

INVESTIGATION SQUADS

➔ Arson Task Force

Since 1998 the Arson Task Force in the Essex County Prosecutor's Office has operated as a multi-jurisdictional Unit, utilizing the talents and resources of experienced and dedicated fire, police and prosecutorial personnel to maximize results. For the past five years, the Arson Task Force has been supplemented by full-time investigative personnel from the Newark and East Orange Fire Department Arson Squads. The contributions of these Detectives have made it possible for the Arson Task Force to maintain the reputation of the Essex County Prosecutor's Office as a nationally recognized leader in this challenging area of law enforcement.

2011 Accomplishments

Structure Fires:

In 2011, the Arson Task Force participated in the investigation of 75 structure fires in 15 municipalities within the County. Of these, 32 fires were determined to be the result of arson. The others were determined to be either accidental or the cause remains undetermined. Fatal fires also continued to be a serious problem in Essex County in 2011 as 6 people died as a result of fires.

Coordination with local agencies in the investigation of serious fires is paramount to the success of the Arson Task Force, and was a key component of the prosecution of State v. Wilfredo Rodriguez, Indictment 11-06-1166. The defendant in this case, who set fire to an apartment after a domestic dispute, is serving a five year sentence in state prison, with 85 percent of that time to be served before parole eligibility, due to the joint efforts of the Newark Arson Squad and the Arson Task Force.

This same coordination with the Newark Arson Squad resulted in a conviction in the case of State v. Ermon Ishmael, Indictment 11-12-2261. In this case, the defendant entered the apartment of an acquaintance and set a fire. He is serving a five year state prison sentence for his crime.

2012 Accomplishments

Structure Fires:

In 2012, the Arson Task Force participated in the investigation of 61 structure fires in 12 municipalities within the County. Of these, 29 fires were determined to be the result of arson. The others were determined to be either accidental or the cause remains undetermined. Fatal fires also continued to be a serious problem in Essex County. In 2012, 10 people died as a result of fires. Again, coordination with local agencies in the investigation of serious fires is paramount to the effectiveness of the Arson Task Force, and was an essential component in the prosecution of State v. Manuel Esteves, Indictment 12-02-323. The defendant in this case, who set fire to an automobile

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belonging to another person, is serving a three year sentence in state prison, due to the joint efforts of the Newark Arson Squad and the Arson Task Force.

This same coordination with the Newark Arson Squad resulted in a conviction in the case of State v. Robert Goodwin, Indictment 11-02-370. In this case, the defendant destroyed an automobile by fire to collect insurance proceeds. He is serving a seven year state prison sentence for his crime.

Coordination with the East Orange Arson Squad in the case of State v. Wallace Thomas, Indictment 11-03-585, involving a fire set in an occupied residence while the victim was unconscious inside the structure, has resulted in the defendant facing a seven year state prison terms, with 85% of the sentence to be served before parole eligibility.

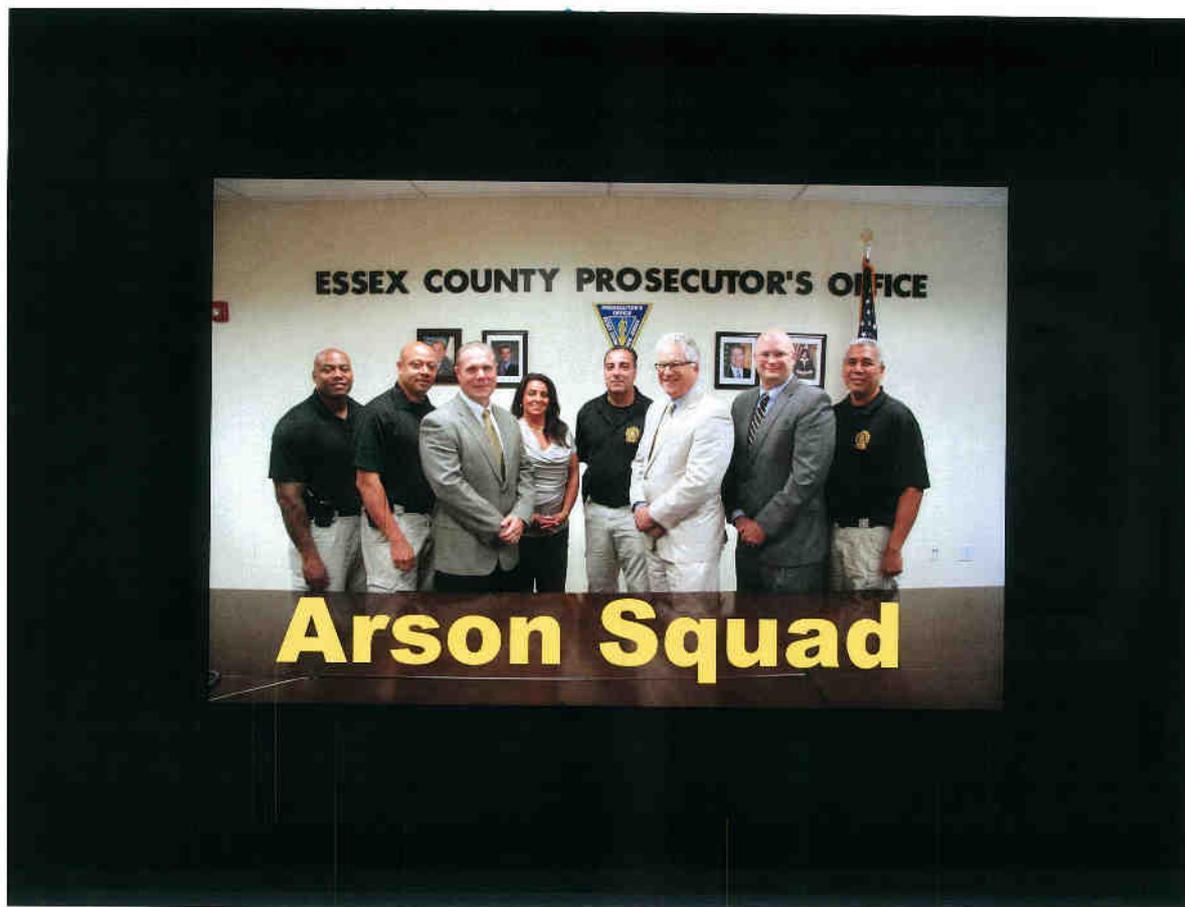
Vehicle Fires:

