UNIT DESCRIPTIONS
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 Assistant Prosecutors and two detectives for each of the criminal trial courts in Essex County. The 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, meaning that a 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.

2016 Accomplishments

The Adult Trial Section continued to handle the largest and most serious caseload in the New Jersey. 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 2016, the Essex County Prosecutor’s Office successfully indicted or charged by accusations 4,468 defendants and resolved the cases of 4,551 defendants previously indicted or charged by accusation; 53% percent of those cases involved first- or second degree charges.

In conjunction with the special crime squads, the Trial Section obtained 83 defendant dispositions by trial in 2016; the overall post-indictment/accusation conviction rate including pleas and trial was 84.5 percent.
The Trial Section will continue its emphasis on mentorship and training for its Trial Assistant Prosecutors. It will also further its coordination with all elements of the investigative 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.
Appellate Section

The Appellate Section of the Essex County Prosecutor’s Office is the largest appellate practice of any County Prosecutor’s office in New Jersey. 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 hundreds more in the Appellate Division.

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, both on appeal and throughout the investigative and trial processes.

In 2016, the Section also included the county’s Police Legal Advisor, a seasoned attorney always on call to answer questions from law enforcement officers in the field, and who regularly teaches both police recruits and experienced officers. When unavailable, calls from the field are handled by any one of the Section’s Assistant Prosecutors.

Also in 2016, the Section oversaw and coordinated 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 2016 Cases:

Supreme Court of New Jersey

State v. Goodwin -- After the Appellate Division reversed defendant’s conviction for insurance fraud, the Supreme Court granted ECPO’s petition for certification and unanimously held that a person violates the insurance fraud statute, N.J.S.A. 2C:21-
4.6(a), even if an insurance carrier is not induced by that person’s false statement to pay a damage claim.” Goodwin is one of only two published opinions to address this statute.

**State v. Thompson** -- After the Appellate Division reversed defendant’s convictions for murder and other offenses in a published opinion, the Supreme Court granted ECPO’s petition for certification and unanimously held that the trial record amply demonstrated that the prosecutor did not discriminate on the basis of race during jury selection, the trial court conducted an adequate analysis on this issue, and the Appellate Division’s reversal and remand for a new trial was inappropriate.

**State in the Interest of N.H.** -- In a case of first impression, the Supreme Court granted ECPO’s petition for certification and held that the State is required to disclose all discovery in its possession prior to a juvenile waiver hearing. Though the Court did not accept out legal position, bringing this case to the Court brought clarity to an open question of law affecting juvenile cases statewide.

**State v. Zuber & Comer** -- In these cases, argued back-to-back, the Supreme Court considered whether, and if so how, recent United States Supreme Court Eighth Amendment precedents impacted the sentencing of New Jersey defendants who were juveniles at the time they committed their crimes.

**Appellate Division**

**State v. Anthony** -- In this successful appeal of defendant’s conviction for burglary conspiracy, the Appellate Division addressed Rule 3:17, which requires recordation of interrogations. This opinion was the first published decision to address the Rule’s provisions. The Supreme Court later denied defendant’s request to review the case, allowing the Appellate Division’s opinion to remain the seminal case on this Rule.

**State v. J.S.** -- Here, after the Law Division ruled that defendant could escape the consequences of his Megan’s Law requirements early, ECPO successfully appealed and the Appellate Division reinstated his community notification requirements. Quoting directly from ECPO’s brief, the Appellate Division held in its published opinion: “‘Conviction’ in N.J.S.A. 2C:7–2(f) means the date the judgment of conviction was entered. That section permits relief after 15 years of successful compliance with Megan's Law's registration requirements, which do not go into effect until the registrant is sentenced and the judgment of conviction entered.”

**State v. L.S.** -- The Appellate Division in this case construed, for one of the first times in a published opinion, N.J.S.A. 2C:28-4, “False Reports to Law Enforcement Authorities,” and held that a conviction of reporting an offense with knowledge that it did not occur requires proof that no offense in fact occurred.

**State v. Lunney** -- In this unpublished decision, the Appellate Division upheld the convictions of Tina Lunney, who murdered her mother in their Fairfield home. Both the
Supreme Court of New Jersey and the Supreme Court of the United States later denied review.

