

## ➔ Arson Task Force

The Arson Task Force is an investigative unit within the Major Crimes Bureau which operates under the Major Crimes Division. The Arson Task Force is comprised of the Unit Supervisor, three ECPO Detectives, one ECPO Agent, and one Detective from the Newark Fire Department Arson Unit. These Arson Investigators are on-call 24 hours a day to respond in the event of an incident which requires additional resources and / or manpower.

Three Assistant Prosecutors are assigned to the Arson Task Force. The Arson Task Force has at all times a Detective and an Assistant Prosecutor on-call and available county-wide 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.

### **2015 Accomplishments**

In 2015, the Arson Task Force investigated 38 structure fires in Essex County. The structure fires resulted in 10 fatalities. These investigations often include an origin and cause determination, crime scene analysis, collection and submission of evidence to the NJ Regional Forensic Science Laboratory, obtaining communication data warrants and search warrants, as well as additional investigative actions.

With respect to vehicle fires, the geographical location of Essex County comprised of its network of municipal, county and state roadways offer an 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.

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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 and the utilization of the documents collected by the insurance carriers for criminal prosecutions.

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

Generally, 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 a business property.
- 3) Arson committed recklessly due to some behavior involving conduct above gross negligence, resulting damage to property or injury to people.
- 4) Arson 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 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.

## ⇒ Cyber Crimes Unit/Forensic Analysis and Cyber Technical Services

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

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

### **2015 Accomplishments**

In 2015, the Cyber Crimes Unit became a part of the newly created Forensic Analysis and Cyber Technical Services (FACTS) Unit which is staffed by six detectives, a Lieutenant and a Captain. The FACTS Unit provides support for the ECPO and local police departments by performing searches and forensic examinations of cellular telephones and other digital media obtained during criminal investigations. In 2015, the unit received more than 300 requests for such examinations. Additionally, it continues to provide legal and investigative assistance to municipal police departments on cyber and technology-facilitated crimes. Members of the unit also provide training and engage in community outreach including presenting information on internet safety and cyber bullying to students and teachers throughout the County.

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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 seven attorneys, one sergeant, six detectives, one legal assistant 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 their race, culture, religion, economic strata and/or sexual orientation. Criminal sanctions are a key component of society's response to curtailing this abuse. When appropriate, the Domestic Violence Unit will seek to incarcerate violent and persistent offenders. In many cases, batterers are given the opportunity to rehabilitate themselves, with the hopes that this will end the cycle of violence. Additionally, the psychological impact of domestic abuse on the victims and their families is a major factor in our case analysis.

One of our major priorities is attending to the needs of our 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, as well as the victim's own relationship dynamics with the abuser.

### 2015 Accomplishments

During 2015, the members of the Domestic Violence Unit processed 1,756 Domestic Violence cases for a total of 1,776 defendants. Assistant Prosecutors presented 372 cases to the Grand Jury during this period. In addition, 31 forfeiture petitions were considered. With respect to our vertical prosecutions, the Domestic Violence Unit retained 37 cases for plea or trial.

The following are examples of the spectrum of cases handled by the Domestic Violence Unit in 2015:

**State v. Bolsano Maldonado** - On June 23, a jury found defendant Bolsano Maldonado guilty of Aggravated Assault, Unlawful Possession of a Weapon and Possession of a Weapon for an Unlawful Purpose. This defendant brutally stabbed his former girlfriend on a public street. The victim suffered severe abdominal injuries, requiring emergency surgery and extended hospitalization. On August 3, the defendant was sentenced to 9 ½ years in state prison pursuant to the No Early Release Act.

**State v. Arthur Lindsey** - Defendant Arthur Lindsey broke into his former girlfriend's house on Christmas Day and assaulted her while she was attempting to call 911. The defendant pled guilty to Burglary and Aggravated Assault. On November 17, the defendant was sentenced to 4 years in state prison.

**State v. Robert Robinson** - Defendant Robert Robinson pled guilty to threatening his biological mother, who reluctantly gave the defendant over to foster care when he was an infant. On November 30, 2015, the defendant was sentenced to probation with the condition that he undergo a Mental Health Evaluation and comply with the resulting recommendation, as monitored by Probation.

**State v. Prentis Lassiter** - On November 2, defendant Prentis Lassiter pled guilty to Aggravated Assault and Endangering the Welfare of a Child for punching the mother of his child multiple times in her face. She did not sustain serious injuries. On December 14, he was sentenced to 5 years state probation.

