

LEGAL UNITS

➔ **Adult Trial Section**

The Adult Trial Section represents the State in the criminal proceedings that follow the filing of an indictable criminal complaint and/or arrest of a defendant. Trial Assistant Prosecutors present their cases to the Grand Jury and try those cases before a petit jury. These Trial Assistant Prosecutors are responsible for: bail review and bail source hearings; arraignment/status conferences; plea negotiations; motions; extradition waiver hearings; status reviews of civil commitments incident to criminal proceedings; jury and non-jury trials; sentencing hearings; hearings for probation violations; municipal court appeals; and petitions for post-conviction relief.

Trial Assistant Prosecutors and Detectives assigned to the Trial Section work in teams consisting of three Prosecutors and two Detectives for each of the criminal trial courts in Essex County. The Trial Assistant Prosecutors work closely with their assigned Detectives who interview witnesses, prepare reports, take statements, schedule witness interviews, visit crime scenes, take photographs, locate evidence and reports from municipal police departments, serve subpoenas and take any other additional investigative steps as required.

Since 2004, the prosecution system for criminal cases has followed the “vertical” model, which means each Trial Assistant Prosecutor handles each case from pre-indictment preparation through the Grand Jury process and remains primarily responsible for subsequent plea negotiations, trial presentation and sentencing. This process of having the same Trial Assistant Prosecutor and Detective continue with a case encourages efficiency, enhances accountability and permits a better response to victims and witnesses.

The Trial Section continues to emphasize mentorship and training for its Trial Assistant Prosecutors. The Unit coordinates with all elements of the investigation process, especially given the increasing levels of distrust and hesitancy to cooperate on the part of victims and witnesses stemming from intimidation and threats of violence from organized street crime elements. Increased and more effective use of forensic evidence is also a priority for the Trial Section to ensure that justice is achieved in Essex County.

2015 Accomplishments

The Adult Trial Section continued to handle the largest and most serious caseload in the State. Essex County leads the State in the number of criminal filings and handles a higher-than-average proportion of first and second-degree offenses. All first and second-degree crimes of violence require mandatory periods of parole ineligibility, making disposition of these offenses more difficult.

In 2015, the Essex County Prosecutor’s Office successfully indicted 4,540 defendants. That same year, 4,393 cases involving previously indicted or charged

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by accusations were resolved. Fifty-one percent of these cases involve first or second degree offenses. Trials were held in 120 cases. In 2015, the overall post-indictment/accusation conviction rate, including pleas, trials and successful completion of Pretrial Intervention was 78.6 percent.

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➔ Appellate Section

The Appellate Section of the Essex County Prosecutor's Office is the largest appellate practice of the 21 County Prosecutors' offices in the State. It is composed of career appellate lawyers, all of whom enjoy considerable experience in the state and federal appellate courts. In total, the Section's attorneys have argued dozens of cases in the state Supreme Court, and combined have over 100 years of experience as appellate attorneys.

The Section handles all litigation on behalf of ECPO in the Appellate Division, the Supreme Court of New Jersey, whether it be pre-trial, during trial, or post-sentencing. It also initiates its own appeals from adverse pre-trial and post-trial rulings, often resulting in the successful re-instatement of prosecutions that were effectively terminated. The Section also handles all petitions for habeas corpus in federal court, and oversees all municipal appeals, gun permit applications and appeals, name change applications, reciprocal witness applications, petitions for post-conviction relief, and certain categories of OPRA requests.

The Section also takes great pride in being an always-ready resource for ECPO's trial prosecutors. Providing legal advice, second-chairing trials or motions, drafting jury instructions, handling some of the more difficult trial motions, providing legal updates, teaching CLE courses, and maintaining a comprehensive brief bank are just a few of the ways the Section has become more integral to ECPO's mission of seeking justice, serving justice, and doing justice.

The Section also includes the county's Police Legal Advisor, a seasoned attorney who is always on call to answer questions from law enforcement officers in the field, and who regularly teaches both police recruits and experienced officers. When the Police Legal Advisor is unavailable, calls from the field are handled by any one of the Section's attorneys.

