

2016 ANNUAL REPORT OF THE GREENE COUNTY DISTRICT ATTORNEY

Staff: 5 ADA's, 1 Investigator, 1 Victim Advocate/Legal Secretary, 2 Legal Secretaries

This past year was a very busy year for the Greene County District Attorney's Office. Members of my office appear in the Greene County Courts on a daily basis prosecuting Felonies, Misdemeanors, Violations and Traffic Offenses.

Court appearances involve participation in Identification hearings, Probable Cause hearings, suppression hearings, Violation of Probation hearings, Felony trials, Misdemeanor trials, Sex Offender hearings and many other types of proceedings.

In addition, Grand Jury is held on nearly a weekly basis. The proceedings require meetings with witnesses to crimes, victims of crimes, investigators and police officers for purposes of gaining a thorough knowledge of each case and for preparing witnesses to testify.

In addition my ADA's are available 24/7 to take calls from law enforcement seeking input on such issues as: bail recommendations, research on legal questions, questions as to whether a search warrant is required, whether blood can be taken from an unconscious person under certain circumstances, whether further investigation is required before an arrest should be made, etc.

The volume of cases in the 16 County Justice Courts as well as the County Courts increased this past year. A large number of those cases were drug related.

Drug Offenses

The District Attorney's Office was involved in numerous drug investigations and prosecutions this past year. Our focus has been to identify the persons responsible for the distribution of illegal drugs in our communities, as well as to identify those persons who are struggling with drug addiction, and who are being taken advantage of by drug dealers.

My office has been directly involved in "undercover drug buys" through the use of various "Confidential Informants". This process has resulted in arrests of numerous drug dealers, several of which resulted in significant drug prosecutions and sentences.

One such case involved a person who moved to Cairo after being paroled from State Prison on a previous drug offense. Within a few weeks of this person's parole word got back to my staff that he set up a drug dealing operation from his apartment despite the fact that he was on Parole.

After making a few "Controlled Buys" into him a Search Warrant for the search of his apartment was obtained. The search uncovered large quantities of illegal drugs, and resulted in his arrest as well as the arrest of a drug dealing friend of his. He was sentenced to 7 years on the new offense, and 2 additional years on a parole violation, making a total of 9 years incarceration in the state (not county), prison system.

Numerous additional state prison sentences were handed down as a result of illegal narcotics sales. Our progress would not be possible without the extensive time and effort that our own investigator devotes to these cases. Although asset forfeitures contribute to the salary of my investigator, I am much appreciative of the support my office receives from Our County Administrator and Legislature in providing my office with the balance of funds necessary to maintain an investigator on staff.

As for those investigations that revealed "drug users" committing criminal offenses, many "users" were sentenced to either a "Drug Court" Program or were sent to prison with a "Shock Eligible" sentence. In each case the sentence includes a program of intense substance counseling. Successful completion of the program results in an early release from prison.

I and my office continue to be committed to the war on drugs, and I will continue to devote my office's resources to prosecuting drug dealers so that we can work toward keeping drugs off of our streets and away from our schools. At the same time I will continue to take the time necessary to identify "drug users" so that we can get these people into appropriate treatment programs with a goal of having them once again become productive members of society.

Violent Crimes

It is my policy to take a tough stance against "Violent Criminal Behavior". When criminals become violent against citizens of our communities I believe it is necessary to remove these people from society in order to protect the citizens of Greene County.

Last year my office handled a number of violent felony offenses. In one such case the Greene County Sheriff's Office, with assistance from the New York State Police, made the arrest of a man who had already served three prison terms for having committed violent felony offenses; two state prison terms and one federal prison term.

Despite the excellent investigation and collection of evidence, including DNA evidence, by the Sheriff's Office, the defendant demanded and received his preliminary hearing, his right to testify before the Grand Jury, his suppression hearing and his trial.

Much time and effort was devoted to this case by my office. The outcome was a conviction (Jury Verdict of Guilty) for the Violent Felony Offense which ultimately resulted in a sentence of 14 years in state prison.

I will continue to push for harsh sentences against Violent Felony Offenders.

Weekly Meetings

I continue to hold weekly staff meetings. These weekly meetings continue to be of tremendous value as our panel of attorneys review complex criminal cases. Our collaborative efforts continue to result in powerful strategies for the prosecution of such criminal cases.

