Crash and Fire Investigation Unit

In 2020, the Crash and Fire Investigation Unit continued investigating all fatal crashes and fires, and all serious bodily injury motor vehicle crashes with a criminal element (i.e., all hit and runs, driving under the influence and unlicensed drivers where serious injury resulted). The Assistant Prosecutors then prosecuted all vehicular homicides and related offenses, as well as fatal and non-fatal arson cases. Non-fatal arson cases are investigated by local departments, with assistance from prosecutor’s office personnel, and where appropriate, prosecution by the Assistant Prosecutors of the CFIU. CFIU, a subset of the Homicide Unit, continues to be staffed by three Assistant Prosecutors including one Assistant Prosecutor-Supervisor who carries a case load as well. The criminal investigators of the Crime Scene Investigation Bureau conduct the investigations of fatal crashes and fires throughout county. In CSIB, all detectives are responsible for traditional crime scene processing of homicide and search warrant scenes and the expert analysis associated with that work, plus investigations of all fatal and serious bodily injury vehicle crashes and fires.

At all times, there is at least one Detective and one Assistant Prosecutor on-call with investigative and prosecutorial supervisors always available as well. In addition to the investigations described above, the on-call Assistant Prosecutors are additionally responsible for assisting local police and the New Jersey State Police 24 hours a day, seven days a week with obtaining telephonic warrants for the taking of bodily fluids in DUI cases. Fatal crashes on any of Essex County’s interstate highways are investigated by the New Jersey State Police in conjunction with the Assistant Prosecutors of CFIU.

2020 Accomplishments

The global COVID-19 pandemic presented new challenges in the investigation and prosecution of these cases, but the Assistant Prosecutors and Investigators of CFIU and CSIB adapted and overcame those challenges. Between March 8, 2020, and May 21, 2020, in the first phase of the statewide quarantine there were no fatal crashes, no fatal fires, only one non-fatal fire, and two non-fatal crashes that required CSIB responses. Despite those two plus months without any new fatal crashes or fires, 2020 made up for lost time from May through the end of the year.

In 2020, CFIU Assistant Prosecutors and CSIB investigators investigated forty-six fatal crashes – twelve more fatal crashes than in 2019 and more than any year since 2011 - twenty serious injury crashes – three more than in 2019, and ten arson cases, six of which were fatal. This does not include dozens of non-fatal crash and fire investigations and prosecutions aided and/or conducted by the Assistant Prosecutors of CFIU in conjunction with local agencies and the New Jersey State Police.
The Assistant Prosecutors and Investigators of CFIU and CSIB also share the responsibility of meeting with surviving family members of criminal and non-criminal fatal crashes and fires to explain the investigations and charging decisions of each investigation. Once the criminal prosecution concludes, or the decision to not prosecute an incident is made, the Assistant Prosecutors and Investigators also have roles in the subsequent and inevitable civil litigation that results from the incidents we are responsible for investigating.

Due to the global pandemic, the New Jersey Courts suspended criminal jury trials and no criminal trials of CFIU cases occurred in 2020. Nonetheless, the Assistant Prosecutors of CFIU continued managing investigations, pre-indictment, and indicted criminal cases in virtual court appearances. Cases continued to be resolved through guilty pleas, and indictments were obtained by use of virtual Grand Jury proceedings to keep the wheels of justice turning.

CFIU Assistant Prosecutors presented several consequential cases to virtual Grand Juries and obtained indictments in cases including an instance of anti-Muslim bias intimidation in which the defendant attacked the victim with a vehicle, and a complex investigation into a quadruple vehicular homicide that tragically took the lives of four Essex County young people.
Domestic Violence Unit

The Domestic Violence Unit, which was established in 1992, addresses domestic abuse between intimate partners and adults who reside in the same household. The Unit is comprised of six attorneys, one director, one captain, one sergeant, four detectives, two support staff and a victim/witness advocate. The Unit reviews cases with the goals of protecting the interests of the victims as well as prosecuting domestic violence incidents.

Domestic abuse is a self-perpetuating and escalating social phenomenon. It affects all people regardless of their race, culture, religion, economic strata and/or sexual orientation. Criminal sanctions are a key component of society’s response to curtailing this abuse. When appropriate, the Domestic Violence Unit will seek to incarcerate violent and persistent offenders. In many cases, batterers are given the opportunity to rehabilitate themselves, with the hopes that this will end the cycle of violence.

Additionally, the psychological impact of domestic abuse on the victims and their families is a major factor in our case analysis. The Domestic Violence Unit, in collaboration with the Victim-Witness Advocacy Unit, offers support to victims with the goal of helping them regain a sense of personal safety and security.

Referrals to shelters may also be a viable option when appropriate. This multifaceted approach in victim assistance is necessary because domestic violence victims are often unwilling to testify against their abusers because of safety and financial concerns, the impact on children and other family members, as well as the victim’s own relationship dynamics with the abuser. It is the job of the Assistant Prosecutor to balance the need for deterrence, the level of cooperation of the victim as well as being a strong advocate for justice. The Domestic Violence Unit serves a pivotal function in the community in its zealous efforts to prosecute abusers and attend to the needs of the victims of abuse.

2020 Accomplishments

During 2020, the members of the Domestic Violence Unit processed 3,221 Domestic Violence cases. The Unit continued to serve victims of the community during the global pandemic.

The Domestic Violence Unit handles cases when defendants are charged with violating civil restraining orders issued to protect victims of domestic abuse. These violations or contempt charges are typically handled in the Family Part. The Assistant Prosecutors assigned to Family Court handled 175 cases in 2020.

Members of the Essex County Prosecutor’s Office, including personnel in the Domestic Violence Unit, continue to play a significant role in the Essex County
Domestic Violence Working Group. These members also play an active role in the Law Enforcement Subcommittee, which is comprised of law enforcement, the judiciary, victim service providers, probation officers and Family Part employees. The Domestic Violence Working Group addresses systemic problems in the domestic violence field and endeavors to coordinate the efforts of the various member organizations. The Group is instrumental in implementing the dictates of the New Jersey’s Domestic Violence Procedures Manual as well as making strides in improving the service of Temporary Restraining Orders.

The Essex County Prosecutor’s Office is one of the lead partners in the Essex County Family Justice Center, located at 60 Nelson Place, Newark. The Family Justice Center is recognized as a “best practice” in the field of domestic violence intervention and prevention by the U.S. Department of Justice on Violence Against Women. The Family Justice Center brings together, under one roof, domestic violence advocates, civil legal service providers and other community-based organizations to provide crisis intervention, safety planning, counseling, self-sufficiency services, as well as access to the criminal justice system through a liaison to the Essex County Prosecutor’s Office.
Extradition Unit

The Essex County Prosecutor’s Office Extradition Unit facilitates the return of fugitives who have been accused or convicted of a crime. The Unit is responsible for providing the legal paperwork needed to return an offender to New Jersey. The Unit also arranges the return of fugitives to other jurisdictions where an offender is wanted by law enforcement for a crime committed in that location.

