



2016 Annual Report

Carolyn A. Murray
Acting Essex County Prosecutor



Essex County Prosecutor's Office

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Newark, NJ 07102
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Chief Executives



From Left to Right: Acting Chief of County Detectives Quovella M. Spruill; Acting Essex County Prosecutor Carolyn A. Murray; and Acting First Assistant Prosecutor Robert D. Laurino.

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During 2016, the total number of adult defendant cases reviewed by the Essex County Prosecutor's Office (ECPO) was 13,180, versus 11,690 in 2015. Also, 4,829 defendants were indicted or charged by accusation in 2016. A total of 53.2 percent of ECPO's total adult defendant resolutions within 2016 following an indictment or accusation involved first or second degree criminal charges. Further, in 2016, the total number of juveniles involved in delinquency case filings in Essex County was 2,141.

(Statistics from N.J. Division of Criminal Justice, Analysis of Prosecutors' Data, and from the Promis Gavel Database of the Administrative Office of the Courts, N.J. Superior Court).

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2016 Annual Report of the Essex County Prosecutors Office Overview

Our mission in the Essex County Prosecutor's Office is to "seek justice, to service justice and to do justice." In 2016, under Acting Essex County Prosecutor Carolyn A. Murray, the commitment to that goal remained unqualified. The primary function of the office is to investigate and prosecute crimes in Essex County to ensure that it is a safe place to live, work and visit. Accomplishing that goal requires the cooperation and support of the people of the Essex County community. To maintain that support, the men and women of the Essex County Prosecutor's Office promise to perform in a manner that fosters trust, confidence and transparency.

We are also committed to finding the best and the brightest to serve the people of Essex County. On Jan. 20, 2016, that pledge was advanced when Deputy Chief Quovella Spruill was promoted to Chief of Detectives of the Essex County Prosecutor's Office. Chief Spruill became the first African American woman to serve as Chief of Detectives in Essex County and the first in the State of New Jersey. Her appointment also gave Essex County the distinction of being the only county in the state with both a woman Prosecutor and a woman Chief of Detectives.

In 2016, under their leadership, the investigative units of the office, which include Homicide, Narcotics, Special Victim Units, Cyber Crimes, Arson, Domestic Violence, Financial Crimes and Professional Standards continued their hard work, handling upwards of 25 percent of the indictable offenses in the state of New Jersey.

The Office also maintained its community outreach initiatives. The Community Justice Unit, which serves as a liaison between law enforcement and residents, promoted awareness about the role and functions of the Essex County Prosecutor's Office.

The Community Justice Unit sponsored youth symposiums addressing critical issues aimed at reducing delinquency and giving youth skills necessary to successfully navigate through their teen years and beyond. Among other things, those symposiums addressed bullying, gang awareness, internet safety, human trafficking and careers in law enforcement.

The Victim Witness Unit also continued to support crime victims and witnesses. Among other activities, for another year the Unit offered its annual domestic violence training program called "Sanctuary." The program is a 100-hour training

program designed to equip community residents to provide crisis intervention and outreach services to victims of domestic violence, sexual assault, child abuse, stalking and surviving family members of domestic violence homicides.

This 2016 Annual Report, published in conjunction with the statistical summary that is required by the Attorney General, provides an overview of the outstanding work done by this Office.

A Brief History of the Essex County Prosecutor's Office

In 1776, the State of New Jersey ratified its first Constitution (superseded by later Constitutions in 1844 and 1947). Under this Constitution, the elected Governor appointed an Attorney General to enforce the laws of the State. The Attorney General in turn appointed deputies for the various counties, including Essex, to enforce the criminal laws on behalf of the local populace. In 1822, the New Jersey General Assembly passed an act authorizing a more independent Prosecutor of Pleas for each county, to be appointed by the Court of Quarter Session once every five years. A few years later, the Governor was given the authority to appoint each county's Prosecutor of Pleas.

On Feb. 20, 1829, Amzi Dodd became the first governor-appointed Prosecutor of Pleas for Essex County. The earliest record of a prosecution by Prosecutor Dodd involves "a nuisance in suffering the water to stagnate and become offensive in the old burying ground" in Newark. The first Prosecutor of Pleas worked alone, but by 1877 the Prosecutor required the help of a First Assistant.

As Essex County grew and matters became more complex, the Office grew in size. By 1922, Prosecutor John O. Bigelow employed 28 men, including three Assistant Prosecutors, two Detective Captains, two Lieutenants, and various Detectives and clerks.

In the 1920s and 30's, cases involving gambling, organized crime and official corruption were growing in number. In October of 1935, the nationally-known organized crime figure Dutch Schultz was shot at the Palace Chop House in Newark. Although the prime suspect was found hanged soon after the incident, the Office continued its investigation and identified Schultz's real shooter who pled guilty to the murder in 1940.

By 1945, the Office still had only three Assistant Prosecutors, despite a growing number of murder and gambling cases. In 1951, Prosecutor Edward Gaulkin gained attention by successfully prosecuting four men charged with conspiracy, extortion and bribery in the Newark milk scandal case.

In 1959, Governor Robert Meyner nominated Brendan T. Byrne of West Orange as the 25th Prosecutor of Essex County. Prosecutor (and later Governor) Byrne served the Office until 1967. By 1962, there were 16 Assistant Prosecutors, most of whom were part-time employees. Shortly thereafter, the first female Assistant Prosecutor, June Strelecki, was appointed. Also during Byrne's tenure, the "Charlie Squad" was

formed, a name coined after members of the public were urged to report illegal gambling by calling a dedicated phone number and asking for “Charlie.”

In 1967, the City of Newark experienced a week-long civil disturbance, which heralded long-term social and economic change in Essex County. These transformations challenged future Prosecutors to respond to changing patterns and volumes of crime with increased professionalism and dedication.

By 1973, the legal staff numbered 63 lawyers, all full-time. County Investigators replaced the former Detectives, and were increasingly selected from the ranks of experienced local police officers. Under Prosecutor George Schneider (Prosecutor from 1981 to 1986), the number of Assistant Prosecutors exceeded 100. Increasing resources were dedicated to special squads. The Homicide Squad was expanded and a Narcotics Section, which at first was a joint task force with the Sheriff’s Office, was created. Eventually specialized units were established in Child Abuse, Sex Assault, Arson, Domestic Violence, Megan’s Law and Gangs.

In 1986, Governor Thomas Kean appointed the first African-American Prosecutor in Essex County (and only the second in the State), Herbert H. Tate, Jr. Computerization of the Office was begun and continued in stages throughout the terms of Prosecutor Tate and his successor, Prosecutor Clifford J. Minor.

Also during their terms, a sexual assault case was brought against a group of high school athletes from Glen Ridge, who in 1993 was convicted of victimizing a 17-year-old mentally handicapped woman. This case, which was handled by Robert D. Laurino, who would later be named Acting Essex County Prosecutor in 2010, was the subject of a popular book, a TV movie, and an episode on the TV show “Law & Order.” Most importantly, the case brought national attention to the issues related to the prosecution of defendants who abuse the developmentally disabled.

In 1998, the first female Prosecutor, Patricia Hurt, was appointed by Governor Christie Whitman. Prosecutor Hurt was followed by Acting Prosecutor Donald Campolo and Acting Prosecutor Paula T. Dow. In the opening years of the 21st Century, the Office responded aggressively to increased auto theft and expanded youth gang activity. By 2003, it completed a second generation of computerization complete with e-mail and Internet access and increased its outreach to the public through its web site (www.njecpo.org), its Victim-Witness Advocacy Office, and its Community Justice Program.

In 2005, Governor Richard Codey swore Acting Prosecutor Dow to the Office of Essex County Prosecutor. During Prosecutor Dow’s years of leadership, the Essex

County Prosecutor's Office instituted vertical prosecution, increased its resources and outreach to victims and witnesses, opened a state-of-the-art crime scene facility, and participated in a wide variety of cross-agency / cross-jurisdiction collaborations including a state-federal anti-gang and narcotics task force, gun buy-back programs, and a successful fugitive safe surrender program held in Newark in November, 2009. Prosecutor Dow also emphasized technology development, with the Office updating its computer server infrastructure in 2009 and planning for the implementation of an office-wide, fully integrated electronic case and record management system.

In January, 2010, New Jersey Governor Chris Christie appointed Prosecutor Dow as Acting Attorney General of the State of New Jersey. In her place, Chief Assistant Prosecutor Robert D. Laurino, then a 29-year ECPO veteran, who gained public recognition in the trial and conviction of the high school athletes in Glen Ridge, was appointed Acting Essex County Prosecutor.

In February 2011, Gov. Christie appointed Carolyn A. Murray as Acting Essex County Prosecutor. As Acting Prosecutor she has made victims' rights a high priority. In addition, the Mental Health Unit was created during her tenure, providing new options to prosecutors and defense attorneys when dealing with offenders who have a history of mental illness. During Acting Prosecutor Murray's term, the Office prepared for the challenge of implementing the legislative bail reform mandate which went into effect on January 1, 2017. In preparation, Murray oversaw the implementation of an integrated, office-wide case database system for case management and investigation management.

The lawyers, detectives and support staff who report to her will continue the work of Amzi Dodd into the 21st Century, and are honored to be part of the Office of the Essex County Prosecutor.

With thanks to Francis D. Falivena, Jr., Assistant Prosecutor, Retired, an ECPO history





2016 Annual Report

UNIT DESCRIPTIONS

➔ Adult Trial Section

The Adult Trial Section represents the State in the criminal proceedings that follow the filing of an indictable criminal complaint and/or arrest of a defendant. Trial Assistant Prosecutors present their cases to the Grand Jury and try those cases before a petit jury. These Trial Assistant Prosecutors are responsible for: bail review and bail source hearings; arraignment/status conferences; plea negotiations; motions; extradition waiver hearings; status reviews of civil commitments incident to criminal proceedings; jury and non-jury trials; sentencing hearings; hearings for probation violations; municipal court appeals; and petitions for post-conviction relief.

Trial Assistant Prosecutors and detectives assigned to the Trial Section work in teams consisting of three Assistant Prosecutors and two detectives for each of the criminal trial courts in Essex County. The Assistant Prosecutors work closely with their assigned detectives, who interview witnesses, prepare reports, take statements, schedule witness interviews, visit crime scenes, take photographs, locate evidence and reports from municipal police departments, serve subpoenas and take any other additional investigative steps as required.

Since 2004, the prosecution system for criminal cases has followed the “vertical” model, meaning that a Trial Assistant Prosecutor handles each case from pre-indictment preparation through the Grand Jury process and remains primarily responsible for subsequent plea negotiations, trial presentation and sentencing. This process of having the same trial Assistant Prosecutor and detective continue with a case encourages efficiency, enhances accountability and permits a better response to victims and witnesses.

2016 Accomplishments

The Adult Trial Section continued to handle the largest and most serious caseload in the New Jersey. Essex County leads the State in the number of criminal filings and handles a higher-than-average proportion of first- and second-degree offenses. All first- and second-degree crimes of violence require mandatory periods of parole ineligibility, making disposition of these offenses more difficult.

In 2016, the Essex County Prosecutor’s Office successfully indicted or charged by accusations 4,468 defendants and resolved the cases of 4,551 defendants previously indicted or charged by accusation; 53% percent of those cases involved first- or second degree charges.

In conjunction with the special crime squads, the Trial Section obtained 83 defendant dispositions by trial in 2016; the overall post-indictment/accusation conviction rate including pleas and trial was 84.5 percent.

LEGAL UNITS

The Trial Section will continue its emphasis on mentorship and training for its Trial Assistant Prosecutors. It will also further its coordination with all elements of the investigative process, especially given the increasing levels of distrust and hesitancy to cooperate on the part of victims and witnesses stemming from intimidation and threats of violence from organized street crime elements. Increased and more effective use of forensic evidence is also a priority for the Trial Section to ensure that justice is achieved in Essex County.



LEGAL UNITS

➔ Appellate Section

The Appellate Section of the Essex County Prosecutor's Office is the largest appellate practice of any County Prosecutor's office in New Jersey. It is composed of career appellate lawyers, all of whom enjoy considerable experience in the state and federal appellate courts. In total, the Section's attorneys have argued dozens of cases in the state Supreme Court, and hundreds more in the Appellate Division.

The Section handles all litigation on behalf of ECPO in the Appellate Division, the Supreme Court of New Jersey, whether it be pre-trial, during trial, or post-sentencing. It also initiates its own appeals from adverse pre-trial and post-trial rulings, often resulting in the successful re-instatement of prosecutions that were effectively terminated. The Section also handles all petitions for habeas corpus in federal court, and oversees all municipal appeals, gun permit applications and appeals, name change applications, reciprocal witness applications, petitions for post-conviction relief, and certain categories of OPRA requests.

The Section also takes great pride in being an always-ready resource for ECPO's trial prosecutors. Providing legal advice, second-chairing trials or motions, drafting jury instructions, handling some of the more difficult trial motions, providing legal updates, teaching CLE courses, and maintaining a comprehensive brief bank are just a few of the ways the Section has become more integral to ECPO's mission of seeking justice, serving justice, and doing justice, both on appeal and throughout the investigative and trial processes.

In 2016, the Section also included the county's Police Legal Advisor, a seasoned attorney always on call to answer questions from law enforcement officers in the field, and who regularly teaches both police recruits and experienced officers. When unavailable, calls from the field are handled by any one of the Section's Assistant Prosecutors.

Also in 2016, the Section oversaw and coordinated the ECPO Internship Program. Each year, in the Spring, Summer, and Fall, students from colleges and law schools around the country are assigned to units throughout ECPO and provide valuable assistance to the attorneys and support staff they work alongside. Third-year law students also appear in court, and write briefs to both the trial courts and the Appellate Division.

