Credit Union, 175 Mendell Street, San Francisco, as the tellers walked toward the front door of the bank. The tellers were forced inside the credit union, and one asked the teller who knew the combination to open the vault, while the other was told to turn off the alarm. One assailant grew impatient after two attempts to open the vault and threatened to shoot the other teller. The robbers fled with \$76,300.

The tellers had been inside the bank two days earlier, when [the same] two masked men ordered customers to lie on the ground and said they would start shooting if the tellers didn't open the doors of the bandit barriers. [A bank employee who had been fired over a shortage in her cash drawer was suspected of involvement, and the persons arrested for the robbery were her relatives.]

San Francisco Chronicle, 8/10/08, "2d time no charm in S. F. bank-rob attempt" p. B-2.

HYPERLINK "<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/08/09/BAIA128AQK.DTL>" \t "_blank"

2. On 7/25/08, a male with a motorcycle helmet entered the Bank of America, 6351 East Spring, Long Beach, California with at least one, possibly two handguns. He told the people in the lobby that it was a robbery, and ordered the tellers behind bandit barriers to give him money. When the teller at first did not, the male threatened the people in the

lobby. He fled on a motorcycle with the cash.

FBI Press Release, Los Angeles Field Office, 11/13/08, on the Sport Bike Bandits

HYPERLINK

"http://74.125.47.132/search?q=cache:_bRVMkxsBjsJ:www.labankrobbers.org/Media_press_releases/SPORTBIKEBANDITS.pdf+bandit+barriers&cd=130&hl=en&ct=clnk&gl=us&client=firefox-a"\t "_blank"

3. On 11/13/07, four men with their faces covered, two with guns, came into the North Shore Bank, 1900 N. Martin Luther King Drive, Milwaukee. One robber held a gun to a customer's back and demanded that an employee let him through the "bandit barrier." He then put a gun to an employee's neck and said she would be shot if she pushed any buttons. They made off with \$90,000. One of the robbers was arrested in April, 2008, and admitted they robbed the bank then because they knew an armored truck had just delivered cash.

Milwaukee Journal Sentinel, JS Online, 4/26/08, "Robbers make it past 'bandit barrier'"

HYPERLINK "http://blogs.jsonline.com/proofandhearsay/archive/2008/04/26/bank-robbers-make-it-past-quot-bandit-barrier-quot.aspx"\t "_blank"

Bob Dunlop
Director of Corporate Security & Investigations
TD Bank, America's Most Convenient Bank

Bob serves as Director of Corporate Security & Investigations at TD Bank, America's Most Convenient Bank. Prior to joining TD, Bob was a member of the New Jersey State Police. He enlisted in the state police in 1970, and during his 30 years of service was assigned to various command positions that included chief of the Criminal Investigation Bureau, and Section Supervisor of both the Division's Investigations and Intelligence Sections. In 1998, he was promoted to Lieutenant Colonel, and served in the dual role of the Division's Executive Officer and acting Deputy Superintendent.

Bob served with the 101st Airborne Division in Vietnam from 1967 to 1968, prior to his enlistment in the New Jersey State Police.

Bob received a Bachelor of Arts Degree in Criminal Justice from Stockton College of New Jersey, and a Masters of Arts, Educational Administration & Supervision from Seton Hall University. He holds a Certified Public Manager Accreditation from Rutgers University and the New Jersey Department of Personnel. Bob holds certifications as a Certified Fraud Examiner and a Certified Protection Profession.

Following TD Bank Financial Group's acquisition of Commerce Bancorp Inc. on March 31, 2008, TD Banknorth and Commerce Bank merged on May 31, 2008, to become TD Bank, America's Most Convenient Bank. Today, TD Banknorth and TD Bank form one of the 20 largest commercial banking organizations in the United States with more than \$114 billion in assets, and provide customers with a full range of financial products and services at nearly 1,100 convenient locations from Maine to Florida. TD Bank is headquartered in Cherry Hill, N.J., and Portland, Maine. TD Banknorth and TD Bank are trade names of TD Bank, N.A. For more information, visit [HYPERLINK "http://www.TDBanknorth.com"](http://www.TDBanknorth.com) and [HYPERLINK "http://www.TDBank.com"](http://www.TDBank.com).

