

2023

Annual Report

GREENE COUNTY DISTRICT ATTORNEY
JOSEPH STANZIONE ESQ.

MEET OUR 2023 STAFF



Joseph Stanzione	District Attorney
David Costanzo	Chief Assistant District Attorney
Jeffrey Low	Assistant District Attorney
Danielle McIntosh	Assistant District Attorney
Clement Lalor	Assistant District Attorney
Jennifer Sandleitner	Assistant District Attorney
Lorianne Holliday	Legal Secretary
Sheri Jourdin	Victim Advocate
Patricia Giardinelli-O'Connor	Paralegal
Kelly Kiley	Discovery Compliance
Dana Brown	Confidential Secretary
Gregory Sager	Criminal Investigator
Gregory Seeley	Criminal Investigator

2023 ANNUAL REPORT OF THE GREENE COUNTY DISTRICT ATTORNEY

Mission Statement

The Greene County District Attorney's Office is committed to the prosecution of criminal offenses in a professional, efficient, and ethical manner so as to enhance the safety and security of the citizens of Greene County.

Staff and Functions

Staff: Six (6) Assistant District Attorneys, two (2) Investigators, one (1) Victim Advocate/Legal Secretary, one (1) Legal Secretary, one (1) Paralegal, one (1) Confidential Secretary, and one (1) Discovery Secretary.

Members of my office appear in the Greene County Court as well as the 15 Justice 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.

Members of my office continue to work closely with the **11 police agencies** that serve Greene County. They include **New York State Police, Greene County Sheriff's Office, Catskill Village Police Department, Athens Village Police Department, Cairo Police Department, Coxsackie Police Department, Durham Police Department, Hunter Police Department, Windham Police Department, Department of Environmental Conservation, and Department of Environmental Protection.** My staff is available 24/7 to assist these agencies during their investigation of criminal activity in Greene County. We are also 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 evidence needs to be forwarded to a lab for DNA or fingerprint processing, whether further investigation is required before an arrest should be made, etc.

This 24/7 availability of my staff includes calls from Law Enforcement between the hours of 9:00 p.m. to 5:00 a.m. wherein my staff members are awakened to review facts, research law, review criminal histories, make judgement calls as to what charges should be assessed and what, if any, bail is to be recommended, as well as to appear at crime scenes.

My staff also conduct Grand Jury proceedings. Grand Jury is held on nearly a weekly basis at the County Building at 411 Main St, Catskill. These proceedings require meetings with witnesses of crimes, victims of crimes, investigators, police officers, and expert witnesses (such as computer crimes; social workers; accountants; scientists; physicians; forensic pathologists for purposes of gaining a thorough knowledge of each case and preparing witnesses to testify.

Successful Transition to Paperless Files

Relying on laptops, my staff and I successfully manage our caseloads using electronic files. All police agencies continue to forward documents to my office electronically. As such, there is little time delay in receiving documents from Law Enforcement.

The result is that service of discovery documents upon defense counsel is much quicker and easier, thereby eliminating age old claims of defense counsel that delays in providing discovery material create an unfairness to the defendants.

Discovery Laws – Training Law Enforcement - Assistant to All First Responders

We continue to operate under the relatively new “New York State Discovery” laws. There has been much controversy over these laws across the state. These laws mandate that DA’s provide vast amounts of investigation material to defense attorneys within a very short period of time (20/35 days). This change placed **tremendous demands on the manpower & resources of the District Attorney’s Office**. The State has now provided some funding to District Attorney Offices to help keep up with these added demands.

Despite the new challenges of “Discovery Reform,” Greene County has kept up with all the requirements of these laws. We have not suffered case dismissals or assessed penalties for failure to meet discovery deadlines.

I attribute this success to the efficient work of our Law Enforcement Officers, First Responders and 911 personnel, as well as the hard work and dedication of my Assistant District Attorneys and Support Staff.

