

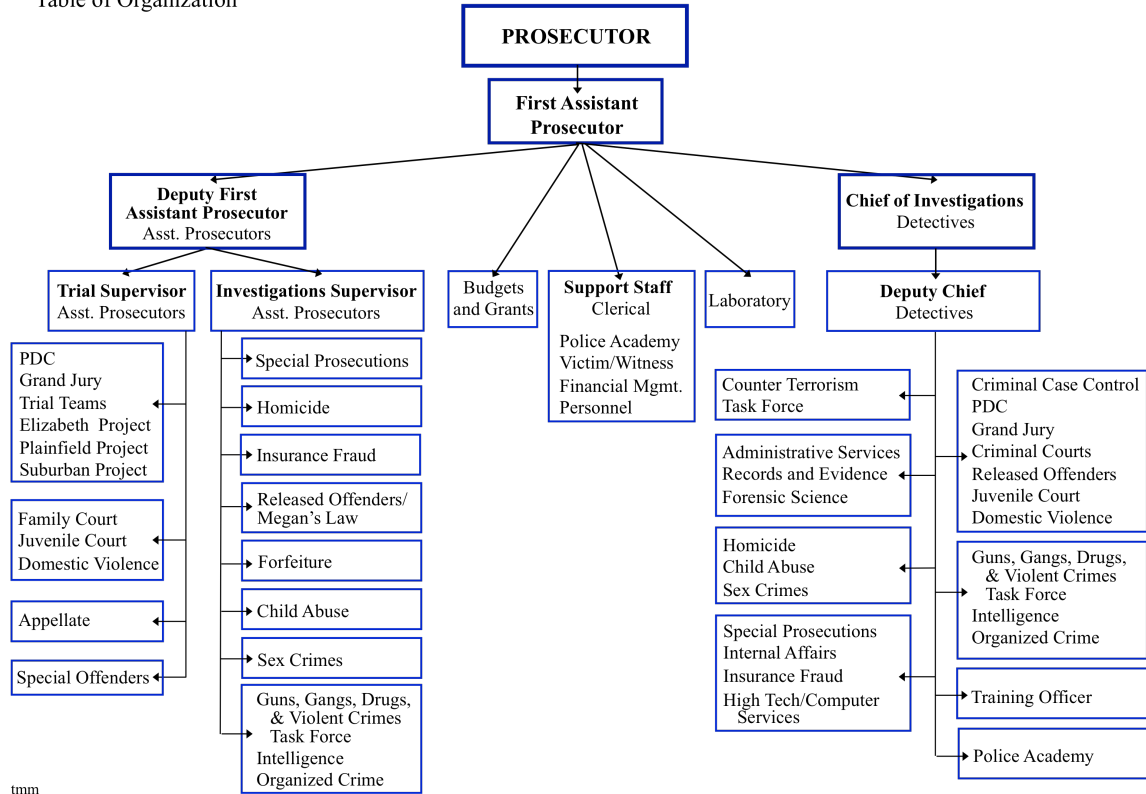
2012 ANNUAL REPORT



The Union County Prosecutor's Office
32 Rahway Avenue
Elizabeth, New Jersey 07202
(908) 527-4500 www.ucnj.org/prosecutor

**UNION COUNTY PROSECUTOR'S OFFICE
2012**

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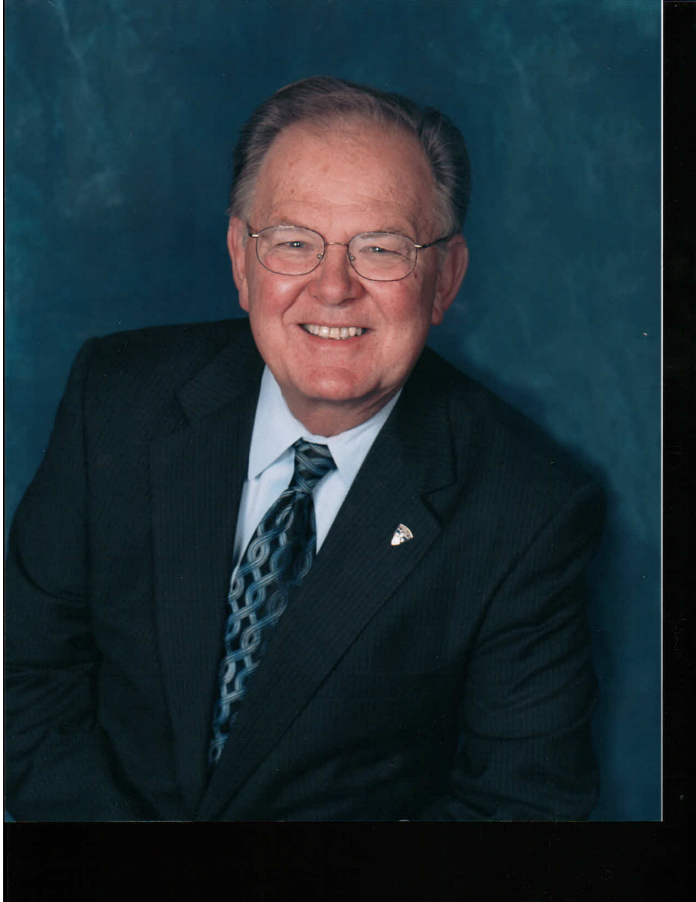
MISSION

