

Linda
RECEIVED

APR 24 2013

Greene Co. Legislature

Also to: Tammy

2012 ANNUAL REPORT OF THE GREENE COUNTY DISTRICT ATTORNEY

This past year was another busy year for the Greene County District Attorney's Office. Numerous criminal cases were prosecuted in the County's 16 Justice Courts. Also, many serious felony cases were prosecuted in Greene County Court.

The vast majority of District Attorney Offices within New York have at least one, and sometimes many, investigators on their staff. In the latter half of 2012, for the first time in the history of the Greene County District Attorney's Office, the position of part time investigator was created and Greg Sager, who retired in 2012 from the Village of Catskill Police Department, became the first ever Greene County District Attorney Investigator. Half of his \$30,000 per year salary is funded through funds obtained by the Greene County District Attorney's office from drug seizures and forfeitures. During his 20 year career with the Village of Catskill Police Department Inv. Sager, through various promotions, had attained the position of Lieutenant, which was second in command of that department. During his prior law enforcement career Inv. Sager devoted a substantial amount of time conducting drug investigations. He has extensive knowledge in investigating and helping to prosecute drug cases. His primary duty as District Attorney Investigator is to coordinate all drug investigations taking place within Greene County. He works closely with the Greene County Sheriff's Department, the New York State Police and the County's local police agencies in developing information relating to drug trafficking within Greene County and assisting in performing necessary investigations to arrest and convict the perpetrators. Inv. Sager has a great working relationship with CNET (the Community Narcotics Enforcement Team, which is a division of the NYS Police which provides assistance to counties in performing drug buys) and with a Federal Task Force which provides the same type of assistance. Drug arrests have already risen since Inv. Sager was hired and I am certain that his hiring will help in my office's battle to get drugs off of our streets and out of our communities. Also, since his hiring, over \$30,000 in cash and assets have been seized by my office. I am extremely grateful to the Greene County Legislature for approving my request to create this part time position.

Our office is required to utilize drug seizure funds to advance law enforcement purposes. Although we do not generally publicize how those funds are spent I wanted to briefly report some expenditures which took place in 2012. In addition to half of Inv. Sager's salary, we contributed seizure funds to purchase two Tasers for two local police agencies and two Tasers for the NYS Police working in Greene County.

We also provided funding to the NYS Police in South Cairo for the construction and furnishing of a polygraph suite within the barracks. Prior to this

construction, anyone who was going to be taking a polygraph had to be transported by police outside of our county. Now, with a machine and polygraph suite right here in our county, that is no longer necessary. Over my 13 years as DA there have been many occasions where serious cases were solved after a polygraph examination was administered. The availability of a polygraph examination right here in Greene County will prove to be a significant benefit to law enforcement agencies within our county.

Also from our seizure funds last year we provided some funding to help with the renovation of office space in the Greene County Office Building in Cairo so that, for the first time ever, we could have a Child Advocacy Center in our county. I am so thankful to the Chairman of the Public Safety Committee, Legislator Lawrence, for his leadership in making this project a reality, and to the entire Greene County Legislature for contributing the necessary office space. In mid-2006, the Menkes Child Advocacy Center, which was located in Hudson, became operational to serve Columbia and Greene Counties. My office has used that resource on countless occasions. Prior to the Center, young victims of sexual abuse would have to tell the horrific details of the abuse they endured to someone from child protective services, then to someone from a police department, then to someone from the DA's Office. A Child Advocacy Center provides a child-friendly atmosphere where young victims of sexual abuse can provide necessary details to an entire team of professionals on a single occasion thereby avoiding having these victims traumatized by 'the system' after suffering the unspeakable horrors caused by their sexual abuser. Having a Child Advocacy Center right here in our county will be a tremendous benefit to police agencies within our county and, more importantly, to the young children who have been so brutally victimized and who are deserving of our kindness and compassion.

It has been 5 years since my office began the process of requiring police agencies to videotape defendants' statements in serious cases, so I wanted to report how the process is working out. Based on my decades of prosecutorial experience I had become convinced that fundamental fairness required that defendants' statements in serious cases be videotaped so that a jury would be able to see the entire process which resulted in the statement, including the actions of the law enforcement officers who were questioning the suspect. In 2008, I applied for and received funding through the NYS Bar Association which was sponsoring a pilot program to have defendants' statements videotaped. I believe we were the only small county in New York State to receive that funding. Then, in 2010, I applied for and received funding from the NYS Division of Criminal Justice Services to provide videotaping equipment in additional locations. With funds received from these sources, videotaping equipment has been installed in police stations throughout Greene County at no cost to the County. At first, law enforcement personnel were not very enthusiastic about the videotaping requirement. However, they became more and more comfortable with the process with each additional statement which was taken. It is my belief

that law enforcement has come to fully support and endorse the process of having defendants' statements videotaped. Before videotaping defense lawyers would always make claims on behalf of their clients that Miranda Warnings were not administered or that undue pressure was applied to get a statement or that their client never actually said what was in the written statement. Now, all those claims are easily resolved by viewing a videotape. I believe this process has led to allowing my office to prepare much more powerful and convincing cases since a jury can actually view the entire process which has resulted in the statement and draw whatever conclusions are appropriate. The NYS Legislature has considered on many occasions laws which would require videotaping of defendants' statements. If and when any of those laws are passed, Greene County will already be in full compliance without having to expend any funds.

I believe that there is an excellent criminal justice system in place in Greene County and I am extremely proud of the role my office plays in that system. I am fortunate to work with so many law enforcement officers within Greene County who are truly professional, and I am also proud of the fine staff of dedicated public servants who make up the Greene County District Attorney's Office. I will continue to use my best efforts to run a fiscally responsible office and I am very thankful to the Greene County Legislature for the support they have given to my office, not only during this last year, but since the year 2000 when I was first honored to be elected to the position of Greene County's District Attorney.

Respectfully submitted,



Terry J. Wilhelm
Greene County District Attorney