Significant 2016 Cases:

Supreme Court of New Jersey

State v. Goodwin -- After the Appellate Division reversed defendant's conviction for insurance fraud, the Supreme Court granted ECPO's petition for certification and unanimously held that a person violates the insurance fraud statute, N.J.S.A. 2C:21-

4.6(a), even if an insurance carrier is not induced by that person's false statement to pay a damage claim." Goodwin is one of only two published opinions to address this statute.

State v. Thompson -- After the Appellate Division reversed defendant's convictions for murder and other offenses in a published opinion, the Supreme Court granted ECPO's petition for certification and unanimously held that the trial record amply demonstrated that the prosecutor did not discriminate on the basis of race during jury selection, the trial court conducted an adequate analysis on this issue, and the Appellate Division's reversal and remand for a new trial was inappropriate.

State in the Interest of N.H. -- In a case of first impression, the Supreme Court granted ECPO's petition for certification and held that the State is required to disclose all discovery in its possession prior to a juvenile waiver hearing. Though the Court did not accept our legal position, bringing this case to the Court brought clarity to an open question of law affecting juvenile cases statewide.

State v. Zuber & Comer -- In these cases, argued back-to-back, the Supreme Court considered whether, and if so how, recent United States Supreme Court Eighth Amendment precedents impacted the sentencing of New Jersey defendants who were juveniles at the time they committed their crimes.

Appellate Division

State v. Anthony -- In this successful appeal of defendant's conviction for burglary conspiracy, the Appellate Division addressed Rule 3:17, which requires recordation of interrogations. This opinion was the first published decision to address the Rule's provisions. The Supreme Court later denied defendant's request to review the case, allowing the Appellate Division's opinion to remain the seminal case on this Rule.

State v. J.S. -- Here, after the Law Division ruled that defendant could escape the consequences of his Megan's Law requirements early, ECPO successfully appealed and the Appellate Division reinstated his community notification requirements. Quoting directly from ECPO's brief, the Appellate Division held in its published opinion: "'Conviction' in N.J.S.A. 2C:7-2(f) means the date the judgment of conviction was entered. That section permits relief after 15 years of successful compliance with Megan's Law's registration requirements, which do not go into effect until the registrant is sentenced and the judgment of conviction entered."

State v. L.S. -- The Appellate Division in this case construed, for one of the first times in a published opinion, N.J.S.A. 2C:28-4, "False Reports to Law Enforcement Authorities," and held that a conviction of reporting an offense with knowledge that it did not occur requires proof that no offense in fact occurred.

State v. Lunney -- In this unpublished decision, the Appellate Division upheld the convictions of Tina Lunney, who murdered her mother in their Fairfield home. Both the

LEGAL UNITS

Supreme Court of New Jersey and the Supreme Court of the United States later denied review.

State v. Terrell -- The Appellate Division, by a 2-1 vote, affirmed defendant's convictions for four counts of murder, among other offenses, in a published opinion. By virtue of the dissent, the case was briefed and argued in the Supreme Court of New Jersey in October 2017, where ECPO unanimously prevailed.

State v. Peoples -- Affirming the denial of defendant's petition for post-conviction relief, the Appellate Division held, in a published opinion, that defendant was not entitled to post-conviction relief based on claim that he was denied effective assistance of counsel due to his trial counsel's purported advice to defendant to tamper with witnesses.

State v. Brown -- In an unpublished decision, the Appellate Division affirmed defendant's conviction for endangering the welfare of a child, and held that "sexual conduct" in N.J.S.A. 2C:24-4 includes the inappropriate text messages defendant sent in this case to the victim, his student.



➔ Central Judicial Processing Unit

Under New Jersey Court Rule 3:4-2, and until the advent of the Criminal Justice Reform on January 1, 2017, all defendants charged with an indictable complaint (as opposed to disorderly-persons offenses) must appear before a judge to be informed of the charges against them and to arrange bail, if appropriate. In 1987, a Central Judicial Processing (“CJP”) Court was established in Essex County to handle this responsibility for all municipalities in the County. Other counties with a CJP Court include Union, Hudson and Camden.

Essex County’s CJP Unit handles all arraignment and bail hearings. CJP also performs an important case-screening function for custody and non-custody cases. All criminal complaints in Essex County charging an indictable crime are “screened” to separate indictable cases (those subject to prosecution in Superior Court) from cases that can be more quickly and appropriately resolved at another level. Cases can be also be diverted to the Municipal Courts, Family Court, Remand Court, and Drug Court.

Indictable cases are referred to any one of 15 Vertical Prosecution Courts or to a specialized prosecution squad. The nature of the offense, surrounding circumstances, quality of evidence, and character and arrest/conviction history of the defendant are all considered when making the screening decision. By performing this type of early case screening, cases can be diverted before they enter the grand jury and trial stages, thereby conserving valuable judicial and prosecutorial resources.

2016 Accomplishments

During the 2016 calendar year, Central Judicial Processing handled 7,606 cases. Of those, 6,441 were referred to the Grand Jury and another 1,165 cases were referred to the Special Remand Court. The remaining cases were sent back to the Municipal Courts.



LEGAL UNITS

➔ Drug Court Program

The Drug Court Program began in Essex County in 1999. It was the original pilot program for the State of New Jersey. Judges, prosecutors, public defenders, court professionals, substance abuse evaluators, treatment facilitators and probation officers work together to assist participants in the program to conquer their addiction. The program links the criminal justice system with drug treatment and rehabilitative services promoting life skills. The purpose is to break the cycle of addiction and recidivism among these non-violent offenders.

Participants receive intensive probation supervision and swift graduated sanctions for non-compliance as they undergo treatment and counseling for their drug and alcohol addictions. Public safety concerns are addressed through the close monitoring of each defendant by probation officers and the Drug Court Team. The program involves a team approach on the part of judges, court staff, attorneys, probation officers, substance abuse evaluators and treatment facilitators who support and monitor every participant's recovery. The Drug Court Team discusses each participant weekly.

During 2015, Essex County began to prepare for becoming a Mandatory Drug Court County. Effective July 1, 2016, Essex County joined the following counties that already are Mandatory Drug Court Counties – Atlantic, Cape May, Bergen, Burlington, Hudson, Mercer, Monmouth, Passaic, Somerset, Hunterdon, Warren and Ocean. Being a Mandatory Drug Court County means that every eligible defendant must participate in Drug Court. The change is expected to significantly increase the number of defendants who enter the program and the resources needed to manage them.

2016 Accomplishments

From April 1, 2002 to June 30, 2016 there have been a total of 1,783 persons admitted to the Drug Court program in Essex County. The Program's reporting year is from July 1 to June 30. For the 2016 court year, there were 509 active cases in Drug Court. A total of 31 participants graduated from the Drug Court Program.

➔ Forfeiture Unit

The Forfeiture Unit of the Essex County Prosecutor's Office prosecutes all asset forfeiture actions brought pursuant to N.J.S.A. 2C:64-1 et. seq., the State's forfeiture statute. The primary mission of the Unit is to fairly and efficiently forfeit all property seized from defendants within Essex County that can be linked to criminal activity, either as proceeds of such activity or as property used to facilitate the commission of said activity. This is done primarily through the filing of civil "in rem" complaints against the seized property with notice to the defendants. The forfeiture complaints must be filed within 90 days of the seizure. The use of forfeiture funds obtained by the Prosecutor's Office is strictly regulated by law. Forfeited monies may only be used for law enforcement purposes as defined by Attorney General Guidelines. The funds cannot be used to defray normal operating expenses such as salaries, leases and other regularly-incurred expenses. Training expenses, special equipment purchases, and forensic witness fees are examples of permitted forfeiture expenditures.

2016 Accomplishments

In 2016, the Forfeiture Unit, through appropriate civil and criminal process, forfeited \$1,368,220, which was determined to be either proceeds or instrumentalities of crime. Of that amount, \$1,184,835 was in cash, \$152,470 was the value of motor vehicles, and \$30,915 was other property, including various items of electronics equipment.

LEGAL UNITS

➔ Grand Jury Unit

The Grand Jurors make an independent determination to indict, or formally charge, persons accused of crimes based on their assessment of the evidence presented to them by an Assistant Prosecutor. After listening to witnesses, viewing physical evidence, if any, and discussing the case, the Grand Jury can vote: a True Bill, which formally charges the accused; a No Bill, which dismisses the charges; or a No Bill with Remand, which refers the case back to the Municipal Court on lesser charges.

The Grand Jury is an independent body consisting of 23 members of the community, with 12 affirmative votes needed to return an indictment. The proceedings are private, but a transcript is made for use by the Court, the Prosecutor's Office and the defendant. The defendant may or may not testify before the Grand Jury.

Grand Jurors in Essex County sit one day per week from 15 to 18 weeks, hearing approximately 25 to 30 cases per day. To facilitate case scheduling, while respecting the wishes of most Grand Jurors to be released at closing time, the Essex County Prosecutor's Office has developed a "weighting" system. Under this system, Grand Jury Clerks receive advance notification of the complexity of a given presentation, allowing more efficient and realistic scheduling of cases. Under the present vertical prosecution system, Assistant Prosecutors from the Adult Trial Section present most cases before the Grand Jury. They remain assigned to their True Bill cases from initial pleading and bail setting through resolution.

2016 Accomplishments

In 2016, Grand Jury presentations were made in 5,028 cases. Of that number, 3,335 resulted in indictments; 566 were no billed and 90 were referred to municipal court. The remaining cases were held over, withdrawn, pled out or consolidated with other cases.



➔ Initial Screening Unit

All criminal complaints in Essex County charging indictable crimes are screened by the Essex County Prosecutor's Office. It is the primary function of the Essex County Prosecutor's Office's Initial Screening Unit (ISU) to review criminal complaints with an emphasis on diverting those complaints not warranting prosecution on the Superior Court level to Municipal Court.

The first level of screening for most cases reviewed by the Essex County Prosecutor's Office is at the municipal level. Thus, the ISU reviews criminal complaints involving indictable offenses originating from all 22 of Essex County's Municipal Courts. This was accomplished in 2016 by telephonically reviewing cases for all municipalities, except Newark.

Since approximately 60 percent of the ISU's reviews originate from the City of Newark, the ISU was headquartered adjacent to the Newark Municipal Court. Case screening was facilitated through a close working relationship with Newark Police personnel and the Newark Municipal Court.

The ISU also pre-screens cases with Detectives of the Newark Police Department prior to the filing of criminal complaints. Complaints are also generated from the diverse law enforcement agencies operating throughout Essex County, including the Port Authority of NY/NJ, State Police, New Jersey Transit Police, the Essex County Sheriff's Department, and the Departments of Public Safety for Rutgers University, the New Jersey Institute of Technology, University of Medicine and Dentistry of New Jersey, and Essex County College. Each of these agencies files their criminal complaints with the Newark Municipal Court. These cases were then screened by the ISU.

The ISU is also assigned the task of reviewing matters referred by the New Jersey Department of Corrections and the New Jersey Division of Parole, entities within the jurisdiction of Essex County. These cases involve escapes from correctional institutions (including halfway houses), violations occurring within these institutions, and parole absconder cases.

ISU also identifies and recommends certain cases for prosecution in the Special Remand Court when circumstances indicate prosecution for disorderly person offenses, but the nature of the offense or the defendant's record warrants prosecution at the county level.

2016 Accomplishments

In 2016, the ISU reviewed a total of 14,298 custodial and non-custodial cases. Of these, 5,451 were referred to Central Judicial Processing. Another 8,847 were downgraded or prosecuted as disorderly-persons offenses in Special Remand Court. The remaining cases were either referred to the Mental Health Unit or involve fugitives.

LEGAL UNITS

➔ Juvenile Trial Unit

The primary legal function of the Essex County Prosecutor's Office Juvenile Trial Unit is to prosecute all complaints charging acts of juvenile delinquency as defined by the New Jersey Code of Juvenile Justice and our Court Rules. Juvenile matters are heard in Family Court by judges specifically assigned to preside over such matters. Juvenile cases are sealed proceedings due to the age of the juvenile and, except for limited circumstances, are closed to the public. The goal of the juvenile justice system in New Jersey is to seek rehabilitation of the juvenile whenever possible with available resources. The Prosecutor's Office does so while also protecting the community from juveniles who pose a danger to themselves or others.

Juvenile cases, and the available dispositions, run the gamut of first time offenders to violent crimes. There is no municipal court available in juvenile cases, so all matters are referred to the Prosecutor's Office for disposition. Our office works hand in hand with the municipal police department juvenile units, where officers are specifically assigned to investigate and process juvenile offenders. For some of the less serious matters, typical dispositions include station house adjustment, a program where the local police departments work with the juvenile in some type of community service, in lieu of charging and Juvenile Justice Commission ("JJC"), where a group of trained, court appointed volunteers from the community work with the charged juvenile also in some type of community service, apology, restitution or other remedy. In addition, the Essex County Youth House conducts a program called Consequences of Crime, in which first time offenders spend a day at the Youth House as directed by the court. Successful completion of these various programs will generally result in a dismissal of the charges.

For more serious matters, available dispositions include probation, various residential placements, and training school. Predisposition, a juvenile will be on various types of release such as house arrest, electronic monitoring, or in the Youth House if the court deems him a threat to himself or others. The type of release the juvenile is subject to depends upon the serious nature of the offense, any prior exposure to the criminal justice system, the juvenile's family situation, and the potential danger to the community if released.

In Essex County, the Juvenile Trial Unit consists of a Director and five Assistant Prosecutors, four detectives and various support staff.

2016 Accomplishments

In 2016, the Unit handled over 2,000 referred cases, ranging in severity from disorderly persons offenses to homicides. Two judges handle the case load in Essex County, one on a full-time basis and one who handles juvenile and other matters. The Assistant Prosecutors handle all necessary investigative and legal issues associated with the cases including plea negotiations, motions, trials, and sentencing.

