



2016

Annual Report Executive Summary



Seeking Justice Through Community Partnerships & Innovation



A Message From District Attorney David M. Hoover

I am proud to report that in 2016 the District Attorney's Office continued to execute on the promises I made when I ran for office in 2013. We have made many improvements to existing initiatives and implemented new community-focused initiatives during the time I have been privileged to be Orange County's district attorney. As the numbers in this report show, in 2016 the District Attorney's Office has continued making an impact fighting crime in Orange County, and in particular, combating the opioid epidemic. This report outlines innovations that we have made in the District Attorney's Office, not only in criminal prosecution, but in crime prevention, and the results of those innovations.

COUNTY COURT BUREAU

The County Court Bureau is composed of the Grand Jury Unit and the five specialized prosecution units that handle the felony caseload of the Orange County District Attorney's Office (OCDA).

	2014	2015	2016	% Change (2015 to 2016)
Felony Conviction Rate	94	96	97.7	1.8%
Felony Filings	811	804	761	-5.3%
Dispositions	914	763	866	13.5%
Guilty Pleas	839	719	799	11.1%
Felony Trials	23	8	15	87.5%
Guilty Verdicts	18	8	12	50%
Acquittals/Dismissals	36	29	26	-10.3%
Other Dispositions	22	7	27	285.7%
Cases Pending at Year-End	124	209	140	-33%

NARCOTICS & GUN UNIT

Special emphasis is placed on drug sellers who sell narcotics on school grounds. The Unit has participated with the Orange County Drug Task Force and local police agencies to conduct a number of narcotics enforcement actions, known as "sweeps," targeting drug sellers throughout the County. The Unit also staffed the two County Court drug treatment courts. Although OCDA continues to seek strict prison sentences against drug dealers, the office also continues to attempt to steer addicts into appropriate drug treatment programs.

	2014	2015	2016	% Change (2015 to 2016)
Felony Narcotics Indictments and Superior Court Informations	269	286	303	5.9%
Prosecution: Sale of Illegal Drugs	133	102	74	-27.5%
Guns Recovered	58	95	35	-63.2%
Value of Drugs Seized in Sweeps by Orange County Drug Task Force	\$85,000	\$163,000	\$168,600	3.4%
Cases Presented to Grand Juries	227	239	250	4.6%
Superior Court Informations	42	47	53	12.8%

ORANGE COUNTY DRUG TASK FORCE

Currently the police departments for the Village of Goshen, the Town of Wallkill, the Village of Washingtonville, and the Village of Monroe have assigned police officers to work on the Task Force.

	2014-16
Number of Cases	400
Number of Drug Purchases	74
Number of Search Warrants Executed	70
Number of Targets Arrested	450

VIOLENT CRIMES UNIT

The Violent Crimes Unit prosecutes all violent felonies, including felonious assaults, robberies, residential burglaries, possession and use of loaded guns, and making terroristic threats.

In 2015, OCDA became the first and only District Attorney's Office in New York to take the lead on administering the Gun-Involved Violence Elimination (GIVE) initiative. Accordingly, in 2015 OCDA hired a project manager to administer the Group Violence Intervention (GVI) component of the GIVE strategy. Furthermore, beginning in October 2015, OCDA, in conjunction with its GIVE partners, began holding Newburgh GVI call-ins, at which members of the City of Newburgh's most-violent groups appear and listen to presentations designed to help in reducing gun violence in the City, and to offer services to group members and their families. To date, there have been four call-ins, and a number of members of Newburgh's violent groups have contacted social services representatives to seek assistance.

	2014	2015	2016	% Change (2015 to 2016)
Cases/Defendants Screened	260/310	313/374	289/351	-7.7%/-6.1%
Indictments Filed	81	78	59	-24.4%
Superior Court Informations Filed	43	43	54	25.6%

SPECIAL VICTIMS UNIT

	2014	2015	2016	% Change (2015 to 2016)
Cases Screened	397	476	436	-8.4%
Indictments Filed	41	39	26	-33.3%
SCIs Filed	17	17	14	-17.3%

SPECIAL INVESTIGATIONS UNIT & CRIMES AGAINST REVENUE PROGRAM

In June and November of 2016, OCDA, in conjunction with the Orange County Department of Social Services and the Orange County Sheriff's Office, conducted welfare fraud enforcement actions, known as "sweeps". Those enforcement actions resulted in **41 new criminal cases**. The continued efforts of the OCDA and its welfare-fraud enforcement partners in investigating and prosecuting public benefits crimes resulted in restitution of \$64,380.45 in fraudulently obtained benefits being returned to programs administered by the Orange County Department of Social Services.

