

2020

Annual Report



"Doing Justice...in a Challenging Year"

FROM THE OFFICE OF
ORANGE COUNTY DISTRICT ATTORNEY

DAVID M. HOOVLER

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A MESSAGE FROM DISTRICT ATTORNEY DAVID M. HOOVLER



District Attorney Hoovler, 2019-20 President of the District Attorneys Association of the State of New York, addressing a statewide conference of elected district attorneys, January 2020.

2020 was a challenging year for everyone, and the Orange County District Attorney's Office (OCDA) was no exception. The COVID-19 emergency struck New York State and Orange County, even as OCDA and our law enforcement partners were still adjusting to the so-called "reforms" to the bail system and to the rules by which prosecutors are required to disclose information to the defense. Additionally, new procedures mandated by the New York State Office of Court Administration for arraigning defendants outside of normal court hours required more assistant district attorneys to be available at all hours of the day and night to handle arraignments. Arraignments are now regularly occurring early in the morning and late at night.

Like many Orange County residents, the COVID-19 crisis required the OCDA to find new ways to conduct business, which the Office accomplished by leveraging technology to interact with witnesses, victims, and police officers to continue to serve Orange County residents and keep our communities safe. In 2020, we began conducting court appearances through video computer links, and even litigated some hearings without judges, defendants, defense attorneys, or prosecutors together in the same room. Those situations were challenging, both legally and logistically, but with dedication and perseverance my staff made them work.

In addition to continuing our normal prosecutorial work during this time of changing criminal procedure laws, we also worked with an array of state and local government officials, health officials, and police agencies to keep the public safe during the COVID emergency, while protecting the constitutional rights of our residents. We regularly consulted with County health officials and the police and worked with them to convince residents and businesses who were not following emergency COVID regulations to comply with the law. For the most part we were able to obtain compliance without having to resort to the filing of criminal charges. We also intervened when fear, and possibly prejudice, caused some to deny certain County residents their right to be treated like everyone else, based on their perceived religious or ethnic identities. We were able to intervene and correct those situations without filing criminal charges. Combating anti-Semitism, and other forms of hate, through public service announcements, community partnerships and, where warranted, criminal prosecution, is among our highest priorities.

Unfortunately, in every crisis there exist profiteers who seek to take advantage of the situation by defrauding the public. My Office has been monitoring scams and alerting the public, particularly our older residents, who are not used to conducting their personal transactions over the Internet, about how to avoid being victimized.

Crime, of course, did not stop during the pandemic, and neither did we. The opioid crisis continued in New York State and Orange County and fatal overdose numbers are appallingly high. My office follows the same investigative protocols in overdose fatalities as we do in homicides. We have obtained homicide convictions against drug dealers who sold dangerous narcotics to those who died as a result. In 2020, we continued to educate the public, particularly students, about the dangers of heroin and fentanyl. We used public service announcements and school presentations to alert the public about just how lethal those substances can be. We continued our commitment to using drug treatment courts for appropriate offenders. One of the consequences of the new bail laws is that, since most of our drug treatment interventions are centralized in the jail, it has become harder to get offenders into the drug treatment programs that so many of them desperately need. In September 2020, we announced a narcotics enforcement action where approximately forty defendants were charged with selling narcotics to undercover police officers, often multiple times. Although in the past bail would have been set on almost all those cases, bail was only set on three of the forty defendants, although we requested bail every time it was legally permissible.

Even though the pandemic prevented felony cases from going to trial in 2020, we continued to work with our law enforcement partners, investigating homicides and other violent felonies, preparing those cases for the time when we will litigate them. OCDA aided in the investigation of several homicide cases that were later indicted. A study of our pilot Non-Fatal Shooting Initiative, funded by a grant from the New York State Division of Criminal Justice Services, showed how successful that program was, and we worked with the City of Newburgh Police Department to formulate a way to continue those successes in a more challenging fiscal reality.

In the summer of 2020, I completed my term as President of the District Attorneys Association of the State of New York (DAASNY). Traditionally, the outgoing President chooses the training that is presented to the other elected district attorneys and their staffs at the DAASNY summer conference. The training I choose, which was provided by staff from my office and a lawyer from the North Atlantic States Regional Council of Carpenters, was on wage theft and other labor law violations. My office has successfully prosecuted many cases where employees were victimized and remains committed to ensuring that workers are treated fairly.

The challenges of 2020 caused us to reorganize OCDA to comply with the new statutes, better serve the public and our law enforcement partners, and make staff available for the additional after-hours court sessions. All of that was accomplished against the backdrop of the COVID emergency. Even this report looks different than it has in past years, due to the way COVID impacted the courts and our lives in general. In 2021, I look forward to building on our successes and aggressively litigating the cases that the pandemic made it impossible for us to try in 2020.

Thank you for allowing me the privilege of being Orange County's District Attorney.



DAVID M. HOOVLER

DEVELOPING AN EARLY CASE ASSESSMENT BUREAU (ECAB)

In 2020, OCDA was faced with the challenge of continuing to implement the so-called criminal justice “reforms,” which made drastic changes to the bail system, to the rules by which prosecutors are required to disclose information to defense attorneys, and to the rules relating to defendants’ right to a speedy trial. All those major changes came without additional funding to aid in implementation. Even before those laws became effective, prosecutors in OCDA studied the changes in the law and developed policies and procedures to comply. Similarly, our law enforcement partners in the more than 30 police agencies that serve Orange County struggled with decisions about how to best comply with the new statutes, without additional resources from the State. One of the biggest challenges was complying with the enhanced and accelerated discovery obligations mandated by the statutes, while ensuring that the Office made timely and appropriate applications to the courts to shield information about victims and witnesses from disclosure to defendants which could put them in danger. Those challenges led to our creation of our Early Case Assessment Bureau.

Under longstanding New York State Law, a criminal defendant would only receive a complete copy of police department files on a case if the case went to trial, which only happened in less than eight percent of cases and only after months of court proceedings. Under the new statutes, all that information must be turned over on an expedited basis on all cases, often within twenty days of a case commencing. In addition, the law mandates that the personal information of civilian witnesses, including their contact information, be turned over, absent a “protective order” granted by the court. It became apparent that the only way to gather information from police agencies about new cases in a timely enough manner to comply with the new statutes, and to make appropriate applications to protect witnesses’ information, was to institute an Early Case Assessment Bureau (ECAB).

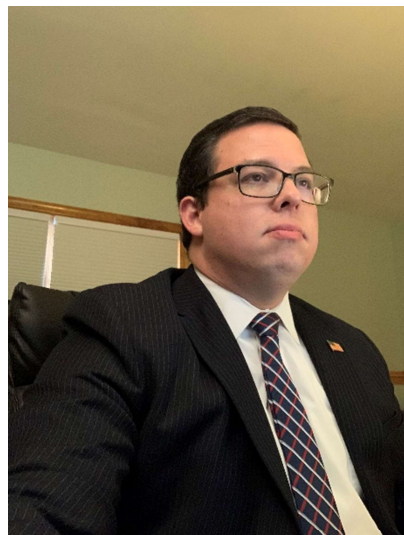
Historically, police agencies in Orange County, as in most counties outside of New York City, have drafted their own accusatory instruments, the legal documents that commence a criminal prosecution. Those include felony and misdemeanor complaints that police would file with the courts and that OCDA would often only become aware of after filing, and would amend, if necessary. Given the size of Orange County geographically, its relatively large population (twelfth largest in New York), and the different practices of the over 30 police agencies operating in the County, the best way for OCDA to learn about cases and react to them was to implement an ECAB, similar to those that have been operating for decades in New York City and some other large jurisdictions. Under Orange County’s model, police agencies speak to a prosecutor over the phone and the agencies can send information about the case to the prosecutor through computer links between OCDA and the police department. As a result, the prosecutor has access to police reports and often digital evidence at the time the prosecutor drafts necessary legal documents, including felony and misdemeanor complaints, and places information from the police agencies into the Office’s case management system. The system allows for lawyers instead of police officers to draft the legal documents that commence a case, while at the same time ensuring that defendants



*Early Case Assessment Bureau
Room, Under Construction*

obtain the materials they are entitled to, and that prosecutors can identify sensitive victim and witness information that may need to be protected by applications to the court.

To implement ECAB, OCDA worked with the New York Prosecutors Training Institute (NYPTI) to use NYPTI's case management system and worked with NYPTI to conform their complaint-writing software to Orange County's needs. ECAB's development and operations were overseen by Senior Assistant District Attorney Ryan Greenbaum, a twelve-year career prosecutor who had also been an assistant district attorney in the New York County District Attorney's Office. There, he became familiar with Manhattan's ECAB system. Senior ADA Greenbaum worked collaboratively with NYPTI in conforming their computer systems to the needs of offices developing new ECABs. Other counties, including Staten Island, have now adopted Orange County's ECAB model to comply with the demands of the new statute, and Senior ADA Greenbaum is recognized statewide as a leader and expert in the system. NYPTI has called on Senior ADA Greenbaum to provide training to district attorney's offices statewide on the technical and legal aspects of ECAB. Other district attorney's offices seek out his advice and expertise. OCDA has become a model for other district attorney offices to follow in how to adjust to the new statutes.



*Senior ADA Ryan Greenbaum
providing ECAB training
statewide for the New York
Prosecutors Training Institute*

OFFICE RESTRUCTURING

In 2020, the institutional workload of the office increased dramatically. The New York State Office of Court Administration created centralized arraignment parts and ordered that defendants be arraigned with attorneys outside of normal court hours. An arraignment is a court proceeding where criminal defendants are first brought before a judge, presented with the crimes they have been accused of, and enter a plea of guilty or not guilty. Potentially, many of those off-hour arraignments can occur at the same time in different courts around the County. District Attorney Hoovler recognized that if attorneys were to be present for defendants, assistant district attorneys should also be present to protect the interests of the public, to make appropriate bail recommendations, and to protect victims and witnesses by requesting orders of protection. Those additional off-hour court appearances were mandated at roughly the same time that the new criminal procedure laws dramatically increased the workloads of prosecutors. The combined effect of those changes caused OCDA to drastically modify the way it operated in 2020.

