



ESSEX COUNTY PROSECUTOR'S OFFICE

2020 Annual Report

Theodore N. Stephens II
Acting Essex County Prosecutor



Essex County Prosecutor's Office

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Chief Executives



From Left to Right: Acting First Assistant Prosecutor Romesh C. Sukhdeo; Acting Essex County Prosecutor Theodore N. Stephens II; Executive Assistant Prosecutor Gwen Williams; and Acting Chief of County Detectives Mitchell G. McGuire III.

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During 2020, the total number of new adult defendant case files received and reviewed by the Essex County Prosecutor's Office (ECPO) was 10,190, versus 10,859 in 2019. Also, 1,608 defendants were indicted or charged by accusation in 2020, versus 4,975 in 2019. A total of 43.5 percent of the ECPO's total adult defendant resolutions within 2020 following an indictment or accusation involved first or second-degree criminal charges. Further, in 2020, the total number of juveniles referred in delinquency case filings in Essex County was 727, versus 1,798 in 2019.

(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).

TABLE OF CONTENTS

I. INTRODUCTION

Message from Acting Prosecutor Theodore N. Stephens II.....	1
A Brief History of the Essex County Prosecutor's Office	5

II. LEGAL UNITS

Adult Trial Section.....	10
Appellate Section	14
Central Judicial Processing Unit.....	17
Drug Court Program.....	18
Forfeiture Unit.....	19
Grand Jury Unit	20
Juvenile Trial Unit.....	23
Mental Health Unit	25
Pre-Trial Intervention & Expungement Unit	26
Remand Court Section.....	28

III. INVESTIGATIVE SQUADS

Crash and Fire Investigation Unit	29
Domestic Violence Unit.....	31
Extradition Unit.....	34
Financial Crimes Unit.....	36
Homicide Unit	38
Professional Standards Bureau	42
Special Prosecutions Unit	44

Special Victims Unit	46
Child Abuse Unit.....	46
Sexual Assault & Rape Analysis Unit	49
Sexual Assault Nurse Examiner Program	51
Human Trafficking Team	52
Elder Abuse Team	52
Bias Crimes Unit.....	53
Megan’s Law Unit	53

IV. SUPPORT UNITS

Business Administration Unit	57
Community Justice Unit.....	59
Media Relations Office	63
Victim-Witness Advocacy Office.....	67

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Message from Acting Essex County Prosecutor Theodore N. Stephens II

For those of us in law enforcement, 2020 was an unprecedented year. There was no playbook or blueprint. Nothing could have prepared us for the twin traumas caused by COVID-19 and the public killing of George Floyd at the hands of a Minneapolis police officer.

In Essex County, the epicenter for COVID-19 in New Jersey and beyond, death and disease spread at a rate that we certainly would have never imagined. Amid this human crisis, we had a duty to maintain public safety while protecting the health and well-being of the detectives, prosecutors and support staff.

To say that we were in uncharted waters would be an understatement. Questions from how to obtain and disseminate adequate personal protection equipment to how to arrest and interview suspects and witnesses in the middle of a pandemic had to be answered. In some instances, we relied on remote work to keep people safe but in others working remotely was not an option. Suspects cannot be arrested over Zoom. We learned and adjusted. Our staff of nearly 400 rose to the occasion. Not only did they fulfill their duties but, in some cases, they went above and beyond. Through it all, I was always mindful of the fact that even while working under new and foreseen conditions, each employee was dealing with personal issues such as children who were learning at home, elderly parents who had to be protected from the virus, spouses who were left unemployed and many other scenarios. The most painful being the loss of members of our own staff, their family members, and many colleagues in law enforcement.

Yet, we never faltered. We investigated 78 homicides that occurred in 2020. Of those, 56 were solved in 2020. We protected victims of domestic violence who often found themselves more isolated and thus more vulnerable to attack because of the quarantine. We responded to reports of child abuse, which we suspected might increase because of the quarantine, but not be reported as frequently because children were not attending school in person.

We were able to accomplish our goals because of the hard work of our staff as well as our strong support from our partners in law enforcement and the community at large. In addition to figuring out how to prosecute in a pandemic, we were confronted with the televised murder of George Floyd which laid bare some undeniable facts about race and policing. That crime propelled the nation into a long overdue conversation over how best to build trust among those in law enforcement and black and brown communities we serve. Once again, this event presented two tasks for us. We sought to extend and advance the dialogue we have had with the community about issues such as use of force and racial profiling. Yet, at the same time, we were assisting municipal police departments that were dealing with protests.

On that front, there was much success. Thankfully, there were no headline grabbing cases of use of excessive force in the county in 2020. The Newark Police had the distinction of not firing a single shot during a confrontation with a suspect in 2020. Following the death of George Floyd, protests, which occurred in both suburban and urban parts of the county, were extraordinarily peaceful.

In the face of all the challenges, we never abandoned our commitment to be a part of the giving community. We continued our annual Holiday Toy Drive in December. ECPO participated in two robust food distribution initiatives. One was with Essex County Executive Joseph DiVincenzo and later we joined forces with the East Orange Senior Citizens program. We also assisted with the critically important COVID testing and vaccinations programs.

The pursuit of justice is the sacred duty of all law enforcement agencies. Despite the unprecedented challenges of 2020, the Essex County Prosecutor's Office produced impressive results. This 2020 Annual Report highlights some of those accomplishments.

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. 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 buyback 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. Called the New Jersey Criminal Justice Reform Act, this law effectively eliminated cash bail. In preparation, Murray oversaw the implementation of an integrated, office-wide case database system for case management and investigation management.

In July 2017, Gov. Christie appointed Acting Prosecutor Murray to a judgeship on the Superior Court bench. Once again, Chief Assistant Prosecutor Robert D. Laurino stepped in as Acting Prosecutor, guiding the Office through a time of continuing transition and adaptation to changing criminal justice policies and technology. In September of 2018, Governor Phil Murphy named Theodore N. Stephens II, then serving as the Essex County Surrogate, as Acting Essex County Prosecutor. In 2020, as the COVID pandemic swept the nation, Acting Prosecutor Stephens led ECPO through a time of crisis and challenge, directing the ECPO management team as it worked to protect the health and safety of all ECPO employees and all others who come into contact with ECPO, while maintaining essential criminal justice functions and public safety.

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

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



Acting Essex County Prosecutor Theodore N. Stephens II



2020 Annual Report

UNIT DESCRIPTIONS

Adult Trial Section

The Adult Trial Section (ATS) is the largest unit in the Essex County Prosecutor's Office and thus responsible for handling the largest caseload in the Office. Essex County continues to lead the State in the number of criminal filings and handles a higher-than-average proportion of first and second-degree offenses, the majority of which are prosecuted by the ATS. The ATS is comprised of 39 Assistant Prosecutors who represent the State in criminal proceedings upon the arrest of a defendant until final disposition of the case. The ATS is headed by a Chief Assistant Prosecutor as well as a Director and four Supervisors. The remaining Assistant Prosecutors are assigned to a Superior Court Criminal Judge and are responsible for all litigation functions that are critical to the operation of an effective criminal justice system. Central to this role of the ATS Assistant Prosecutor is the preparation and prosecution of jury and non-jury trials. ATS Assistant Prosecutors also represent the State in a variety of other court proceedings including detention hearings, motions to revoke release, arraignment/status conferences, all pre-trial and post-trial motions, sentence hearings, hearings on violations of probation, appeals from the decisions of municipal courts, retraxit pleas of guilty to indictments and accusations and petitions for post-conviction relief. On occasion, they are responsible for presenting cases to a Grand Jury. Additionally, ATS Assistant Prosecutors handle Krol hearings, the periodic review of the status of persons committed to State psychiatric institutions incident to criminal proceedings, as well as determining the geographic scope of extradition efforts to be undertaken in the event a defendant absconds.

With the implementation of Criminal Justice Reform in January 2017, the burden of speedy trials has made the job of an ATS Assistant Prosecutor even more challenging due to the high volume of cases. Since many crimes require mandatory periods of parole ineligibility, rapid and effective disposition of these offenses has become more difficult. Hesitancy on the part of victims and witnesses to cooperate stemming from intimidation and threats of violence for testifying coupled with an increase in the distrust of law enforcement are additional hurdles that must be overcome. With the advancements in technology and social media, juries are demanding forensic evidence, video evidence, other forms of corroboration as well as eyewitness testimony to convict a defendant. The ATS continues to place a strong emphasis on mentorship and training for the ATS Assistant Prosecutors and to instill a sense of justice to see that fairness and equity is achieved in Essex County.

To assist ATS Assistant Prosecutors with their voluminous duties and responsibilities are twelve Detectives and four Investigative Aids who are overseen by a Captain, a Lieutenant, and a Sergeant. Together, all parties work closely to prepare cases for final disposition. Detectives perform a wide array of investigative tasks to support and supplement the prosecution of criminal cases. ATS Detectives locate and interview witnesses, prepare reports, take statements, schedule witness interviews, visit crime scenes, take photographs, locate evidence and reports from municipal

LEGAL UNITS

police departments, serve subpoenas, and take any other additional investigative steps necessary to ensure a successful prosecution. Furthermore, the Detectives also receive training and mentorship from their superiors.

In January of 2020, the U.S. Department of Health and Human Services declared a public health emergency because of the COVID-19 coronavirus pandemic. On March 27, 2020, the Supreme Court of New Jersey signed an Omnibus Order which suspended all new in-person jury trials and grand jury proceedings in New Jersey. Moreover, the Supreme Court ordered that all in-person proceedings were prohibited unless in emergency situations. The Supreme Court further ordered that all hearings, proceedings, arguments would be conducted via video or telephone. In total, the Supreme Court of New Jersey issued nine Omnibus Orders through 2020. On September 17, 2020, the Eighth Omnibus Order of the Supreme Court of New Jersey was released which continued the suspension of most in-person court proceedings but called for all counties to have virtual grand jury proceedings by December 2020. The final Omnibus Order of the Supreme Court of New Jersey for 2020, which was issued on November 16, 2020, continued the suspension of in-person proceedings through the end of the year.

