

# **ESSEX COUNTY PROSECUTOR'S OFFICE**

## **2021 Annual Report**

**Theodore N. Stephens II**  
**Acting Essex County Prosecutor**



# **Essex County Prosecutor's Office**

**Veterans Courthouse  
50 West Market Street  
Newark, NJ 07102  
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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 2021, the total number of new adult defendant case files received and reviewed by the Essex County Prosecutor's Office (ECPO) was 12,387, versus 10,190 in 2020. Also, 3,860 defendants were indicted or charged by accusation in 2021, versus 1,608 in 2020. A total of 42.6% percent of the ECPO's total adult defendant resolutions within 2021 following an indictment or accusation involved first or second-degree criminal charges. Further, in 2021, the total number of juveniles referred in delinquency case filings in Essex County was 1,234 , versus 727 in 2020.**

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

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## **Message from Acting Essex County Prosecutor Theodore N. Stephens II**

**T**he Essex County Prosecutor's Office is the largest county prosecutor's office in the state of New Jersey. Roughly one quarter of all felonies that occur in New Jersey are handled by this office. Every unit in this Office is expected to handle caseloads that are unparalleled anywhere else in the state. In 2021, the men and women of the Essex County Prosecutor's Office have taken on that challenge with unwavering dedication, wholeheartedly embracing our mission to "seek justice, serve justice and to do justice."

For us, that means going wherever the facts and the evidence leads. Sometimes it means pressing for a lengthy prison sentence and at other times it means getting a defendant into diversionary programs such as Drug Court or our Mental Health or Veterans programs. At all times, it means keeping victims in the forefront of our decision-making while never forgetting that we also have a duty to the accused. To successfully do our jobs we must maintain strong ties to the communities we serve and work cooperatively with our partners in law enforcement at the local, state, and federal level. We must also work with the Judiciary and the Public Defender's Office and other defense counsel.

In 2021 we undertook several initiatives. Working with the Attorney General's Office, we participated in a statewide gun buyback. Events were held in Essex County at The Prudential Center in Newark and New Vision Baptist Church in East Orange.

Following the murder of George Floyd and the conviction of Derek Chauvin, we held a virtual town hall on the use of force by police in New Jersey and Essex County particularly.

We continued Operation Helping Hand, an initiative designed to help individuals suffering from opioid addiction or other kinds of substance abuse into treatment. The goal of the program is to interrupt the cycle of addiction that often leads to incarceration. Our community outreach also

included internships, food distributions programs, youth conferences and virtual Black History and Women's History celebrations.

COVID continued to loom large in 2021. We kicked off the year with high hopes that vaccines would allow us to get back to normal. As soon as vaccines became available, we urged employees to take advantage of the opportunity to be vaccinated for free at the many sites in Essex County operated by the County. More than 80 percent of employees took advantage of that opportunity. For those who opted not to be vaccinated, they were required to be tested weekly.

By August, the assistant prosecutors, detectives, and support staff who had worked remotely during the early months of the COVID pandemic returned to in-person work. Unfortunately, by the time the year ended, we were forced to go back to allowing most of the staff to work remotely or on a rotating schedule. The goal was to reduce the in-office footprint with an eye toward limiting the number of people who might be exposed to the highly contagious Omicron variant that spread rapidly though the nation, hitting New Jersey and Essex County particularly hard.

If we learned anything in 2020 and 2021 it is that when it comes to dealing with COVID, change is constant. Nimble and rapid responses are critically important to ensure that our workplace practices and protocols follow the ever-evolving science. Unlike some entities that can move their activities to all virtual, much of the work done by a prosecutor's office must be done in-person. With that mind, we have worked diligently to protect the safety of staff and the public. Vaccines, masks, personal protection equipment and testing have been key.

As we move into 2022, we remain committed to investigating and prosecuting cases robustly.

No discussion of 2021 would be complete without pausing to salute my staff. The prosecutors, detectives and support staff have risen to the challenges we faced in 2021. Almost to a person, they have gone above and beyond when asked to pivot and adjust to changes.



This 2021 Annual Report, published in conjunction with the statistical summary required by the Attorney General, provides an overview of the important work done by the Essex County Prosecutor's Office last year. To all the people of Essex County, thank you for the privilege to serve. We look forward to continuing to do all we can to make Essex County a safe place to live, work and visit.

# **A Brief History of the Essex County Prosecutor's Office**

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

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

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

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

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

In 1959, Governor Robert Meyner nominated Brendan T. Byrne of West Orange as the 25th Prosecutor of Essex County. Prosecutor (and later Governor) Byrne served the Office until 1967. By 1962, there were 16 Assistant Prosecutors, most of whom were part-time employees. Shortly thereafter, the first female Assistant Prosecutor, June Strelecki, was appointed. Also, during Byrne's tenure, the "Charlie Squad" was formed, a name coined after members of the public were urged to report illegal gambling by calling a dedicated phone number and asking for "Charlie."

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

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

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

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

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

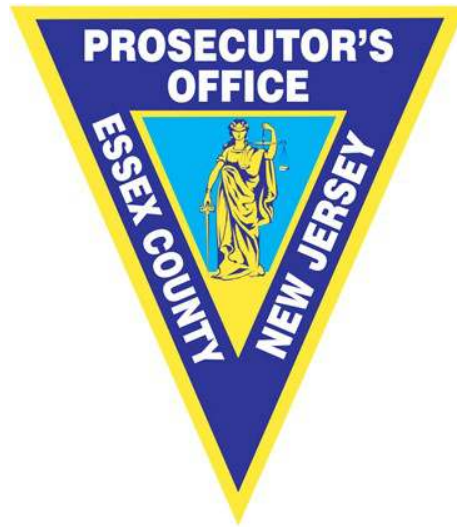
In 2021, Acting Prosecutor Stephens navigated the office through the post COVID new normal, meaning COVID remained a factor, but remote work ended, and everyone was required to return to work in-person. More than 80 percent of employees voluntarily agreed to be vaccinated. Those who opted out were required to be tested weekly. Because of the willingness of employees to follow the vaccine recommendations and testing mandates, workers were able to return safely and the day-to-day flow of the work of the office largely returned to normal, although the trial schedules did not get back to pre-pandemic levels.

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**



# **2021 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 38 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 Deputy 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 eye-witness 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 fifteen Detectives and three Investigative Aids who are overseen by a Captain, Lieutenant and two Sergeants. 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 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 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.



**Trial Team Supervisor Portia Downing**

## LEGAL UNITS

### 2021 Accomplishments

In 2021, the Adult Trial Section of the Essex County Prosecutor's Office successfully indicted or charged by accusations 3,860 defendants and resolved 2,576 cases. The percentage of those cases that involved first or second-degree crimes was 42.6%. The ATS Assistant Prosecutors obtained 3 defendant dispositions by trial with an overall post-indictment/accusation conviction rate including pleas and trial of 67.9%.

