

INVESTIGATION UNITS

➔ Arson Task Force

The Arson Task Force is an investigative unit within the Essex County Prosecutor's Office Major Crimes Bureau. It is comprised of the Unit Supervisor, three Essex County Prosecutor's Office (ECPO) Detectives, one ECPO Agent and one Detective from the Newark Fire Department Arson Unit.

The Arson Task Force has at all times a Detective and an Assistant Prosecutor on-call and available countywide to respond to and / or assist municipal, county, or state fire and / or police departments regarding the investigation of suspicious fires.

The Arson Task Force is responsible for the investigation of suspicious fires in Essex County and the successful prosecution of individuals responsible for arson related criminal offenses. Task Force detectives work hand-in-hand with municipal arson investigators and firefighters to determine the origin and cause of suspicious fires and, with regards to incidents of arson, conduct the necessary investigation to determine the responsible party. Additionally, the Arson Task Force responds to and conducts the origin and cause investigations on all fatal fires within the county regardless of whether the cause is criminal in nature. The Arson Task Force responds to fires in houses of worship, schools, and government property and either conducts the investigation or oversees the investigation. The Task Force detectives have received extensive training regarding fire investigations and are qualified to testify in court as experts in that determination.

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

The Arson Task Force detectives routinely interact with independent investigators for various insurance companies who conduct parallel investigations with regards to incidents of arson, specifically but not limited to attempts by claimants to fraudulently obtain proceeds, via mortgage fraud, vehicle claims, and property damage claims. This results in a close working partnership with insurance companies. In criminal prosecutions, documents collected by the insurance carriers are often used. Moreover, many of the referrals for potential criminal liability come from insurance company investigators after the preliminary investigation reveals possible fraudulent activity. In incidents of both structure and car fires, the insurance company will often hire an expert arson investigator who will conduct an independent origin and cause investigation. In

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all cases from 2014, the numerous independent examinations have all concurred with the Arson Task Force detective's expert opinion as to origin and cause.

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

- 1) Intentional arson committed at a specific location to target an individual, such as a disgruntled spouse, former girlfriend/boyfriend, or employee.
- 2) Intentional arson committed for insurance and/or mortgage fraud purposes. These matters often involve burning of a motor vehicle and/or home or business property.
- 3) Arsons committed recklessly due to some behavior involving conduct above gross negligence, resulting in damage to property and/or injury to people.
- 4) Arsons committed by individuals with serious mental health issues, for no reason at all.

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

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

The Arson Task Force responds to and conducts origin and cause investigations in all fatal fires in Essex County regardless of whether there is a criminal case. This response assures that all necessary investigative resources are utilized in such cases.

2014 Accomplishments

In 2014, the Arson Task Force investigated 53 structure fires in Essex County. The structure fires resulted in 19 fatalities. These include the following incidents:

4/13/14	Orange	2 Fatalities
6/15/14	Newark	6 Fatalities

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7/27/14	Essex Fells	1 Fatality
10/11/14	Newark	2 Fatalities
11/8/14	Newark	1 Fatality
12/8/14	Newark	5 Fatalities

In addition, the Arson Task Force investigated 28 vehicle fires in 2014. These investigations often include an origin and cause determination, crime scene analysis, collection and submission of evidence to the NJ Regional Forensic Science Laboratory, obtaining communication data warrants and search warrants, as well as additional investigative actions.

The following is a sample of some of the criminal cases which were lodged in 2014 subsequent to Investigation by the Arson Task Force.

State v. Omar Hawkins - Defendant started fire at ex-girlfriend's apartment due to her breaking up with him. Charged with attempted murder and aggravated arson. Surveillance video captured him starting fire. Charges are pending.

State v. Kurulla John - Insurance fraud charges emanated from numerous unexplained fires which occurred in various properties the defendant owns. Charges are pending.

State v. Ebony Copeland - Defendant set fire at rooming house. Mental health issues exist. Defendant pled and was sentenced.

State v. James Lewter - Defendant set fire to his girlfriend's bedroom mattress because she broke up with him. He was indicted for aggravated arson. Charges are pending.

State v. Rasheem Gadson - Defendant hired an individual to burn his car due to high lease payments. Defendant pled and is pending sentence.

State v. Carlos Monte-Morales - Defendant hired an individual to burn his car due to high lease payments. Defendant was indicted and charges are pending.

State v. Michael Benkowski/ Shareef Nash - Defendants engaged in a plan to set fire to bus belonging to the campaign of the Newark Mayor. Charges are pending.