In 2020, the Essex County Prosecutor's Office, while complying with the prohibitions noted above by the Supreme Court of New Jersey, successfully indicted, or charged by accusations 1,448 defendants. The Essex County Prosecutor's Office also resolved 2,052 cases. The percentage of those cases that involved first or second-degree crimes was 43.5%. The ATS Assistant Prosecutors obtained 20 defendant dispositions by trial with an overall post-indictment/accusation conviction rate including pleas and trial of 73.3%.

In sum, the ATS Assistant Prosecutors and Detectives work closely to ensure that all criminal matters are brought to justice, strive to serve victims, witnesses, and the community at large and include victims and witnesses in all aspects of the criminal justice process.

2020 Accomplishments

The following cases highlight some of the significant cases handled by the ATS Assistant Prosecutors:

On February 2, 2020, a jury found Defendant Ayoni Williams guilty of second-degree Unlawful Possession of a Weapon – a handgun. Williams was subsequently sentenced to 8 years in New Jersey State Prison with 4 years of parole ineligibility pursuant to the Graves Act.

On February 20, 2020, a jury found Defendant Oraine Brown guilty of second-degree Unlawful Possession of a Weapon – a handgun. Brown was subsequently sentenced to 5 years in New Jersey State Prison with 42 months of parole ineligibility pursuant to the Graves Act.

On March 4, 2020, Defendant Leroy Lee pleaded guilty to second-degree Aggravated Assault for shooting his girlfriend with a firearm at their residence in Newark New Jersey. Lee was subsequently sentenced to 10 years in New Jersey State Prison pursuant to the No Early Release Act. The No Early Release Act requires a defendant to serve 85% of his sentence before being released.

On March 12, 2020, a jury found Defendant Shaquay Proctor guilty of second-degree Unlawful Possession of a Weapon – a handgun, third-degree Possession of a Controlled Dangerous Substance – Heroin, and third-degree Possession of a Controlled Dangerous Substance – Cocaine. Proctor was subsequently sentenced to 5 years in New Jersey State Prison with 42 months of parole ineligibility pursuant to the Graves Act for the handgun. Proctor was also sentenced to a concurrent term of 3 years in New Jersey State Prison for the possession of controlled dangerous substance counts.

On May 11, 2020, Defendant Victor Collazo pleaded guilty to third-degree aggravated assault for slashing a victim multiple times with a box cutter in Newark, New Jersey in exchange for 5 years in New Jersey State prison. Collazo, however, absconded and failed to appear for sentencing. Upon apprehension, Collazo was sentenced to an enhanced sentence of 7 years in New Jersey State Prison.

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 comprised 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, hundreds more in the Appellate Division, and have extensive oral argument and briefing experience in both the United States District Court for the District of New Jersey and the United States Court of Appeals for the Third Circuit.

The Section handles all litigation on behalf of the ECPO in the Appellate Division and 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, appeals of orders granting or denying pretrial detention and petitions for post-conviction relief, and all requests made under the Open Public Records Act.

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, and teaching CLE courses are just a few of the ways the Section is integral to the ECPO's mission of seeking justice, serving justice, and doing justice, both on appeal and throughout the investigative and trial processes.

Significant 2020 Cases:

Supreme Court of New Jersey

State v. Robert Andrews – In this case of first impression, the Appellate Division (457 N.J. Super. 14 (2018)) agreed with the Section that obtaining a defendant's cell phone password does not violate his federal or state constitutional rights to remain silent. The Supreme Court granted the defendant's petition for certification, and by a 4-3 vote affirmed the judgment of the Appellate Division, holding that: the Fifth Amendment privilege against self-incrimination did not protect defendant from the compelled disclosure of the passcodes; the passcodes were not "incriminating," within meaning of statutes and evidence rules codifying the state law protection against compelled self-incrimination; and the state common law privilege against self-incrimination was not violated by order compelling defendant to disclose the passcodes. 243 N.J. 447 (2020). Defendant sought certiorari in the United States Supreme Court, and on May 17, 2021, that Court denied review, leaving in place this important case of first impression.

State v. Jose Medina – The Supreme Court of New Jersey granted the Section’s petition for certification following the Appellate Division’s reversal of defendant’s aggravated assault conviction, which arose from a bar fight in which he slashed the victim’s face with a sharp object (unpublished 2018). 237 N.J. 419 (2019). The Supreme Court reinstated defendant’s conviction, agreeing with the Section that the trial prosecutor did not engage in any misconduct or elicited any improper hearsay from the primary detective. 242 N.J. 397 (2020).

In the Matter of Registrant H.D. – The Supreme Court of New Jersey granted the Section’s petition for certification after the Appellate Division (457 N.J. Super. 205) ruled that this sex offender could escape his Megan’s Law registration obligations despite having been convicted of failing to register following his State Prison sentence. 237 N.J. 582 (2019). The Supreme Court agreed with the Section’s position and reversed the Appellate Division, holding that H.D.’s most recent offense disqualified him from being relieved of his registration obligations. 241 N.J. 412 (2020).

State v. Zakariyya Ahmad - The Appellate Division (unpublished 2019) agreed with the Section and held that the motion court properly admitted the juvenile defendant’s statement after finding that the police did not improperly conduct a custodial interrogation based on the record. In the Fall of 2020, the Section argued this case in the Supreme Court of New Jersey, and a decision is pending.

State v. Edwin Andujar – After an Essex County jury convicted defendant of the murder of his wheelchair-bound roommate, the Appellate Division reversed the conviction on the theory that defendant was denied a fair trial when the prosecutor learned and disclosed that a prospective juror had a criminal history. 462 N.J. Super. 537. The Appellate Section successfully petitioned the Supreme Court of New Jersey to hear the case, 244 N.J. 170, and that Court held argument in early 2021.

State v. Michelle Paden-Battle & State v. Mark Melvin – In these cases, the Section represented the State in arguing that the sentencing court appropriately considered the entirety of the evidence in defendants’ cases, including credible evidence related to those counts for which the jury did not return a guilty verdict. A decision is expected in 2021.

COVID-19 Litigation – The Section, on behalf of amicus curiae County Prosecutors Association of New Jersey, participated in two important COVID-19-related cases before the Supreme Court. In *In re Request to Modify Prison Sentences*, 242 N.J. 357 (2020), the Supreme Court addressed various issues related to release of certain inmates due to the pandemic. And, in *State v. David Chavies*, the Supreme Court granted review to answer the questions, “Did defendant satisfy the medical predicates for relief under Rule 3:21-10(b)(2), and is a defendant barred from

LEGAL UNITS

release under Rule 3:21-10(b)(2) while serving a mandatory period of parole ineligibility?” An opinion in Chavies is expected in 2021.

Appellate Division

State v. Tywaun Hedgespeth – In this case, the Section convinced the Appellate Division to affirm defendant’s convictions for drug and gun offenses and reject defendant’s arguments that the trial court committed various errors, including ruling his prior drug offenses were admissible and admission of the State Police’s no-permit affidavit violated his rights under the Confrontation Clause. 464 N.J. Super. 421. The Supreme Court has granted review, 244 N.J. 362, with oral argument expected sometime in the Fall of 2021.

In the Matter of Registrant A.A. – In 2019, the Appellate Division held that this sex offender was afforded procedural due process protections during his “similar to” summary hearing under Megan’s Law, and that the sex offender’s conviction under a New York statute prohibiting “disseminating indecent material to minors in the second degree” was “similar to” New Jersey’s endangering the welfare of a child statute to require him to register as a sex offender in New Jersey. 461 N.J. Super. 385 (App. Div. 2019). The Section successfully convinced the Supreme Court to leave undisturbed this important decision that will protect Essex County’s children. 241 N.J. 403 (2020).

State v Sandro Vargas - In this case, the Appellate Division addressed whether the motion court erred in refusing to admit a statement by the murder victim’s daughter pursuant to N.J.R.E. 404(b). The Court found that based on the record it was an abuse of discretion for the trial court to not admit the statement and found that the trial court’s invocation of N.J.R.E. 803(b) to allow the statement’s admission was error. According to its later opinion, the admission of the statement alleging a prior bad act must satisfy the balancing test of N.J.R.E. 404(b), and in this case it did. The panel therefore affirmed defendant’s murder conviction. 463 N.J. Super. 958 (App. Div. 2020). Later in 2020, the Section successfully convinced the Supreme Court to leave this important decision undisturbed. 244 N.J. 302 (2020).

State v. Ian Marias – In a case of first impression, the Section sought leave to appeal a trial court order dismissing a count of first-degree money laundering. The Section convinced the Appellate Division to hold that: 1) where a defendant is charged under the “transactional” provision of the money laundering statute, the “amount involved” is the fair market value of the property transferred in that transaction and any other transactions conducted as part of that common scheme; 2) the issue of whether amount involved exceeded the \$500,000 first-degree threshold was for the jury; and 3) a defendant charged under the “transactional” provision of the money laundering statute was culpable for what he transacted, not for what he otherwise possessed or transported. 463 N.J. Super. 526. The Supreme Court denied defendant’s application to review this important decision.

The 2013 Short Hills Mall Murder/Carjacking Cases – The Section successfully defended four appeals from the four defendants involved in this tragic case. In each case, the Appellate Division upheld the defendants' convictions and sentences, and in each case the Supreme Court of New Jersey denied review.

U.S. District Court & Third Circuit Court of Appeals

Porter v. Administrator, N.J. State Prison, et al. – A jury convicted defendant of the 2003 murder of Rayfield Ashford and the attempted murder of David Veal. After defendant exhausted all avenues of state review, the U.S. District Court denied defendant's petition for habeas corpus, holding, among other things, that defendant's trial attorney was not ineffective for electing not to pursue an alibi defense and appellate counsel was not ineffective for failing to raise that issue on direct appeal. In 2020, the Court of Appeals agreed to hear this case limited to these issues. A decision is expected sometime in 2021.

Cordero v. Warren, et. al. – Defendant, convicted of murder, claimed that his lawyers prejudicially represented him during plea negotiations. After defendant exhausted all avenues of state review, the U.S. District Court (unpublished 2019) on habeas review held that defendant's lawyers gave him wrong or no advice about how gap-time would apply to his sentence and how the statute of limitations barred his prosecution on some non-homicide charges, but defendant could not establish that he was prejudiced by these shortcomings because there was no evidence that the State had extended a formal plea offer to defendant. In 2020, the U.S. Court of Appeals for the Third Circuit agreed to hear the case, and a decision is expected in 2021.