Improving performance at every level without major increases in funding is part of the challenge for the Union County Prosecutor's Office along with a mission that includes investigating and prosecuting serious crimes.

The Office has a history of pro-active outreach efforts and sharing of resources with all 21 municipalities to maintain confidence in our criminal justice system, and to protect the public's fundamental right to safety and a quality of life that shuns violence, gang activities and the scourge of drugs.

**LETTER FROM THE PROSECUTOR
THEODORE J. ROMANKOW**

For nearly 11 years I've had the good fortune to be the steward of the Union County Prosecutor's Office. During that time the Office has gone through substantive changes, ushering in technological advances that help expedite the legal process, examine forensic evidence, and both track the movements of and locate wanted criminals.



One thing that has not changed is the dedicated efforts of the men and women of the Office. These hard working individuals are the voice for victims, and the stalwarts of the law.

In the following pages you will see how this Office is dedicated to every aspect of law enforcement and victim advocacy. Our departments have a proven track record of results and the highest professionalism and 2012 was no exception.

Though I am leaving office, I am confident that the Office will continue to work with other law enforcement agencies to stop illegal activity in an effort to make the streets of Union County safer. With the continued support of the Attorney General's Office, the municipal police departments

and our criminal court system, 2013 is already on track to be another important year in the fight against crime and the protection of innocent victims.

It is my sincere hope that you will take the time to read about this Office to better understand the efforts being made to protect and serve the citizens of Union County.

A handwritten signature in black ink, reading "Theodore J. Romankow". The signature is written in a cursive, flowing style.

APPELLATE UNIT

Attorneys in the Appellate Unit represent the State of New Jersey in various proceedings in the Superior Court Law Division and Appellate Division, the New Jersey Supreme Court, and Federal Court. These proceedings include direct appeals, post-conviction relief proceedings, appeals of municipal court convictions, including convictions for driving while intoxicated, motions to suppress evidence, expungement petitions, and PTI rejections and appeals. Members of the Unit also conduct legal research and handle interlocutory appeals, both on emergent and non-emergent bases.

The Appellate Unit serves as the primary training ground for new attorneys embarking on prosecutorial careers. The Unit also employs law students, many of who return to the office as assistant prosecutors after completed their legal studies. These employees concentrate on handling direct appeals referred back to this Office by the Attorney General's Office, thus becoming familiar with all aspects of New Jersey criminal law and procedure. Handling these appeals also enables new attorneys to hone their skill in crafting persuasive legal arguments. Additionally, appearing in both the Law Division and Appellate Division of the Superior Court provides firsthand knowledge as to how the courts function, and provides further training for their future work as trial attorneys.

The number of habeas corpus petitions that the Appellate Unit handles in Federal District Court and the United States Court of Appeals for the Third Circuit continues to increase. All answers to these petitions filed in the past year resulted in the denial of relief to the convicted defendants.

The Unit received favorable dispositions on all the motions for leave to appeal we filed with the Appellate Division. In addition, the New Jersey Supreme Court granted the State's petition for certification in *State v. Dekowski*. At issue is whether the defendant's threat to a bank teller that he was carrying a bomb, combined with his possession of a briefcase is sufficient to establish a first-degree robbery. The petition also asks the Court to determine whether a separate test is required where the simulated weapon is a bomb rather than a gun or a knife. It is anticipated that the Court will hear arguments in this case in 2013. The Unit also filed a petition for certification in *State v. M.S.*, which involves the admission of fresh-complaint testimony in a child sexual-assault case. That petition is pending before the New Jersey Supreme Court.

CHILD ADVOCACY CENTER

For three decades, the Union County Prosecutor's Office has consistently dedicated every available resource to protecting children and to prosecuting those caregivers who sexually or physically abuse children. Referrals come from all twenty-one municipalities. Since 1995, the Union County Child Advocacy Center's detectives have interviewed 3,093 children, aged twelve and under regarding sexual abuse. The Child Advocacy Center staff includes eight detectives, three assistant prosecutors, two clerical support staff members, a multidisciplinary team coordinator, two part-time, on-site therapists and a sexual assault nurse examiner.

