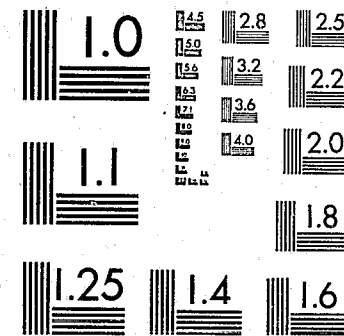


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CRIMES AGAINST THE ELDERLY

A PUBLIC HEARING BEFORE THE  
NEW YORK STATE SENATE COMMITTEE ON CRIME AND CORRECTION  
AND  
NEW YORK STATE SELECT COMMITTEE ON CRIME

SENATOR RALPH J. MARINO, CHAIRMAN

NEW YORK CITY -- DECEMBER 7, 1976

U.S. Department of Justice  
National Institute of Justice

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MARCH 1977

ACQUISITIONS

CRIMES AGAINST THE ELDERLY

DECEMBER 7, 1976

SELECTED EXCERPTS

Tuesday, December 7, 1976, was wild with wind and rain in New York City. Deep in the bowels of lower Manhattan, in the Great Hall of the ancient Chamber of Commerce Building on Liberty Street, the New York State Select Committee on Crime was holding a hearing on crimes against the elderly.

Everybody was late. The TV crews were still lugging in their cameras and spotlights and hunting for electrical outlets long after the 10:30 A.M. scheduled start. Finally, at some point close to 11:30, Senator Ralph J. Marino, Chairman, began the hearing. He started to read an opening statement about an 82 year old woman on Staten Island who had been knocked to the ground by two youths the previous Friday in the courtyard of her apartment house. The violent blow and fall to the pavement shattered her hip. Two assailants, ages 15 and 16, ran off with her purse.

A TV cameraman interrupted and asked Marino if he could start over. Patiently, the Senator obliged.

The first witnesses called were Detectives Gerald Keegan and Donald Gaffney of the Bronx Senior Citizen Robbery Unit. Two intense, stocky men, neatly dressed in business suits, detective shields pinned to their lapels, came forward and sat before the small table facing Marino and chief counsel, Jeremiah McKenna. McKenna began the questioning.

Question: What are the functions of the Senior Citizens Robbery Unit?

Answer: The unit originally started in October 1974, because we found, from working in different precincts in the Bronx, that juvenile offenders and adolescents were specifically preying upon elderly people. Their ultimate goal was to get these people into their apartment. They wouldn't rob them in the hallway or the elevator; they would try to get them in the apartment.

Once inside the apartment, the elderly person was subjected to a severe beating, the reason being that these juveniles believe elderly people do nothing all their life except collect and hoard money. They felt the only way an elderly person would give up this money was if they could convince her that she was near death. The beatings were unbelievably severe. They resulted in long hospitalizations. The money that was taken by these juveniles came to an average of twenty or thirty dollars.

These juveniles would work in a wolf pack--three, four, five at a time. It was not uncommon to have a ten year old placed in a bank to watch people cashing checks. When he found a likely victim he would go outside and signal the older kids. They in turn would follow this woman until she went to her apartment, with the hopes of pushing her in.

Question: Has it been your experience that when you were able to make an arrest, you were arresting basically young people?

Answer: Yes. And not only that, we were arresting the same person over and over again. We would take him to Family Court, we would insist upon going to a judge. After numerous court delays, maybe six or seven appearances, we got before the judge and we had a trial and the person was found guilty or, in Family Court, a finding of fact, we would leave the court convinced that the juvenile offender has now been prosecuted, found guilty, and will be dealt with by the Court.

It was not uncommon to run into that same juvenile on the street a week later, and we had to ask him what happened in court. We have had cases where he was found guilty and sent home pending placement with the New York State Division for Youth. There was no room for him. So now he's out on the street. They tell him to come back in one month. What they have actually done is given that juvenile immunity. Any crime he commits in that month he will get no more punishment than he would originally.

Question: When you arrest a juvenile for, say, a crime of robbery, are you able to detain him?

Answer: We have to notify his parents. We have people who tell us what the Family Court says. When they come in they demand that their parent be notified and that they be sent home with their parent and you cannot keep them unduly delayed.

Question: Are you obligated to send them home to their parent after you make the arrest?

Answer: We are not obligated under certain conditions.

Question: What are those conditions?

Answer: Well, if he is going to be a hazard to the community; but who determines if he is going to be a hazard? I can detain him; I can take him to Spofford; I can have him placed in Spofford, but they certainly can release him ten minutes after I leave if the parent comes there.

Question: You have the option of bringing the juvenile to what they call a detention center?

Answer: Spofford Youth House is the only one; it is in the Bronx.

Question: Could you just give us an idea of your experience with the elderly. Are they willing complainants? Do you have problems getting them to testify?

Answer: Well, it's rather difficult with an elderly person. They have physical problems and they also have mental anguish over what has happened to them. One case that we had, we....This old gentleman was robbed twice by the same individual. Now this elderly man, you couldn't understand why, after the first time being robbed and the individual being taken to Family Court, why you would ever have to hear from this individual again. After all, there was a trial and he was found guilty; it was adjudicated. So the elderly man believed he was free from this problem.

Two months later the same individual came through the door on him and attempted to kill him. So when I tried to get him to court, I had a real problem. He was frightened. He couldn't understand why, when they were going to let him out. I had a lot of talking to do to finally get him there. When I finally got him there it was adjourned five different times. I had to take this man out of his house and out of his surroundings, had to take him over to Family Court, sit him in a corridor where there are hundreds of people there, relatives of the defendant, and he has to be confronted by these people in this hallway. And so it's quite...quite difficult for him.

Question: In the Bronx Family Court, when you bring your complainant into the Family Court to sign the complaint and everything, is he actually sitting in the same room with the defendant, the person who attacked him?

Answer: Yes. If the defendant is let out on a recognizance, then he sits in the same room with the complainant and the defendant's parents and brothers and sisters.

Question: Do you find that the elderly get intimidated?

Answer: Oh, I would say so.

Question: Is the problem of juvenile crime against the elderly confined to just a few juveniles who are doing a lot of crime, or do we have a good number of juveniles committing these crimes against the elderly?

Answer: I would say that there are a small group of juveniles that are doing this and that... that by and large the juveniles aren't that bad, but if you get 50 or 60 kids in a borough and they are completely recycled out into the street for violent crimes like robbery or rape and murder, well, those 60 kids can put a crime pattern out there that would be 1,800--2,000 cases of robbery.

If I could add to that, it's becoming very common now, where they will go to school solely to meet their peers, and in this group they will decide who is going to what location, so that they don't conflict. So although you might have one or two hard-core, you now have two groups of fours going in different directions in the Bronx so that they don't overlap each other.

And it's not uncommon for them to alternate the following day in order to fool the police. And the school is the meeting ground and the breeding ground and they are not attending, they are meeting there and then going out and committing their crimes. The juveniles tell us it is a very "good" crime to commit. The elderly victim will have difficulty identifying, particularly a juvenile. We are prohibited by law from photographing a juvenile offender. If an arrest is made, they tell the people during the crime, "We know where you live, we will come back."

