

# **2017 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 & ethical manner so as to enhance the safety & security of the citizens of Greene County

### **I. Staff and Functions**

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

Members of my office appear in the Greene County Court as well as the 16 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 also work closely with Investigators of Law Enforcement Agencies in the investigation of criminal activity in Greene County.

In addition, Grand Jury is held on nearly a weekly basis. The proceedings require meetings with witnesses of 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 has increased over last year. A large number of those cases were drug related.

### **II. Drug Offenses**

#### **A. Goals**

The District Attorney's Office was again involved in numerous drug investigations and prosecutions this past year. 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.

## **Drug Dealers**

My policy allows little tolerance for **drug dealers**. For this reason my office goal is to obtain a conviction and **State Prison** sentence for those who deal drugs in our community.

## **Drug Users Who Re-Offend**

Drug users who re-offend are generally sentenced to State Prison with a “**Shock Eligible**” sentence. This sentence includes a program of intense substance counseling. Successful completion of the program results in an early release from prison.

## **Drug Court**

As for the arrest of first time drug users, my office goal is to secure a conviction together with a sentence of jail, Probation and/or Drug Court.

**Drug Court** is a well-structured and vigorous program that entails “Treatment”, in conjunction with “Probation Supervision”, in conjunction with weekly meetings with our Drug Court judge, Honorable Charles Tailleir.

Judge Tailleir meets with Drug Court participants every Wednesday. He inquires as to how the participant is doing in the treatment program, how he is doing at home, whether he is working, etc. At the weekly meetings the participants may be screen tested for drug use.

Drug Court is a 12–18 month program that results in the issuance of a graduation certificate once the participant graduates. An incentive to completing this rigorous program is that Judge Tailleir will consider either reducing the participant’s Felony conviction to a lesser Felony, or even to a Misdemeanor upon completion.

The reason for considering a reduction of the offense is that many drug users are intelligent people who once had goals & potential; but who lost their direction once they became involved with drugs while in either high school or college.

For those who are serious about sobriety, the focus is to get them back on their feet so that they may once again strive to achieve their goals without having a Felony conviction impede their ability to become gainfully employed.

## **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.

In addition to seizing the controlled substances at the time of arrest, we are now seizing vehicles that were used to transport drugs through our County. These vehicles can be auctioned off and the proceeds used to further additional drug investigations and prosecutions.

Again this year numerous state prison sentences were imposed upon drug dealers due to their illegal sales of narcotics.

The investigator in my office continues to devote extensive amounts of time and effort to the investigation and prosecution of these cases. His work entails working in the field with the Greene County Sheriff's Office, New York State Police, & local police agencies. This includes setting up & completing "Controlled Buys" of drugs, completing paperwork, executing Search Warrants, etc.

It should be noted that "Drug Dealers" do not have 9:00 to 5:00 hours, This means that in addition to working in the office, my investigator is in the field working on drug cases during weekends, late night hours & early morning hours. In addition, he is out executing Search Warrants when the need arises, which is at all hours of the day & night.

Our progress would not be possible without the extensive time and effort that our own investigator devotes to these cases.

Although half of my investigator's salary is paid with forfeiture money, I am much appreciative of the support my office receives from our County Administrator and Legislature in providing the remaining half of the funds necessary to keep my investigator on staff.

My office continues 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.

During the 2017 year my office has handled such violent crimes as Burglaries (Home invasions), Robberies, Felony Assaults, Possession of loaded weapons, and other such offenses. In addition, during the 2017 year my office became involved with the investigation of a reported missing person named Brandyn Foster. This investigation was quite extensive and

resulted in significant man hours vested in the matter. Mr. Foster's body was recovered in February 2018. The missing person case has now become a case of Murder.

I will continue to prosecute and work for harsh Prison 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**

I continue to follow the policy that I imposed requiring **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 the Greene County Sheriff's Office;
- (d) Members of the Greene County Probation Department; and
- (e) Members of the Greene County District Attorney's Office.

During the 2017 year 3 Victim Impact Panels were held, with between 80 – 110 persons in attendance at each panel.

Although "education" is the goal, an attendance fee is charged, which results in a contribution to the STOP DWI Program. The program generated approximately \$7,000.00 last year. These funds are used for both education and prosecution of DWI & DWAI Drug Offenses.

### **School Involvement in Substance Awareness**

The Greene County Sheriff's Office, Greene County Probation Department & 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 before the end of next 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 2017 year dozens of inmates were Indicted and prosecuted on weapons charges, drug charges and assaults.

Statistics show that Prison Crime either levels off or declines when inmates know that their criminal activity within the facility will result in prosecution that adds additional years to their prison sentence.

## **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, many times the warrant itself is prepared by my office, and a mini proceeding is required in front of 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.

## **Caseload Comparison**

2,638 criminal arrests were made in 2017, and were prosecuted by my office. This is an increase of 531 cases, or 21%, from the previous year ( Total of 2,107 criminal arrests in 2016).

## **Vehicle and Traffic Offenses**

In addition to criminal offenses my office also prosecutes Vehicle and Traffic Offenses throughout the county. We prosecute several thousand offenses each year.

Of particular importance is section 1144a of the Vehicle and Traffic Law which requires a driver to move from a lane which is adjacent to the shoulder where an emergency vehicle is stopped and displaying emergency lights. I am keenly aware of the risk of danger an officer is exposed to each time he/she pulls over a vehicle on a highway. Because the safety and security of our Police Officers is of utmost importance, it is my policy that no violation of section 1144a of the V&T Law shall be reduced or plea bargained to a lesser offense.

### **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