An office structure that had served OCDA well for nearly thirty years and that had allowed assistant district attorneys to specialize to some extent in the cases they handled, had to be replaced by a structure that ensured that assistant district attorneys were available to take control of cases immediately after their inception, to efficiently process the volume of new materials that prosecutors are now required to handle under dramatically shortened time limits, and to staff the additional courtroom proceedings. The new structure compressed what had been separate Violent Felony, Special Victims, Investigations, General Crimes, and Narcotics felony units into three bureaus. The three new bureaus staff ECAB on a rotating basis and handle any felony case that comes into

the office on the day that bureau is in ECAB. Felony cases are still assigned to individual assistant district attorneys based on the severity and complexity of the case and on the assistant district attorneys' experience and competence in handling that type of case. The new structure allows for more flexibility in assigning cases to a greater pool of available prosecutors. Misdemeanor cases pending in any of Orange County's more than 30 local courts are also handled in the bureaus, however those cases are generally assigned to the assistant district attorney that handles the local court where the case is pending. Under the new structure, the Office continues to appropriately handle significant cases and to obtain positive results.

VIOLENT CRIMES

Although the COVID-19 outbreak prevented felony trials from occurring in 2020, OCDA continued to aid in the investigation of, and prosecuted, violent felony offenses, including homicides. Although most violent crimes are assigned to assistant district attorneys within the new bureau structure, the most-experienced assistant district attorneys are assigned on a rotating "major crimes" or "homicide call" schedule, generally for a week at a time, and aid the police in the investigation of homicides that occur while they are on call. Those assistant district attorneys handle through all phases of litigation the cases that result from investigations that they assisted on.

Protecting victims and witnesses from harm has become even more important after the new laws increased the amount of discovery material that must be provided to defendants, including information about how to contact victims and witnesses. Where possible and appropriate, the Office makes applications for protective orders to shield sensitive witness information from violent offenders. In 2020, the Office handled many significant violent crime cases, some of which are mentioned below.

One of the foundations of our criminal justice system is the presumption of innocence. A criminal charge is merely an allegation that a defendant has committed a violation of the criminal law, and it is not evidence of guilt. All defendants, including the ones referenced in this report, are presumed innocent and entitled to a fair trial, during which it will be the State of New York's burden to prove guilt beyond a reasonable doubt.

Significant Violent Crimes Cases

People v. Matthew Mercado – On November 6, 2020, Matthew Mercado, 37, of Newburgh, was arraigned in County Court on charges including Murder in the Second Degree, in connection with the death of 36-year-old Jessica Lopez, a City of Newburgh woman who was last seen on November 3, 2019, at the Windsor Motel in New Windsor. The case marks only the second time in Orange County history where a defendant was indicted for murder without the body of the victim having been recovered. Mercado was previously indicted on charges including Burglary in the Second Degree for breaking into Room 32 at the Windsor Motel on November 3, 2019, and stealing two bags from the three young woman who had been sleeping in the room at the time. Mercado has been continually incarcerated since his arrest on November 6, 2019, in connection with the charges in the burglary case. The grand jury indicted Mercado for Murder in the Second Degree for intentionally killing Jessica Lopez in Room 33 of the motel as Ms. Lopez was attempting to leave the motel at approximately 5:00 AM on November 3, 2019. The grand jury also indicted Mercado for

a separate count of Murder in the Second Degree for having killed Ms. Lopez during the commission of a robbery or the kidnapping of her. Robbery under the law is forcibly stealing property. Mercado is also charged with two counts of Grand Larceny in the Fourth Degree for having stolen Ms. Lopez bank card and stealing approximately \$1,500 from her account, most of which was taken out in ATM withdrawals starting at approximately 9:00 AM on November 3, 2019. Mercado was also charged with three felony counts of Tampering with Physical Evidence. One count alleges that he removed Ms. Lopez's body from Room 33, placed her in the trunk of her car, drove the car to an unknown location, and concealed the body. Another count alleges that he deleted text messages between Ms. Lopez's cellular telephone and his, messages that were sent at about 5:30 AM on November 3, 2019. The third count of Tampering with Physical Evidence alleges that he disposed of Ms. Lopez's cellular telephone so that it could not be used as evidence. The grand jury indicted Mercado again for Burglary in the Second Degree for breaking into Room 32 and stealing bags from the three woman, and added a charge of Criminal Impersonation in the Second Degree for his having told the three woman that he would not give their bags back and that he was an undercover police officer.



District Attorney Hoovler with New Windsor Police at a press conference announcing the murder indictment in the case of the death of Jessica Lopez.

People v. Kimberly Bennett – On September 1, 2020, Kimberly Bennett, 43, of Middletown, was arraigned in County Court on an indictment charging her with crimes including Assault in the First Degree, in connection with an assault on Bennett's seven-month-old granddaughter, for whom Bennett was the primary caregiver. The child suffered serious physical injury, including damage to her brain and eyes, which resulted in the child being rendered blind. On February 22, 2020, Middletown police officers and ambulance personnel responded to Bennett's residence and found the seventh month-old baby unresponsive and exhibiting facial bruising. A joint investigation was conducted by the Middletown Police Department and the District Attorney's Office, with assistance from the New York State Police. The results were presented to an Orange County grand jury, which indicted Bennett on charges involved in the injuries to her granddaughter. Bennett was arrested by the Middletown Police Department. If convicted, Bennett faces up to twenty-five years in prison.

People v. Seth Pelsang, et al. – On September 4, 2020, Seth Pelsang, 31, of Goshen, pleaded guilty in County Court to Manslaughter in the First Degree. The plea was in connection with the December 18, 2019, death of a man found beaten and bound on Kipp Road in the Town of Goshen. Three other individuals, Robert Haskell, 55, and Timothy Smith, 37, both of Goshen, and Courtney Clemenza, 32, of Chester, had been previously charged in connection with the man's death. Haskell, Smith, and Pelsang had been charged with crimes including Murder in the Second Degree and Kidnapping in the Second Degree. Haskell was also charged with Criminal Possession of a Weapon in the Third Degree. Clemenza was charged with crimes including Manslaughter in the Second Degree, Kidnapping in the Second Degree, and Endangering the Welfare of a Child. During court appearances, prosecutors argued that on December 18, 2019, the deceased man went to the house where Haskell, Pelsang, and Smith lived, armed with a shotgun. After the man was

disarmed by the residents and restrained, Haskell then beat him with a baseball bat. Prosecutors argued that all the defendants helped tie up the injured man. The man was placed inside Clemenza's car and was driven to another area in the Village of Chester, where he was left on the side of the road, bound and wounded. After about twenty minutes, a motorist noticed the motionless, bound man. He was transported to the hospital and pronounced dead. At the time Pelsang pleaded guilty, he admitted that on December 18, 2019, he participated, along with others, in tying up the man, beating him with a baseball bat, transporting him in a car and leaving him in the road bound and helpless. Pelsang also stated that he did not notify 911, or anyone else, that the injured man was tied up on the roadway.

People v. Desean J. Owens – On September 9, 2020, Desean J. Owens, 29, of the Bronx, was arraigned in County Court on charges related to the August 29, 2020, shooting of a Middletown police officer. The indictment charged Owens with crimes including Attempted Murder in the First Degree, Aggravated Assault Upon a Police Officer, Criminal Possession of a Weapon in the Second Degree, Reckless Endangerment in the First Degree, and Criminal Trespass in the First Degree. The indictment alleges that on August 29, 2020, on Myrtle Avenue in Middletown, Owens attempted to kill a Middletown police officer by shooting him with a 9mm pistol. The police officer was struck in the arm. The police officer shot back at Owens, wounding him. The charge of Reckless Endangerment in the First Degree pertains to allegations that Owens fired his pistol not only in the direction of the police officer, but also at a number of civilians, including several children, who were in a car near where the officer was standing. The charge of Criminal Trespass in the First Degree pertains to allegations that Owens knowingly entered and remained unlawfully in a residence on Myrtle Avenue armed with the 9mm pistol and had refused several orders by the resident to leave the house. Pursuant to an executive order signed by Governor Cuomo, certain police-involved shootings are investigated by the New York State Attorney General's Office. The executive order does not apply to instances where the person shot by the police officer was armed. After being briefed on the incident, District Attorney Hoovler spoke to an assistant attorney general, who agreed that OCDA should continue its investigation. The maximum sentence for Attempted Murder in the First Degree is 40 years to life in prison.

People v. Tavares Stackhouse – On September 10, 2020, Tavares Stackhouse, 38, of the City of Newburgh, was arraigned in County Court on an indictment related to the June 27, 2020, fatal stabbing of a man near the intersection of Route 9W and Washington Street, in the City of Newburgh. The indictment charged Stackhouse with Murder in the Second Degree and Criminal Possession of a Weapon in the Third Degree. During the arraignment, prosecutors argued that Stackhouse saw a man in an argument with two people who Stackhouse knew. After the man walked away from the argument, Stackhouse rode on a bicycle after the man. The man attempted to run away from Stackhouse, who caught him and stabbed him more than fifteen times. A passing motorist witnessed the attack, got out of her vehicle, and yelled at Stackhouse, who fled. Another passerby, who was a medical professional, tried to render medical aid to the victim, who later died of his injuries.