**State v. Terrell** -- The Appellate Division, by a 2-1 vote, affirmed defendant’s convictions for four counts of murder, among other offenses, in a published opinion. By virtue of the dissent, the case was briefed and argued in the Supreme Court of New Jersey in October 2017, where ECPO unanimously prevailed.

**State v. Peoples** -- Affirming the denial of defendant’s petition for post-conviction relief, the Appellate Division held, in a published opinion, that defendant was not entitled to post-conviction relief based on claim that he was denied effective assistance of counsel due to his trial counsel's purported advice to defendant to tamper with witnesses.

**State v. Brown** -- In an unpublished decision, the Appellate Division affirmed defendant's conviction for endangering the welfare of a child, and held that “sexual conduct” in N.J.S.A. 2C:24-4 includes the inappropriate text messages defendant sent in this case to the victim, his student.
Central Judicial Processing Unit

Under New Jersey Court Rule 3:4-2, and until the advent of the Criminal Justice Reform on January 1, 2017, all defendants charged with an indictable complaint (as opposed to disorderly-persons offenses) 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.

2016 Accomplishments

During the 2016 calendar year, Central Judicial Processing handled 7,606 cases. Of those, 6,441 were referred to the Grand Jury and another 1,165 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 joined 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. The change is expected to significantly increase the number of defendants who enter the program and the resources needed to manage them.

2016 Accomplishments

From April 1, 2002 to June 30, 2016 there have been a total of 1,783 persons admitted to the Drug Court program in Essex County. The Program’s reporting year is from July 1 to June 30. For the 2016 court year, there were 509 active cases in Drug Court. A total of 31 participants graduated from the Drug Court Program.
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.

2016 Accomplishments

In 2016, the Forfeiture Unit, through appropriate civil and criminal process, forfeited $1,368,220, which was determined to be either proceeds or instrumentalities of crime. Of that amount, $1,184,835 was in cash, $152,470 was the value of motor vehicles, and $30,915 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 15 to 18 weeks, hearing approximately 25 to 30 cases per day. To facilitate case scheduling, while respecting the wishes of most Grand Jurors to be released at 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. Under the present vertical prosecution system, Assistant Prosecutors from the Adult 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.

2016 Accomplishments

In 2016, Grand Jury presentations were made in 5,028 cases. Of that number, 3,335 resulted in indictments; 566 were no billed and 90 were referred to municipal court. The remaining cases were held over, withdrawn, pled out or consolidated with other cases.
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 most 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 was accomplished in 2016 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 was headquartered adjacent to the Newark Municipal Court. Case screening was 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 were 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.

2016 Accomplishments

In 2016, the ISU reviewed a total of 14,298 custodial and non-custodial cases. Of these, 5,451 were referred to Central Judicial Processing. Another 8,847 were downgraded or prosecuted as disorderly-persons offenses in Special Remand Court. 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 Juvenile Trial Unit is to prosecute all complaints charging acts of juvenile delinquency as defined by the New Jersey Code of Juvenile Justice and our Court Rules. Juvenile matters are heard in Family Court by judges specifically assigned to preside over such matters. Juvenile cases are sealed proceedings due to the age of the juvenile and, except for limited circumstances, are closed to the public. The goal of the juvenile justice system in New Jersey is to seek rehabilitation of the juvenile whenever possible with available resources. The Prosecutor’s Office does so while also protecting the community from juveniles who pose a danger to themselves or others.

Juvenile cases, and the available dispositions, run the gamut of first time offenders to violent crimes. There is no municipal court available in juvenile cases, so all matters are referred to the Prosecutor’s Office for disposition. Our office works hand in hand with the municipal police department juvenile units, where officers are specifically assigned to investigate and process juvenile offenders. For some of the less serious matters, typical dispositions include station house adjustment, a program where the local police departments work with the juvenile in some type of community service, in lieu of charging and Juvenile Justice Commission (“JJC”), where a group of trained, court appointed volunteers from the community work with the charged juvenile also in some type of community service, apology, restitution or other remedy. In addition, the Essex County Youth House conducts a program called Consequences of Crime, in which first time offenders spend a day at the Youth House as directed by the court. Successful completion of these various programs will generally result in a dismissal of the charges.