The number one fear of an elderly person is retaliation. They have that going for them. They say it is a very good crime. "If arrested I will not be convicted. If convicted, I will be in Family Court," and it's a joke and they will be out on the street. Whether they are found innocent or guilty, they are going to be out on the street; so why are we wasting our time even going through this procedure?

We have gone to Supreme Court with two 16 year olds who followed an elderly couple, pushed them into their apartment. They did numerous cases. The way they would work, they would go into the kitchen and take out a knife. They sat the elderly couple down on a sofa. One person did the searching, the other held the knife to the elderly couple. The guy doing the searching would say, "Kill the man and the woman will tell us where the money is." The guy with the knife would say, "I want to kill the woman, and then the man will tell me where the money is." This is pure terror for fifteen minutes at knifepoint, not knowing whether they are serious or joking; but they had the knife.

They left the apartment. They were arrested almost immediately. When they went to trial in Supreme Court they pleaded guilty. We spoke to Probation, and he tells us they have no prior offenses according to their fingerprint record [because they had never been fingerprinted as juveniles]. And I am saying this is ludicrous; this is a very serious crime.

So they are going to plead guilty to a robbery felony, and they will get two years. The District Attorney tells me that's an excellent conviction, excellent time, two years. I am saying, for what those people went through it is definitely not enough. Only because they are 16, their age should diminish the sentence. Nobody takes into account the age of the victim.

Question: Do you have any idea of how many indoor robberies are committed against the elderly, in percentages?

Answer: Well, from our reports, from the complainants' description, we would figure approximately 35 percent of the perpetrators to be under 16.

Question: Can you shed some insight as to the problem in the Family Court and why these kids who commit vicious crimes are permitted to go home with their parents?

Answer: I don't know. When I go to Family Court and they would like them to go home to their parents...we have had cases where the parents told the judge, "I cannot control my son. Please help me;" and then they are released to the parents.

Question: But even after conviction...What happens after conviction? Let me ask you that.

Answer: Well, we have found that, from conversations with certain people within the Family Court System, that when they come across a hard-core juvenile and they place him in an institution, if that hard-core individual becomes a problem up in that institution, he is practically immediately released as...and found to be...

Senator Marino: Rehabilitated?

Detective Gaffney: ....rehabilitated.

Senator Marino: Which is a joke.

The witness: I have had people tell me that it's almost impossible to place a juvenile who is arrested for arson because nobody wants him and they are afraid the facilities will be burned down. I don't know if that's a fact, but this is what they told me.

Senator Marino: You talked about these kids getting together and plotting....



The witness: They conspire to get their group together, who will be the so-called "enforcer," who is going to do the beating. He's very sought after, an enforcer. He is looked up to. He's the one who is going to push you into your apartment; he is going to take you into the bedroom; he's going to stand there and beat you continuously. The other three are going to be in your apartment burglarizing it. You will never see them. The one that takes the most chances is the enforcer. Adolescents over age 16 actively seek juveniles to be enforcers, knowing full well the only one you are going to identify is the juvenile, and if he is arrested, convicted, he is going to be sent on the street, so he has nothing to worry about.

Senator Marino: So that what you are saying is that they are taking advantage of the present law; they know their rights, and they know that nothing is going to happen to them if they are under 16, so get somebody that's under 16 to do the dirty work for you.

The witness: Absolutely. And not only that, there is no set policy in Family Court as to determining age, so if you arrest a guy and you know he's 16 and have to go to Family Court with him and his mother comes in and says he's 15, that juvenile is 15. So even if he's 16 or 17, if the parent says he's 15, he's going to Family Court.

Senator Marino: There is no check on it?

The witness: We have nothing to...there is no guideline in Family Court to verify his age. They will take the parent's word.

Senator Marino: Now, what type of assaults are made on the elderly? Just how bad is it? I mean, do they beat them to the point where they are almost dead? Do they kill them? What is your experience?

The witness: We have had numerous...numerous homicides. There was a time in October where I had an elderly person in almost every hospital in the Bronx. I had eight different people in eight different hospitals. They suffered severe beatings.

Detective Gaffney: You must remember that every elderly robbery victim is a potential homicide, that one forceful strike on their head or body could bring them into a heart attack. But generally this isn't the case. It's not one blow; it's generally numerous blows about their head and body where they have been kicked. Now we have... for court presentation we have taken pictures of elderly victims and because after a period of time the outside wounds of the complainant heal and so the judge doesn't know what exactly happened to that old person until they see the pictures. These elderly people are very vigorously beaten....beaten.

The witness: You must remember, Senator, that when an elderly person is injured they do not heal as rapidly as you or I would. Also, the financial loss they suffer because they are on a fixed income is very difficult to replace. It's not uncommon to run across an elderly person who has lost the remainder of their Social Security check and between now and the 3rd of January they have nothing to live on.

Also, the psychological effect of being a victim of a crime, the elderly person withdraws from society. They will give up going to church or temple; they will give up visiting friends or relatives; they will give up attending senior citizens' centers. They become prisoners in their own homes.

They must venture out, and the kids know it, and they tell us an elderly person must go for food and occasionally to a bank. Almost all our victims are coming home from shopping or from a bank.

Senator Marino: Generally how big are these enforcers, in terms of size?

The witness: It's not the size. You've got to realize, how big is their victim? You have 80 pound women--most of our victims are women. You do not have to be big. You've got 14 year olds that are little tiny guys but then again, they are beating on small people. You also have very big guys, six foot two, six foot four, who are beating on little people.

Detective Gaffney: An elderly person--generally the elderly people are over 75. They look at a 60 year old and they will sort of like maybe pull away from him because -- he or her -- because they are still pretty mobile; but when they reach over 75 they become very, very fragile, very, very thin.

Actually, when you think of a person like that getting beaten by a young person, you get a feeling like going down in an elevator. It's a sickening feeling to look at them, that somebody would be that low character to do a beating on somebody that feeble.

Senator Marino: Now, I have read that they put them in closets occasionally; is that a fact?

Detective Gaffney: Yes. Possibly to give them more time to leave the scene. They generally put them in a closet and they jam a chair against the door of the closet. Then they leave the apartment and sometimes it takes the elderly person one or two hours to get out of there. We have had elderly people in there for two and three days. One couple were put in a closet and the husband died in the closet, and the woman was in that closet for two days with her dead husband before she was released.

The witness: I would like to add that record-keeping by the Family Court is incredible. If you are arrested 20 times as a juvenile in the Bronx and for some reason are arrested in Queens, as far as Queens is concerned that's your first arrest as a juvenile. And it is uncommon for these courts to get together.

The second witness called was Daniel J. Daly, Chief of the N.Y.C. Housing Authority Police Department. A big man, with a full mane of greying hair, the Chief testified in a husky and determined voice.

Question: Are crimes against the elderly a particularly vexing problem for the Housing Authority Police?

Answer: I would say yes. I would like to just give you an overall picture of the Housing Authority as a whole...As you know, the Housing Authority operates about 250 projects throughout the entire City, and we have a population of about 500,000 people living in those projects. Now, 10 percent of those people are over the age of 62, and naturally they are subject to the same crimes as has been related here by the previous testimony.