People v. Ryan "Soda Pop" Discua – On September 24, 2020, Ryan Discua, a/k/a "Soda Pop," 24, of New Windsor, was sentenced by Orange County Court Judge Robert H. Freehill, in connection with the October 9, 2019, shooting of a man in the City of Newburgh. On December 16, 2019, Discua pleaded guilty to Attempted Murder in the Second Degree and Criminal Possession of a Weapon in the Second Degree. Discua was sentenced to eighteen years in prison and five years of

post-release supervision on the charge of Attempted Murder in the Second Degree, and ten years in prison and five years post-release supervision on the charge of Criminal Possession of a Weapon in the Second Degree. The Court ordered the sentences to run concurrently. At the time that Discua pled guilty, he admitted that on October 9, 2019, at approximately 10:50 P.M., in the vicinity of 129 William Street, he tried to kill a man by shooting him with a semiautomatic pistol, and that his victim suffered serious physical injury. Discua also admitted illegally possessing a loaded 9mm pistol when he was arrested by the City of Newburgh Police Department on October 10, 2019.

People v. Demetrius Stewart – On December 4, 2020, Demetrius Stewart, 34, of Newburgh, pled guilty before Orange County Court Judge Robert H. Freehill, to Criminal Possession of a Weapon in the Second Degree, in connection with allegations that he had repeatedly discharged a pistol in the air while in the midst of a large crowd in the City of Newburgh. On April 10, 2020, at approximately 10:35 p.m., a large group had formed in the vicinity of Carpenter Avenue and First Street in the City of Newburgh. The City of Newburgh Police Department was notified that their “Shotspotter” system indicated that thirteen gunshots had occurred on that street corner. “Shotspotter” is an automated system designed to recognize the sound of gunfire, triangulate the location of where the shots occurred, and transmit that information to the police. A subsequent investigation conducted by the City of Newburgh Police Department, aided by OCDA, revealed the existence of a digital recording showing Stewart repeatedly firing a pistol into the air. Pursuant to a plea agreement placed on the record at the time Stewart pleaded guilty, OCDA will be recommending that Stewart be sentenced to ten years in prison and five years of post-release supervision, when he is sentenced on January 21, 2021.

People v. Luis Colon – On December 7, 2020, Luis Colon, 27, of Newark, was arraigned before Town of Newburgh Judge Jude Martini on charges of Manslaughter in the Second Degree and Unlawfully Fleeing A Police Officer in the First Degree, for an incident that occurred on December 6, 2020, at approximately 1:34 a.m., at the intersection of South Robinson Avenue and South Williams Street in the City of Newburgh. It is alleged that Colon was driving a van at a high rate of speed, ignoring lane markings and traffic devices, in an attempt to flee pursuing Town of Newburgh Police Officers, when he crashed the van, killing one of his passengers and injuring himself and a second passenger. On December 6, 2020, at approximately 1:20 a.m., Town of Newburgh police officers were dispatched to a call of a burglary in progress at “Big Boyz Toys,” a dealership on Route 9W in the Town of Newburgh, which sells ATVs, dirt bikes, and other motorsports vehicles. When police tried to block an Econoline van that was in the parking lot from leaving, the van evaded the police, who pursued the vehicle into the City of Newburgh. The felony complaint charging Colon alleges that at times he was driving the van at speeds that exceeded ninety miles per hour, more than twenty-five miles per hour over the speed limit, and that Colon disobeyed traffic control devices, including a red traffic light at the intersection of South Robinson Avenue and South William Street in the City of Newburgh. While going through that intersection the van struck another vehicle, then struck several parked vehicles and a utility pole, causing Colon’s vehicle to roll. One occupant of the van died in the collision, and another was injured and transported to a hospital. During the course of the police chase on State Route 9W, a passenger in the van opened the back door of the van and threw stolen dirt bikes and other vehicles out of the van, in an apparent attempt to evade the pursuing police cars.

People v. Justin White – On January 23, 2020, the defendant pleaded guilty to Robbery in the First Degree, in connection with the gun-point robbery of a 67-year-old Port Jervis man, who was then

locked in the trunk of his own car. In 2019, White had pled guilty to Rape in the Second Degree, for having sex with an underaged girl. On March 5, 2020, White was sentenced to ten years in prison and five years of post-release supervision in connection with the robbery and an additional six years in prison and ten years of post-release supervision on the rape case. Since the sentences were ordered to run consecutively, White was sentenced to a total of sixteen years in prison.

DOMESTIC VIOLENCE

Prosecuting cases where the defendant and the victim either are, or were formerly, intimate partners remained a high priority for OCDA in 2020. The Office continued its relationship with “Fearless! Hudson Valley, Inc.,” formerly known as “Safe Homes of Orange County,” a not-for-profit organization that is dedicated to helping victims of domestic abuse and that has supplied victim-advocate services to OCDA for many years. Most notably, those services include making a victim’s advocate available to speak with victims of domestic violence as they go through the criminal justice system. At least one of those advocates is embedded in OCDA. Those advocates work closely with the victims and assistant district attorneys, particularly when the victims must testify in a grand jury. Victims of intimate partner violence frequently are hesitant to report crimes and to follow through on prosecutions. Victims’ degree of trust and cooperation has grown due to the close interaction between OCDA and Fearless!, resulting in a working relationship where victims are more likely to receive appropriate services and report instances of domestic violence, which greatly lessens the chance that they will be victimized in the future.

People v. Anthony Mahabir – On October 21, 2020, Anthony Mahabir, 38, of the City of Newburgh, pled guilty in Orange County Court before Judge Robert J. Prisco, to Assault in the First



District Attorney Hoovler speaking out for victim’s rights.

Degree, Arson in the Second Degree, and Criminal Contempt in the First Degree. The plea was in connection with the March 26, 2020 stabbing of a woman that Mahabir was arrested for having assaulted on March 24, 2020, and intentionally burning the multiple-family residence where the victim lived on DuBois Street in the City of Newburgh. Mahabir had been released without bail after he was arraigned in the City of Newburgh Court on March 24, 2020, on charges of Assault in the Third Degree, for having assaulted the woman. Due to recently enacted bail reform laws, the City of Newburgh Court had no choice but to release Mahabir without bail. The Court did issue an order of protection, which commanded Mahabir to stay away from the victim. Although there have been some amendments to the “bail reform” laws since this incident occurred, even under current law bail still cannot be set on a defendant charged with Assault in the Third Degree under those circumstances. At the time that Mahabir pleaded guilty, he admitted that on March 26, 2020, he went to the victim’s apartment building in violation of the order of protection. Mahabir admitted spreading lighter fluid and using matches to ignite a fire on the staircase landing between the second and third floors of the victim’s building, which he knew to be occupied. Mahabir admitted that he then proceeded to the victim’s third floor apartment where he stabbed her multiple times in the abdomen and arm. The victim, who suffered serious physical injuries and could not walk, was carried by other residents to the fire escape where

she was rescued by emergency personnel. OCDA will recommend that Mahabir be sentenced to a total of eighteen years in prison when he is sentenced on January 6, 2021. Judge Prisco stated that he would sentence Mahabir to fifteen years in prison.

Misdemeanors Matter Domestic Violence Program

During 2020, OCDA continued to emphasize misdemeanor domestic violence cases, through the Misdemeanors Matter Program. The Office created the program in 2014 to ensure that misdemeanor domestic violence cases are handled with the special attention and expertise that those serious cases deserve. One assistant district attorney was specifically assigned to handle a misdemeanor domestic violence caseload, with special emphasis and training placed on prosecuting cases without the victims' testimony, a strategy known as "evidence-based prosecution." For 2020, the Misdemeanors Matter Program continued to receive funding through a grant from the federal STOP Violence Against Women Formula Grant Program. That grant partially funded the assistant district attorney responsible for work under the Program. In addition, in 2020, the Office 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.

Combating Human Trafficking

On August 26, 2020, District Attorney Hoovler announced the launch of the District Attorney's Anti-Trafficking Campaign, an initiative designed to inform the public about human trafficking. The announcement came at a press conference held at the Orange County Government Center in Goshen. Kellyann Kostyal-Larrier, Executive Director of "Fearless!," which coordinates the Orange County Safe Harbor Task Force, a collaboration of agencies working to address human trafficking offenses committed against youth, also attended the press conference.

Human trafficking is a worldwide problem. Victims are coerced into providing sexual services or labor, all for the benefit of the trafficker. Traffickers may directly threaten victims with harm, humiliation, imprisonment, or deportation if they refuse to be trafficked; may isolate victims from friends, loved ones, and the public; may take control of the victims' finances; and may confiscate victims' passports or other identifying documents. Men, women, and children can all be victims of human trafficking. In 2018, nearly 500 cases of human trafficking were reported in New York State alone.

The District Attorney's Anti-Trafficking Campaign is designed to educate the public about human trafficking, so that law enforcement can rescue victims of trafficking and can stop and punish offenders. The campaign includes an eight-page brochure, a rack card, and a poster, designed to illustrate the scope of the human-trafficking problem. The materials point out the signs of human trafficking and dispel many myths about trafficking. The materials have been distributed to, among other places, area hotels, where traffickers might house their victims, and where clerks and others might recognize possible human-trafficking situations.

To obtain further information about the District Attorney's Anti-Trafficking Campaign, or to obtain copies of the Campaign's written materials, please contact Robert Conflitti, Counsel to the District Attorney, at (845) 291-2050 or by email to DACommunityAffairs@orangecountygov.com.