➔ Cyber Crimes Unit

The Essex County Prosecutor's Office Cyber Crimes Unit (CCU) was established in 2010. The CCU consists of a Sergeant, three Detectives, an Assistant Prosecutor and a Certified Forensic Examiner. The mission of the CCU includes conducting original investigations and providing legal and technical support for investigations conducted by other units in ECPO and municipal police departments.

The CCU conducts original investigations when computer technology is the primary medium for the commission of a crime. The CCU leads investigations into the manufacture, possession and distribution of child pornography. In its role as a support unit, the CCU assists municipal police departments in their investigations involving computer and/or technology-facilitated crimes such as invasion of privacy and computer criminal activity, including unlawful access. CCU members also provide legal and technical assistance to municipal police departments and other ECPO units in the investigation of crimes including homicide, sexual assault, invasion of privacy, fraud, burglary, and theft. Unit members present lectures to students, and teach staff and community groups throughout Essex County on Internet safety, cyber-bullying, and sexting.

2014 Accomplishments

In 2014, the CCU continued its investigations into the sexual exploitation of children through the transmission of images and videos of depicting the sexual abuse and/or exploitation of children, and other technology-facilitated crimes. In its technical support role, the unit received approximately 215 requests for examinations of cellular telephones, and approximately 60 requests for the examination of computers and other digital storage devices.

Also in 2014, the CCU had several notable cases, including:

State v. Darryl Hood – The defendant, a registered sex offender and resident of Newark, was convicted of possessing images and videos depicting the sexual exploitation and abuse of children.

State v. Robert Klemt – The defendant, a resident of Nutley, possessed hundreds of images and videos depicting the sexual exploitation and abuse of children. He was convicted and sentenced to State Prison for using peer-to-peer software to distribute such images and videos.

State v. Evan George – The defendant, a resident of Essex Fells possessed thousands of images and videos depicting the sexual exploitation and abuse of children. He was convicted and sentenced to State Prison for using peer-to-peer software to distribute such images and videos.

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State v. Christopher Santo - The defendant, a resident of Mendham, was convicted of Endangering the Welfare of a Child for engaging in sexually explicit conversations with a juvenile female and possessing images depicting the sexual exploitation and abuse of children.

In re: J.R. - A 15-year-old male was adjudicated delinquent on charges of computer criminal activity for unlawfully accessing his school's computer system and changing grades and attendance records.

In re: W.G.A. - A 15-year-old male was adjudicated delinquent on charges of invasion of privacy for distributing a nude image of a juvenile female without her consent.

➔ 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 eight Assistant Prosecutors, one Sergeant, six Detectives, two administrative assistants and two Victim/Witness Advocates. 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 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 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 is a major factor in case analysis.

One of the Unit's priorities is attending to the needs of victims from the onset of the investigation to resolution of the case, including offering of counseling, relocation and safety planning. 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, and the victim's own relationship with the abuser.

2014 Accomplishments

During 2014, the members of the Domestic Violence Unit processed 1,699 domestic violence cases for a total of 1,721 defendants. Assistant Prosecutors presented 307 cases to the Grand Jury during this period. In addition, 11 forfeiture petitions were considered. With respect to our vertical prosecutions, the Domestic Violence Unit retained 53 cases for plea or trial.

The following are examples of the spectrum of cases handled by the Domestic Violence Unit in 2014:

On January 31, 2014, Geraldo Mendez pled guilty to Attempted Murder and Endangering Welfare of a Child. The defendant fired a gun at his girlfriend and her teenage daughter on a public street. No one was injured. On April 4, 2014, the defendant was sentenced to 13 years in State Prison, 85% of which he must serve before being eligible for parole pursuant to the No Early Release Act (NERA).

Defendant Danny Martin was charged with a heinous domestic violence incident wherein he stabbed his girlfriend numerous times with a knife. He pled guilty to

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Attempted Murder and Aggravated Assault. On February 18, 2014, the defendant was sentenced to 11 years in State Prison, 85% of which he must serve before being eligible for parole pursuant to NERA.

Defendant Edward Thomas pled guilty to Attempted Murder and Aggravated Assault for stabbing his girlfriend with a large knife. When the children of the victim intervened to assist her, the defendant stabbed the children. The defendant then stabbed himself. On July 25, 2014, the defendant was sentenced to 10 years in State Prison, 85% of which he must serve before being eligible for parole pursuant to NERA.

On July 30, 2014, Raymond Gregory pled guilty to three counts of Burglary, Theft and Criminal Mischief for burglarizing the home of his ex-girlfriend, and on one occasion inflicted bodily injury upon her. On January 12, 2015, he was sentenced to eight years in State Prison, 85% of which he must serve before being eligible for parole pursuant to NERA.