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

On March 9, 2021, following a bench trial before a Superior Court Judge, Kanisha Ferguson was found guilty of disorderly persons resisting arrest. Ferguson was sentence to one year of probation.

On May 27, 2021, Naadir Jones pled guilty to first-degree aggravated manslaughter and second-degree unlawful possession of a weapon – a handgun.

On July 20, 2021, Jones was sentenced to 10 years in New Jersey State Prison subject to the No Early Release Act.

On July 14, 2021, Tanya Spears pled guilty to first-degree attempted murder.

On August 10, 2021, after a trial by jury, defendant Harold Colbert was found guilty of murder, second-degree Unlawful Possession of a Weapon – a handgun, and second-degree possession of a weapon for an unlawful Purpose. Colbert was subsequently sentenced to 45 years in New Jersey State Prison subject to the No Early Release Act.

On December 2, 2021, Spears was sentenced to 10 years in New Jersey State Prison subject to the No Early Release Act.

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

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 all requests made under the Open Public Records Act and the common law right of access.

The Section also takes great pride in being an always-ready resource for ECPO's trial and specialized-unit 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 2021 Cases:**

#### ***Supreme Court of the United States***

**Robert Andrews v. New Jersey** - 141 S. Ct. 2623 (2021) – In this case of first impression, the Appellate Division (457 N.J. Super. 14 (2018)) agreed with the Section that compelling a suspect to disclose to law enforcement his cell phone password does not violate his federal or state constitutional rights to remain silent. The Supreme Court of New Jersey 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 the 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 an order compelling defendant to disclose the

## LEGAL UNITS

passcodes. 243 N.J. 447 (2020). Defendant sought certiorari in the United States Supreme Court, and the Section filed a Brief in Opposition. On May 17, 2021, that Court denied review, leaving in place this important case addressing the intersection between the Fifth Amendment and modern technology.

### ***Supreme Court of New Jersey***

**State v. Kaneem Williamson** - 246 N.J. 185 (2021) - The Section here convinced the Supreme Court to unanimously affirm defendant's murder conviction in the face of a challenge to the admission of the victim's dying declaration that Williamson was the shooter. The case also settles an issue that has been open for some time, which is whether dying declarations admissible under state evidentiary rules, whether testimonial or not, violate the confrontation clauses of either federal or state constitution. The Court held that they do not.

**State v. David Chavies** - 247 N.J. 245 (2021) - In this Mercer County case, 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 release under Rule 3:21-10(b)(2) while serving a mandatory period of parole ineligibility?" The Section, on behalf of amicus curiae County Prosecutors Association of New Jersey, filed a brief and participated in oral argument, and helped convince the Court that, on the broader issue, defendants serving mandatory periods of parole ineligibility are not entitled to relief under Rule 3:21-10(b)(2).

**State v. Edwin Andujar** - 247 N.J. 275 (2021) - 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 (2020). The Section successfully petitioned the Supreme Court of New Jersey to hear the case, 244 N.J. 170, but the Court subsequently affirmed the Appellate Division's decision. While not present in the facts of this case, the opinion brought to the legal forefront the issue of implicit bias in jury selection.

**State v. Zakariyya Ahmad** - 246 N.J. 592 (2021) - 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. While the Court ultimately disagreed with the Section's position, this opinion provides law enforcement critical guidance when interviewing juveniles.

**State v. Michelle Paden-Battle & State v. Mark Melvin** - 248 N.J. 321 (2021) - In these cases, Section APs 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. The Supreme Court issued a single opinion and remanded for resentencing in both, finding that the judge's use of such probative evidence cannot be considered when it is related to counts which the jury found the defendants not guilty.

**State v. Jose Carrion & State v. Tywaun Hedgespeth** - 249 N.J. 253, 249 N.J. 234 (2021) - Section APs represented the State before the Supreme Court in these two cases in which several issues of first impression were considered and decided, namely: whether the Confrontation Clause permitted an affidavit from a non-testifying witness to be admitted to prove defendant did not have a permit to possess a handgun; whether the improper admission of defendant's prior convictions for impeachment purposes was subject to harmless error analysis; and whether defendant's second confession, given after Miranda warnings, was admissible when he had previously been subjected to unwarned questioning in which he confessed.

**State v. Paulino Njango** - 247 N.J. 533 (2021) - In this case with a tortuous procedural history, the Section represented the State in the Supreme Court, which ultimately held that the previous holding of Appellate Division as to correct number of service credits to which defendant was entitled was law of the case. The Court also answered a question of first impression and held that, pursuant to the fundamental-fairness doctrine, the excess time that defendant erroneously served in prison, due to miscalculation of service credits, was required to be credited to reduce defendant's parole supervision period under NERA.

**State v. Rahee Lane** - 248 N.J. 534 (2021) (granting certification) - The Section prevailed in the Appellate Division (unpublished order) in arguing that the new mitigating sentencing factor (14), defendant was 26 or under at the time of the offense, N.J.S.A. 2C:44-1b(14), was not retroactive to cases where the defendant had been sentenced before the effective date of that statute. In late 2021, the Supreme Court granted certification on the issue, and the Section filed its brief. The Court heard oral argument in early 2022.

**State v. James Comer** - 245 N.J. 484 (2021) (granting certification) – After defendant was resentenced pursuant to a 2017 Supreme Court opinion, 227 N.J. 422, defendant again challenged his sentence, arguing that sentencing defendants who were under 18 at the time they committed murder to a mandatory minimum sentence of 30 years without parole eligibility was unconstitutional. The Court heard oral arguments in October 2021. In early 2022, the Court agreed with the Section that the statute was not unconstitutional but added to the statute a lookback provision to allow eligible offenders to seek resentencing after having served 20 years of their sentences. 249 N.J. 359.

### ***Appellate Division***

**State v. F.E.D.** - 469 N.J. Super. 45 (2021) - The Section successfully represented the State in the first case to address New Jersey's "Compassionate Release" statute, enacted in 2021. The Appellate Division agreed with the State that this defendant,

## LEGAL UNITS

convicted of three murders, including one of a police officer was not entitled to release under the statute. The Supreme Court granted certification, 248 N.J. 481, and the Section filed its brief in 2021, with oral argument set for 2022.

**State v. Josue Carrillo** - 469 N.J. Super. 318 (2021) - Here the Appellate Division agreed with the Section's argument that police officers may conduct a second pat-down search when the totality of circumstances present justify the same safety goal that motivated the first search. Although the court remanded for additional fact-findings, the case is a major win in the area of Fourth Amendment jurisprudence.

**State v. Julian Sanders** - 467 N.J. Super. 325 (2021) - The Appellate Division affirmed the defendant's conviction for third-degree endangering an injured victim, rejecting defendant's argument on appeal that he was entitled to a self-defense instruction on that charge. The Supreme Court of New Jersey later denied certification, 248 N.J. 390, leaving this important decision of first impression in place.