**State v. Gerald Wright** - Defendant Gerald Wright pled guilty in Family Court to Violation of a Final Restraining Order for approaching and threatening the mother of his child. The defendant was sentenced to 30 days jail, one year probation and mandatory fines and fees.

These cases highlight the various levels of prosecution and demonstrate the challenges facing the members of the Domestic Violence Unit. It is the job of the Assistant 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 dedicated 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 to Family Court handled 291 cases, 9 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.

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

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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 2015, the 17 on-site and off-site partner agencies provided vital services to 1,078 unduplicated clients who made a total of 2,994 visits to the Center. Since opening, the Essex County Family Justice Center has served over 5,700 victims through nearly 14,000 visits.

## ➔ 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 of the Essex County Prosecutor's Office 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 without 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.

### 2015 Accomplishments

In 2015, the Extradition Unit received 300 requests for extradition. Essex County coordinated the legal paperwork to extradite 175 fugitives to other jurisdictions, and to return 147 fugitives back to Essex County.



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### ➔ 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 2015, 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.



### 2015 Accomplishments

In 2015, through a Federal Grant, the Financial Crimes Unit expanded to include an Intellectual Property Section. The Intellectual Property Section is dedicated to the investigation and prosecution of crimes involving theft of intellectual property, trademark infringement.

In 2015, the Financial Crimes Unit conducted 304 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.

In 2015, the Financial Crimes Unit concluded several notable cases, including the following:

**State v. Ryan Snedeker** - Following investigation by the Fairfield Police Department and the Essex County Prosecutor's Office, Ryan Snedeker was charged with 2nd degree Theft by Unlawful Taking for purchasing in excess of \$80,000 worth of personal items using a credit card belonging to his employer, a plumbing contracting company. Among the items purchased were cell phones for his family members, cars for himself and his girlfriend, and appliances for himself and family members. Mr. Snedeker plead guilty and was sentenced to five years in State Prison by the Honorable Richard Sules.

**State v. Carla Silva** - Carla Silva, former office manager at GPC Dental in Cedar Grove, was charged with and indicted for Health Care Claims Fraud, Theft, and Forgery for a series of false claims filed with multiple insurers, including Delta Dental, Aetna and Cigna as well as theft of funds from the dental office. Silva ultimately pled guilty before the Honorable John Gizzo and was, as part of her plea, required to pay \$30,000 in restitution.

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### ➔ Homicide Unit

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

Assistant Prosecutors assigned to the Homicide Unit assist Detectives in obtaining search warrants and communications data warrants. Homicide Assistant Prosecutors are on-call 24 hours a day and can prepare warrant requests at all hours. The ability to obtain warrants and other legal documents on an emergent basis is often crucial to ensuring that all relevant evidence is collected in a manner that will withstand legal challenges and will be admissible in subsequent legal proceedings.

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

In matters in which a juvenile is charged with a homicide offense, the 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.



## 2015 Accomplishments

In 2015, 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 (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.

During 2015, the Essex County Prosecutor's Office Homicide Unit investigated 143 homicides. Additionally, there were 105 special investigations that the Task Force oversaw.

The 143 homicides in 2015 represent a drastic increase over the 119 homicides that occurred in 2014. Assistant Prosecutors and Detectives assigned to the Homicide Unit prepared, reviewed and executed over 400 search warrants and 350 communications data warrants.

While many cases have been handled by the Assistant Prosecutors assigned to the Unit, certain cases stand out during the 2015 calendar year:

**State v. Eddie Roberson** - On February 5, 2013, Eddie Roberson shot and killed his friend Talif Crowley in the area of 103 Goodwin Avenue in Newark over a Superbowl bet that the defendant lost. The case was investigated by the Homicide Task Force and was tried beginning November 2, 2015, before Judge Alfonse Cifelli by Assistant Prosecutors Adam Wells and Mira Ohm. On December 16, 2015, the defendant was convicted as charged of Murder and weapons offenses. He is extended-term eligible, and faces life imprisonment when he is sentenced on February 5, 2016.

**State v. Fillipe Amaral** - On July 3, 2015, police were dispatched to 34 Somme Street on a call of a sick/injured person. Upon the officers' arrival, they located the victim, Dario Rodrigues, who was murdered in his residence. The apartment appeared to have been ransacked and items, including a cellular telephone, appeared to be missing. A search of the victim's cell phone revealed that the victim had been speaking/messaging with an individual, Fillipe Amaral, in the days before his murder. It was also discovered during the course of the investigation that Amaral owed the victim money.