Defendant Dawn Lockwood-Briant and her ex-boyfriend were employed as traveling carnival workers. The defendant stabbed a friend who was flirting with her ex-boyfriend and stabbed her ex-boyfriend when he intervened. The defendant pled guilty to Aggravated Assault and Unlawful Possession of a Weapon. On April 17, 2014, the defendant was sentenced to 3 years in State Prison, 85% of which he must serve before being eligible for parole pursuant to NERA.

On November 21, 2014, Diane Ali pled guilty to Simple Assault and Menacing. The defendant threw a liquid substance in her husband's eyes, causing a burn injury.

These cases highlight the various levels of prosecution, and demonstrate the daily struggle that is faced by members of the Unit in pursuing justice. 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.

Furthermore, the Domestic Violence Unit handles cases when defendants are charged with violating civil restraining orders issued to protect victims of domestic abuse. These violations or contempt charges are typically handled in the Family Part. The Assistant Prosecutors assigned there handled 335 cases, 12 of which resulted in trials.

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

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

Proudly, the Essex County Prosecutor's Office is one of the lead partners in the Essex County Family Justice Center, located at 89 Market Street, 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. In 2014, the seven on-site and eight off-site partner agencies provided vital services to 1,066 clients who made a total of 3,062 visits.

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➔ Extradition Unit

Extradition is the process by which a state turns over to another jurisdiction a person charged with or convicted of a crime. The process is started once a formal request has been made by the jurisdiction where the charges were originally been lodged. The Extradition Unit is responsible for coordinating all extradition matters on behalf of the Prosecutor's Office. The duties require familiarity and knowledge of the myriad of legal mechanisms found in both state and federal statutes to return fugitives within and outside of Essex County.

Extradition staff routinely works with law enforcement officials from every level to assist with locating, apprehending and the safe transportation of fugitives. In addition, the Extradition Unit ensures that detainers are appropriately lodged against wanted individuals and that the National Crime Information Center (NCIC) system is current with warrants of all our wanted subjects.

2014 Accomplishments

In 2014, the Extradition Unit received 272 requests for extradition. Essex County coordinated the legal paperwork to extradite 158 fugitives to other jurisdictions, and to return 168 fugitives back to Essex County. The Unit also coordinated the return of one international extradition.



➔ 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 involving checks, credit cards, bank accounts and mortgages. Victims of financial crimes are varied, and may include some of the most fragile victims, such as the elderly or infirmed, or some of the more affluent, such as private and professional corporations. Three Assistant Prosecutors supervised by a Deputy Chief Assistant Prosecutor direct financial crime investigations. Four Detectives conduct the investigations, supervised by a Lieutenant and Captain of Detectives.

In 2012, the Financial Crimes Unit expanded to include an Insurance Fraud Division. The Insurance Fraud Division works closely with the Attorney General's Office of the Insurance Fraud Prosecutor. The Insurance Fraud Division is staffed by two Detectives and one Assistant Prosecutor.

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

In 2014, the Financial Crimes Unit conducted 266 investigations. In addition to conducting original investigations, the Unit is a clearinghouse where outside departments obtain assistance with subpoena requests, search warrants and other legal process to aid in their investigations.



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2014 Accomplishments

Following a joint investigation with the Department of Housing and Urban Development (HUD), the Unit indicted Lencie Marchan, former director of the East Orange Housing Department and subsequent CEO of East Orange Revitalization and Development Corporation, a non-profit corporation, with the theft of over \$380,000 in federal HUD funds. Marchan pled guilty to the theft on November 20, 2014, and was sentenced to five years in state prison on March 6, 2015.

The Unit investigated and prosecuted the theft of approximately \$125,000 by Edward Wilson, former office manager at a Livingston medical practice, from his employer. Wilson ultimately pled guilty to the theft charges on October 6, 2014, and was sentenced to a three year prison sentence with full restitution to the victim on December 1, 2014.

➔ Homicide Unit

The Homicide Unit of the Essex County Prosecutor's Office functions as both an investigative and prosecutorial unit. The Unit is staffed full-time by Assistant Prosecutors and Detectives. Unit personnel respond to all homicides, suspicious deaths, shootings involving police, and motor vehicle fatalities in Essex County.

Assistant Prosecutors assigned to the Homicide Unit assist Detectives in obtaining search warrants and communications data warrants. Homicide Assistant Prosecutors



are on-call 24 hours a day and can prepare warrant requests at all hours. The ability to obtain warrants and other legal documents on an emergent basis is often crucial to ensuring that all relevant evidence is collected in a manner that will withstand legal challenges and will be admissible in subsequent legal proceedings.