From initial disclosure, continued investigation, complaint authorization, Grand Jury presentation, plea or trial and sentence, the Unit's various members shepherd the child's case through the criminal justice system. Essential to the investigatory process is the building of rapport with the child, respecting the child's evolving capacity to both disclose and heal and stabilizing parents in acute crisis. Detectives, who are trained as forensic child interviewers, then seek to interview the child in an open-ended format. Often sexual abuse disclosure is an event that is painful for a child to disclose. The digitally recorded interview process eases disclosure and prevents multiple re-interviews. The Union County Multi-Disciplinary Team meets monthly to assess the status of all necessary and appropriate investigative, legal, therapeutic and medical services for each family.

In 2012, the misery index for children was high. Over 531 referrals of child abuse were received, 63 criminal investigations were opened and 54 criminal complaints were signed. Regardless of the opening of a criminal investigation, all families were offered community-based resources for follow-up. The vast majority of complaints were signed for first and second-degree sexual assaults. Detectives from the office completed 186 interviews of sexually abused children and, with the help of the clerical staff, obtained 125 typewritten statements from related witnesses. The child abuse clearance rate in 2012, *i.e.*, those formal investigations that resulted in a criminal charge, was eighty-five percent. This figure is an eighteen-year investigative record.

The realization of a thirteen-year dream was fulfilled when the new 11,000 square foot Child Advocacy Center opened on October 3, 2012. In October 2009, the Union County Board of Chosen Freeholders purchased a three-story Victorian mansion at 240-242 West Jersey Street in Elizabeth for \$2.2 million. The Union County Improvement Authority then issued a \$3.25 million construction bond to rehabilitate and rebuild much of the existing facility and began construction in February 2010. Approximately \$800,000 in State and Federal grants offset some of the construction costs. At the Center, assistant prosecutors, detective, nurses, social workers, therapists and the Division of Child Protection and Permanency provide comprehensive "wrap around" services to each child and family at a single location. Completion time of a forensic interview, safety case plan and mental health evaluation was substantially reduced from days to hours.

The Child Advocacy Center (CAC) staff litigated numerous child maltreatment cases. Among the most serious are the following: In May 2012, a trial began for a fifty-year-old Evangelical Pastor who sexually touched five children during church day camp and other church activities over the course of a decade. After the testimony of all five children at a three-day severance hearing and a one-month trial, defendant was convicted

of two counts of second-degree sexual assault and four counts of third degree child endangerment. Defendant was later sentenced to eleven years in State Prison. In August 2012, a twenty-seven-year-old biological father was charged with the aggravated manslaughter of his eleven-month-old daughter. The medical examiner determined the manner of death to be battered child syndrome.

CRIMINAL CASE CONTROL UNIT

The Criminal Case Control Unit, also identified as the CCCU, is comprised of one sergeant, six detectives, one floating detective (who is utilized amongst various units) and five clerical support staff.

Within the CCCU there are six trial teams, each consisting of two assistant prosecutors, one clerical and one detective assigned to each team who assist the trial team assistant prosecutor with trial preparation. In addition, the one floating detective assists the Domestic Violence and Juvenile Units and takes on the role for any detective who is out sick, in training, on medical leave or vacation.

In 2012, the CCCU investigated approximately 1,406 cases. These cases either went to trial, pled to a lesser indictable, pled to a disorderly persons or were dismissed.

The duties of the detectives assigned to the CCCU are to locate witnesses/victims, take statements, pick up and return evidence, photograph crime scene locations, transport assistant prosecutors to municipalities to interview police officers and view crime scenes in preparation for trial, interview witnesses and/or victims of crimes, secure certified judgments of convictions, writ inmates and maintain custody of them during interviews with assistant prosecutors. The detectives also assist other units within the Office. For example, periodically, an assistant prosecutor will request assistance from a trial detective in the case of a homicide, resulting in a lengthy reassignment, causing other trial detectives to absorb additional duties. They are also called upon to assist the Released Offenders Unit to assist in notifying people living in the area of a Tier 3 sex offender. They are also called upon for temporary assignments to the Narcotic Strike Force to assist with lengthy in-depth investigations.

In addition, CCCU detectives are often called upon to locate witnesses and take formal statements in difficult cases, again assisting other Units, including Domestic Violence, Grand Jury, Sex Crimes, Juvenile and the Special Offenders Unit. The CCCU also conducts background investigations on detectives, assistant prosecutors, and clericals prior to being hired by the Office.