Bail Reform Laws

Bail Reform is another relatively new set of laws which continues to be controversial. Bail Reform became effective on January 1, 2020, and was thereafter modified as of April 1, 2020. Bail Reform continues to be reviewed by our legislative body. The major issue in controversy includes the extent of discretion our Judges should have in assessing bail.

Although Bail Reform has restricted the types of offenses for which an individual may be committed to jail, the number of those committed to our new jail has not seen much of a decrease.

This is attributed in part to the fact that Greene County has recently seen an increase in the number of more violent offenses since Bail Reform.

Governor Hochul has recently acknowledged a need to give our Judges more discretion in “decision making” pertaining to issues of “Bail and Incarceration.” We have seen some positive changes to the law; however, more judicial discretion is needed.

Effect of COVID-19

One of the many effects of **COVID-19** was that Courts closed for a period of time. This resulted in a backlog of cases in the Court System. Court rules were then modified to allow “Virtual Court Conferences” as well as “Virtual Pleas and Sentencings.”

Due to these modified rules, we were able to alleviate much of the Court backlog, with the exception of those cases that require a trial. As for trials, we continue to walk our way through the backlog that was created by COVID-19.

Raise The Age

As of October 1, 2019, both 16 and 17 year old persons who commit crimes are considered “**Adolescent Offenders.**” This means that most of these cases will be transferred to the Family Court, as opposed to a Criminal Court.

There are limited exceptions to this law. In cases where I believe an exception applies, my office has made applications to keep the criminal offense in the criminal part of the court, now known as “Youth Court,” as opposed to the transfer of the case to the Family Court. The result has been that several cases remained in Youth Court to be prosecuted criminally, as opposed to being diverted to Family Court.

Red Flag Law

Under the “Red Flag Law,” certain qualified persons are authorized to bring to the attention of a Superior Court Judge his/her concern over a person possessing guns.

Those qualified persons include:

- Police Officer**
- District Attorney**
- Family or Household Member**
- School Administrator**

The law has now been expanded to include additional persons such as a health care professional who qualify to commence a “Red Flag” proceeding. Although I am a strong advocate of the Second Amendment which recognizes the Right to Bear Arms, I also recognize the need to

place a pause on an individual's right to possess a gun when that person is suffering some extreme emotional stress at a point in his/her life which causes him/her to be a danger to himself/herself or others.

The Red Flag Law restricts one's ability to possess a gun for a period of up to one (1) year, unless the time period is extended by a Judge upon a showing of clear and convincing evidence that the person continues to be likely to engage in conduct that would result in serious harm to himself/herself or others.

A number of these cases have been brought to my office during the calendar year. In each of these cases, the end results were deemed fair and appropriate by the Court, my office, and the defense. In some cases, the subject of the complaint actually consented to the issuance of an Order prohibiting him/her from possessing a gun for the one (1) year period.

Recently, a determination was made by the State that ALL Red Flag law petitions commenced by the NYSP are to be handled by the Attorney General's Office. My office, however, continues to handle all such petitions filed by the Sheriff's Office and all other police agencies. This has resulted in an increased caseload on the part of my office, as my staff will assist Law Enforcement in the preparation and filing of the petition, preparing the witness(es) for testimony, and appearing in court to prosecute the matter.

Drug Offenses

a. Drug Dealers

We continue to focus on identifying those responsible for the distribution of illegal drugs in our communities, as well as identifying those who are struggling with drug addiction. My policy allows little tolerance for **drug dealers**. For this reason, my office goal is to secure a conviction and a State prison sentence for those who deal drugs in our community.

b. Substance Abusers

Over the past few years, we have learned that many people have become addicted to opioids as a result of work related and sports related injuries. Due to these injuries, they were prescribed opioid medications which resulted in addiction. Once the prescription medication was terminated, some of those who became addicted turned to the street to purchase illegal opioids (such as pills or heroin) to eliminate their pain and satisfy their addiction.