TD Bank, America's Most Convenient Bank, is a wholly-owned subsidiary of TD Bank Financial Group, one of the strongest banks in the world. Among the top 40 banks in the world, TD Bank Financial Group is one of only seven to be rated "Aaa" by Moody's.

Greg Braca Testimony Submitted to the Committee on Public Safety
Council of the City of New York
June 29, 2009 on Int. No. 960

Good Morning, I'm Greg Braca, TD Bank's Metro New York President.

We appreciate this opportunity to continue the discussion about the **safety and well being** of our Customers and Employees at TD Bank - - a top priority we focus on every day. In addition, no organization in New York City is more interested in stopping bank robberies than we are. These are both very crucial issues where the interests of TD are identical to those of the citizens and government of New York City. So let me make just three points before we present evidence from a leading academic and our own security chief.

First, I'm proud to say that TD Bank has a perfect safety record in New York City, where not one customer or employee has been injured or taken hostage in any robbery of a TD Bank. Others may equal that record, but none can surpass it. Each of our offices provides about one million transactions a year, seven days a week, in high-volume locations. Despite our business model that makes our New York offices among the most active in the world, we have no evidence that it creates any risk to public safety. But there is evidence that if we had to install barriers, it could increase the risk of hostage-taking and injury to our customers.

Second, as our consultant, University of Pennsylvania criminologist Lawrence Sherman has advised us since 2002, there is no clear evidence that bandit barriers reduce the number of robberies. We even commissioned him to do a new study in Manhattan in 2005, which reached the same conclusion as

previous evidence in the US. Thus two US studies show that bandit barriers don't work. After review of the complete evidence gathered by Dr. Sherman, I am sure that you will agree that this proposed legislation does not meet the minimal legislative standards for a positive impact (see Sherman Exhibit 1, attached).

Third, there are far more effective ways to reduce the risk of robbery per transaction. Our own business model has cut our rate of robbery per bank office in half since 2003, largely by investing in these other measures.

They include the use of uniformed security, which has better US evidence of deterring bank robbery than bandit barriers. We therefore recommend that if the Committee decides to adopt any bill on this issue, it would be in the public interest to allow banks to spend more money on guards than bandit barriers would ever cost, as an alternative to using bandit barriers.

Ed Clark, President and Chief Executive Officer of Toronto Dominion Financial Group, TD Bank's parent company, accepted NYPD Commissioner Ray Kelly's invitation and met with him in February of 2009. Mr. Clark promised the Commissioner TD Bank's full cooperation to reduce bank robberies – but not in a way that could possibly put our customers and staff in harm's way. Since that promise was made, bank robberies at TD Bank have reduced significantly, and there have been zero injuries. A copy of Mr. Clark's letter to the Commissioner Kelly is attached to my written testimony.

Now I will ask our New York City President, Peter Meyer, to read a brief summary of the written testimony we submit to you by Dr. Lawrence Sherman, who began his career 40 years ago as an NYPD research analyst.

Exhibit 1, Braca Testimony Submitted to the Committee on Public Safety

Council of the City of New York

June 29, 2009 on Int. No. 960

Based on my (Dr. Sherman) research on behalf of TD Bank and its predecessor company Commerce Bank, I can say that the evidence for my testimony on these issues before this committee is even stronger today than it was in 2003. The research supports these four points:

1. TD has a perfect safety record in NYC--using other security besides barriers
2. Robberies per bank office are down 50% since 2003, both city-wide and TD
3. Bandit barriers may increase injury to, and hostage-taking of, customers and employees.
4. There is no clear evidence that bandit barriers reduce robberies

Conclusion

Exhibit 1, below, from my full written testimony, is the most important, because it summarizes the evidence on this question.

None of it is clear and dispositive evidence. None of it meets the standards for the Food and Drug Administration approving new drugs. None of it rules out all potential sources of bias, as in the case of a randomized clinical trial. It is all weak evidence on which to base public policy. That may be the most important point of all: that we need more evidence. More investment in research may, in the long run, be the best way to protect New Yorkers from both violent injury in general, and non-violent or even violent bank robberies.