The sergeant is responsible for the trial team detectives and the Domestic Violence detective with the flow of their caseload. In general, at any given time, a CCCU detective has prepared several cases with the assistant prosecutor in readiness for upcoming trials. This is because at any given time, at the last minute, a case may be dismissed, adjourned or a plea offer is taken. Being prepared, allows the Court to run smoothly without any downtime. The sergeant is further responsible for the maintenance and disbursement of pool vehicles, which are utilized by members of the legal and detective staff. They are also responsible for maintaining control and continuity of evidence used in trials that are stored temporarily in a secure vault.

DOMESTIC VIOLENCE UNIT

Domestic violence cases present several challenges that distinguish them from other cases typically handled by the Prosecutor's Office. In the face of these challenges, the Domestic Violence Unit devotes direct, comprehensive, specialized attention to domestic violence cases so that victims receive the care and attention they so desperately need. These cases require a significant amount of additional time and effort on the part of the Unit to work with these victims. The types of cases run the gamut from harassment to very serious first-degree crimes.

The Domestic Violence Unit is comprised of a supervising assistant prosecutor, a full time assistant prosecutor, a detective, a domestic violence victim-witness counselor and a clerical. Additionally, the Domestic Violence Unit is assisted by four (4) rotating assistant prosecutors from the Juvenile Unit. The primary responsibility of the Unit is the prosecution of violations of domestic violence restraining orders issued by the Family Court; the handling of weapons forfeiture hearings on domestic violence cases where weapons were seized for safekeeping; and cases involving law enforcement officers involved in acts of domestic violence. In addition to the steady caseload of violations of restraining orders, members of the Unit handle domestic violence cases involving indictable crimes, appear before the Grand Jury and assist other Units in the Union County Prosecutor's Office in bringing a case to conclusion; either through a plea or a jury trial. The members of the Domestic Violence Unit appear at the daily first appearance hearings, handle the pleas and trials of all restraining order violations heard in Family Court and provide assistance to municipal police departments in domestic violence case investigations and complaint charging decisions. The Unit also handles all violations of probation where defendants fail to follow the probation conditions set forth by the Family Court. The Domestic Violence Unit works closely with the Special Offenders Unit, to adequately address the mental health needs of a defendant so as not to have the defendant released into the community without the assistance he/she needs and thereby create a hazardous condition for both the victim and the community.

In addition, the Domestic Violence Unit assists in determining the appropriateness of charges in cases of alleged interference with custody and parental abduction. In these cases, the offending parent absconds or denies visitation in defiance of a Court Order. The child is most often not at risk of physical injury and locating the offending parent and securing voluntary surrender of the child usually resolves the cases.

Members of the Domestic Violence Unit instruct at the John H. Stamler Police Academy on the domestic violence law and specialized domestic violence evidence gathering and investigative skills. The Domestic Violence Unit also provides training for Domestic Violence Response Teams, various schools, community organizations and civic groups.

In 2012, the Unit opened 197 restraining order violation cases; 26 violations of probation; and 114 separate cases regarding the forfeiture of weapons taken as a result of a domestic violence, including weapons taken from law enforcement officers who were accused of domestic violence.

The continued goal of the Domestic Violence Unit is to stop the violence, protect the victim and hold abusers accountable.

DRUG COURT

In 2012, one full-time assistant prosecutor, who was responsible for the legal review of all applications and who handled all Court-related appearances, staffed the Union County Drug Court Unit.

The Drug Court Program, which is fourteen years in length, offers non-violent offenders who are substance-abuse addicted, a community treatment based alternative to State prison. In 2012, 297 individuals participated in Drug Court and were required to report to Court on a weekly, bi-monthly or monthly basis dependent upon the length of time and success within the Program. Participants are required to: submit to random drug testing; submit to unannounced home visits; report to probation on a weekly basis, to obtain employment or education; and participate in either inpatient or outpatient treatment, as is clinically determined. Thirty-seven (37) Drug Court participants successfully completed their five-year term in 2012 and graduated.

Two hundred and seventy-two (272) new applications were filed and reviewed for legal acceptance into the Program. Of that number, 158 were determined to be legally suitable for the Program and letters of acceptance were submitted in each case. After clinical assessments were conducted, 104 defendants entered pleas of guilty and were sentenced into Drug Court. Detailed letters of legal ineligibility were submitted in 114 cases.

ELIZABETH PROJECT

Since 1994, the Office has assigned an assistant prosecutor to work full-time at the Elizabeth Police Department. Referred to as the “Elizabeth Project,” the program aims to improve the relationship between the Elizabeth Police Department and the Prosecutor’s Office by providing legal advice and investigative support.