Those working in the Unit must have knowledge of the various legal mechanisms found in both state and federal statutes to compel the return of a fugitive wanted for a crime committed in New Jersey as well as an understanding of the proper procedures for returning a fugitive to another jurisdiction. Among other things, it may involve securing a Governor’s warrant if the accused fights extradition. It also involves working closely with local, state, and federal law enforcement agencies.

2020 Accomplishments

In 2020, the Extradition Unit received 219 requests for extradition. Despite the challenges presented by COVID-19, Essex County coordinated the legal paperwork to extradite and return 156 fugitives to other jurisdictions and returned 87 fugitives back to Essex County.
Financial Crimes Unit

The Financial Crimes Unit is dedicated to the detection and prosecution of cases involving the unlawful conversion of funds or property. Most of these cases involve fraudulent activities using checks, credit cards, bank accounts and mortgages. Victims of financial crimes are varied and include some of the most vulnerable victims, such as the elderly or infirm and some of the more affluent, such as private and professional corporations. The Assistant Prosecutors in the Unit are supervised by a Deputy Chief Assistant Prosecutor; assigned detectives conduct the investigations, supervised by a Captain of Detectives. Presently, this Unit is staffed by a Deputy Chief Assistant Prosecutor, three Assistant Prosecutors, a Detective-Sergeant, three detectives, one legal assistant, and one clerical supervisor.

The Financial Crimes Unit is a vertical prosecution unit, meaning it handles the cases from inception to prosecution. When the Financial Crimes Unit receives an allegation of criminal conduct, it must determine whether a criminal prosecution is warranted. If it is, a criminal charge and/or a presentation to a Grand Jury is conducted after a thorough investigation. If an indictment is returned, the Financial Crimes Unit is responsible for the case through a trial or plea agreement.

The Financial Crimes Unit fulfills the need to investigate serious financial crime cases at the county rather than municipal level. Municipal police departments are often not able to thoroughly investigate complicated economic crimes. Indeed, in many cases, governmental, bank, and financial records can only be obtained by grand jury subpoena, court order or search warrant, and therefore are beyond the reach of a municipal police department. Many “white collar” crimes are multijurisdictional in nature. Beyond this, such cases are far more complex than the “average” case. They usually require review of voluminous records by an experienced detective.

Because of the complexity of the allegations and investigations, close interaction between the Assistant Prosecutor and Detective is necessary throughout the investigation; especially since these investigations often involve assembling and reviewing complex financial and business records, preparing, and obtaining court orders for in- and out-of-state records (such as bank records, handwriting, toll records). In 2012, the Financial Crimes Unit expanded to include an Insurance Fraud Division. The Insurance Fraud Division is partially funded through a grant from the New Jersey Attorney General's Office of the Insurance Fraud Prosecutor, and works closely with that Office in identifying, investigating, and prosecuting appropriate cases. In 2015, the Financial Crimes Unit expanded even further to include an Intellectual Property (Counterfeiting) Division. The Division is partially funded through a grant from the Bureau of Justice Assistance and its goal is to investigate and prosecute this ever-growing crime.
INVESTIGATION UNITS

2020 Accomplishments

In 2020, the Financial Crimes Unit investigated 355 cases. The unit also supplied technical and legal assistance to police departments throughout the County who were investigating either a financial crime, or a crime with a financial component.

Despite disruptions from the COVID pandemic, the Financial Crimes Unit concluded several notable cases, including **State v. Darnell Alford et al.** -- After a lengthy investigation, Darnell Alford, Travis Glover, Albert Johnson, and Christina Barnett were indicted. They, along with six others, are alleged to have engaged in racketeering, theft, tampering with records, and money laundering in a mortgage fraud scheme that occurred county-wide.

Between 2016 and 2019, these individuals are alleged to have recruited unsuspecting buyers to purchase investment properties in Newark, East Orange, and Irvington. With little to no down payment and questionable financial stability, the buyers were led to entrust the entire mortgage application process to Alford and Glover, sometimes never even seeing the home they were purchasing in person. The buyers were promised that their homes would be filled with tenants, that the properties would be managed by Alford and his associate, Barnett, and that the buyers would receive income monthly from the property.

Many of the homes were purchased at inflated prices. It is alleged that Alford, Glover, Johnson, and Barnett conspired to facilitate the purchase of a total of seven homes and obtained over $1.8 million in monies by deceiving mortgage lenders. They are alleged to have manipulated applications and temporarily gifted monies to the unsuspecting buyers to obtain the loans from the mortgage company. Subsequently, they allegedly recovered their money, and more, from the inflated loan that was disbursed at the time of closing. The buyers were not aware that a significant portion of the monies they were borrowing, anywhere between $50,000 and $106,000, was being paid to Alford, Glover, and Johnson. After closing, it is alleged Barnett, who was presented as the “property manager,” failed to manage the properties. The homes were in various states of disrepair and were filled with tenants, including homeless tenants whose rent was pre-paid in full by New York City Human Resources Department. She is alleged to have utilized the properties in furtherance of money laundering, and all seven homes fell into foreclosure.

The case is pending.
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, and certain non-fatal shootings.

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 any hour of the day or night. 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. Moving forward, the Assistant Prosecutor and case Detective then present a complaint containing a statement of probable cause. If the probable cause is accepted by the judge, the complaint is signed, and an arrest warrant is issued. The Assistant Prosecutor and case Detective then prepare the case for presentation to a Grand Jury. In most instances, the assigned Assistant Prosecutor will continue with the case through final disposition. Vertical prosecution of homicide cases provides continuity throughout the process. Having the same team involved with the case throughout the proceedings is also beneficial for the surviving family members.

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 prosecute the juvenile as an adult.

In 2020, there were seventy-eight (78) homicides in Essex County. This number was down approximately 4% from the eighty-two (82) homicides recorded in 2019. Fifty-six (56) of the reported homicides occurred in Newark, eleven (11) in Irvington, Six (6) in East Orange, three (3) in Orange and one each in Bloomfield and West Orange.