Essex County's geographic location and network of highways offer an easily accessible and inviting locale for individuals looking for a place to burn a vehicle. With the benefit of continuing financial assistance from the New Jersey Office of the Insurance Fraud Prosecutor, the Vehicle Fire Initiative has continued its ground-breaking work in the investigation of insurance-related vehicle fires. This highly technical, painstakingly investigative and prosecutorial effort has made the Essex County Prosecutor's Office the subject of several laudatory press reports. In the present difficult economic climate, these efforts will be redoubled to identify and prosecute those cases in which fire is used to evade onerous lease or financing payments.



Highly trained and qualified Arson Task Force personnel examine the remains of burnt automobiles, such as the one in the above photograph, to determine whether the fire was intentionally set. This expertise is crucial to fulfilling the Arson Task Force's commitment to reducing insurance fraud.

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Arson Squad, left to right: County Investigators Mark Holloway and Lance Nero, Deputy Chief of County Investigators Thomas A. Kelly, ECPO Staff Member Judy Musto, County Investigator Charles Lagattuta, Director and Assistant Prosecutor Jeffery R. Cartwright, Assisting Prosecutor Jason Hollingsworth, and County Investigator Michael Luker.

➔ 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 that harm them. The Unit is staffed by specialized law enforcement personnel with the desire, training and experience to service abused children. Unlike most child abuse units throughout the country, the ECPO Child Abuse Unit services all children up to age 18. The CAU maintains a 24-hour on-call service for all county municipal detectives and the Division of Youth and Family Services (DYFS) caseworkers.

The mission of the unit is to support an environment of lawful behavior, safety, security and justice for all of the people of Essex County. We recognize that the children of Essex County are our greatest resource and we are committed to their protection. To accomplish this mission, the CAU uses the most advanced methods to successfully identify, apprehend and prosecute those who commit crimes against children. When crimes against children occur, the CAU diligently pursues the arrest, indictment and conviction of those responsible. At the same time, all Constitutional safeguards of the accused are respected.

By their very nature, child abuse investigations and prosecutions are extremely difficult. The CAU is an integral part of the Winona M. Lipman Child Advocacy Center in Newark, New Jersey. It is one of the few child advocacy centers in the country with 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 interview. This technique prevents multiple interviews by law enforcement officials and reduces the trauma suffered by the victim. Family members of victims also receive a wide range of services.

Cases are investigated either solely by the CAU or through joint investigations with municipal detectives or staff of DYFS. Assistant prosecutors assigned to the CAU 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 who were victims of crimes which include:

- Sexual Abuse
- Physical Abuse
- Child Endangerment (abuse, neglect, cruelty and abandonment)
- Child Pornography
- Interference with custody/kidnapping
- Luring

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2011-2012 Accomplishments

In 2011, 1,018 new investigations of child abuse were opened. Criminal charges resulted in 240 of the cases. Some 752 were closed with no further action. In 2011, indictments were returned in 106 cases. In 2012 the CAU opened 862 investigations. Another 121 cases were carried over from 2011.

In 2012, the number of complaints investigated dropped to 854 with 188 resulting in criminal charges. Of those charged, 95 were indicted after the case was presented to the grand jury. Some 688 were closed with no further action.



➔ Cyber Crimes Unit

The Essex County Prosecutor's Office Cyber Crimes Unit (CCU) was established in late 2010. The CCU consists of a Lieutenant, two detectives, an assistant prosecutor and a certified forensic examiner. The mission of the Cyber Crimes Unit includes conducting original investigations, providing technical support for ongoing investigations and doing community outreach.

The Cyber Crimes Unit conducts original investigations when computer technology is the primary medium for the commission of a crime. Crimes investigated directly by the CCU include: Invasion of Privacy, Possession and Distribution of Child Pornography and Unlawful Access to Computer Systems. In its role as a support unit, members of the CCU provide legal and technical assistance to municipal police and other ECPO units in the investigation of crimes including sexual assault, homicide, fraud, burglary, and theft. Throughout the year, members of the unit present lectures to students, teaching staff and community groups throughout Essex County on Internet safety, Cyber Bullying, and Sexting.

2011 Accomplishments

In 2011, the Cyber Crimes Unit assembled a Multi-Jurisdictional Cyber Crimes Task Force, consisting of officers and detectives from municipal police departments throughout Essex County. Task Force officers received training in cyber and technology-facilitated crimes and legal issues, and worked with CCU in the investigation of such crimes in their respective jurisdictions. The CCU received more than one hundred requests for the examination of cellular telephones in 2011. Also in 2011, the CCU had several notable cases, including:

State v. Sean Coghlan - a private school teacher, who was also a Coordinator of the Roseland First Aid Squad, was convicted of possessing child pornography.

State v. Dawud Abdul-Latif - CCU worked with the Irvington Police Department to identify a suspect who used the site *Craigslist.com* to post ads purportedly to sell a car. When the potential buyers arrived to see the car, the individual displayed a handgun, robbed and attempted to carjack the victims. Working together, Irvington Police and the CCU identified the perpetrator with evidence obtained from those ads and other communications relating to the ads. The suspect, Dawud Abdul Latif, was arrested and ultimately convicted of robbery and weapons offenses.