District Attorney Hoovler with Fearless! Executive Director Kellyann Kostyal-Larrier at Anti-Trafficking Campaign press conference

NARCOTICS ENFORCEMENT

The narcotics epidemic affects every community in the State without regard to socioeconomic status, and the connection between violent crime and narcotics is undeniable. In 2020, OCDA continued to respond to the spike in fatal overdoses in Orange County, which mirrors similar spikes in overdoses throughout New York State. A report released on December 17, 2020, by the federal Centers for Disease Control and Prevention reflected a significant increase in the first half of 2020 in the number of deaths related to the abuse of synthetic opioids. Parts of New York State reported up to a 49% increase in synthetic-opioid-related deaths, while other states reported increases of greater than 50%. Orange County itself reported a 20% increase in opioid-related deaths in the first half of the year, as compared to the first half of 2019. Those increases coincide with local and nationwide efforts to control the COVID-19 pandemic.

Although the COVID-19 emergency temporarily hampered the Office's ability to conduct the same types of narcotics enforcement actions that are usually used to drive down the availability of those highly addictive and often-lethal substances, the increase in fatal overdoses shows just how necessary those enforcement actions are. There are few residents who do not know someone whose life has been devastated by narcotics. In addition to punishing offenders, the District's Attorney Office regularly attempts to get appropriate defendants into drug treatment courts and has sponsored public service announcements and educational materials to dissuade young residents from using illicit drugs.

The Orange County Drug Task Force

In 2014, OCDA, the Orange County Sheriff's Office, and the Police Chiefs' Association of Orange County created the Orange County Drug Task Force. The Task Force is run under the supervision of a Senior Criminal Investigator from OCDA and a Senior Investigator from the Orange County Sheriff's Office. In addition to personnel from those agencies, the Drug Task Force is composed of police officers from other Orange County police departments. Currently the Town of Montgomery Police Department, the Wallkill Police Department, and the Highlands Police Department have committed to assigning police officers to work on the Task Force. The Drug Task Force assists other agencies in conducting narcotics investigations, including undercover investigations, throughout the County. Some of the agencies that assisted in the enforcement actions conducted by the Task Force include the Orange County Sheriff's Office, the City of Newburgh Police Department, the Town of Newburgh Police Department, the Town of Montgomery Police Department, the New Windsor Police Department, the Wallkill Police Department, the Warwick Police Department, the Monroe Police Department, the Walden Police Department, the U.S. Marshalls Fugitive Task Force, and the Hudson Valley Crime Analysis Center.



The September 2020 Narcotics Sales Enforcement Action

On September 17, 2020, OCDA joined a number of partner law enforcement agencies in announcing that forty defendants had been indicted by an Orange County grand jury on crimes pertaining to the trafficking of cocaine, heroin, fentanyl, and prescription medications throughout Orange County. The indictments were part of an enforcement action conducted by the Orange County Drug Task Force, the New York State Police, the Middletown Police, and OCDA.

In 2019, legislation was enacted that severely limits the courts' ability to set bail for offenses involving narcotics sales. In previous narcotics sweeps in Orange County, some bail was set by the court for almost all defendants charged with selling narcotics. Although OCDA has requested bail in every bail-eligible case on the narcotics operation announced on September 17, 2020, bail was only ordered for three of the forty defendants charged in connection with that enforcement action.

Bail was set on two defendants after prosecutors argued that their status as persistent felony offenders rendered each of them bail eligible even under the new bail laws. Bail was also set on a defendant who was on parole. However, courts did not set bail in every eligible case.

Significant Narcotics Cases

Operation Bread, White and Blues – On February 5, 2019, members of the New York State Police Community Narcotics Enforcement Team, aided by the State Police Special Operations Response Team, the Federal Bureau of Investigation, the Orange County Sheriff’s Office, the Drug Enforcement Administration, and OCDA, executed multiple search warrants and arrested 26 people in Orange and Rockland Counties. The arrests and warrants were the result of a six-month narcotics investigation that involved hundreds of hours and a multitude of court orders for electronic surveillance and wiretaps. Indictments arising from the enforcement action outlined two separate conspiracies, one that primarily involved members and associates of self-professed “outlaw” motorcycle clubs that were trafficking cocaine; and another that involved the sale of narcotic pills that were represented to contain oxycodone, but which contained fentanyl, a highly addictive and frequently lethal synthetic opiate. The name of the operation referred to the co-conspirators use of the terms “bread” to mean money they obtained through the sale of narcotics, “white” to represent the cocaine that was sold, and “blues” to represent the blue-colored pills that were being trafficked. Arrested members of the two drug-trafficking organizations included former police officers and active members of local fire departments. Law enforcement officials recovered more than \$500,000, 25 handguns, one assault rifle, multiple other rifles, ten vehicles, two motorcycles, over 2.5 pounds of cocaine, and 1300 fentanyl pills. All defendants charged in the investigation have pled guilty. Some were sentenced in 2020.

On September 15, 2020, Robert Dunham, 47, of Middletown, was sentenced in County Court to a total of nine to eighteen years in prison in connection with “Operation Bread, White and Blues.” On April 25, 2019, Dunham had pled guilty to Criminal Sale of a Controlled Substance in the First Degree and Conspiracy in the Second Degree. Dunham was alleged to have been a member of both conspiracies. At the time that he pled guilty, Dunham admitted having sold over two ounces of cocaine on October 4, 2018, in furtherance of one of the conspiracies. Dunham was sentenced to nine years in prison and five years of post-release supervision on the charge of Criminal Sale on a Controlled Substance in the First Degree, and six to eighteen years in prison on the charge of Conspiracy in the Second Degree. The sentences were ordered to run concurrently, resulting in Dunham having a combined sentence of nine to eighteen years in prison.

People v. Ashley Parker/Fatal Overdose Case – The defendant sold heroin and fentanyl to another individual, and that individual overdosed and died. The defendant pled guilty to Criminal Sale of a Controlled Substance in the Third Degree and Criminally Negligent Homicide. In January 2020, Parker was sentenced to four years in prison with three years of post-release supervision on the narcotics sale charge, and one to three years in prison on the homicide charge. The case is an example of offenses that are legally defined as “non-violent,” and for which, at the time, prosecutors could not seek bail, but that can have devastating and fatal consequences. Since April 2020, after the Parker case was completed, the law was amended to allow bail to be set in any case involving a person’s death.

People v. Vinny Hannon – On October 8, 2020, Vinny Hannon, age 24, of Port Jervis, was charged with Criminal Possession of a Controlled Substance in the Third Degree, Criminal Possession of Marijuana in the Second Degree, and Criminal Possession of Stolen Property in the Third Degree. On October 8, 2020, at about 5:00 a.m., officers from the Port Jervis Police Department and the Orange County Sheriff’s Office Special Operations Group executed a search warrant at Hannon’s apartment on Cole Street in Port Jervis. Hannon was also arrested in the apartment. The search of the apartment revealed several drugs and related items, including:

- 91 glassine envelopes of heroin or fentanyl;
- 1 gram of crack cocaine;
- 1 gram of powder cocaine;
- 2 pounds of marijuana;
- 111 Oxycodone pills;
- 51 Oxycontin pills;
- 3 Xanax pills;
- 5 Suboxone pills;
- 86 grams of liquid Methadone;
- A pill press, drug-packaging materials,
and scales.



In addition, police recovered from the apartment over \$38,000 in cash and approximately \$20,000 worth of stolen retail merchandise, still in its packages, which Hannon is alleged to have exchanged during narcotics purchases. The stolen property included:

- Assorted electronics;
- Power tools;
- Medical equipment, including heart and blood pressure monitors;
- Cosmetics and personal-care products;
- Designer clothing;
- Sneakers;
- Cell phones and accessories;
- Household appliances.

Hannon was released from custody on an appearance ticket, because, due to state bail law amendments that became effective on January 1, 2020, none of the charges qualified Hannon to be held on bail. Authorities have begun a money-laundering investigation, to track the sources and methods of disposal of cash proceeds obtained from the drug and stolen property transactions.

People v. Schwerberg and Schwerberg – On November 4, 2020, Marius Schwerberg, 65, and his wife, Nancy Schwerberg, 43, of Montgomery, were arraigned in County Court on charges of Criminal Possession of a Controlled Substance in the First Degree, for possessing 52.1 ounces of cocaine at their residence on Loch Lane in Montgomery. Additionally, Marius Schwerberg was charged with Operating as a Major Trafficker. The charges were the result of a joint operation between the New Jersey State Police and the New York State Police, Troop F Violent Gang Narcotics Enforcement Team (“VGNET”), aided by OCDA. The investigation related to the trafficking of large amounts of cocaine in Morris County, New Jersey. As part of the investigation, a

search warrant was executed at Marius and Nancy Schwerberg's residence, resulting in the seizure of 1,485 grams of cocaine and seventeen pounds of marihuana, which collectively had a street value of over \$180,000. Additionally, items used for the cutting, weighing, and repackaging of cocaine, a loaded handgun, and over \$1,187,391.00 in cash were recovered during the execution of the search warrant. The money constitutes the largest amount of cash recovered during a narcotics search warrant in Orange County history. The maximum sentence for the Class A-I felony of Operating as a Major Trafficker is twenty-five years to life in prison. The maximum sentence for the Class A-I felony of Criminal Possession of a Controlled Substance in the First Degree is twenty years in prison.



Pistol, money, and contraband recovered from Town of Montgomery couple's residence.

PUBLIC CORRUPTION CASES

Public service is a sacred trust and those who abuse their positions to enrich themselves must be held accountable. Embezzlement cases, particularly those involving tampering with records, are always challenging to investigate.