Murphy v. Administrator, East Jersey State Prison, et al. – The U.S. District Court (unpublished 2018) denied defendant's petition for a writ of habeas corpus, rejecting among other issues his claim that a co-defendant gave law enforcement a statement exculpating defendant in the 1995 murder of Corey Davis. In 2019, the U.S. Court of Appeals for the Third Circuit agreed to hear the case, limited to that issue, and a decision is pending.

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 first appearances. 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 also be diverted to the Municipal Courts, Family Court, Special Remand Court, and Drug Court.

Indictable cases are referred to any one of 13 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.

2020 Accomplishments

Even though the COVID pandemic hit New Jersey hard, the Central Judicial Processing Court never took one day off from producing detained defendants for their first appearance as dictated by the Criminal Justice Reform Act of 2017. CJP went from being an in-person appearance court to literally overnight being an all-virtual court. During the 2020 calendar year, CJP handled 7,628 detained defendants in their first appearances in CJP Custody Court and filed detention motions on 2,582 of those matters. The pandemic also took away the ability for non-custody matters to be heard in person until May of 2020 when plans were made and put into place to have non-custody defendants appear from the safety of their homes via Zoom for their first appearance. Since May of 2020 the CJP Non-Custody Court has listed 2,148 matters for first appearance. The work of the Central Judicial Processing Court has never faltered despite the pandemic's grip on our State, preserving all defendant's rights to be seen within 48 hours of being detained in custody.

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.

In 2015, Essex County began preparing to become a Mandatory Drug Court County. On 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 significantly increased the number of defendants who enter the program and the resources needed to manage them.

2020 Accomplishments

Because of COVID-19, many of the activities and events that are a routine part of Drug Court shifted from in-person to virtual. Yet, the Drug Court continued to provide participants with the services and support needed to maintain their sobriety and meet their other obligations necessary to remain in the program. At any given time, there are anywhere from 500 to 600 individuals in Drug Court in Essex County. In 2020, there were 92 new admissions. Of that number, 72 were voluntary. The other 20 were mandated by the court to participate in the program.

Forfeiture Unit

The Forfeiture Unit of the 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.

2020 Accomplishments

In 2020, the Forfeiture Unit, through appropriate civil and criminal process, forfeited \$1,498,240 which was determined to be either proceeds or instrumentalities of crime. Of that amount, \$1,283,012 was in cash, \$154,103 was the value of motor vehicles, and \$61,125 was other property, including various items of electronics equipment.

Grand Jury Unit

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 witness testimony, viewing physical evidence, if any, and discussing the case, the Grand Jury can vote to either True Bill a matter, which formally charges the accused; to No Bill a matter, which dismisses the charges; or Amend and Remand the matter 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 actual proceedings are secret, but a transcript is made available for use by the Court, the Prosecutor's Office and the Defendant after the vote is taken. The defendant may or may not elect to testify before the Grand Jury.

Grand Jurors in Essex County sit one day per week from 15 to 18 weeks, hearing approximately 20 to 25 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 system, there are three Assistant Prosecutors assigned to the Grand Jury Unit who present cases assigned to the Adult Trial Section. Those matters are then returned to the Trial Assistant Prosecutor for resolution via plea or trial. Various specialized units have their own Assistant Prosecutors present their cases in a vertical prosecution system. They remain assigned to their cases from charging decision through indictment, to the final resolution of the matter.

2020 Accomplishments

In 2020, the COVID pandemic struck the world, and the work of the Grand Jury came to a complete halt at the end of March of 2020. Grand Jury did not sit for an entire six-month period. During that down time plans were formulated to accommodate a virtual Grand Jury—something that had never been contemplated due to the secrecy requirements of the Grand Jury. Through much hard work and collaboration with all stakeholders a virtual Grand Jury plan came into existence. All Grand Jurors were chosen virtually via Zoom and in Essex County an agreement was made where the grand jurors could conduct their civil duty from the safety of their respective homes. Jurors were provided with iPads if they did not have the equipment at home to attend the virtual Grand Jury hearings. Those jurors who did have computers could use their personal property as long as it was equipped with video and audio. All prospective jurors had to agree to the secrecy requirements and agree to abide by same with the possibility of criminal punishment for failure to maintain same.

LEGAL UNITS

After the start of virtual Grand Jury, proceedings were calendared for a total of 971 cases in the year which is a greater number than most counties in a regular non COVID year. Of that number, 868 resulted in indictments; 77 were no billed; 3 resulted in No Cause of Action and 14 were referred to municipal court. The remaining cases were either held over, withdrawn, pled out or consolidated with other cases.

Juvenile Trial Unit

The primary legal function of the Essex County Prosecutor's Office Juvenile Justice Unit is to seek justice in the prosecution of complaints charging acts of juvenile delinquency (as defined by the New Jersey Code of Juvenile Justice and our Court Rules). The Unit has state-wide jurisdiction of all complaints charging county juvenile residents with an act of delinquency. Juvenile matters are heard in Family Court by specifically assigned judges selected to preside over such matters. New Jersey law requires that juvenile cases are sealed due to the age of the juvenile and, except for limited circumstances are also 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.

The cases handled by the Unit run the gamut from first-time minor offenses to serious and violent crimes. Municipal courts do not have jurisdiction over juvenile delinquency cases, so all matters must be referred to the Prosecutor's Office for disposition. ECPO works hand-in-hand with municipal police departments juvenile units, where specifically assigned officers investigate and process juvenile offenders.

For minor or less serious matters, a range of dispositions are available, these include, but are not limited to: Station House Adjustment – a program where the local police departments work with the juvenile, their parents and any potential victim to an amicable resolution (e.g. apology, restitution, community service, etc.), in lieu of charging; Juvenile Justice Commission (provides programs where a group of trained, court appointed volunteers from the community work with the charged juvenile to provide some type of community service, apology, restitution or other remedy; and Consequences of Crime (a program conducted in the Essex County Youth House where 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 are probation, various residential placements, and placement in one of New Jersey's secure facilities which includes educational services. Pre-disposition (i.e., Pre-Trial), a juvenile can be placed on a variety of release conditions: such as house arrest, electronic (GPS) monitoring, or housed in the Youth House (if the Court deems that the juvenile poses a threat to themselves or others). The type of release a juvenile is subject to depends upon the seriousness of the offense, whether there has been a prior exposure to the criminal justice system, their family situation, and the potential danger to the community if released.

LEGAL UNITS

2020 Accomplishments

In 2020, the Juvenile Justice Unit handled 1,298 referred cases ranging in severity from disorderly persons offenses to homicides. Two judges handle the caseload in Essex County, a lead full-time judge and a second part-time judge, among their other duties. The Assistant Prosecutors, Detectives and Investigative Staff handle all necessary investigative and legal issues associated with the case including plea negotiations, motions, trials, and sentencing.

The Unit has made significant changes starting in 2020. There has been an increased use of technology when working with local police departments and other agencies. Additionally, the Unit has nearly completed its goal of moving to an all-electronic environment. Moreover, the Unit began preparation and training for the implementation of a state-wide all-electronic charging system, known as Juvenile eCDR. Taking these actions, prepared the Juvenile Justice Unit for its biggest challenge since the overhaul of the Juvenile Justice System –COVID-19 and the resulting global pandemic.

The COVID-19 global pandemic fundamentally changed the day-to-day operations of the Unit. Prior to the pandemic, the Essex County Juvenile Court would be bustling with the activity of hundreds of individuals. Juveniles, their parents, attorneys, assistant prosecutors, police officers, court officers, probation officers, hearing officers, sheriff's officers, counselors, and others were in constant activity inside court, in the hallways and the various court offices and conference rooms. By March of 2020, all this necessary activity came to a complete halt.

The result is that our Unit operations had to change from completely in-person to completely virtual. The Unit had to immediately adapt to comply with common-sense social distancing rules in and out of the office, as well as the court. New procedures had to be developed, some in cooperation with the Juvenile Court and some with our law enforcement partners to ensure the operations of the Unit did not stop during the pandemic. While virtual court proceedings were both inevitable and foreseeable, law enforcement trainings, conferences and even complaint intake had to also adapt to comply with state-mandated social distancing guidelines and local stay-at-home orders. Crucially, we had to both develop and then train all our local municipal, county and state law enforcement agencies on the new processes created in response to responsible handling of the pandemic. Even though these events were unanticipated, the Unit rose to the occasion and continued its operations without interruption.

Despite so many changes in 2020, the Unit's Assistant Prosecutors and Detectives have developed a closer partnership with local police departments, especially when faced with serious matters such as carjacking, armed robbery, shootings, burglary, weapons, and assaults. The Juvenile Justice Unit also works closely with the other Units within ECPO, including, but not limited to, the Homicide Unit, the SVU Unit, the Crash & Fire Unit, the Narcotic/Gang Unit, and the Special Prosecution Unit, which

among its other duties, investigates social media crimes and school threats. This area of investigation has grown significantly and is especially relevant in juvenile matters.

The Unit continues the work of increasing community involvement for the disposition of non-serious matters involving first-time offenders, including the use community-based programs such as the Juvenile Conference Committees (JCCs), a six- to nine-member citizen volunteer panel appointed by the Family Division Judge that hears and decides matters involving juveniles. The Unit also supports 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 criminal justice system.

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 five years as the Unit continued to develop.

In 2015 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.

In 2017 when grant funding expired with the State, the ECPO was able to maintain a relationship with the Essex County Hospital Center (EHC) to retain this program. The EHC absorbed the cost of the LCSW and the Case Worker which increased the lifeline of this program.

2020 Accomplishments

During 2020, the Mental Health Unit reviewed 49 defendant applications for the program. A total of 18 were legally accepted into the program. There were 11 legal rejections. There were 15 were determined not to be clinically acceptable to this program. Seven defendants successfully graduated, six applications were pending acceptance to be done in 2021 and 14 defendants withdrew their applications to pursue their case through traditional prosecution.



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 traditional expungement applications aimed at clearing an offender's criminal record and is responsible for physically expunging those records and disseminating copies of the orders to all involved agencies.

In recent years, there have been many changes to the expungement law. 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.