Exhibit 1
Summary of all the (Weak) Evidence on Bandit Barriers in Banks

Authors	Location	Years	Correlation with Robberies?	Increase in Violence?
Lieneweber and Buchler, 1991	Germany	1971-1984	Down, then Up	Sudden and persistent increase to 7% of robberies with hostages
Hannum, 1982	Philadelphia area	1975	No	Not measured
Sherman, et al 2009	Manhattan	2005	No	Not Measured
Grandjean, 1991	Switzerland	1979-85	Fewer Robbed Banks had Barriers than non-robbed	Not statistically significant
Ekblom, 1988	London	1979-1986	Robberies went down after bandit barriers and creation of a police unit to investigate bank robbers	Increase in percentage of robbers using guns from 55% to 75%



Bank Financial Group

W. Edmund Clark
President and Chief Executive Officer

TD Bank Financial Group
TD Tower
66 Wellington Street West
Toronto, Ontario M5K 1A2
T: 416 308 4111 F: 416 308 4163

February 25, 2009

Raymond W. Kelly
Police Commissioner
1 Police Plaza
New York, NY 10038

Dear Commissioner Kelly:

Thank you for your letter dated February 12, 2009 regarding the increase in robberies in New York City in 2008. I share your concerns about this increase. At TD Bank Financial Group, the safety and well being of our employees and customers is our top priority.

We have a 153 year history of dealing with security issues both in the U.S. and Canada. In addition, each year we invest millions of dollars toward an extensive array of controls to deter, detect and identify criminal activity in our stores. In determining appropriate security measures, we carefully consider the best tools available and continuously re-examine our safeguards to ensure that we are utilizing the most current and effective technologies. In New York City, for example, every new store is fully equipped with state of the art security safeguards and all staff are well-trained to deal with security threats.

Like you, we are concerned about the increase in bank robberies in NYC and would be pleased to work with you and the Department on the implementation of various measures proven to reduce robberies. We applaud the publication of the Best Practices Guide and have implemented the vast majority of recommendations suggested by the Department.

As you know, we have made the determination not to install bandit barriers in our stores as we are not convinced they are an effective deterrent to robberies. In fact, of the robberies committed in NYC in 2008, 64% - nearly 2/3rds - were committed at banks with bandit barriers.

Of greater concern is the fact that bandit barriers may place the safety of our customers and employees at further risk during a robbery, particularly if the robbery involves a weapon. In 2008, 14% of the bank robberies involved a weapon and of those, the majority occurred at branches with bandit barriers. In addition, not all of our employees, and none of our customers, can be positioned behind the barriers. We believe this significantly increases the likelihood that they could be subjected to violence or used as potential hostages during a robbery. While it may be cheaper to install bandit barriers than to deploy some of the other security measures we use, we are simply not prepared to make that tradeoff when the safety of our employees and customers is concerned.



In your letter, you reference a change in policy whereby the Department plans to disclose a bank's compliance with NYPD Best Practices following a robbery. We would respectfully ask you to reconsider this change in policy. We believe it would be inappropriate for the NYPD to publicize information about our security systems, or any bank for that matter, as this could significantly increase the risk to both our employees and customers and compromise TD Bank's overall security.

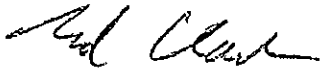
We share a common goal of reducing robberies in NYC. I have directed management in the U.S. to accelerate security improvements we had already begun to implement and I am hopeful we will see the benefit of these improvements in the months ahead.

I would welcome the opportunity to meet with you in the next several months to discuss this matter in more detail. Assuming you are agreeable, I will have my office contact yours to see if we can arrange a time to get together. In the meantime, I would again respectfully request that the Department not turn to the media to play this out as I think it could be counter-productive in the long run.

At TD Bank, we have a long history of successfully partnering with law enforcement agencies in the communities in which we operate and I look forward to working with you in this regard. You have my commitment.

Thank you again for your letter and I look forward to meeting with you.

Regards,



Ed Clark
President and CEO
TD Bank Financial Group

Cc: Bharat Masrani, President and CEO, TD Bank, N.A.
Greg Braca, Metro President, New York, TD Bank, N.A.





Gregory B. Braca
President, Metro New York
TD Bank, America's Most Convenient Bank

Gregory B. Braca is the President of Metro New York for TD Bank, America's Most Convenient Bank, which includes the five boroughs of NYC, North and Central New Jersey.

Greg is responsible for implementing a comprehensive commercial, middle market and retail growth strategy that complements TD Bank's retail store network. His efforts support TD Bank's lending model, which ensures that local bankers are making local lending decisions. In addition to managing Retail Banking, Greg also has responsibility for Middle Market Teams, Small Business Services and Specialty Lending, including Healthcare and Not-for-Profits.