People v. Jolene Roy – In 2020, the New York State Police, OCDA, and the New York State Comptroller's Office, aided by the Crawford Police Department, pooled their resources and expertise in investigating a theft from the Town. On February 13, 2020, Jolene Roy, 45, of Pine Bush, pled guilty in County Court to Grand Larceny in the Third Degree and Tampering with Public Records in the First Degree, in connection with an embezzlement of funds from the Town, where Roy served as Town Clerk. At the time that she pled guilty, Roy admitted that between May 1, 2017, and December 31, 2018, she embezzled funds that she had received as Town Clerk. She also admitted making false entries in Town records to conceal the thefts. The investigation revealed that Roy stole more than \$21,000, including stealing funds that the Town was to receive from the rental of rooms for events at the Town Senior Center. Roy paid back \$21,296.25 in restitution to the Town of Crawford.

THE APPEALS BUREAU

The Appeals Bureau handles all matters pending in the New York State 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. ADAs assigned to the Appeals Bureau respond to federal habeas corpus challenges filed in the United States District Court for the Southern District of New York that involve cases prosecuted by OCDA, as well as related appeals to the United States Court of Appeals for the Second Circuit and the United States Supreme Court. Bureau attorneys also provide legal assistance to other OCDA attorneys in both the Orange County Court and in various local criminal courts, provide assistance with the drafting of search warrants, and provide legal advice and training to members of the District Attorney's

staff and to various police agencies in Orange County. Assistants assigned to the Appeals Bureau also continued to assist with the Orange County Animal Abuse Task Force in the investigation and prosecution of animal cruelty complaints brought under the Agriculture and Markets Law, and with environmental crimes committed in violation of the Environmental Conservation Law. Finally, the Appeals Bureau Chief is designated as the OCDA's Records Access Officer, and, together with other attorneys from the Appeals and other bureaus, is responsible for responses to Freedom of Information Law (FOIL) requests.



*Executive Assistant District Attorney
Andrew Kass arguing before the New
York Court of Appeals*

In 2020, New York State appellate courts issued 54 decisions involving appeals handled by OCDA. OCDA was victorious in 44 of the 45 cases decided by the Appellate Division, Second Department; and in six of the seven cases decided by the Appellate Term for the Ninth and Tenth Judicial Districts, including two successful People's appeals. In addition, the United States District Court for the Southern District of New York denied petitions for writs of habeas corpus in two cases where defendants, following the conclusion of their direct appeals in the state appellate courts, challenged state court convictions in cases that were prosecuted by OCDA. In four other federal challenges, the assigned magistrate judge issued reports recommending the dismissal of the petitions.

Significant Appellate Cases

Appellate Division:

People v. Michael Heil – Defendant was convicted after a jury trial of two counts of Murder in the Second Degree, Manslaughter in the First Degree, and Manslaughter in the Second Degree in connection with the death of his seven-week-old son. The child died after approximately two weeks in the hospital, after he was found to be in respiratory and cardiac distress and suffering from traumatic brain injury. Defendant was sentenced to aggregate concurrent terms of imprisonment of twenty-five years to life and is currently serving that sentence. The Appellate Division affirmed defendant's convictions and sentences.

People v. Jerome Mack and Edgar Wilson – Following a jury trial, Jerome Mack was convicted of Attempted Murder in the Second Degree, Assault in the First Degree, Criminal Possession of a Weapon in the Second Degree, Criminal Use of a Firearm in the First Degree, Conspiracy in the Fourth Degree, and Criminal Possession of Stolen Property in the Fourth Degree. Edgar Wilson was convicted of Assault in the First Degree, Conspiracy in the Fourth Degree, Grand Larceny in the Fourth Degree, and Criminal Possession of Stolen Property in the Fourth Degree. The charges stem from the October 9, 2014, shooting of Devon Simmons, which followed Simmons's release from the Otisville Correctional Facility, after Wilson met Simmons outside the prison and persuaded Simmons that he was there to pick him up. A short while later, Wilson stopped the car, and Mack emerged from the trunk and shot Simmons. Mack is serving an aggregate thirty-year sentence and Wilson is serving a twenty-five-year sentence. The Appellate Division affirmed each of their respective convictions and sentences.

Appellate Term:

People v. Kevin Gould – Defendant pled guilty to one count of Animal Cruelty in violation of Agriculture and Markets Law §353 after members of the Orange County Sheriff’s Office executed a search warrant and recovered four malnourished dogs from inside a garage that was overcome with the overwhelming smell of feces and urine. Defendant was sentenced to a three-year term of probation and was also ordered to pay \$17,182.00 in restitution. The Appellate Term affirmed defendant’s conviction and sentence.

People v. James Kaster – The People appealed an order of the Newburgh City Court that granted defendant’s motion to suppress his post-arrest statements and results of a chemical test of his breath that showed that his blood-alcohol content was .14%. Defendant was arrested and charged with two counts of Driving While Intoxicated in violation of Vehicle and Traffic Law §§1192.2 and 1192.3 after members of the Orange County Sheriff’s Office found defendant passed out in the driver’s seat of a vehicle parked in a parking lot with the engine running and the driver’s side door open. A large pile of vomit was on the ground outside of the driver’s side door. The Appellate Term reversed the City Court’s order and agreed with the People that the evidence established proof of operation and that there was probable cause to arrest defendant.

Federal Habeas Corpus Litigation:

People v. David Small – Following a jury trial, defendant was convicted of Burglary in the Second Degree and other charges arising from a May 26, 2005, residential burglary that occurred in the Village of Chester, New York. Defendant was not identified as a suspect until more than a year later when the victim recognized defendant’s voice while she was speaking with another neighbor in the parking lot of her complex. As modified, the Appellate Division affirmed defendant’s conviction and sentence in 2010. The United States District Court denied defendant’s petition for a writ of habeas corpus, in which he sought to attack his conviction on federal constitutional grounds.

REACTING TO THE COVID-19 EMERGENCY

Like many Orange County residents, OCDA had to find ways to continue performing our necessary prosecutorial functions, while protecting our staff and those we interact with, including victims, civilian witnesses, and police officers. At the same time, we were called on to help law enforcement, health officials, and other State and County officials enforce COVID restrictions, while protecting the constitutional rights of County residents.

Office Operations During the COVID-19 Emergency

At the start of the COVID-19 emergency in March 2020, District Attorney Hoovler stated: “The District Attorney’s Office is currently coordinating with our law enforcement partners to ensure that police agencies continue to receive around the clock assistance with respect to search warrants, investigations, arraignments, and other emergency applications. Our staff is also present at the Emergency Operations Center monitoring events, and consulting with County Executive Neuhaus and other emergency management officials. We are taking all steps possible to protect the public and our staff during this critical stage of the coronavirus response.”

As a result of COVID-19, the County Court and city courts limited their courtroom operations to primarily handle only arraignments, matters involving orders of protection, and applications dealing with whether a defendant should continue to remain in custody. OCDA worked out protocols with the courts, with the Legal Aid Society of Orange County, and with other attorneys, conferencing cases by video or by telephone to limit in-person contact. At different points during the emergency, most of our town and village justice courts adjourned their proceedings to later dates.

All assistant district attorneys and criminal investigators were issued personal protective equipment, including masks, face-shields, gloves, and hand sanitizer, and received guidance on their



Assistant District Attorney Amanda Arroyo participating in “virtual” court proceedings from her office

proper use. Assistant district attorneys were instructed to interview witnesses, including police officers, either to obtain information or to prepare them for litigation, over the telephone, or by means other than in person, whenever possible. Except for court appearances, all interaction with outside agencies, such as meetings and training sessions, were mandated to occur by phone or via the Internet or to be cancelled. Exceptions were made for emergency situations, such as responding to help police agencies with homicides or other major events.

OCDA is now prepared if even greater restrictions are placed on office meetings in the future. All assistant district attorneys have been issued laptop computers and cellular telephones, which act as wi-fi “hotspots.” Those tools provide the capacity for assistant district attorneys to access the office and case files and to perform their work from their residences in the same manner as they can from the office. All telephone lines in the office can be forwarded to cellular telephones, and District Attorney Hoovler has developed a Continuity of Operations Plan to ensure that both the general public and law enforcement agencies will have the same access to assistant district attorneys that they have always had.

Grand Jury Operations During COVID

Grand juries perform a vital function, including allowing law enforcement to keep dangerous offenders off the streets. Normally in Orange County defendants who are incarcerated due to bail having been set at their arraignments, must have their cases presented to the grand jury within five or six days of their arrests, or they must be released without bail. Despite our grand juries having been temporarily shut down during the COVID crisis, assistant district attorneys were able to make appropriate applications to courts and to conduct hearings to keep dangerous offenders incarcerated.

Before grand jury proceedings that had been shut down due to the pandemic were allowed to resume, OCDA had to present a plan to the State’s chief administrative judge, describing how witnesses, grand jurors, and staff would remain safe during those proceedings. OCDA’s plan for the grand jury included implementing the same protocols that are being followed in OCDA itself. To protect grand jurors and office staff, ADAs prepare witnesses who must testify in person, using designated conference rooms outside OCDA’s interior offices, and put as much distance as

possible between the witnesses and the grand jurors. Grand jury proceedings are being conducted in Orange County's Legislative chambers, a much larger room than the grand jury room within OCDA. The larger chamber allows grand jurors and witnesses to remain more than six feet apart. Other aspects of the plan included using projectors to display documents submitted into evidence, so that grand jurors do not have to repeatedly handle items and documents touched by other grand jurors when inspecting them. The plan was formulated with the aid of County legislators, County officials, and, most importantly, the County health commissioner.