Senator Marino: You are talking about 50,000 people being over 62?

The witness: Fifty thousand people over the age of 62, residing in public housing. Our statistics indicate that out of the total felonies that have been committed in Housing Authority property, 16 percent have been waged against the elderly people, the people over 62. About 24 percent of the robberies that have been committed in Housing Authority property have been perpetrated against the elderly.

Now, the Authority has traditionally taken steps to take care of the elderly to the best of their ability. There are certain buildings which are exclusively occupied by elderly people, people over the age of 55 and 60 and upward. In addition to that we have the Housing Authority Police, which at the present time constitutes about 1500 people. We are about 300 under our authorized quota due to the cuts and attrition. Our problem as far as the elderly crime goes is essentially the same as is taking place throughout the other areas of the City and other buildings in the private sector.

Question: These are the so-called push-ins and things like that; they are being followed back to their apartments?

Answer: Yes, they are being followed back to their apartment where there is a person lurking in the hallway. As soon as the person puts the key in the door, push in behind him, and then the apartment is ransacked. It follows the same pattern.

Question: Do you have the same frustrations that...

Answer: The same frustrations; and I will tell you what we are up against. Fifty percent of our population in the Housing Authority are juveniles, so we have a very, very large population of juveniles to contend with. Now, we do find that in the buildings which are occupied by the elderly there is a minimum of crime. They are not interfered with for the simple reason that the buildings are well regulated, everybody knows each other, a stranger stands out like a sore thumb.

Question: Would you like to see a fingerprint bill which would permit you to fingerprint and take photographs of juveniles that you arrest in the course of a crime?

Answer: I am heartily in favor of that. In my personal opinion, for a long time these juveniles should be fingerprinted, and I am heartily in favor of dropping the age limit down to 14 or 15 for these felony cases. I believe, in this day and age, the children, or juveniles, are much more sophisticated than they were years ago when this line of demarcation was established. They are exposed to the media, violence; they are much more, I would say, smarter and streetwise than the kids were years and years ago. They are familiar with weapons, which the kids didn't have years ago. So that the line of demarcation of 16 years I think is outdated and, as has been suggested, I think should be lowered to include anybody over the age of 13, in felony cases.

# # # #

The next witnesses were three Black teenagers. Each was escorted into the hall from an outside corridor to testify separately. None had removed their coats or jackets and, although the heat in the room was institutionally high, all wore ski masks. What follows is a digest of the highlights of their testimony.

Question: We will not ask your name and address, and we will refer to you as "Mr. Witness." Have you in the past committed crimes against the elderly?

Answer: No, I never committed no crime against the old people.

Question: Do you do it against the younger people?

Answer: No, I just was doing penny ante stuff. It's my brother, people around my block that was...that was doing that kind of stuff.

Question: Do youths get together and talk about these things before they commit the crimes?

Answer: Yes, they talk about it that night, that morning early, real early. They get in a group, they follow...you know, they see who going to be down with that, you know. Always got to be a couple on one lady, you know, like four or three on one lady, and they just follow her from the grocery store and when she put her key in the door they grab her and start beating her up, ask her where the money is at.

Question: You say they get together in the morning?

Answer: Yes, they get together early in the morning.

Question: And the victim has already been selected?

Answer: Yes..no, they go and look for one. They see the... they see the money, you know, and they put it back; then they follow. They stand on one side of the street, she stand on the other side, they follow, walk her home. They take the elevator, get off a stop under her right then. They run up one flight. When she put the key in, then they snatch her, beat her down, and ask her where the money is.

Question: You say the usual team is about three?

Answer: Three, four, yes.

Question: And they decide in the morning they are going to do this during the day?

Answer: Yes.

Question: Is it just one crime for the day or more than one?

Answer: They do about four or five that day.

Question: And the team gets together in the morning?

Answer: In the morning, early.

Question: And where do they go looking for the victim?

Answer: All grocery stores, banks, check-cashing places, places like that.

Question: Are there leaders who bring all the--as they say-- the dudes together?

Answer: They got to be a leader, they got to be a leader to do that. They always a leader who's talking the most, you know, telling them how...you know, he knows more than they know. There's always a leader.

Question: Is there an assignment of tasks? Does one person hold him while the other persons search the apartment?

Answer: Yes, something like that, one hold him, one grab him, one look for the money, one lookout, like that. They make a plan before they even go out.

Question: Is there a term called a "Russian Crib?"

Answer: Yes, that's what they call it.

Question: What does that mean?

Answer: A Russian crib, like they rush the lady, push her down and beat her. They just call it "Russian Crib."

Senator Marino: Do they use weapons when they attack the elderly?

The witness: They don't need no weapons for the old people. They ain't using that.

Senator Marino: Do you talk about being caught, what's going to happen to you if you are caught?

The witness: They don't care about being caught because if they 15 or under they going to get right out; their ma is going to get them, come home. They don't care. Old people don't come to court to testify, so they don't bother about getting busted.

Senator Marino: Do they disguise themselves when they commit these crimes or...

The witness: All they do is go home and change or go to the movies or something like that. They don't be trying to put no masks on.

Senator Marino: What starts them on this? Is it just money, they need the money or want the money?

The witness: Money; they just want the money to party, buy new clothes, high-priced clothes, like a hundred dollar coat, you know. Then they can't afford it, so they got to go out there, do that, and get it. That's the way they feel about it.

Senator Marino: Do they threaten these old people and tell them they had better not talk or they will come back again? Do they then tell them if they talk they are going to come back and get them?

The witness: Yes, they threaten them if they talk.

# # # #

Second Juvenile Witness

Question: How old are you?

Answer: Fifteen

Question: Have you ever been arrested?

Answer: Yes, I have.

Question: Have you been arrested for a crime against an old person?

Answer: No, but I have been involved in such...such a crime.

Question: You have not been arrested but you have committed such crimes?

Answer: Right.

Question: And can you tell us how you got into this?

Answer: Well, you know, it's like the neighborhood, coming up. When I was young, coming up, things like that was going on, and as we grew older we started hanging around with these people, getting involved with this and that, hear stories about people, you know, as they say, rushing cribs, you know, coming off with big money, you know, so I guess you figure...and they was juveniles under 16, you know; if they got busted they came right home, so it wasn't nothing as far as a record is concerned, you know.

I guess you know, every time you get arrested when you are a juvenile they say you have to be 16 or the record doesn't count. That's what they said, so it didn't matter how many times you got busted as long as you was under 16, that you wouldn't be accounted as you got older. That's what they said. So it was easy money, you know, never went nowhere so long as you was a juvenile, so that's why everybody did it.

Question: Was there a plan and did you get together at any particular time and decide who you were going to rob or take from?

Answer: Well, we had a little group, you know, around the neighborhood...it was quite a few, you know, elderly people that we felt had a lot of money that was worth, you know, robbing, so like most of the acts...most of the crimes took place in the summertime, you know, during summer vacation from school, and all the group of boys that was going together would meet outside in the morning, you know, early, around seven-thirty, eight o'clock, just stand, you know...there was an old ladies' center around our neighborhood where people used to go, old people used to go, go shopping, come from there, go back and eat, stand there, play checkers and stuff, so most of the gang used to stay down there and wait for them to go to the store or bank or whatever, just follow them home.