Within the past few years, our local medical professionals recognized this problem and have taken extreme steps to protect their patients from becoming addicted. This includes prescribing a one (1) week supply of opioids at a time as opposed to a month supply, or prescribing pain management where appropriate instead of medication.

With respect to individuals who are charged with Criminal Possession of a Controlled Substance for their personal use, my office's goal is to get these individuals into treatment and on the road to recovery.

The legal system recognizes that more resources and a greater focus must be given to assist those suffering from addiction. Within the past couple years, additional resources and programs have become available to those who struggle with addiction. We now have "Lead Court," "Opioid Court," "Intervention Court," and additional resources through Greene County Mental Health.

Drug Court

Drug Court is a well-structured and vigorous program that entails **treatment** in conjunction with **probation supervision**, as well as weekly meetings with our Drug Court Judge, **Honorable Charles Tailleux**.

Drug Court in Greene County is an alternative to incarceration for those defendants who are charged with a crime, have a non-violent criminal history, reside in Greene County, who are addicted either to substance(s) or alcohol, and demonstrate a desire to lead a sober lifestyle. They are, by and large, County residents who likely would not have been involved in our criminal justice system if not for their addiction(s). Our Drug Court provides an opportunity for defendants to achieve goals that they might have accomplished had they not suffered an addiction.

Time has proven that the success of Drug Court participants, namely maintaining sobriety, not being rearrested, and moving forward in life, far exceeds the success of those offenders who have not participated in Drug Court. This success is undoubtedly due in part to the program holding participants accountable through an immense amount of oversight and structure within and outside of the Court.

Participants are required to be evaluated by State certified mental health professionals, as well as alcohol/substance abuse professionals, to sign necessary releases, and to comply with all recommendations of professionals in order to graduate from the program.

Participants are also required to attend at least 3 'self-help' meetings, typically AA or NA, each week, and to call an 800 number every morning to see if they have been randomly chosen to subject themselves to an observed alcohol/drug test that day.

Participants are required to appear in County Court regularly during their time in Drug Court. Drug Court has 3 phases and the program lasts between 12 to 18 months. In Phase 1, the participant appears in Court every week. Phase 2, every two (2) weeks. Phase 3, once a month. Participants in Phase 3 are required to complete 25 hours of community service prior to graduation.

All participants in Drug Court are supervised by our County's Probation Department, where they are subjected to random home visits, random searches of their person and belongings, and random drug and alcohol screens in addition to those conducted at their treatment facility or by the Court.

Drug Users Who Re-Offend While in Drug Court

Those participants who fail to comply with the requirements above are sanctioned by the Drug Court Team. The Team is composed of the County Court Judge, an Assistant District Attorney, the State's Drug Court Coordinator, an Assistant Public Defender, a Probation Officer, a Greene County mental health counselor, and a State certified counselor from Twin County Recovery Services. The Team meets every week to discuss the progress of every Drug Court candidate, and discusses the range of sanctions most appropriate for a violation of the Drug Court Rules. Sanctions are swift and graduate in range from a verbal reprimand to writing essays, performing community service, and serving jail time.

In the occasional case in which a participant fails out of Treatment Court, he/she is exposed to being sentenced up to the maximum jail time allowed for the offense he/she plead to. If sentenced to State prison, their sentence may include "**Shock Incarceration.**" This means that the prison sentence includes a vigorous physical regimen together with a program of intense substance abuse counseling. Success in this rigorous program could result in the defendant's early release to parole supervision.

Fortunately, most participants do graduate and participate in a commencement ceremony which is held at the County Courthouse. The graduates are recognized and lauded by the Judge and Team before the community at large, friends, and family for their achievement and progress. Many a graduate have referenced in their commencement speech how thankful they are that they were arrested and given the opportunity of Drug Court, and how different their life is now as a result. The presence of many post-graduates and community leaders in the audience at our commencement reflects the strength of Greene County's Drug Court Program.