As with everything else, the COVID-19 pandemic created unique challenges for the Homicide Unit. As most of the state shut-down, homicides continued in Essex County. ECPO detectives began investigations clothed in personal protective equipment (PPE). Witnesses could not be brought into the Homicide Unit, where interviews had been conducted in a safe and secure environment; rather detectives had to interview witnesses in the field or in our Incident Command Vehicle, thereby increasing the risk for both the witnesses and the detectives. Assistant Prosecutors are normally able to monitor statements and interviews in real time, however, with interviews conducted remotely, this crucial interaction between the
detectives and Assistant Prosecutors was lost.

The pandemic has created serious delays in the justice system. Jury trials have been placed on hold, denying both defendants and victims their day in court. Delays in bringing cases to trial also make it difficult to keep witnesses safe and available for trial.

**2020 Accomplishments**

Notable cases for 2020 include:

**State v. Christopher Poole** -- Defendant was convicted by a jury of 1st degree Murder and Weapons Offenses. On February 4, 2020, Hon. Ronald D. Wigler, P.J.Cr. sentenced the defendant to a life term for the Murder.

**State v. Angel Velez** -- On 11/6/20, Salustino Santiago was reported missing. The Homicide Task Force was asked to assist in the investigation. On 11/20/20, HTF detectives went to the area of 148 Chancellor Avenue for the missing person. During canvass, detectives located multiple black plastic bags behind an apartment building which contained the body of the victim. HTF detectives investigated the basement of the building where the body parts were recovered. The basement contained the workspace of defendant Angel Velez, who was the building superintendent. Mr. Velez’ work area smelled of decay and the victim’s property was found upon execution of a search warrant of the defendant’s apartment. During the investigation, HTF detectives learned that there had been an ongoing dispute between the victim and the defendant which allegedly ended with the defendant taking the victim’s life. When defendant Velez was arrested, he was operating the victim’s vehicle. The case is pending.

**State v. Lonnie Arrington** -- On February 7, 2020, following a jury trial, the defendant was found guilty of one count of 2nd degree Passion/Provocation Manslaughter, one count of 2nd degree Aggravated Assault and Weapons Offenses. Judge Michael Ravin granted the State’s motion for discretionary extended term. He sentenced the defendant to 20 years in New Jersey State Prison. Arrington must serve 85 percent of his sentence before he is eligible for parole on the 2nd degree Reckless Manslaughter count. This was run concurrent to a sentence of 10 years, which also has a 85 percent period of parole ineligibility, for the 2nd degree Aggravated Assault. Therefore, under the No Early Release Act, the aggregate sentence carries a 20-year period of parole ineligibility.

**State v. Marvin Argueta** -- On Feb. 15, 2004, Marvin Argueta fatally shot Miguel Gamez and injured three other people at the La Caverna Bar on Mulberry Street in Newark around 1 AM. On Nov. 12, 2004, an Essex County grand jury indicted Argueta as well as his co-conspirators, Carlos Hernandez and Luis Del Cid, on murder, attempted murder, aggravated assault, conspiracy and weapons charges. Delcid, who was waived up to adult court, entered a guilty plea, as did Hernandez
and both were sentenced.

Before the case could go to trial, Argueta fled the country. For 14 years he was a fugitive from justice. He was eventually tracked down by authorities in El Salvador and extradited to New Jersey in August of 2018.

The matter went to trial in March of 2020. As the COVID pandemic was just starting at the time, Judge Wigler spaced the jurors in pews and the jury box to give the jury proper spacing. Neither Delcid nor Hernandez were able to be located for trial, as their guilty pleas had occurred more than ten years ago, yet on March 18, 2020 the jury convicted Argueta of Conspiracy to Commit Murder.
Professional Standards Bureau

The Professional Standards Bureau (PSB) consists of two branches. The prosecution branch is led by a Deputy Chief Assistant Prosecutor along with three additional Assistant Prosecutors. The investigative branch is led by the Captain of Prosecutor's Detectives, who has overall command of the Bureau and reports directly to the Chief of Detectives. The investigative branch is presently staffed by one lieutenant, two sergeants and one detective.

The PSB is primarily responsible for the investigation and prosecution of all criminal misconduct involving police in Essex County and all Prosecutor’s Office employees. It also conducts activities to improve the administration and delivery of police internal affairs services on a countywide basis, including internal affairs training. Two clericals oversee all office operations and manage the records system and paralegal functions of the PSB. One of those employees also manages the clerical needs of the separate Corruption Unit.

When the PSB receives an allegation of criminal conduct committed by a sworn law enforcement officer, a decision is made about whether a criminal prosecution is warranted. When a criminal prosecution is required, the case is charged and resolved pre-indictment or presented to a Grand Jury. If an indictment is returned, the PSB is responsible for the case through the plea agreement or trial. In addition, PSB personnel investigate all non-fatal police shootings and police vehicle pursuits with serious bodily injury to determine whether the officers comply with the guidelines and directives set forth by the New Jersey Attorney General. If there is a material, factual issue regarding a police shooting, it is presented to a Grand Jury. All fatal police shootings are investigated by the Attorney General's Office. Internal responsibilities for the PSB include, but are not limited to, random drug screening, investigation of violations of rules and regulations and risk analysis management.

2020 Accomplishments

In 2020, the PSB received and investigated 412 new cases. The PSB also investigated multiple officer-involved shootings.

There were several noteworthy criminal cases in 2020. Four Newark police officers were charged with tampering with public records. This case is pending trial. Two other Newark police officers were charged with burglary and theft. This case is also pending trial.

Two Essex County correctional officers were charged with falsifying official records at the Essex County Jail. Those officers' cases resolved through pre-indictment pleas that included forfeiture of present and future public employment. Another County correctional officer was charged with possession of a weapon for an unlawful purpose when he inappropriately pointed a firearm. This officer also pleaded guilty to
the offense and forfeited present and future public employment.

The Critical Incident Response Team (CIRT), consisting of an Assistant Prosecutor and numerous PSB and ECPO investigative personnel, investigated all non-fatal officer-involved shootings. The CIRT also responded to all police pursuits resulting in serious injury and numerous in-custody deaths at the Essex County Jail and Northern State Prison. In addition, the PSB conducted a two-day county-wide training regarding all Attorney General Policies and Directives applicable to internal affairs investigators.
Special Prosecutions Unit

The principal mission of the Essex County Prosecutor’s Office Special Prosecutions Unit is to investigate and prosecute offenders who engage in organized criminal activity. Due to the connection between drugs and violence, the Special Prosecutions Unit of the Essex County Prosecutor’s Office is comprised of three sections: Narcotics/Gang Task Force, Violent Crimes, and the Intelligence Unit. Special Prosecutions is staffed full-time by one chief assistant prosecutor, two supervisory assistant prosecutors, and five assistant prosecutors. The Narcotics/Gang Task Force section is staffed full-time by one captain, one lieutenant, one sergeant, and thirteen detectives. Additionally, there are two detectives on loan to the Drug Enforcement Agency and one detective on loan to Homeland Security Investigations. The Intelligence Unit is comprised of one captain, one sergeant, two detectives, three investigative aides, one legal assistant, and one analyst who is on loan from the National Guard. The attorneys and investigators work closely with and assist local, state, and federal law enforcement agencies.