The PAUSE Taskforce

On April 8, 2020, District Attorney Hoovler and Orange County Sheriff Carl E. DuBois announced that OCDA, the New York State Police, and the Orange County Sheriff's Office had instituted a protocol to investigate referrals from the New York State PAUSE Enforcement Assistance Task Force, regarding possible violations of emergency executive orders and Department of Health orders related to COVID-19. The Governor had established the Task Force to accept and investigate complaints regarding the operation of non-essential businesses or gatherings. To date, OCDA has reviewed over 1,900 PAUSE complaints. Complaints can be made either by filing an online form, available at <https://mylicense.custhelp.com/app/ask>, or by calling 1-833-789-0470.

Since March 7, 2020, New York State's Governor has issued various Executive Orders designed to reduce social density by discouraging the unnecessary gathering of people in close contact in businesses and public places. Similarly, the New York State Department of Health has issued guidance concerning precautions necessary to reduce the spread of COVID-19. Complaints received by the New York State PAUSE Enforcement Assistance Task Force are first reviewed by State agency personnel for completeness, accuracy, and applicability under the orders, and are then referred to law enforcement officials in the jurisdiction where the violations are alleged to be occurring.

Under the protocol, referrals from the New York State PAUSE Enforcement Assistance Task Force that are alleged to be occurring in Orange County are initially investigated by the New York State Police and the Orange County Sheriff's Office, in consultation with OCDA. If it is determined that criminal charges are not warranted, subsequent referrals might then be made to the Orange County Department of Health, or other County or local regulatory agencies, such as code enforcement officers. Those offices, in consultation with the County Attorney's Office or appropriate municipal attorneys, determine whether fines or other penalties should be pursued.

District Attorney Hoovler stressed that "All agencies involved in this initiative agree that obtaining voluntary compliance with social distancing regulations is the primary goal. Law enforcement officials have been encouraged to issue warnings, and to break up and disrupt illegal and unsafe gatherings, before considering filing charges or taking other punitive measures. However, we cannot tolerate those who refuse to comply with lawful orders of the police to disperse and thereby endanger others as well as themselves. In addition to working on these referrals, OCDA will continue to work with all our law enforcement partners, and local and County officials, in doing everything that we can to keep Orange County residents safe."

Alerting the Public to COVID Scams

In general, every crisis brings out the best in our community, as residents band together to help others. Unfortunately, there are also those who try to take advantage of the situation by using the crisis to defraud others. OCDA has been alerting the public to scams, such as phone calls asking for charitable donations related to the coronavirus outbreak. The public was also advised not to give out credit card information over the telephone. E-mail phishing attacks are another way that malicious cyber-actors try to trick victims into giving money or revealing sensitive information. The public was warned to avoid clicking on unsolicited e-mails and to be wary of e-mail attachments.

On April 29, 2020, District Attorney Hoovler, Ulster County District Attorney David Clegg, and New York State Comptroller Thomas P. DiNapoli announced that their offices would be coordinating with each other and with other law enforcement officials to protect the public from COVID-19 related Internet scams. District Attorney Hoovler and District Attorney Clegg said that their offices were committed to a zero-tolerance policy towards any scammers or fraudsters leveraging COVID-19, and will prosecute them to the fullest extent of the law.

On April 15, 2020, District Attorney Hoovler issued a warning to Orange County's citizens to be on the lookout for scams including:

- **Offers of Checks.** Texts, emails, or phone calls may offer to provide you with a check, as part of the COVID-19 response, but, in reality, the scammer is seeking some form of personal information from you, or seeking to infect your computer with malware.
- **Offers for Vaccinations or Home Test Kits.** At present, nothing has been shown to be effective in treating COVID-19, and only a few FDA-approved vaccines have been shown to be to any extent effective in preventing it. Any offer of any other product is fraudulent.
- **"Robocalls."** Scammers are using electronic calling to offer fraudulent products such as insurance or various work-at-home schemes.
- **Emails.** Scammers sometimes use emails claiming to be from the Centers for Disease Control and Prevention or the World Health Organization. Emails stating that they are from those organizations may be attempts to get you to provide personal information to the scammer or to infect your computer.
- **Donations.** Many scammers are setting themselves up as charitable organizations, seeking donations for those who work against the virus.
- **Offers of Products.** Some scammers are offering reduced-rate products, which are never delivered.

District Attorney Hoovler, District Attorney Clegg and Comptroller DiNapoli announced additional COVID-19 related crimes that they will be investigating, including:

- **Advance Fee Schemes** – where a victim pre-pays partially or in full on-line for a service or good related to COVID-19 and receives little or nothing in return.
- **Business Email Compromise Schemes** – where a legitimate email address gets spoofed (using a COVID-19 hook) and succeeds in redirecting to a fraudster’s bank account legitimate payments by the victim.
- **COVID-19 Testing Schemes** – where victims (especially the elderly) are contacted by email, by phone, or in person and are told that the government requires them to take a COVID-19 test. As part of that contact by the fraudster, victims provide confidential medical information (including Medicare or Medicaid numbers), which is then used to defraud government or private health care programs (health care fraud schemes).
- **COVID-19 Treatment Schemes** – fraudsters are leveraging this pandemic to sell fake cures, treatments, and vaccines by contacting the victims via online advertisements, phone, and email. As part of the scam, besides selling a fake product, the fraudster often successfully obtains the victim’s financial information, Medicare or Medicaid number, or private health insurance information.
- **Federal Relief Scams** – where fraudsters attempt to steal personal or financial information, leveraging the federal government’s payments as part of the economic relief package.
- **Phishing Attempts Leveraging Emergency COVID-19 Information** – where fraudsters attempt to use victims’ fears about COVID-19 as an opportunity to phish (i.e., attempt to get an individual to click on a link to install malware, steal passwords, or get access to sensitive information). The email or text appears to be from an official organization and either asks for donations or asks the victim to take other action.

New Yorkers can report allegations of fraud involving taxpayer money across the State by calling the toll-free Fraud Hotline at 1-888-672-4555, by filing a complaint online at investigations@osc.ny.gov, or by mailing a complaint to: Office of the State Comptroller, Division of Investigations, 8th Floor, 110 State Street, Albany, NY 12236. As always, if an offer sounds too good to be true, it probably is.

Ensuring Compliance with New York’s Civil Rights Law During COVID

On March 24, 2020, District Attorney Hoovler announced that his Office was conducting an inquiry into an incident where a man was refused service at a previously scheduled appointment at a car dealership, apparently because the man was an Orthodox Jew, and the staff was fearful of contracting the coronavirus from him. In a video, created by the customer who was refused service, and which was widely disseminated, an employee of the dealership admitted denying the man service because he “is spreading the virus,” notwithstanding that other customers were being served at the same time. On the video, the employee did not respond to inquiries by the man about why he was being refused service while other customers were being served.

New York State Civil Rights Law Section 40 provides that no business’s proprietor, manager, or employee shall directly or indirectly refuse, withhold, or deny patronage of a business “on account of race, creed, color or national origin.” Section 41 of that law states that each violation of section 40 is “a misdemeanor, and upon conviction thereof [the defendant] shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned not less than thirty days nor more than ninety days, or both such fine and imprisonment.”

After becoming aware of the incident, District Attorney Hoovler spoke to the owner of the dealership. The owner stated that the dealership had not instructed their employees to refuse service to members of the Orthodox Jewish community and has since taken remedial action against the employees who were involved in the incident. The dealership acknowledged their obligation to provide service without regard to a customer’s religion.



District Attorney Hoovler speaking to the Jewish Federation of Greater Orange County

OCDA has partnered with various organizations and created public service announcements to combat hate and prejudice. Although there may be an understandable fear of contracting the coronavirus, there is never an excuse to violate people’s civil rights due to their race, gender, or religion. OCDA sent a strong message that every business, essential or not, that does not treat people equally, is liable for prosecution under New York’s Civil Rights Law.

POLICE TRAINING

In addition to the COVID-19 pandemic, 2020 was notable for vigorous public discussions about how police can better serve the public. It is inevitable that police officers perform much of their essential and dangerous work under contentious and stress-filled circumstances. As important as it is that police officers perform their jobs well, and the vast majority of them do, it is equally as important that they do so in as transparent and respectful a manner as possible. If our communities are to have confidence in our justice system, that system must not only be fair, it must be perceived as being fair. To that end, OCDA sponsored several specialized police trainings during 2020, as part of an ongoing effort to improve the quality of law enforcement and the criminal justice system in Orange County, and to assist the County’s police agencies.

Police Training on Interacting with People from Diverse Backgrounds

In November 2020, OCDA sponsored several sessions of a training program for police officers, entitled “Diversity Training for Security Personnel.” The program was presented by Ares Tactical and Emergency Management Solutions, LLC, of East Norwich, New York, and were held at the Orange County Emergency Services Center in Goshen. The program focused on issues pertaining to diversity as it relates to policing. Subjects included: defining diversity and inclusion as they relate to law enforcement; cultural awareness; bias and implicit bias; inclusion and teamwork; and the importance of having transparent, fair, and impartial enforcement. The training was designed to assist police officers and police agencies to be more inclusive in their work, to be culturally

sensitive to those that they serve, and to recognize and address conscious and unconscious biases that they may hold and that might affect the performance of their duties.



Assistant district attorneys attending anti-bias training presented by Inaudy Esposito, Executive Director of the Orange County Human Rights Commission

On July 14, 2020, fifteen of the highest-ranking prosecutors in OCDA attended “Procedural Justice” police training conducted by the Police Chiefs Association of Orange County. The training, which was from a curriculum developed by the New York State Division of Criminal Justice Services (DCJS), was taught by high-ranking members of the Middletown Police Department, who are certified as DCJS police trainers. District Attorney

Hoovler had his senior staff attend the training to better understand how police are being trained, to enhance the public’s view of police, and to encourage a willingness to obey the law. Procedural justice focuses on the way police interact with the public, how those interactions influence crime rates, and the public’s view of police and its willingness to obey the law. Evidence shows that practicing procedural justice can have a significant impact on compliance, cooperation, public safety, and police officer safety. In addition to the fifteen executive- and senior-level assistant district attorneys, the training was attended by approximately nineteen police officers from various police agencies within Orange County. The training was conducted in the chambers of the Orange County Legislature, so that social distancing could be maintained.