In light of the challenges created by the Covid-19 pandemic, which had its impact on the most vulnerable, we are pleased to report that none of our Drug Court participants fell back into a cycle of addiction as a result.

Drug Investigations

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

My office worked hand in hand with the Special Investigation Unit of the NYSP in the investigation of a large drug ring in Greene County. The investigation entailed numerous search

warrants, wire taps on the phone of suspected drug dealers, as well as physical surveillance of drug dealers. This investigation resulted in the arrest and conviction of five (5) people involved in drug dealing. The main supplier was a person who would come into Greene County from Albany County to distribute narcotics. That person was convicted after trial and was sentenced to 15 years in prison. This was his fourth conviction for a drug offense. That conviction put a halt to the distribution of large quantities of drugs into Greene County.

One of my Investigators continues to devote extensive amounts of time and effort to the investigation and prosecution of illegal drugs in our County. His work entails working in the field with the Greene County Sheriff's Office, New York State Police, and local police agencies. This includes setting up and completing "controlled buys" of drugs, completing paperwork, writing and executing search warrants, etc.

It should be noted that drug dealers do not have 9:00 a.m. to 5:00 p.m. hours. This means that in addition to working in the office, my Investigator is in the field working on drug cases during weekends, and late night and early morning hours. In addition, he is out executing search warrants when the need arises, which is at all hours of the day and night. Our progress would not be possible without the extensive time and effort that our own Investigator devotes to these cases.

It has been said that due to our intense focus on drug investigations, Greene County does not suffer a high degree of gang violence or violent crime in general that is experienced by our adjoining counties.

My office is committed to fight the war on drugs, and I will continue to devote my office resources to prosecuting drug dealers in order to keep drugs off our streets and away from our schools. At the same time, I will continue to work to identify drug users so that we can get these individuals 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 display violence against citizens of our communities, I believe it is necessary to remove those criminals from society in order to protect the citizens of Greene County. Such violent crimes include home invasion, robbery, felony assault, certain felony gun possession, certain sex offenses, and murder. My office has prosecuted numerous violent crimes over the past year, most of which resulted in incarceration sentences.

Over the past year my office has also seen a number of crimes that occur within the family unit. This includes assaults and sexual offenses against children. Children are quite vulnerable as they have little means of protecting themselves, and they have no place to go in order to remove themselves from an offender. Members of my staff work with members of the

Child Advocacy Center on nearly a weekly basis gathering evidence of such crimes in order to end victimization of innocent children.

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 criminal cases.

Substance Awareness/Victim Impact Panel

I continue to follow the policy that I imposed when I took office that requires **all persons** charged with an alcohol or drug related offense attend a "Victim Impact Panel." The "VIP" is a two (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 the Greene County Sheriff's Office;
- (d) Members of the Greene County Probation Department;
- (e) Members of the Greene County District Attorney's Office; and
- (f) Members of the New York State Police.

This program is sponsored by the Greene County Probation Department, Greene County Sheriff's Office and the Greene County District Attorney's Office. Our Probation Department selects speakers who are appropriate to deliver a message to participants. Their selections have been excellent and their messages have been very powerful.

Once again during 2023, three (3) Victim Impact Panels were held. Due to the Covid-19 pandemic, the panels were pre-recorded and presented virtually to approximately 180 people.

Although education is the goal, an attendance fee is charged, which results in a contribution to the STOP DWI Program. These funds are used for both education and prosecution of DWI and DWAI Offenses. Education includes the "Four D's" offenses: Drunk Driving, Drugged Driving, Distracted Driving and Drowsy Driving.

As for "distracted driving," we have seen an increase of accidents caused by drivers who are texting while driving. This has become of great concern as many young drivers do not associate a danger with texting and driving until an accident occurs.

School Involvement in Substance Awareness

The Greene County Sheriff's Office, Greene County Probation Department, and Greene County District Attorney's Office continue to work together to present the Victim Impact Panel to our schools. Our goal is to hold a Victim Impact Panel in each of the school districts each school year.