For more serious matters, available dispositions include probation, various residential placements, and training school. Predisposition, a juvenile will be on various types of release such as house arrest, electronic monitoring, or in the Youth House if the court deems him a threat to himself or others. The type of release the juvenile is subject to depends upon the serious nature of the offense, any prior exposure to the criminal justice system, the juvenile’s family situation, and the potential danger to the community if released.

In Essex County, the Juvenile Trial Unit consists of a Director and five Assistant Prosecutors, four detectives and various support staff.

2016 Accomplishments

In 2016, the Unit handled over 2,000 referred cases, ranging in severity from disorderly-persons offenses to homicides. Two judges handle the case load in Essex County, one on a full-time basis and one who handles juvenile and other matters. The Assistant Prosecutors handle all necessary investigative and legal issues associated with the cases including plea negotiations, motions, trials, and sentencing.
The Juvenile Trial Unit has made significant changes in 2016. First, we have increased our technological communication with the local police departments and the Youth House for quicker availability of investigative reports and other documents with our office. We are currently in the process of working with local police departments to scan complaints to our clerk’s office to make it more efficient for the local police and our office.

Second, we have increased community involvement for the disposition of non-serious matters for first-time offenders including more station house adjustments, JCC, and other community based programs. One successful program is the Newark Youth Court, a program run from the Newark Municipal Court. Juveniles who are first-time offenders are referred there to participate and hopefully be deterred from future involvement in the system. Third, our Assistant Prosecutors and detectives have developed a closer partnership with local police departments, especially with serious matters such as carjacking, armed robbery, burglary, weapons and assaults. We work in conjunction with them and consult with them on many ongoing investigations, assist with obtaining search warrants, and charging decisions.

Our Unit’s staff also works closely with our Special Prosecution Unit which, among its other duties, investigates social media evidence connected to prosecutions. This area of investigation has grown significantly and continues to grow. It is especially relevant in juvenile matters. The partnership we have with this Unit has made, and continues to make, our prosecutions better. Moving forward, we intend to continue to increase our collaboration with that Unit and local police departments.
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.

2016 Accomplishments

During 2016, the Mental Health Unit reviewed 39 defendants and accepted 20 for 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. As of December 31, 2016, 24 participants successfully “moved on.” Moving On means that they are in a new phase of their life where they recognized and took responsibility for their actions. They have accepted, received and continue to access programs that will enable them to cope with their illness. They can be proud that they dealt with their issues in a positive manner.
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 Police Legal Advisor also 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 sections on police procedures and legal matters. Additional responsibilities include preparing and reviewing communication data warrants, arrest warrants, search warrants, subpoenas, and answering the myriad inquiries regarding police activities annually. The Police Legal Advisor is on-call around the clock.

2016 Accomplishments

In 2016, 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 trainings, Use of Force training for Conducted Energy Devices, and two separate four-day in-service trainings at the Essex County College Public Safety Academy.
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 like 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 the 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. In 2016, the State Legislature again amended the Expungement statute to allow successful “Drug Court” graduates the opportunity to expunge their entire criminal record. The expungement statute was also amended to permit those found not guilty of a criminal offense to expunge their record immediately. All these changes have resulted in significantly more preparation, court time, and 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.

2016 Accomplishments

In 2016, the volume of applications to the PTI Unit remained extremely high as
defendants filed a total of 420 applications for admission. Specifically, the Unit accepted 285 defendants into the program and rejected 135 applications.

One 2016 PTI case of note was State v. Christian Torres, where the State successfully opposed the PTI application of a defendant charged with second-degree Unlawful Possession of a Weapon involving the trafficking of illegal firearms.

In another case of note, State v. Crystal Nurse, the State successfully opposed the PTI application where the defendant attempted to smuggle and import three pounds of cocaine in her carry-on luggage upon returning from an international flight at Newark Liberty International Airport.

In 2016, the Unit processed 738 traditional expungement applications.
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.

2016 Accomplishments

In 2016 the Remand Court handled 2,054 cases. Of that number 1,417 resulted in guilty pleas, 23 resulted in conditional discharge, six went to trial and the remaining cases were resolved by dismissal.