The Narcotics/Gang Task Force Section of the Special Prosecutions Unit operates both daytime and evening shifts. The Unit targets and prioritizes the most violent offender zones; gathers intelligence of confiscated firearms and enters ballistics into the National Integrated Ballistics Identification Network (NIBIN System); coordinates intelligence led policing strategies in cease fire grid areas with Newark and Irvington law enforcement officials; and conducts warrant roundups of wanted targets of gang violence, narcotics, and firearm offenses. The Narcotics Task Force actively targets mid- to upper-level narcotics distributors (those generally dealing in quantities of second-degree weight or higher) operating in Essex County. In addition to initiating investigations and prosecuting those cases, the Narcotics Task Force assists federal, state, county, and municipal law enforcement agencies with their investigations.

The Violent Crimes Section of the Special Prosecutions Unit handles county-wide carjacking investigations, non-fatal shootings, and cybercrimes, as well as animal cruelty investigations. The Violent Crime Section also assists local agencies with cases involving public alarms or public threats which typically involve threats to schools, public facilities, and infrastructure. Additionally, the attorneys assigned to Special Prosecutions provide police with legal advice to agencies county-wide on a 24-7 basis, including guidance on investigative steps, assistance with subpoenas, search warrants, communications data warrants, and other First, Fourth, and Fifth Amendment issues. The Unit also aids local agencies in need of specialized guidance on complex, sensitive, and high-profile cases, as well as county-wide and state-wide violent crime sprees and auto-theft investigations. The attorneys assigned to the unit handle all aspects of the case including investigation, search and seizure, arrest, grand jury proceedings, pretrial motions, and trials.
The Intelligence Section serves as an independent unit. The function of the Intelligence Unit is to gather data, analyze that data, and disseminate the information derived from the data. Data is received from various law enforcement agencies (Municipal, County, State, and Federal), other Intelligence units and open sources. The Intelligence Unit provides support to all investigative and legal personnel within the Essex County Prosecutor's Office. The Intelligence Unit also provides support to outside agencies that seek our help and assistance.

One detective, from the Intelligence Unit, is currently assigned to the New Jersey State Police Regional Operations Intelligence Center (ROIC) and one detective is assigned to the Newark Real Time Crime Center (RTCC). The ROIC is New Jersey’s fusion center and the RTCC is one of the three mini fusion centers throughout New Jersey (which is a subsidiary of the ROIC), that have partnerships with federal, state, local law enforcement agencies throughout the country. Both detectives are working in conjunction with the New Jersey State Police, local, state, and federal agencies, to provide support and real time intelligence for events as they occur.

The Intelligence Unit also provides support by offering information and support for the following: round-up of suspects, debriefing of suspects, comparative analyses, license plate checks, gang identification and classification, and full and modified profile reports on persons, places and businesses. The Intelligence Unit tracks and maintains a database for heroin seizures, Naloxone Deployments, and overdoses within Essex County. The Intelligence Unit also disseminates a bi-monthly newsletter that encompasses a crime overview, gun recoveries, homicides, aggravated assaults, robberies, carjackings, burglaries, thefts, vehicular incidents, arrests, Megan’s Law Offenders, sensitive crimes, wanted persons, and police safety & awareness and training.

**Community Relations:** As mentioned earlier the assistant prosecutors provide law enforcement officers with legal advice on everything from charging decisions to procedural issues. However, the attorneys assigned to Special Prosecutions faced many unique challenges in 2020. First and foremost, on May 25, 2020 George Floyd was murdered while in police custody in Minneapolis, Minnesota. Protests began across the country as people in the communities sought justice. The Special Prosecutions Unit worked hand in hand with our local law enforcement agencies to strengthen community relations and rebuild the public trust.

In March of 2020, Governor Phil Murphy declared a State of Emergency due to the Coronavirus Pandemic. The Special Prosecutions Unit kept apprised of Governor Murphy’s executive orders so that the Essex County Prosecutor’s Office could guide our law enforcement officers and the community through the legal issues presented by the virus.

**2020 Accomplishments**

**State v. Tre Byrd et. al** -- The Essex County Prosecutor’s Office worked closely with
the Newark Police Department and Bloomfield Police Department to investigate two violent crimes that happened in June of 2020. One of the victim’s was shot in the chest. Based upon the investigation the defendants were charged with multiple counts of robbery. Furthermore, Mr. Byrd is currently charged with two counts of attempted murder.

**State v. Naszir Mitchell et. al** -- The Essex County Prosecutor’s Office worked closely with other local state and federal law enforcement agencies to investigate a string of violent crimes that occurred from January 23-26, 2020. The first robbery occurred in Bloomfield and resulted in injuries to the victim. The second robbery occurred in Newark and the victim was stabbed multiple times. The third robbery occurred in Woodbridge where the victim was carjacked and stabbed multiple times. The fourth robbery occurred in Newark and multiple victims were stabbed multiple times. The fifth robbery occurred in Newark and the victim was stabbed multiple times. Based upon the investigation the defendants are charged with multiple counts of robbery, carjacking, and attempted murder.

**State v. Laron Carmon et. al** -- The Essex County Prosecutor’s Office worked closely with the Newark Police Department to investigate multiple carjacking incidents. Based upon the investigation the defendants were charged with three carjackings that occurred in 2020.

**State v Myrlene Charles, Homere Charles & Rodman Dort** -- A joint investigation with HIS (Homeland Security) into illegal lotteries and gambling in Irvington resulted in search warrants at several locations. The State arrested the above individuals for promoting gambling and recovered $14,733 in illegal bets as well as gambling receipts and ledgers.

**State v. Manny Nieves et. al** -- The Narcotics Task Force conducted a 2-month long investigation into drug trafficking in Newark. Search warrants at two residences resulted in the confiscation of 12 bricks of heroin, 100 grams of cocaine as well as a handgun and several magazines.

**State v. Davis et. al** -- The Special Prosecutions Unit worked closely with the Orange Police Department to investigate a theft of $495,000. Based upon the investigative efforts Julian Davis was charged with a second-degree theft, conspiracy, and related charges. The co-defendant Daniella Superville was charged with second degree receiving stolen property and conspiracy.