2012 Accomplishments

In 2012, the Cyber Crimes Unit expanded its mission to include assisting the Megan's Law Unit in obtaining necessary evidence that registered sexual offenders were utilizing the Internet and social media in violation of the terms of their Community or Parole Supervision for Life. The Cyber Crimes Unit's forensic abilities continued to grow as it secured additional forensic devices and software. As a direct result of additional

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resources, the CCU has enhanced its ability to conduct in-house examinations. The unit received approximately 230 requests for examinations of cellular telephones, and approximately 80 requests for the examination of computers and other digital storage devices. As the use of electronic devices in the commission of criminal offenses continues to grow, the Cyber Crimes Unit is prepared to meet the needs of law enforcement in detecting these crimes and forensically analyzing those devices.



Cyber Crimes Unit, from left, clockwise: County Investigator Joseph A. Iulani, Lieutenant Richard T. Gould, Captain Earl J. Graves, ECPO Staff Member Cheryl A. Moses and County Investigator Michele R. Boland.

➔ Extradition Unit

The Extradition Unit is responsible for the process by which one government jurisdiction surrenders an individual found in its territory to another jurisdiction where the individual is wanted either to stand trial for an offense he or she is alleged to have committed or to serve a penal sentence already pronounced against him or her. The Unit is also responsible for executing interstate requests for out-of-state prisoners who are facing charges in Essex County and for responding to similar requests from other jurisdictions.

Within the Essex County Prosecutor's Office, extradition requests are presented and argued by Assistant Prosecutors assigned to the cases. Additionally, a Detective or Specialist is assigned to facilitate the overall extradition process. The Office coordinates its extradition activity with various statewide and federal task forces that address specific criminal concerns, such as narcotics trafficking and organized crime.

2011 and 2012 Accomplishments

In 2011, the Extradition Unit processed 247 requests for extradition. It returned 176 fugitives to Essex County and 235 fugitives to other jurisdictions.

In 2012, the Extradition Unit processed 277 requests for extradition. It returned 187 fugitives to Essex County and 219 fugitives to other jurisdictions.

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➔ Financial Crimes Unit

The Financial Crimes Unit was established in 2010 as a unit dedicated to the detection and prosecution of cases involving the unlawful conversion of funds and/or property. Most of these cases involve fraudulent activities using checks, credit cards, bank accounts and mortgages. Victims of financial crimes are varied and range from the most fragile victims, such as the elderly or infirm, to the more affluent, including private citizens and professional corporations. Supervised by a Deputy Chief Assistant Prosecutor, four assistant prosecutors direct financial crime investigations. Additionally, five detectives, supervised by a Lieutenant and Captain of Detectives, conduct the investigations.

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

In 2012, the Financial Crimes Unit expanded to include an Insurance Fraud Division. The Insurance Fraud Division is staffed by one Financial Crimes Assistant Prosecutor and two Financial Crimes Detectives. The Insurance Fraud Division is partially funded through a grant from the New Jersey Attorney General's Office of the Insurance Fraud Prosecutor.

2011-2012 Accomplishments

In 2011, the Financial Crimes Unit conducted investigations into 224 cases. In 2012, the number of cases investigated increased to 253, this included cases investigated by the newly formed Insurance Fraud Division.

Significant 2011/2012 Cases:

State v. Thomas Miller - Thomas J. Miller, 23, of Cedar Grove, posing as an automobile wholesaler, duped would-be buyers out of \$650,000 via an online car selling scam in which he ensnared nearly a dozen buyers from Pennsylvania, California, Maryland, Massachusetts, Illinois and Canada. The defendant advertised cars ranging from \$70,000 to \$90,000 over the Internet. Among the makes were Mercedes Benz, BMW, Lexus, Nissan Murano and Land Rover.

Thomas Miller was convicted of Theft by Unlawful Taking and sentenced to three years in New Jersey State Prison.

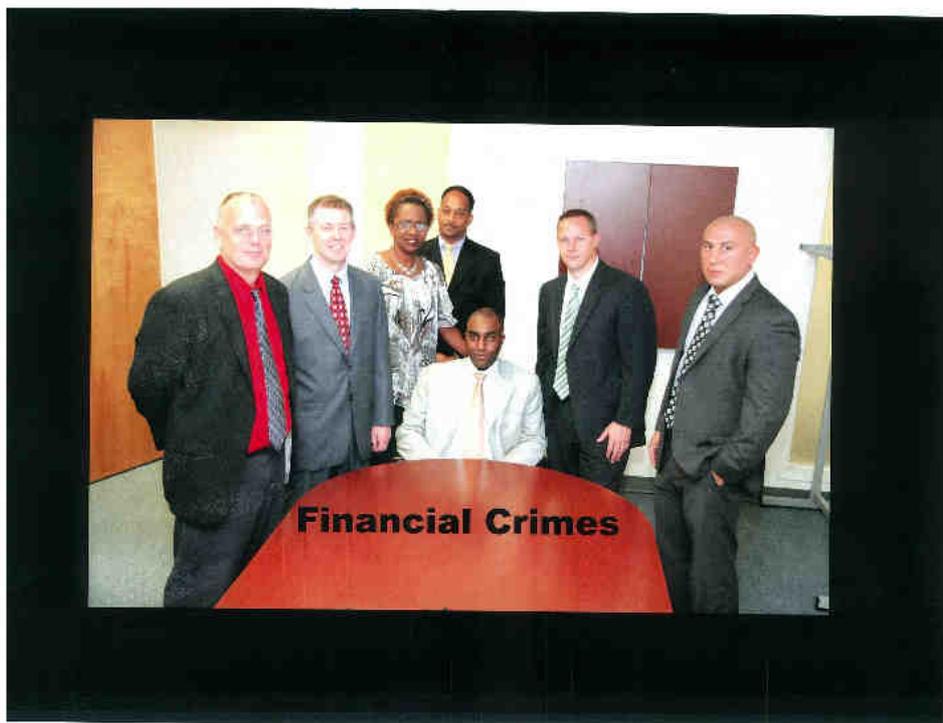
State v. Spyridon Gizas – On Oct. 16 and Oct. 17, 2009 Spyridon Gizas, 52, of Parsippany, charged nearly \$40,000 to American Express using stolen credit card numbers.