NEW YORK STATE REFORM AND REINVENTION COLLABORATIVE

Governor Cuomo’s Executive Order 203 (EO 203) mandates that each New York State local municipal government that is served by its own police department must evaluate the department’s policies and practices for the purpose of formulating and adopting a plan to reform and improve those policies and practices, as deemed appropriate and necessary, in an effort to be more transparent and responsive to the community’s concerns. OCDA is intimately involved in that process.

EO 203 mandates that each municipality convene a committee of stakeholders representing local government and agencies, as well as representatives of a cross section of the community reflecting the community’s diverse make-up, to perform the evaluation. Each committee holds collaborative meetings to review its police department’s operating procedures, community relations, use of force policies, the complaint process, hiring practices, and training, among other issues. After a series of public meetings, each municipality’s committee must prepare a written report that outlines the findings and proposed changes recommended for its police department. The report is then subject



*Police Reform and Reinvention
Collaborative meeting with
Wallkill Police Chief Robert
Hertman, Lt. Robert McLymore
and Assistant District Attorney
Darlene DeJesus*

to public comment. Upon finalizing the report, it is submitted to each local legislative body for approval and adoption.

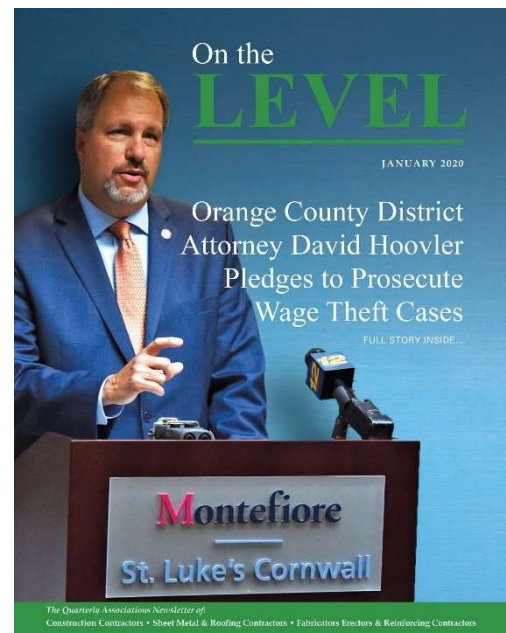
Each local government must, by April 1, 2021, then transmit a certification to the New York State Director of the Division of the Budget, to affirm that the process has been complied with. If the local government fails to do so, it risks losing future appropriated state and federal funds that it would otherwise be eligible to receive.

OCDA is a key stakeholder in the process of complying with the mandate of EO 203, and is participating in the evaluation process being conducted in every municipality across the County that has a police department. District Attorney Hoovler has recommended that Orange County's towns and villages consider establishing boards of police commissioners, authorized by New York State's Town and Village Law, if they do not already have one, to foster open and ongoing dialogue about their police departments between municipal leaders and the community.

THE PROSECUTION OF LABOR CRIMES

OCDA has pledged to prosecute wage theft cases to the fullest extent of the law and has a zero-tolerance policy for any business that exploits workers or steals wages from employees. Since March 2015, OCDA has operated a Labor Crime Tip Line, dedicated to receiving reports of crimes involving the workplace, particularly crimes involving failure to pay proper wages, unsafe working conditions, prevailing wage violations, workers compensation fraud, and other crimes where either employees or the government have been victimized. On the tip line, callers may leave information anonymously, or if they wish to be contacted by an OCDA criminal investigator, they may leave their contact information. The telephone number for the Labor Crimes Tip Line is (845) 291-2107.

On June 24, 2020, senior staff from OCDA, joined by a carpenters' union attorney, presented training to the District Attorneys Association of the State of New York (DAASNY) on wage theft and other Labor Law crimes, in the hopes that other district attorney's offices would benefit from Orange County's success in partnering with organized labor to combat violations of workers' rights. As the outgoing President of DAASNY, District Attorney Hoovler had the opportunity to choose the training presented at DAASNY's summer conference. Chief Assistant District Attorney Christopher Borek provided training on how to prosecute wage theft in the construction industry and other crimes related to workers; Counsel to the District



Construction industry trade journal, covering District Attorney Hoovler's efforts to combat wage theft

Attorney Robert Conflitti discussed the ethical implications of prosecutions involving labor frauds; and Matthew Capece, an attorney and Representative of the General President of the United Brotherhood of Carpenters and Joiners, discussed worker exploitation and unfair competition in the construction industry.



District Attorney Hoovler and OCDA Criminal Investigator (in masks) at construction site, investigating wage theft complaints

Under New York State law, workers on all public works projects are entitled to receive the “prevailing wage” for the type of work that they perform. The prevailing wage is the minimum an employee can be paid on a public works project. The New York State Department of Labor establishes prevailing wages. The prevailing wage for each trade is determined by the wage negotiated in each locality between labor organizations and private sector employers that employ at least thirty percent of workers in the same trade. The requirement to pay prevailing wages to all workers on public projects is set forth in the New York State Constitution and New York State Labor Law. Usually, contractors on public works projects are selected after a competitive bidding process. In addition to cheating employees, the failure to pay prevailing wages gives unscrupulous contractors the ability to submit lower bids than honest contractors. A contractor who pays less than the prevailing wage will have lower labor costs and will therefore be more likely to be awarded the contract as the lowest bidder. That is grossly unfair to competing, honest contractors who play by the rules.

TRAINING TO BETTER SERVE OUR COMMUNITIES

Since 2014, OCDA has adopted the nationally recognized best practice of “community prosecution,” in which prosecutorial responses are tailored to the needs of the community. This year, OCDA started sending assistant district attorneys to the County’s premier leadership training program, established to identify and cultivate the next generation of leaders in Orange County. Chief Trial Assistant District Attorney Jason Rosenwasser was chosen to join Leadership Orange’s Class of 2020 Orientation. District Attorney Hoovler is a Leadership Orange graduate and a member of the Leadership Orange Hall of Fame.



Chief Trial ADA Jason Rosenwasser at Leadership Orange

SPECIAL PROJECTS AND 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 OCDA. In 2020, Bureau members:

- Launched the Anti-Trafficking Initiative, in Collaboration with “Fearless!,” Formerly Known as “Safe Homes of Orange County.”** In 2018, nearly 500 cases of human trafficking were reported in New York State alone. The Anti-Trafficking Initiative, launched in 2020, is designed to inform the public about human trafficking, so that Orange County residents have the tools to recognize trafficking when they see it, can report it, and can possibly save trafficking victims from the traumatic nightmare that they’ve been forced into. With trafficking information that the public provides, law enforcement might be able to rescue victims of trafficking and catch and punish offenders. The campaign includes an eight-page brochure, a rack card, and a poster, designed to illustrate the scope of the human-trafficking problem. The materials point out the signs of human trafficking and dispel many myths about trafficking. The materials were distributed to, among other places, area hotels, where traffickers might house their victims, and where clerks and others might recognize possible human-trafficking situations.



District Attorney Hoovler and Sheriff Carl DuBois with Officer Lego on Law Enforcement Appreciation Day, January 2020

- Hosted a Demonstration of the Firearms Training Simulator (FATS), in Coordination with the Police Chief’s Association of Orange County.** In October 2020, the Bureau hosted two presentation at the Orange County Police Academy about police-citizen deadly-force encounters. The presentations educated community leaders and the public about the Grand Jury system, the dynamics of armed encounters with the police, the defense of justification, and protocols for investigating police-citizen encounters. The demonstrations used the FATS system, a software product designed to create realistic scenarios where law enforcement officers might be called on to use their firearms in street encounters. The software is used primarily as a training tool for police officers, but it also provides useful insight to the public and community leaders regarding situations where police officers might be forced to draw a weapon in a face-to-face encounter.
- Co-Sponsored the “Project Sticker Shock” Campaign, in Conjunction with the Prevention Alliance of Orange County and Orange County STOP-DWI.** "Project Sticker Shock" is a county-wide effort designed to raise awareness about the statistics regarding alcohol sales and consumption, and about related consequences, including deaths, that occur during the holiday season. The project represents a partnership between coalitions, retailers, prevention professionals, and law enforcement, designed to educate the public. The goal of the Project is to provide local alcohol retailers with free stickers to place on alcohol packaging and bags, stickers that are designed to encourage people to drink responsibly and to obey the law.

- **Continued to Run the District Attorney’s Regional Community Advisory Boards.**

The Regional Community Advisory Boards are made up of community leaders and representatives and are designed to provide the District Attorney with advice on how a community prosecution program might work in Orange County. The regional boards are divided into seven geographic divisions and are composed of a cross-section of community representatives in those regions. The boards discuss issues of crime and crime-prevention strategies in a setting where community issues may be addressed on a regional level.



Community Advisory Board, Region 7

- **Hosted the Hunter Safety Program.**

The Hunter Safety Program is a ten-hour course designed to encourage interaction between law enforcement and the youth of Orange County, and to stress the importance of gun safety. The course is taught by Detective Michael Decker of the Port Jervis Police Department and Sergeant Ray Cirulli of the Deerpark Police Department, with assistance from assistant district attorneys. To date, over 300 Orange County citizens have participated in the program.