As an investigation proceeds, case Detectives meet with an Assistant Prosecutor to determine if probable cause exists to bring criminal charges. The Assistant Prosecutor and case Detective then prepare the case for presentation to a Grand Jury.

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

In matters involving motor vehicle fatalities, Homicide 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.

2014 Accomplishments

In 2014, the Essex County Prosecutor's Office continued with the Homicide/Major Crimes Task Force. Detectives from the Newark, East Orange, Irvington and Orange police departments; the Essex County Sheriff, and the New Jersey State Police are assigned to the Homicide Unit pursuant to a Memorandum of Understanding, and conduct investigations 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 2014, the Homicide Unit investigated 119 homicides. Additionally, there were 100 special investigations that the Task Force oversaw.



The 119 homicides in 2014 represent a decrease over the 156 homicides that occurred in 2013. Assistant Prosecutors and Detectives assigned to the Homicide Unit prepared, reviewed and executed over 350 search warrants and 300 communications data warrants.

While many cases have been handled by Assistant Prosecutors assigned to the Unit, the most notable in 2014 was the homicide that occurred in West Orange by an individual wanted for multiple homicides in the state of Washington.



➤ Narcotics Task Force

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

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

The Unit is staffed full-time by Detectives, an Assistant Prosecutor/Director and three Assistant Prosecutors who vertically prosecute all cases initiated by NTF Detectives. In addition, NTF prosecutors also review all narcotics and gang-related search warrants generated by all the municipalities within the County, and in some instances also review search warrants for the New Jersey State Police and DEA. Furthermore, NTF prosecutors provide legal advice to outside law enforcement agencies on narcotics and gang-related issues. In 2014, NTF prosecutors reviewed over 326 search warrants on behalf of law enforcement officers throughout the County, and increase over the 315 search warrants reviewed in 2013.

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

2014 Accomplishments

In 2014, the Unit initiated 1,191 investigations, culminating in 1,337 arrests. The investigations resulted in the seizure of over 1,054.1 grams of cocaine, i.e., approximately 1 kilogram of cocaine, more than 1,269.7 grams of heroin and more than 128,211 grams of marijuana. NTF investigations also resulted in the seizure of 11 ounces of crystal methamphetamine/pcp, 151 ecstasy pills and a large quantity of prescription drugs. The approximate street value of the narcotics seized by the Unit in 2014 is \$47,434 for cocaine, \$317,432 for heroin, and \$1,282,118 for marijuana. NTF personnel also seized over \$174,956.52 in currency from drug distributors in 2014.

Additionally, given the increase in violent crime in Essex County, removal of illegal firearms from the streets is a very important step in law enforcement's efforts to

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reduce violent crime. NTF personnel seized 30 firearms in 2014, including six assault firearms. This number is significant given that the Unit operates with a relatively small number of personnel. The Unit also obtained and executed more than 84 search warrants in 2014.

During the summer of 2014, NTF was instrumental in the Attorney General's **TIDE/TAG initiative**. This program was conducted in conjunction with the Newark Police, New Jersey State Police and other law enforcement agencies. It served as a multi disciplinary strategy that put additional officers on the street in Newark's most crime-ridden neighborhoods.

The areas that were the focus of the TIDE/TAG initiative experienced gun violence, homicides, open-air narcotics trafficking and other quality of life offenses. The TIDE/TAG initiative focused on aggressively prosecuting criminals who committed these offenses. TIDE/TAG resulted in hundreds of arrests and prosecutions over the summer months, and resulted in an overall decrease in violence over the same time period.

Operation Joint Effort was a three-month investigation into a heroin distribution ring that involved 26 local, state and federal law enforcement agencies. A total of 33 suspects were charged, and over 14 locations were searched in three New Jersey counties. The result was the seizure of over \$200,000 in heroin, \$70,000 in cash and multiple motor vehicles.

Over the course of the investigation, the suspects were estimated to have sold more than a million dollars worth of heroin to buyers from as far as Pennsylvania. During this investigation, NTF utilized wire taps, surveillance cameras, confidential informants, narcotics canines, and numerous search and surveillance techniques. Operation Joint Effort represents a major success by NTF in effectuating narcotics interdiction in the State of New Jersey.

During April 2014, NTF initiated an investigation in the city of Newark that resulted in the recovery of 2,601 glassine envelopes of heroin with an approximate street value of \$26,000, a semi-automatic handgun and numerous rounds of ammunition.