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After deliberating for only one hour, an Essex County jury convicted Gizas, owner of Harold's Deli in Parsippany, of ten (10) counts for his role in the credit card fraud scheme. Specifically, he was found guilty of two counts of conspiracy to commit credit card fraud, four counts of credit card fraud and four counts of theft by deception. The defendant was sentenced to five years in New Jersey State Prison.

State v. Matthew Kirnan – The defendant, an attorney/former Mayor of Verona, was convicted of misappropriating funds from real estate closings. Specifically, the defendant is alleged to have stolen \$749,528.14, in aggregate, from three clients. Mr. Kirnan converted the funds, which were initially deposited in his attorney trust account, to personal use. Mr. Kirnan was disbarred by consent. Mr. Kirnan was convicted and sentenced to 7 years in New Jersey State Prison and ordered to pay restitution in the amount of \$749,528.14.

State v. Colleth Rhodes – The Defendant, an accounting manager for a Federal Credit Union, fraudulently transferred funds from several general ledger accounts to an account she controlled, ultimately stealing the funds. Over \$700,000 was transferred into the account during the relevant periods. Defendant pled guilty and was sentenced to 7 years in New Jersey State Prison.



Financial Crimes Unit: Left to right,.

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➔ Homeland Security and Counter-Terrorism

In 2002, the State of New Jersey created the Office of Counter-Terrorism (O.C.T.) within the Department of Law and Public Safety. In 2006, New Jersey formed the state Office of Homeland Security and Preparedness (OHSP) to replace O.C.T.

OHSP, a cabinet level agency, is a multi-faceted organization with a mission to coordinate New Jersey's anti-terror measures. OHSP communicates with the State's law enforcement agencies primarily through the 21 county prosecutors' offices. All county prosecutors are required to designate a Counter-Terrorism Coordinator in their respective counties. The Counter-Terrorism Coordinator is the primary link between all law enforcement agencies in the County and OHSP.

The Essex County Counter-Terrorism Coordinator has obtained the necessary clearances to receive classified homeland security briefings from the FBI and from the U.S. Department of Homeland Security.

In addition to the Counter-Terrorism Coordinator, who also serves as the Chief Assistant Prosecutor in charge of the Homicide, VIPER and Arson Units, the Homeland Security Unit is staffed by a Risk Mitigation Planner who performs vulnerability assessments at the numerous critical infrastructure sites in the county. The Counter-Terrorism Coordinator and the Risk Mitigation Planner also assist municipal law enforcement agencies in the county with the Suspicious Activity Reporting System (SARS) administered by OHSP.

The Counter-Terrorism Coordinator also oversees operations of the Essex County Rapid Deployment Team (RDT), comprising over 100 sworn law enforcement officers from all law enforcement agencies in the county. The RDT serves as "force-multiplier" capable of deploying quickly to assist other law enforcement agencies in matters of civil disorder, crowd control, infrastructure protection and natural disaster relief.

2011-2012 Accomplishments

In 2011 and 2012, the Homeland Security and Counter-Terrorism Unit continued to work with federal and state officials to investigate tips and leads of possible terrorist activity in Essex County. The ongoing wars in Iraq, Afghanistan and other issues in the Middle East have generated a number of reports of suspicious activity in this region. All such reports are investigated by the Unit.

As we move further away from the tragedy of 9/11/01, the Homeland Security and Counter-Terrorism Unit has been tasked by OHSP officials to work with the municipal police agencies within the county to stress the importance of remaining acutely alert. There is a concern that U.S. born "home-grown sympathizers" may continue to plan attacks on the homeland and the threat from "Lone-Wolf" extremists remains ever present. Law enforcement agencies cannot underestimate the possibility of attacks on the homeland and must remain ever vigilant.

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Secure the Cities initiative: The Homeland Security and Counter-Terrorism Unit works with federal and state partners to obtain radiation detection equipment for law enforcement agencies in the county. Such equipment is an important tool in preventing a radiological or nuclear device from entering target-rich environments such as Newark, Jersey City and New York City.

In 2011 and 2012, Essex County law enforcement agencies participated in drills and exercises, including a multi-agency, multi-state exercise designed to attempt to interdict radioactive material as it made its way to New York City.

Rapid Deployment Team (RDT): The RDT conducted several training exercises throughout 2011 and 2012. The RDT was also activated for several days in the spring of 2011 to assist in rescue and law enforcement operations in Fairfield which experienced severe flooding. The RDT was also activated to provide additional law enforcement and crowd control services in Hudson County during Fourth of July celebrations in New York Harbor.

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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.

2011- 2012 Accomplishments

In 2011, the Essex County Prosecutor officially formed the Homicide/Major Crimes Task Force and entered into a partnership with other law enforcement agencies in the county. Currently, 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). 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 2011, the Essex County Prosecutor's Office Homicide Unit investigated 132 homicides. There were 93 fatal or serious motor vehicle collisions and 68 special investigation matters.