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 2023 year, dozens of inmates were indicted and prosecuted on weapons charges, drug charges, and assaults. Prosecutions of this nature nearly doubled for my office during the 2023 year.

Our goal is to make incarcerated individuals aware that committing crime while serving a prison sentence will result in additional years being added to an existing prison sentence. Statistics show that prison crime either levels off or declines when incarcerated individuals know that their criminal activity within the facility will result in additional years of incarceration.

My office continues to be committed to the safety of our Correction Officers.

Search Warrants

With the new age of computers, cell phones, and internet, as well as "Infotainment Center Systems" found in motor vehicles, we've learned that invaluable evidence is stored and preserved both in a perpetrator's cell phone as well as with cell phone and computer companies. This has led to a tremendous increase in the number of applications for search warrants. When information is sought from a cell phone, a computer, or a cell phone company, a detailed Search Warrant Application must be filed with a Judge.

The average application takes approximately four (4) to six (6) hours to prepare. In addition, many times the search warrant itself is prepared by my office, and a mini proceeding is required in front of a Judge before a search warrant is signed. Such applications have increased the amount of time that a member of my staff must devote to a criminal case.

During 2023, my office prepared and submitted dozens of Search Warrant Applications to the Court. This is a significant increase in the number of applications that we have handled in past years. I attribute this increase to the vast amount of information that we are now able to obtain from electronic devices. I also believe it is attributed to the increase in crime that we have experienced since Bail and Discovery Reform Laws went into effect.

Caseload

In 2023, my office opened 1767 new criminal cases and 17,303 Vehicle and Traffic cases. We continue to keep up with caseloads and NYS discovery requirements for every case.

Body Camera

Most all police departments in Greene County are now equipped with body worn cameras. This has been a tremendous benefit to Law Enforcement as on numerous occasions the cameras have dispelled false allegations made about abuse by Law Enforcement Officers. The cameras have also been used to support Officers in situations in which the Officer(s) determined an arrest was not appropriate, where a complainant alleged “favoritism” due to the lack of arrest. Although body cameras are a tremendous benefit, an arrest generally results in several Officers being present, which means my staff and I will have numerous body camera videos to watch. This is quite time-consuming as each video must be reviewed, thereby resulting in many hours of time devoted solely to video review in each case. Nonetheless, my office continues to keep pace with the ever-increasing workload.

Working with schools

My office continues to assist our school districts in dealing with issues of abuse of student truancy. We remind parents that excessive unexcused absences could well qualify as “neglect” and “child endangerment.” The number of truancy cases has declined since the COVID-19 pandemic.

My office participates in bi-monthly “At Risk Youth Task Force” meetings that are attended by the Greene County Mental Health Department, our six (6) School Districts, the Greene County Human Services, the Greene County Probation Department, Twin Counties Recovery Services and other agencies. These meetings continue to be very informative, discussing such things as current events, ideas, and programs available for students.

Violation of Probation

My office works hand in hand with the Greene County Probation Department assisting with the prosecution of probation violation cases. Many times, probationers are placed on electronic monitors. When a probationer travels outside of the geographical limits allowed, or visits a restricted establishment, a violation of probation will be filed. My office, in conjunction with the Greene County Probation Department, works to prosecute the violation with a goal of achieving a fair and proper disposition, whether that be a sentence of State prison, local jail, inpatient substance program, community service, or other disposition.

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

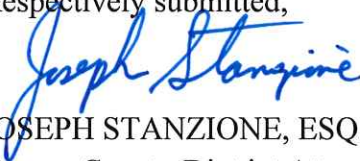
Probation Department, the Greene County Sheriff's Office, the New York State Police and the various local Police Agencies in investigations, arrests and prosecutions of criminals.

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.

Respectfully submitted,



JOSEPH STANZIONE, ESQ.,
Greene County District Attorney