Substance Awareness/Victim Impact Panel

In last year's report I advised that in an effort to "educate" the public as to the dangers of alcohol and drug abuse, I implemented a policy that requires **all persons** charged with an alcohol or drug related offense to attend a "Victim Impact Panel". The "VIP" is a 2 hour program during which attendees hear from a panel of speakers that include:

- (a) People who have served serious sentences as a result of substance related offenses (they discuss how their crime has impacted their lives as well as the lives of their family and friends);
- (b) People who have been seriously injured or who have lost a loved one due to an alcohol or drug related offense;
- (c) Members of law enforcement;
- (d) Members of the Greene County Probation Department; and
- (e) Members of the Greene County District Attorney's Office.

During the 2016 year 3 Victim Impact Panels were held, with between 80 – 110 persons in attendance at each panel.

Although "education" is the goal, the attendance fee resulted in a nice contribution to the STOP DWI Program as a secondary benefit. These fees are used for both education and prosecution of DWI Offenses.

School Involvement in Substance Awareness

As I stated in last year's report, I believe that in order to cut down on the alcohol and drug abuse problems that seem to be plaguing our County it is necessary to educate our youth as to the dangers of the use and abuse of alcohol and drugs..

Last year our Probation Department suggested and began working on a plan to bring the Victim Impact panel into the schools. After speaking with Probation Director Mr. Frisbee and his

Senior Probation Officer Ms. Grasse, it became my goal as well to bring the Victim Impact Panel into the schools.

In fact, after much work both Coxsackie–Athens High School and Catskill High School allowed the Probation Department and The District Attorney's office to present the Victim Impact Panel to the High School students. We received positive reviews on the programs and we hope to expand the program to the remaining school districts in the county.

Crime in the Prisons

I continue to stress the need to keep Correction Officers within our local Jail and State Prisons (Coxsackie and Greene Correctional) safe. I assist in doing this by prosecuting such crimes as "assaults on Officers", "possession of weapons in the Prisons" and "possession of controlled substances in the Prisons". During the 2016 year dozens of inmates were Indicted and prosecuted on weapons charges, drug charges and assaults.

Last year one particular Coxsackie Prison Inmate was indicted on 3 Counts of Promoting Prison Contraband. A search of his cell produced 3 make shift cutting type weapons hidden about the cell. It was especially important that this case be prosecuted because this inmate was in prison on a felony that involved, among other things, an illegal weapon. Furthermore, on a number of other occasions this inmate was found to be in possession of weapons within the prison, however the matters were handled "in house" without involving a formal prosecution. Correction officers stated a concern that this inmate, as well as other inmates were discussing the fact that carrying a weapon in prison carried no harsh consequences.

After a lengthy trial the inmate was found guilty and was sentenced to an additional 2 ½ - 5 years in state prison.

The officers involved thanked my office for taking serious the problem of "weapons in prison". I was advised that word spread throughout the inmate population rather quickly that the Greene County District Attorney's Office will prosecute such offenses, and that additional time is being added to a state prison sentence upon conviction. Prison staff confirm that with each prosecution of cases of this nature the number of weapons found in the prison diminish.

Although prosecution of Prison cases require a tremendous number of work hours, Greene County is fully reimbursed by the State of New York for every work hour spent on the case, as well as for the cost of all transcripts, travel expenses and experts.

At some point in the future there may be a need to add an additional assistant to handle crimes of this nature. If such need arises, any cost to the County would be reimbursed by the State.

Computer and Electronic Crimes:

Requirement for Warrants

With the new age of computers, cell phones and internet, we learn that invaluable evidence is stored and preserved both in a perpetrator's cell phone as well as with cell and computer companies. This has led to a tremendous increase in the number of applications for search warrants. Whenever information is sought from one's cell phone or from a computer or cell company a detailed application must be filed with a judge.

The average application takes approximately 4 to 6 hours to prepare. In addition, the warrant itself is prepared by my office, and a mini proceeding is required before a judge before a warrant is signed. Such applications have increased the amount of time that a member of my staff must devote to a criminal case. Nonetheless, the warrant process is well worth the time spent as it generally uncovers a tremendous amount of evidence in support of a case.

Conclusion

In conclusion the Greene County District Attorney's Office continues to be extremely active, and committed to securing the safety of our citizens. Our goal is to prosecute crime in an ethical, professional and efficient manner. My Office works hand in hand with the Greene County Probation Department, the Greene County Sheriff's Office, the New York State Police and the various local Police Agencies in investigations, arrests and prosecutions of criminals.

I am proud of my staff of dedicated public servants who make up the Greene County District Attorney's Office.

I will continue to work hard in order to maintain the trust that the citizens of Greene County placed in me to lead the District Attorney's Office.

I am appreciative of the support our Greene County Administrator and Greene County Legislators have extended to me and to my office since my election. They continue to be genuinely concerned with the safety and welfare of the citizens of our community.

Respectively submitted,



JOSEPH STANZIONE, ESQ.,

Greene County District Attorney