

**2018 ANNUAL REPORT
OF THE GREENE COUNTY DISTRICT ATTORNEY**

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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

I. Staff and Functions

Staff: 4 ADA's, 1 Investigator, 1 Victim Advocate/Legal Secretary, 1 Legal Secretary, 1 Paralegal.

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 the 9 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, and Windham Police Department. My staff is available 24/7 in assisting these agencies in the 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 further investigation is required before an arrest should be made, etc.

My staff also participates in Grand Jury proceedings. Grand Jury is held on nearly a weekly basis. There 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.

The volume of cases in the 16 Justice Courts as well as the County Courts has continued to increase. A large number of cases continue to be 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 secure a conviction and State Prison sentence for those who deal drugs in our community. My office has secured numerous convictions of drug dealers over the past year. Numerous dealers were sentenced to State Prison.

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 an addiction. For those who became addicted, 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 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 my office goal is to get them into treatment and onto the road of recovery.

Drug Court

For the arrest of first time drug users, my office goal is to secure a conviction together with a sentence of local 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. As an incentive to completing this rigorous program, 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 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 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.

This past year 3 seized vehicles were auctioned off, which netted the County in excess of \$20,000.

The investigator in my office continues to devote extensive amounts of time and effort to the investigation and prosecution of illegal drug 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, writing & executing Search Warrants, etc.

It should be noted that “Drug Dealers” do not have 9:00 AM to 5:00 PM 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.

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 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 become violent against citizens of our communities I believe it is necessary to remove these criminals from society in order to protect the citizens of Greene County.

During the 2018 year my office has handled such violent crimes as Burglaries (Home invasions), Robberies, Felony Assaults, Possession of loaded weapons, a bank robbery and other such offenses. In addition, during the 2018 year my office devoted numerous hours to the investigation and trial preparation of the murder of an individual named Brandyn Foster. This investigation was quite extensive. The trial of this matter was held in February 2019. The case resulted in a murder conviction wherein the defendant was sentenced to life in prison.

In 2018 my office also prosecuted a person who robbed a bank. The defendant was convicted and was ultimately sentenced to 14 years in prison. Also in 2018, an arrest was made of a person who committed several Burglaries in Greene County. This person was prosecuted and convicted. He was ultimately sentenced to 15 years in prison.

My staff and I will continue to zealously prosecute and seek harsh Prison sentences for 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 when I took office 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.
- (f) Members of the New York State Police

During the 2018 year, three 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 \$11,561.00 last year. These funds are used for both education and prosecution of DWI and DWAI Drug Offenses. The "Four D's" offenses: Drunk Driving, Drugged Driving, Distracted Driving and Drowsy Driving.

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 2018 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

**** 2,739 criminal arrests were made in 2018, and were prosecuted by my office. This is an increase of 101 cases, from the previous year.

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.

Working with schools

My office has recently begun assisting our school districts in dealing with issues of abuse of student truancy. We remind parents that excessive unexcused absence could well qualify as "neglect" and "child endangerment".

Election

2018 was an election year for me as District Attorney. I was fortunate to have run unopposed. I thank the voters for their support. I believe running unopposed is a reflection of the high quality work performed by all members of the Greene County District Attorney's Office.

Conclusion

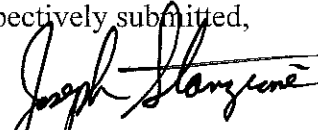
In conclusion, the Greene County District Attorney's Office continues to be extremely active, and committed to securing the safety of our citizens. Our goal is to prosecute crime in an ethical, professional and efficient manner. My Office works hand in hand with the Greene County Probation Department, 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