All these cases are pending trial. The charges are accusations. All defendants are presumed innocent unless and until they enter a guilty plea or are found guilty beyond a reasonable doubt in a court of law.
Special Victims Unit

The Essex County Prosecutor’s Office Special Victims Unit (SVU) investigates and prosecutes cases involving crimes against the most vulnerable members of the community. The Unit has a dedicated Child Abuse Unit (CAU) that investigates all cases of sexual abuse and maltreatment of children. SVU also investigates and prosecutes all cases involving the sexual assault and abuse of adults, including those with cognitive, developmental, or physical disabilities. The cases are investigated under the auspices of the Sexual Assault Rape Analysis (SARA) Unit. An integral part of the SVU is the Forensic Nurse Examiner’s Program that is tasked with performing sexual assault examinations on children and adults. The SVU also has a Bias Crimes Unit that includes teams of Assistant Prosecutors and Detectives dedicated to investigating and prosecuting bias crimes.

Additionally, SVU also investigates and prosecutes allegations of Elder Abuse, Human Trafficking, and Internet Crimes Against Children Unit. Also, under the SVU umbrella is a dedicated Megan’s Law Unit, responsible for evaluating how likely an offender is to re-offend. The Megan’s Law Unit is also responsible for prosecuting individuals convicted of sexual offenses who violate the conditions imposed at sentencing, including failure to register under Megan’s Law, violations of parole supervision for life and community supervision for life.

The above units and teams were merged into the Special Victims Unit to better serve the victims through the most comprehensive investigations possible. All but the Megan’s Law Unit are located at the Wynona M. Lipman Child Advocacy Center, better known as Wynona’s House Child Advocacy Center, at 185 Washington Street in Newark. This allows for sharing of resources, information, and experience between the units. The functions within the Special Victims Unit now operate under the command of a Deputy Chief Assistant Prosecutor who is assisted by a Supervising Assistant Prosecutor and a Captain of Detectives assisted by a Lieutenant of Detectives and Sergeant of Detectives. The units and teams are overseen by a Chief Assistant Prosecutor and Deputy Chief of Detectives. Also, available to the victims are on-site Victim Witness Advocates who work closely with the staff to ensure that the needs of the victim are met during the investigative and legal process. The goal of this holistic approach is to ensure that victims, witnesses, and their families are provided with services and guidance and that their questions and concerns are addressed.

The SVU staff receives specialized training in the most advanced best practice standards to ensure that the victims’ legal rights and emotional well-being are the primary consideration. The SVU Assistant Prosecutors and Detectives are assisted by allied professionals such as forensic interviewers, forensic pediatricians, trauma focused therapists and others in specialized fields. The SVU also works with advocates representing child abuse, sex crimes, elder abuse, and intellectually impaired victims. By working with allied professionals, prosecutions are enhanced.
and further trauma to victims is minimized.

The SVU also focuses on the training of law enforcement personnel and the education of the public through SVU seminars presented by SVU staff. The unit has presented a training seminar for all municipal, county and state law enforcement personnel working in Essex County, as well as Police Academy training. The unit also provided public education seminars to different community groups including religious organizations, multiple college groups, high school students and interns.

Prosecuting in the pandemic has presented unique challenges for the Essex County Prosecutor’s Office. Throughout 2020 we navigated uncharted waters. Working with our partners in law enforcement, we sought to fulfill our primary mission of seeking and serving justice while balancing the extraordinary health and safety issues presented by the coronavirus. Notwithstanding these difficulties, the SVU and Megan’s law units worked tirelessly to ensure that the needs of the victims were met and that the most dangerous of offenders were tiered and that communities were properly notified. The Assistant Prosecutors, Detectives, Forensic Nurse Examiners, Victim/Witness Advocates, and Clericals, continued to perform the functions of the unit while working remotely, including conducting outreach to victims and witnesses, conducting forensic interviews, and responding to hospitals to perform sexual assault examination kits. The Assistant Prosecutors continued to meet their court and administrative obligations by attending virtual meetings, handling court obligations remotely and in person.
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 who harm them. ECPO placed specialized law enforcement personnel with the desire, training, and experience to serve abused children. Unlike most child abuse units throughout the country, the ECPO CAU serves all children up to the age of 18. The CAU is also staffed by various SVU Assistant Prosecutors, detectives, and support staff. The CAU maintains a 24-hour on-call service for all county municipal detectives and New Jersey Department of Children and Families (NJDCF) caseworkers (Division of Child Protection and Permanency and Institutional Abuse Investigative Unit).

The children of Essex County are our greatest resource, and the CAU is committed to their protection. To accomplish this mission, the CAU uses the most advanced methods to successfully identify, apprehend and prosecute those who commit crimes against children. When crimes against children occur, the CAU diligently pursues the arrest, indictment and conviction of those responsible. At the same time, the Constitutional rights of the accused are respected.

By their very nature, child abuse investigations and prosecutions are extremely difficult. The CAU uses a multi-disciplinary team approach to investigations and victim services. In conjunction with Wynona’s House, a non-profit organization, NJDCF, and the Metro Regional Diagnostic and Treatment Center, at Children’s Hospital of New Jersey at Newark Beth Israel Medical Center, the CAU is an integral part of the Wynona M. Lipman Child Advocacy Center in Newark. Wynona’s House is only one of a few child advocacy centers in the country to have a full-time Prosecutor’s Office unit, child protective service caseworkers, juvenile trauma focused therapists, forensic pediatricians and multi-disciplinary coordinators all under one roof.

The philosophy of the Lipman Center is the “Child Comes First,” and a multi-disciplinary approach is used to protect child victims from unnecessary trauma during the investigative stages of a case. Under this approach, a single interview of all victims of sexual abuse under the age of 12 years old is conducted by a highly skilled primary interviewer, while professionals from other agencies view the recorded interview in an adjacent room. The technique prevents multiple interviews by law enforcement officials and reduces trauma suffered by the victim. In addition, the family members of victims receive a wide range of services.

The Forensic Video Interview (FVI) of all children under the age of 12 who have been sexually and/or physically abused, neglected, or have been witnesses to violence was established in 2000. A specially trained forensic interviewer conducts the interviews, while members from NJDCF, the Metro RDTC, law enforcement and assistant prosecutor’s sit in a monitoring room nearby. In 2019 there were 181 forensic interviews conducted by ECPO and CAC personnel.
INVESTIGATION UNITS

Cases are investigated either solely by the CAU or through joint investigations with municipal Detectives or staff of NJDCF. The Assistant Prosecutors assigned to the Unit handle a significant number of cases from the inception of the investigation to the case’s ultimate disposition. The Unit is responsible for investigating or co-investigating cases involving children under the age of 18 who were victims of crimes which include sexual abuse, child endangerment (abuse, neglect, cruelty, and abandonment), child pornography, interference with custody/kidnapping, and luring.