Question: Would you actually go into the building with them, into their building?

Answer: Yes.

Question: When you got inside the building what would you do?

Answer: When you got outside?

Question: When the old person got into the building.

Answer: Well, the ladies, you know...usually one of the persons, one of the gang would get on the elevator with the lady, see what button she pressed; like if she pressed the fifth floor, he will press the fourth, and the rest of us would be, you know, in the stairway, and he would holler up what floor, and we would all just run up to the floor she's getting off on. As soon as she opened the door, just walk behind, push her on in, get the money.

Question: And how many people, how many of you would be on a team doing this?

Answer: Well, used to be maybe three or four.

Question: Was there an assignment where one person would hold the old person and the other persons would do the searching of the apartment?

Answer: Usually the biggest guy, he'll be the one to hold the old lady. Sometimes it would be a man or a lady. Usually the biggest person there would be the one to hold. One would be a lookout. Whoever else was left, they would look for the money.

Question: Did you make a lot of money on these crib jobs?

Answer: Yes, we made a lot of money.

Question: Could you tell us how many crimes you have committed against the elderly without getting caught?

Answer: I really couldn't say. It's been quite a few.

Question: During the week, in the summertime, about how many would you commit?

Answer: Well, I would say out of a day, you know, however many we would try, we didn't make enough money, we would just go and do maybe five or six a day. Of the gangs that's around the neighborhood, I would say, over a week's time, maybe a hundred crimes involve the elderly. At that time, you know, that was the thing, that was the way of making money.

Question: And the money would be split evenly?

Answer: Yes.

Question: And would you get together in the evening and divide it, or you would do it after each job?

Answer: Well, after the job, you know, we will probably have somewhere to go, jump in a cab, just get out and split the money, or we would just go do it somewhere else.

Question: And the money was just used to buy clothes and other things?

Answer: Whatever we pleased with it.

Question: Was any money used to buy drugs?

Answer: No, not that I know of; as far as I am concerned, no.

Question: Were you taught how to do this when you first started doing it, or did you just pick it up?

Answer: Well, when I first did it, you know, I really didn't know too much about it. My brother had did it a few times, you know, so he was having money and I wasn't, and he was not that much older than me, so we was in the same group, hanging out with the same people, so I wanted to get down and do it, too, so I just went with him one day and I had never done it before, I just went. We carried it off, so after that I thought it was easy, I just kept doing it.

Question: And you would work mainly in your neighborhood, or would you go out to other neighborhoods?

Answer: Well, me, myself, I worked, you know, around the neighborhood, but you know, they had a little rumor going around that all the money was down on Broadway, you know, downtown, where all the elderly mostly live, so a lot of people started coming down here together, and they was coming off with big money, so everybody started coming down, you know, branching out, going different places instead of the same neighborhood.

Question: When you say "big money," what do you mean by "big money?"

Answer: You know, in the thousands.

Question: This would be money actually in the house, that you would find? You found this to be the case down around Broadway, in Manhattan?

Answer: Right.

Question: And people from your neighborhood began coming down to Broadway to do this?

Answer: Yes. You know, most everybody around there, people was going downtown to rush a crib, stick up an old lady or something like that.

Senator Marino: You actually got over a thousand dollars?

The witness: More than that out of a whole summer.

Question: What was your biggest score?

Answer: Oh, couple of thousand, I guess.

Question: And it's all been spent?

Answer: By now, yes. That was a year ago.

Question: Have you ever been adjudicated in Family Court?

Answer: I don't understand what you mean by that.

Question: I mean was there ever a time when you got to Family Court on one of your arrests that there was an adjudication where they found you guilty?

Answer: Well, it wasn't on the same kind of charge.

Question: Right; it was a different charge?

Answer: Yes. You know, I was found guilty but nothing happened.

Question: Nothing happened?

Answer: Right.

Question: Did they place you on probation or anything?

Answer: Yes, six month probation.

Question: What was the charge?

Answer: Robbery, armed robbery.

Question: You had a gun?

Answer: Toy.

Question: Toy gun?

Answer: Yes.

Question: There was an adjudication, they said you did do the robbery?

Answer: Right.

Question: And you had taken money?

Answer: Right

Question: And they put you on six months probation. Is this the first time you had been adjudicated in there?

Answer: Yes.

Question: Was this your first arrest, though?

Answer: Right, that was the first arrest, but I had, you know, dealt with the elderly before then.

Question: Were you ever back in Family Court after that?

Answer: No, not for no other charges.

Question: No other charges?

Answer: Right.

Question: You were committing other crimes but you were not caught?

Answer: Right.

Senator Marino: How old were you when you started picking on the elderly?

The witness: Well, I started, I guess, when...I would say I was around 12. My first arrest I was 13, so....

Senator Marino: That arrest had nothing to do with assault on the elderly; right?

The witness: Right.

Senator Marino: Some other crime? And could you tell us what that crime was, the same one you were talking about before?

The witness: Right. Well, it was armed robbery in a train station.

Mr. McKenna: Another armed robbery?

Answer: Right.

Question: Did you go to Family Court on that?

Answer: Yes.

Question: What happened to you?

Answer: Well, we were going to court for about a year, you know, and they just dismissed the case and put us on probation for six months.

Question: They just put you on probation?

Answer: Right.

Question: Did you pick up any money on that?

Answer: Excuse me?

Question: How much money did you get on that robbery?

Answer: Well, there was a couple of hundred involved.

Question: While this case was being postponed were you committing any other crimes in between waiting for the case to come out?

Answer: In between the cases?

Senator Marino: Yes.

The witness: Yes. Yes, a few things.

Senator Marino: You did a few things?

The witness: Yes.

Senator Marino: You never got caught, though?

The witness: No.

Mr. McKenna: When you rushed a crib and it was an elderly person, did you threaten them that if they testified against you they would be hurt? Was that a part of the....

Answer: Yes, that was part of it.

Question: And you were told to do that by the other fellows?

Answer: Right; in order to keep them from...you know, if anything ever happened, in order to keep them from coming to court. Their being old, you know, they might feel their lives would be endangered, so they were scared.

Senator Marino: Have you ever hurt anybody?

The witness: Not me.

Senator Marino: But you have seen it?

The witness: I have seen it.

Senator Marino: You have seen them hurt?

The witness: Yes. Usually the oldest person is doing it, or the biggest. The biggest guy.

Senator Marino: No further questions. Thank you very much.

# # # #

Third Juvenile Witness

Mr. McKenna: We won't ask you your name and address; we will just refer to you as "Mr. Witness." Mr. Witness, how old are you?

Answer: Seventeen.

Question: And was there a time when you committed crimes against the elderly?

Answer: Yes.

Question: Can you tell us how old you were when you first started committing those crimes?

Answer: I was eleven.

Question: Eleven?

Answer: Yes.

Question: And how did you get into it?