The assistant prosecutor reviews police reports and statements for complaint approval and determines where there is sufficient evidence for indictable charges to be filed, or whether the case should be heard in the Elizabeth Municipal Court. In 2012, the assistant prosecutor determined that no charges should be filed in 26 cases because there was insufficient evidence of any criminal offenses having been committed and determined that only disorderly persons offenses should be charged in 40 cases. Additionally, 201 cases were referred to the Elizabeth Municipal Court because there was evidence of disorderly persons offenses having been committed. Therefore, a total of 267 cases were not referred to the Grand Jury. The assistant prosecutor also reviewed 2,052 complaints filed in the Elizabeth Municipal Court for accuracy and completeness.

The assistant prosecutor’s referral of appropriate cases to the Municipal Court, rather than to the Prosecutor’s Office, allowed the detectives of the Elizabeth Police Department to spend more time on cases involving serious indictable charges. The referral of cases to the Municipal Court also eased the burden of the clerical, investigative and legal staffs of both the Elizabeth Police Department and the Prosecutor’s Office.

The Prosecutor’s representative screens all criminal investigations for accuracy, completeness and disposition before they are forwarded to the Prosecutor’s Office for Grand Jury Presentation. In 2012, the assistant prosecutor screened 1,109 completed investigations prior to their submission to the Prosecutor’s Office. The assistant prosecutor also provided daily legal advice to the investigative units of the Elizabeth Police Department.

Additionally, the assistant prosecutor authorized 95 complaints for indictable crimes; reviewed 61 affidavits for search warrants and/or court orders; and assisted the Detective Bureau and the Narcotics Unit in obtaining the search warrants and/or court orders. In addition, the assistant prosecutor assisted the Detective Bureau, Narcotics Unit, Traffic Bureau, and Juvenile Bureau in obtaining and preparing 263 Grand Jury subpoenas for bank records and other essential documents and was responsible for preparing affidavits and orders for Investigative Detention. The assistant prosecutor also obtained authorization from Superior Court Judges for higher bail for recidivist defendants who committed serious offenses. In addition, five handgun cases were screened and referred to the U.S. Attorney’s Office, four of which were accepted.

In addition to screening responsibilities, the assistant prosecutor handled the investigation and vertical prosecution for several noteworthy cases. One such case involved the investigation into five armed robberies of the same Dunkin Donuts store during a two-month period. The defendant was arrested shortly after the last robbery and was charged with five counts of armed robbery. The defendant eventually pled guilty and was sentenced to a lengthy prison term.

Another investigation and vertical prosecution case that was handled involved a very serious motor vehicle – pedestrian accident. The driver of a vehicle struck and

almost killed a pedestrian crossing the street. Although difficult to identify the driver of the motor vehicle, the assistant prosecutor and the assisting investigator were able to circumstantially establish the driver's identity and charge him. The assistant prosecutor presented the case to the Grand Jury who returned an indictment. The defendant is currently a fugitive.

The other notable investigation that was investigated and is currently being prosecuting involves a defendant, Ernesto Gonzalez, who in 2005 and 2006 was arrested in Elizabeth and used his brother's identity, Chris Figueroa, during the booking process. Gonzalez continued to use his brother's identity in Superior Court where he ultimately pled guilty to two accusations. Gonzalez failed to appear for sentencing on those two accusations and bench warrants were issued. When arrested in 2012, Gonzalez was using yet another name (Jesus Melendez) and denied that he was the person who had been arrested in Elizabeth in 2005 and 2006 and was subsequently released. Later, the real Chris Figueroa was arrested on the bench warrants and established that he was not in the continental United States during the relevant time period. Through investigation, it was determined that Gonzalez's 2005 and 2006 arrests were inadvertently put onto Figueroa's New Jersey Criminal History Record. The criminal history records have since been corrected. Charges were authorized against Gonzalez for multiple counts of identity theft, perjury, forgery, and hindering apprehension for each of the 2005 and 2006 arrests and those case will be presented to the Grand Jury.

FORENSIC LABORATORY

The Union County Prosecutor's Forensic Laboratory was established in 1972 to analyze physical evidence submitted by law enforcement agencies in Union County and was New Jersey's first county laboratory. The Laboratory also occasionally extends services to the DEA, Customs and Port Authority Police Department.

The Forensic Laboratory is comprised of two analytical sections, the Forensic Biology Section and Controlled Substances Section, which offer forensic science service delivery for criminal investigations within Union County. The Laboratory currently employs twelve technical and support staff, consisting of a laboratory director, DNA technical leader (Forensic Scientist II), two senior forensic chemist supervisors and other staff members. There are currently two vacancies in the Laboratory (a forensic chemist and senior clerk).