During July 2014, NTF initiated an investigation in the city of Newark that resulted in the recovery of 1,100 glassine envelopes of heroin and 255 vials of cocaine with an approximate street value of \$13,500, a TEC-9 machine gun and \$612 in cash.

➤ Professional Standards Bureau

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

The Bureau is primarily responsible for the investigation and prosecution of all criminal misconduct involving police in Essex County and 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 presented to a Grand Jury. If an indictment is returned, the Bureau is responsible for the case through the plea agreement or trial. Internal responsibilities for the PSB include, but are not limited to, random drug screening, investigation of violations of rules and regulations, risk analysis management and integrity testing.

2014 Accomplishments

In 2014, the PSB received 420 new cases and completed 366 investigations. Of those 366 completed investigations, 64 had been received in the prior year. Of the 420 cases, 14 resulted in criminal charges. In addition, 215 cases were referred back to the originating agencies for civil or administrative action.

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➔ **Special Victims Unit**

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

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

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

CHILD ABUSE UNIT

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

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

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crimes against children. When crimes against children occur, the CAU diligently pursues the arrest, indictment and conviction of those responsible. At the same time, all Constitutional safeguards of the accused are respected.

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

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

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

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

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

The Lipman Center has implemented a 24-hour, 7-day a week on-call schedule for its

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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.
2014 Statistics

2014 Accomplishments

In 2014, the Child Abuse Unit received 761 referrals for investigation, and had 221 cases carried over from 2013. Of the 982 cases investigated in 2014, 170 resulted in adult criminal charges and 16 juvenile charges.

Notable Cases:

State v. Korynn V. Hunt - On October 13, 2014, a friend of the victim called police to report that the victim was being sexually assaulted by the defendant at his residence. Newark Police responded and spoke to the victim, who indicated that the defendant had made her perform oral sex and had attempted to penetrate her vaginally. Prior to this occurring, the victim texted a friend whom she had told about the defendant doing this in the past and stated that the defendant was about to rape her. The victim also set up her tablet to record a portion of the sexual acts performed by the defendant on that date. The tablet was turned over to law enforcement voluntarily by the victim. The victim gave a formal statement with regard to the events on October 13, and also detailed a similar incident on October 4. She further stated there had been numerous incidents of this nature since she was 9 years old. Upon review of the victim's initial statement as well as the video, multiple counts of first-degree Aggravated Sexual Assault and second-degree Endangering the Welfare of a Child were authorized with regard to the October 4 and 13 incidents.

State v. Nicole DuFault - On September 15, 2014, a student reported to a teacher at Columbia High School that another teacher, Nicole Dufault, had allegedly had sex with two 15-year-old male students. Additionally, it was alleged that Dufault also had sexually inappropriate contact with other students. Statements were taken from five students who stated that they had engaged in oral and/or vaginal sex with the defendant on various dates between July 2013 and August 2014. It was also discovered that a video existed depicting defendant engaging in fellatio with one of the students. The video was filmed by another student, who also engaged in fellatio with the defendant after the video was taken. A copy of the video was obtained by law enforcement. A sworn statement was subsequently obtained from a sixth male victim, disclosing that the defendant had engaged in sexual acts with him as well. The defendant was indicted for multiple counts of Aggravated Sexual Assault and Endangering the Welfare of a Child against the six male victims. This case is currently pending in Superior Court.

SEXUAL ASSAULT RAPE ANALYSIS UNIT

The Sexual Assault and Rape Analysis (SARA) Unit is one of the oldest investigative units in the Essex County Prosecutor's Office. It originated in the 1970's after the Newark Police Department became one of the first police departments in the nation to

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establish a sex crimes unit. The SARA Unit was developed to provide legal guidance and investigative support for all municipal police departments within Essex County.

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

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

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

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

2014 Accomplishments

In 2014, the SARA Unit received 205 referrals for investigation, and had 96 cases carried over from 2013. Of a total of 301 cases investigated in 2014, 38 resulted in adult criminal charges.

Notable Cases:

State v. Hakim Jones - During the evening of March 5, 2013, a masked man brandishing a handgun approached a 17-year old female walking on Pomona Avenue in Newark. The suspect forced the victim to the side of a house. The victim was robbed and sexually assaulted before the suspect fled. During the evening of March 14, 2013, two female teenagers were walking along South 17th Street in Newark. A masked man brandishing a handgun forced them into Westside Park. Both victims were robbed and sexually assaulted before the suspect fled. During the evening of March 10, 2013, a 28-

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year-old female was approached by a masked man as she was entering her vehicle in Newark. At gunpoint, the suspect forced the victim to drive to an isolated area. The victim was then sexually assaulted and robbed. Following an investigation, the defendant was identified and charged with a series of first-degree Aggravated Sexual Assault and first-degree Robbery offenses. The defendant plead guilty in November 2014 to three counts of first-degree degree Kidnapping and six counts of Aggravated Sexual Assault in exchange for a recommendation of 25 years in New Jersey State Prison.