LEGAL UNITS

The Juvenile Trial Unit has made significant changes in 2016. First, we have increased our technological communication with the local police departments and the Youth House for quicker availability of investigative reports and other documents with our office. We are currently in the process of working with local police departments to scan complaints to our clerk's office to make it more efficient for the local police and our office.

Second, we have increased community involvement for the disposition of non-serious matters for first-time offenders including more station house adjustments, JCC, and other community based programs. One successful program is the Newark Youth Court, a program run from the Newark Municipal Court. Juveniles who are first-time offenders are referred there to participate and hopefully be deterred from future involvement in the system. Third, our Assistant Prosecutors and detectives have developed a closer partnership with local police departments, especially with serious matters such as carjacking, armed robbery, burglary, weapons and assaults. We work in conjunction with them and consult with them on many ongoing investigations, assist with obtaining search warrants, and charging decisions.

Our Unit's staff also works closely with our Special Prosecution Unit which, among its other duties, investigates social media evidence connected to prosecutions. This area of investigation has grown significantly and continues to grow. It is especially relevant in juvenile matters. The partnership we have with this Unit has made, and continues to make, our prosecutions better. Moving forward, we intend to continue to increase our collaboration with that Unit and local police departments.



LEGAL UNITS

➔ Mental Health Unit

The Essex County Prosecutor's Office Mental Health Unit manages a diversion program focusing on defendants living with serious and persistent mental illnesses, such as Bipolar Disorder or Schizophrenia. The purpose of the Program is to combine community-based therapeutic treatment plans with traditional punishment-only oriented criminal case dispositions. The Program has been greatly enhanced over the past year as the Unit continued to develop. ECPO was successful as one of only two county Prosecutor's Offices in New Jersey (the other is Ocean County) in obtaining a grant from the New Jersey Attorney General's Office, Division of Law and Public Safety, for \$150,000 to be distributed equally over a two-year period, and aides County Prosecutor-led Mental Health and Co-Occurring Substance Abuse diversion programs.

Funded by the OAG grant, Essex County Hospital Center has hired a full-time case manager to work exclusively with the ECPO's Program participants. The Case Manager is responsible for linking participants to a treatment plan developed by a mental health professional, and will also assist participants with applying for social entitlements, housing, education, vocation, and other benefits that contribute toward greater functioning in the community.

The Unit works with a clinician hired by the County Hospital Center. The clinician screens and assess applicants for acceptance into the Program. The clinician, a Licensed Specialist Clinical Social Worker, or LCSW, has developed a comprehensive community-based therapeutic treatment plan for acceptable Program candidates. Also funded by the OAG grant, ECPO has partnered with Rutgers School of Psychiatric Rehabilitation and Counseling Professions. Rutgers is responsible for analyzing data collected from Program participants by making formative and summative evaluations as to the efficacy of the Program's goal of reducing recidivism and reintegrating the target population into society.

2016 Accomplishments

During 2016, the Mental Health Unit reviewed 39 defendants and accepted 20 for the program. The remaining cases were either determined not to be legally or clinically appropriate, or the defendants chose to pursue their case through traditional prosecution. As of December 31, 2016, 24 participants successfully "moved on." Moving On means that they are in a new phase of their life where they recognized and took responsibility for their actions. They have accepted, received and continue to access programs that will enable them to cope with their illness. They can be proud that they dealt with their issues in a positive manner.

➔ Police Legal Advisor

The primary function of the Police Legal Advisor is to advise law enforcement agencies operating within Essex County. The Police Legal Advisor trains police, corrections officers, juvenile detention officers, deputy sheriffs, auxiliary police and special law enforcement officers at the Essex County College Police Academy.

The Police Legal Advisor also keeps officers abreast of the law by preparing and disseminating legal memoranda, conducting in-service training classes, and advising Assistant Prosecutors assigned to the trial sections on police procedures and legal matters. Additional responsibilities include preparing and reviewing communication data warrants, arrest warrants, search warrants, subpoenas, and answering the myriad inquiries regarding police activities annually. The Police Legal Advisor is on-call around the clock.

2016 Accomplishments

In 2016, the Advisor taught two classes of sheriff deputies, one class of auxiliary police officers, two police classes, and three classes of corrections officers. In addition, the Advisor conducted in-service training for various municipal agencies, in house in-service trainings, Use of Force training for Conducted Energy Devices, and two separate four-day in-service trainings at the Essex County College Public Safety Academy.



LEGAL UNITS

➡ Pre-Trial Intervention & Expungement Unit

The Pre-Trial Intervention (PTI) & Expungement Unit is responsible for the complete review and processing of all applications for the PTI Program. This program is like probation, but allows participants to avoid criminal conviction. Appropriate candidates are accepted into the program and required to fulfill certain conditions. At the end of the PTI term, an Assistant Prosecutor from the Unit reviews and signs a dismissal order. If an applicant is deemed inappropriate for PTI, a letter outlining the grounds for rejection is prepared, reviewed and disseminated by Unit personnel. Requests for reconsideration and appeals receive appropriate responses.

The Unit also reviews Expungement applications aimed at clearing an offender's criminal record. In 2010, the State Legislature eased many of the time limits and criteria for Expungements. The new statute also allows for "Early Pathway" or "Discretionary" applications. In 2016, the State Legislature again amended the Expungement statute to allow successful "Drug Court" graduates the opportunity to expunge their entire criminal record. The expungement statute was also amended to permit those found not guilty of a criminal offense to expunge their record immediately. All these changes have resulted in significantly more preparation, court time, and appeals.

Expungement applications are typically prompted by employment concerns and require the Unit to extensively examine the applicant's full criminal history to determine eligibility (as provided for by statute). If eligible, Unit personnel prepare, review and submit appropriate orders for the Court's signature; if the applicant is deemed ineligible, orders for dismissal are prepared and forwarded to the Court.



2016 Accomplishments

In 2016, the volume of applications to the PTI Unit remained extremely high as

defendants filed a total of 420 applications for admission. Specifically, the Unit accepted 285 defendants into the program and rejected 135 applications.

One 2016 PTI case of note was **State v. Christian Torres**, where the State successfully opposed the PTI application of a defendant charged with second-degree Unlawful Possession of a Weapon involving the trafficking of illegal firearms.

In another case of note, **State v. Crystal Nurse**, the State successfully opposed the PTI application where the defendant attempted to smuggle and import three pounds of cocaine in her carry-on luggage upon returning from an international flight at Newark Liberty International Airport.

In 2016, the Unit processed 738 traditional expungement applications.

➔ Remand Court Section

The Remand Court Section of the Essex County Prosecutor's Office handles cases that have been referred from Central Judicial Processing, Vertical Courts and Special Squads. The Essex County Remand Court was established in June 1990 to address a significant backlog in the processing and prosecution of indictable offenses. The Remand Court acts as a municipal court, handling disorderly persons cases, while retaining countywide jurisdiction. The expanded jurisdiction of the Remand Court gives the Prosecutor's Office the option of downgrading an indictable offense to a disorderly persons charge while retaining prosecutorial responsibility.

Before the Remand Court was established, all disorderly persons cases had to be referred to the municipal level. Given the high volume of cases handled in Essex County, this represents an important option, as it combines the professional resources of the County Prosecutor with the procedural speed of a municipal court. The Assistant Prosecutors assigned to the Remand Court craft plea bargains and address victim/witness concerns, including restitution and counseling, in addition to preparing cases for trial in a speedy manner. Dispositions include probation, offense-specific treatment and counseling, fees and fines and/or jail time. Remand Court is not appropriate for more serious indictable cases or for typical municipal court cases, but for low- to mid-level criminal offenses. The court allows greater flexibility in the exercise of prosecutorial discretion, improves efficiency, maintains the protection of victims' rights as well as defendants' rights and imposes appropriate sentences in accordance with the offenses committed.

The Remand Court is a high-volume court and designed to dispose of 200 or more cases per month, compared to the 50 cases per month in each of the post-indictment trial courts. The majority of cases calendared in Remand Court are scheduled directly from Central Judicial Processing, where all defendants are initially arraigned. The swift and certain punishment meted out in the Remand Court is reflected in a custodial sentencing rate continually in excess of 70 percent.

2016 Accomplishments

In 2016 the Remand Court handled 2,054 cases. Of that number 1,417 resulted in guilty pleas, 23 resulted in conditional discharge, six went to trial and the remaining cases were resolved by dismissal.

➔ **Crash and Fire Investigation Unit**

In 2016, the Crash Investigation Unit and the Arson Task Force merged to form the Crash and Fire Investigations Unit. The Unit operates within the Major Crime Bureau and is comprised of three assistant prosecutors, one lieutenant, one sergeant, three detectives, one agent, and one detective from the Newark Fire Department Arson Unit. The unit has both an Assistant Prosecutor and an investigator on-call 24 hours a day to assist municipal, county or state police agencies when they are faced with vehicular collisions that result in death or serious bodily injury, or when faced with suspicious fires.

On the crash investigation side of the unit, ECPO detectives work hand in hand with the local municipalities to determine if vehicular collisions resulting in death or serious bodily injury were the result of criminal conduct. Each of the detectives assigned to the Unit has extensive training in accident investigation and reconstruction, as well as extensive experience in processing collision scenes. With these credentials, they frequently appear in Grand Jury and Superior Court to testify as experts detailing the circumstances and causes of major motor vehicle collisions. The Unit's Assistant Prosecutors, working with the detectives, are routinely called upon to determine what criminal charges are appropriate or to assist in obtaining search warrants and court orders for biological samples in driving under the influence cases.

The Assistant Prosecutors and detectives investigating fatal or injurious collisions face unique circumstances that do not exist in other types of prosecutions. First, to be held criminally liable for a collision, the driver's actions must be reckless. In many cases, a driver may be careless or negligent, but not but not criminally reckless. The focus of the unit is to determine if criminal liability exists, i.e., a finding of criminal reckless conduct. Thus, even though there are tragic results and there may be some fault on the part of the driver, it does not necessarily rise to the level of criminal conduct.

The Unit oversees or conducts every fatal motor vehicle investigation that occurs in Essex County. Therefore, even in cases where the driver is not charged criminally, the Unit is involved in extensive investigation, including crime scene analysis, witness statements, forensic and evidence collection, vehicle processing and downloads, in addition to many other aspects of an investigation. The Unit is also involved in victim family contact, coordination with outside law enforcement agencies, and communication with the civil attorneys for the involved parties.

In each fatality, once our investigation is complete, a determination is made whether criminal charges and/or a Grand Jury presentation are warranted. The types of criminal conduct commonly seen in vehicle homicide and assault by auto cases include driving while intoxicated, reckless driving, eluding, leaving the scene of an accident that resulted in death and/or serious bodily injury, cell phone use including texting, and driving while suspended/revoked.

INVESTIGATION UNITS

It is our aim to meet with the decedent's family, in every vehicle death case, to explain our investigation and our position on charging or not charging. The Unit does this even in cases where no criminal charges are forthcoming so the decedents' families are aware of the thoroughness of the investigation and the reasons for our position.

The second aspect unique to vehicle cases is that there exists significant coordination with local police and courts, as well as DMV, even if our office does not pursue criminal charges. In many motor vehicle collisions, summonses are issued to the driver. Generally, these summonses are heard in municipal court; however, during the investigation, those summonses are held in abeyance while we investigate. Ultimately, depending upon our charging decision in a given case, the summonses are disposed of in Superior Court, at the time of the criminal case, or returned to municipal court for disposition. This dual jurisdiction requires communication with the local courts as well as providing discovery to the municipal prosecutor in certain cases. Thus, in cases which we investigate, but do not criminally charge, we turn our investigative file over to the municipal prosecutor.

Simultaneous to our investigation and/or prosecution, DMV often is conducting an investigation and ultimately a hearing through the office of Administrative Law to suspend the individual's driver's license. Unit detectives are often required to testify at those Administrative Law hearings and ongoing communication between our unit and the DMV attorneys, regarding discovery and other matters, occurs.

Third, collision investigations regarding death and/or serious bodily injury require communication with a decedent's civil attorney as well as insurance carriers for the drivers. We strive to be responsive to the requests for discovery from civil counsel and provide what we can, without compromising the criminal investigation, in a timely manner. Ultimately, once our investigation and/or prosecution is completed, we provide discovery to civil counsel. Oftentimes, we prepare a consent order which is executed by either the criminal Assignment Judge or the civil judge who is handling the civil case. We are frequently served with requests for discovery under the Open Public Records Act or the common law. In addition, once a case is completed, our detectives are often required to testify at a deposition and/or trial in the ongoing civil matters.

Fourth, most of these cases require the detective to render an opinion based upon expertise in accident reconstruction. Our investigating detective is both the lead detective in an investigation, overseeing all aspects of the investigation, and an expert in accident reconstruction, rendering an opinion as to the cause of the collision.

In addition to the crash investigations, the Unit also assists local and state authorities in the investigation of suspected acts of arson. The Unit is responsible for the investigation of suspicious fires in Essex County and the successful prosecution of individuals responsible for arson-related criminal offenses. Arson detectives work hand in hand with municipal arson investigators and firefighters to determine the origin and cause of suspicious fires and, with regards to incidents of arson, conduct the necessary investigation to determine the responsible party. Additionally, the Unit responds to and

conducts the origin and cause investigations on all fatal fires within the county regardless of whether the cause is criminal in nature. The Unit also responds to fires in houses of worship, schools, and government property, and either conducts or oversees the investigation. Unit detectives have received extensive training regarding fire investigations and are qualified to testify in court as experts in that determination.

2016 Accomplishments

In 2016, the Unit investigated collisions which resulted in 36 motor vehicle fatalities. In addition, the Unit conducted 26 Motor Vehicle Special Investigations, including but not limited to crashes relating to vehicle pursuits, pedestrian collisions, and industry working hazards, drunken driving related accidents, and other matters involving serious bodily injury. The Unit is involved, along with the Professional Standards Unit, in the investigation of any case involving death where a police vehicle was involved in a pursuit.