Answer: Most of the older guys were going and, you know, they told us we was young, that nothing would happen to us, you know, people just come and get you and they would just let you go. So....

Senator Marino: Can you just stop there. What you said was the older boys would tell you that nothing would happen to you because you were young?

The witness: Right.

Senator Marino: And they said they would pick you up and let you go?

The witness: Right.

Mr. McKenna: And about how many people would form a team when you decided to commit a crime against the elderly?

Answer: Oh, about three.

Question: Three?

Answer: Yes.

Question: And did each one have a specific assignment?

Answer: Well, mostly one would look out and the other two would go in. One would hold the lady and one would, you know, look for the money and jewelry, something like that, TV's, anything that would sell.

Question: Where you ever arrested for a crime against the elderly?

Answer: No.

Question: Were you ever arrested?

Answer: Yes.

Question: And were you a juvenile when you were arrested?

Answer: Yes.

Question: And were you brought to the Family Court?

Answer: Yes.

Question: What was the charge?

Answer: Robbery.

Question: Robbery?

Answer: Armed robbery, armed robbery.

Senator Marino: Did you have a gun?

The witness: Yes.

Senator Marino: How old were you?

The witness: Fourteen.

Mr. McKenna: Was there a trial?

Answer: It was just, you know, Family Court.

Question: It was in Family Court?

Answer: Yes.

Question: But they took testimony?

Answer: We stood before the judge, and our parents and someone taking notes, and the judge....

Question: And did they find that you had committed the robbery?

Answer: Yes.

Question: What happened, did they....

Answer: They put us on six months probation.

Question: Were you ever actually sent away to a State Training School?

Answer: No.

Question: About how many times were you arrested under the age of 16?

Answer: Oh, about three; three or four times.

Question: Nothing ever happened?

Answer: No.

Senator Marino: You never went away?

The witness: Excuse me?

Senator Marino: You never went away?

The witness: No.

Mr. McKenna: When you committed these crimes against the elderly, were they primarily committed in the summertime or was it any time of the year?

Answer: Mostly in the summer.

Question: Why would you pick the summer?

Answer: Because most of the people were out shopping early in the morning. They were sitting out on benches and stuff.

Question: And would you commit more than one crime in a day?

Answer: Yes, about...mostly about three. It depends, you know, how much...you know, how much money you make.

Question: And this was primarily in the area in the Bronx?

Answer: Some in Manhattan.

Question: You would come down to Manhattan also?

Answer: Used to.

Question: And what was it that brought you to Manhattan?

Answer: Most of the old people in Manhattan, you know....

Question: Did you ever obtain a lot of money on one of these jobs?

Answer: Yes.

Question: What was the most you ever were able to get?

Answer: Five thousand and some-odd dollars.

Question: A thousand dollars?

Answer: Yes, a little more.

Question: There were three of you?

Answer: Yes.

Question: You split it evenly?

Answer: Yes.

Question: To your knowledge, what was the biggest amount that was ever taken among your friends?

Answer: A couple of them had a nice piece, around 16, 17 thousand, maybe, robbing some old people downtown.

Question: And how many people or young fellows like yourself would you estimate were doing this among those you knew?

Answer: At one time there was about 12 or 13. It could be more that I know of, that I associate with. It was like in three's or two's. And then some of them were by themselves, more experienced, knew what they was doing.

Question: Was there usually somebody, an older member on each team?

Answer: Yes, right.

Question: Then there would be younger fellows?

Answer: Right. Mostly the younger ones who was under 15, under 16.

Question: When you were arrested were you immediately released to your parents?

Answer: First they take me to the precinct. Then the cops talking to you, your mother comes in, or your father, you sign some papers, and they let you go. They give you a date in court, so you just go to court and you can go for about six months and, you know, nothing happens. Only for a vicious crime that...if you really, really beat the old people up, you know, some of them do time.

Senator Marino: Did you ever see anybody get beaten up?

The witness: Yes.

Senator Marino: Were they hurt bad?

The witness: Yes.

Senator Marino: And was the reason because they were not cooperating with you?

The witness: Some...one guy, he was like...he liked beating up old people, you know, sometimes beat them...they don't tell him where the money is, something like that, sometime he think they are lying, he used to beat them or tie them up, something like that, in the bathroom.

Senator Marino: Some of them just do it for the kicks; is that right?

The witness: Excuse me?

Senator Marino: Some of them just like to beat on old people, some of them?

The witness: Yes.

Senator Marino: Did you get your gun out on the street? Is that where you picked up your gun?

The witness: The older guy had it.

Senator Marino: The older guy had it and gave it to you?

The witness: He had it.

Senator Marino: I take it you never used it?

The witness: No.

Mr. McKenna: How many crimes against the elderly would you say you have committed without ever getting caught?

The witness: About 10, 11, 12.

Senator Marino: Is there some procedure used that keeps you from getting caught? Is there some trick you have or just luck?

The witness: Try your luck.

Senator Marino: Do you know how many of the victims have complained about being held up?

The witness: Very few do. Most of them, they just, you know, they don't trust nobody after that. They don't even, you know, talk about it, and the ones that do, they hardly go to court.



Senator Marino: You said somebody got as much as 16 or 17 thousand dollars?

The witness: Yes.

Senator Marino: That was taken from....

The witness: They robbed.

Senator Marino: Sixteen or seventeen thousand?

The witness: Yes.

Senator Marino: The most you have heard of; right?

The witness: Yes.

Senator Marino: Is it your experience that the old people keep money around the house?

The witness: Some of them. Not, you know...further downtown, I guess if they live in a good neighborhood, you know, they have money.

Senator Marino: Thank you very much.

# # # #

Mrs. Elizabeth Griffith and Mrs. Lieberman were in the hall before 10:30 A.M. Both were elderly, both had been victims of juvenile violence. Mrs. Lieberman appeared to be the older of the two. A mere wisp of a woman, she sat through the testimony nervously twisting a tiny handkerchief she held in her left hand. Her right hand clung tightly to a ring of keys. On the key ring was a small silver whistle. When she got up from her seat, she walked stiffly and with a pronounced stoop. Long black stockings covered toothpick-thin legs that did not seem to bend at the knees as she shuffled forward.

Although the other witness, Mrs. Griffith, was somewhat younger and more in command, when she left the hall momentarily she stepped from the carpeting to the marble floor and immediately fell down. Apparently the accident was not serious and did not impede her ability to testify. But by the time her turn arrived, it was early afternoon and the TV people were switching off their lights and packing up equipment to meet the deadline for the evening news. The public saw little of the victims on their screens that night. Time had run out.

Senator Marino: Just try to relax, Mrs. Griffith.

Mr. McKenna: Mrs. Griffith, have you been the victim of a crime?

Answer: Yes.

Question: Can you tell us the facts of that crime?

Answer: Well, this particular one was a push-in. The boys followed me up...I came up on the elevator, and they ran up the stairs. When I unlocked the door, the arm went around my neck, they pushed me in...two... and they kept...the older one said, "Get her in the bedroom." They got me in the bedroom, pulled down the shades. They...they didn't do as much as they wanted to do because the older one didn't want me to see his face. He was choking me. He was behind me, choking me, and he had to tell the other one what to do.