Finally, the Section oversees and coordinates the ECPO Internship Program. Each year, in the Spring, Summer, and Fall, students from colleges and law schools around the country are assigned to units throughout ECPO and provide valuable assistance to the attorneys and support staff they work alongside. Third-year law students also appear in court, and write briefs to both the trial courts and the Appellate Division.

Significant 2015 Cases:

Supreme Court of New Jersey

State v. Olivero – In this case, the jury found defendant guilty of burglary for his theft of printing rollers from a fenced and locked lot of a manufacturing facility in Newark, and the Appellate Division affirmed. The Supreme Court heard oral

argument on January 6, 2015, and unanimously affirmed the judgment of the Appellate Division on June 29, 2015. It held that the locked, fenced-in parking lot used for storage by an adjacent manufacturing facility was a “structure,” as required for conviction for third-degree burglary.

State v. Musa - In this robbery case, a deliberating juror failed to return to court to resume deliberations on the second day of trial and was replaced. Defendant was found guilty, but the Appellate Division reversed the conviction, finding that the trial court should have further explored why the juror failed to appear. The panel further found that the initial inquiry of the jury should have been more in depth, and should have included questions to the remaining jurors. The State's petition to the Supreme Court was granted, and following oral argument, the Supreme Court, on August 18, 2015, held that trial court appropriately exercised its discretion in replacing juror during deliberations with an alternate after juror failed to appear, and reinstated defendant's conviction.

State v. Goodwin – After a jury found defendant guilty of insurance fraud, the Appellate Division reversed the conviction, finding that defendant's conduct did not establish a crime because defendant's fraudulent actions were uncovered before the insurance company paid his illicit claims. On October 24, 2014, the Supreme Court granted the State's petition for certification to address primarily whether the phrase “statement of material fact” in the insurance fraud statute requires proof of actual detrimental reliance by the victim insurance company. Oral argument was held on November 10, 2015, and in early 2016 the Supreme Court reinstated the insurance fraud conviction, holding that false statements that had capacity to influence insurer were sufficient to support insurance fraud conviction, and an insurance fraud conviction is not inconsistent with a defendant's acquittal on charges of arson and theft by deception.

State v. Thompson – After a jury convicted defendant of murder and other offenses, the Appellate Division reversed, finding that the State impermissibly exercised its peremptory challenges during jury selection. The State sought review, which was granted on March 16, 2015. Following oral argument on December 1, 2015, the Supreme Court unanimously rejected that notion, and held that the trial court did not err in determining on remand that defendant failed to prove that prosecution exercised its challenges in violation of state constitution.

Appellate Division

State v. Fierro – Defendant, a Newark police officer, was convicted by a jury of assault charges and official misconduct as a result of an incident recorded by an outdoor surveillance camera during which defendant drew his service weapon while off-duty and struck a man in the face with the gun, causing the man's nose to bleed. The Appellate Division, on January 6, 2015, held that the trial court did not force defendant to testify in order to provide his version of the incident when it declined to instruct the jury after the State's case-in-chief on a justification defense. It also held

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the split verdict — conviction on aggravated assault with a deadly weapon but acquittal on possession of a weapon for an unlawful purpose — did not require reversal.

State v. Puryear and Brown – Puryear and Brown were charged with crimes related to a fatal shooting in Newark, and an armed robbery that took place several days later in Sussex County. Each of them gave two custodial statements, which they moved to suppress. After a hearing, the trial court initially denied suppression in all respects. Following motions for reconsideration, the court ultimately suppressed Puryear's first statement, admitted Puryear's second statement, admitted Brown's first statement, and suppressed Brown's second statement. Both parties appealed, and the Appellate Division, on June 24, 2015, affirmed each of those rulings, concluding the trial court had the authority to reconsider and change its interlocutory decisions, and properly did so in this one.

State in the Interest of N.H. – After a Family Part judge required the State turn over "full and complete" discovery in advance of the juvenile waiver hearing, the State successfully sought leave to appeal, but the Appellate Division affirmed on July 6, 2015. In September, the Supreme Court granted the State's motions for leave to appeal and for a stay of the Appellate Division decision. Oral argument took place on April 11, 2016, and a decision is pending.