Prior to any response by the Unit, the request is screened by the on-call unit supervisor, who confers with the on-call Assistant Prosecutor to determine if a response is warranted. The screening of the requests for assistance with respect to Motor Vehicle Special Investigations has significantly improved resulting in reduction in Unit responses to scenes where the investigations are well within the capabilities of the parent investigating agency.

Screening cases allows the Unit to concentrate on criminal investigations and prosecutions as opposed to automobile accidents with no criminal liability. Finally, in addition to the actual cases open for potential criminal prosecution, the detectives and

INVESTIGATION UNITS

Assistant Prosecutors in the Unit are consistently working with officers from local police departments on a variety of matters concerning DWI related cases, search warrants, and general advice in on-going investigations.

On the arson side, in 2016, the unit investigated 40 structure fires in Essex County. The structure fires resulted in nine fatalities. These investigations often include an origin and cause determination, crime scene analysis, collection and submission of evidence to the NJ Regional Forensic Science Laboratory, obtaining communication data warrants and search warrants, as well as additional investigative actions.

With respect to vehicle fires, the geographical location of Essex County, comprised of its network of municipal, county and state roadways, offer easy access and egress for individuals seeking a place to burn a vehicle. Due to the nature and complexity of these investigations and the extensive cooperation needed between the Unit, the agency in which the incident occurred, and the private insurance carriers, the prosecution of these cases is highly technical and time consuming. The Unit detectives are experienced and have demonstrated a professional working relationship with outside police and fire agencies as well as private insurance carriers to complete these investigations and provide a successful prosecution.

Unit detectives routinely interact with independent investigators for various insurance companies who conduct parallel investigations with regards to incidents of arson, specifically but not limited to attempts by claimants to fraudulently obtain proceeds, via mortgage fraud, vehicle claims, and property damage claims. This results in a close working partnership with insurance companies and the utilization of the documents collected by the insurance carriers for criminal prosecutions.

Many of the referrals for potential criminal liability are referred to ECPO by the insurance company investigator after the preliminary investigation reveals possible fraudulent activity. In incidents of both structure and car fires, the insurance company will often hire an expert arson investigator who will conduct an origin and cause independently of ours.

Generally, most of our criminal arson related cases fall into 1 of 4 of the following categories:

- 1) Intentional arson committed at a specific location to target an individual, such as a disgruntled spouse, former girlfriend/boyfriend, or employee.
- 2) Intentional arson committed for insurance and/or mortgage fraud purposes. These matters often involve burning of a motor vehicle and/or a business property.
- 3) Arson committed recklessly due to some behavior involving conduct above gross negligence, resulting damage to property or injury to people.

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- 4) Arson committed by individuals with serious mental health issues, for no reason at all.

In addition to its investigative responsibilities, the Unit provides instruction for individuals attending the New Jersey Division of Criminal Justice Basic Course for Arson Investigators. DCJ utilizes the expertise of our detectives in providing investigative instruction which includes classroom instruction as well as on-scene practical applications at multiple controlled fire locations in Essex County.

Unit detectives and Assistant Prosecutors have conducted countywide training seminars for firefighters, police officers and certified arson investigators. These seminars cover various topics dealing with the investigation and criminal prosecutions of arson related crimes. For example, the Unit conducted seminars which included crime scene collection, preservation and analysis of evidence, obtaining witness and suspect statements, and insurance fraud prosecutions with regards to car fire investigations.

INVESTIGATION UNITS

➔ **Forensic Analysis and Cyber Technical Services**

In late 2010, the Essex County Prosecutor's Office Cyber Crimes Unit (CCU) was established. Its mission was conducting original investigations and providing legal and technical support for investigations conducted by other units in the ECPO and municipal police departments.

At its inception, CCU conducted original investigations when computer technology is the primary medium for the commission of a crime. The CCU led investigations into the manufacture, possession and distribution of child pornography. In its role as a support unit, the CCU assisted municipal police departments in their investigations involving computer and/or technology-facilitated crimes such as invasion of privacy and computer criminal activity, including unlawful access. Members of the CCU also provided legal and technical assistance to municipal police and other ECPO units in the investigation of crimes including homicide, sexual assault, invasion of privacy, fraud, burglary, and theft. Members of the unit also presented lectures to students, teaching staff and community groups throughout Essex County on Internet safety, cyber-bullying, and sexting. In 2015, the Cyber Crimes Unit became a part of the newly created Forensic Analysis and Cyber Technical Services (FACTS) Unit which is staffed by six detectives, a Lieutenant and a Captain.

2016 Accomplishments

In 2016 the FACTS Unit continued to provide support for the ECPO and local police departments by performing searches and forensic examinations of cellular telephones and other digital media obtained during criminal investigations. In 2016, the FACT Unit did more than 700 cell phone extractions and analysis, 82 computer or external media extractions and 400 video downloads.

Increasingly, this kind of technical assistance is essential to the investigation and prosecution of cases. It can provide call history, text messages, photos and other information that is crucial to the successful prosecution of a case.

Additionally, the Unit continues to provide legal and investigative assistance to municipal police departments on cyber and technology-facilitated crimes. Members of the Unit also provide training and engage in community outreach, including presenting information on internet safety and cyber bullying to students and teachers throughout the County.

➔ Domestic Violence Unit

The Domestic Violence Unit, which was established in 1992, addresses domestic abuse between intimate partners and adults who reside in the same household. The Unit is comprised of seven Assistant Prosecutors, one director, one captain, one lieutenant, one sergeant, five detectives, two support staff and one victim/witness advocate. The Unit reviews cases with the goals of protecting the interests of the victims as well as prosecuting domestic violence incidents. Domestic abuse is a self-perpetuating and escalating social phenomenon. It affects all people regardless of their race, culture, religion, economic strata and/or sexual orientation. Criminal sanctions are a key component of society's response to curtailing this abuse. When appropriate, the Domestic Violence Unit will seek to incarcerate violent and persistent offenders. In many cases, batterers are given the opportunity to rehabilitate themselves, with the hopes that this will end the cycle of violence. Additionally, the psychological impact of domestic abuse on the victims and their families is a major factor in our case analysis.



The Domestic Violence Unit handles cases from the onset of the investigation to resolution of the case, including offering of counseling, relocation and safety planning. The Unit, in collaboration with the Victim-Witness Advocacy Unit, offers support to victims with the goal of helping them regain a sense of personal safety and security. Referrals to shelters may also be a viable option when appropriate. This multifaceted approach in victim assistance is necessary because domestic violence victims are often unwilling to testify against their abusers because of safety and financial concerns, the

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impact on children and other family members, and the victim's own relationship dynamics with the abuser.

2016 Accomplishments

During 2016, the members of the Domestic Violence Unit processed 1,868 Domestic Violence cases for a total of 1,898 defendants. Assistant Prosecutors presented 493 cases to the Grand Jury during this period. In addition, 23 forfeiture petitions were considered. The following are examples of the spectrum of cases handled by the Domestic Violence Unit in 2016:

State v. Charlie Wilson - Defendant Charlie Wilson pled guilty to Aggravated Assault and Possession of a Weapon for an Unlawful Purpose. This defendant brutally attacked his girlfriend who was undergoing dialysis for kidney disorder. He beat her about her body and head repeatedly with a large piece of wood. He threatened her with a knife and also broke her arm. On March 24, 2016, the defendant was sentenced to 8 years in state prison pursuant to the No Early Release Act, meaning he must serve 85% of that sentence before being eligible for parole. The victim was extremely courageous despite her fear of the defendant.

State v. Krisla Rezireksyon - On July 27, 2016, Krisla Rezireksyon was found guilty of Aggravated Manslaughter, numerous counts of Endangering the Welfare of a Child, and several counts of Unlawful Possession of a Weapon. The defendant was sentenced to 45 years in state prison for starving her one child to death and the horrific starvation and abuse of her two other children who survived the torture.

These cases highlight the various levels of prosecution and demonstrate the challenges facing the members of the Domestic Violence Unit. It is the job of the Assistant Prosecutors to balance the need for deterrence, the level of cooperation of the victim as well as being a strong advocate for justice. The Unit serves a pivotal function in the community in its zealous efforts to prosecute abusers and attend to the needs of the victims of abuse.

Furthermore, the Domestic Violence Unit handles cases when defendants are charged with violating civil restraining orders issued to protect victims of domestic abuse. These violations or contempt charges are typically handled in the Family Part. In 2016, the Assistant Prosecutors assigned to Family Court handled 361 cases, 47 of which resulted in trials.

The Domestic Violence Unit also files petitions for the forfeiture of weapons and firearm permits seized as a result of domestic violence incidents. Additionally, when a member of law enforcement is involved in a domestic violence incident and charges are filed and/or a Temporary Restraining Order is granted, the Unit is responsible for reviewing reports and making a recommendation if the officer should be rearmed with his or her service weapon and any personal weapon he or she may own.

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Members of the Essex County Prosecutor's Office, including personnel in the Domestic Violence Unit, continue to play a significant role in the Essex County Domestic Violence Working Group. These members also play an active role in the Law Enforcement Subcommittee which is comprised of law enforcement, the judiciary, victim service providers, probation officers and Family Part employees. The Domestic Violence Working Group addresses systemic problems in the domestic violence field and endeavors to coordinate the efforts of the various member organizations. The Group is instrumental in implementing the dictates of the New Jersey's Domestic Violence Procedures Manual as well as making strides in improving the service of Temporary Restraining Orders.

The Essex County Prosecutor's Office is one of the lead partners in the Essex County Family Justice Center. The Family Justice Center is recognized as a "best practice" in the field of domestic violence intervention and prevention by the United States Department of Justice on Violence Against Women. The Family Justice Center brings together, under one roof, domestic violence advocates, civil legal service providers and other community based organizations to provide crisis intervention, safety planning, counseling, self-sufficiency services, as well as access to the criminal justice system through a liaison to the Essex County Prosecutor's Office. Since opening in 2017, the Essex County Family Justice Center has served over 6,000 victims.

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➡ Extradition Unit

The ECPO Extradition Unit facilitates the return of fugitives who have been accused or convicted of a crime. The Unit is responsible for providing the legal paperwork needed to return an offender to New Jersey. The Unit also arranges the return of fugitives to other jurisdictions where an offender is wanted by law enforcement for a crime committed in that location.

Those working in the Unit must have a familiarity and knowledge of the various legal mechanisms found in both state and federal statutes to compel the return of a fugitive wanted for a crime committed in New Jersey as well as an understanding of the proper procedures for returning a fugitive to another jurisdiction.

Among other things, it may involve securing a Governor's warrant if the accused fights extradition.

2016 Accomplishments

In 2016, the Extradition Unit received 294 requests for extradition. Essex County coordinated the legal paperwork to extradite 212 fugitives to other jurisdictions and to return 128 fugitives back to Essex County.



➔ Financial Crimes Unit

The Financial Crimes Unit is dedicated to the detection and prosecution of cases involving the unlawful conversion of funds or property. Most of these cases involve fraudulent activities using checks, credit cards, bank accounts and mortgages. Victims of financial crimes are varied and may include some of the most vulnerable victims, such as the elderly or infirm, or some of the more affluent, such as private and professional corporations. The several Assistant Prosecutors in the Unit are supervised by a Deputy Chief Assistant Prosecutor; assigned detectives conduct the investigations, supervised by a Captain of Detectives. Presently, this Unit is staffed by a Deputy Chief Assistant Prosecutor, four Assistant Prosecutors, a Detective-Sergeant, four detectives, one legal assistant, and one clerical assistant.

The Financial Crimes Unit is a vertical prosecution unit. It handles the cases from inception to prosecution. When the Financial Crimes Unit receives an allegation of criminal conduct, it must determine whether a criminal prosecution is warranted. If it is, a criminal charge and/or a presentation to a Grand Jury is conducted after a thorough investigation. If an indictment is returned, the Financial Crimes Unit is responsible for the case through a trial or plea agreement.

The Financial Crimes Unit fulfills the need to investigate serious financial crime cases at the county rather than municipal level. Municipal police departments are often not able to thoroughly investigate complicated economic crimes. Indeed, in many cases, governmental, bank, and financial records can only be obtained by grand jury subpoena, court order or search warrant, and therefore are beyond the reach of a municipal police department. Many “white collar” crimes are multi-jurisdictional in nature. Beyond this, such cases are far more complex than the “average” case. They usually require review of voluminous records by an experienced detective.

Because of the complexity of the allegations and investigations, close interaction between the Assistant Prosecutor and Detective is necessary throughout the investigation; especially since these investigations often involve assembling and reviewing complex financial and business records, preparing and obtaining court orders for in- and out-of-state records (such as bank records, handwriting, toll records).

In 2012, the Financial Crimes Unit expanded to include an Insurance Fraud Division. The Insurance Fraud Division is partially funded through a grant from the New Jersey Attorney General’s Office of the Insurance Fraud Prosecutor, and works closely with that Office in identifying, investigating and prosecuting appropriate cases.

In 2015, the Financial Crimes Unit expanded even further to include an Intellectual Property (Counterfeiting) Division. The Division is partially funded through a grant from the Bureau of Justice Assistance and its goal is to investigate and prosecute this ever-growing crime.

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2016 Accomplishments

In 2016, the Financial Crimes Unit concluded several notable cases, including the following:

State v. David LaCarriere -- LaCarriere, a truck driver, was convicted and sentenced to five years in New Jersey State Prison for a cargo heist committed on Christmas Day 2014. The defendant conspired to steal approximately \$700,000 worth of high-end merchandise from a cargo area at Newark Liberty International Airport. Over \$300,000 worth of the merchandise was ultimately recovered near John F. Kennedy International Airport in New York.