State in the interest of F.C. (Juvenile Defendant) - On May 4, 2014, the defendant F.C. and victim K.P., an escort, corresponded online and arranged to meet in Newark. Upon arriving at the arranged location, the victim was approached by the defendant who displayed a badge which was hanging on a chain around his neck. The defendant then stated he was an undercover police officer. The defendant had a gun displayed on his waist. The defendant then took the victim around the corner, handcuffed her and groped her breasts and buttocks. Then the defendant took the victim to Branch Brook Park and sexually assaulted the victim orally and vaginally. When the sexual assault was over, the defendant then took the victim's phone and left the park. The victim flagged down a vehicle for assistance, and eventually returned home. The victim later reported the incident to the police and went to Newark Beth Israel Hospital where a sexual assault examination was conducted. The defendant was subsequently identified via phone records and a photo array. A search warrant was obtained for the defendant's residence, where police recovered a black bb handgun, a pair of handcuffs and a gold police badge.

The defendant was charged with first-degree Kidnapping, first-degree Aggravated Sexual Assault, third-degree Aggravated Criminal Sexual Contact, second-degree Unlawful Possession of a Handgun, second-degree Possession of a Weapon for an Unlawful Purpose, first-degree Robbery, and fourth-degree Impersonating a Law Enforcement Officer. In July 2014, the defendant plead guilty to Kidnapping, Aggravated Sexual Assault, Unlawful Possession of a Weapon and Robbery in Juvenile Court in exchange for a recommendation of 8 years in Jamesburg Training School for Boys, as well as Megan's Law registration and Parole Supervision for Life.

SEXUAL ASSAULT NURSE EXAMINER PROGRAM

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

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local police officers, nurse and/or physician examiners and victim advocates. These programs are now being implemented in Essex County. Their overall goals are:

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

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

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

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

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2014 Accomplishments

The on-going success of the program is evidenced by the frequency with which the program was used. In 2014, there were 170 SANE/SART activations at participating hospitals in response to the needs of sexual assault victims in Essex County.

HUMAN TRAFFICKING TEAM

Human trafficking is modern day slavery that controls and exploits vulnerable members of our community. Through the use of force, coercion, abduction, fraud and other methods, victims can be lured into forced labor, sex trafficking and other forms of servitude. 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 lead 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 service/therapeutic component of the unit is the primary component of the unit.

2014 Accomplishments

Notable Case:

State v. Charles Torres et al - In August 2013, an investigation revealed that a 15-year-old girl was forced into prostitution and sold for sex on backpage.com. The investigation found the defendant as the leader of the prostitution ring. The defendant and three co-defendants were charged with an assortment of crimes including first-degree Human Trafficking, first-degree Promoting Prostitution, Money Laundering and Endangering the Welfare of a Child. On May 1, 2014, the lead defendant pled guilty to first-degree Human Trafficking and other charges for a minimum State Prison sentence of 20 years with 20 years of parole ineligibility. The defendant was sentenced on Sept. 19, 2014.

ELDER ABUSE TEAM

The Elder Abuse Team is lead by a senior Assistant Prosecutor, who is also a registered nurse, and a senior SVU Detective, and staffed by SVU Detectives and

Victim Advocates. The team uses the services of experts in fields involving the unique medical and emotional needs of the elderly. The team investigates and prosecutes cases involving physical abuse, neglect, fraud and other crimes against those who are over 62-years old. The team also works with the Financial Crimes Unit and other units within the ECPO to enhance investigations.

2014 Accomplishments

In 2014, the Elder Abuse Team investigated nine cases involving alleged physical abuse, sexual abuse and fraud. Two defendants were charged and pled guilty to felony charges.

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 know 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 in order 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 lead by a designated Assistant Prosecutor and Detective. Bias crimes are investigated by Detectives trained to conduct interviews in a sensitive manner and gather evidence to support the allegation. Victims are also referred to counseling and other assistance programs.

2014 Accomplishments

In 2014, the Bias Crimes Unit opened 22 cases.

MEGAN'S LAW UNIT

The ECPO established its Megan's Law Unit in January of 1995 in response to state legislation designed to protect potential victims from convicted sex offenders. The law is named after Megan Kanka, a seven-year-old girl who was sexually assaulted and murdered by a neighbor who was a convicted sex offender. Simply put, the promise of

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Megan's Law is that if people know about a sex offender's presence in their community, they are better able to safeguard against potential victimization.