**State v. Andre Higgs** - 2021 WL 1942537 (2021) - In this high-profile murder case in which the victim was a beloved East Orange schoolteacher, the Section successfully fended off claims of trial court and prosecutorial error, resulting in the court affirming defendant's convictions and sentence. In late 2021, the Supreme Court granted certification to review certain claims, 248 N.J. 595, with briefing and argument set for 2022.

**State v. Dawan Ingram** - 2021 WL 1235185 (2021) - After one of the Section's attorneys assisted in the homicide prosecution of this defendant, the attorney left and joined the defense bar. When the attorney appeared on behalf of the same defendant in a post-conviction relief proceeding, the State moved to disqualify him. The trial court disagreed, but the Section successfully sought leave to appeal in the Appellate Division, which agreed with the State and reversed the order denying disqualification.

### ***Third Circuit Court of Appeals***

**Darius Murphy v. Admin., E.J. State Prison, et al.** - 2021 WL 2822179 (3d Cir. 2021) - 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 in 2021, affirmed the order of the District Court. The U.S. Supreme Court later denied certiorari. 142 S. Ct. 719 (2021).

**Oscar Porter v. Admin. - N.J. State Prison, et al.**, 2021 WL 2910944 (3d Cir. 2021) - 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 (unpublished 2020) 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, and in 2021, affirmed the District Court's judgment. The U.S. Supreme Court later denied certiorari. 595 U.S. \_\_\_\_ (2022).

**Misael Cordero v. Warren, et al.** - 2021 WL 4075795 (3d Cir. 2021) - 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 this 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 in 2021 affirmed the District Court's judgment.



### **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.

### **2021 Accomplishments**

In 2021, COVID continued to ravish the State of New Jersey and specifically the County of Essex. Despite the pandemic rearing its head with the Omicron variant, the Central Judicial Processing Courts never took one day off due to the Covid shutdowns nationwide. Detained defendants continued to be produced for their first appearance as dictated by the Criminal Justice Reform Act of 2017. CJP continued to be split into two virtual courts in 2021 with separate staff manning both courts. One Court handled Custody defendants exclusively wherein the defendants were produced at the Essex County Correctional Facility via Zoom for their First Appearance. The second first appearance court was continued for sole use of non-custody defendants who appeared in court via Zoom from their homes relying on electronic devices.

During the 2021 calendar year, CJP Custody Court handled 7,466 detained defendants in their first appearances and resulted in the filing of 2,606 detention motions on those matters. In order to maintain the safety of Court staff and the general public the Administrative Office of the Courts determined that non-custody matters would continue to be heard virtually in 2021. As such, in 2021 the CJP non-custody court had 2,949 matters listed for their first appearance virtually. 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. The Essex County Drug Court Program 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 accomplish their endeavors and to conquer their addiction. Our program links the criminal justice system with drug treatment and rehabilitative services promoting life skills. Our 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. Our 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. Our Drug Court Team discusses each participant weekly.

#### **2021 Accomplishments**

In 2021 COVID 19, proved to be challenging. In March 2020, due to the pandemic, the Courts closed and no longer held in person court hearings. Many of the services (such as counseling, meeting with probation officers, etc.) that was previously done on a person-to-person basis were done via cellphone and/or through the internet. Judicial hearings were held virtually.

The Court calendar's reporting year is from July 1 to June 30. However, for our purposes the numbers provided are extracted from 2 Court calendar years (2021 & 2022) are combined for this office's annual report for the year 2021.

From April 1, 2020 to June 30, 2021 there have been 2,423 Essex County Drug Court Admissions. For the 2021 calendar year, there was a total of 40 admissions into this program. Currently, there are approximately 412 active participants 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.

### **2021 Accomplishments**

In 2021, the Forfeiture Unit, through appropriate civil and criminal process, forfeited \$1,505,010.63 which was determined to be either proceeds or instrumentalities of crime. Of that amount, \$1,219,066.63 was in cash, \$242,108.00 was the value of motor vehicles, and \$43,836.00 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, 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 against the accused; 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 on a typical 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.

### **2021 Accomplishments**

In 2021, despite the United States being in the grips of the ongoing COVID pandemic, the work of the Essex County Grand Jury continued through the previously unfathomable use of a virtual Grand Jury. All Grand Jurors were chosen virtually via Zoom and in Essex County an agreement was made where the grand jurors could conduct their civic 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 if 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.

During the first trimester of 2021, Essex Virtual Grand Jury sat three days a week. In April 2021, to keep up with the growing number of matters Essex County added a 4th virtual panel thus making the Grand Jury presentments able to be heard four

days a week. Then in August of 2021 an in-person panel was added making it three virtual panels a week and one in person panel a week for the month of August. Finally, in September of 2021, as the Covid numbers in NJ continued to decline two more in-person panels making it three in-person and two virtual panels. From September till the end of the year in December of 2021 there were Grand Jury panels sitting five days a week.

After the start of virtual Grand Jury, Essex County Prosecutor's Office has calendared an incredible number of matters despite a global pandemic. There were 2,919 matters calendared for the year 2021. Of that number 2,456 resulted in indictments; 130 were no billed; 13 resulted in No Cause of Action and 23 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 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 Court Rules. The Unit has statewide jurisdiction over 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. Except for limited circumstances, the proceedings 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 come 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.

## 2021 Accomplishments

In 2021, the Juvenile Justice Unit of the Essex County Prosecutor's Office handled 1,234 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 Juvenile Justice Unit has made significant changes in light of the Attorney General's Law Enforcement Directive 2020-12, which established policies, practices, and procedures to promote Juvenile Justice Reform. Additional changes were also implemented. Instead of using the antiquated practice of charging juveniles on paper, now all juveniles are charged and processed through the Juvenile eCDR system. These changes necessitated the increased use of technology both within the Unit as well as when working with local police departments and other agencies. Currently, the Juvenile Justice Unit nearly operates in an all-electronic environment, save for certain legacy requirements of the judiciary.

While the CoVid-19 Global Pandemic resulted in nearly a total cessation of all hearings, motions and trials at the adult criminal level, its impact on the implementation of justice in the Juvenile Justice Unit was marginal. Within 7 days of the general shut down of the Courts, the Juvenile Justice Unit as well as the Family Court moved to virtual operations. All hearings, motions, and trials, including homicides, continued without interruption.

The aforementioned changes also necessitated that the Juvenile Justice Unit develop and then train all our local municipal, county and state law enforcement agencies on the new processes created in response to the implementation of Juvenile eCDR, new AG Guidelines, and common-sense handling of the pandemic. Despite all these changes, the Juvenile Justice Unit rose to the occasion and continued its operations without interruption.

Despite so many changes in 2021, 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-

## LEGAL UNITS

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 (5) 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.