State v. David Dunaway and Paige Hunt (Insurance Fraud) -- Defendants pled guilty to filing multiple fraudulent auto insurance claims for damage to a variety of vehicles. The victimized insurance carriers were defrauded out \$13,098.49. In total, Dunaway admitted to involvement in 16 separate fraudulent claims with the three female defendants. Most of the schemes involved filing insurance claims for body damage to automobiles that was alleged to have been the result of being keyed by unknown persons. Restitution to the insurance companies was ordered at sentencing.

➔ Homicide Unit

The Homicide Unit of the Essex County Prosecutor's Office functions as both an investigative and prosecutorial unit. The Unit is staffed full-time by Assistant Prosecutors and detectives. Unit personnel respond to all homicides, suspicious deaths, shootings involving police, and motor vehicle fatalities in the county. Assistant Prosecutors assigned to the Homicide Unit assist detectives in obtaining search warrants and communications data warrants. Homicide Assistant Prosecutors are on-call 24 hours a day and can prepare warrant requests at all hours. The ability to obtain warrants and other legal documents on an emergent basis is often crucial to ensuring that all relevant evidence is collected in a manner that will withstand legal challenges and will be admissible in subsequent legal proceedings.

As an investigation proceeds, case detectives in the Unit meet with an Assistant Prosecutor to determine if probable cause exists to bring criminal charges. The Assistant Prosecutor and case detective then prepare the case for presentation to a Grand Jury. In matters in which a juvenile is charged with a homicide offense, the Unit Assistant Prosecutor will prosecute the matter in Family Court or, in appropriate cases, seek to have the juvenile prosecuted as an adult. In matters involving motor vehicle fatalities, Unit detectives specially trained in crash investigations and accident reconstruction, will investigate the incident and work with an Assistant Prosecutor to determine if the collision was the result of criminal conduct.



2016 Accomplishments

In 2016, the Essex County Prosecutor's Office continued its leadership role in the Essex County Homicide / Major Crimes Task Force. Detectives from the Newark, East Orange

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and Irvington police departments, the Essex County Sheriff, and the New Jersey State Police are assigned to the Homicide Unit pursuant to a Memorandum of Understanding, and conduct investigations throughout the county. All homicides, death investigations and police shootings throughout the county are investigated by the Homicide/Major Crimes Task Force. Having municipal detectives co-located in the Homicide Unit allows for continuity of investigations and eliminates duplicative efforts by county and local officers.

In 2016, the Homicide Unit investigated 127 homicides. Additionally, there were 61 special investigations that the Task Force oversaw. The 127 homicides in 2016 represent an 11% reduction from the 143 homicides that occurred in 2015. Assistant Prosecutors and detectives assigned to the Unit prepared, reviewed and executed more than 300 search warrants and over 200 communications data warrants.

While many cases have been successfully handled by the Assistant Prosecutors assigned to the Unit, certain cases stand out during the 2016 calendar year:

State v. Jerrell Alexander - On November 18, 2014, Jerrell Alexander and an unknown co-conspirator shot and killed Mencea Ryner on Lincoln Place in Irvington. On December 17, 2014, two of the witnesses to Ryner's murder were walking in Irvington and were shot at by both the defendant and Jassiem Harper.

On October 7, 2016, after a jury trial before Judge Gizzo, a jury found Alexander guilty of the murder of Mencea Ryner, conspiracy to commit murder, unlawful possession of a weapon, and possession of a weapon for an unlawful purpose. On December 5, 2016, Alexander was sentenced by Judge Gizzo to 48 years in New Jersey State Prison. Harper is awaiting trial.

Cockfighting Murder - On June 29, 2014, Maria Cruz was shot in the face and died at an illegal cockfight at 127 3rd Avenue in Newark during a botched robbery. Through the tireless efforts of the Essex County Homicide Unit, particularly Sgt. Carlos Olmo, seven people were charged in connection with the fatal shooting:

- **Jorge Munoz**, the host of the cockfight, pled guilty on January 14, 2016, to fourth-degree animal cruelty and was placed on probation.
- **Juan Soto** pled guilty on March 16, 2016, to conspiring to rob the cockfight and was sentenced to six years in New Jersey State Prison.
- **Kelvin Diaz** pled guilty on October 28, 2016, to aggravated manslaughter and was sentenced to 12 years in New Jersey State Prison.
- **Cory Winston** pled guilty on April 18, 2016, to aggravated manslaughter and was sentenced to 15 years in New Jersey State Prison.
- **Jamall Harrell** pled guilty on April 25, 2016, to aggravated manslaughter and was sentenced to 15 years in New Jersey State Prison.
- **Luis Ortiz**, a co-conspirator, is presently awaiting trial.
- **Samir Thomas**, the alleged shooter, is presently in North Carolina and is awaiting trial there.

State v. Johnny Jones - Defendant Johnny Jones murdered Denise Ramsey, a go-go dancer from Irvington, on December 3, 2012, and dumped her body in a vacant field in East Orange before going on the run. Her badly-decomposed body was discovered six weeks later. DNA recovered from under her fingernails was a partial match to the defendant. The defendant remained on the run until December 2015 when he was apprehended in Miami, Florida. In December 2016, the State commenced a six-week trial against this defendant. The defendant was convicted of murder and weapons offenses. He has been sentenced to 60 years in New Jersey State Prison.

State v. Shawn Custis - In 2013, Shawn Custis, a career criminal committed a violent home invasion robbery at a residence in Millburn. Defendant was arrested after an intense investigation by the Prosecutor's Homicide Unit. In May 2016, defendant was convicted after a jury trial. He was sentenced to life in prison.

State v. Nicholas Comasco - In April 2016, Nicholas Comasco, 27, of Bloomfield, pled guilty before Judge Leath to vehicular homicide in connection with the death of 16-year-old Christina Lembo, also of Bloomfield. Under the terms of the plea agreement, Comasco was sentenced to three years in New Jersey State Prison. Comasco admitted to drinking beer and driving at speeds of up to 80 miles per hour just before he struck the vehicle carrying Lembo, who was a passenger in the back seat. In addition to killing Lembo, the front seat passenger, a 17-year-old male, sustained a broken back in the crash.

Three Enter Guilty Pleas - In May 2016, Ali Bass, Arsenio Payton and Tyree Miller entered guilty pleas before Judge Cifelli in connection with the 2009 fatal shooting of Quawan Robinson, 31, of Newark. Robinson, was shot at seven times on December 11, 2009, while sitting in a car on Johnson Avenue in Newark.

The incident began with a robbery. Bass and the others robbed a 15-year-old who was selling drugs for Robinson. They held the teen at gunpoint and ordered him to call Robinson and lure him to the scene. When Robinson arrived, Payton opened fire, fatally injuring Robinson.

The parties reached a plea agreement following seven weeks of jury selection. Payton, 27, of Newark, admitted being the shooter. Bass, 33, also of Newark, admitted ordering the shooting of Robinson. Bass and Payton pled guilty to aggravated manslaughter, conspiracy, robbery, and weapons offenses. Miller, 33, of Orange, pled guilty to conspiracy to commit robbery, robbery and possession of a weapon for an unlawful purpose.

Bass was sentenced to 15 years in New Jersey State Prison; Payton was sentenced to 14 years; and Miller was sentenced to 9 years. All three defendants must serve 85 percent of their respective sentences before they will be eligible for parole. All three were convicted felons at the time of the crime. Consequently, each also pled guilty to

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being a convicted felon in possession of an illegal weapon. Each was sentenced to five years on that charge.

State v. Alchane Mayes - In September 2016, Alchane Mayes, 22, was sentenced to 45 years in New Jersey State Prison by Judge Ravin for the murder of taxicab driver and father Rochenel Guerrier, 49, of Irvington. On July 7, 2012 Mayes and Jeshon Johnson, now 23, robbed two people. They then called a cab, driven by Guerrier, and opened fire on the driver as they got out of the vehicle. Guerrier, a Haitian immigrant who worked for Family Cab in Newark, was shot twice from two different guns. The father of five died several hours later at University Hospital.

Johnson pled guilty to the robbery and aggravated manslaughter in exchange for a 28-year sentence. Mayes went to trial. The jury convicted him of the three robberies but found him not guilty of murder and felony murder.

Judge Ravin sentenced Mayes to 45 years. The State had recommended 70 years. The defense recommended 10 years. Mayes must serve 34 years before he is eligible for parole.

State v. Charles Puryear - In March 2016, Charles Puryear, 30, of Newark, entered a guilty plea before the Judge Ravin for killing Jackie Pena, 21, of East Orange, on November 25, 2011. Puryear pled guilty to one count of aggravated manslaughter and one count of unlawful possession of a handgun. Puryear also admitted committing two other robberies of juveniles on November 26, 2011, in Newark. Under the terms of the plea agreement, the defendant was sentenced to 25 years in New Jersey State Prison pursuant to the No Early Release Act. Puryear admitted approaching the group of men, pulling a handgun and fatally shooting Pena as he stood outside with several other men on Smith Street in Newark.

State v. Amber Brooks - On February 1, 2016, a jury convicted Amber Brooks, 21, of Newark, of reckless manslaughter for fatally shooting Michael Brown, 49, also of Newark. Brown was an innocent bystander who was shot when Brooks was aiming at someone else. Brooks shot Brown on Super Bowl Sunday 2013, as he walked along Elizabeth Avenue in Newark at approximately 8:15 p.m. The shooting occurred during an argument between Brooks and another woman. That woman accused Brooks of breaking into her apartment. Brown was simply walking in the area when he was struck by the stray bullet.

Following a three-week trial before Judge Wright, the jury convicted of Brooks of reckless manslaughter, unlawful possession of a weapon and aggravated assault by pointing a firearm. She was sentenced to 10.5 years in New Jersey State Prison.

➔ **Narcotics Task Force**

The Narcotics Task Force is the major narcotics and gang investigation unit of the Essex County Prosecutor's Office. Its mission is to investigate and prosecute crimes involving gangs, guns and violence. Since narcotics distribution is the primary revenue source for criminal street gangs, the Narcotics Task Force actively targets mid- to upper-level narcotics distributors (i.e. those generally dealing in quantities of second-degree weight or higher) operating in Essex County.

In addition to initiating investigations and prosecuting those cases, the Narcotics Task Force assists federal, state, county and municipal law enforcement agencies with their investigations. The Task Force includes an intelligence section, which collects and analyzes information from a variety of sources and maintains databases of criminal street gang members.

The Narcotics Task Force is staffed full-time by detectives, an Assistant Prosecutor/Director and three Assistant Prosecutors who vertically prosecute all cases initiated by Narcotics Task Force detectives. In addition, the Narcotics Task Force prosecutors also review all narcotics and gang-related search warrants generated by all the municipalities within the county and in some instances also review search warrants for the New Jersey State Police and federal Drug Enforcement Administration. Furthermore, the Narcotics Task Force prosecutors provide legal advice to outside law enforcement agencies on narcotics and gang related issues. In 2016, Narcotics Task Force prosecutors reviewed approximately 475 search warrants on behalf of law enforcement officers throughout the county. In 2015, Narcotics Task Force Prosecutors reviewed over 506 search warrants on behalf of law enforcement officers throughout the county.

The Intelligence section of the Narcotics Task Force serves as an independent unit consisting of a Sergeant and a group of detectives who collect and analyze criminal information and data. This process is extremely beneficial in determining criminal trends and identifying criminal organizations in Essex County. Criminal intelligence is disseminated from the section to other investigative units of the Prosecutor's Office, and to other Essex County law enforcement agencies.

2016 Accomplishments

In 2016, the Narcotic Task Force initiated 473 investigations culminating in 505 arrests. The Narcotics Task Force investigations resulted in the seizure of over 1,277.65 grams of cocaine, more than 1,707,424 grams of heroin and more than 32,234 grams of marijuana. Narcotics Task Force investigations also resulted in the seizure of 3.5 ounces of crystal methamphetamine/pcp, and 1,829 pills of Prescription Legend Drugs. The approximate street value of the narcotics seized by the Narcotics Task Force in 2016 is \$63,882 for cocaine, \$266,785 for heroin, \$322,350 for marijuana, \$9,145 for Prescription Legend Drugs and \$525 in methamphetamine. In 2016, Narcotics Task

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Force personnel also seized over \$778,960 in currency and 16 vehicles from drug distributors.

Additionally, given the increase in violence crime in Essex County, removal of illegal firearms from the streets is a very important step in law enforcement efforts to reduce violent crime. Narcotics Task Force personnel seized 29 firearms in 2016, including four assault firearms. This number is significant given that the Task Force operates with a relatively small number of personnel. The Task Force also obtained and executed more than 150 search warrants in 2016.

The following cases of interest were pursued in 2016:

State v. D.S. -- a successful confidential source operation that resulted in the recovery of 704 grams of cocaine, 508.96 grams of heroin, 24.5 grams of fentanyl and \$2,764 in cash.

State v. R.M. -- a successful narcotics operation where 500 grams of cocaine was recovered and the defendant was successfully converted into a confidential source that led to a federal wiretap investigation where an additional 15 kilograms of narcotics were recovered.

State v. Emmett Jones -- a search warrant executed in the Township of Bloomfield where 66 pounds of marijuana, 845 grams of heroin, a machine gun and \$112,054 in cash were recovered.

State v. R.D. -- a cooperation plea agreement where the defendant was successfully converted into a confidential source that led to a federal DEA wiretap investigation which is ongoing.

State v. J.W. -- a search warrant investigation where the ECNTF recovered 3,885 envelopes of heroin, bullet proof vests, hollow point bullets and over \$40,000 in cash.