The Forensic Biology Section saw a slight increase in 2012 laboratory submissions compared to the previous year. In total, 222 submissions were received in the calendar year. Submissions were received in the following cases: 79 homicides, 57 sexual assaults, 39 burglaries/robberies, 13 assaults, 14 Jane/John Doe, and 20 other requests. During the calendar year, 141 biology case submissions were completed. The section currently offers an average turnaround time of ten weeks and operates with a minimal backlog.

Accreditation by the American Society of Crime Laboratory Directors (ASCLD/LAB) ensures a continued commitment to high quality forensic science service delivery. Moreover, accreditation is a requirement for participation in the National DNA Index System (NDIS). To date, the Forensic Laboratory has linked crime scene DNA profiles to convicted offenders and other criminal incidents in more than 150 Union County cases.

In 2012, the Laboratory generated 26 "DNA Hits" to felon offenders and four case-to-case matches. The investigative leads resulting from these DNA hits are communicated to UCPO assistant prosecutors and the submitting agencies to assist with criminal case resolutions. The Laboratory also supports the New Jersey State CODIS Compliance Unit by providing post-hit investigative case statuses for DNA hits within the County.

One Biology Section case highlight involved a couple held at gunpoint by a suspect in a Linden motel room. The suspect forced the victims to engage in sexual intercourse with each other. Later, the suspect forced the female victim to have oral and vaginal intercourse with him. Semen was detected on vaginal specimens collected from one victim. The suspect in the investigation was linked to multiple biological samples from the crime scene through DNA testing, including the semen, handgun and clothing items.

The Controlled Dangerous Substance Section received 3,886 total submissions this year. Suspected marijuana (44%), heroin (20%), and cocaine (19%), account for 83% of the submitted evidence items. The most significant increase in narcotics submissions was related to the synthetic cannabinoids and synthetic cathinones ("bath salts"). There were 31 submissions for synthetic cannabinoids in 2012 compared to only four (4) in 2011. Synthetic cathinones ("bath salts") accounted for 45 cases in 2012; there were

none submitted in 2011. Requests to analyze suspected Oxycodone, Hydrocodone, Methamphetamine, Phencyclidine (PCP), and Psilocybin mushrooms increased in 2012 as did certain scheduled prescription drugs including Lisdexamphetamine (Vyvanse) and Amphetamine (Adderall), both of which are used to treat ADHD. Prescription Legend Drugs (PLD's) dropped significantly from 7,234 items in 2011 to 1,786 items in 2012.

The CDS backlog averaged no more than 150 cases throughout the year and reports an average turnaround time of 13 days. The CDS section continues to process Newark narcotics submissions. In the second full year of testing, the Newark Police Department submitted items in 246 cases, down slightly from the year before.

The Laboratory currently receives two federal National Institute of Justice grant awards under the DNA Backlog Reduction and the Coverdell Forensic Science Improvement Programs. In 2012, the Laboratory secured \$1.33 million in DNA Backlog Reduction funds to improve laboratory infrastructure and improve testing methods. These funds are directed at several major areas within the Laboratory: (a) salary for contractual staff; (b) purchase of genetic analysis instruments, software, supplies; and, (c) validation of new analytical methods. The Laboratory also intends to introduce DNA Cold Hit Tracking software throughout Union County with these grant funds. This system will share DNA Cold Hit data in real-time among the UCPO Laboratory, assistant prosecutors and investigators and track cases through arrest and prosecution. Serving as a central repository of DNA Cold Hit information, this software measures Union County's performance and overall effectiveness in cold case investigations.

SEIZED ASSET FORFEITURE UNIT

The Seized Asset Forfeiture Unit files civil lawsuits seeking the forfeiture of property

that has been, or is intended to be, utilized in the furtherance of illegal activity, has been, or is intended to become an integral part of illegal activity, or constitutes the proceeds of illegal activity.

A forfeiture action is commenced by the filing of a verified complaint in the Law Division of the Superior Court. A copy of the filed complaint and summons are then served upon each claimant and/or potential property claimant. A claimant is an individual who has an ownership and/or possessory interest in the seized property. If the claimant fails to file an answer to the complaint, the Court or the Clerk of the Superior Court may enter default against the claimant. Upon the entry of a default, the State then applies to the Court for the entry of an Order for Judgment by default. Once an Order is entered, title in the property is transferred to the State. Where an answer is filed, the matter will ultimately be resolved either by way of a negotiated settlement, trial or Court Order.

