



Carolyn A. Murray
Acting Essex County Prosecutor



Annual Report
2011-2012

Essex County Prosecutor's Office
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Left to right, first row: Acting Essex County Prosecutor Carolyn A. Murray, New Jersey Attorney General Jeffery S. Chiesa, First Assistant Prosecutor Robert D. Laurino. Second row: Chief Assistant Prosecutor Keith Harvest, Public Information Officer Katherine Carter, Chief Assistant Prosecutor Andrea McCoy-Johnson, Deputy Chief Assistant Prosecutor Walter J. Dirkin, Chief Assistant Prosecutor Clara M. Rodriguez, Chief of County Investigators Anthony F. Ambrose, Deputy Chief Assistant Prosecutor Debra G. Simms, Chief Assistant Prosecutor Thomas S. Fennelly, Deputy Chief Assistant Prosecutor Howard Zuckerman, Deputy Chief of County Investigators Quovella Spruill, Deputy Chief of County Investigators Thomas A. Kelly, Deputy Chief of County Investigators Lonnie J. Hinton.

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In 2011, the total number of...

In 2012, the total number of adult defendant cases reviewed by the Essex County Prosecutor's Office (ECPO) was 14,077. Also, 4,838 defendants were indicted or charged by accusation in 2012. A total of 51.2 percent of ECPO's total adult defendant resolutions within 2012 following an indictment or accusation involved first or second degree criminal charges. In 2012, the total number of juveniles involved in delinquency case filings in Essex County was 2,204.

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

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A BRIEF HISTORY OF THE ESSEX COUNTY PROSECUTOR'S OFFICE

In 1776, the State of New Jersey ratified its first Constitution (superseded by later Constitutions in 1844 and 1947). Under this Constitution, the elected Governor appointed an Attorney General to enforce the laws of the State. The Attorney General in turn appointed deputies for the various counties, including Essex, to enforce the criminal laws on behalf of the local populace. In 1822, the New Jersey General Assembly passed an act authorizing a more independent Prosecutor of Pleas for each county, to be appointed by the Court of Quarter Session once every five years. A few years later, the Governor was given the authority to appoint each county's Prosecutor of Pleas. On Feb. 20, 1829, Amzi Dodd became the first governor-appointed Prosecutor of Pleas for Essex County. The earliest record of a prosecution by Prosecutor Dodd involves "a nuisance in suffering the water to stagnate and become offensive in the old burying ground" in Newark.

The first Prosecutor of Pleas worked alone, but by 1877 the Prosecutor required the help of a First Assistant. As Essex County grew and matters became more complex, the Office grew in size. By 1922, Prosecutor John O. Bigelow employed 28 men, including three Assistant Prosecutors, two Detective Captains, two Lieutenants, and various Detectives and clerks. In the 1920s and 30's, cases involving gambling, organized crime and official corruption were growing in number. In October of 1935, the nationally-known organized crime figure Dutch Schultz was shot at the Palace Chop House in Newark. Although the prime suspect was found hanged soon after the incident, the Office continued its investigation and identified Schultz's real shooter who pled guilty to the murder in 1940.

By 1945, the Office still had only three Assistant Prosecutors, despite a growing number of murder and gambling cases. In 1951, Prosecutor Edward Gaulkin gained attention by successfully prosecuting four men charged with conspiracy, extortion and bribery in the Newark milk scandal case. In 1959, Governor Robert Meyner nominated Brendan T. Byrne of West Orange as the 25th Prosecutor of Essex County. Prosecutor (and later Governor) Byrne served the Office until 1967. By 1962, there were 16 Assistant Prosecutors, most of whom were part-time employees. Shortly thereafter, the first female Assistant Prosecutor, June Strelecki, was appointed. Also during Byrne's tenure, the "Charlie Squad" was formed, a name coined after members of the public were urged to report illegal gambling by calling a dedicated phone number and asking for "Charlie."

In 1967, the City of Newark experienced a week-long civil disturbance, which heralded long-term social and economic change in Essex County. These transformations challenged future Prosecutors to respond to changing patterns and volumes of crime with increased professionalism and dedication. By 1973, the legal staff numbered 63 lawyers, all full-time. County Investigators replaced the former Detectives, and were increasingly selected from the ranks of experienced local police officers. Under Prosecutor George Schneider (Prosecutor from 1981 to 1986), the number of Assistant Prosecutors exceeded 100.