Depending upon the results of the initial interview with the child, he or she may require a medical examination and assessment by medical staff located at Wynona’s House. Wynona’s House collaborates with the Metro RDTC whose physicians have extensive training in both pediatrics and issues related to child abuse. Through the compilation of the child’s medical history and the examination, evidence may be obtained and stored for the potential prosecution of the alleged perpetrator. The physicians also provide basic, preventative healthcare services to ensure the complete recovery of victims of child abuse. Since 2018 the Forensic Nurse Examiner (FNE) Program added pediatric patients and began doing pediatric forensic exams.

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

2020 Accomplishments

In 2020, the Child Abuse Unit received 804 referrals for investigation. During 2020, a total of 117 forensic interviews were conducted by SVU.

Notable cases from 2020 include:

**State of New Jersey v. Manuel Neto and Ana Ribeiro** – The defendants are a babysitter and her husband. The defendants were charged based on the following facts: On October 20, 2019 as the victim was being picked up from Ms. Neto's home the victim asked her mother, "Mommy did you hear about what the man did?" Ms. Neto quickly interrupted the victim, pulled the child close to her, and told her not to say anything because they forgave the man, and it was their little secret. The defendant, Neto, was charged with multiple counts of 2nd degree sexual assault by contact and multiple counts of 2nd Degree Endangering the Welfare of a Child. Defendant, Ana Ribeiro, was charged with 2nd degree endangering the welfare of a child.

**State v. Elijah and Christian Fletcher** – The allegations are that Elijah & Christian Fletcher, now adults, while living with younger children physically assaulted the children repeatedly with extension cords, belts, burning and beatings. It is further alleged that Elijah Fletcher sexually assaulted one child multiple times. Elijah Fletcher was charged with two counts of 1st degree aggravated sexual assault;
multiple counts of 4th degree criminal sexual contact; multiple counts of 3rd degree aggravated assault; and one count of 4th degree lewdness. Christian Fletcher was charged with the physical abuse of the children and was charged with multiple counts of 3rd degree aggravated assault.

**State v. David Moran** -- In February of 2020 a 12-year-old child alleged that she was sexually assaulted multiple times by the defendant. The defendant was subsequently charged with one count of first-degree aggravated sexual assault and one count of second-degree endangering the welfare of a child.

**State v. Patrick Ferrante** -- On or between November 1, 2019 and November 30, 2020, Patrick Ferrante, a teacher at North Star Academy Washington Park High School, engaged a sexual relationship with a student at that same school. The defendant was charged with multiple counts of 2nd Degree Sexual Assault and one count of 2nd Degree Endangering the Welfare of a Child.

**State v. Martin Rivera** -- On August 11, 2020, Newark Police responded to a sexual assault report involving two juvenile siblings who were sexually assaulted by the defendant, Martin Rivera, in the City of Newark. The first victim reported that the defendant sexually assaulted her over a period of years. The second victim reported that the defendant sexually assaulted her on one occasion. The defendant was charged with multiple counts of 1st degree sexual assault and multiple counts of 2nd degree endangering the welfare of a child.

**State v. Atiba Whittle** -- On December 23, 2018, the victim reported that she was sexually assaulted by Atiba Whittle-Tyndale while at her Church in Newark, New Jersey. DNA evidence later connected the defendant to the sexual assault. The defendant was charged with 2nd degree sexual assault.

**State v. Jose Ortega Villalba** --- The victim, a minor, was taken to the hospital after disclosing sexual assault by the defendant over a period of time. The defendant is 32 years old. The defendant was charged with 2nd Degree Sexual Assault and 2nd Degree Endagering the Welfare of a Child.

**SEXUAL ASSAULT RAPE ANALYSIS UNIT**

Adult sexual abuse cases are investigated under the auspices of the Sexual Assault and Rape Analysis (SARA) Unit, which is one of the oldest investigative units in the Essex County Prosecutor's Office. It originated in the 1970’s after the Newark Police Department became one of the first police departments in the nation to establish a sex crimes unit. The SARA Unit was developed to provide legal guidance and investigative support for all municipal police departments in Essex County.

The SARA Unit originally prosecuted all cases of sexual abuse in Essex County. As the field of sex crime investigations became more specialized in the early 1980’s, a separate Child Abuse Unit was developed. By 2001, after the opening of the Wynona
M. Lipman Child Advocacy Center, all cases involving juvenile victims of abuse (under the age of 18) were solely prosecuted by the Child Abuse Unit. Today, the SARA Unit exclusively handles cases involving adult victims of sex crime. The SARA Unit staff consists of experienced Assistant Prosecutors, Detectives, and clerical support employees, and cooperates closely with members of the onsite Forensic Nurse Examiners who manage the FNE Program.

Members of the legal and investigative staff are available 24 hours a day to assist local law enforcement with their investigations. The SARA Unit has also adopted a vertical prosecution approach, whereby prosecutors assigned to a case will handle it from start through trial. This allows for a more victim-centered approach. A victim will be given the stability of having to deal with a single investigative and prosecution team, thereby sparing the victim the need to endlessly repeat the details of the sexually abusive act to countless people. This approach protects the victim from the need to continually relive the abusive act. The SARA Unit was involved in many cutting-edge legal issues, including the use of DNA evidence and internet-related crimes. With the establishment of a national DNA data bank by the FBI, Essex County was the first county prosecutor’s office in New Jersey to have a positive match on a previously unidentified offender, as well as the first county prosecutor’s office in the state to have a positive match on multiple cases committed by a serial sex offender.

2020 Accomplishments

In 2020, the SARA Unit received 382 referrals for investigation.

Notable cases from 2020 include:

State v. Esteban Barrett -- In the early morning hours of June 26, 2020, Newark Police Department officers were dispatched to a location in the City of Newark on a report of an injured person. An anonymous 911 caller had reported that there was a female suffering from serious head trauma inside of the abandoned multifamily dwelling. When officers arrived on scene, the female victim was in a third-floor bedroom. The victim was unconscious, lying on the floor in a pool of blood with a large laceration over her right eyebrow and significant swelling to both sides of her face. Subsequent comparison of the DNA from the victim and her clothing with that of the defendant revealed a match. The defendant was subsequently charged with 1st Degree Attempted Murder, 1st Degree Aggravated Sexual Assault, 2nd Degree Sexual Assault.

State v. George Berkeley -- The victim, a former employee of the defendant’s, disclosed that the defendant touched both her breasts and her vagina over clothes throughout the course of her employment at the UPS Store in South Orange, New Jersey. The defendant was charged with 3rd Degree Criminal Sexual Contact.