DCJS provides the Orange County District Attorney's Office with a yearly \$89,000 grant to partially fund the salary and benefits of one experienced assistant district attorney under the Crimes Against Revenue Program (CARP). **In the first half of 2016 alone, Orange County recovered \$1.2 million in CARP money. The money recovered represents a more than 13-fold return on the State's investment in Orange County's CARP effort.** In addition, of the 30 counties in New York that have CARP initiatives, Orange County's program outperformed every other county for the first six months of 2016 (excluding New York County - Manhattan), including four of the counties in New York City, and six much larger counties upstate and on Long Island. **Orange County's CARP recovery alone represented more than 43 percent of the funds recovered by the 25 participating upstate and Long Island CARP counties.**

The estimated savings realized by the enforcement actions since District Attorney Hoover took office is \$15 million. That figure represents the amount of money that public benefits programs administered by the Orange County Department of Social Services would have paid out to those fraudulently obtaining benefits if the enforcement actions had not taken place.

	2013	2014	2015	2016	% Change (2015 to 2016)
Welfare Fraud Cases Investigated	71	115	123	138	12.2%
▶ Handled as Civil Matters	64	48	68	105	54.4%
▶ Criminally Prosecuted	7	67	55	41	-25.5%
▶ Fraud Represented	\$503,354	\$748,000	\$556,000	\$413,000	-25.7%
▶ Estimated Avoided Costs	\$2.15 million	\$4.3 million	\$4.8 million	\$6 million	25%
▶ Voluntary Recoveries	<\$12,643	\$108,485	\$66,357	\$64,380.45	-2.9%
▶ Intentional Program Violations	49	54	105	119	13.3%

In addition, in 2016 OCDA was determined by the New York State Department of Labor to be the 7th highest county in New York in terms of the amount of funds recovered in Department of Labor cases, recovering more than \$195,114.80.

GENERAL CRIMES UNIT

The General Crimes Unit prosecutes felonies that are not assigned to other specialized prosecution units, where defendants are held in jail after arraignment or where the cases are screened and sent to the Unit by the Local Criminal Court Bureau supervisors. Cases that the Unit handles include felony charges of driving while intoxicated, commercial burglaries, grand larcenies, forgeries, identity theft, promoting prison contraband, and many other crimes. In 2016, three ADAs were assigned to the General Crimes Unit, working under the supervision of a senior assistant district attorney and the grand jury supervisor.

	2015	2016	% Change (2015 to 2016)
Cases Screened	745	725	-2.7%
Cases Indicted	118	160	35.6%
Superior Court Informations Filed	127	109	-14.2%
Leandra's* Law Cases Filed	23	27	17.4%

*Cases involving defendants driving while intoxicated with a child in the vehicle

APPEALS BUREAU

Primarily, the Appeals Bureau handles all matters pending in New York's appellate courts, including the New York Court of Appeals; the Supreme Court, Appellate Division, Second Department; and the Supreme Court, Appellate Term for the Ninth and Tenth Judicial Districts.

In 2016, the New York appellate courts issued 42 decisions involving appeals handled by the Orange County District Attorney's Office. The District Attorney's Office was victorious in its two appeals before the New York Court of Appeals; in 29 of 31 cases decided by the Appellate Division, Second Department; and in all nine appeals that were decided by the Appellate Term for the Ninth and Tenth Judicial Districts. In addition, the United State District Court for the Southern District of New York denied petitions for writs of habeas corpus in four cases involving federal challenges that defendants brought to their state court convictions that were prosecuted by the Orange County District Attorney's Office.