➔ Professional Standards Bureau

The Professional Standards Bureau (PSB) consists of two branches. The prosecution branch is led by a Deputy Chief Assistant Prosecutor, along with three additional Assistant Prosecutors. The investigative branch is led by the Captain of Prosecutor's Detectives, who has overall command of the Bureau and reports directly to the Chief of Detectives. The investigative branch is presently staffed by one lieutenant, three sergeants and one detective.

The PSB is primarily responsible for the investigation and prosecution of all criminal misconduct involving police in Essex County and all Prosecutor's Office employees. It also conducts activities to improve the administration and delivery of Police Internal Affairs services on a countywide basis, including Internal Affairs training. Two clericals oversee all office operations and manage the records system and paralegal functions of the PSB. One of those employees also manages the clerical needs of the separate Corruption Unit.

When the PSB receives an allegation of criminal conduct committed by a sworn law enforcement officer, a decision is made about whether a criminal prosecution is warranted. When a criminal prosecution is required, the case is charged and resolved pre-indictment or presented to a Grand Jury. If an indictment is returned, the PSB is responsible for the case through the plea agreement or trial. In addition, PSB personnel investigate all police shootings and pursuits to determine whether they comply with the guidelines and directives set forth by the New Jersey Attorney General. If there is a material, factual issue regarding a police shooting, it is presented to a Grand Jury. Internal responsibilities for the PSB include, but are not limited to, random drug screening, investigation of violations of rules and regulations, risk analysis management and integrity testing.

2016 Accomplishments

In 2016, the PSB received 425 new cases and completed 467 investigations. In addition, 147 investigations remained open from 2015. A total of 296 cases were referred back to the originating agencies for civil or administrative action. Of the open cases, four resulted in criminal charges.

Two noteworthy criminal prosecutions were: An Orange Police Officer pleaded guilty to obstruction on September 16, 2016, for attempting to prevent a citizen from making a complaint against him; and a Corrections Officer pleaded guilty to aggravated assault with a weapon and received a State Prison mandatory sentence in early 2017. In both cases, the officers forfeited their right to future public employment.

In addition, the PSB was responsible for training of Essex County Internal Affairs officers in the new Attorney General Law Enforcement Directive regarding firearms discharges. Consistent with the Attorney General directive, published in July, 2015, the Critical Incident Response Team (CIRT), consisting of an Assistant Prosecutor and

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numerous PSB and ECPO investigative personnel respond to the scene of every officer-involved shooting in which someone is injured or killed. CIRT also responds to police pursuits resulting in serious injury. That same Directive requires all State Prosecutors to publish the results of the most critical shooting incidents on their respective websites.

➔ Special Victims Unit

The Essex County Prosecutor's Office's Special Victims Unit investigates and prosecutes cases involving crimes against the most vulnerable members of our community. The Unit is comprised of the Child Abuse Unit (CAU), Sexual Assault & Rape Analysis Unit (SARA), the Sexual Assault Nurse Examiner (SANE) Program, Megan's Law Unit, Bias Crimes Unit, an Elder Abuse Team and a Human Trafficking Team.

Acting Prosecutor Carolyn A. Murray merged the above units and teams into the Special Victims Unit to better serve the victims through the most comprehensive investigations possible. All but the Megan's Law Unit are co-located at the Wynona M. Lipman Child Advocacy Center at 185 Washington Street in Newark. This allows the efficient and synergistic sharing of resources, information and experience between the units. The functions within the Special Victims Unit now operate under the unified command of one Assistant Prosecutor/Director and a Captain of Detectives, and are overseen by a Deputy Chief Assistant Prosecutor. On-site Victim Witness Counselors assigned by the Victim Witness Advocacy Office work closely with the staff. A major concern is to prevent the victims and their families from being victimized a second time through the legal process itself.

The staff receives specialized training and applies the most advanced best practice standards to ensure that the victims' legal rights and emotional well-being are the primary consideration. SVU Assistant Prosecutors and Detectives are assisted by allied professionals such as forensic pediatricians, therapists and others in specialized fields. SVU also works with advocates representing child abuse, sex crimes, elder abuse and intellectually-impaired victims. By working with allied professionals, prosecutions are enhanced and further trauma to victims is minimized.

CHILD ABUSE UNIT

The Child Abuse Unit (CAU) was established by the Essex County Prosecutor's Office (ECPO) in 1983 in recognition of an urgent need to protect abused children and prosecute those who harm them. ECPO placed specialized law enforcement personnel with the desire, training and experience to service abused children. Unlike most child abuse units throughout the country, the ECPO CAU serves all children up to the age of 18. The CAU is also staffed by various SVU Assistant Prosecutors, detectives and support staff. The CAU maintains a 24-hour on-call service for all county municipal detectives and New Jersey Department of Children and Families (NJDCF) caseworkers (Division of Child Protection and Permanency).

The children of Essex County are our greatest resource, and the CAU, like ECPO, is committed to their protection. To accomplish this mission, the CAU uses the most advanced methods to successfully identify, apprehend and prosecute those who commit crimes against children. When crimes against children occur, the CAU diligently

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pursues the arrest, indictment and conviction of those responsible. At the same time, the Constitutional rights of the accused are respected.

By their very nature, child abuse investigations and prosecutions are extremely difficult. The CAU uses a multi-disciplinary team approach to investigations and victim services. In conjunction with Wynona's House, a non-profit organization, and the NJDCF, the CAU is an integral part of the Wynona M. Lipman Child Advocacy Center in Newark. The Lipman Center may be the only child advocacy center in the country to have a full-time Prosecutor's Office unit, child protective service caseworkers, juvenile trauma therapists, forensic pediatricians and multi-disciplinary coordinators all under one roof.

The philosophy of the Center is the "Child Comes First," and a multi-disciplinary approach is used to protect child victims from unnecessary trauma during the investigative stages of a case. Under this approach, a single interview of all victims of sexual abuse under the age of 12 years old is conducted by a highly-skilled primary interviewer, while professionals from other agencies view the recorded interview. The technique prevents multiple interviews by law enforcement officials and reduces trauma suffered by the victim. In addition, victim family members receive a wide range of services.

The Forensic Video Interview (FVI) of all children under the age of 12 who have been sexually abused was established in 2000. A specially-trained forensic interviewer conducts the interviews, while members from NJDCF and the Child Advocacy Center manager (Wynona's House) sit in a monitoring room nearby.

Cases are investigated either solely by the CAU or through joint investigations with municipal Detectives or staff of NJDCF. The Assistant Prosecutors assigned to the Unit handle a significant number of cases from the inception of the investigation to the case's ultimate disposition. The Unit is responsible for investigating or co-investigating cases involving children under the age of 18 who were victims of crimes which include sexual abuse, child endangerment (abuse, neglect, cruelty, and abandonment), child pornography, interference with custody/kidnapping, and luring.

Depending upon the results of the initial interview with the child, he or she may require a medical examination and assessment by medical staff located at the Lipman Center. The Lipman Center collaborates with Metropolitan Regional Diagnostic and Treatment Center (RDTC) of Newark Beth Israel Medical Center, whose physicians have extensive training in both pediatrics and issues related to child abuse. Through the compilation of the child's medical history and the examination, evidence may be obtained and stored for the potential prosecution of the alleged perpetrator. The physicians also provide basic, preventative healthcare services to ensure the complete recovery of victims of child abuse.

The Lipman Center has implemented a 24-hour, 7-day a week on-call schedule for its investigative staff, thereby ensuring that all child abuse victims will be treated with the best care and concern, regardless of when they are victimized or choose to disclose.

2016 Accomplishments

In 2016, the Child Abuse Unit received 402 referrals for investigation. Of the 402 cases investigated in 2016, 170 resulted in adult criminal charges and 16 juvenile charges.

Notable Cases:

State v. Uvaldo Melgar - The defendant was charged with sexually abusing two young girls in his home while he and his wife were babysitting them. The girls alleged that when they were between the ages 7 and 11, the defendant sexually abused them while they were in his care. The defendant was charged with multiple counts of first-degree Aggravated Sexual Assault as well as multiple counts of second-degree Endangering the Welfare of a Child. The children did not immediately disclose the abuse, but finally disclosed to their mother. The children provided forensic interviews wherein they disclosed to members of ECPO the nature of the abuse. There was no other corroborating or other forensic evidence. The defendant refused to plead and at trial was convicted of aggravated sexual assault as well as endangering the welfare of the children. The defendant was sentenced by Judge Gizzo to a term of 18 years in New Jersey State Prison. Under the No Early Release Act, he must serve 85% of his sentence and is subject to Megan's Law and Parole Supervision for Life. Assistant Prosecutor Peter Polidoro tried the case.

State v. Leo Donaldson - The defendant was a teacher and track coach at Bloomfield High School. A 15-year-old student alleged that the defendant had sexual relations with him both at the school and at his home in Bloomfield, as well as a prior address in Jersey City. The student alleged that the sexual abuse took place over a period of months. The student alleged that the defendant's husband, Bradley Donaldson, and the teacher Leo Donaldson, engaged in various sexually charged activities with other members of the track team, which included naked card games. Another student age 18 also came forward and indicated that he had sexual relations with Leo Donaldson while he was also a student at Bloomfield High School. The defendant was charged with various counts of second-degree Sexual Assault as to both students as well as numerous counts of Endangering the Welfare of the various children. The case is pending.

State v. Robert Ashley - The defendant was alleged to have sexually abused three children over the course of their lives. The children came forward as adults and disclosed that the defendant abused each of them in the presence of the others and alone. The children corroborated each other's account of the abuse. The defendant was charged with numerous counts of first-degree Aggravated Sexual Assault, second-degree Sexual Assault and various counts of Endangering the Welfare of each of the children. There was no forensic or other corroborating evidence. The children did not

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wish to testify at trial. The defendant ultimately pled guilty to second-degree Sexual Assault of each of the children and was sentenced to six years in New Jersey State Prison. Under the No Early Release Act, he must serve 85% of his sentence and is subject to Megan's Law and Community Supervision for Life.

State v. Leonardo Gonzalez - The defendant, approximately 50 years of age, was accused by a 7-year old child of sexually assaulting her by forcing her to perform fellatio upon him. The victim did not immediately disclose, but disclosed to her family at a later time. The defendant was charged with, and pled guilty to, first-degree Aggravated Sexual Assault. The defendant received a sentence of 15 years in New Jersey State Prison with a 15-year period of parole ineligibility. He is also subject to Megan's Law and Parole Supervision for Life

SEXUAL ASSAULT RAPE ANALYSIS UNIT

The Sexual Assault and Rape Analysis (SARA) Unit is one of the oldest investigative units in the Essex County Prosecutor's Office. It originated in the 1970s after the Newark Police Department became one of the first police departments in the nation to establish a sex crimes unit. The SARA Unit was developed to provide legal guidance and investigative support for all municipal police departments within Essex County.

The SARA Unit originally prosecuted all cases of sexual abuse within the Essex County Prosecutor's Office. As the field of sex crime investigation became more specialized in the early 1980's, a separate Child Abuse Unit was developed. The Child Abuse Unit prosecutes all cases of abuse involving children under the age of 13. By 2001, after the opening of the Wynona M. Lipman Child Advocacy Center, all cases involving juvenile victims of abuse (under the age of 18) were solely prosecuted by the Child Abuse Unit.

Today, the SARA Unit exclusively handles cases involving adult victims of sex crime. Unit staff consists of experienced Assistant Prosecutors, Detectives, and clerical support employees. The SARA Unit cooperates closely with members of the on-site registered nursing staff who manage the Sexual Assault Nurse Examiner program.

Members of the legal and investigative staff are available 24 hours a day to assist local law enforcement in their investigations. The SARA Unit has also adopted a vertical prosecution approach, whereby prosecutors assigned to a case will handle it from its inception through trial. This allows for a more victim-centered approach. A victim will be given the stability of having to deal with a single investigative and prosecution team, thereby sparing the victim the need to endlessly repeat the details of the sexually abusive act to countless people. This approach protects the victim from the need to continually relive the abusive act.

The SARA Unit was involved in many cutting-edge legal issues, including the use of DNA evidence and Internet-related crimes. With the establishment of a national DNA data bank by the FBI, Essex County was the first county prosecutor's office in New Jersey to have a positive match on a previously unidentified offender, as well as the first

county prosecutor's office in the state to have a positive match on multiple cases committed by a serial sex offender.

2016 Accomplishments

In 2016, the SARA Unit received 294 referrals for investigation. Of the 294 cases investigated in 2016, 79 resulted in adult criminal charges.

Notable cases from 2016 include:

State v. Romelo Flowers -- The victim, a 22-year-old woman, was leaving her home to attend a New Year's Eve party and was getting into her vehicle when the defendant approached her, pointed a gun at her, and forced her to a neighbor's yard where he sexually assaulted her multiple times. The young woman was ultimately let go by the man. She underwent a sexual assault examination and it was sent down to the New Jersey State Police Forensic Laboratory for examination. A CODIS hit was subsequently received and based on that information, a photo array was prepared, and the victim picked out the defendant from the array. The defendant was charged with first-degree Kidnapping, first-degree Aggravated Sexual Assault, and second-degree weapons offenses. The case is pending trial.

State v. Brian McPherson -- The defendant sexually assaulted a 19-year-old woman after he followed her while she was at a park in Maplewood. The defendant grabbed the woman and pushed her into some bushes where he sexually assaulted her. The woman was eventually let go and she sought medical attention and a sexual assault exam. Video surveillance showed the defendant following the woman through the park. The defendant also sexually assaulted a 12-year-old girl, who he met through an acquaintance. The defendant was charged with first-degree Aggravated Assault and second-degree Sexual Assault. The defendant was identified by both victims. The defendant pled guilty and is expected to receive a sentence of 20 years in New Jersey State Prison with a 20-year period of parole ineligibility.