### **2021 Accomplishments**

During 2021, the Mental Health Unit reviewed 29 defendant applications for the program. There were 16 rejections. Of that number 4 were legally rejected and 12 were determined not to be clinically acceptable to this program. Seven defendants successfully graduated (Moved On), one application was pending acceptance to be done in 2022. Four defendants withdrew their applications to pursue their case through traditional prosecution.

### **Pre-Trial Intervention & Expungement Unit**

The Pre-Trial Intervention (PTI) 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, the Supervising 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.

Marijuana decriminalization has changed eligibility for PTI. Statutorily, applicants who have received a Conditional Discharge (CD) are barred from PTI, since a CD is a diversionary program, like PTI, but in Municipal Court. The courts have further found that being enrolled in and granted the benefit of a diversionary program via a CD, regardless of successful completion, makes the defendant ineligible for PTI. Marijuana decriminalization has resulted in legal proceedings determining whether those CDs for marijuana offenses that have been expunged via the new law remain a bar to PTI. The statute does not address the issue, nor has the Attorney General provided any guidance on the issue.

The Expungement Unit 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. Most recently, in December of 2019, Governor Murphy signed (A5981/S454) into law. The new law took effect on June 15, 2020. However, due to the pandemic, most changes became effective on February 15, 2021.

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 Court 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 the need for a Superior Court Judge to sign the order. These types of expungements are called Expedited Expungements. A part of the new changes to the statute has been the implementation of electronic filing for expungement petitions via eCourts.

Marijuana decriminalization also resulted in a dramatic increase in both Expedited Expungements and filed petitions for Regular Expungements. In addition, a number of marijuana cases were automatically expunged (removed from the system without an order) by the State of New Jersey. Those cases required review by each county for accuracy.

All these changes have resulted and will continue to result in significant increase in the number of filed petitions, more preparation, hearings, 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, rejection letters or orders for dismissal are prepared and forwarded to the Court.

### **2021 Accomplishments**

During 2021, 45 defendants were accepted into the PTI program, 28 were rejected, and 16 petitions were still pending.

Several challenges presented themselves in the Expungement Unit. The implementation and use of eCourts for expungement petitions resulted in an explosion of petitions. The system itself was not compliant with the statute; meaning the electronic process resulted in petitions being filed that were automatically deficient. The State of New Jersey has been attempting to resolve those issues by updating the system. In 2021, there were 89 new Traditional Expungement applications (non-drug court) manually filed, 368 petitions were resolved either via final order or dismissal, many of which had been filed in prior years. In 2021, 657 Regular Expungement petitions were filed electronically, 45 of which were either granted or dismissed. For Clean Slate petitions, 213 were filed electronically, 20 of which have been resolved. Marijuana had 22 petitions filed. Under Marijuana Decriminalization, 29,437 petitions were filed. All of this was handled by a unit staffed with only one attorney and one clerical for almost the entire 2021 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 which have been downgraded. The Remand Court acts as a municipal court, handling disorderly and petty 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 traffic 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.

### **2021 Accomplishments**

In 2021 the COVID pandemic continued to wreak havoc on the State of New Jersey and brought the slowdown of virtually every court in the State of New Jersey, including the Special Remand Court. During 2021 the Special Remand Court continued to conduct appearances virtually, with all defendants appearing via Zoom from the safety of their own homes. Despite the issues brought on by the pandemic, the Special Remand Court had 1,200 new matters referred to its Court in 2021. During this year the Special Remand Court was able to resolve 317 matters via guilty pleas and try two matters virtually. A total of 450 matters were ultimately dismissed upon further investigation.



## **Crash and Fire Investigation Unit**

In 2021, the Crash and Fire Investigation Unit continued investigating all fatal crashes and fires, and select 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.

### **2021 Accomplishments**

In 2021, CFIU Assistant Prosecutors and CSIB investigators investigated 46 fatal crashes, 21 serious injury crashes, and ten arson cases, seven 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.

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.

### **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 lieutenant, 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 victims and their families are 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.

### **2021 Accomplishments**

During 2021, the members of the Domestic Violence Unit processed 3,683 Domestic Violence cases. The Assistant Prosecutors assigned to the Unit presented 625 cases to the Grand Jury during this period. The Domestic Violence Unit also handles the Contempt of Restraining Order Docket. There were 237 cases handled in 2021.

Members of the Essex County Prosecutor's Office, including personnel in the Domestic Violence Unit, continue to play a significant role in the Essex County Domestic Violence Working Group. These members also play an active role in the Law Enforcement Subcommittee, which is comprised of law enforcement, the judiciary, victim service providers, probation officers and Family Part employees. The Domestic Violence Working Group addresses systemic problems in the domestic

## INVESTIGATION UNITS

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.

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### **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.

### **2021 Accomplishments**

In 2021, the Extradition Unit received 292 requests for extradition. Despite the challenges presented by the COVID pandemic, Essex County coordinated the legal paperwork to extradite and return 228 fugitives to other jurisdictions and returned 112 fugitives back to Essex County.



**Legal Assistant Narvin Singh**



## **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 multi-jurisdictional in nature. Beyond this, such cases are far more complex than the “average” case. They usually require review of voluminous records by an experienced detective. Because of the complexity of the allegations and investigations, close interaction between the Assistant Prosecutor and Detective is necessary throughout the investigation; especially since these investigations often involve assembling and reviewing complex financial and business records, preparing and obtaining court orders for in- and out-of-state records (such as bank records, handwriting, toll records).

In 2012, the Financial Crimes Unit expanded to include an Insurance Fraud Division. The Insurance Fraud Division is partially funded through a grant from the New Jersey Attorney General’s Office of the Insurance Fraud Prosecutor, and works closely with that Office in identifying, investigating and prosecuting appropriate cases. In 2015, the Financial Crimes Unit expanded even further to include an Intellectual Property (Counterfeiting) Division. The Division is partially funded through a grant from the Bureau of Justice Assistance and its goal is to investigate and prosecute this ever-growing crime.

## INVESTIGATION UNITS

### 2021 Accomplishments

In 2021, the Financial Crimes Unit concluded several notable investigations:

**State v. Kwaku Acheampong; State v. Thomas Gollett ; State v. Junior Joseph; State v. James Jiles** - Each of the above cases represents a charged investigation involving abuse of the Federal Government's Paycheck Protection Program. The Paycheck Protection Program was a loan program that originated from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The program was designed to assist small businesses cash-flow during the Covid-19 pandemic through 100 percent federally guaranteed loans. The loans were guaranteed by the Small Business Administration (SBA). Each of above actors were charged with theft-related offenses associated with fraudulent PPP applications. In each case, it is alleged that records reflect that the individual created a false impression regarding his eligibility for a PPP loan (e.g. lied about the existence of a business) and/or the use of the loan proceeds (e.g. lied about his intentions for the funds).