In 2012, the Essex County Prosecutor's Office Homicide Unit investigated 123 homicides. There were 68 fatal or serious motor vehicle collisions and 79 special

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investigation matters. Prosecutors assigned to the Unit were also responsible in 2012 for handling numerous juvenile waiver proceedings. The 123 homicides in 2012 represent an approximate 7 percent decrease over calendar year 2011. In 2011, Assistant Prosecutors and Detectives assigned to the Homicide Unit prepared, received and executed over 100 search warrants and 200 communications data warrants. A total of 66 homicide cases were prepared for Grand Jury presentation in 2012 with 59 cases indicted. The Vehicular Homicide Unit also presented 29 cases to the Grand Jury of which 13 were indicted.

While many cases have been handled by the Assistant Prosecutors assigned to the Unit, the most notable were the cases of Gerardo Gomez and Jose Caranza, the final two defendants from the notorious Mt. Vernon schoolyard case. In this case, three college students from Newark were murdered and a fourth was seriously injured. Both Gomez and Caranza were convicted after separate trials.



Homicide Squad

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➔ Juvenile Trial Unit

The primary legal function of the Essex County Prosecutor's Office's Juvenile Trial Unit is to prosecute or resolve all complaints charging acts of juvenile delinquency. As defined by the New Jersey Code of Juvenile Justice (N.J.S.A. 2A: 4A-23 et. seq.), juvenile delinquency includes the commission of an act by an individual under the age of eighteen (18). Juveniles who are fourteen (14) years of age or older and commit serious offenses such as homicide, armed robbery, aggravated sexual assault, aggravated arson and aggravated assault may be transferred or waived to the adult Criminal Division of the Superior Court.

Juvenile Trial Unit Assistant Prosecutors argue detention hearings, negotiate pleas, conduct bench trials and waive juveniles to the adult courts. Assistant Prosecutors screen and review every juvenile petition filed in the Superior Court. They investigate, analyze and litigate delinquency cases that are heard before the Chancery Division, Family Part. The State prosecutes these cases pursuant to the New Jersey Code of Juvenile Justice, which has a primary purpose to remove criminality from children and substitute supervision, care, rehabilitation and a range of sanctions for accountability and protection of the public.

For the past seven years, the Essex County Prosecutor's Office has been represented on the New Jersey Juvenile Detention Alternatives Initiative (JDAI) Steering Committee. The JDAI Steering Committee was convened by the Juvenile Justice Commission to create a Risk Screening Tool to be used by intake officers throughout New Jersey to determine whether a juvenile charged with an offense should be detained or, if not, to determine appropriate detention alternatives pending disposition of the matter. Essex County is one of five pilot counties implementing the Risk Screening Tool.

In December 2008, the JDAI State Steering Committee's name was changed to the New Jersey Council on Juvenile Justice System Improvement (NJCJJSI). This committee is a collaboration of juvenile justice partners, including the Juvenile Justice Commission, Administrative Office of the Courts and the Judiciary. Its mission is to institutionalize the core strategies of JDAI to examine juvenile justice in New Jersey systematically and to promote strategies that improve outcomes from arrest through adjudication and disposition. In 2009 the State of New Jersey became a JDAI Model Site for the Annie E. Casey Foundation.

2011-2012 Accomplishments

In 2011, the Juvenile Trial Unit handled 3,038 cases filed in the Essex Vicinage Family Division Court. These cases ranged from petty disorderly persons offenses to offenses that, if the juvenile were an adult, would be indictable. Offenses such as robbery, homicide, carjacking, criminal restraint, possession of firearms, violations of probation, narcotics possession and distribution, auto theft, assault, sexual offenses, bias crimes, thefts/burglary, terroristic threats, harassment and criminal mischief were handled by this Unit.

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In 2011, seventy-one juvenile waivers were filed with an additional 14 motions that were pending from 2010, totaling 85 motions in year 2011. Of those cases, 23 were waived to the Criminal Division with 10 juveniles having been charged with homicides and 40 motions being withdrawn. One motion was denied. While the overall number of offenses committed by juveniles has decreased, waiver filings have increased due to the nature of the offenses committed by juveniles—namely armed robberies, carjackings, aggravated assaults with firearms and homicides.

In 2012, the Juvenile Trial Unit handled 3,168 cases in the Essex Vicinage Family Division Court. And 58 juvenile waivers were filed with an additional 22 motions that were pending from 2011, totaling 80 motions in year 2012. Of those cases, 23 were waived to the Criminal Division.

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➔ Megan's Law Unit

The Megan's Law Unit was established in 1995 in response to a state law designed to protect potential victims from convicted sex offenders returning to or moving into the community. The law requires convicted sex offenders to register with local law enforcement agencies, enabling police and the Essex County Prosecutor's Office to locate and identify offenders and to alert the public when appropriate.

Our Assistant Prosecutors evaluate the degree of risk of re-offense a convicted sex offender poses to the community. These evaluations are made in accordance with guidelines established by the Attorney General's Office. A three-tier classification system is used to assess the level of risk for re-offense a particular sex offender poses to his/her community. The evaluation process is triggered when a sex offender is released into the community from a custodial sentence or is placed on probation. Once the Assistant Prosecutor has evaluated a sex offender, a motion is filed in Superior Court. A hearing is then conducted before the designated Megan's Law Judge who determines the tier classification level most accurately representing the degree of risk that a particular sex offender poses to the community. This tier classification determines who in the community will receive information regarding the sex offender.

Information about a sex offender is always provided to law enforcement agencies and then, only when appropriate and court-ordered, to the public.

Tier 1 offenders are deemed low risk for re-offense. Therefore notification is limited to the police departments and County Prosecutor Offices where the offender lives, works and/or attends school.