So they...they thought I came from the supermarket. It was twelve o'clock, almost twelve o'clock in the day. I came from the supermarket and I had shopping bag in one hand and a bag in this hand, and I had put the shopping bag down and unlocked the door when they got me, and the other bag was kicked all over the floor, the groceries were all over, but they thought...it was on the 4th of November, and I didn't know what...why they were beating me for more money, but they thought that I had cashed my Social Security check. It was the 4th of November.

We got...we get our checks on the 3rd. The 3rd was on a Sunday, so we got them the Saturday, the 2nd; but I never cash checks up there. Lots of people did go to the grocery store, but I didn't. But being I came back with the shopping, they thought that I had cashed the check, so when they found as much as they could find, they tore up...he was telling the younger one what to do, and they found between 40 and 50 dollars. In the pocketbook some change, a few dollars here, \$30 here, but they didn't find what they thought, so then he started smacking me, the big one, great big hands. "Where's the rest of the money?"

I didn't know what he was talking about. "Where's the rest of the money?" And I made a mistake, I tried to fight him. I did fight him, and whenever I scratched him or did something to him he would... he's smashing me here and choking me here, and the young one is saying, "Get her, she's scratching me," and he would come over, both come over. He was hitting me one side and the other and choking me so much..."Where's the rest of the money?" I couldn't talk. He didn't allow me to talk because he was choking me so much; and I passed out so many times. And I kept saying I didn't know....I didn't know what they were talking about. I didn't....I wasn't about to tell them about money anyhow. I was only....my only....I was trying to get away from them because I thought they would kill me, and maybe they were, and they didn't care if they killed me either.

So they choked me so much. They found no..."Get a pillow, get a pillow," and the other one went in the living room and got a pillow, and he tried to tie it around my eyes, but he couldn't manage because I was fighting him and he didn't want me to see him. Then, the last thing I remember, he broke up something and stuck it down my throat, and I didn't know what was happening, I just saw death, and I saw a million things, all my life in one second, one instance, and I started to pray to God. And when I knew anything I was on the floor alone and the...well, I came to and I said, "What a nightmare!" I didn't know what had happened. "What a nightmare!" And I was so glad.

And then I remembered, and I looked up and I saw my dresser and I saw I was in my room, my bedroom, and then I got...then I was afraid. When I got up I was afraid. I looked in the closet. I was afraid. The door was closed. They had gone out and closed the door. They thought I was dead and left me, and I thought I was...I saw my life, the end of it, and that's the last thing I remember, and they...then I came out and I was peering, peeping, afraid, and I walked in the bathroom, I looked in the living room, went in the kitchen, and I screamed out, and they were out there like this waiting for what would happen.

Then these two had run up the stairs to get me. When I came from the supermarket there was such a mob out there and I didn't know what was...I thought a parade..."There's going to be a parade. Why are they all out there?" There was no school that day, but I didn't know it. But these big boys didn't go to school anyhow. And they didn't live there, but the ones that lived there didn't do it...they...they were the friends of...they spotted people out.

At the same time they got me, on the second floor there was a tiny little woman and they got the \$200.

When I screamed, they were up there in a minute, the place was just full because they knew what had happened, and a man came in. I was trying to call the police, and I remembered....I didn't know what to do. I was trying to call the police, and he picked up the phone and called and the police came, which was housing project, and the police came and I had to go to the hospital.

I didn't want to go. I didn't know how bad I was. Somebody came and looked and saw me and said, "Look at you!" From here to here I was just bruised up, and the doctor said, "Oh, you've got to go to the hospital."

When the doctor...when they sent me out to get in the ambulance, the doctor had to stop on the second floor to get another woman. The two had been...they didn't beat her up because they had been on her before and they found what they were looking for, I guess.

They didn't find as much as they thought I had in there, and that's why they were beating me. I wasn't about to tell them. If I had more money, I want...all I was trying to do, get away from them. They were saying, "Where is the rest of the money?" I didn't know what money they were talking about.

Question: Did they actually catch the boys who had done this?

Answer: Well, yes, they got...they got the two boys. When the police came, the housing police, then the next day two other police came, two detectives, three, and they had a big sheet. I couldn't identify anybody. I didn't look at the kids around there. I only knew the ones that I knew on the floor, and so on.

And then they were bringing them up and I couldn't really identify them, but then they brought one up scratched on the arm, and I had scratched him and I knew. And the other one that come up I knew.... well, the little one that was in the yard when I came up, when he came up he had on the blue hat, but when I saw him when they brought him up, he didn't have on the blue hat. I said, "If you put him on the blue hat, I will tell you for sure it was he," but I guess I was....I was half afraid.

I didn't positively...I went cold...I didn't positively identify them because I was scared and not so sure...I don't know, you are so confused at that time and afraid, and I was lying there and alone and I didn't positively...I...I thought...I was sure and I wasn't sure, so I didn't positively...I told the judge I can't positively identify them.

But the young one, when I got out of the chair I told him, "It was you, I know it was you," but I didn't say it when I was in the chair.

So they got them. The younger one was 15. You know, they did nothing to him; and I had to come back there and live, and he lived in one of the projects, and the other one, I don't know where he lived, but he was sneaking around there at night. But after this type of thing he wasn't around there any more. They cleaned them up around there until I got out. I got out three weeks after, but I was afraid.

I can't go in that neighborhood. I have to be careful which neighborhood I go because the people stop me all over, "Didn't you used to live in," and the number they told, you know, and they remember me, and in the street people remember me, and this is why I have to say I didn't know I was going to have to testify because I have been... people know me too well, and I have to go out, I have to go for my business and things, and I am so well known, and I don't like that.

It's frightening when somebody you don't know and you never saw and they come up and ask you, "Are you this person," and...and then they will tell me where they saw me and where they lived at that place where I...that place where I lived, I lived 11 years and three months, and it was beautiful when we went in but after eight or nine years got bad...I don't know how many years, but it was bad then, and I didn't know the people in the building, I only knew the ones that were on my floor, but everybody knew me and...and they spotted, they...the kids, the younger ones, they...they pointed you out to...to the gang.

Maybe they got one still there who didn't do the...I don't think he went out on the jobs but he pointed out the people. He must have because the ones wouldn't have known to run up the stairs and meet me at my door because they didn't live in there, unless they were told what apartment I was going to.

Question: Let me ask you, was that the only time you were the victim of a crime?

Answer: Well, when I was there about a year I was...I came in with a shopping cart, and when I got in the elevator, I don't know where the fellow came from, there was a fellow in the elevator, but I wasn't afraid at that time, and I got in and he was smiling, and then another one got in the elevator and stood right up in the door, and I thought they looked sort of...I won't say what I thought, who I thought they were, but I thought they didn't understand elevators. He got in and didn't push the button, so I said, "Push the button," so he saw I had pushed what floor...I guess he wasn't sure, so he pushed underneath where I pushed.

When I got out and got to my door, was unlocking it, he come creeping around the stairs, and I said...I thought to myself, "I thought you looked dumb," and I said, "What do you want? What do you want?"