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

There are three types of Tier classifications. Tier 1 offenders are deemed low-risk and notification is limited to the police departments where the offender lives and/or works and the State Police. Tier 2 offenders are considered moderate-risk and notification is sent to all schools, day-care centers, women's shelters and registered community organizations within an area where the offender is "likely to encounter" potential victims. Tier 3 offenders are considered high-risk and all residences, businesses, schools, day care centers, women's shelters and registered community organizations within the offender's "likely to encounter" zone are given notice. The court determines the geographic scope of notification and the types of institutions to be notified in Tier 2 and Tier 3 cases. Local law enforcement agencies and the State Police also receive notice in these cases.

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

The ECPO's Megan's Law Unit is the busiest Megan's Law Unit in New Jersey. Essex County has more registered sex offenders residing within it than any other County. At any given time, there can be over 1,500 sex offenders. Due to the transient nature of a

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significant portion of the sex offender population in Essex County, the number of court hearings required and conducted can be voluminous. This is due to the fact that, even after the tiering process is completed by the issuance of a court order, a sex offender is entitled by law to a new court hearing every time he or she moves to a new address within Essex County, or moves into Essex County from elsewhere.

The Megan's Law Unit must then conduct a new notification regarding the offender, encompassing his or her new area of residence. Transient sex offenders also consume time, resources and manpower spent on locating, tracking and verifying their whereabouts on a continuing basis. Additionally, a Megan's Law file can only be closed if a registered sex offender dies, or is relieved by way of a court order of all Megan's Law obligations. Thus, the overall number of Megan's Law cases or files being handled by the Unit increases on an annual basis.

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



2014 Accomplishments

In 2014, there were approximately 1,581 offenders registered in Essex County. The Megan's Law Unit indicted 81 sex offenders at the Grand Jury in 2014. This number represents a steady volume in the number of violations sex offenders in Essex County

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have committed pertaining to Megan's Law, Community Supervision for Life and the New Jersey Sex Offender Monitoring Act.

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

➔ Vehicle Homicide

In 2014, the Vehicle Homicide Unit was renamed the Essex County Prosecutor's Office Crash Investigative Unit to more accurately reflect the Unit's work. The Crash Investigative Unit is an investigative unit within the Major Crimes Bureau. The Crash Investigative Unit was established to ensure close working cooperation between municipal, county, and state law enforcement agencies regarding collision investigations which resulted in death and/or serious bodily injury. The focus of the investigations is to determine whether the incident resulting in death or serious bodily injury was the result of criminal conduct.

The Unit is comprised of a unit supervisor and two Detectives. The unit is supervised by a Sergeant who is responsible for not only the supervision and command of the unit, but also as an on-call "working" Sergeant. The Sergeant supervises detectives, who are responsible for on-call responses as well as being on call 24 hour a day in the event of an incident requiring additional resources and/or manpower.

Each of the detectives assigned has extensive training in accident investigation and/or reconstruction. With these credentials, unit investigators frequently appear in Grand Jury and Superior Court as experts in this field pertaining to the circumstances and cause of serious motor vehicle collisions.

Three Assistant Prosecutors are assigned to this unit. At all times, one of the three is on call for any matter in the county that warrants our Office's intervention. These Assistant Prosecutors are also assigned to the Arson Unit and are responsible for those matters as well.

The Sergeant and the Assistant Prosecutors are routinely called upon by the local, county and state law enforcement agencies to assist and give guidance for issues regarding decisions for criminal charges, obtaining search warrants, and obtaining telephonic court orders for biological/blood samples, as well as various other matters.

Several unique facets are involved in the investigation and prosecution of motor vehicle collisions involving fatalities and serious bodily injury that do not exist in other types of criminal investigations. First, many of our investigations concern driver fault, i.e. negligence or carelessness, but not necessarily criminal liability. The focus of the Crash Investigative Unit is to determine if criminal liability exists, i.e. a finding of criminally reckless conduct. Many motor vehicle collisions involve careless and/or negligent conduct, but not necessarily criminally reckless conduct. Thus, despite tragic results and some driver fault (i.e. negligence); it does not necessarily rise to the level of criminal conduct.

The Crash Investigative Unit oversees or conducts every fatal motor vehicle investigation which occurs in Essex County. Therefore, even in cases where the driver is not charged criminally, the Crash Investigative Unit is involved in extensive investigation, including crime scene analysis, witness statements, forensic and evidence

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collection, vehicle processing and downloads, in addition to many other aspects of an investigation. The Crash Investigative Unit is involved in victim family contact, coordination with outside law enforcement agencies, and communication with the civil attorneys for the involved parties.