**State v. Anthony Larusso** - Allegations against Dr. LaRusso were forwarded by several insurance companies for fraudulent billing (billing for services not rendered). Allegations involve numerous patients and billings for treatments that were not rendered. Some patients were able to provide instances to the insurance company when they were out of state or in the hospital when the claims/bills were submitted to the insurance company for those patients. Dr. Larusso was charged on April 28, 2021, with five counts of second degree Healthcare Claims Fraud and one count of second degree Insurance Fraud.

All these cases are 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 magistrate, 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 matters involving motor vehicle fatalities, Homicide and Crime Scene Detectives specially trained in crash investigations and accident reconstruction, will investigate the incident and work with an Assistant Prosecutor to determine if the collision was the result of criminal conduct.

## **2021 Accomplishments**

In 2021, the Essex County Prosecutor's Office continued with the Homicide/Major Crimes Task Force. Detectives from the Newark, East Orange, Irvington, and Bloomfield, and the New Jersey State Police are assigned to the Homicide Unit pursuant to a Memorandum of Understanding (MOU) and conduct investigations in the county. All homicides, death investigations and police shootings throughout the county are investigated by the Homicide Major Crimes Task Force. Having municipal detectives co-located in the Homicide Unit allows for continuity of investigations and eliminates duplicative efforts by county and local officers.

## INVESTIGATION UNITS

During 2021, the Essex County Prosecutor's Office Homicide Unit investigated 94 homicides. Of these homicides, 65 have been charged. Additionally, there were 37 special investigations that the Task Force oversaw. The 94 homicides in 2021 represent an increase from the 78 homicides that occurred in 2020. Assistant Prosecutors and Detectives assigned to the Homicide Unit prepared, reviewed and executed over 500 search warrants and over 500 Communication Data Warrants.

### Notable Cases

Due to the ongoing Covid-19 pandemic and limited court activity in 2021. One of these cases is **State v. Harold Colbert**. In this case, the defendant shot and killed an associate of his in front of the victim's girlfriend. This girlfriend was the sole eyewitness in the State's case. The defendant was convicted of all counts and the defendant is now serving 45 years in prison, pursuant to the No Early Release Act.





## **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.

### **2021 Accomplishments**

In 2021, the PSB received and investigated 356 new cases. The PSB also investigated multiple officer-involved shootings. There were several noteworthy criminal cases in 2021. An Essex County officer was charged with Endangering and False Reporting. Two Essex County correctional officers were prosecuted for introducing contraband into the Jail. Another Essex County officer was charged with Tampering with Public Records.

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

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training regarding all Attorney General Policies and Directives applicable to internal affairs investigators.

## **Special Prosecutions/Special Investigations Unit**

The principal mission of the Essex County Prosecutor's Office Special Prosecutions/Special Investigations Unit is to investigate and prosecute offenders who engage in organized and violent criminal activity. Special Prosecutions/Special Investigations is staffed by investigators and assistant prosecutors who work together to identify, apprehend and prosecute those who commit crimes. Due to the connection between narcotics and violence, Special Prosecutions/Special Investigations is comprised of three sections: the Narcotics Task Force, the Intelligence Unit, and the Special Prosecutions Unit. The investigators are supervised by a deputy chief and a captain. The assistant prosecutors are supervised by a chief assistant prosecutor and two supervisory assist prosecutors.

The Narcotics Task Force Section is staffed full-time by one lieutenant, two sergeants, and ten detectives. Additionally, there is one detective on loan to the Drug Enforcement Agency. The objective of the Narcotics Task Force is to conduct mid to upper-level investigations that lead to the arrest and conviction of individuals and/or organized groups or street gangs, involved in the possession, distribution, manufacturing, and trafficking of controlled dangerous substances. The Narcotics Task Force is also responsible for investigating citizen complaints concerning drug violations along with assisting other agencies with investigations.

The Intelligence Unit is supervised by a lieutenant. The Intelligence Unit is comprised of two sections: the Violence Intelligence Promoting Enforcement & Reductions (VIPER) Section and the Strategic Intelligence Section. The VIPER Section is staffed full-time one sergeant, and five detectives. The objective of the VIPER Section is to compile tactical criminal intelligence to support precision targeting and investigation of violent offenders, with specific emphasis on street-level, public-oriented crimes to include, but not limited to, gang-related weapons violations and violence; carjackings; auto thefts; illegal sale/distribution of firearms; and any other violent crimes. VIPER is responsible for conducting criminal investigations of targeted suspects and assisting in the ensuing prosecutions.

The function of the Strategic Intelligence Section is to gather data, analyze that data, and disseminate the information derived from the data. The Strategic Intelligence Section is staffed full-time by one sergeant, one detective, and four investigative aids. The section receives data 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. 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.

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Additionally, one sergeant, 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 investigators 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.

Special Prosecutions is staffed full-time by one chief assistant prosecutor, two supervisory assistant prosecutors, and five assistant prosecutors. The Special Prosecutions Unit county-wide carjacking investigations, non-fatal shootings, and cybercrimes, as well as animal cruelty investigations. The attorneys assigned to the Unit also assist 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 sprees 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. The assistant prosecutors provide law enforcement officers with legal advice on everything from charging decisions to procedural issues.

### 2021 Accomplishments

In 2021, the Special Prosecutions/Special Investigations continued to coordinate with our federal, state, and local partners to reduce the violent and organized activities in Essex County. The investigative side of the unit conducted over 130 investigations. The assistant prosecutors submitted over 1,000 search warrants and communication data warrants.

In *State v. Johnson, et al.* the Special Prosecutions Unit successfully prosecuted a group of people charged with a series of violent crimes including carjackings, robberies and an aggravated manslaughter. Johnson pled guilty and was sentenced to 22 years New Jersey State Prison. Four other members of the group were successfully prosecuted and sentenced to state prison.

In ***State v. Varice, et al.*** the Special Prosecutions Unit successfully prosecuted a group of involving large scale multi-year financial fraud, as well as several charges such as shooting, eluding, escape. Six people were convicted of crimes because of the prosecution



The Essex County Narcotics Task Force conducted a 5-month investigation into narcotics distribution around the 200 block of Summer Ave in Newark. The investigation culminated in search warrant executions on March 31, 2021, at 211 Summer Ave, 780 Broadway and 171 Camden Street all in the City of Newark. A total of 530 Bricks of Heroin, 4 pounds and 19 ounces of cocaine as well as multiple scales, money counters and other packaging items. Additionally, seized was \$36,000 in Us Currency. Arrested were Joel Lopez, Kassandra Ortiz and Anthony Ciccone who were all charged with Conspiracy to Distribute Narcotics and Possession with the intent to Distribute Narcotics.