State v. James Campbell -- The victim was walking to her home when the defendant grabbed her, demanded her money and punched her with a closed fist. He grabbed the victim's phone, threw her to the ground and threatened to sexually assault her. The victim fought off the defendant by scratching and biting him. The defendant pled guilty to second-degree Robbery and was sentenced to 6 years in New Jersey State Prison.

SEXUAL ASSAULT NURSE EXAMINER PROGRAM

On May 4, 2001, Assembly Bill 2083 was signed into law, providing for the establishment of a statewide Sexual Assault Nurse Examiner (SANE) program. By doing so, New Jersey became one of the first states in the nation to develop a comprehensive statewide program to address the needs of sexual assault victims. The law required each County Prosecutor to appoint or designate a certified sexual assault nurse examiner to serve as program coordinator for that county. The legislation also

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established a Sexual Assault Response Team (SART) program, which provides a team approach to assisting assault victims. The SART members include specially-trained local police officers, nurse and/or physician examiners and victim advocates. These programs are now being implemented in Essex County. Their overall goals are:

- To ensure timely and accurate collection of forensic evidence, thereby allowing for just determinations in sexual assault cases.
- To enhance the assessment and documentation of any medical trauma sustained by the sexual assault victim.
- To create compassionate and sensitive ways to address the physical, emotional and psychological needs of sexual assault victims.
- To coordinate the efforts of local police, hospitals, prosecutors, rape crisis centers and service providers to improve the quality of care and services offered to sexual assault victims in Essex County.

The SANE/SART Program utilizes a victim-centered approach to sexual assault cases. The overall program, which dramatically improves community response to sexual assault, offers immediate and effective attention to rape victims by nurses and /or physicians who have been specially trained to provide a compassionate, culturally sensitive, and comprehensive forensic evaluation and medical treatment. A SANE examiner will perform a forensic examination following standardized procedures to collect and preserve relevant evidence once the victim's immediate medical needs have been addressed. Additional support is provided by the SART members to address the legal, medical, psychological and emotional needs of the victim. Similar programs in the State have been proven to provide highly-reliable evidence to maintain aggressive prosecution of sexual assault cases.

Currently, the Essex County SANE/SART program services four county hospital sites, and forensic examiners are available 24 hours a day, 7 days a week to respond to the medical/forensic needs of sexual assault survivors. Essex County hospitals that have agreed to participate in the SART program are: Newark Beth Israel Medical Center (Newark), Mountainside Hospital (Montclair/Glen Ridge), Saint Barnabas Medical Center (Livingston) and University Hospital, Rutgers (Newark). St. Michael's Medical Center has also affiliated with the program to provide HIV/AIDS testing and counseling without cost to victims upon request.

The Essex County Prosecutor's Office has received grants from the New Jersey State Office of Victim Witness Advocacy to help develop the program and to assume certain operating costs. The SANE/SART Coordinator is responsible for the operation and management of the countywide program. Anyone who would like more information should contact the program Coordinator at 973-753-1130.

2016 Accomplishments

The success of the program is evidenced by the frequency with which the program was used. In 2016, there were a total of 245 SANE/SART activations, of which 41 were pediatric at participating hospitals in response to the needs of sexual assault victims in Essex County.

HUMAN TRAFFICKING TEAM

Human trafficking is modern day slavery that controls and exploits vulnerable members of our community. Victims are often lured into forced labor, sex trafficking and other forms of servitude using force, coercion, abduction, fraud and other methods. The victims range from juvenile runaways to undocumented immigrants. The New Jersey Human Trafficking statute, N.J.S.A. 2C:13-8, is one of the most comprehensive statutes in the country aimed at eradicating this criminal behavior.

The Human Trafficking Team is led by a senior Assistant Prosecutor and senior detective. Investigations use the full resources of the Special Victims Unit as well as the Narcotics Task Force. The team shares intelligence and conducts joint investigations with multi-county, statewide and national human trafficking entities. It is common for an operation to include the New Jersey State Police, the FBI, the Department of Homeland Security, NJDCF and allied professionals in the field such as Polaris. By having the Human Trafficking Team as part of the Special Victims Unit, the victims receive the best therapeutic services possible. The social services/therapeutic component of the unit is the primary component of the unit.

ELDER ABUSE TEAM

The Elder Abuse Team is led by a senior Assistant Prosecutor, who is also a registered nurse, and a senior SVU detective, and staffed by SVU detectives and victim advocates. The team uses the services of experts in fields involving the unique medical and emotional needs of the elderly. The team investigates and prosecutes cases involving physical abuse, neglect, fraud and other crimes against those who are over 62-years old. The team also works with the Financial Crimes Unit and other units within the ECPO to enhance investigations.

2016 Accomplishments

In 2016, the Elder Abuse Team investigated six cases involving alleged physical abuse, sexual abuse and fraud.

BIAS CRIMES UNIT

The Essex County Prosecutor's Office recognizes the distinctive fear that is generated and unique trauma suffered by victims of bias crimes. The ECPO considers bias crimes

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(also known as hate crimes) to be serious crimes that can affect an entire community.

Bias crimes are aggressively prosecuted through vertical prosecution by the Bias Crimes Unit. In 2013, the Unit was placed within the Special Victims Unit to better serve the victims through the most comprehensive investigations possible and provide the best therapeutic support for the victims.

By law, a bias crime occurs when a person, group or their property is targeted for intimidation based upon race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity. N.J.S.A. 2C:16-1. A person convicted of a bias motivated crime is subject to enhanced punishment.

The Bias Crimes Unit is led by a designated Assistant Prosecutor and detective. Bias crimes are investigated by detectives trained to conduct interviews in a sensitive manner and gather evidence to support the allegation. Victims are also referred to counseling and other assistance programs.

2016 Accomplishments

In 2016, the Bias Crimes Unit opened 16 cases.

MEGAN'S LAW UNIT

The ECPO established its Megan's Law Unit in January of 1995 in response to state legislation designed to protect potential victims from convicted sex offenders. The law is named after Megan Kanka, a seven-year-old girl who was sexually assaulted and murdered by a neighbor who was a convicted sex offender. Simply put, the promise of Megan's Law is that if people know about a sex offender's presence in their community, they are better able to safeguard against potential victimization.

The Unit is responsible for evaluating how likely a convicted sex offender is to commit a new sex offense. These evaluations are made in accordance with guidelines established by the Attorney General's Office, and are triggered when a sex offender is released from prison or sentenced to probation or parole supervision for life. The seriousness of the offender's Megan's Law triggering conviction(s), their offense history, their personal characteristics, and their community support are all analyzed. Additionally, these reviews may include an evaluation of the offender's prison records, school and employment records, and conduct while under parole or probation. Upon completion of this process, a report is compiled establishing a risk level. After notice of a hearing is given to the offender, a hearing is held (on Tier 2 and Tier 3 cases, i.e., the more serious cases) before a Superior Court judge who makes the final determination of the offender's tier classification. Depending upon the designated tier level, school and/or community notification may be initiated. Effective January 1, 2002, notification of some offenders is posted on the Internet.

There are three types of Tier classifications. Tier 1 offenders are deemed low-risk and notification is limited to the police departments where the offender lives and/or works

and the State Police. Tier 2 offenders are considered moderate-risk and notification is sent to all schools, day-care centers, women's shelters and registered community organizations within an area where the offender is "likely to encounter" potential victims.

Tier 3 offenders are considered high-risk and all residences, businesses, schools, day care centers, women's shelters and registered community organizations within the offender's "likely to encounter" zone are given notice. The court determines the geographic scope of notification and the types of institutions to be notified in Tier 2 and Tier 3 cases. Local law enforcement agencies and the State Police also receive notice in these cases.

With respect to sex offender publication on the Internet, all Tier 3 offenders and certain Tier 2 offenders are eligible for publication on the New Jersey Sex Offender Internet Registry. As previously mentioned, all Tier 2 and Tier 3 offenders are entitled to a judicial hearing and it is the judge who makes the final determination whether an offender will be listed on the Internet and what type of community notification will be made. If the court rules that a case is Internet eligible, the offender's name, county of residence, date of birth, physical attributes, type of conviction, modus operandi and photograph will be published. His street address and the municipality in which he lives will also be included. In addition to Internet publication, community notification will also be ordered according to the "likely to encounter" standard. If the court rules that an offender is not eligible for the Internet but still finds that they are a Tier 2 or Tier 3 offender, then notification will proceed as outlined above.

Due to the transient nature of a significant portion of the sex offender population in Essex County, the number of court hearings required and conducted can be voluminous. This is because even after the tiering process is completed by the issuance of a court order, a sex offender is entitled by law to a new court hearing every time he or she moves to a new address within Essex County, or moves into Essex County from elsewhere. The Megan's Law Unit must then conduct a new notification regarding the offender, encompassing his or her new area of residence. Transient sex offenders also consume time, resources and manpower spent on locating, tracking and verifying their whereabouts on a continuing basis. Additionally, a Megan's Law file can only be closed if a registered sex offender dies, or is relieved by way of a court order of all Megan's Law obligations. Thus, the overall number of Megan's Law cases or files being handled by the Unit increases on an annual basis.

In July 2009, the Megan's Law Unit launched the Megan's Law Fugitive Initiative. This program is a collaborative and systematic effort by ECPO, along with federal, state, county and local law enforcement agencies, to make our communities safer from sex offenders. The Initiative is a team effort focused on the apprehension of Megan's Law offenders from Essex County with outstanding warrants, and those who are in violation of the statutes governing mandatory registration with the appropriate law enforcement agencies, as well as sex offenders who are non-compliant with the conditions of Community Supervision for Life where applicable. The initiative is modeled after the U.S. Marshals' Operation Falcon Fugitive Program, which is based on the collaboration of various law enforcement agencies to achieve a common goal.

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The Megan's Law Unit also indicted 79 sex offenders at the Grand Jury in 2016. This number represents a steady volume in the number of violations sex offenders in Essex County have committed pertaining to Megan's Law, Community Supervision for Life and the New Jersey Sex Offender Monitoring Act.

The Megan's Law Unit also focuses on the training of law enforcement personnel and the education of the public through Megan's Law seminars. The unit has hosted a day-long training seminar for all municipal, county and state law enforcement personnel working in Essex County. The unit also provided public education seminars to eight different community groups including the Essex County Community and Clergy Coalition and the Mayor and Council of the Township of Nutley.

2016 Accomplishments

The ECPO's Megan's Law Unit is the busiest Megan's Law Unit in New Jersey. Essex County has more registered sex offenders residing within it than any other County. At any given time, there can be over 1,500 sex offenders. In 2016, there were approximately 1,636 offenders registered in Essex County.



➔ Business Administration Unit

The Business Administration staff oversees a \$37 million operating budget along with Essex County Prosecutor's Office's criminal forfeiture accounts. Additionally, it oversees the Office's 12 major grant-funded programs totaling more than \$1.6 million per year. The Unit provides crucial support services at ECPO's six office sites, including facility management, supply distribution, inventory, purchasing, budgeting, personnel records, time keeping, payroll, and criminal case file storage and retrieval. Capital equipment—copiers, telephones, fax machines, desk units and file storage cabinets—is continually monitored to identify and prioritize replacement needs.

The Unit assists the Prosecutor and the executive management team with long-term planning and strategic-decision support, including staffing plans, compensation policies, and capital spending/infrastructure decisions.

The Business Administration Unit's support functions also include:

- Cooperation with program and financial auditors
- Workers' Compensation reporting
- Office renovation and safety improvements
- Purchase request processing and shipping receipt
- Supply storage, inventory, and distribution
- Liaison to County, State, and Federal government offices

2016 Accomplishments

In support of the Prosecutor's efforts to secure additional space for the Office to relieve crowding and to promote efficiency, the Business Administration Unit coordinated efforts with the County of Essex in improving facilities for our staff. The Unit coordinated an extensive upgrade of the heating and cooling systems at our headquarters office in the Veterans Courthouse during 2016. This required providing temporary working space for employees as contractors installed modern thermostat and cooling equipment along the perimeter of the building over the course of six months. With proactive planning and monitoring on the part of Business Administration staff, the disruptions to our daily operations and management were held to an absolute minimum.

In 2016, the Business Administration Unit continued its efforts to efficiently manage the Office's overall file storage space, which is distributed over several sites and is in short supply. The Unit continued to coordinate the disposal of paper files that are no longer needed, and ensured their proper disposal considering the potentially sensitive nature of certain material. Certain older paper files that were determined necessary to retain are moved from overcrowded locations in the Veterans Courthouse to a more accessible location in Belleville, where better environmental conditions for long-term file storage are available. The Unit also continues to support a variety of digital scanning options for files where original document retention is not strictly mandated by law.

SUPPORT UNITS

The Business Administration Unit continued to work closely with the Prosecutor and other high-level ECPO managers in responding to the continuing fiscal challenges presented by reduced County revenues and a State-mandated 2% budget increase cap. Through careful planning and monitoring of expenditures, staff turnover positions were filled when necessary and critical to the continued functioning of the justice system in Essex County.

To this end, the Business Administration Unit worked closely with the Prosecutor and managers of the criminal prosecution units to arrange for the resources needed to support ECPO's response to New Jersey's Criminal Justice Reform initiative, which took effect on January 1, 2017. One of the key resources was the procurement and roll-out of the CSI Infoshare enterprise-level database system, for unified data management of ECPO's investigation and case prosecutions. The Business Administration Unit actively collaborated with the Information Technology Unit in the procurement and implementation of this new system, arranging for over \$500,000 in new computer software procurements.

In 2016, the Business Administration Unit personnel also played a key role in operationalizing two new federally-funded grant programs, a \$594,023 federal COPS Anti-Gang Initiative Grant (a data driven anti-gang effort in conjunction with its Narcotics Task Force Unit), and the \$350,000 federal SMART Prosecution Grant (an effort within the Adult Trial Section to utilize social media to enhance evidence collection in important critical prosecutions).