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

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

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

In addition, simultaneous to our investigation and/or prosecution, MVC often is conducting an investigation and ultimately a hearing through the Office of Administrative Law to suspend the individual's driver's license. The Crash Investigative detectives are often required to testify at those hearings, and on-going communication between our unit and MVC attorneys, regarding discovery and other matters, occurs.

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

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Fourth, most of these cases require the detective to not only conduct an investigation, but to render an opinion based upon expertise in accident reconstruction. Our investigating detective is both the lead detective in an investigation, overseeing all aspects of the investigation, and an expert in accident reconstruction, rendering an opinion as to the cause of the collision.

In 2014, the Crash Investigative Unit investigated collisions which resulted in 41 motor vehicle fatalities. In addition, the Crash Investigative Unit conducted 14 Motor Vehicle Special Investigations, including, but not limited to, crashes relating to vehicle pursuits, pedestrian collisions, and industry working hazards, drunken driving related accidents, and other matters involving serious bodily injury.

Prior to any response by the Crash Investigative Unit, the request is screened by the on-call unit supervisor who confers with the on-call Assistant Prosecutor to determine if a response is warranted.

The screening of the requests for assistance with respect to Motor Vehicle Special Investigations has significantly improved, resulting in reduced Crash Investigative Unit responses to scenes where the investigations are well within the capabilities of the parent investigating agency. As an example, prior to 2013, the Crash Investigative Unit conducted as many as 53 Motor Vehicle Special Investigations per year. By comparison, in 2013 the total number of Motor Vehicle Special Investigations was reduced by 50 percent, totaling 26 cases. In 2014, that number was reduced to 14. It should be noted that the absence of a response by the Crash Investigative Unit in no way limits the potential for our Office to provide supplemental assistance or to initiate an investigation based on changing circumstances surrounding the investigation. Further, it allows a unit with limited resources to concentrate on criminal investigations and prosecutions as opposed to automobile accidents with no criminal liability attached to them. Our focus is on investigating and prosecuting criminal liability.

In addition to the actual cases open for potential criminal prosecution, Unit detectives and Assistant Prosecutors are constantly working with officers from local police departments on a variety of matters concerning DWI related cases, search warrants, and general advice in on-going investigations.

2014 Accomplishments

In April of 2013, the U.S. Supreme Court issued an opinion in **Missouri v. McNeally**, which totally altered the manner in which blood may be drawn from an individual suspected of DWI. Essentially, the Court held that there does not exist a per se exception to the warrant requirement based upon exigent circumstances, and therefore a warrant is required in certain situations.

This change resulted in our office creating and implementing a telephonic search warrant system for obtaining blood from a person suspected of DWI. We accomplished

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this with the assistance of the trial court administrators for both Superior and Municipal Courts and the Chief Judges of those divisions, using the “Courtsmart” recording systems. We are now able to coordinate communication, via telephone, with the police officer, Assistant Prosecutor, and the Judge to obtain a search warrant via telephone to authorize the taking of blood from a person suspected of DWI. This procedure has been, and continues to be, used successfully in both Municipal and Superior Court matters, allowing us to obtain the most accurate reading of a person’s blood-alcohol content (“BAC”) for the prosecution.

We have conducted training with the municipal police departments concerning the procedures to be used in telephonic warrants for blood draws. Our unit created the search warrant and consent forms to be used countywide in DWI-related telephonic search warrants. Our intent moving forward is to continue training with municipal police departments on a variety of issues dealing with serious collisions.

Specific Noteworthy Cases:

State v. Rafaella Maranhao - Defendant charged with two counts of vehicular homicide. She was driving drunk on NJ Turnpike. Two passengers were killed as a result. Charges are pending.

State v. Andy Soto - Defendant charged with vehicular homicide and leaving scene of motor vehicle accident. Investigative work, including surveillance footage, resulted in his being identified.

State v. Carlos Green - Defendant driving drunk and ran over pedestrian. Charges are pending.

State v. Cadagen Mensa - Defendant driving recklessly hit pedestrian and left scene, causing severe injury to the pedestrian. Charges are pending.

State v. Segvado Castillo - Defendant drunk driver caused severe injury to pedestrian. Charges are pending.

State v. Jose Cruz - Defendant operated dump truck, hit pedestrian and fled scene. The pedestrian suffered severe physical injury. Unit detectives, working with the Bloomfield Police Department, located the truck and ultimately the driver.