In March of 2021, the Narcotics Task Force began an investigation into drug distribution in East Orange and Newark. The results led to a search warrant executed at the residence of Michael Fields in Newark on April 16, 2021. The search warrant resulted in the recovery of 315 grams of cocaine and \$21,000 in US Currency. Michael Fields was charged with Possession of Narcotics with the intent to distribute. Fields was released pending trial on home detention. Detectives discovered during the summer of 2021 that Michael Fields had continued to be involved in narcotics distribution and conducted a further new investigation and as result executed a new search warrant at Fields' new residence in East Orange as well as storage facility and a vehicle in his name on September 9, 2021. The results of the search warrant yielded another 285 grams of cocaine, several handguns and \$143,000 in US Currency. Michael Fields was charged with Possession of Narcotics with the intent to distribute and remains detained pending trial.

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### **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. Also, under the SVU umbrella is a dedicated Megan's Law Unit, responsible for evaluating how likely convicted offenders are 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 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 2021 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.

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### 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 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 multidisciplinary 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 2021 there were 159 forensic interviews conducted by ECPO personnel. 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 coinvestigating 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.

### **2021 Accomplishments**

In 2021, the Child Abuse Unit received 947 referrals for investigation. During 2021, a total of 159 forensic interviews were conducted by SVU.

Notable cases from 2021 include:

#### **State v. Richard Haffner**

On March 30, 2021, Richard Haffner, a Roseland Police Officer, 43 years old, of West Caldwell, N.J. was arrested and charged with 2nd Degree Sexual Assault and Endangering the Welfare of a Child. He is alleged to have committed the assaults against a single juvenile victim between April 2019 and February 2021, while off-duty. The joint investigation by the Essex County Prosecutor's office and the West Caldwell Police Department resulted in an unrelated charge against Haffner for engaging in prostitution as a patron.

#### **State v. Diego Ayala**

On April 13, 2021, Diego Ayala, of Newark, was sentenced on April 13, 2021 to 25 years in New Jersey State Prison with a 25-year period of parole ineligibility by the Honorable Christopher S. Romanyshyn, Judge of the Superior Court. Ayala previously pled guilty to two counts of first-degree aggravated sexual assault of a victim under the age of 13 and one count of first-degree endangering the welfare of a child. In Ayala's allocution he admitted to sexually assaulting an 8-year-old victim and filming the sexual assaults of the victim. The Essex County Prosecutor's Office

## **INVESTIGATION UNITS**

Special Victim's Unit, with assistance of the Newark Police Department, handled the investigation. Ayala will be required to serve the entire 25-year sentence before he is eligible for parole pursuant to the Jessica Lunsford Act and additionally was sentenced to Parole Supervision for Life N.J.S. 2C:43-6.4 and will be required to register under Megan's Law N.J.S. 2C:7-1 et seq.

### **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 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. They work closely with the Director of the onsite Forensic Nurse Examiners (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.

### **2021 Accomplishments**

In 2021, the SARA Unit received 408 referrals for investigation.

Notable cases from 2021 include:

### **State v. Austin Be-Kwao**

On July 24, 2019, at 2:00 am, Newark police were dispatched to Newark Beth Israel Hospital on a report of a sexual assault. Upon arrival, police met with the victim, a 56-year-old woman.

The victim provided a recorded statement in which she disclosed that on the night of July 22, 2019 she had been robbed and sexually assaulted at the City National Bank located at 1080 Bergen Street in Newark. The victim reported that on the night of the incident she had used the ATM located outside the bank and was walking back to her car when an unknown male wearing a white mask approached her and brandished a black handgun. The individual stated, "don't say anything or I will kill you," and then forced the victim to withdraw \$100 in cash from the ATM. After forcing her to withdraw money, the defendant sexually assaulted the victim while pointing a gun to her head and threatening to kill her. In February 2021, following an investigative lead provided by the National Combined DNA Index System, investigators obtained and subsequently executed a search warrant for a DNA buccal swab from defendant Austin Be-Kwao. That DNA sample was sent to the New Jersey State Police Laboratory for comparison with the sample obtained from the victim's dress. The analysis identified defendant Austin Be-Kwao as the source of the DNA recovered from the victim's blouse. The defendant was subsequently charged with 1st Degree Aggravated Sexual Assault, 1st Degree Kidnapping, 1st Degree Carjacking, 2nd Degree Unlawful Possession of a Handgun and Possession of a Weapon for Unlawful Purpose. The defendant is pending trial.

### **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.

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- 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.

### **2021 Accomplishments**

The success of the program is evidenced by the frequency with which the program was used. In 2021, in Essex County there were a total of 223 total FNE/SART cases at participating hospitals in response to the needs of sexual assault victims. Included in that number were 45 pediatric cases, 42 males, 181 females, 38 out of county and 12 inmates.

## **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.

### **2021 Accomplishments**

In 2021, the Human Trafficking Team investigated 19 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.

### **2021 Accomplishments**

In 2021 the Elder Abuse Team investigated three 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.

### **2021 Accomplishments**

In 2021, the Bias Crimes Unit investigated 72 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 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

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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. 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 noncompliant 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

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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.

### 2021 Accomplishments

In 2021, 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 2021, the Unit handled more than 300 hearings and obtained more than 100 court orders. The unit also executed 20 door-to-door community notifications.

Notable cases include:

In June 2021, two Essex County sex offenders, **Emanuel Cortez** and **Alberto Colon**, were apprehended together at a house in Summit Hill, Pennsylvania where they were staying with a family who had two children. Cortez, who was released from confinement in March 2018, had been missing since March 2019. He is charged with two counts of failing to register as a sex offender pursuant to Megan's Law, a 3rd degree crime. Cortez is subject to Megan's Law registration due to a conviction in 1998 involving the sexual assault of an 8-year-old male. Colon, who was released from confinement in November 2019, had been missing since March 2021 after failing to appear in Superior Court on charges for failing to register as a sex offender, a 3rd degree crime. Colon is subject to Megan's Law due to his convictions for criminal sexual contact in 1997, endangering the welfare of a child by engaging in sexual conduct in 1994, and sexual assault in 1994. The victims in those cases were girls between the ages of 11 and 14. Colon was sentenced to four years in state prison on Oct. 10, 2021, and Cortez is pending sentence but is also expected to get 4 years.

## **Business Administration Unit**

The staff of the Business Administration Unit oversee a \$41.1 million operating budget, along with Essex County Prosecutor's Office's criminal forfeiture accounts. Additionally, the Unit oversees the Office's 8 major on-going grant-funded programs and several special grants 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, employee assistance, and criminal case file storage and retrieval. Our capital equipment inventory — 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, including staffing plans, budgeting decisions, 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
- Personnel policy oversight, monitoring and assistance
- Purchase request processing and shipping receipt
- Supply storage, inventory, and distribution
- Liaison to County, State, and Federal government offices

### **2021 Accomplishments**

The outbreak of the COVID pandemic in March of 2020 provided special challenges to the ECPO Administration function. As the pandemic evolved, changed and continued throughout 2021, the Administration Unit's response continued to respond and adapt. 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 changing federal and state guidelines and County policy regarding social distancing and facility sanitizing, employee testing, and the enforcement of policies regarding employees who have contracted or have been exposed to COVID. The Unit continued to coordinate protective facility measures, and to support work-at-

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home arrangements. A key challenge was in preparing for the phased return to the office from work at-home; by September, the office was back to full-time office staffing. The return to the office was a success thanks in part to Administration's support. However, by December, the rise in new cases stemming from the Omicron variant caused the Office to return temporarily to a partial work-at-home schedule for many employees.

