

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.

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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

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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.

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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

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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.

CHILD ABUSE UNIT

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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 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

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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.
- To create compassionate and sensitive ways to address the physical, emotional,

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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 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

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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

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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 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

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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.