Forfeiture actions promote major public policy objectives by encouraging property owners to be more responsible with their property and deter them from using or allowing their property to be used for, or in furtherance of, illegal activity. A corollary benefit is that the forfeited property is distributed to the law enforcement agency or agencies that participated in the investigation and seizure of the property. The forfeited property is to be utilized by the seizing agency or agencies, solely, in furtherance of law enforcement purposes.

In the calendar year 2012, the Seized Asset Forfeiture Unit opened 593 files, forfeited \$588,954.25 in United States currency, and seventy-two (72) motor vehicles valued at \$103,540.00, and other forfeited property valued at \$48,000.00 totaling \$740,494.25 in total value of property forfeited.

GRAND JURY UNIT

The Grand Jury Unit is responsible for preparing, investigating and presenting matters involving indictable offenses that cannot be resolved through a Pre-Disposition Conference to a Grand Jury panel.

In 2012, the former Pre-Grand Jury Unit was consolidated with the Grand Jury Unit in an effort to streamline preparation and presentation of matters to the Grand Jury. The Unit now consists of three assistant prosecutors, one lieutenant, one sergeant, two detectives, three clericals and a clerical supervisor. These individuals have the responsibility of preparing and processing the files for presentation to those citizens who comprise the Grand Jury.

Files are received on a weekly basis and an assistant prosecutor and detective review each file through the screening sheets, preliminary reports, and hand-written and sworn statements. A detective looks for information such as: supplemental municipal police reports, ballistics reports, State Police weapon affidavits, operability reports, evidence inventory reports, search warrants, 911 tapes, CAD records, photo arrays, medical records, DNA request forms, fingerprint submittal forms, DVD/CD copies of statements taken, photos of victim(s) injuries and any other documents required to complete the case file. The file is then assigned to the clerical staff to complete a Grand Jury summary, which contains all pertinent reference information for a case. After a detective has reviewed the file and the Grand Jury summary is complete, the file is transferred to an assistant prosecutor for their legal preparation and presentation of the matter to the Grand Jury.

Detectives continue to work on case files by locating witnesses, serving subpoenas and taking statements not acquired by the municipal police departments. Additionally, if required documentation has not been received during this period of time, a written request is prepared and sent to the appropriate municipal department.

Assistant prosecutors in the unit review the matters assigned to them to confirm that the municipal department properly charged each defendant by reviewing witness statements and other evidence collected during investigation. After this review, the assistant prosecutor has a form of indictment drafted to be presented to the Grand Jury. Finally, the assistant prosecutor presents the matter to the Grand Jury by eliciting testimony from one or more witnesses.

Union County empanels two separate Grand Juries. One panel hears investigative matters such as homicides, sex assaults, complex narcotic investigations and child abuse cases. The second panel hears more "routine" matters such as burglaries, robberies, and aggravated assaults and weapons offenses. The "regular" Grand Jury panel sits every Tuesday and Thursday. Both the investigative and regular panels sit year round. In 2012, cases involving 1,251 defendants were presented to the Grand Jury resulting in 1,238 defendants being indicted.

The continuation of the practice of staffing the Grand Jury Unit with investigative personnel has seen cases continue to move through the criminal system efficiently and expeditiously, as well as improve the quality of the case. The Grand Jury Unit continues to thrive from having three assistant prosecutors assigned to it, thereby keeping case backlog to a minimum or eliminating it altogether. Our streamlined system continues to

be viewed favorably by victims, witnesses and all interested parties in the disposition of matters.

GRANTS MANAGEMENT

During 2012, Grants Management oversaw all Federal and State grants awarded the Union County Prosecutor's Office, as well as, all donation funds maintained by this office totaling over 2.5 million dollars.

In the past year with the assistance of the Director of the Union County Forensic Laboratory, we were able to secure funding from the NIJ FY2012 DNA Backlog Reduction Program. With these funds, it is expected that the Laboratory will considerably reduce DNA analysis time, as well as, obtain better DNA profiles to assist in criminal investigations. We continue to maintain the NIJ FY 2011 DNA Backlog Reduction Program, which funds a contract with a DNA Consultant.

The Multi-Jurisdictional County Gang, Gun and Narcotics Task Force Grant continues to be funded. Through funds received by the State of New Jersey from the Justice Assistance Grant Program, we are able to offset overtime costs and purchase equipment for the Strike Force.

The Jail Diversion Program continues through an agreement between the Department of Behavioral Health at Trinitas Hospital and the Union County Prosecutor's Office.

The Insurance Fraud Grant continues to fund three salaries in the Insurance Fraud Unit.