Throughout this time, Administration staff worked to maintain its key role in budget planning, procurement oversight, hiring processing, personnel management, facilities repair and improvements, and grant funding oversight. Staff helped to minimize and overcome the pandemic-related disruptions that temporarily slowed our key investigative and prosecutorial functions, and allowed ECPO personnel to maintain productivity whether working in-office or remote from home. The staff of the Administration Unit will continue to help our Office respond and adapt to the challenges that this ongoing pandemic may yet bring.



**Special Agent Eapen Mathen**

## **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 aimed at preventing delinquency. The COVID pandemic devastated our communities beginning 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 U.S. Centers for Disease Control and Prevention guidelines on the COVID pandemic.

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

- Careers in the Essex County Prosecutor's Office
- Criminal Justice System
- Use of Force
- Gang Awareness
- Internet Safety
- Operation Helping Hand
- Overview of the Essex County Prosecutor's Office
- Sexual Assault Prevention

### **2021 Accomplishments**

During 2021, the unit held a series of virtual town hall events to educate the public on the topic of opioid abuse and substance abuse treatment under Operation Helping Hand. The town hall series was conducted in partnership with the Essex County Division of Community Health Services and Family Connections ADAPT Coalition (Alcohol and Prevention Team of Essex County). Virtual town hall meetings were held on March 24, 2021, in East Orange, April 28 in Bloomfield, May 26 in Irvington, June 15 in Belleville, July 14 in Newark and Aug. 4 in West Orange.

This was the 20th consecutive year in which ECPO held a summer internship program to expose high school students to careers in law, law enforcement and government. The 2021 Summer Youth Internship Program was held virtually from July 6th through August 13<sup>th</sup>, 2021. Forty-five high school juniors from Essex County participated in this informative program where they participated in college and career readiness workshops. Interns learned about the role and functions of the Essex County Prosecutor's Office. Interns also participated in workshops that focused on making positive choices, substance abuse prevention, gang awareness and teen dating violence prevention.

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**Executive Assistant Prosecutor Gwendolyn J. Williams**

The Community Justice Unit partnered with ADAPT (Alcohol & Drug Abuse Prevention Team of Essex County) and Essex County's Department of Community Health Services to hold the 7th annual Interfaith Symposium. The Interfaith Symposium was titled, "Unmasking Our New Reality: Empowering Faith Communities to Reduce at Risk Behaviors and Addiction." The symposium was held virtually on October 21st to provide information sessions on substance abuse resources to clergy and community members. Sessions were also geared towards emotional and spiritual wellness during the COVID pandemic.

In person community outreach sessions were held to provide the public with substance abuse treatment information and resources under Operation Helping Hand. On November 9, 2021, the Community Justice Unit held an Operation Helping Hand outreach initiative at Lincoln Park in Newark from 9:00 a.m. through 2:00 p.m. Representatives from Integrity House, Essex County Department of Family Assistance & Benefits and Covenant House participated in the day-long event. On November 15, a subsequent Operation Helping Hand outreach program was held at 7th Avenue and Stone Street in Newark. This operation was in collaboration with the



City of Newark's Hope One, affiliated with the Newark Police Department. Social service agencies including Integrity House, Essex County Department of Family Assistance & Benefits and Covenant House, Hyacinth Foundation, Amera Group and Whole Life Family Church had information tables to interact with the community. Amera Group provided free COVID testing for community members.

A town hall meeting on sexual assault prevention on college campuses was held on December 14, 2021 from 2:00 p.m. through 3:30 p.m. The town hall meeting was held in collaboration with staff from the Special Victims Unit. Kathleen Lyons-Boswick, Supervising Assistant Prosecutor provided the presentation. Staff and students from local colleges and universities attended the information session along with staff members from non-profit organizations.

On December 14, the Community Justice Unit in collaboration with the Domestic Violence Unit also held a virtual town hall meeting on protection orders. Unit Director / Assistant Prosecutor Dawn Simonetti provided the informative session from 6:00 p.m. through 7:00 p.m.

The Community Justice Unit held a youth conference entitled: "What's it All About?" World Against Violence (W.A.V.) to address issues affecting middle school students on December 17, 2021. Two hundred and fifty 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 pandemic, entrepreneurship, making positive choices, substance abuse prevention, and cyber safety.

## **SUPPORT UNITS**

### **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. Approximately one fourth of all felonies in New Jersey are prosecuted through the Essex County Prosecutor's Office.

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

## **2021 Accomplishments**

In 2021, the Media Relations Office continued to respond to changes brought on by COVID, a global pandemic that significantly altered the methods used to communicate with the press and the public. While some in-person press conferences occurred in 2021, the ECPO continued to primarily rely on virtual press conferences, email blast, Facebook, Twitter, and Instagram to communicate with the press and public. Many newsworthy trials and court proceedings were delayed because of the pandemic but some in-person proceedings occurred with limited public access. Despite shifts in the delivery of information, the Media Relations Office continued to strike a balance between competing interests. Those interests include the rights of the victims and the public and the need to protect the integrity of investigations. As always, the rights of defendants are extraordinarily important under our system of justice. As a result of COVID, health and safety concerns factored into this delicate equation.

Working with the Judiciary, the defense bar, and other stakeholders, we were able to balance those interests and continue the transparency and responsiveness that is critical to maintaining public confidence in the Office.

The following cases are some of the high-profile cases resolved in 2021:

**State v. Khalil Wheeler-Weaver** – In this case, serial killer Khalil Wheeler-Weaver was found guilty in December 2019 of killing three women and attempting to kill a fourth. The victims were: 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. On Oct. 6, 2021, Wheeler-Weaver was sentenced to 160 years in New Jersey State Prison. The delay in sentencing was primarily due to COVID.

**State v. Lamont Stephenson** – In March of 2019, Stephenson, a fugitive 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 after he allegedly murdered Natina Kiah, 40. He is accused of killing her and his cat in her Washington, D.C. home. He had been living with Kiah. They met while he was living at a Washington, D.C. homeless shelter. She worked as a security guard at the shelter. This case has not gone to trial yet.

Because trials were halted, many of the high-profile cases that garnered press attention in 2020 remained on the docket in 2021, including the following:

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**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. The murder occurred on Oct. 23, 2018, at the home they shared on North Mountain Avenue in Montclair. 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, U.S. 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. 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. The murder occurred 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. Jovanny Crespo** – A Newark police officer, Crespo was charged with aggravated manslaughter for the Jan. 2018 killing of Gregory Griffin, 46. Griffin 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 on the job.

