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Honorable Christine Quinn  
Speaker  
New York City Council  
City Hall  
New York, New York 10007

Dear Speaker Quinn:

Thank you for the time and consideration you have continued to give to the debate about whether it makes sense to support the passage by the New York City Council of Intro. 960-A, which would mandate the installation of bandit barriers at all City bank branches. We are pleased to report that as the dialogue has continued, the New York Police Department (NYPD) statistics, as well as our own, continue to trend downward, and currently reflect 35% fewer bank robberies than in 2008. The New York Bankers Association (NYBA), both in previous letters to you and the members of the Public Safety Committee, as well as in public testimony before the Committee, has, in respectful disagreement with the NYPD, expressed its strong objection to this proposal. As you and the Council continue to consider this important issue, we therefore wish to respond to recent assertions that overstate the deterrent effect of bandit barriers and also unfairly place the blame for bank robberies on the bank victims, instead of on those who perpetrate these crimes. NYBA is comprised of the community, regional and money center commercial banks and thrift institutions doing business in New York State. In aggregate, members of the Association employ approximately 250,000 New Yorkers and hold more than \$9 trillion in assets.

NYPD and NYBA statistics show that bank robberies are down by 35% in New York City this year, and that virtually all robberies have been non-violent. As such, NYBA believes that the means for banks' achieving their number one priority - that is to protect their institutions' customers and employees - continues to be most appropriately left in the hands of each individual bank's security chief. As recognized in the Federal Bank Protection Act of 1968, these experts - many of whom are former law enforcement officers - clearly are in the best position to

determine the most effective safety strategies for their banks. They all have endorsed the Bank Security Best Practices which were developed in 2003 cooperatively by NYBA and the NYPD, and are committed to maintaining security strategies designed to best protect their institutions. It is therefore, we believe, far more appropriate, that the individual bank security chiefs continue to determine which branches should have barriers. The fact that most City branches already do contain bandit barriers, in our view, also belies the need for a government mandate on this issue.

During recent testimony before the Council's Public Safety Committee, the NYPD concluded that because a greater than proportionate share of bank robberies occurred this year at City branches that do not utilize bandit barriers, bandit barriers are the optimum robbery deterrent and should therefore be required. These statistics, however, do not take into account the additional hours and days that many of these branches are open compared to those branches that are equipped with bandit barriers, which non-bandit barrier banks believe account for much of this statistical variance. Moreover, even the United States Department of Justice states in its March 2007 publication Problem-Oriented Guides for Police Problem-Specific Series Guide No. 48- Bank Robbery that there "is no evidence that every bank or branches 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."

In further support of Intro. 960-A, the NYPD has emphasized that "bullet-resistant barriers make it more difficult for bank robbers to complete their crime" which it asserts "is one of the key components of a successful strategy to reduce bank robberies." What has not been made clear, however, is that the lower "completion" rate in bandit barrier banks (where a robber actually receives cash from the teller) is due to the implementation of a teller "walk away" policy, where a teller standing behind a barrier, opts not to give the robber money, but instead turns and walks away from him. While admittedly, this policy does often lead to a lower "completion" rate, many banks continue to strenuously oppose implementation of this policy, which they believe puts customers and employees who are in front of the barrier at greater physical risk, and at greater risk of hostage taking. As the NYPD has pointed out, many individuals who become bank robbers have drug and alcohol problems. As a result, a number of bank security officers say they are unwilling to risk what could be those robbers' unpredictable responses where the robbery is "uncompleted" and their need for drug money thwarted. Thus, they oppose bandit barriers which, they believe, facilitate this policy.

The most troubling conclusion drawn by the NYPD, in our view, however, is that because many bank robbery suspects are recidivists, there exists a perception that the banking industry has not done enough to discourage potential robbers. In fact, no other business enterprise in the country works harder, spends more

money, or utilizes a greater array of security measures to keep their customers and employees safe. We believe, instead that recidivism and occasional up-ticks in bank robberies are far more likely to be explained by lenient jail sentences, and the current state of the economy. Bank robbery is a serious crime and the banking industry stands committed to continuing to work with the NYPD to combat it together. However, the ultimate responsibility for crime should rest with the perpetrator; not the victim.

Once again, we pledge to continue to work with you and the NYPD on our mutual goal of keeping all New Yorkers safe. If you or your staff would like to discuss this matter further, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Smith". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping tail.

Michael P. Smith