Business Administration Unit personnel also provided key support in maintaining the Office's web site, www.njecpo.org. The Unit also continued to assist in the maintenance of the Word Press content management platform.



➔ Community Justice Unit

The Community Justice Unit promotes awareness of the role and function of the Essex County Prosecutor's Office. By attending community meetings to address issues related to crime, substance abuse and crime prevention, the Unit serves as a liaison between law enforcement and the residents of Essex County. The Unit is dedicated to creating and executing programs that offer children and teens positive alternatives and interventional strategies aimed at preventing delinquency.

2016 Accomplishments

In 2016, the Community Justice Unit provided workshops to over 5,000 Essex County residents. Topics covered in workshops included careers in law enforcement and an overview of the workings of the Essex County Prosecutor's Office, the criminal justice system, expungements, gang awareness, bullying and internet safety.

Among other things, the Community Justice Unit held a full day female youth empowerment conference entitled, "Being Inspired & Empowered." The purpose of the conference was to engage young women and empower them to make positive choices to become leaders in their communities. Over 200 high school students from Essex County attended this full day event, which was held at Rutgers University's School of Criminal Justice.

For the fifteenth consecutive year, ECPO held a five-week summer internship program to expose high school students to careers in law, law enforcement and government. Thirty high school juniors from Essex County participated in this unique program where they toured local and federal law enforcement agencies, participated in a mock trial, learned about local and state government, attended Trooper Youth Week with the New Jersey State Police and participated in cultural trips.

On October 21, ECPO sponsored a career day experience entitled, "Project I Can Achieve Now! (I.C.A.N.)." More than 70 middle school students from Fairview Elementary School in Bloomfield, University Heights Charter School in Newark and Links Charter School in Newark participated. This program exposed students to careers in law enforcement and local government and provided them a civics lesson. They met with representatives from ECPO, the Essex County Freeholders Office, Essex County Executive's Office, Essex County Sheriff's Department and the Internal Revenue Service. In addition, students participated in a mock election in recognition of the upcoming presidential election.

On October 6, the Community Justice Unit partnered with Alcohol & Drug Abuse Prevention Team of Essex County (ADAPT) and Essex County's Department of Health Services to provide a half-day information session at Life Christian Church in West Orange on substance abuse resources to clergy members.

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On December 20, the annual youth conference entitled: “What’s it All About?” World Against Violence (W.A.V.) took place. This conference addresses issues affecting middle school students. Over 500 middle school students from Essex County attended the full-day event at Caldwell University. Students participated in workshops on making positive choices, nutrition, teen dating, and cyber-safety. Over 30 representatives from various social service and youth agencies provided students with information on educational and recreational resources.



➡ Information Technology Unit

The Information Technology Unit's role is to advance the mission, vision and goals of the Essex County Prosecutor's Office (ECPO) by providing technical solutions for law enforcement and trial court needs. The ITU is responsible for overseeing the design and implementation of all the technological needs of the office.

The ITU consist of four sections: Network Administration/Helpdesk, Office Automation/Training, Software Engineering and Media Services/Litigation Support.

Network Administration/Help Desk – This section's main objective is to focus on strategic areas that sustain critical infrastructure through day-to-day operations, modifications, augmentations, replacement and routine maintenance of desktop computer, communication equipment, server equipment, proper infrastructure security, software and database software. The section also provides end user hardware, software, computer support, as well as dependable remote, mobile services with appropriate security mechanisms.

Office Automation/Training – Advances in the training and support of individual computer users are met through "ECPO University," a training program designed to support ECPO staff. Courses are offered to enhance the staff's knowledge base, and mandatory courses, such as "Introduction to ECPO Technology" and "Introduction to Promis/Gavel" are included in the "New Hire" course.

Software Engineering – In the effort to meet the increasing need for statistical and technical data, the ongoing development of office-wide databases and maintenance of existing databases has allowed Assistant Prosecutors and detectives to track their cases, log evidence and print detailed reports.

Media Services/Litigation Support – Media services are provided to all units of the ECPO to assist Assistant Prosecutors and detectives in preparing, organizing and presenting information at all stages of litigation. Media is conveyed through the creation of large-scale graphic displays, including maps, charts, graphs, timelines and automated presentations utilizing various video and computer equipment. Additionally, mass production of media discovery materials is generated from the ITU, among other services.

2016 Accomplishments

In 2016 the Information Technology Unit faced many challenges in training and implementing a new Criminal Case Management system, new Office Productivity Software, expanding the use of a Mobile Workforce and the beginning of providing support 24/7 to in-house personnel and police departments in the county.

This was in part due to what occurred in November of 2014 when New Jersey voters approved Criminal Justice Reform/Speedy Trial Act, a ballot question, amending the

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state constitution to allow judges to release low-risk offenders without bail and deny bail to high-risk offenders. Throughout 2015 and 2016, the ITU had been working to prepare for the changes that took effect on January 1, 2017. Under the new law, a hearing must be held within 48 hours of arrest, including weekends, to determine whether a defendant is deemed high risk or not.

This change has provided an opportunity for all agencies to review and improve casework flow processing, policies and the use of technology to ensure the agency is prepared to meet the new standards.

➞ Media Relations Office

The Office of Media Relations in the Essex County Prosecutor's Office manages external communications for the largest and busiest Prosecutor's Office in the State of New Jersey in the largest media market in the country.

The responsibilities of the Media Relations Unit include:

- Serving as lead spokesperson for the Essex County Prosecutor and office staff.
- Maintaining daily contact with print and broadcast media regarding homicides, arrests, trials, indictments, convictions and other newsworthy developments.
- Remaining on-call twenty-four hours a day, seven days a week for breaking news stories.
- Planning and managing press conferences.
- Developing and implementing a strategic communications plan with the Prosecutor.
- Assisting local police departments with media relations.
- Working cooperatively with law enforcement partners at the state and federal levels.
- Providing current information to public officials and government agencies on relevant investigatory and prosecutorial activities.
- Educating Assistant Prosecutors and other staff regarding dealing with the press.
- Overseeing the production of the ECPO Annual Report.
- Assisting with community outreach efforts.

2016 Accomplishments

In 2016, the Media Relations Office continued to provide timely and accurate information to members of the press who are dealing with a 24-hour news cycle which requires them to gather and publish news at a breakneck speed.

The Media Relations Office works to strike a balance between three competing interests: protecting the rights of victims along with the integrity of investigations while recognizing and respecting the public's right to know. Transparency is critical to maintaining public confidence in the work done by the Assistant Prosecutors, detectives and support staff. Yet, confidentiality is often crucial to the successful investigation and prosecution of cases. Consequently, the Media Relations Office attempts to keep the public informed regarding the status of cases while also protecting victims and the ongoing investigative process.

In 2016, hundreds of press releases were issued by the ECPO regarding homicides, arrests and convictions. Some of the more high-profile cases that garnered significant media attention include:

State v. Ali Muhammad Brown -- In January 2016, Ali Muhammad Brown, 31, of Seattle, Washington was sentenced to 36 years and six months in New Jersey State

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Prison for the armed robbery of a West Orange man on July 10, 2014. Brown was sentenced to 35 years for the first-degree robbery and two weapons offenses. The judge also imposed a consecutive 18-month sentence for possession of hollow point bullets. Under the No Early Release Act, Brown must serve 33 years before becoming eligible for parole.

The victim was opening the passenger side door of his car in the parking lot of an apartment complex in the 200 block of Mount Pleasant Avenue in West Orange when he was approached by Brown. Wearing a mask and dressed in camouflage, Brown confronted the victim at 6:00 a.m. He stole the victim's wallet and other personal items and then ordered the victim into the trunk of his car.

Law enforcement linked Brown to the robbery prior to his capture on July 18, when officers located Brown in a makeshift campsite near the apartment complex. Upon arresting Brown, officers seized a loaded firearm that was linked to several homicides that Brown has been charged with committing. Brown is currently awaiting trial for the murder of Brendan Tevlin in West Orange. He is also charged with three murders in Seattle, Washington.

State v. Marjorie Anna Stubblefield -- In January 2016, the former chairwoman of the Rutgers University Philosophy Department was sentenced to 12 years in New Jersey State Prison for sexually assaulting a developmentally-disabled man in her school office.

On October 2, 2015, an Essex County jury convicted Stubblefield, 46, of West Orange of two counts of first degree aggravated sexual assault for repeatedly engaging in sexual acts with a man suffering from cerebral palsy who was unable to speak or communicate. The victim wears a diaper and requires assistance with basic needs such as eating, walking and bathing and has the mental capacity of a toddler.

Much of the media attention on the case revolved around the defense's argument that Stubblefield could communicate with the victim through something known as "facilitated communication," a controversial and discredited method of communicating.

State v. Krisla Rezireksyon – In July 2016, Rezireksyon, also known as Venette Ovilde, was sentenced to 45 years in New Jersey State Prison for starving her three children, causing the death of one in May 2011.

In March 2016, an Essex County jury convicted Rezireksyon of aggravated manslaughter for killing her eight-year-old daughter, Christiana Glenn. The child died of starvation and the mother's failure to seek medical treatment for a broken femur bone, the largest bone in the leg. Instead of getting help, the mother poured salt and gasoline in the wound and covered it with cornmeal. In addition to causing the one's death, she was found guilty of starving her six-year-old son and seven-year-old daughter. They too suffered broken bones from beatings.

State v. Jeremy Arrington –In November 2016, Jeremy Arrington, 26, of Newark, was charged in a triple homicide in which a young college student, who was visiting the family, and two children were fatally stabbed. Arrington went to a home in the 100 block of Hedden Terrace in Newark and fatally stabbed three individuals. There was a total of nine people in the home at the time – four adults and five children. Arrington was known to the family. After the attack, Arrington fled.

Shortly before 8:00 p.m. on Sunday, November 6, Arrington was discovered barricaded in a residence in the 200 block of Pomona Avenue. After about an hour, Arrington was arrested without incident. Arrington was charged with three counts of murder, three counts of attempted murder, criminal restraint, unlawful possession of a handgun, unlawful possession of a knife, and possession of a handgun and a knife for an unlawful purpose. The three people killed were identified as: Aerial Little Whitehurst, female, age 8, of Newark; Al-Jahon Whitehurst, male, age 11, of Newark; and Syasia McBurroughs, female, age 23, of Cedar Knolls. Three other victims, a 29-year-old female, a 13-year-old male and a 13-year-old female, who are twins, remain hospitalized in critical, but stable condition. Arrington is awaiting trial.



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➔ **Victim-Witness Advocacy Office**

The mission of the Essex County Prosecutor's Office Victim-Witness Advocacy Unit is to treat victims of crime and their families with dignity, compassion and respect. The Unit helps to find resources for them that meet basic needs such as food, clothing, shelter, healthcare, employment, transportation, and childcare for school-aged children. The Unit also assists victims and witnesses in dealing with the psychological trauma of crime, and helps them to obtain professional assistance as needed. It helps victims and witnesses to understand their rights and responsibilities in the criminal justice system, providing continual communication and coordination regarding case progress and participation in legal proceedings.

2016 Accomplishments:

In 2016, the Victim-Witness Advocacy Office assisted 11,903 victims and witnesses, initiating approximately 151,000 items of correspondence on their behalf.

Office staff continued its 70-hour intimate partner violence training program in 2016. The program, entitled "Sanctuary", is designed to provide local residents who fall victim to domestic violence-related assault, sexual assault, and child abuse with supportive, culturally sensitive, crisis intervention services. Survivors of domestic violence-related homicide victims are also assisted through this program. Sanctuary volunteers met for three times per week over a seven-month period. The additional 30 hours allowed participants to be exposed to other topics not covered fully during the standard 40-hour training program. Interactive exercises, which included role plays, case studies, scenarios, simulations, individual and group activities, video presentations, field trips, and court-watch activities, afforded program participants the opportunity to develop and practice and perfect the skills covered during the training sessions. Since its inception in 2010, Sanctuary has graduated over 325 volunteers who are now equipped to provide immediate outreach, advocacy, and support services to those intimate partner victims and their children within a 48- to 72-hour period.

The Unit continued to expand its formal relocation program in 2016, through which 57 program clients and their families were assisted. This program offers and provides security and protection to victims and witnesses who have been threatened, intimidated or harassed because they have provided information to law enforcement regarding organized crime, gang-related, and domestic violence cases. Trained advocates provide survivors of crime with referrals to social service agencies that offer emergency shelter placement, transitional and permanent housing, food and clothing. The advocates also work closely with local housing authorities, welfare agencies, social security offices and school districts to ensure that the victim/witness is fully and successfully integrated into the new living environment.

Unit staff continued to enhance the Victim-Witness Advocacy Unit's portal on the Office's general website during the calendar year. The Victim-Witness portal is colorful,

interactive, user-friendly, visually-appealing, and easily understood by those who access the pages. The website content includes: information on the amendments to the Crime Victims' Bill of Rights, notification process, the crisis reaction, HIV/AIDS/Hepatitis C testing, the criminal justice process, information on how to obtain a temporary/final restraining domestic violence order, tips for witness testimony and V.I.N.E. notification. In the revised structure and format of the website section, the information is arranged alphabetically by victim's crime type.

Further, the Victim Witness Unit conducted 27 community outreach forums throughout 2016. Approximately 200 community residents, including approximately high school and college students who attend area colleges, received information on the services provided through the Victim-Witness Advocacy Office.

Finally, Unit staff also organized the Office's annual "Christmas Holiday Toy Drive" to assist needy families, many of which were assisted by the Victim-Witness Advocacy Unit, in December 2016. Approximately 500 toys, board and video games, dolls, electronics, balls, and clothing items were collected and distributed to ten social services agencies who, in turn, distributed to toys to those in need residing in Essex County.





Adult Trial Section Investigators



Reception Desk