State v. Stanley Noel -- The defendant was charged with two separate counts of 4th
Degree Criminal Sexual Contact against two separate victims for illicit behavior at the South Mountain Reservation.

SEXUAL ASSAULT NURSE EXAMINER PROGRAM

On May 4, 2001, Assembly Bill 2083 was signed into law, providing for the establishment of a statewide Forensic Nurse Examiner (FNE) program. By doing so, New Jersey became one of the first states in the nation to develop a comprehensive statewide program to address the needs of sexual assault victims. The law required each County Prosecutor appoint or designate a certified sexual assault nurse examiner to serve as program coordinator for that county. The legislation also established a Sexual Assault Response Team (SART) program, which provides a team approach to assisting assault victims. The SART members include specially trained local police officers, nurse and/or physician examiners and victim advocates. These programs are now being implemented in Essex County. Their overall goals are:

• To ensure timely and accurate collection of forensic evidence, thereby allowing for just determinations in sexual assault cases.

• To enhance the assessment and documentation of any medical trauma sustained by the sexual assault victim.

• To create compassionate and sensitive ways to address the physical, emotional, and psychological needs of sexual assault victims.

• To coordinate the efforts of local police, hospitals, prosecutors, rape crisis centers and service providers to improve the quality of care and services offered to sexual assault victims in Essex County.

The FNE/SART Program utilizes a victim-centered approach to sexual assault cases. The overall program, which dramatically improves community response to sexual assault, offers immediate and effective attention to rape victims by nurses and /or physicians who have been specially trained to provide a compassionate, culturally sensitive, and comprehensive forensic evaluation and medical treatment. A FNE will perform a forensic examination following standardized procedures to collect and preserve relevant evidence once the victim’s immediate medical needs have been addressed. Additional support is provided by the SART members to address the legal, medical, psychological, and emotional needs of the victim. Similar programs in the State have been proven to provide highly reliable evidence to maintain aggressive prosecution of sexual assault cases.

Currently, the Essex County FNE/SART program services six county hospital sites, and forensic examiners are available 24 hours a day, 7 days a week to respond to
the medical/forensic needs of sexual assault survivors. Essex County hospitals that have agreed to participate in the FNE/SART program are Newark Beth Israel Medical Center (Newark), Mountainside Hospital (Montclair/Glen Ridge), Saint Barnabas Medical Center (Livingston) and University Hospital, Rutgers (Newark); Clara Maas Hospital and St. Michael's Medical Center which also affiliates with the program to provide HIV/AIDS testing and counseling without cost to victims upon request.

The Essex County Prosecutor's Office has received grants from the New Jersey State Office of Victim Witness Advocacy to help develop the program and to assume certain operating costs. The FNE/SART Coordinator is responsible for the operation and management of the countywide program.

2020 Accomplishments

The success of the program is evidenced by the frequency with which the program was used. In 2019, in Essex County there were a total of 223 FNE/SART cases at participating hospitals in response to the needs of sexual assault victims. Included in that number were 60 pediatric cases. Of those cases there were 200 female patients and 23 male patients.

HUMAN TRAFFICKING TEAM

Human trafficking is modern day slavery that controls and exploits vulnerable members of our community. Victims are often lured into forced labor, sex trafficking and other forms of servitude using force, coercion, abduction, fraud and other methods. The victims range from juvenile runaways to undocumented immigrants. The New Jersey Human Trafficking statute, N.J.S.A. 2C:13-8, is one of the most comprehensive statutes in the country aimed at eradicating this criminal behavior.

The Human Trafficking Team is led by a senior Assistant Prosecutor and senior Detective. Investigations use the full resources of the Special Victims Unit as well as the Narcotics Task Force. The team shares intelligence and conducts joint investigations with multi-county, statewide and national human trafficking entities. It is common for an operation to include the New Jersey State Police, the FBI, the Department of Homeland Security, NJDCF and allied professionals in the field such as Polaris. By having the Human Trafficking Team as part of the Special Victims Unit, the victims receive the best therapeutic services possible. The social services/therapeutic component of the unit is the primary component of the unit.

2020 Accomplishments

In 2020, the Human Trafficking Team investigated 13 cases.
ELDER ABUSE TEAM

The Elder Abuse Team is led by a senior Assistant Prosecutor, who is also a registered nurse, and a senior SVU Detective, and staffed by SVU detectives and Victim Witness Advocates. The team uses the services of experts in fields involving the unique medical and emotional needs of the elderly. The team investigates and prosecutes cases involving physical abuse, neglect, fraud, and other crimes against those who are over 62-years old. The team also works with the Financial Crimes Unit and other units within the ECPO to enhance investigations.

2020 Accomplishments

In 2020 the Elder Abuse Team investigated nine cases involving alleged physical abuse, sexual abuse, and fraud.

BIAS CRIMES UNIT

The Essex County Prosecutor’s Office recognizes the distinctive fear that is generated, and unique trauma suffered by victims of bias crimes. The ECPO considers bias crimes (also known as hate crimes) to be serious crimes that can affect an entire community. Bias crimes are aggressively prosecuted through vertical prosecution by the Bias Crimes Unit. In 2013, the Unit was placed within the Special Victims Unit to better serve the victims through the most comprehensive investigations possible and provide the best therapeutic support for the victims.

By law, a bias crime occurs when a person, group or their property is targeted for intimidation based upon race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity. N.J.S.A. 2C:16-1. A person convicted of a bias motivated crime is subject to enhanced punishment. The Bias Crimes Unit is led by a designated Assistant Prosecutor and Detective. Bias crimes are investigated by detectives trained to conduct interviews in a sensitive manner. Victims are also referred to counseling and other assistance programs.

2020 Accomplishments

In 2020, the Bias Crimes Unit investigated 52 cases.

MEGAN’S LAW UNIT

The ECPO established its Megan’s Law Unit in January of 1995 in response to state legislation designed to protect potential victims from convicted sex offenders. The Registration and Community Notification Laws, commonly known as “Megan’s Law” are named after Megan Kanka, a seven-year-old girl who was sexually assaulted and murdered by her neighbor who was a convicted sex offender. Simply put, the promise of Megan’s Law is that if people know about a sex offender’s presence in
The Megan’s Law Unit is responsible for evaluating how likely a convicted sex offender is to commit a new sex offense and determining the “scope of notification” for the offender. These evaluations are made in accordance with guidelines established by the Attorney General’s Office and are triggered when a defendant, who was convicted of a Megan’s Law predicate sex offense, is released from prison, or sentenced to probation or parole supervision for life. The seriousness of the offender’s predicate sex offense, offense history – including non-sexual offenses, personal characteristics, and community support are all analyzed. This review may also include an evaluation of the offender’s prison records, school and employment records, psychiatric/psychological evaluations, and conduct while supervised by parole or probation.