After reviewing surveillance footage from the immediate area around 34 Somme Street, it was observed that Amaral went to the Somme Street apartment around the time of the murder. He is then observed leaving and discarding clothes worn during the murder into a nearby garbage can. On July 30, 2015, Amaral was charged with Murder and related offenses. He is being housed in the county jail awaiting prosecution.

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**State v. Ernest Williams** - On July 22, 2012, Brian Schiavetti was shot to death in the stairwell of 25 Williams Street in Montclair. Ernest Williams was tried and found guilty of Felony Murder, Aggravated Manslaughter, Conspiracy to Distribute CDS and weapons offenses on November 2, 2015. On December 14, 2015, he was sentenced to 50 years in State Prison by Judge Carolyn Wright.

## ➔ **Narcotics Task Force**

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

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

The Narcotics Task Force is staffed full-time by detectives, an Assistant Prosecutor/Director and three Assistant Prosecutors who vertically prosecute all cases initiated by Narcotics Task Force detectives. In addition, the Narcotics Task Force prosecutors also review all narcotics and gang-related search warrants generated by all the municipalities within the County and in some instances also review search warrants for the New Jersey State Police and federal Drug Enforcement Administration. Furthermore, the Narcotics Task Force prosecutors provide legal advice to outside law enforcement agencies on narcotics and gang-related issues. In 2015, Narcotics Task Force prosecutors reviewed approximately 506 search warrants on behalf of law enforcement officers throughout the County, up from 332 in 2014.

The Intelligence section of the Narcotics Task Force 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.

### **2015 Accomplishments**

In 2015, the Narcotics Task Force initiated 441 investigations culminating in 478 arrests. The Narcotics Task Force investigations resulted in the seizure of over 440.35 grams of cocaine, more than 1,854.992 grams of heroin and more than 4662.1 grams of marijuana. Narcotics Task Force Investigations also resulted in the seizure of 4.7 ounces of crystal methamphetamine/PCP, and a large quantity of prescription drugs. The street value of the narcotics seized by the Narcotics Task Force in 2015 was approximately \$19,845.00 for cocaine, approximately \$347,808.00 for heroin, and approximately \$30,500.00 for marijuana, approximately \$23,675.00 for Prescription Legend Drugs and approximately \$11,750 in Methamphetamine. In 2015, Narcotics Task Force personnel also seized over

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\$170,275.40 in currency, and eight vehicles from drug distributors.

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 reduce violent crime. Narcotics Task Force personnel seized 30 firearms in 2015, including two assault firearms. This number is significant given that the Task Force operates with a relatively small number of personnel. The Task Force also obtained and executed more than 116 search warrants in 2015.

The Narcotics Task Force continued its involvement in various regional special operations, including the following:

**Operation TIDE I** - In May-June, 2015, a wiretap investigation shut down an open-air narcotics distribution ring being operated in Newark. A total of 39 individuals were arrested as part of this operation. This operation included numerous narcotics purchasers from various locations in the state.

**Operation TIDE II** - In August-September, 2015, a wiretap investigation shut down an open-air narcotics distribution ring being operated in the Frelinghuysen Avenue corridor of Newark's South District. A total of 27 individuals were arrested as part of this operation, including numerous narcotics purchasers from various locations in the state.

**TIDE/TAG Continued** - This program was conducted during August, September and November 2015 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 numerous arrests and subsequent prosecutions.

The following cases of interest were pursued in 2015:

**State v. Tarik Latham** - January 6, a search in Newark's North District led to the seizure of 2,500 decks of heroin; two pounds of marijuana; two firearms, including a machine gun, and approximately \$50,000 in cash.

**State v. Edward McNeely**- March 4, a search in Orange led to the seizure of 3,500 decks of heroin, a machine gun and \$12,200 in cash.

**State v. Derrick Young** – December 30, a search in Irvington led to the seizure of two handguns, 30 grams of cocaine, numerous Oxycodone pills, marijuana and assorted narcotics paraphernalia.

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**State v. Najee Atkins et. al.** – May 29, an investigation led to the seizure of five illegal handguns and the arrest of six suspects in Newark’s West District.

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### ➤ 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 one captain, two lieutenants, one sergeant and two detectives.

The PSB 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 charged and resolved pre-indictment or presented to a Grand Jury. If an indictment is returned, the PSB is responsible for the case through the plea agreement or trial. In addition, PSB personnel investigate all police shootings and pursuits to determine whether they comply with the guidelines and directives set forth by the New Jersey Attorney General. 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.