In December of 2017 Gov. Phil Murphy signed (S3307) into law. The new law, which took effect on Oct. 1, 2018, further amended the expungement process. Under the new changes it reduced the waiting time to seek an expungement of a criminal conviction from 10 years to six years. The changes in the law also allow someone involved in a "crime spree," meaning multiple criminal acts, to seek expungement of up to two indictable convictions, meeting certain criteria. The amendment also increases the number of disorderly person and/or petty disorderly person offenses and indictable offenses (also known as felonies) eligible for expungement from two to three.

In December of 2019, Governor Murphy signed (A5981/S454) into law. The new law took effect on June 15, 2020. Of the many changes, the main one is the "clean slate" provision, where a petitioner's entire record of arrest and eligible convictions can be expunged after 10 years from the most recent conviction, meaning there is no limit as to the number of convictions. In addition, the law also provides for municipal judges to sign orders of expungements immediately upon the dismissal of municipal cases, removing the requirement for the petitioner to file for the expungement and to need for a Superior Court Judge to sign the order. The State was to implement a means for petitioners to electronically file petitions for expungement that would generate orders and create responses from the County Prosecutors Office and the State Police. Due to the pandemic, in August of 2020, the Governor of New Jersey issued an Executive Order which extended deadlines and statutory effective dates of certain delineated statutes to February 15, 2021.

LEGAL UNITS

All these changes have resulted and will continue to result in significant increase in number of filed petitions, 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.

2020 Accomplishments

The COVID pandemic affected New Jersey in the middle of March 2020. As such, we had to develop a new way in which to receive PTI applications from the Courts, disseminate and share information within the Unit, and provide communication with the trial Assistant Prosecutors and the Chief/Deputy Chief Assistant Prosecutors responsible for signing PTI orders. Some 122 defendants applied for PTI in 2020. Of that number 72, were accepted into the program. The remaining 50 were rejected.

The same challenges presented themselves in the Expungement Unit. Especially since all petitions were manually submitted and prepared. In addition, the Unit was down one person for half of the year and the courts were down a judge for half of the year as well. In 2020, there were 295 new traditional expungement applications (non-drug court). Final orders of traditional expungement were granted in 377 cases. Some of these cases involve applications from the prior year.

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 person charge while retaining prosecutorial responsibility. Before the Remand Court was established, all disorderly person offenses 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.

2020 Accomplishments

The COVID pandemic brought about the shutdown of virtually every court in the State of New Jersey, including the Special Remand Court. Remand Court was closed for several months but ultimately efforts were made to handle all Special Remand Appearances virtually via Zoom. After much preparation on the part of all stakeholders, the Court went live via Zoom in May of 2020. At the onset, as with all virtual Courts there were some glitches such as getting the correct contact information for defendants to get the Zoom link to them for the Court appearance. A change in the information collected at the time of arrest by the arresting agencies to include defendant's contact information, particularly their cellular number and/or email address made a significant difference in facilitating the defendant's virtual appearance. Despite these issues brought on by the pandemic, the Special Remand Court had 850 new matters referred to the Court in 2020. During this year the Special Remand Court was able to resolve 364 matters via guilty pleas and during this virtual world three matters were tried virtually.

INVESTIGATION UNITS

Crash and Fire Investigation Unit

In 2020, the Crash and Fire Investigation Unit continued investigating all fatal crashes and fires, and all serious bodily injury motor vehicle crashes with a criminal element (i.e., all hit and runs, driving under the influence and unlicensed drivers where serious injury resulted). The Assistant Prosecutors then prosecuted all vehicular homicides and related offenses, as well as fatal and non-fatal arson cases. Non-fatal arson cases are investigated by local departments, with assistance from prosecutor's office personnel, and where appropriate, prosecution by the Assistant Prosecutors of the CFIU. CFIU, a subset of the Homicide Unit, continues to be staffed by three Assistant Prosecutors including one Assistant Prosecutor-Supervisor who carries a case load as well. The criminal investigators of the Crime Scene Investigation Bureau conduct the investigations of fatal crashes and fires throughout to county. In CSIB, all detectives are responsible for traditional crime scene processing of homicide and search warrant scenes and the expert analysis associated with that work, plus investigations of all fatal and serious bodily injury vehicle crashes and fatal fires.

At all times, there is at least one Detective and one Assistant Prosecutor on-call with investigative and prosecutorial supervisors always available as well. In addition to the investigations described above, the on-call Assistant Prosecutors are additionally responsible for assisting local police and the New Jersey State Police 24 hours a day, seven days a week with obtaining telephonic warrants for the taking of bodily fluids in DUI cases. Fatal crashes on any of Essex County's interstate highways are investigated by the New Jersey State Police in conjunction with the Assistant Prosecutors of CFIU.

2020 Accomplishments

The global COVID-19 pandemic presented new challenges in the investigation and prosecution of these cases, but the Assistant Prosecutors and Investigators of CFIU and CSIB adapted and overcame those challenges. Between March 8, 2020, and May 21, 2020, in the first phase of the statewide quarantine there were no fatal crashes, no fatal fires, only one non-fatal fire, and two non-fatal crashes that required CSIB responses. Despite those two plus months without any new fatal crashes or fires, 2020 made up for lost time from May through the end of the year.

In 2020, CFIU Assistant Prosecutors and CSIB investigators investigated forty-six fatal crashes – twelve more fatal crashes than in 2019 and more than any year since 2011 - twenty serious injury crashes – three more than in 2019, and ten arson cases, six of which were fatal. This does not include dozens of non-fatal crash and fire investigations and prosecutions aided and/or conducted by the Assistant Prosecutors of CFIU in conjunction with local agencies and the New Jersey State Police.

INVESTIGATION UNITS

The Assistant Prosecutors and Investigators of CFIU and CSIB also share the responsibility of meeting with surviving family members of criminal and non-criminal fatal crashes and fires to explain the investigations and charging decisions of each investigation. Once the criminal prosecution concludes, or the decision to not prosecute an incident is made, the Assistant Prosecutors and Investigators also have roles in the subsequent and inevitable civil litigation that results from the incidents we are responsible for investigating.

Due to the global pandemic, the New Jersey Courts suspended criminal jury trials and no criminal trials of CFIU cases occurred in 2020. Nonetheless, the Assistant Prosecutors of CFIU continued managing investigations, pre-indictment, and indicted criminal cases in virtual court appearances. Cases continued to be resolved through guilty pleas, and indictments were obtained by use of virtual Grand Jury proceedings to keep the wheels of justice turning.

CFIU Assistant Prosecutors presented several consequential cases to virtual Grand Juries and obtained indictments in cases including an instance of anti-Muslim bias intimidation in which the defendant attacked the victim with a vehicle, and a complex investigation into a quadruple vehicular homicide that tragically took the lives of four Essex County young people.

INVESTIGATION UNITS

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 six attorneys, one director, one captain, one sergeant, four detectives, two support staff and a 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, 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 impact on children and other family members, as well as the victim's own relationship dynamics with the abuser. It is the job of the Assistant Prosecutor to balance the need for deterrence, the level of cooperation of the victim as well as being a strong advocate for justice. The Domestic Violence 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.

2020 Accomplishments

During 2020, the members of the Domestic Violence Unit processed 3,221 Domestic Violence cases. The Unit continued to serve victims of the community during the global pandemic.

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. The Assistant Prosecutors assigned to Family Court handled 175 cases in 2020.

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

INVESTIGATION UNITS

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, located at 60 Nelson Place, Newark. The Family Justice Center is recognized as a "best practice" in the field of domestic violence intervention and prevention by the U.S. 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.



INVESTIGATION UNITS

Extradition Unit

The Essex County Prosecutor's Office 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 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. It also involves working closely with local, state, and federal law enforcement agencies.

2020 Accomplishments

In 2020, the Extradition Unit received 219 requests for extradition. Despite the challenges presented by COVID-19, Essex County coordinated the legal paperwork to extradite and return 156 fugitives to other jurisdictions and returned 87 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 include some of the most vulnerable victims, such as the elderly or infirm and some of the more affluent, such as private and professional corporations. The 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, three Assistant Prosecutors, a Detective-Sergeant, three detectives, one legal assistant, and one clerical supervisor.

The Financial Crimes Unit is a vertical prosecution unit, meaning 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 multijurisdictional 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.

INVESTIGATION UNITS

2020 Accomplishments

In 2020, the Financial Crimes Unit investigated 355 cases. The unit also supplied technical and legal assistance to police departments throughout the County who were investigating either a financial crime, or a crime with a financial component.

Despite disruptions from the COVID pandemic, the Financial Crimes Unit concluded several notable cases, including **State v. Darnell Alford et al.** -- After a lengthy investigation, Darnell Alford, Travis Glover, Albert Johnson, and Christina Barnett were indicted. They, along with six others, are alleged to have engaged racketeering, theft, tampering with records, and money laundering in a mortgage fraud scheme that occurred county-wide.

Between 2016 and 2019, these individuals are alleged to have recruited unsuspecting buyers to purchase investment properties in Newark, East Orange, and Irvington. With little to no down payment and questionable financial stability, the buyers were led to entrust the entire mortgage application process to Alford and Glover, sometimes never even seeing the home they were purchasing in person. The buyers were promised that their homes would be filled with tenants, that the properties would be managed by Alford and his associate, Barnett, and that the buyers would receive income monthly from the property.

Many of the homes were purchased at inflated prices. It is alleged that Alford, Glover, Johnson, and Barnett conspired to facilitate the purchase of a total of seven homes and obtained over \$1.8 million in monies by deceiving mortgage lenders. They are alleged to have manipulated applications and temporarily gifted monies to the unsuspecting buyers to obtain the loans from the mortgage company. Subsequently, they allegedly recovered their money, and more, from the inflated loan that was disbursed at the time of closing. The buyers were not aware that a significant portion of the monies they were borrowing, anywhere between \$50,000 and \$106,000, was being paid to Alford, Glover, and Johnson. After closing, it is alleged Barnett, who was presented as the "property manager," failed to manage the properties. The homes were in various states of disrepair and were filled with tenants, including homeless tenants whose rent was pre-paid in full by New York City Human Resources Department. She is alleged to have utilized the properties in furtherance of money laundering, and all seven homes fell into foreclosure.

The case is pending.

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, and certain non-fatal shootings.