New newsworthy cases charged in 2021:

**Louis Santiago** – An off-duty Newark police officer was charged with vehicular homicide after hitting, Damian Z. Dymka, a 29-year-old pedestrian, while on the Garden State Parkway on Nov.1.

**Jamie Moore** – In Oct. 2021, when this case began, it appeared to be a tragic tale of a missing teenager. Moore presented herself as a tearful mother seeking help from the public to find her teenage daughter. By Nov. 12, Moore was arrested by detectives from the Essex County Prosecutor's Office Special Victims Unit and the East Orange Police Department and charged with abuse and neglect.

The mother made statements to reporters that garnered widespread attention. The ECPO took over the case and launched an investigation which led to the daughter being found at a homeless shelter in New York City. Once police located the daughter, she made statements that resulted in the mother being charged with two counts of second degree endangering the welfare of a child. The endangering charges include allegations of physical abuse and neglect. Among other things, the

mother was accused of physically assaulting her 14-old-daughter, forcing her to logout of online school during the 2020-21 school year and failing to enroll her in school during the 2021-22 school year when they moved to another community. The case is pending.



Katherine B. Carter  
Public Information Officer Essex County Prosecutor's Office

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### **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 qualified 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.

### 2021 Accomplishments:

In 2021, the Victim-Witness Advocacy Office assisted 8,936 victims and witnesses, initiating approximately 95,000 items of correspondence on their behalf despite the demands the global pandemic. Unit staff remained accessible to county residents seeking vital criminal justice-related services while working in office and remotely.

The Unit continued to expand its formal relocation program in 2021, through which approximately 1,213 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

## **SUPPORT UNITS**

Office's general website during the calendar year. The Victim-Witness portal is colorful, interactive, user-friendly, visually appealing, and easily understood by those who access the pages. The website content includes information on the amendments to the Crime Victims' Bill of Rights, notification process, the crisis reaction, 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 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.

Further, the Victim Witness Unit conducted and/or participated in fifteen community outreach forums throughout 2021. Approximately 400 community partners representing the business, educational, law enforcement, emergency/social service, mental health, and social justice sectors, 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 2021. Through the generosity of office staff, six local social services agencies benefited from our collective efforts and received toys, gift cards, and monetary support that helped each agency to expand their holiday outreach efforts to assist needy families residing in Essex County.

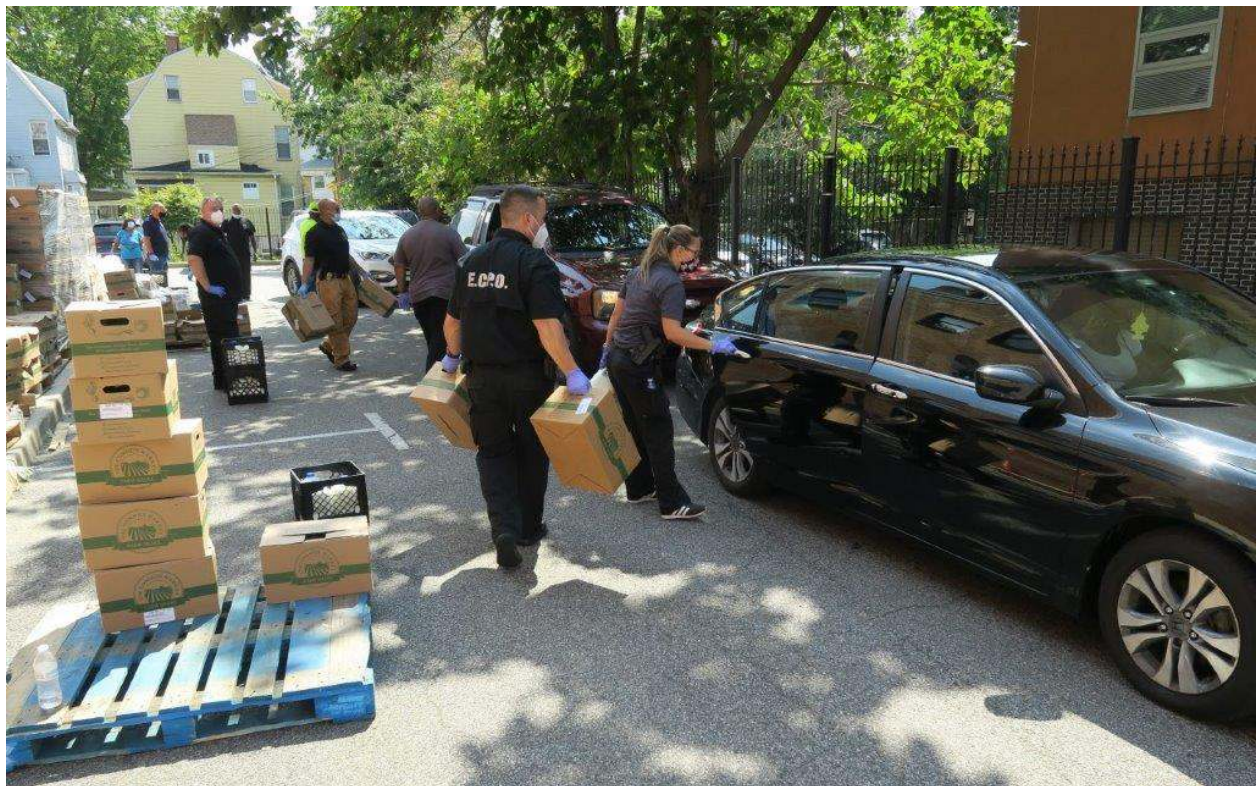


# COVID Food Distribution Program



**Acting Essex County Prosecutor Theodore N. Stephens and other ECPO staff at East Orange Food Distribution Program. This program and others sponsored by the County of Essex aided communities that were severely disrupted by COVID. ECPO staff participated in multiple events during 2021 under the direction of Acting Prosecutor Stephens.**







# Operation Helping Hand



Operation Helping Hand is an initiative sponsored and funded by the New Jersey Attorney General's Office. The goal is to fight the opioid crisis by disrupting the cycle that causes those addicted to continue to commit crimes to support their drug habit. Working with local law enforcement the Essex County Prosecutor's Office has identified drug "hot spots" – places known for drug activity – and targets those areas for arrests and or intervention. When drug users are arrested, they are immediately offered the opportunity to enter drug treatment. Such opportunities are also afforded through non-arrest operations. Arrangements are made for transportation and other services. Participants are tracked as they go through the treatment process. The program also includes law enforcement training, community outreach, and public awareness measures in Essex County.









## Record Room



**The ECPO Record Room is responsible to maintain, track, store and archive the many thousand criminal case files generated each year within the County, so as to help ECPO carry out its critical role in the criminal justice system.**





**Acting Essex County Prosecutor Theodore N. Stephens II, with Acting First Assistant Romesh Sukhdeo (left) and Acting Chief of Detectives Mitchell McGuire III.**