Essex County Prosecutor's Office History

Courthouse Outing

Livingston, New Jersey

1926



Newark Group House Outing

ESSEX COUNTY COURT HOUSE, NEWARK, OUTING,
TEED'S GROVE, LIVINGSTON, SEPT. 11, 1926.
CAPT. BASON & A. P. ARCHIE WITTIG ARE
SEATED AT THE FAR RIGHT IN THE FRONT ROW.

Increasing resources were dedicated to special squads. The Homicide Squad was expanded and a Narcotics Section, which at first was a joint task force with the Sheriff's Office, was created. Eventually specialized units were established in Child Abuse, Sex Assault, Arson, Domestic Violence, Megan's Law and Gangs.

In 1986, Governor Thomas Kean appointed the first African-American Prosecutor in Essex County (and only the second in the State), Herbert H. Tate, Jr. Computerization of the Office was begun and continued in stages throughout the terms of Prosecutor Tate and his successor, Prosecutor Clifford J. Minor. Also during their terms, a sexual assault case was brought against a group of high school athletes from Glen Ridge, who in 1993 were convicted for victimizing a 17 year-old mentally handicapped woman. This case was the subject of a popular book, a TV movie, and an episode on the TV show "Law & Order."

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

In 2005, Governor Richard Codey swore Acting Prosecutor Dow to the Office of Essex County Prosecutor. During Prosecutor Dow's years of leadership, the Essex County Prosecutor's Office responded aggressively to evolving challenges in the law enforcement arena. The Office instituted vertical prosecution, increased its

resources and outreach to victims and witnesses, opened a state-of-the-art crime scene facility, and participated in a wide variety of cross-agency / cross-jurisdiction collaborations including a state-federal anti-gang and narcotics task force, gun buy-back programs, and a successful fugitive safe surrender program held in Newark in November, 2009. Prosecutor Dow also emphasized technology development, with the Office updating its computer server infrastructure in 2009 and planning for the implementation of an Office-wide, fully integrated electronic case and record management system.

In January, 2010, New Jersey Governor Chris Christie appointed Prosecutor Dow as Acting Attorney General of the State of New Jersey. In her place, Chief Assistant Prosecutor Robert D. Laurino, then a 29-year ECPO veteran who gained public recognition in the trial and conviction of the high school athletes in Glen Ridge, was appointed Acting Essex County Prosecutor, followed by Acting Prosecutor Carolyn A. Murray in 2011. The lawyers, detectives and support staff who report to him will continue the work of Amzi Dodd into the 21st Century, and are honored to be part of the Office of the Essex County Prosecutor.

(With thanks to Francis D. Falivena, Jr., Assistant Prosecutor, Retired, an ECPO history enthusiast.)

Essex County Prosecutor's Office History

Grand Jury Dinner 1951



GRAND JURY DINNER (1951), AFTER CONCLUSION OF INVESTIGATION WHICH LED TO THE INDICTMENT & LATER CONVICTION OF NEWARK DEPUTY MAYOR IRA GOODMAN FOR KICKBACKS FROM SUPPLIERS OF MILK TO CITY SCHOOLS. A SILVER MILK BOTTLE IS ABOUT TO BE PRESENTED. TOP ROW, 5th. AND 6th. FROM LEFT, COUNTY PROSECUTOR DUANNE E. MINARD, JR. AND ASSISTANT PROSECUTOR (LATER PROSECUTOR) RICHARD J. CONGLETON. TOP ROW, 2nd. FROM RIGHT, SHERIFF'S OFFICER HAROLD H. SMITH (FATHER OF INVESTIGATOR PAUL SMITH). SEATED, 4th. FROM LEFT, ASSISTANT PROSECUTOR (LATER PROSECUTOR) EDWARD GAULKIN.

New Mental Health Unit offers options for defendants with histories of mental illness

By Assie Bangura

When Acting Essex County Prosecutor Carolyn A. Murray took the helm of the Office in 2011, creating a unit focused on defendants living with mental illness was high on her agenda. And after a year of laying the groundwork, the Office's new Mental Health Unit (MHU) was officially established in December 2012.

“As a prosecutor, my goal is not simply to send defendants to prison. It is to achieve justice,” said Prosecutor Murray. “In the case of someone with a history of mental illness, we believe prosecutors and judges ought to have the tools to prescribe a more nuanced approach—an approach that may include non-incarceration and treatment. This initiative will accomplish that. It will allow us, with the participation of the defendant, to develop a plan that combines punishment with treatment.”