State v. Zuber - The Appellate Division, on October 30, 2015, affirmed defendant's sentence against an Eighth Amendment challenge, holding that even assuming such a challenge can be extended to aggregate term-of-years sentences imposed consecutively for separate criminal episodes, defendant's aggregate sentence of 55 years before parole eligibility is not the "functional equivalent" of life without parole. In early 2016, the Supreme Court granted review in this case, along with another Essex County case, *State v. Comer*, and they will likely be argued during the Court's 2016-17 Term.

State v. J.M. – In this appeal from an order denying defendant's motion to modify his Megan's Law sentence, the issues are whether a defendant is entitled to present expert evidence to try to show he is no longer a compulsive sexual offender and so that he should not have to verify his address every 90 days, and whether the statute authorizes the Attorney General to adopt regulations allowing offenders who can prove they are no longer repetitive and compulsive to register annually instead of quarterly. On March 3, 2015, the Appellate Division rejected as meritless defendant's arguments that courts should periodically re-evaluate a Megan's Law registrant's Verification Schedule obligations, and that the courts should establish a new judicial tool for the improvement of the implementation of Megan's Law.

Federal Court

Branch v. Sweeney – After the District Court denied habeas relief, the Third Circuit Court of Appeals remanded the case to the District Court for an evidentiary hearing.

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Following the February 2015 hearing, the District Court judge rejected defendant's claims that his trial attorney was ineffective for failing to investigate alleged defense witnesses. On December 18, 2015, the Third Circuit denied review.



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➔ Central Judicial Processing Unit

Under the New Jersey Court Rule 3:4-2, all defendants charged with an indictable complaint (as opposed to a disorderly persons offense) must appear before a judge to be informed of the charges against them and to arrange bail, if appropriate. In 1987, a Central Judicial Processing (CJP) Court was established in Essex County to handle this responsibility for all municipalities in the County. Other counties with a CJP Court include Union, Hudson and Camden.

Essex County's CJP Unit handles all arraignment and bail hearings. CJP also performs an important case-screening function for custody and non-custody cases. All criminal complaints in Essex County charging an indictable crime are "screened" to separate indictable cases (those subject to prosecution in Superior Court) from cases that can be more quickly and appropriately resolved at another level. Cases can be also be diverted to the Municipal Courts, Family Court, Remand Court, and Drug Court.

Indictable cases are referred to any one of 15 Vertical Prosecution Courts or to a specialized prosecution squad. The nature of the offense, surrounding circumstances, quality of evidence, and character and arrest/conviction history of the defendant are all considered when making the screening decision. By performing this type of early case screening, cases can be diverted before they enter the grand jury and trial stages, thereby conserving valuable judicial and prosecutorial resources.

2015 Accomplishments

During the 2015 calendar year, Central Judicial Processing handled 7,494 cases. Of those, 6,520 were referred to the Grand Jury and another 825 cases were referred to the Special Remand Court. The remaining cases were sent back to the Municipal Courts.



➔ Drug Court Program

The Drug Court Program began in Essex County in 1999. It was the original pilot program for the State of New Jersey. Judges, prosecutors, public defenders, court professionals, substance abuse evaluators, treatment facilitators and probation officers work together to assist participants in the program to conquer their addiction. The program links the criminal justice system with drug treatment and rehabilitative services promoting life skills. The purpose is to break the cycle of addiction and recidivism among these non-violent offenders.

Participants receive intensive probation supervision and swift graduated sanctions for non-compliance as they undergo treatment and counseling for their drug and alcohol addictions. Public safety concerns are addressed through the close monitoring of each defendant by probation officers and the Drug Court Team. The program involves a team approach on the part of judges, court staff, attorneys, probation officers, substance abuse evaluators and treatment facilitators who support and monitor every participant's recovery. The Drug Court Team discusses each participant weekly.