Tier 2 offenders are considered moderate risk for re-offense. Therefore notification is sent to the appropriate schools, day care centers, women's shelters and registered community organizations within the geographic area where the offender is "Likely to encounter" potential victims.

Tier 3 offenders are considered high risk for re-offense, therefore all individual residences, businesses, schools, day care centers, women's shelters and registered community groups within an offender's "Likely to encounter" zone receive notification.

Notification flyers are in English, but are also provided in other languages if a particular notification area has a large number of individuals who do not use English as their primary language. Due to Essex County's population density, Tier 3 community notifications generally take about four weeks to plan and execute after the Tier 3 court order is obtained. Tier 3 notifications, which the Megan's Law Unit conducts in cooperation with local police departments, are labor intensive operations executed with the highest standards of excellence and professionalism.

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Court ordered notifications for all Tier 3 offenders and the majority of Tier 2 offenders include placing notification on the New Jersey Sex Offender Registry. The public can view this information on the New Jersey State Police website at www.njsp.org under the icon labeled New Jersey Sex Offender Registry.

2011-2012 Accomplishments

The Megan's Law Unit of the Essex County Prosecutor's Office is the busiest Megan's Law Unit in the State of New Jersey. This is because Essex County has more registered sex offenders than any other county; generally between 1,200 and 1,500 at any given time. As of December 31, 2011, there were 1,404 sex offenders registered in Essex County, with 313 more incarcerated in state and county prisons. Nearly 415 more sex offenders were housed in state institutions under various civil commitment laws. In 2012, the list grew to 1,479 registered sex offenders with an additional 268 more incarcerated in various state and county correctional facilities.

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. 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 each time he or she moves to a new address within Essex County or moves into Essex County from elsewhere.

It is incumbent on the Megan's Law Unit to conduct a new notification regarding the offender encompassing his or her new area of residence and/or employment. During 2011, ten (10) such offenders were afforded a new hearing requiring community re-notification. In 2012, five such re-notifications were made. 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.

During 2011 the Megan's Law Unit designated 9 registrants as Tier 1 sex offenders, and obtained court orders for 26 Tier 2-Internet cases, as well as 6 Tier 2 Non-Internet cases. The Unit also obtained 7 court orders for Tier 3 sex offenders, all of whom were posted on the Internet. During 2012, the Megan's Law Unit designated 17 registrants as Tier 1 sex offenders and obtained court orders for 22 Tier 2-Internet cases as well as 1 Tier 2 Non-internet case. During 2012 there were 8 court ordered Tier 3 notifications. As 2012 became 2013, 32 registrants were still pending judicial review.

Essex County's new Internet postings totaled 33 (including listings for each of an offender's aliases) in 2011 and 30 in 2012. Essex County's Internet numbers are the highest in the state. This is a significant achievement considering the tremendous volume of active cases handled by the Unit annually.

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The Megan's Law Unit also indicted 90 sex offenders at the grand jury in 2011 and 87 in 2012. This number represents a steady volume in the number of violations sex offenders in Essex County have committed pertaining to Megan's Law, Community Supervision for Life and the New Jersey Sex Offender Monitoring Act.

During 2011, the Megan's Law Unit continued its Megan's Law Fugitive Initiative. This program is a collaborative and systematic effort by the Essex County Prosecutor's Office, 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, those 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.

During the fall and early winter of 2011, the Megan's Law Unit coordinated with the U.S. Marshals Service and other members of Northern New Jersey law enforcement to target out-of-compliance sex offenders in the urban centers of Belleville, Bloomfield, Orange and East Orange.

During Operation SOLSTICE (Sex Offender, Location, Supervision and Tracking In the County of Essex) , the same task force working with the Essex County Prosecutor's Office Megan's Law Unit and members of the Belleville, Bloomfield, Orange and East Orange Police departments conducted a two-part operation.

In Part I, task force members reviewed the compliance of 247 sex offenders living in the four towns by checking every registered address. Part II of Operation SOLSTICE focused on investigating 63 sex offenders with outstanding warrants. Follow-up investigation led to the arrest of 24 sex offenders and a flurry of re-registration activity during the week of December 19, 2011. Following the arrests, 23 warrants for non-compliance were issued by three of the towns: 8 from Orange, 14 from East Orange and 1 from Belleville. Additionally, as of December 31, 2011, the Megan's Law Fugitive Initiative is credited with the location, apprehension and return of 9 additional Megan's Law fugitives from New Jersey, New York, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia.

In 2012, the Megan's Law Unit focused on the training of law enforcement personnel and the education of the public through Megan's Law seminars. In May 2012, the Unit hosted a day-long training seminar for all municipal, county and state law enforcement personnel working in Essex County.

The seminar began with a welcome address from Acting Prosecutor Carolyn A. Murray and finished with Acting First Assistant Robert Laurino awarding 68 certificates of completion to the attending officers. Training was provided by Deputy Attorney General Mary Murphy of the New Jersey Attorney General's Office Division of Criminal Justice Prosecutors' Supervision and Coordination Bureau, Lieutenant Edward Russo of the New Jersey State Parole Board's Sex Offender Monitoring Unit, Timothy J.

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Gaffigan of the United States Marshals Service along with the staff of the Megan's Law Unit.

During 2012, the Megan's Law Unit 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.



Megan's Law Unit, left to right: Investigator Earl Graves, Director and Assistant Prosecutor Janice L. Massaro, Support Staff Assima Cromartie, Halimah Harris, Michelle Geiger, and Assistant Prosecutor Linda Nevadomski.