On many occasions the criminal justice system is ill-equipped to handle people living with serious and persistent mental illness such as Schizophrenia and Bipolar Disorder. In the past, low level offenses tended to be dismissed without addressing the underlying cause—often resulting in defendant's experiencing repeated contact with the criminal justice system. More serious criminal cases typically went through the traditional process with little focus on the defendant's mental health. These cases often resulted in extended processing and longer periods of pre-trial incarceration. The MHU is aimed at offering a new option.

One of the main objectives of the ECPO's Mental Health Diversion Program is to efficiently engage the defendant in community based treatment after determining that it is more suitable than a jail or prison setting. The program serves Essex



Mental Health Unit, from left to right: Victim-Witness Advocate Alfreda Williams, Chief Executive Assistant Prosecutor Keith Harvest, Assistant Prosecutor Magdalen Czykier, Assistant Prosecutor Jessica Apostolou.

County residents who commit less serious offenses. Eligible defendants must be diagnosed with a serious and persistent mental illness; charged with a non-violent offense; and the mental illness must have played a role in the criminal activity, among other criteria.

Joining Acting Prosecutor Murray in developing the program were First Assistant Prosecutor Robert Laurino, Chief Executive Assistant Prosecutor Keith Harvest, and Assistant Prosecutors Magdalen Czykier and Jessica Apostolou.

The program is based in part on the diversion program offered at Union County Jail, but “one of the things that makes our program different from Union County’s is that the hospitals we work with are not centralized,” said Harvest. “In Union County, there is an informal partnership between the Prosecutor’s

Office, one hospital and one case management provider,” Harvest said. “Our County has three hospitals equipped with crisis screening centers and numerous other hospitals equipped for treating this population.”

The University of Medicine and Dentistry of New Jersey (UMDNJ), East Orange General Hospital and Newark Beth Israel Medical Center all serve as crisis and treatment centers for this population of defendants. There are also other treatment providers throughout the Essex County community.

The decision to apply to the program is voluntary on the part of the defendant. After the State determines a defendant is legally appropriate for the program, the defendant’s evaluation by mental health professionals is considered to determine whether he or she is clinically appropriate for community based treatment and to help set up a treatment plan, according to MHU Assistant Prosecutor Czykier.

Upon acceptance into the program, defendants may be diverted from jail and/or prison and, in some cases, are diverted from having a criminal conviction. At any given time, some 30 defendants are actively being considered for admission into the diversion program by the MHU and the numbers are steadily increasing.

“The Unit provides the Office with an opportunity to be more aware and better prepared for this population as they come in contact with our criminal courts,” said Assistant Prosecutor Apostolou. “By using a collaborative approach between the criminal justice system and the mental health community, the diversion program aims to effectively reduce recidivism.”

It is important to distinguish between defendants applying to the diversion Program and those who exercise their right to go to trial and chose whether or not to put forth a mental health defense. For those defendants who are not appropriate for the diversion program or simply do not apply, the MHU may keep the cases for traditional prosecution or act as a resource for other Assistant Prosecutors regarding any specialized practical and legal issues involved.

“A not guilty by reason of insanity verdict is determined by a jury or a judge based on medical evidence presented by the defense and/or the State at trial. Those defendants may then be civilly committed to a psychiatric facility and are periodically reviewed and monitored under a different authority,” Czykier explained.

Assistant Prosecutors Apostolou, Czykier and supervisor Harvest have also been trained by the New Jersey Crisis Intervention Team (CIT). The training utilizes education and advocacy from the mental health community in an effort to improve police officers’ responses to individuals experiencing a psychiatric crisis.

“We want them to be better able to identify the difference between someone who has a mental illness and is in crisis versus someone who is purposefully not obeying police orders and committing a criminal offense,” Harvest said.

The MHU is seeking to add a clinical practitioner to its diversion program to confirm if a defendant has a serious and persistent mental illness and whether a nexus existed between the mental illness and the crime.

“Some people who live with mental illness also engage in criminal conduct. They should be held responsible for their actions just like any other defendant,” Apostolou said. “The diversion program addresses people who have engaged in criminal conduct largely because of their mental illness. A clinician can help make that complex determination.”

Since the MHU only accepts defendants who have been previously diagnosed, including a clinician may also allow defendants who have not been diagnosed to be appropriately evaluated. A clinician can also help determine if a defendant is intentionally feigning a mental illness, known as malingering.

Keeping track of the outcomes of applicants will help the MHU improve its program. Unit prosecutors maintain a database in an effort to use statistics to gauge the success of program. The unit’s success will largely be determined by the number of defendants who effectively complete the program and a reduction in their re-arrest rates. The goal is to make re-integration into society more productive by linking participants with existing community mental health services.

Essex County Prosecutor's Office Staff

June, 1968