He says, "I'm looking"....and this time he got me like a baby and he just took the pocketbook from under my arm; he didn't hurt me.

That...and I reported that to the police, too, but I hadn't been living there very long and I didn't want to move. I mean, I liked it there, it was very nice when we moved there, and at the end they did something about it.

I was called from somewhere, and a man said he was a detective and "We are going to be around there" he said, "You won't know me, but we are going to be around there. As soon as they open up a decent place," he said, "they all move in, and we are going to be".....so that was..... that was the only time that that happened there.

Question: Were you aware...you know, did anybody tell you that you could ask the State Crime Victims Compensation Board to restore the money that was taken from you?

Answer: No.

Question: You didn't know it at that time?

Answer: It wasn't that much, between 40 and 50 dollars, something like that. It wasn't....no, no, I was too confused, I didn't think about that. All I was thinking about was getting out of there because you are afraid to open your door, you are afraid to go to the incinerator, you are afraid...and some people were saying, "Wait till my children come and they will go to the store with you." A man was saying, "Wait, call me, and I will come and go with you." You couldn't live under those conditions. I had business to do and things to get out to do, and I was too anxious to get out. I didn't think about trying to get no compensation. I don't know if they were giving any. I never heard of it. I didn't think about it.

Question: My only other question is, were your hospital bills taken care of?

Answer: Well, they took me, you know, they take you to City Hospital, but I did get a bill for five dollars for the ambulance. And I paid it. That's all.

Senator Marino: Thank you very much.

# # # #

Senator Marino: Mrs. Lieberman?

Mrs. Lieberman: Yes, sir. I'm a bore.

Mr. McKenna: Mrs. Lieberman, were you the victim of a crime? You can put your hand down. [Mrs. Lieberman had continued to hold her hand up after being sworn in.] Were you the victim of a crime recently?

Answer: Recently?

Question: Well, in the last year or two?

Answer: Let's see, I have my statistics; three years ago.

Question: And this was in the Bronx?

Answer: In the Bronx, in the project, too.

Question: Could you just tell us what happened?

Answer: Well, one day I went down the elevator and I went to the market, the nearest market, and I bought some food, it wasn't much; and as I went down I noticed a couple of fellows in our hall facing the wall, the right wall, and they just looked at me. I knew some of them, but the third one I didn't, and he waited for me when I got back from the market, and he stopped me on the seventh floor. I was the only passenger, and he said, "Give me a dime but don't tell anybody."

Well, it amused me. I had my purse with the bag of food, and it was a very warm day, too. Well, he grabbed it on the seventh floor, and he held the door open, and I couldn't buzz to get on another floor and I..."Give me that bag"... and I fell over on my knees..

It bothered me after a while, and when I got up I got the handle of the apartment right opposite me. Nobody was home, nobody heard me, and a little later a tenant told me that she found the food in the hall in the bag. He had taken the purse with the change, possibly a dollar and a half, and left the food. That was the dime he asked for. And he told me he had a record, that they thought they knew who he was. It wasn't a teenager either.

Question: He was older or younger?

Answer: Probably 21 or 20.

Question: Were you ever robbed in your own apartment?

Answer: Oh, yes.

Question: About how many times?

Answer: Twice. Two years...I think it was two years ago, a very hot day in July.

Question: Were you actually pushed into the apartment and robbed or....?

Answer: They got me by the neck.

Question: While you were.....

Answer: And...I was opening the lock and they just followed me, threw the keys on the floor in my apartment and shoved me on my bed in my bedroom and told me not to make any noise. They came out of an old dirty Ford, you know, and they wore caps, you know. I recognized their pictures, you know, in the rogue's gallery.

Question: How much did they steal from you?

Answer: At that time, \$80. See, I had it on the windowsill in an envelope. I had shopped; you know, I had my Social Security, I shopped, and I had that left over, and when I got out.....

Question: Were you injured when they took that \$80 or did they just knock you down on the bed?

Answer: At that time they told me not to make a noise. They put all my food on a living room chair from the cart...I had a cart...and there was ice cream there. They took the package and threw it at my bed, and here I was just coming to for the ice cream. He said, "Don't make any noise."

Question: They took the money and....

Answer: As I was coming to, one of them went to the buffet drawer and found a pair of...a watch, a Waltham watch that my husband left. He passed away a few years ago. And then he went to the dresser....I was still on the bed...and he opened one drawer and he found cards, Canasta cards, brand new, had been given to me in a tin box, and then he asked me where the money was. Well, I got up in time to get the rest of that money but not quick enough, you know. There was \$80 in there. I told him I worked very hard for that money. I....

Question: And they took it?

Answer: And they took it and just walked out. That was all. I had the ice cream bag on...on the bed...very hot day in July, 31st of July two years ago. And then in October, that was July, August, September, October, two teenagers....

Question: Also robbed you?

Answer: Yes. They were down in the vestibule. It seemed that after school, three o'clock, there were about a dozen kids there.

Question: And how much did they take at that time?

Answer: And that time these two kids came up and also approached me near the door. One of them was wild-eyed...oh, his eyes were big and wild, and he just stared, and I was opening the door and they caught up with me and they said, "We heard you have a lot of money." I don't know where they got it from, but they must have known other gangs in the neighborhood.

And they said, "We...all we want is jewelry and money but no trinkets, good jewelry," which I never put any money into, and when I....the guy that was on the bed with me had got me by the neck.... I said, "Doesn't your conscience bother you?" He says, "Stop talking," and he drew the handkerchief over my head. And the other one must have been the weakling, he must have been doing all the dirty work. Well, he emptied all the drawers, everything was on the floor, and I finally told them where I had a little money at that time, five dollars fifty in a closet in the hall, a certain closet, under my clothes bag. Well, they worked on that quickly. They almost tore my clothes apart.

Question: That was \$5.50?

Answer: Yes, \$5.50 in a wallet. Well, they tore the wallet and they left me half of it, and I went to court....

Question: They only took half?

Answer: I showed that as evidence, and I still have it.

Question: In any of those crimes was anybody ever arrested? Were you ever asked to testify?

Answer: Oh, not to my knowledge.

Question: And did you ever go to Family Court?

Answer: Huh?

Question: Did you ever go to Family Court?

Answer: Well, once with Mr. Perlman, Detective Perlman. And I told them my story. That's why I say I am a bore.

Senator Marino: Thank you very much.

The witness: I am a victim ever since I am 16 years old, when I went to work.

Senator Marino: Thank you; you have been very helpful.

The witness: Fifteen, 16 years ago, and the News had me and people recognize me, and I think it's a terrible...it's a disgrace to our government, this condition. It still flourishes; and if I had a gun I would shoot them.

Mrs. Lieberman was led from the witness chair to the rear of the hall, she continued talking, addressing the audience now. She shouted her final words: "If I had a gun I could shoot them all." But she smiled wanly when she said it.]



The final witness had also been in the hall from the beginning. A middle aged Black woman, she sat apart in the rear of the hall and passed the time knitting. She could easily have been taken for a social worker. She was not. Her son was one of the violent juveniles the other people had been talking about all day.

Mr. McKenna: Again, I don't want to use this witness' name, Senator, because there is a case pending against her son.