### **2015 Accomplishments**

In 2015, the PSB received 388 new cases and completed 272 investigations. In addition, 111 investigations remained open from 2014. Of the 388 cases, two resulted in criminal charges. In addition, 132 cases were referred back to the originating agencies for civil or administrative action.

During 2015, the PSB successfully prosecuted Bloomfield Police Officers Sean Counter and Orlando Trinidad for conspiracy to commit official misconduct, official misconduct, falsifying reports and simple assault. Both were sentenced to five years in New Jersey state prison.

Rutgers Police Officer Grace Stewart pled guilty to third-degree theft for stealing over \$30,000 from the Fraternal Order of Police bank account. She entered PTI and forfeited public employment. She was also ordered to pay restitution.

In addition, the PSB was responsible for training of Essex County Internal Affairs officers in the new Attorney General Law Enforcement Directive regarding firearms

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discharges. Consistent with the Attorney General directive, new rules were implemented which require an Assistant Prosecutor to respond to the scene when an officer is involved in a shooting incident in which someone is injured or killed. Those same rules require the ECPO and all prosecutors to publish on their respective websites the results of the most critical shooting incidents.

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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 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 crimes against children. When crimes against children occur, the CAU diligently

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pursues the arrest, indictment and conviction of those responsible. At the same time, 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.

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

### 2015 Accomplishments

In 2015, the Child Abuse Unit received 749 referrals for investigation. Of the 749 cases investigated in 2015, adult criminal charges were authorized in 121, and juvenile charges were authorized in 16 cases.

Notable cases handled by the Child Abuse Unit include:

**State v. Daniel Katz** - H.T., who resides with his mother in South Orange, disclosed to her that the defendant, who was the family's neighbor and regular caregiver, had digitally penetrated him on multiple occasions and had touched the child's penis. The child further disclosed that he had been forced to touch the defendant's penis. The defendant told the victim not to tell anyone about the occurrences. The defendant was subsequently charged in a 12-count indictment that included multiple first- and second-degree charges of sexual assault as well the endangering the welfare of a child.

**State v. Danny Soto** - H.S. disclosed to a therapist that the defendant, a family relative, sexually assaulted him at the age of 4. The victim disclosed when he would visit his aunt's home, the defendant, who is his cousin, on one occasion sexually assaulted him by penetrating his anus with his penis. The defendant was subsequently charged in a four-count Indictment with first-degree Aggravated Sexual Assault and Endangering the Welfare of a Child.

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

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.

### **2015 Accomplishments**

In 2015, the SARA Unit received 306 referrals for investigation and adult criminal charges were authorized in 70 cases.

Notable cases from the SARA Unit include:

**State v. Luis F. Pena** - On May 6, 2015, the victim was sexually assaulted in his vehicle, by defendant, who claimed he was an undercover Newark Police officer. Defendant made victim touch his penis outside of 31 Green Street, threatening her with being arrested for prostitution if she did not comply with his demands. Defendant then penetrated victim vaginally without a condom and forced her to perform oral sex on him around Lincoln Park. A rape kit was performed at Newark Beth Israel. The defendant's vehicle was identified from video surveillance obtained from the area of 31 Green Street. Further review of the allegations revealed that another case with similar facts had previously been investigated by the Unit but the offender was not identified. The defendant was subsequently identified by the victim and he was charged with the impersonation of a law enforcement officer as well as several counts of second-degree Sexual Assault and third-degree Criminal Coercion.

**State v. Dinis Oliveira** - On February 26, 2015, the defendant contacted the victim by phone after seeing an advertisement posted on Backpage.com, and arranged a meeting with her. During their encounter, the defendant used both his badge and a handgun to intimidate the victim and force her to engage in both oral and vaginal sex. The victim saved and turned over a condom she stated the defendant used during the assault during her SANE exam. While at the hospital for her SANE exam, the victim saw the defendant, who was there assisting a family member, and identified him. Forensic testing of DNA recovered from the condom determined that the defendant was the source of the DNA. The defendant was charged with second-degree Sexual Assault, second-degree Official Misconduct and fourth-degree Criminal Coercion. In March

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2016, the defendant plead guilty to fourth-degree Criminal Coercion pursuant to a plea agreement which required him to forfeit his employment and pension.