Prior to joining TD Bank in 2002, Greg worked for FleetBoston for 11 years focusing on and running a variety of businesses including Healthcare in the NY area. Greg also spent a number of years with Barclays Bank, Marine Midland Bank and Citibank in a number of capacities in retail and commercial banking.

Greg also serves on a number of Boards and NFP's including the Greater NY Councils, Boy Scouts of America and St. Francis de Sales School for the Deaf. Following TD Bank Financial Group's acquisition of Commerce Bancorp Inc. on March 31, 2008, TD Banknorth and Commerce Bank merged on May 31, 2008, to become TD Bank, America's Most Convenient Bank.

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TD Bank, America's Most Convenient Bank, is a wholly-owned subsidiary of TD Bank Financial Group, one of the strongest banks in the world. Among the top 40 banks in the world, TD Bank Financial Group is one of only seven to be rated "Aaa" by Moody's.

**Testimony of Carl Hum, President & CEO of the Brooklyn Chamber of Commerce and
Linda Baran, President of the Staten Island Chamber of Commerce,
representing the Five Borough Chambers before
the City Council Committee on Public Safety
June 29, 2009**

Good morning, Chairman Vallone and distinguished members of the Committee on Public Safety.

My name is Carl Hum, I am the President and CEO of the Brooklyn Chamber of Commerce. I am joined by Linda Baran of the Staten Island Chamber of Commerce. Lenny Caro of the Bronx Chamber of Commerce, Jack Friedman of the Queens Chamber of Commerce and Nancy Ploeger of the Manhattan Chamber of Commerce could not be here today but have given permission to associate their Chambers with our testimony this morning. Together, we represent the Five Borough Chambers, representing business communities in the five boroughs and boast a combined membership of over 5,000 dues-paying members.

Thank you for this opportunity to testify before the Committee on Intro No. 960-A. We appreciate and applaud the Committee's continuous efforts to make our City safer and, to institute business practices to promote security for the well-being of employees and customers.

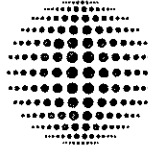
On its face, Intro No. 960-A would seem to do such. However, as well-intentioned as the bill may be, Intro No. 960-A does little to promote security, and rather represents a potential floodgate to government intrusion upon business practices that should be left to the discretion of that community.

Government's installation of certain business practices should only be required and made mandatory when preferred outcomes that benefit the public are produced. To be sure, preventing bank robberies and promoting the general public safety are worthy and laudable goals. However, it is worth highlighting that 90% of the bank branches across the five boroughs already have some form of bandit barriers. Yet, despite this high rate of bandit barrier installation, robberies - although declining in frequency from this year compared to last - were still not prevented. With these facts in mind, one would have to conclude the installation of bandit barriers to the remaining 10% would do little to nothing to prevent further robberies. Perhaps, what would prevent future bank robberies is the required presence of uniformed security guards and lengthier sentences for those convicted of bank robberies.

For the reasons stated we believe Intro No. 960-A amounts to nothing more than unnecessary government intrusion upon our banking community's business practices. Bills like Intro No 960-A are well-intentioned but carry the unintended consequence of adding operational burdens to our business community which is already challenged by the myriad of rules, regulations and taxes imposed by government.

At this particularly sensitive time for our business community, we must make sure we do all we can to ensure the business environment encourages growth and expansion. As you know, New York City is considered one of the most challenging regions to do business. We hear that from our members all the time. In fact, a recent study by the Public Policy Institute of New York State ranks our region almost dead last - 49 out of 50 states - for its business-friendliness. Initiatives such as Intro No. 960-A would only burnish our city's image as business-unfriendly. Accordingly, we respectfully voice the five Chambers of Commerce's opposition to Intro No. 960-A.

Again, thank you for the opportunity to testify today and we would be happy to answer any questions you may have.



Partnership for New York City

TESTIMONY SUBMITTED BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY

MONDAY, JUNE 29, 2009

KATHRYN WYLDE
PRESIDENT & CEO

PARTNERSHIP FOR NEW YORK CITY

Good morning Chairman Vallone and members of the Committee. Thank you for the opportunity to testify on Intro 960, which would require installation of so-called "bandit barriers" in all New York City bank branches.