	2014	2015	2016	% Change (2015 to 2016)
Total Matters Handled	556	599	626	4.5%
State Appeals	43	34	57	67.6%
Federal Habeas Responses	3	8	2	-75%
Appellate Arguments	11	11	12	9.1%
Post-Judgment Hearings	10	6	1	83.3%
FOIL Responses	123	120	101	15.8%
Animal Cruelty Cases Reviewed	19	19	9	52.6%
Search Warrants Drafted	12	24	3	87.5%
Training Sessions Conducted	16	19	41	115.8%

SPECIAL PROJECTS & COMMUNITY AFFAIRS BUREAU

The Special Projects and Community Affairs Bureau continued to reach out to Orange County’s communities, and to administer other special initiatives of the District Attorney’s Office. In 2016, Bureau members:

▶ **Transitioned the District Attorney’s Community Advisory Board into seven regional boards,** where community issues may be addressed more efficiently on a regional level.

▶ **Continued to operate the Orange County SMART (Strategic Methods Aimed at Reducing Truancy) Program,** designed to bring the authority of the district attorney to bear on parents of truant students when those parents refuse to cooperate with efforts of school officials to remedy the causes of their children’s truancy.

Total SMART Program Cases Referred	45
Cases Still Under Review	28
Cases Where Student Has Returned to Regular School Attendance	9
Cases Where Student Has Withdrawn From School	5
Cases Where Student Has Passed Compulsory Attendance Age	1
Cases Where Case Closed Due to a Finding that Parent Exercised Reasonable Diligence	1
Cases Referred to the Local Police Department	1

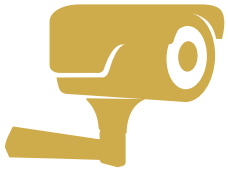


▶ **Formed the Orange County Sexual Assault Prevention and Awareness Team (SAPAT) as part of the District Attorney’s countywide anti-sexual assault campaign,** launched in December of 2015, with the kick-off of the *It’s On Us Orange County, N.Y.* initiative. The role of the SAPAT is to help raise awareness about sexual assault, and to further the prevention message of the *It’s On Us* campaign.

▶ **Brought *The Uncommon Athlete* to Orange County.** *The Uncommon Athlete* is a program developed jointly by Rachel’s Challenge and the Cal Ripken, Sr. Foundation to impress on young athletes the values that will make them better athletes and better adults – Perseverance, Relationships, Integrity, Courage, and Empathy – values represented in the acronym PRICE. The District Attorney’s Office sponsored the program in the spring at an assembly of over 300 school administrators, athletic directors, coaches, team captains, and other student athletes. In the fall, the office sponsored five additional presentations of the program, where 13 high schools participated and brought together an estimated 1,700 student athletes. The program is part of District Attorney Hoovler’s effort to reduce bullying and hazing in Orange County schools.



▶ **Launched an initiative designed to assist Orange County’s immigrants in dealing with the criminal justice system.** The District Attorney’s Office has joined the New York State District Attorneys’ League of Immigrant Affairs (DALIA), an organization that comprises five other New York State district attorney’s offices. In addition, the District Attorney’s Office obtained membership in the Protecting Immigrant New Yorkers (PINY) Task Force, a coalition of state, local, and federal agencies working together to protect immigrants from being defrauded. Under the new initiative, immigrants who are victimized will have a single point-of-contact, the immigrant affairs coordinator, for assistance and information about their cases.



▶ **Initiated the Community Camera Partnership Program**, a program that invites private citizens who use video surveillance at their homes or businesses to register their cameras so that law enforcement can contact them if an investigation reveals that evidence of a crime may have been captured by a particular camera. Information from registrants is stored in a Video Camera Law Enforcement Portal. Through the use of the Portal, police agencies investigating a crime may gain access to the database to identify the location of video surveillance cameras that may have recorded the crime, the perpetrators before the crime or fleeing from the crime scene, or other evidence relevant to the investigation.

▶ **Continued to build community relations.** The Community Affairs Unit has become a part of the community and responded to community needs through the following measures:

- **Anti-Drug Coalitions:** Actively partnered with the six anti-drug coalitions in the County – TEAM Newburgh, the Middletown Cares Coalition, Operation PJ PRIDE, the Greenwood Lake Coalition, the Warwick Valley Coalition, and the newly-formed Greater PB Partnership in Pine Bush, as well as the Wallkill Police Community Council.
- **National Night Out:** District Attorney Hoovler and 12 ADAs appeared at the six National Night Out Against Crime events being held in Orange County in the Cities of Newburgh, Middletown, and Port Jervis; the Town of Wallkill; and the Villages of Greenwood Lake and Highland Falls
- **Heroin Forum:** District Attorney Hoovler sponsored a countywide forum on the heroin epidemic. The event included presentations from Orange County Sheriff Carl DuBois; Orange County Court Judge Robert Freehill; Dr. Eli Avila, Orange County Commissioner of Health; Darcie Miller, Orange County Commissioner of Social Services and Commissioner of Mental Health; and James Conklin, Executive Director of the Alcoholism and Drug Abuse Council of Orange County. The forum provided valuable information to parents, educators, and professionals about the scope of the heroin epidemic in our area, the dangers of heroin use, the signs that a loved one might be addicted to heroin, the strategies for dealing with heroin addiction, treatment alternatives, and the legal implications of possessing heroin.
- Continued to build upon community relations by continuing to engage in the following:
 - Sponsored the annual Police Benevolent Association Summit
 - Sponsored the annual Superintendents' Roundtable
 - Coordinated the Women's Enrichment Program
 - Continued to participate in career days throughout schools in the County
 - Made over 300 appearances at town board meetings, schools, and community events

LOCAL CRIMINAL COURT BUREAU

The Local Criminal Court Bureau is responsible for all operations in the local criminal courts in Orange County's 20 towns, 19 villages, and three cities, many with multiple judges comprising a total of 74 separate local criminal court parts.

In 2016, the Bureau prosecuted approximately 20,000 cases, representing more than 90% of OCDA's total caseload.

Attorneys in the Bureau are also responsible for referring appropriate cases to various diversion programs throughout the County. Those programs include:

- ▶ Dispute Resolution Center
- ▶ Orange County John School
- ▶ Shoplifting Prevention Program
- ▶ Teen Victim Impact Panel

DWI POLICY

In 2016, OCDA continued its restructured DWI policy, which was created in consultation with Orange County police chiefs and the New York State STOP-DWI chairperson. The policy, among other things, compels first-time offenders, in order to be eligible for a guilty plea to a reduced charge, to receive alcohol- and substance-abuse evaluations and, if necessary, treatment, so that they might avoid becoming felons or killing people on the roads. Statistics reflect that approximately 10 percent of first-time DWI offenders require some form of treatment.

MISDEMEANORS MATTER: DOMESTIC VIOLENCE INITIATIVE

For 2016, the Misdemeanors Matter Program was funded by a grant from the federal Violence Against Women Act Formula Grant Program. That grant funded the ADA responsible for work under the Misdemeanors Matter Program. One ADA was specifically assigned to handle a domestic violence caseload, with special emphasis and training placed on prosecuting cases without the victims' testimony, a strategy known as "evidence-based prosecution".

In 2016, the Misdemeanors Matter Program handled more than 500 domestic violence cases. In addition, OCDA continued to further enhance offender accountability by mandating that defendants attend and successfully complete the program of Domestic Violence Classes for Men. That program consists of either 26 or 52 weeks of classes that provide offenders with an opportunity to learn about the harmfulness of behaviors that they have perpetrated against their partners. In 2016, 137 defendants were mandated to attend Domestic Violence Classes for Men as part of the disposition of their criminal case.

BUDGET/GRANTS

	2014	2015	2016	2017 (adopted)	% Change (2016 to 2017)
Annual Budget	\$9,519,498	\$9,191,427	\$9,342,670	\$10,040,096	7.5%
Grants	\$351,215	\$520,665	\$545,465	\$725,995	33.1%
▶ Gun-Involved Violence Elimination (GIVE) Grant	\$213,465	\$213,465	\$213,465	\$213,465	0
▶ Domestic Violence Grant	N/A	\$75,000	N/A	N/A	N/A
▶ Byrne Justice Assistance Grant	N/A	\$25,000	\$15,000	\$75,000	400%
▶ Crimes Against Revenue Program (CARP) Grant	\$25,000	\$100,000	\$89,000	\$89,000	0
▶ GVI Project Manager	N/A	N/A	\$85,000	\$85,000	0
▶ Video Recording of Statements	\$41,150	N/A	N/A	\$50,967	N/A
▶ Violence Against Women Formula Grant	N/A	\$35,600	\$35,600	\$35,600	0
▶ Aid to Prosecution Grant	\$71,600	\$71,600	\$107,400	\$71,600	-33.3%
▶ Non-Fatal Newburgh Shootings	N/A	N/A	N/A	\$105,363	N/A