### **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 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.

### **2015 Accomplishments**

The success of the program is evidenced by the frequency with which the program was used. In 2015, there were 208 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.

### **2015 Accomplishments**

In 2015, the Human Trafficking Team investigated 16 cases involving potential human trafficking allegations.

## **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

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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.

### **2015 Accomplishments**

In 2015, the Elder Abuse Team investigated 9 cases involving alleged physical abuse, sexual abuse and fraud of the elderly.

## **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.

### **2015 Accomplishments**

In 2015, the Bias Crimes Unit opened 16 cases.

## **MEGAN'S LAW UNIT**

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

The Unit is responsible for evaluating how likely a convicted sex offender is to commit a new sex offense. These evaluations are made in accordance with guidelines

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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.

Due to the transient nature of a significant portion of the sex offender population in Essex County, the number of court hearings required and conducted can be voluminous. This is 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.

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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.

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.

### **2015 Accomplishments**

The ECPO's Megan's Law Unit is the busiest Megan's Law Unit in New Jersey. Essex County has more registered sex offenders residing within it than any other County. At any given time, there can be over 1,500 sex offenders. At the end of 2015, there were approximately 1,582 sex offenders registered in Essex County.

## ➔ Vehicle Homicide / Crash Investigative Unit

In 2015, 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, which was previously known as the Vehicular Homicide Unit, is an investigative unit within the Major Crimes Bureau which operates under the Major Crimes Division. 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 Crash Investigation Unit is comprised of the Unit Supervisor and 2 Detectives. Personnel are available on a 24-hour basis to respond in the event of an incident which requires additional resources and / or manpower. Each of the Detectives assigned has extensive training in accident investigation and/or reconstruction. With these credentials, the Investigators of this unit frequently appear in Grand Jury and Superior Court and are able to testify as experts in this field pertaining to the circumstances and cause of serious motor vehicle collisions.

There are three Assistant Prosecutors assigned to this unit. At all times, one of the three is on call for all for any matter in the County that warrants involvement by the Essex County Prosecutor's Office said. These Assistant Prosecutors are also assigned to the Arson unit and are responsible for those matters as well.

Assistant Prosecutors, working with the Detectives, 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 court orders for biological / blood samples, as well as various other matters for cases that are being handled by the municipality.

There are several unique facets 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 criminal reckless conduct. Many motor vehicle collisions involve careless and / or negligent conduct, but not necessarily criminal reckless conduct. Thus, even though there are tragic results and there may be some fault upon the driver (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 collection, vehicle processing and downloads, in addition to many other aspects of an

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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 vehicle homicide and assault by auto cases include driving while intoxicated, reckless driving, eluding, leaving the scene of an accident that resulted in death and/or serious bodily injury, cell phone use including texting, and driving while suspended/revoked.

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 decedents' families are aware of the thoroughness of the investigation and the reasons for our position.

The second aspect unique to vehicle cases is that there exists significant coordination with local police and courts, as well as DMV, even if our office does not pursue criminal charges. In many motor vehicle collisions, summonses are issued to the driver. Generally, these summonses are heard in municipal court; however, during the investigation those summonses are held in abeyance while we do so. 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 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.

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

Third, collision investigations regarding death and/or serious bodily injury require communication with a decedent's civil attorney as well as insurance carriers for the drivers. We strive to be responsive to the requests for discovery from civil counsel and provide what we can, without compromising the criminal investigation, in a timely manner. Ultimately, when our investigation and/or prosecution is 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 frequently served with requests for discovery under open public records, etc. In addition, once a case is completed, our detectives are often required to testify at a deposition and/or trial in the on-going civil matters.

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.

### **2015 Accomplishments**

In 2015, the Crash Investigative Unit investigated collisions which resulted in 37 motor vehicle fatalities. In addition, the Crash Investigative Unit conducted 24 Motor Vehicle Special Investigations including but not limited to crashes relating to vehicle pursuits, pedestrian collisions, and industry working hazards, drunken driving related accidents, and other matters involving serious bodily injury. The unit is involved, along with the Professional Standards Unit, in the investigation of any case involving death where a police vehicle is involved in a pursuit.

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 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.

Screening cases, allows the unit to concentrate on criminal investigations and prosecutions as opposed to automobile accidents with no criminal liability attached to them. Finally, in addition to the actual cases open for potential criminal prosecution, the detectives and Assistant Prosecutors in the unit are consistently working with officers from local police departments on a variety of matters concerning DWI related cases, search warrants, and general advice in on-going investigations.