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➔ Professional Standards Bureau / Corruption and Bias Crimes Units

The Professional Standards Bureau (PSB) consists of two branches. The prosecution branch is led by a Deputy Chief Assistant Prosecutor, along with two additional Assistant Prosecutors and one directing the Bias Crime investigations. The investigative branch is led by a Captain of Prosecutor's Detectives who has overall command of the Bureau.

The Unit is primarily responsible for the investigation and prosecution of all criminal misconduct involving police in Essex County. It also conducts activities to improve the administration and delivery of Police Internal Affairs services on a countywide basis. The Unit has one separately assigned Assistant Prosecutor dedicated to cases involving public employees and public servants. A member of the clerical staff oversees all office operations and manages the records system and paralegal functions of the PSB, Corruption Unit and Bias Unit.

When either the PSB or Corruption Unit receives an allegation of criminal conduct committed by a sworn law enforcement officer or public servant a determination about whether a criminal prosecution is warranted is made. If a criminal prosecution is warranted, the case is presented to a Grand Jury. If an indictment is returned, the unit is responsible for the case through the trial or plea agreement. 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.

2011-2012 Accomplishments

In 2011, the PSB received 411 new cases and completed investigations in 451 cases. The number of completed investigations exceeds the number of new cases because it includes cases from the prior year. Of the 451 cases, 6 resulted in criminal charges. Another 6 were referred to another agency for prosecution, and 354 were referred for civil or administrative action. There were six bias crime cases in 2011.

In 2012, some 446 new cases of alleged corruption were opened. Investigations were completed in 384 cases. Of that number, 11 resulted in criminal charges being brought. Another 10 were referred to another agency for criminal prosecution and 332 were referred for civil or administrative action. There were three bias crime cases in 2012.

➔ 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 1970s 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 guidance and investigative support for all municipal police departments within the county.

At its inception, the SARA Unit handled 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.

Starting in 2009, the SARA Unit undertook the additional responsibility of investigating and prosecuting cases involving Human Trafficking. One assistant prosecutor and one detective in the unit are designated as liaisons to the Attorney General's Human Trafficking Task Force. As part of the Human Trafficking Task Force, the Essex County Prosecutor's Office became only the second office in the state to formalize a Human Trafficking Protocol.

Today, the SARA Unit handles only those cases involving adult victims of sexual abuse. The legal staff consists of an Assistant Prosecutor/Director and two Assistant Prosecutors. The three sex crimes Detectives assigned to the Unit are supervised by an Investigative Captain and Lieutenant. Members of the legal and investigative staff are available 24 hours a day to assist local law enforcement in their investigations.

The SARA Unit is a vertical unit, handling its cases from inception through trial. This approach eliminates the need for repetitive investigative interviews and protects victims from continually reliving the abusive act.

2011-2012 Accomplishments

In 2011, 241 new cases were opened. Of that number 68 resulted in criminal charges. Another 14 were referred to another agency for criminal prosecution. During 2012, the Sexual Assault and Rape Analysis Unit opened 259 new cases. Criminal charges resulted in 60 of those cases. Seven were referred to other agencies for criminal prosecution.

INVESTIGATION SQUADS

➔ Vehicular Homicide Unit

The Vehicular Homicide Unit of the Essex County Prosecutor's Office was created in the year 2000 thanks, in part, to a grant from the New Jersey Division of Highway Traffic Safety. The Unit was established to ensure close cooperation between local police departments, New Jersey State Police and the Prosecutor's Office whenever a motor vehicle collision resulting in a death or serious bodily injury occurs in the County. The three detectives assigned to this unit are specially trained in collision investigation and reconstruction. The focus of their investigations is to determine whether the incident resulting in death or serious bodily injury was the result of criminal conduct.

Two Assistant Prosecutors, each having received training in collision investigation, are assigned to the Vehicular Homicide Unit. They work closely with Vehicular Homicide Detectives and local police departments to ensure that all relevant evidence is collected and analyzed in a manner that will survive all possible challenges in the courtroom. Vehicular Homicide Assistant Prosecutors then work with the case detective in the Unit to prepare the case for Grand Jury presentation. If the case involves a juvenile offender, the Unit will prosecute the case in juvenile court or request waiver of the offender to adult status when appropriate.

In addition to the investigation of vehicular homicides and serious bodily injury crashes, the Vehicular Homicide Unit participates in numerous educational and enforcement-based programs.

2011-2012 Accomplishments

During 2011, the Essex County Prosecutor's Office investigated 49 vehicular homicides and 28 serious bodily injury collisions. Assistant Prosecutors working with the Vehicular Homicide Unit presented 29 cases to the Grand Jury with 13 of those cases indicted.

2011 Significant cases included:

State v. Wilquan Williams – In 2008, the defendant was ejected from a bar in Newark at which time he got into a car and drove directly on the sidewalk in front of the bar. The vehicle driven by the defendants struck several pedestrians in front of the bar. One of the pedestrians was killed and several were injured. The defendant was prosecuted by the Vehicular Homicide Unit and he eventually pleaded guilty to Aggravated Manslaughter and other charges and received a sentence of 22 years in prison in 2011.

State v. James Perry – In November 2008, the defendant was fleeing from the East Orange police when he crashed into a car killing a woman and her young son. Defendant was tried before a jury and was convicted of two counts of aggravated manslaughter. He was subsequently sentenced to 40 years in state prison.

INVESTIGATION SQUADS

During 2012, the Essex County Prosecutor's Office investigated 42 vehicular homicides and 28 serious bodily injury collisions. As a result, the Assistant Prosecutors in the Vehicular Homicide Unit proceeded with 15 criminal cases and 15 cases are still pending either presentation to the Grand Jury or laboratory results.

2012 Significant cases included:

State v. Nicholas Comasco – In 2012, the defendant was driving his heavily modified 2000 Chevrolet Camaro at a high rate of speed on a residential roadway when he struck a 2007 Honda civic, killing 17 year old Christina Lembo.