- **Continued Assisting Orange County’s Immigrants in Dealing with the Criminal Justice System.** As a member of the New York State District Attorney’s League of Immigrant Affairs (DALIA), OCDA continues to attend meetings with representatives from New York State district attorney’s offices in Queens, Manhattan, Brooklyn, Bronx, Nassau, Westchester, Rockland, and Richmond Counties. The Bureau participated in a league-wide public service announcement (PSA), in honor of Immigrant Heritage Month. The PSA explained to immigrant communities the services provided by the offices, how to reach them, and DALIA’s mission to combat the underreporting of crimes that target immigrant communities, facilitate cooperation and consistency between the agencies that prosecute those crimes, and collaborate in assisting New York State’s immigrant victims and witnesses to navigate the criminal justice system. In addition, OCDA has continued its 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 OCDA’s Immigrant Affairs Initiative, immigrants who are victimized have a single point-of-contact, the Immigrant Affairs Coordinator, for assistance and information about their cases. In 2020, a Bureau member served as a guest on a panel for “Resources and Legal Rights for the Immigrant Community During COVID-19,” and discussed the rights of immigrant victims. A Bureau member also served as a guest speaker for a “Documents Do Not Define Me” challenge, a support group intended for undocumented immigrants. The Unit continues to process the certification of U-visa applications.

- Continued to Promote the Hate Crimes Awareness Initiative.** The Initiative is designed to raise awareness about the prevalence of hate crimes in our communities and to enhance the investigation and prosecution of hate crimes. The Initiative is, in part, the result of investigations into several hate crimes committed in Orange County in recent years. As part of the Initiative, OCDA, with funding from the Jewish Federation of Greater Orange County, has developed an informational brochure, *Speak Up to Stand Up Against Hate*, and a related poster, both of which are available for public distribution. OCDA conducted a training seminar for law enforcement officers and school officials, to provide them with information about how to recognize and investigate hate crimes, so that the perpetrators of those crimes may be successfully prosecuted. OCDA has established a Hate Crimes Hotline, (800) 378-1411, that people can use to report hate crime incidents, and District Attorney Hoovler has assigned a senior prosecutor to coordinate efforts to investigate and prosecute hate crimes.



District Attorney Hoovler with Cardinal Timothy Dolan

- Continued to Promote the “Connect 2 Disconnect” Heroin and Opioid Awareness Campaign.** District Attorney Hoovler designed the “Connect 2 Disconnect” program to provide education to the public to keep young people away from prescription drugs and heroin. “Connect 2 Disconnect” is designed to educate parents and peers about how they can “connect” with their children and contemporaries to “disconnect” them from prescription drugs and heroin. The campaign features posters, written materials, and a powerful public service announcement intended to drive home the severity of prescription opiate abuse, and its link to later addiction to heroin and other opiates.

- Continued to Build Community Relations.** Community prosecution is founded on the idea that prosecutors have a responsibility not only to prosecute cases but to solve public safety problems, prevent crime, and improve public confidence in the justice system. Fulfilling that responsibility requires collaboration with others (including residents, community groups, and other government agencies) and becoming an integral part of the community. The Community Affairs Unit has become a part of the community and responded to community needs through the following measures:

District Attorney Hoovler, Orange County Sheriff Carl DuBois and Captain Paul Arteta with students and staff at BOCES CTEC on Media Day

- **Anti-Drug Coalitions:** The Community Affairs Unit actively partners with the eight anti-drug coalitions in the County – TEAM Newburgh, the Middletown Cares Coalition, Operation PJ PRIDE, the Greenwood Lake Coalition, the Warwick Valley Coalition, the Tri-County Community Partnership, the Crusader Community Coalition, and the Town of Highlands Community Coalition – as well as the Wallkill Police Community Council. The Community Affairs Unit attends virtual and in-person monthly meetings for each coalition, where it provides the community with office updates, listens to community issues, and addresses community concerns related to crime.
- OCDA participated in *Reality Tour*, an evidence-based program designed to help prevent substance abuse among young people. The program involves a series of vignettes illustrating the consequences of substance abuse and brings in children and their parents as the target audience. In 2017, the Office presented the Operation PJ PRIDE coalition with a check for \$3,500.00, the office's contribution to launch the *Reality Tour*. This year's *Reality Tour* session took place in January 2020.
- The District Attorney appeared as a guest speaker at the kick-off ceremony for Red Ribbon Week held at the County Government Center, speaking about ways to remain drug- and alcohol-free. Red Ribbon Week is an ideal way for people and communities to unite and take a visible stand against drugs. The Red Ribbon Week Campaign was started when drug traffickers in Guadalajara, Mexico, murdered DEA agent Enrique "Kiki" Camarena in 1985. That crime began the continuing tradition of displaying red ribbons as a symbol of intolerance towards the use of drugs. The mission of the Red Ribbon Campaign is to present a unified and visible commitment towards the creation of a drug-free America.

- Continued to build upon community relations, in person, and virtually, by continuing to engage in the following:
 - Hosted a series of anti-fraud presentations to groups of senior citizens throughout the County.
 - Continued to participate in career days in schools throughout the County, to serve as guest speakers at events, and to table at various community events, including at Port Jervis's read Across America, and the Goshen Farmer's Market.
 - Sponsored the annual Police Benevolent Association Summit, where the unit listened to and addressed the concerns of rank-and-file police officers throughout the County.
 - Made appearances at meetings, schools, and community events, including presentations to educate the community regarding the bail and discovery reforms.



District Attorney Hoovler at senior anti-fraud presentation

BUDGET AND GRANTS

As with most government agencies in the COVID crisis, and likely in its aftermath, there is uncertainty as to what funds are going to be available in 2021, particularly where grants from the Federal or State government are involved. The Annual Budget adopted by the Orange County Legislature for 2021 years is \$188,665 less than that of 2020. The chart below summarizes grants that OCDA has received in past years. The numbers for 2021 are approximations of what is expected to be received in 2021 based on communications with various state agencies and the budget that was approved by the Orange County Legislature. The Federal Byrne Justice Assistance Grants for 2021 have not been announced yet. The Non-Fatal Newburgh Shooting Grant, which was considered a “pilot project” that was very successful, was not renewed by the New York State Department of Criminal Justice Services, and OCDA will also not be awarded the Violence Against Women Formula Grant. It is hoped that as the economy improves and budget problems with New York State and the Federal government ease, that there will be an increase in grant funding.

(All figures are in dollars)

	2017	2018	2019	2020	2021
Annual Budget (adopted)	10,040,096	10,372,275	10,473,280	11,702,033	11,420,899
Grants – Total	725,995	656,299	646,749	737,206	513,368
Gun-Involved Violence Elimination Grant	213,465	275,129	275,129	300,318	300,318
Byrne Justice Assistance Grants	75,000	N/A	N/A	75,000	N/A
Crimes Against Revenue Program Grant	89,000	89,000	112,810	112,810	112,810
Violence Against Women Formula Grant	35,600	35,600	35,600	35,600	0
Aid to Prosecution Grant	71,600	100,240	100,240	100,240	100,240
Non-Fatal Newburgh Shootings	105,363	105,363	113,238	113,238	0

PLANS TO CONTINUE CITY OF NEWBURGH NON-FATAL SHOOTINGS PROJECT, DESPITE THE LOSS OF GRANT FUNDS

The City of Newburgh Non-Fatal Shootings Project began in 2017 and was designed to bring additional resources to bear on non-fatal shooting incidents where victims or other witnesses refused to cooperate with investigating police officers. By all measures the project was highly successful. The New York State Division of Criminal Justice Services (DCJS) provided funding for the project, allowing the hiring of a district attorney's investigator, a City of Newburgh detective, and a crime analyst. The project allowed investigators and the crime analyst to more thoroughly investigate non-fatal shooting cases, using types of evidence other than eyewitness testimony, so that additional cases could be solved. In addition, the project involved a research partner, the John F. Finn Institute for Public Safety, in Albany. The need for continuation of the initiative started by the Non-Fatal Shooting Project is clear. Since August 1, 2020, City of Newburgh Police Officers have recovered twenty-two illegally possessed handguns and four illegally possessed rifles and shotguns. Unfortunately, DCJS has discontinued funding for the Non-Fatal Shootings Project.

The results of an analysis of the project by the John F. Finn Institute for Public Safety were impressive. During the period of the project, the investigators solved 40% of the non-fatal shootings investigated. That figure compares to only a 14% solution rate before the project began. In

addition, the City of Newburgh's results on the project were significantly above those of the other jurisdiction that conducted the project, the City of Utica, which saw only half the City of Newburgh's increase in the number of cases solved.

The evaluation of the Non-Fatal Shooting Project was supported by the Criminal Justice Research Consortium, an initiative of DCJS, that aims to promote the use of data, foster the implementation and expansion of evidence-based programs, and expand the body of criminal justice research. The Consortium's work is featured in the Criminal Justice Knowledge Bank, an online resource created by DCJS that allows police, prosecutors, and probation professionals to share promising and innovative programs and practices designed to reduce crime and recidivism.



Some of the 22 illegally possessed handguns recovered by City of Newburgh police officers between August and December 2020.

To help fill the void left by the loss of DCJS funding District Attorney Hoovler and City of Newburgh Chief Arnold Amthor announced the formation of Multi-Agency Strategic Response Team (MAST), which will be a coalition of various state, local, and federal law enforcement agencies that will work collaboratively with the City of Newburgh Police Department to reduce and investigate non-fatal shootings and illegal weapons possession. OCDA will provide support in the form of criminal

investigators and assistant district attorneys. Additionally, OCDA will help coordinate the participation of the various agencies. District Attorney Hoovler thanked the City of Newburgh Police Department for their commitment to stemming gun violence and applauded their eagerness to work with other law enforcement agencies. District Attorney Hoovler also thanked all the law enforcement agencies that pledged to work on the initiative.