Was there a time when your son was under 16 years of age and was arrested?

Answer: Yes, six times.

Question: Six times, and he was brought into the Family Court each time?

Answer: Yes.

Question: And did you go to the Family Court on those occasions?

Answer: Yes, I did.

Question: Did you ask them for help with regard to your son?

Answer: Yes. I found that my son had a mental problem, I felt. He will be good and he would do things very well for your praise, and then, all of a sudden he would get destructive; so I had asked Family Court for help. And all of the crimes that he had committed, they were serious, I never saw a judge with him. We were always stopped....

Question: In the Intake Part, as they call it?

Answer: Yes. So I asked, you know, for the Court to place him. They told me they didn't have facilities for him. I asked for psychiatric help. They couldn't do that. So I...I was working at night and I came home early and he had just gotten home. He ran out the bathroom window onto the fire escape, upstairs to the fifth floor, through a lady's bedroom window, up to the roof.

So my brother helped me find him, and we took him to Morrisania psychiatrist. The psychiatrist wrote a note that he interviewed both of us and he wrote a note and gave it to me to take to Bronx State Hospital, to see this patient immediately. Bronx State Hospital said that he was too old. So I go to Jacobi Hospital. He's too young for their psychiatrist program there. He was too old for one and one....

Question: Too young?

Answer: Or whatever. So I called a few other places. Nobody would help me with him. I couldn't afford a private clinic. Back in court again with a gun. No judge.

Question: You asked the probation worker that interviewed you that you wanted to see the judge?

Answer: Yes.

Question: And tell the judge your problem?

Answer: Yes; at least I requested him going before the judge. They called me two-thirty one morning, they had picked him up and he was in Spofford House. They told me to come get him. I told him I refused, "I am not coming out to get him," you know; maybe that, you know, like they will help him because the things that he was doing, he didn't do it for the money because he didn't need the money. He had an allowance.

Question: You were working full time?

Answer: Yes. And I bought his clothes, and so forth, so he really didn't need, you know, he had...he got kicks out of committing crimes, and when he would get caught, "Mama will help me out of it."

Question: And he turned 16?

Answer: Yes.

Question: And he's been now arrested?

Answer: Well, he's been arrested twice since he turned 16.

Question: Where is he now?

Answer: He's in Riker's Island.

Question: Is he charged with a fairly serious crime?

Answer: Yes. A crime against an elderly person.

Question: The crime is robbery?

Answer: Yes.

Question: And has that been disposed of, has he pled guilty?

Answer: He pleaded guilty.

Question: He pled guilty?

Answer: But he haven't went to trial yet.

Question: And he's actually out in Riker's now waiting to be sentenced?

Answer: Yes.

Question: Did anybody at any time in the Family Court give you the name of an agency or any kind of a facility that they thought might be able to help you?

Answer: Yes; the Harlem Confrontation Center. The director of that program was (inaudible)...so the lady that I see whenever I go there, she introduced me to him, so I talked to him. So I asked him for help, and I think that was a bigger mistake. He promised me that Alan would get psychiatric help if he is placed with him; so I placed him there. Eleven, twelve o'clock at night Alan is up in my neighborhood, every night. So I went down, I inquired about what did the psychiatrist think, and so forth. He hadn't even seen a psychiatrist.

Question: What was the name of this place?

Answer: Harlem Confrontation Center. And while there he learned quite a bit of other things.

Senator Marino: You son had been arrested six times before he was 16; is that correct?

The witness: Yes.

Senator Marino: I am going to read you some of the charges, and would you agree or disagree that these were charges levied against your son; O.K.?

The witness: O.K.

Senator Marino: In '73, possession of a gun; discharged home-made gun. Do you recall?

The witness: I don't...

Senator Marino: Do you recall discharging a gun?

The witness: No.

Senator Marino: Possessing a gun?

The witness: Yes.

Senator Marino: Did anything happen to him on that charge?

The witness: No.

Senator Marino: Assault with a stick, with some physical injury. Did anything happen on that?

The witness: No.

Senator Marino: Robbery with some physical injury. Did anything happen to him then?

The witness: No.

Senator Marino: Burglary, third degree, in 1974; did anything happen to him?

The witness: No.

Senator Marino: In '75, attempted grand larceny auto, with burglar tools; did anything happen to him?

The witness: No.

Senator Marino: In June of '75, possessing a .32 caliber gun; did anything happen to him?

The witness: No.

Senator Marino: So what you are telling me and this Committee is that all these crimes he committed, he was picked up and nothing has ever happened to him in terms of serving any time?

The witness: No; he never been before a judge until after he was over 16.

Senator Marino: He never even appeared before a judge?

The witness: No; for all these crimes he never appeared before a judge. As far as I went was Intake, in Family Court, and I have asked these people to do something with him because this kid had a mental problem.

Senator Marino: They wouldn't do it?

The witness: No. They say they don't have the facilities.

Senator Marino: Was he represented by Legal Aid during any of these appearances?

The witness: He never been represented by any lawyer or anybody other than myself during the time he was going to Juvenile Court.

Senator Marino: So that you would just appear in court and they would just let him go?

The witness: Right; and we only got as far as the ground floor, which is Intake.

Senator Marino: Intake, and then he got let go; right?

The witness: And I told Legal Aid, which I have seen each time I go during the time that he was caught with the gun, I hear...well, in the neighborhood kids have...I find out things with him, you know,

what's happening. With the...but with the gun, he got the gun with the intention of committing a crime. I explained this to the Legal Aid in Intake, at court. She disposed of it right there, five minutes. She told me she was sorry but it's nothing that the Court can do to help me with him.

I was at the Bronx Child Welfare trying to get him placed in a place where he could get medical help. That didn't go through. So I had to work, so I couldn't stay home and keep, you know...keep him there while I am out working. I changed my hours. I started working during the day instead of the night shift, and he started to commit his crimes during the day instead of at night. And when he...these things like he steals, and so forth, he gives them to people; he don't sell them, he gives them away. He did it for the thrill of it.

Senator Marino: How old is he now?

The witness: He's 17 now, and he's going to be...

Senator Marino: He's committed two crimes already?

The witness: Yes, in adult court; and this is not going to help him either by locking him up. What he needs is psychiatric help, and I keep asking and asking; nobody seems to want to hear. I can't afford to pay \$75 an hour for help for him. If I could do it I would have straightened this problem out long ago.

Senator Marino: Was he doing these crimes alone or was he part of a gang?

The witness: Well, different groups. Once it was a lady that her purse was snatched and, well, it was a group of kids...well, it was a gang called the Bronx Hell Riders. But he turned that away because he couldn't stand initiation. They beat him with a chain in initiation. So it started sort of like a racial thing behind that, and that had to be dropped. So then he got with, you know, like other boys, each crime he would commit would be with somebody else, but usually it's with a kid that needs to...you know, have a need; the parent don't prepare food or something like that. It was mostly with hungry kids that he commits these crimes with, like the underdog.

Senator Marino: We will write a letter to the District Attorney and bring this problem to his attention.

The witness: Thank you. I appreciate it.

# # # #

END