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 any hour of the day or night. 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. Moving forward, the Assistant Prosecutor and case Detective then present a complaint containing a statement of probable cause. If the probable cause is accepted by the judge, the complaint is signed, and an arrest warrant is issued. The Assistant Prosecutor and case Detective then prepare the case for presentation to a Grand Jury. In most instances, the assigned Assistant Prosecutor will continue with the case through final disposition. Vertical prosecution of homicide cases provides continuity throughout the process. Having the same team involved with the case throughout the proceedings is also beneficial for the surviving family members.

In matters in which a juvenile is charged with a homicide offense, the Homicide Assistant Prosecutor will prosecute the matter in Family Court or, in appropriate cases, seek to prosecute the juvenile as an adult.

In 2020, there were seventy-eight (78) homicides in Essex County. This number was down approximately 4% from the eighty-two (82) homicides recorded in 2019. Fifty-six (56) of the reported homicides occurred in Newark, eleven (11) in Irvington, Six (6) in East Orange, three (3) in Orange and one each in Bloomfield and West Orange.

As with everything else, the COVID-19 pandemic created unique challenges for the Homicide Unit. As most of the state shut-down, homicides continued in Essex County. ECPO detectives began investigations clothed in personal protective equipment (PPE). Witnesses could not be brought into the Homicide Unit, where interviews had been conducted in a safe and secure environment; rather detectives had to interview witnesses in the field or in our Incident Command Vehicle, thereby increasing the risk for the both the witnesses and the detectives. Assistant Prosecutors are normally able to monitor statements and interviews in real time, however, with interviews conducted remotely, this crucial interaction between the

INVESTIGATION UNITS

detectives and Assistant Prosecutors was lost.

The pandemic has created serious delays in the justice system. Jury trials have been placed on hold, denying both defendants and victims their day in court. Delays in bringing cases to trial also make it difficult to keep witnesses safe and available for trial.

2020 Accomplishments

Notable cases for 2020 include:

State v. Christopher Poole -- Defendant was convicted by a jury of 1st degree Murder and Weapons Offenses. On February 4, 2020, Hon. Ronald D. Wigler, P.J.Cr. sentenced the defendant to a life term for the Murder.

State v. Angel Velez -- On 11/6/20, Salustino Santiago was reported missing. The Homicide Task Force was asked to assist in the investigation. On 11/20/20, HTF detectives went to the area of 148 Chancellor Avenue for the missing person. During canvass, detectives located multiple black plastic bags behind an apartment building which contained the body of the victim. HTF detectives investigated the basement of the building where the body parts were recovered. The basement contained the workspace of defendant Angel Velez, who was the building superintendent. Mr. Velez' work area smelled of decay and the victim's property was found upon execution of a search warrant of the defendant's apartment. During the investigation, HTF detectives learned that there had been an ongoing dispute between the victim and the defendant which allegedly ended with the defendant taking the victim's life. When defendant Velez was arrested, he was operating the victim's vehicle. The case is pending.

State v. Lonnie Arrington -- On February 7, 2020, following a jury trial, the defendant was found guilty of one count of 2nd degree Passion/Provocation Manslaughter, one count of 2nd degree Aggravated Assault and Weapons Offenses. Judge Michael Ravin granted the State's motion for discretionary extended term. He sentenced the defendant to 20 years in New Jersey State Prison. Arrington must serve 85 percent of his sentence before he is eligible for parole on the 2nd degree Reckless Manslaughter count. This was run concurrent to a sentence of 10 years, which also has a 85 percent period of parole ineligibility, for the 2nd degree Aggravated Assault. Therefore, under the No Early Release Act, the aggregate sentence carries a 20-year period of parole ineligibility.

State v. Marvin Argueta -- On Feb. 15, 2004, Marvin Argueta fatally shot Miguel Gamez and injured three other people at the La Caverna Bar on Mulberry Street in Newark around 1 AM. On Nov. 12, 2004, an Essex County grand jury indicted Argueta as well as his co-conspirators, Carlos Hernandez and Luis Del Cid, on murder, attempted murder, aggravated assault, conspiracy and weapons charges. Delcid, who was waived up to adult court, entered a guilty plea, as did Hernandez

and both were sentenced.

Before the case could go to trial, Argueta fled the country. For 14 years he was a fugitive from justice. He was eventually tracked down by authorities in El Salvador and extradited to New Jersey in August of 2018.

The matter went to trial in March of 2020. As the COVID pandemic was just starting at the time, Judge Wigler spaced the jurors in pews and the jury box to give the jury proper spacing. Neither Delcid nor Hernandez were able to be located for trial, as their guilty pleas had occurred more than ten years ago, yet on March 18, 2020 the jury convicted Argueta of Conspiracy to Commit Murder.



INVESTIGATION UNITS



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, two 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 non-fatal police shootings and police vehicle pursuits with serious bodily injury to determine whether the officers 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. All fatal police shootings are investigated by the Attorney General's Office. Internal responsibilities for the PSB include, but are not limited to, random drug screening, investigation of violations of rules and regulations and risk analysis management.

2020 Accomplishments

In 2020, the PSB received and investigated 412 new cases. The PSB also investigated multiple officer-involved shootings.

There were several noteworthy criminal cases in 2020. Four Newark police officers were charged with tampering with public records. This case is pending trial. Two other Newark police officers were charged with burglary and theft. This case is also pending trial.

Two Essex County correctional officers were charged with falsifying official records at the Essex County Jail. Those officers' cases resolved through pre-indictment pleas that included forfeiture of present and future public employment. Another County correctional officer was charged with possession of a weapon for an unlawful purpose when he inappropriately pointed a firearm. This officer also pleaded guilty to

the offense and forfeited present and future public employment.

The Critical Incident Response Team (CIRT), consisting of an Assistant Prosecutor and numerous PSB and ECPO investigative personnel, investigated all non-fatal officer-involved shootings. The CIRT also responded to all police pursuits resulting in serious injury and numerous in-custody deaths at the Essex County Jail and Northern State Prison. In addition, the PSB conducted a two-day county-wide training regarding all Attorney General Policies and Directives applicable to internal affairs investigators.

INVESTIGATION UNITS

Special Prosecutions Unit

The principal mission of the Essex County Prosecutor's Office Special Prosecutions Unit is to investigate and prosecute offenders who engage in organized criminal activity. Due to the connection between drugs and violence, the Special Prosecutions Unit of the Essex County Prosecutor's Office is comprised of three sections: Narcotics/Gang Task Force, Violent Crimes, and the Intelligence Unit. Special Prosecutions is staffed full-time by one chief assistant prosecutor, two supervisory assistant prosecutors, and five assistant prosecutors. The Narcotics/Gang Task Force section is staffed full-time by one captain, one lieutenant, one sergeant, and thirteen detectives. Additionally, there are two detectives on loan to the Drug Enforcement Agency and one detective on loan to Homeland Security Investigations. The Intelligence Unit is comprised of one captain, one sergeant, two detectives, three investigative aides, one legal assistant, and one analyst who is on loan from the National Guard. The attorneys and investigators work closely with and assist local, state, and federal law enforcement agencies.

The Narcotics/Gang Task Force Section of the Special Prosecutions Unit operates both daytime and evening shifts. The Unit targets and prioritizes the most violent offender zones; gathers intelligence of confiscated firearms and enters ballistics into the National Integrated Ballistics Identification Network (NIBIN System); coordinates intelligence led policing strategies in cease fire grid areas with Newark and Irvington law enforcement officials; and conducts warrant roundups of wanted targets of gang violence, narcotics, and firearm offenses. The Narcotics Task Force actively targets mid- to upper-level narcotics distributors (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 Violent Crimes Section of the Special Prosecutions Unit handles county-wide carjacking investigations, non-fatal shootings, and cybercrimes, as well as animal cruelty investigations. The Violent Crime Section also assists local agencies with cases involving public alarms or public threats which typically involve threats to schools, public facilities, and infrastructure. Additionally, the attorneys assigned to Special Prosecutions provide police with legal advice to agencies county-wide on a 24-7 basis, including guidance on investigative steps, assistance with subpoenas, search warrants, communications data warrants, and other First, Fourth, and Fifth Amendment issues. The Unit also aids local agencies in need of specialized guidance on complex, sensitive, and high-profile cases, as well as county-wide and state-wide violent crime spree and auto-theft investigations. The attorneys assigned to the unit handle all aspects of the case including investigation, search and seizure, arrest, grand jury proceedings, pretrial motions, and trials.

INVESTIGATION UNITS

The Intelligence Section serves as an independent unit. The function of the Intelligence Unit is to gather data, analyze that data, and disseminate the information derived from the data. Data is received from various law enforcement agencies (Municipal, County, State, and Federal), other Intelligence units and open sources. The Intelligence Unit provides support to all investigative and legal personnel within the Essex County Prosecutor's Office. The Intelligence Unit also provides support to outside agencies that seek our help and assistance.

One detective, from the Intelligence Unit, is currently assigned to the New Jersey State Police Regional Operations Intelligence Center (ROIC) and one detective is assigned to the Newark Real Time Crime Center (RTCC). The ROIC is New Jersey's fusion center and the RTCC is one of the three mini fusion centers throughout New Jersey (which is a subsidiary of the ROIC), that have partnerships with federal, state, local law enforcement agencies throughout the country. Both detectives are working in conjunction with the New Jersey State Police, local, state, and federal agencies, to provide support and real time intelligence for events as they occur.

The Intelligence Unit also provides support by offering information and support for the following: round-up of suspects, debriefing of suspects, comparative analyses, license plate checks, gang identification and classification, and full and modified profile reports on persons, places and businesses. The Intelligence Unit tracks and maintains a database for heroin seizures, Naloxone Deployments, and overdoses within Essex County. The Intelligence Unit also disseminates a bi-monthly newsletter that encompasses a crime overview, gun recoveries, homicides, aggravated assaults, robberies, carjackings, burglaries, thefts, vehicular incidents, arrests, Megan's Law Offenders, sensitive crimes, wanted persons, and police safety & awareness and training.

Community Relations: As mentioned earlier the assistant prosecutors provide law enforcement officers with legal advice on everything from charging decisions to procedural issues. However, the attorneys assigned to Special Prosecutions faced many unique challenges in 2020. First and foremost, on May 25, 2020 George Floyd was murdered while in police custody in Minneapolis, Minnesota. Protests began across the country as people in the communities sought justice. The Special Prosecutions Unit worked hand in hand with our local law enforcement agencies to strengthen community relations and rebuild the public trust.