Upon completion of this process, the Prosecutor’s Office submits a report with a risk level to the court. For Tier 2 and 3 cases, notice of the scheduled hearing date is given to the offender, and the hearing is held before a Superior Court judge who makes the final determination of the offender’s tier classification and level of community notification. Notice of Tier 1 sex offenders is only provided to law enforcement. Tier I sex offenders who are subject to Megan’s Law because of an out-of-state conviction also receive notice of a scheduled hearing date and may challenge the applicability of the statute before a Superior Court judge.

Offenders with convictions for sexual offenses in other states who move to New Jersey may also be required to register, even if there was no such requirement in the state of the conviction or prior residence. In this circumstance, the offender will also get notice of their obligation to register and the right to a judicial hearing. The Prosecutor’s Office reviews the offender’s conviction, and if it is deemed to be like an offense for which registration would be required in New Jersey, that offender must register here.

There are three Tier classifications. Tier 1 sex offenders are deemed low-risk and notification is limited to the police departments where the offender lives and/or works and the State Police. Tier 2 sex offenders are considered moderate-risk and notification is sent to all schools, day-care centers, women’s shelters, and registered community organizations within an area where the offender is “likely to encounter” potential victims, which is set forth in the court order. Some, but not all, Tier 2 offenders also appear on the New Jersey Sex Offender Internet Registry. Tier 3 offenders are considered high-risk and all residences, businesses, schools, day care centers, women’s shelters, and registered community organizations within the offender’s “likely to encounter” zone are given notice, and the offender’s profile is published to the Internet Registry. The court determines the geographic scope of notification and the types of institutions to be notified in Tier 2 and Tier 3 cases. Local law enforcement agencies and the State Police also receive notice in these cases. As of July 1, 2014, all offenders who are deemed “repetitive and compulsive” appear on the Internet regardless of tier classification.
With respect to sex offender publication on the Internet, if the court rules that a case is internet eligible, the offender’s name, address, county of residence, date of birth, physical attributes, type of conviction, modus operandi and photograph will be published. In addition to internet publication, community notification will also be ordered per the “likely to encounter” standard. There are exceptions which prevent the publication of an offender’s profile to the Internet Registry. These exceptions include juvenile offenders who only have one adjudication for a sex offense, offenders with one conviction for sexual abuse involving a victim who resided in the same home as the offender and where the offender was convicted of aggravated sexual assault, sexual assault or aggravated criminal sexual contact, and incidents where the victim’s lack of consent was solely due to their age.

The Megan’s Law Unit is also responsible for handling registrants’ motions to terminate their Megan’s Law obligations. In New Jersey, registrants who meet the statutory requirements can apply for termination after 15 years “offense free.” Being offense free however, does not ensure that the motion will be granted. The registrant must also show that they do not pose a risk to public safety.

While Megan’s Law tier hearings and termination motions are handled in civil court, the unit also prosecutes through indictment, offenders charged with Failure to Register pursuant to Megan’s Law and Violations of Community Supervision for life. The Unit regularly moves to detain arrested sex offenders in jail pending trial and fulfills an advisory role to New Jersey State Parole Board officers and local municipal police departments on the above charges.

The ECPO’s Megan’s Law Unit is the busiest Megan’s Law Unit in New Jersey, with over 1,600 sex offenders residing within the county at any given time. Essex County has more registered sex offenders residing within it than any other county in the State.

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. The process does not end after tiering is completed by the issuance of a court order. A sex offender is entitled by law to a new court hearing every time they move to a new address within Essex County, or moves into Essex County from elsewhere. The Megan’s Law Unit must submit a new risk assessment to the court and obtain a new court order dictating the level of notification based on their new area of residence. Transient sex offenders also consume time, resources and manpower spent on locating, tracking, and verifying their whereabouts on a continuing basis. A Megan’s Law file will only be closed if a registered sex offender dies, is relieved by way of a court order of all Megan’s Law obligations or moves to another state in which they register pursuant to the laws of that state. Thus, the overall number of Megan’s Law cases or files being handled by the Unit increases on an annual basis.

In July 2009, the Megan’s Law Unit launched the Megan’s Law Fugitive Initiative.
INVESTIGATION UNITS

This program is a collaborative and systematic effort by the ECPO, along with federal, state, county, and local law enforcement agencies, to make our communities safer from sex offenders. The Initiative is a team effort focused on the apprehension of Megan’s Law offenders from Essex County with outstanding warrants, and those who are in violation of the statutes governing mandatory registration with the appropriate law enforcement agencies, as well as sex offenders who are non-compliant with the conditions of Community Supervision for Life where applicable. The initiative is modeled after the U.S. Marshals’ Operation Falcon Fugitive Program, which is based on the collaboration of various law enforcement agencies to achieve a common goal.

The Megan’s Law Unit also focuses on the training of law enforcement personnel and the education of the public through Megan’s Law seminars. The unit has hosted a daylong training seminar for all municipal, county and state law enforcement personnel working in Essex County. The unit also provided public education seminars to eight different community groups including the Essex County Community and Clergy Coalition, and the Mayor and Council of the Township of Nutley. The unit also holds annual training for law enforcement officers responsible for completing sex offender registrations in Essex County. (The 2020 training was not held due to Covid-19.)

2020 Accomplishments

In 2020, there were more than 1,600 sex offenders in Essex County. Despite the restrictions imposed by COVID-19 and the suspension of Grand Jury hearings, the Megan’s Law Unit continued to tier offenders and file and argue motions through virtual court sessions. In 2020, the Unit handled almost 400 matters and obtained more than 100 court orders.

On March 17, 2020, in In re Registrant H.D., 241 N.J. 412 (2020), the New Jersey Supreme Court ruled that pursuant to subsection (f) of N.J.S.A. 2C:7-2, to be eligible to move to terminate Megan’s Law registration obligations, offenders must be offense-free during the 15 years immediately following their sex offense conviction or release from confinement, not simply offense-free for a period of 15 years. Until then, the interpretation of the 15-year clause was an unsettled issue in the State of New Jersey as there was no consensus among the county prosecutor’s offices as to when the 15-year period commenced. The Honorable Arthur J. Batista, J.S.C. ruled in the State’s favor and denied Registrant H.D.’s application to terminate his status as a sex offender because he had a conviction within the 15 years following his sex offense conviction. Although the matter was reversed in the Appellate Division, ECPO Director/Assistant Prosecutor Frank Ducoat argued the case before the New Jersey Supreme Court and won an affirmance of Judge Batista’s ruling.