During 2015, Essex County began to prepare for becoming a Mandatory Drug Court County. Effective July 1, 2016, Essex County will join the following counties that already are Mandatory Drug Court Counties – Atlantic, Cape May, Bergen, Burlington, Hudson, Mercer, Monmouth, Passaic, Somerset, Hunterdon, Warren and Ocean. Being a Mandatory Drug Court County means that every eligible defendant must participate in Drug Court. That change is expected to significantly increase the number of defendants who enter the program and the resources needed to manage those defendants.

2015 Accomplishments

The Program's reporting year is from July 1 to June 30. For the 2015 court year, 302 applications were submitted for consideration. Of that number, 173 applications were legally acceptable for Drug Court. A total of 158 evaluations were conducted by substance abuse evaluators. A total of 138 defendants were approved for admission into Drug Court. As of this date, 62 defendants have been admitted into the Essex County Drug Court Program. We have a total of 507 active participants in our program.

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➔ Forfeiture Unit

The Forfeiture Unit of the Essex County Prosecutor's Office prosecutes all asset forfeiture actions brought pursuant to N.J.S.A. 2C:64-1 et. seq., the State's forfeiture statute. The primary mission of the Unit is to fairly and efficiently forfeit all property seized from defendants within Essex County that can be linked to criminal activity, either as proceeds of such activity or as property used to facilitate the commission of said activity. This is done primarily through the filing of civil "in rem" complaints against the seized property with notice to the defendants. The forfeiture complaints must be filed within 90 days of the seizure.

The use of forfeiture funds obtained by the Prosecutor's Office is strictly regulated by law. Forfeited monies may only be used for law enforcement purposes as defined by Attorney General Guidelines. The funds cannot be used to defray normal operating expenses such as salaries, leases and other regularly-incurred expenses. Training expenses, special equipment purchases, and forensic witness fees are examples of permitted forfeiture expenditures.

2015 Accomplishments

In 2015, the Forfeiture Unit, through appropriate civil and criminal process, forfeited \$757,829.00 which was determined to be either proceeds or instrumentalities of crime. Of that amount, \$661,206 was in cash, \$87,033 was the value of motor vehicles, and \$9,590 was other property, including various items of electronics equipment.



➔ Grand Jury Unit

The Grand Jurors make an independent determination to indict, or formally charge, persons accused of crimes based on their assessment of the evidence presented to them by an Assistant Prosecutor. After listening to witnesses, viewing physical evidence, if any, and discussing the case, the Grand Jury can vote:

- A True Bill, which formally charges the accused,
- A No Bill, which dismisses the charges, or
- A No Bill with Remand, which refers the case back to the Municipal Court on lesser charges.

The Grand Jury is an independent body consisting of 23 members of the community, with 12 affirmative votes needed to return an indictment. The proceedings are private, but a transcript is made for use by the Court, the Prosecutor's Office and the defendant. The defendant may or may not testify before the Grand Jury.

Grand Jurors in Essex County sit one day per week from fifteen to eighteen weeks. They hear approximately 25 to 30 cases per day between the hours of 9:00 a.m. and 4:00 p.m. To facilitate case scheduling, while respecting the wishes of most Grand Jurors to be released at the 4:00 p.m. closing time, the Essex County Prosecutor's Office has developed a "weighting" system. Under this system, Grand Jury Clerks receive advance notification of the complexity of a given presentation, allowing more efficient and realistic scheduling of cases.



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Under the present vertical prosecution system, Assistant Prosecutors from the Adult Vertical Trial Section present most cases before the Grand Jury. They remain assigned to their True Bill cases from initial pleading and bail setting through resolution.

2015 Accomplishments

In 2015, Grand Jury presentations were made in 4,673 cases. Of that number 4,039 were indicted. Three were no billed and remand to municipal court; 631 were no billed and no further action was taken.

➔ Initial Screening Unit

All criminal complaints in Essex County charging indictable crimes are screened by the Essex County Prosecutor's Office. It is the primary function of the Essex County Prosecutor's Office's Initial Screening Unit (ISU) to review criminal complaints with an emphasis on diverting those complaints not warranting prosecution on the Superior Court level to Municipal Court.

The first level of screening for the majority of cases reviewed by the Essex County Prosecutor's Office is at the municipal level. Thus, the ISU reviews criminal complaints involving indictable offenses originating from all 22 of Essex County's Municipal Courts. This is accomplished by telephonically reviewing cases for all municipalities, except Newark.