In March of 2020, Governor Phil Murphy declared a State of Emergency due to the Coronavirus Pandemic. The Special Prosecutions Unit kept apprised of Governor Murphy's executive orders so that the Essex County Prosecutor's Office could guide our law enforcement officers and the community through the legal issues presented by the virus.

2020 Accomplishments

State v. Tre Byrd et. al -- The Essex County Prosecutor's Office worked closely with

INVESTIGATION UNITS

the Newark Police Department and Bloomfield Police Department to investigate two violent crimes that happened in June of 2020. One of the victim's was shot in the chest. Based upon the investigation the defendants were charged with multiple counts of robbery. Furthermore, Mr. Byrd is currently charged with two counts of attempted murder.

State v. Naszir Mitchell et. al -- The Essex County Prosecutor's Office worked closely with other local state and federal law enforcement agencies to investigate a string of violent crimes that occurred from January 23-26, 2020. The first robbery occurred in Bloomfield and resulted in injuries to the victim. The second robbery occurred in Newark and the victim was stabbed multiple times. The third robbery occurred in Woodbridge where the victim was carjacked and stabbed multiple times. The fourth robbery occurred in Newark and multiple victims were stabbed multiple times. The fifth robbery occurred in Newark and the victim was stabbed multiple times. Based upon the investigation the defendants are charged with multiple counts of robbery, carjacking, and attempted murder.

State v. Laron Carmon et. al -- The Essex County Prosecutor's Office worked closely with the Newark Police Department to investigate multiple carjacking incidents. Based upon the investigation the defendants were charged with three carjackings that occurred in 2020.

State v Myrlene Charles, Homere Charles & Rodman Dort -- A joint investigation with HIS (Homeland Security) into illegal lotteries and gambling in Irvington resulted in search warrants at several locations. The State arrested the above individuals for promoting gambling and recovered \$14,733 in illegal bets as well as gambling receipts and ledgers.

State v. Manny Nieves et. al -- The Narcotics Task Force conducted a 2-month long investigation into drug trafficking in Newark. Search warrants at two residences resulted in the confiscation of 12 bricks of heroin, 100 grams of cocaine as well as a handgun and several magazines.

State v. Davis et. al -- The Special Prosecutions Unit worked closely with the Orange Police Department to investigate a theft of \$495,000. Based upon the investigative efforts Julian Davis was charged with a second-degree theft, conspiracy, and related charges. The co-defendant Daniella Superville was charged with second degree receiving stolen property and conspiracy.

All these cases are pending trial. The charges are accusations. All defendants are presumed innocent unless and until they enter a guilty plea or are found guilty beyond a reasonable doubt in a court of law.

Special Victims Unit

The Essex County Prosecutor's Office Special Victims Unit (SVU) investigates and prosecutes cases involving crimes against the most vulnerable members of the community. The Unit has a dedicated Child Abuse Unit (CAU) that investigates all cases of sexual abuse and maltreatment of children. SVU also investigates and prosecutes all cases involving the sexual assault and abuse of adults, including those with cognitive, developmental, or physical disabilities. The cases are investigated under the auspices of the Sexual Assault Rape Analysis (SARA) Unit. An integral part of the SVU is the Forensic Nurse Examiner's Program that is tasked with performing sexual assault examinations on children and adults. The SVU also has a Bias Crimes Unit that includes teams of Assistant Prosecutors and Detectives dedicated to investigating and prosecuting bias crimes.

Additionally, SVU also investigates and prosecutes allegations of Elder Abuse, Human Trafficking, and Internet Crimes Against Children Unit. Also, under the SVU umbrella is a dedicated Megan's Law Unit, responsible for evaluating how likely an offender is to re-offend. The Megan's Law Unit is also responsible for prosecuting individuals convicted of sexual offenses who violate the conditions imposed at sentencing, including failure to register under Megan's Law, violations of parole supervision for life and community supervision for life.

The above units and teams were merged into the Special Victims Unit to better serve the victims through the most comprehensive investigations possible. All but the Megan's Law Unit are located at the Wynona M. Lipman Child Advocacy Center, better known as Wynona's House Child Advocacy Center, at 185 Washington Street in Newark. This allows for sharing of resources, information, and experience between the units. The functions within the Special Victims Unit now operate under the command of a Deputy Chief Assistant Prosecutor who is assisted by a Supervising Assistant Prosecutor and a Captain of Detectives assisted by a Lieutenant of Detectives and Sergeant of Detectives. The units and teams are overseen by a Chief Assistant Prosecutor and Deputy Chief of Detectives. Also, available to the victims are on-site Victim Witness Advocates who work closely with the staff to ensure that the needs of the victim are met during the investigative and legal process. The goal of this holistic approach is to ensure that victims, witnesses, and their families are provided with services and guidance and that their questions and concerns are addressed.

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

INVESTIGATION UNITS

and further trauma to victims is minimized.

The SVU also focuses on the training of law enforcement personnel and the education of the public through SVU seminars presented by SVU staff. The unit has presented a training seminar for all municipal, county and state law enforcement personnel working in Essex County, as well as Police Academy training. The unit also provided public education seminars to different community groups including religious organizations, multiple college groups, high school students and interns.



Prosecuting in the pandemic has presented unique challenges for the Essex County Prosecutor's Office. Throughout 2020 we navigated uncharted waters. Working with our partners in law enforcement, we sought to fulfill our primary mission of seeking and serving justice while balancing the extraordinary health and safety issues presented by the coronavirus. Notwithstanding these difficulties, the SVU and Megan's law units worked tirelessly to ensure that the needs of the victims were met and that the most dangerous of offenders were tiered and that communities were properly notified. The Assistant Prosecutors, Detectives, Forensic Nurse Examiners, Victim/Witness Advocates, and Clericals, continued to perform the functions of the unit while working remotely, including conducting outreach to victims and witnesses, conducting forensic interviews, and responding to hospitals to perform sexual assault examination kits. The Assistant Prosecutors continued to meet their court and administrative obligations by attending virtual meetings, handling court obligations remotely and in person.

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 serve 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 and Institutional Abuse Investigative Unit).

The children of Essex County are our greatest resource, and the CAU 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 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, NJDCF, and the Metro Regional Diagnostic and Treatment Center, at Children's Hospital of New Jersey at Newark Beth Israel Medical Center, the CAU is an integral part of the Wynona M. Lipman Child Advocacy Center in Newark. Wynona's House is only one of a few child advocacy centers in the country to have a full-time Prosecutor's Office unit, child protective service caseworkers, juvenile trauma focused therapists, forensic pediatricians and multi-disciplinary coordinators all under one roof.

The philosophy of the Lipman 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 in an adjacent room. The technique prevents multiple interviews by law enforcement officials and reduces trauma suffered by the victim. In addition, the family members of victims receive a wide range of services.

The Forensic Video Interview (FVI) of all children under the age of 12 who have been sexually and/or physically abused, neglected, or have been witnesses to violence was established in 2000. A specially trained forensic interviewer conducts the interviews, while members from NJDCF, the Metro RDTC, law enforcement and assistant prosecutor's sit in a monitoring room nearby. In 2019 there were 181 forensic interviews conducted by ECPO and CAC personnel.

INVESTIGATION UNITS

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 Wynona's House. Wynona's House collaborates with the Metro RDTC 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. Since 2018 the Forensic Nurse Examiner (FNE) Program added pediatric patients and began doing pediatric forensic exams.

SVU 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.

2020 Accomplishments

In 2020, In 2020 the Child Abuse Unit received 804 referrals for investigation. During 2020, a total of 117 forensic interviews were conducted by SVU.

Notable cases from 2020 include:

State of New Jersey v. Manuel Neto and Ana Ribeiro – The defendants are a babysitter and her husband. The defendants were charged based on the following facts: On October 20, 2019 as the victim was being picked up from Ms. Neto's home the victim asked her mother, "Mommy did you hear about what the man did?" Ms. Neto quickly interrupted the victim, pulled the child close to her, and told her not to say anything because they forgave the man, and it was their little secret. The defendant, Neto, was charged with multiple counts of 2nd degree sexual assault by contact and multiple counts of 2nd Degree Endangering the Welfare of a Child. Defendant, Ana Ribeiro, was charged with 2nd degree endangering the welfare of a child.

State v. Elijah and Christian Fletcher – The allegations are that Elijah & Christian Fletcher, now adults, while living with younger children physically assaulted the children repeatedly with extension cords, belts, burning and beatings. It is further alleged that Elijah Fletcher sexually assaulted one child multiple times. Elijah Fletcher was charged with two counts of 1st degree aggravated sexual assault;

multiple counts of 4th degree criminal sexual contact; multiple counts of 3rd degree aggravated assault; and one count of 4th degree lewdness. Christian Fletcher was charged with the physical abuse of the children and was charged with multiple counts of 3rd degree aggravated assault.

State v. David Moran -- In February of 2020 a 12-year-old child alleged that she was sexually assaulted multiple times by the defendant. The defendant was subsequently charged with one count of first-degree aggravated sexual assault and one count of second-degree endangering the welfare of a child.

State v. Patrick Ferrante -- On or between November 1, 2019 and November 30, 2020, Patrick Ferrante, a teacher at North Star Academy Washington Park High School, engaged a sexual relationship with a student at that same school. The defendant was charged with multiple counts of 2nd Degree Sexual Assault and one count of 2nd Degree Endangering the Welfare of a Child.

State v. Martin Rivera -- On August 11, 2020, Newark Police responded to a sexual assault report involving two juvenile siblings who were sexually assaulted by the defendant, Martin Rivera, in the City of Newark. The first victim reported that the defendant sexually assaulted her over a period of years. The second victim reported that the defendant sexually assaulted her on one occasion. The defendant was charged with multiple counts of 1st degree sexual assault and multiple counts of 2nd degree endangering the welfare of a child.

State v. Atiba Whittle -- On December 23, 2018, the victim reported that she was sexually assaulted by Atiba Whittle-Tyndale while at her Church in Newark, New Jersey. DNA evidence later connected the defendant to the sexual assault. The defendant was charged with 2nd degree sexual assault.