The Partnership is an organization of business leaders dedicated to working with government, labor and the not-for-profit sectors to strengthen the economy of New York City and State. We understand well the need to balance business interests against the larger public interest and we look for ways to help government put policies in place that achieve a fair balance. In the case of the bandit barrier legislation, our position is that the current legislation does not achieve that balance and needs to be reworked.

Intro 960 presents a "one size fits all" solution to security problems that are very different, depending on the location of a given bank branch. Branches located in highly trafficked locations that have heavy police presence do not require nearly the same security measures as branches in remote areas that are more vulnerable to robbery. Installation of bullet resistant barriers or partitions may be an inappropriate expense in some instances and a necessary safety measure in others.

There has been no study that shows that "bandit barriers" are necessary in every bank branch or that their presence is a good predictor of whether a branch will be robbed. So far this year in New York City, most bank robberies occurred in branches that already have barriers installed.

Intro 960, as a universal mandate on all banks, regardless of risk factors, would severely damage the business model of some New York City banks that provide vital jobs, community services and tax revenues to the city. The Partnership regards this as inappropriate and harmful to the public interest.

On the other hand, we understand the safety concerns that motivate this legislation and would like to suggest an alternative approach for consideration by the Council and the New York City Police Department. The Council could direct that a risk-based analysis be made to determine whether an individual branch location merits investment in bandit barriers. The Council could legislate that the NYPD should work with banks to develop criteria and carry out this analysis. Branches that are determined to be in high risk locations would have to install barriers or equally acceptable deterrents to robbery. Other branches – for example those that are proximate to a police station or are well served by foot patrols – would be free to use security guards, cameras or other means of appropriate security that do not interfere with their business operations. Hopefully, this approach would strike an appropriate balance between legitimate safety concerns and the economic and business interests of communities and their banking institutions.

We hope the Council will reject the current bill language and discuss an alternative approach with the industry and the NYPD. Thank you.

**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: 6/29/09

(PLEASE PRINT)

Name: Raymond W. Kelly

Address: 1 Police Plaza

I represent: Police Commissioner

Address: 1 Police Plaza

**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: Michael P. Smith

Address: 92 Park Ave NY, NY 10016

I represent: New York Bankers Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 960 Res. No. _____

in favor in opposition

Date: 6/29/09

(PLEASE PRINT)

Name: John Schoolman

Address: 1 Battery Park Plaza

I represent: Partnership for New York City

Address: _____

**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: D.C. Jeremiah GUINLAN

Address: 1 Police Plaza

I represent: P.D.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 960 Res. No. 6

in favor in opposition

Date: 6/29

(PLEASE PRINT)

Name: Linda Baron

Address: _____

I represent: STATEN ISLAND Chamber of Commerce

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 960 Res. No. _____

in favor in opposition

Date: 6/29/09

(PLEASE PRINT)

Name: Peter Meyer

Address: 245 HENRY ST 2A BROOKLYN, 11201

I represent: TD BANK

Address: 317 MADISON AVE NY NY 10017

◆ 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. 960 Res. No. _____

in favor in opposition

Date: 6/29

(PLEASE PRINT)

Name: CARL HORN

Address: _____

I represent: Brooklyn Chamber of Commerce

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 960 Res. No. _____

in favor in opposition

Date: 6/29/09

(PLEASE PRINT)

Name: ROBERT D. DUNBAR

Address: 9000 ATRIUM WAY, MT LAUREL, NJ

I represent: TD BANK

Address: 9000 ATRIUM WAY, MT LAUREL

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 960 Res. No. _____

in favor in opposition

Date: 6/29/09

(PLEASE PRINT)

Name: CAROL BRAGA

Address: 15 DEERWOOD DR NEW CITY NY 10956

I represent: TD BANK

Address: 317 MADISON AVE NY NY 10017

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. 960a Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael P Smith

Address: 99 Park Avenue NYC

I represent: President New York Bankers

Address: Association

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 960-A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert McCrie

Address: 49 E 96, NY NY

I represent: Dept of Protection Management

Address: John Jay College of Criminal Justice

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 960-A Res. No. _____

in favor in opposition

Date: 6/29/09

(PLEASE PRINT)

Name: JACK FRIEDMAN

Address: 75-20 Astoria Blvd. Jackson Hts NY

I represent: Queens Chamber of Commerce

Address: _____

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