Since approximately 60 percent of the ISU's reviews originate from the City of Newark, the ISU is headquartered adjacent to the Newark Municipal Court. Case screening is facilitated through a close working relationship with Newark Police personnel and the Newark Municipal Court.

The ISU also pre-screens cases with Detectives of the Newark Police Department prior to the filing of criminal complaints. Complaints are also generated from the diverse law enforcement agencies operating throughout Essex County, including the Port Authority of NY/NJ, State Police, New Jersey Transit Police, the Essex County Sheriff's Department, and the Departments of Public Safety for Rutgers University, the New Jersey Institute of Technology, University of Medicine and Dentistry of New Jersey, and Essex County College. Each of these agencies files their criminal complaints with the Newark Municipal Court. These cases are then screened by the ISU.

The ISU is also assigned the task of reviewing matters referred by the New Jersey Department of Corrections and the New Jersey Division of Parole, entities within the jurisdiction of Essex County. These cases involve escapes from correctional institutions (including halfway houses), violations occurring within these institutions, and parole absconder cases.

ISU also identifies and recommends certain cases for prosecution in the Special Remand Court when circumstances indicate prosecution for disorderly person offenses, but the nature of the offense or the defendant's record warrants prosecution at the county level.

2015 Accomplishments

In 2015, the ISU reviewed a total of 13,792 custodial and non-custodial cases. Of these, 4,757 were referred to Central Judicial Processing. Another 7,522 were downgraded or prosecuted as disorderly persons offenses in Special Remand Court.

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The remaining cases were either referred to the Mental Health Unit or involve fugitives.

➔ 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 18. Juveniles who are 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 waived and transferred to the Criminal Division of the Superior Court to be prosecuted as an adult. (The minimum age for waiver has since been increased to 15).

The State prosecutes juvenile 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. The cases are heard before the Chancery Division of the Superior Court, Family Part. There are six Assistant Prosecutors assigned to the juvenile trial unit and a supervising Director. They screen and review every juvenile petition filed in the Family part of Superior Court. The cases are then investigated, analyzed and litigated in court. Juvenile Trial Unit Assistant Prosecutors argue detention hearings, negotiate pleas, conduct bench trials and waive juveniles to the adult courts on a typical day.

For the past 12 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, New Jersey became a JDAI Model Site for the Annie E. Casey Foundation.

2015 Accomplishments

In 2015, the Juvenile Trial Unit handled 1,972 new cases filed in the Essex Vicinage Family Part. Of them, 1,404 cases were litigated and/or adjudicated delinquent, and 554 cases were diverted to a juvenile referee and behavioral/mental health programs

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seeking to help and/or rehabilitate the juvenile. 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, narcotics possession and distribution, auto theft, assault, sexual offenses, bias crimes, thefts/burglary, terroristic threats, harassment and criminal mischief were handled by this Unit.) In addition, the juvenile trial unit handled 269 violations of probation, 795 cases re-opened following an earlier unsuccessful diversion from the court, and 246 cases transferred from another county.

This year also saw the Juvenile Trial Unit conduct 4 bench trials following unsuccessful attempts to resolve the cases. All four juveniles were adjudicated delinquent after a review of the evidence by the Family court.

We have continued our efforts made in 2014 with the partnership of the Juvenile Unit and the local Police Departments to re-vamp and revitalize Station House Adjustments, as required by the Attorney General's Office. More emphasis was placed on the police keeping the cases with clear family crisis overtones, i.e. drug problems, anger management issues and juveniles younger than 12 years old. The police can divert a juvenile complaint at their level and retain the case with them for disposition. A stronger partnership and relationship was forged between the departments and the Family Crisis Intervention Unit (FCIU) of Essex County to provide counseling and other services to juveniles in need more immediately than if the case had gone through the court system. The response from all parties involved including, the juvenile, their parents, the police and FCIU has been overwhelmingly positive. Juveniles are getting help with drug issues, anger management and other social issues in a timely manner at the local level in their community.