State v. Jose Ortega Villalba --- The victim, a minor, was taken to the hospital after disclosing sexual assault by the defendant over a period of time. The defendant is 32 years old. The defendant was charged with 2nd Degree Sexual Assault and 2nd Degree Endangering the Welfare of a Child.

SEXUAL ASSAULT RAPE ANALYSIS UNIT

Adult sexual abuse cases are investigated under the auspices of the Sexual Assault and Rape Analysis (SARA) Unit, which is one of the oldest investigative units in the Essex County Prosecutor's Office. It originated in the 1970's 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 in Essex County.

The SARA Unit originally prosecuted all cases of sexual abuse in Essex County. As the field of sex crime investigations became more specialized in the early 1980's, a separate Child Abuse Unit was developed. By 2001, after the opening of the Wynona

INVESTIGATION UNITS

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. The SARA Unit staff consists of experienced Assistant Prosecutors, Detectives, and clerical support employees, and cooperates closely with members of the onsite Forensic Nurse Examiners who manage the FNE Program.

Members of the legal and investigative staff are available 24 hours a day to assist local law enforcement with their investigations. The SARA Unit has also adopted a vertical prosecution approach, whereby prosecutors assigned to a case will handle it from start 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.

2020 Accomplishments

In 2020, the SARA Unit received 382 referrals for investigation.

Notable cases from 2020 include:

State v. Esteban Barrett -- In the early morning hours of June 26, 2020, Newark Police Department officers were dispatched to a location in the City of Newark on a report of an injured person. An anonymous 911 caller had reported that there was a female suffering from serious head trauma inside of the abandoned multifamily dwelling. When officers arrived on scene, the female victim was in a third-floor bedroom. The victim was unconscious, lying on the floor in a pool of blood with a large laceration over her right eyebrow and significant swelling to both sides of her face. Subsequent comparison of the DNA from the victim and her clothing with that of the defendant revealed a match. The defendant was subsequently charged with 1st Degree Attempted Murder, 1st Degree Aggravated Sexual Assault, 2nd Degree Sexual Assault.

State v. George Berkeley -- The victim, a former employee of the defendant's, disclosed that the defendant touched both her breasts and her vagina over clothes throughout the course of her employment at the UPS Store in South Orange, New Jersey. The defendant was charged with 3rd Degree Criminal Sexual Contact.

State v. Stanley Noel -- The defendant was charged with two separate counts of 4th

Degree Criminal Sexual Contact against two separate victims for illicit behavior at the South Mountain Reservation.

SEXUAL ASSAULT NURSE EXAMINER PROGRAM

On May 4, 2001, Assembly Bill 2083 was signed into law, providing for the establishment of a statewide Forensic Nurse Examiner (FNE) 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 appoint or designate a certified sexual assault nurse examiner to serve as program coordinator for that county. The legislation also 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 FNE/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 FNE 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 FNE/SART program services six county hospital sites, and forensic examiners are available 24 hours a day, 7 days a week to respond to

INVESTIGATION UNITS

the medical/forensic needs of sexual assault survivors. Essex County hospitals that have agreed to participate in the FNE/SART program are Newark Beth Israel Medical Center (Newark), Mountainside Hospital (Montclair/Glen Ridge), Saint Barnabas Medical Center (Livingston) and University Hospital, Rutgers (Newark); Clara Maas Hospital and St. Michael's Medical Center which also affiliates 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 FNE/SART Coordinator is responsible for the operation and management of the countywide program.

2020 Accomplishments

The success of the program is evidenced by the frequency with which the program was used. In 2019, in Essex County there were a total of 223 FNE/SART cases at participating hospitals in response to the needs of sexual assault victims. Included in that number were 60 pediatric cases. Of those cases there were 200 female patients and 23 male patients.

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.

2020 Accomplishments

In 2020, the Human Trafficking Team investigated 13 cases.

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 Witness 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.

2020 Accomplishments

In 2020 the Elder Abuse Team investigated nine 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 (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. Victims are also referred to counseling and other assistance programs.

2020 Accomplishments

In 2020, the Bias Crimes Unit investigated 52 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 Registration and Community Notification Laws, commonly known as "Megan's Law" are named after Megan Kanka, a seven-year-old girl who was sexually assaulted and murdered by her 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

INVESTIGATION UNITS

their community, they are better able to safeguard against potential victimization.

The Megan's Law Unit is responsible for evaluating how likely a convicted sex offender is to commit a new sex offense and determining the "scope of notification" for the offender. These evaluations are made in accordance with guidelines established by the Attorney General's Office and are triggered when a defendant, who was convicted of a Megan's Law predicate sex offense, is released from prison, or sentenced to probation or parole supervision for life. The seriousness of the offender's predicate sex offense, offense history – including non-sexual offenses, personal characteristics, and community support are all analyzed. This review may also include an evaluation of the offender's prison records, school and employment records, psychiatric/psychological evaluations, and conduct while supervised by parole or probation.

Upon completion of this process, the Prosecutor's Office submits a report with a risk level to the court. For Tier 2 and 3 cases, notice of the scheduled hearing date is given to the offender, and the hearing is held before a Superior Court judge who makes the final determination of the offender's tier classification and level of community notification. Notice of Tier 1 sex offenders is only provided to law enforcement. Tier 1 sex offenders who are subject to Megan's Law because of an out-of-state conviction also receive notice of a scheduled hearing date and may challenge the applicability of the statute before a Superior Court judge.

Offenders with convictions for sexual offenses in other states who move to New Jersey may also be required to register, even if there was no such requirement in the state of the conviction or prior residence. In this circumstance, the offender will also get notice of their obligation to register and the right to a judicial hearing. The Prosecutor's Office reviews the offender's conviction, and if it is deemed to be like an offense for which registration would be required in New Jersey, that offender must register here.

There are three Tier classifications. Tier 1 sex 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 sex 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, which is set forth in the court order. Some, but not all, Tier 2 offenders also appear on the New Jersey Sex Offender Internet Registry. 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, and the offender's profile is published to the Internet Registry. 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. As of July 1, 2014, all offenders who are deemed "repetitive and compulsive" appear on the Internet regardless of tier classification.

With respect to sex offender publication on the Internet, if the court rules that a case is internet eligible, the offender's name, address, county of residence, date of birth, physical attributes, type of conviction, modus operandi and photograph will be published. In addition to internet publication, community notification will also be ordered per the "likely to encounter" standard. There are exceptions which prevent the publication of an offender's profile to the Internet Registry. These exceptions include juvenile offenders who only have one adjudication for a sex offense, offenders with one conviction for sexual abuse involving a victim who resided in the same home as the offender and where the offender was convicted of aggravated sexual assault, sexual assault or aggravated criminal sexual contact, and incidents where the victim's lack of consent was solely due to their age.

The Megan's Law Unit is also responsible for handling registrants' motions to terminate their Megan's Law obligations. In New Jersey, registrants who meet the statutory requirements can apply for termination after 15 years "offense free." Being offense free however, does not ensure that the motion will be granted. The registrant must also show that they do not pose a risk to public safety

While Megan's Law tier hearings and termination motions are handled in civil court, the unit also prosecutes through indictment, offenders charged with Failure to Register pursuant to Megan's Law and Violations of Community Supervision for life. The Unit regularly moves to detain arrested sex offenders in jail pending trial and fulfills an advisory role to New Jersey State Parole Board officers and local municipal police departments on the above charges.

The ECPO's Megan's Law Unit is the busiest Megan's Law Unit in New Jersey, with over 1,600 sex offenders residing within the county at any given time. Essex County has more registered sex offenders residing within it than any other county in the State.

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. The process does not end after tiering is completed by the issuance of a court order. A sex offender is entitled by law to a new court hearing every time they move to a new address within Essex County, or moves into Essex County from elsewhere. The Megan's Law Unit must submit a new risk assessment to the court and obtain a new court order dictating the level of notification based on their 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. A Megan's Law file will only be closed if a registered sex offender dies, is relieved by way of a court order of all Megan's Law obligations or moves to another state in which they register pursuant to the laws of that state. 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.

INVESTIGATION UNITS

This program is a collaborative and systematic effort by the 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.

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 daylong 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. The unit also holds annual training for law enforcement officers responsible for completing sex offender registrations in Essex County. (The 2020 training was not held due to Covid-19.)

2020 Accomplishments

In 2020, there were more than 1,600 sex offenders in Essex County. Despite the restrictions imposed by COVID-19 and the suspension of Grand Jury hearings, the Megan's Law Unit continued to tier offenders and file and argue motions through virtual court sessions. In 2020, the Unit handled almost 400 matters and obtained more than 100 court orders.

On March 17, 2020, in **In re Registrant H.D.**, 241 N.J. 412 (2020), the New Jersey Supreme Court ruled that pursuant to subsection (f) of N.J.S.A. 2C:7-2, to be eligible to move to terminate Megan's Law registration obligations, offenders must be offense-free during the 15 years immediately following their sex offense conviction or release from confinement, not simply offense-free for a period of 15 years. Until then, the interpretation of the 15-year clause was an unsettled issue in the State of New Jersey as there was no consensus among the county prosecutor's offices as to when the 15-year period commenced. The Honorable Arthur J. Batista, J.S.C. ruled in the State's favor and denied Registrant H.D.'s application to terminate his status as a sex offender because he had a conviction within the 15 years following his sex offense conviction. Although the matter was reversed in the Appellate Division, ECPO Director/Assistant Prosecutor Frank Ducoat argued the case before the New Jersey Supreme Court and won an affirmance of Judge Batista's ruling.

Business Administration Unit

The staff of the Business Administration Unit oversee a \$38.2 million operating budget, along with Essex County Prosecutor's Office's criminal forfeiture accounts. Additionally, the Unit oversees the Office's 7 major grant-funded programs totaling more than \$1 million per year. The Unit provides crucial infrastructure 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—including copiers, telephones, fax machines, desk units, printers, 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, staffing including 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

2020 Accomplishments

The outbreak of the COVID pandemic in March of 2020 provided special challenges to the ECPO Administration function. In addition to planning for office space that relieves crowding and promotes efficiency, the Business Administration Unit had to coordinate with the County of Essex to accommodate the federal and state guidelines and County policy regarding social distancing and facility sanitizing. In cooperation with the County, the Unit facilitated the procurement of protective materials and in computer equipment needed for work-at-home set-up. Our unit helped ECPO management to communicate employee attendance policies and arrangements in response to the crisis.