State v. James Sterling – In November, the New Jersey State Police attempted to effectuate a motor vehicle stop of a 2004 Chrysler Pacifica when the vehicle fled at a high rate a speed subsequently striking three vehicles including an ambulance. As a result of the crash, the medical attendant in the ambulance was pronounced. The patient of the ambulance expired days after the crash. An autopsy is pending as to her cause of death.

INVESTIGATION SQUADS

➔ VIPER Unit

The VIPER (Violence, Intelligence, Protection, Enforcement, and Recidivism) Unit 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 VIPER 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 VIPER Unit 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 VIPER Unit is staffed full-time by detectives, an Assistant Prosecutor/Director and three assistant prosecutors who vertically prosecute all cases initiated by VIPER detectives. VIPER prosecutors also review all narcotics and gang-related search warrants and provide legal advice to outside law enforcement agencies on narcotics and gang issues. In 2011 VIPER prosecutors reviewed over 400 search warrants on behalf of law enforcement officers throughout the county. In 2012 VIPER prosecutors reviewed over 340 search warrants on behalf of law enforcement officers throughout the county.

The Intelligence section of the VIPER Unit 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.

2011 Accomplishments

In 2011, the VIPER Unit initiated 183 investigations culminating in 369 arrests. VIPER Unit investigations resulted in the seizure of over 35 kilograms (more than 7 pounds) of cocaine, more than 145 grams of heroin and more than 5 pounds of marijuana. VIPER Unit investigations also resulted in the seizure of more than one ounce of crystal methamphetamine, ecstasy pills and a large quantity of prescription drugs. The approximate street value of the narcotics seized by the VIPER Unit in 2011 is \$875,000 for cocaine, \$14,000 for heroin, and \$50,000 for marijuana. VIPER Unit personnel also seized over \$81,000 in currency from drug dealers in 2011.

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. VIPER Unit personnel seized 27 firearms in 2011, including two assault firearms. This number is significant given that the Unit operates with a

INVESTIGATION SQUADS

relatively small number of personnel. The Unit also obtained and executed more than 30 search warrants in 2011.

Significant activities of the VIPER Unit in 2011 include:

Operation Jericho – This investigation was initiated by VIPER detectives to address narcotics distribution in the Central and North Wards of Newark. As the investigation progressed, VIPER personnel obtained approval for court authorized electronic surveillance. The evidence developed from the wiretap enabled personnel to fully identify members of a conspiracy. Use of electronic surveillance also enabled VIPER personnel to prevent a robbery from occurring. The investigation culminated with the arrest of more than 10 individuals, the seizure of controlled dangerous substances, U.S. currency and one firearm.

OPERATION SMOKING GUN – This joint investigation with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was developed based on information VIPER detectives obtained that an individual was distributing firearms in the City of Newark. VIPER detectives identified the suspect along with several co-conspirators through surveillance and other investigative means. VIPER detectives then introduced undercover officers from the ATF and the VIPER Unit. Over the course of several weeks, undercover operatives purchased firearms from the target and several of his co-conspirators. Detectives seized sixteen firearms, and the investigation culminated with the arrest of six individuals. The seized firearms consisted of rifles, shotguns and handguns.

2012 Accomplishments

In 2012, the VIPER Unit initiated 125 investigations culminating in 119 arrests. VIPER Unit investigations resulted in the seizure of over 3 kilograms of cocaine, more than 371 grams of heroin and over 13 pounds of marijuana. VIPER Unit investigations also resulted in the seizure of a quantity of prescription drugs. The approximate street value of the narcotics seized by the VIPER Unit in 2012 is \$75,000 for the cocaine, \$37,000 for heroin and \$177,540 for marijuana. VIPER Unit personnel also seized over \$277,400 in currency from narcotics traffickers and others involved in criminal activity in 2012.

VIPER Unit personnel seized 27 firearms in 2012, including five assault firearms. Based on the relatively small number of personnel operating in this Unit, this number of seized firearms is significant. The Unit also obtained and executed more than 76 search warrants in 2012.

OPERATION HIGH END - The VIPER Unit formed a joint taskforce with the Bergen County Prosecutor's Office, The New Jersey State Police, the Hudson County Prosecutor's Office, as well as other law enforcement agencies throughout the State of New Jersey to combat a stolen automobile and narcotics trafficking enterprise involving individuals operating out of various locations in Newark, New Jersey and the surrounding areas.

INVESTIGATION SQUADS

As a result of information gathered during the investigation, the taskforce was able to obtain approval for court authorized electronic surveillance. The evidence developed from the wiretap enabled personnel to fully identify members involved in the conspiracy. The use of electronic surveillance also enabled the taskforce to identify over twenty individuals involved in a criminal enterprise engaged in stolen automobile trafficking, alterations of vehicle identifications, operation of three chop shops as well as armed robberies and carjackings.

The investigation culminated with the arrest of more than 20 individuals, the seizure of 10 automobiles, seizure of controlled dangerous substances and over \$150,000 in U.S. currency. The Assistant Prosecutors assigned to VIPER then sought and obtained a 192 count Indictment under the Racketeering and Profiteering Statute against those individuals. This is the first Indictment sought in Essex County under the RICO statute.

OPERATION BARBER SHOP - This investigation was commenced after VIPER detectives received information that individuals involved in the trafficking of large quantities of narcotics were operating out of a barbershop located in Newark, New Jersey. VIPER detectives were able to utilize various investigative tools to identify the individuals involved in the conspiracy. As a result of the investigation, three individuals were arrested and charged with numerous offenses, including second degree Possession with Intent to Distribute approximately 2,500 envelopes of heroin.