In 2015, 69 juvenile waivers were filed with an additional 24 motions that were pending from 2014, totaling 92 motions in year 2015. Of those cases, 12 were waived to the Criminal Division and 56 motions were withdrawn after adjudication in the juvenile court. 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. The withdrawal of motions often gave the juvenile the option to remain in the juvenile justice system opting for a sentence to the juvenile correction facility Jamesburg Training School for Boys.

➔ Mental Health Unit

The Essex County Prosecutor's Office Mental Health Unit manages a diversion program focusing on defendants living with serious and persistent mental illnesses, such as Bipolar Disorder or Schizophrenia. The purpose of the Program is to combine community-based therapeutic treatment plans with traditional punishment-only oriented criminal case dispositions. The Program has been greatly enhanced over the past year as the Unit continued to develop. ECPO was successful as one of only two county Prosecutor's Offices in New Jersey (the other is Ocean County) in obtaining a grant from the New Jersey Attorney General's Office, Division of Law and Public Safety, for \$150,000 to be distributed equally over a two-year period, and aides County Prosecutor-led Mental Health and Co-Occurring Substance Abuse diversion programs.

Funded by the OAG grant, Essex County Hospital Center has hired a full-time case manager to work exclusively with the ECPO's Program participants. The Case Manager is responsible for linking participants to a treatment plan developed by a mental health professional, and will also assist participants with applying for social entitlements, housing, education, vocation, and other benefits that contribute toward greater functioning in the community.

The Unit works with a clinician hired by the County Hospital Center. The clinician screens and assess applicants for acceptance into the Program. The clinician, a Licensed Specialist Clinical Social Worker, or LCSW, has developed a comprehensive community-based therapeutic treatment plan for acceptable Program candidates.

Also funded by the OAG grant, ECPO has partnered with Rutgers School of Psychiatric Rehabilitation and Counseling Professions. Rutgers is responsible for analyzing data collected from Program participants by making formative and summative evaluations as to the efficacy of the Program's goal of reducing recidivism and reintegrating the target population into society.

2015 Accomplishments

During 2015, the Mental Health Unit reviewed 74 defendants for the program. A total of 18 were accepted into the program. The remaining cases were either determined not to be legally or clinically appropriate, or the defendants chose to pursue their case through traditional prosecution.

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➔ Parole Notification Function

In August of 2000, the Essex County Prosecutor's Office created a formal system for advising the New Jersey State Parole Board of its position regarding the release of parole eligible inmate.

As inmates become eligible for release, input regarding the appropriateness of the parole release is solicited from the assistant prosecutor who prosecuted the inmate. In any given week, of the 21 counties in the state, Essex County has the highest number of parole eligible inmates.

2015 Accomplishments

Between January 1, 2015 and December 31, 2015, a total of 102 pre-parole packages were requested and reviewed by the Parole Notification Unit. Of those 102 packets requested, 81 letters objecting to parole releases were written to the Parole Board. Those 102 letters represented inmates convicted of the following crimes:

Murder:.....	32	Inmates
Attempted Murder:	3	Inmates
Manslaughter:.....	12	Inmates
Sexual Assault:.....	9	Inmates
Robbery:.....	17	Inmates
Endangering the Welfare of a Child:.....	5	Inmates
Carjacking:	24	Inmates

➔ Police Legal Advisor

The primary function of the Police Legal Advisor is to advise law enforcement agencies operating within Essex County. The Police Legal Advisor trains police, corrections officers, juvenile detention officers, deputy sheriffs, auxiliary police and special law enforcement officers at the Essex County College Police Academy.

The Advisor keeps officers abreast of the law by preparing and disseminating legal memoranda, conducting in-service training classes, and advising Assistant Prosecutors assigned to the trial section on police procedures and legal matters. Additional responsibilities include preparing and reviewing communication data warrants, arrest warrants, search warrants, subpoenas, and answering a myriad of inquiries regarding police activities annually.

The Police Legal Advisor is on-call around the clock.