At the same time, Administration staff worked to maintain its key role in budget planning, procurement oversight, hiring processing, facilities improvements, personnel management, and grant funding oversight. Staff helped to minimize and

SUPPORT UNITS

overcome the disruptions that temporarily slowed our key investigative and prosecutorial functions and allowed ECPO personnel to regain productivity and move into a hybrid home and office working arrangement in the second half of the year.



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 aimed at offering children and teens positive alternatives and interventional strategies designed to prevent delinquency.

The COVID-19 pandemic devastated the urban neighborhoods of Essex County in March 2020. Despite the physical closings of schools, organizations, and businesses, we continued to provide outreach programs to the community. Programs were modified from in-person to virtual and hybrid to comply with The United States Centers for Disease Control and Prevention guidelines on the COVID-19 pandemic.

The Community Justice Unit provided in-person and virtual workshops on the following topics:

- Bullying
- Careers in the Essex County Prosecutor's Office
- Criminal Justice System
- Expungements
- Gang Awareness
- Internet Safety
- Overview of the Essex County Prosecutor's Office
- Sexual Assault Prevention

2020 Accomplishments

This was the 19th consecutive year in which ECPO held a summer internship program to expose high school students to careers in law, law enforcement and government. The 2020 Summer Youth Internship Program was held virtually from July 6th through August 7th. Fifty high school juniors from Essex County participated in this informative program where they took part in college and career readiness workshops. Interns learned about the role and functions of the Essex County Prosecutor's Office. Interns were exposed to various careers in law, law enforcement and government. Interns also participated in workshops that focused on making positive choices, substance abuse prevention, gang awareness and teen dating violence prevention.

The Unit partnered with ADAPT (Alcohol & Drug Abuse Prevention Team of Essex County) and Essex County's Department of Community Health Services to hold the 6th annual Interfaith Symposium. The Interfaith Symposium was held virtually on October 8th, 15th, 22nd and 29th to provide information sessions on substance abuse resources to clergy and community members. Sessions were also geared

SUPPORT UNITS

towards emotional and spiritual wellness during the Covid-19 pandemic. Acting Essex County Prosecutor Theodore N. Stephens, II, provided attendees with an overview of the Operation Helping Hand diversionary program.

A youth conference entitled: “What’s it All About?” World Against Violence (W.A.V.) was held to address issues affecting middle school students. Two hundred middle school students from Essex County registered to participate in the virtual youth conference. Students participated in workshops that focused on coping skills during the Covid-19 pandemic, organizational skills, making positive choices, substance abuse prevention, teen dating, and Cyber-Safety.





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 Office 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 municipal, state and federal levels
- Working closely with the Open Public Records custodian for the ECPO
- Providing current information to public officials and government agencies on relevant prosecutorial activities
- Educating Assistant Prosecutors and other staff regarding dealing with the press
- Overseeing the production of the ECPO Annual Report and the ECPO Internal Office newsletter
- Assisting with community outreach efforts

2020 Accomplishments

In 2020, the Media Relations Office had to rapidly adjust to the changes brought on by COVID-19, a global pandemic that significantly altered the methods used to

SUPPORT UNITS

communicate with the press and the public. As in-person press conferences became unsafe and impractical, the ECPO increased the use of social media by utilizing virtual press conferences, Facebook, Twitter and Instagram.

Plans had long been underway to provide the public with even more information via social media, but those plans quickly became essential.

In addition, many newsworthy trials and court proceedings were put on hold because of the pandemic.

Despite shifts in the delivery of information, at all times, the Media Relations Office continued to work to strike a balance between competing interests. On one side of the scale, is the right of victims and the need to protect the integrity of investigations. On the other side, the public's right to know. Transparency is critical to maintaining public confidence in the Office. Yet, confidentiality is often crucial to the successful investigation and prosecution of cases. Even amid a global pandemic, we sought to keep the public informed regarding the status of cases.

Since trials were halted, many of the high-profile cases that garnered press attention in 2019 remained on the docket in 2020, included the following:

State v. James R. Ray, III – This is an ongoing case that started in 2018. New York lawyer James Ray, III, 55, is accused of fatally shooting Angela Bledsoe, the 44-year-old mother of his daughter, at the home they shared on North Mountain Avenue in Montclair on Oct. 23, 2018. He was apprehended in Cuba on Oct. 31, 2018 and subsequently returned to New Jersey to face trial.

The Essex County Prosecutor's Office working with the FBI, the Montclair Police Department, the Allentown, PA Police Department, the New Jersey State Police, Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), U.S. Coast Guard, U.S. Embassy in Havana, and Customs Enforcement and Removal Operations were able to bring Ray back to the United States where he is still awaiting trial.

State v. Khalil Wheeler-Weaver – In this case, serial killer Khalil Wheeler-Weaver was found guilty in December 2019 of killing 20-year-old college student Sarah Butler of Montclair, Robin West, 19, of Philadelphia and Joann Brown, 33, of Newark. He was also found guilty of the sexual assault and attempted murder of a third woman. At the time of the murder, Wheeler-Weaver was working as a security guard for a private security company and had dreams of becoming a police officer. At trial, the state argued successfully that the murders began on Aug. 31, 2016 with the murder of West and continued until the murder of Butler. Much of the case was based on geolocation data that placed Wheeler-Weaver's phone at or near the scene of the crimes.

Sentencing is pending.

State v. Joseph Porter -- In this case, Porter, 27, of Elizabeth is charged with a Maplewood double murder. He is accused of killing David Kimowitz, a 40-year-old comedy club owner and comedian, along with the family's nanny 26-year-old, Karen L. Bermudez-Rodriguez, in the Kimowitz's Maplewood home. Porter, who dated the au pair, is accused of fatally stabbing the two. Kimowitz's wife and two preschool children were at the Jersey Shore at the time of the fatal attack. The case is awaiting trial.

State v. Lamont Stephenson – In March of 2019 Stephenson, who was on the FBI's most wanted list, was returned to New Jersey to face trial for the Oct. 17, 2014 murder of his then fiancée Olga DeJesus, a Newark mother of two. He also killed the family dog, a chihuahua.

Stephenson was arrested in Prince George County Maryland, where he is also charged with the murder of Natina Kiah, 40. He killed her and her cat. He had been living with Kiah. They met while he was living at a homeless shelter. She worked at the shelter as a security guard.

State v. Jovanny Crespo – A Newark police officer, Crespo was charged with aggravated manslaughter for the Jan. 2018 killing of Gregory Griffin, 46, who was shot by Crespo as he fled from police following a traffic stop. A second man in the car was also shot but survived his injuries. The case garnered national attention because Crespo is the first New Jersey police officer to be charged with a homicide for actions taken during the course of employment.

SUPPORT UNITS



Victim-Witness Advocacy Office

The Essex County Office of Victim-Witness Advocacy was started by the Essex County Prosecutor's Office in 1982 pursuant to New Jersey law, which requires the county Victim-Witness Coordinator to implement and provide services to crime victims. The Office's primary mandate is to fulfill the provisions of the New Jersey Constitution and New Jersey statutes which require:

- That crime victims be treated with dignity, compassion, and respect.
- That victims be informed and consulted in matters such as plea bargaining.
- That victims be given the right to be heard at all stages of the criminal justice process.

The Essex County Office of Victim-Witness Advocacy helps victims and witnesses deal with immediate life needs, especially those who live within Essex County's lower income neighborhoods, who are most at-risk of experiencing violent crime and whose lives are most vulnerable to economic and personal disruption. The Office helps them to find the resources needed to maintain basic needs such as food, clothing, shelter, health care, employment, transportation, daycare for pre-school children, etc. It also assists victims and witnesses in dealing with the psychological trauma of crime (which cuts across all economic and social strata) and helps them obtain professional assistance as needed. The Office then helps victims and witnesses to understand and fulfill their rights and responsibilities within the criminal justice system, providing continual communication and coordination regarding case progress and participation in legal proceedings.

As appropriate, the Office accompanies victims to court. Office personnel also assist victims in gaining economic compensation for their losses through insurance, restitution, and the Victims of Crime Compensation Office. The Office assures victims and witnesses that it is equally concerned with their overall well-being as with obtaining the conviction of the offender.

The Office of Victim-Witness Advocacy has a staff with significant training and professional counseling experience in emergency assistance, crisis management and interpersonal violence. The staff includes a Victim-Witness Coordinator, Victim-Witness Advocates and Clerical Assistants. The Coordinator meets bi-weekly with the advocates to review and evaluate cases, discuss progress, and develop service plans to ensure procedural and programmatic compliance with state and federal regulations. The Office is supported in part by state and federal government grants.

2020 Accomplishments:

In 2020, the Victim-Witness Advocacy Office assisted 9,156 victims and witnesses, initiating approximately 97,000 items of correspondence on their behalf despite the

demands the global pandemic placed on unit staff. Unit staff remained accessible to county residents seeking vital criminal justice-related services while working in the office and remotely.

The Unit continued to expand its formal relocation program in 2020, through which approximately 1,073 program clients and their families were assisted. This program advocates on behalf of 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, security, and protection. 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

SUPPORT UNITS

reaction, 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. (Victim Information Notification Everyday).

In the revised structure and format of the website section, the information is arranged alphabetically by victim's crime type. Unit staff also developed a digital application that delivers information about local support services available to Essex County crime victims via a desktop, smart phone, and/or tablet. Crime victims will be able to enter the service needed and a zip code and receive agency information in their area. The app is equipped with agency locations, hours of operation, services provided and fees (if applicable), maps of walking and driving routes, parking areas near the agency where the crime victim is seeking services, and links to New Jersey Transit bus and train schedules for public transportation information. The app is scheduled to launch in the of spring 2021.

Further, the Victim Witness Unit conducted nine community outreach forums throughout 2020. Approximately 100 community residents, including high school and college students, 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 2020. Through the generosity of office staff, unit staff collected \$1,700 in cash, gift cards, and toys and donated the funds to seven local social services agencies who, in turn, distributed funds to those in need residing in Essex County.

Record Room