2015 Accomplishments

In 2015, the Advisor taught two classes of sheriff deputies, one class of auxiliary police officers, two police classes, and three classes of corrections officers. In addition, the Advisor conducted in-service training for various municipal agencies, in house in-service, Use of Force training for Conducted Energy Devices, as well as two separate four-day in-service trainings at the Essex County College Public Safety Academy.



LEGAL UNITS

➔ Pre-Trial Intervention & Expungement Unit

The Pre-Trial Intervention (PTI) & Expungement Unit is responsible for the complete review and processing of all applications for the PTI Program. This program is similar to probation, but allows participants to avoid criminal conviction. Appropriate candidates are accepted into the program and required to fulfill certain conditions. At the end of the PTI term, an Assistant Prosecutor from the Unit reviews and signs a dismissal order.

If an applicant is deemed inappropriate for PTI, a letter outlining grounds for rejection is prepared, reviewed and disseminated by Unit personnel. Requests for reconsideration and appeals receive appropriate responses.

The Unit also reviews Expungement applications aimed at clearing an offender's criminal record. In 2010, the State Legislature eased many of the time limits and criteria for expungements. The new statute also allows for "Early Pathway" or "Discretionary" applications which require significantly more preparation, court time, and has led to the filing of more appeals.

Expungement applications are typically prompted by employment concerns and require the Unit to extensively examine the applicant's full criminal history to determine eligibility (as provided for by statute). If eligible, Unit personnel prepare, review and submit appropriate orders for the Court's signature. If the applicant is deemed ineligible, orders for dismissal are prepared and forwarded to the Court.



2015 Accomplishments

In 2015, the volume of applications to the PTI Unit remained extremely high as defendants filed a total of 421 applications for admission. Specifically, the Unit

accepted 325 defendants into the program and rejected 96 applications.

One 2015 PTI case of note was the **State v. Thomas Burns**, where the State successfully opposed the PTI application of the defendant who in a second-degree Aggravated Assault case brutally attacked an unsuspecting visiting Chinese tourist in a hotel in Fairfield.

The Unit also processed 750 expungement applications. Specifically, the Unit accepted 431 applicants, rejected 60 applicants, and many cases carried over. A noteworthy 2015 expungement case was the **State v. Marcus Brittle** where the State successfully opposed the granting of an expungement where the applicant attempted to expunge numerous CDS-related offenses.

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➔ Remand Court Section

The Remand Court Section of the Essex County Prosecutor's Office handles cases that have been referred from Central Judicial Processing, Vertical Courts and Special Squads. The Essex County Remand Court was established in June 1990 to address a significant backlog in the processing and prosecution of indictable offenses. The Remand Court acts as a municipal court, handling disorderly persons cases, while retaining countywide jurisdiction. The expanded jurisdiction of the Remand Court gives the Prosecutor's Office the option of downgrading an indictable offense to a disorderly persons charge while retaining prosecutorial responsibility. Before the Remand Court was established, all disorderly persons cases had to be referred to the municipal level. Given the high volume of cases handled in Essex County, this represents an important option, as it combines the professional resources of the County Prosecutor with the procedural speed of a municipal court.

The Assistant Prosecutors assigned to the Remand Court craft plea bargains and address victim/witness concerns, including restitution and counseling, in addition to preparing cases for trial in a speedy manner. Dispositions include probation, offense-specific treatment and counseling, fees and fines and/or jail time. Remand Court is not appropriate for more serious indictable cases or for typical municipal court cases, but for low- to mid-level criminal offenses. The court allows greater flexibility in the exercise of prosecutorial discretion, improves efficiency, maintains the protection of victims' rights as well as defendants' rights and imposes appropriate sentences in accordance with the offenses committed.

The Remand Court is a high-volume court and designed to dispose of 200 or more cases per month, compared to the 50 cases per month in each of the post-indictment trial courts. The majority of cases calendared in Remand Court are scheduled directly from Central Judicial Processing, where all defendants are initially arraigned. The swift and certain punishment meted out in the Remand Court is reflected in a custodial sentencing rate continually in excess of 70 percent.

2015 Accomplishments

In 2015 the Remand Court handled 2,264 cases. Of that number 1,848 came from the Essex County Prosecutor's Office. The remaining 416 came from Central Judicial Proceeding.