In 2012, the SART/SANE Program continued to fund the training costs and pay all on-call and examination fees of nurse examiners who are a part of the Union County Sexual Assault Response Team. Four hospitals in Union County continue to participate in this program. Since the program's inception in June 2001, SANE nurses have provided over 1,100 forensic examinations to victims of sexual assault. During the 2012 funding period, additional SANE nurses were trained to perform pediatric forensic examinations in Union County. The Union County SART/SANE Coordinator is now part of the Special Victims Unit of the Union County Prosecutor's Office.

Funds from the Victim Assistance Project continue to fund the salaries of Victim Advocates and Victim Notification Clerks to improve and enhance programs and services to victims of crime in Union County.

We continue to participate in the State of New Jersey Violence Against Women Act Program that funds the salary of a domestic violence advocate.

The Law Enforcement Officers Training and Equipment Grant awarded by the Police Training Commission to the John H. Stamler Police Academy provided new equipment to be used by the recruits during training, as well as, funding for in-service training for Union County law enforcement personnel.

The Union County Prosecutor's Office maintains a Child Advocacy Donation Fund and Shaken Baby Donation Fund, fiscally managed by Grants Management. These funds continue to provide for the special needs of child abuse victims and their families, such as, food, clothing, shelter and relocation costs, as well as, shaken baby syndrome education throughout Union County.

Union County continues to receive funds from the Body Armor Replacement Program, and from these funds, we are able to upgrade the body armor for our investigative staff, as well as purchase body armor for new investigative staff.

GUNS, GANGS, DRUGS, AND VIOLENT CRIMES TASK FORCE

The primary goal of the Guns, Gangs, Drugs, and Violent Crimes Task Force is to work with local, state and federal law enforcement agencies, both in New Jersey and out of state, to investigate and prosecute individuals involved with illegal drug trafficking and gang activity in Union County.

The Guns, Gangs, Drugs, and Violent Crimes Task Force is the successor to the Union County Narcotic Strike Force, the oldest countywide, multi-jurisdictional narcotic task force in the State of New Jersey, established in 1971. Its reputation was based on years of cooperative efforts with all law enforcement agencies operating in the State.

The Guns, Gangs, Drugs, and Violent Crimes Task Force is the largest field unit within the Prosecutor's Office, comprised of three full-time assistant prosecutors and thirteen detectives from the Prosecutor's Office. The Task Force's mission revolves around a multitude of efforts, which include a patrol drug response, municipal search warrant preparation, speaking engagements to civic and government groups regarding drug enforcement and gang activity, technical and surveillance assistance to local, state and federal law enforcement agencies, and maintenance of an extensive inventory of sophisticated equipment utilized for the operation of the Guns, Gangs, Drugs, and Violent Crimes Task Force. Detectives and assistant prosecutors at the Task Force are also responsible for the presentation of training courses held at the John H. Stamler Police Academy regarding both narcotics and gang enforcement.

Detectives assigned to the Task Force contribute their expertise by reviewing cases in Union County where a defendant is charged with possession with intent to distribute controlled dangerous substances. These detectives are responsible for testifying as an expert in Superior Court when requested by an assistant prosecutor.

The enforcement effort at the Guns, Gangs, Drugs, and Violent Crimes Task Force is two-pronged in that the priority of the Task Force is to identify and arrest mid-level and upper-level drug dealers and organized street gangs operating within Union County while also assisting municipal police departments with disrupting open-air, street-level drug distribution and gang activities. This effort is accomplished by utilizing the full spectrum of law enforcement techniques, including surveillance operations, undercover operations, search warrant executions and electronic surveillance.

During the year 2012, the Guns, Gangs, Drugs, and Violent Crimes Task Force conducted 48 investigations which resulted in 85 arrests (five (5) of which are verified gang members) and substantial seizures of cocaine (151.62 grams); heroin (1,881.96 grams); marijuana (161,881.56 grams); prescription legend drugs (in excess of 29 grams); as well as, a total of three firearms, \$84,401.00 in United States currency, property valued at \$10,000.00, and three vehicles valued at \$17,000.00. Additionally, 12 Court-ordered wiretaps and 11 Court-ordered pen registers were conducted.

A significant case highlighted from the year 2012: Commencing in April 2012 and concluding in November 2012, the Guns, Gangs, Drugs, and Violent Crimes Task Force initiated a joint wiretap investigation with the Drug Enforcement Administration and the Federal Bureau of Investigation Newark Field Division dubbed, "Operation Labor Pains." The focus of this investigation was the distribution of large quantities of cocaine and heroin in New Jersey and New York and home invasion robberies of certain

rival drug distributors targeted by the group. This investigation resulted in the arrests of eight (8) persons with seven (7) arrests pending for conspiracy to distribute controlled dangerous substance offenses, robbery and racketeering, all of whom had significant criminal histories.

HOMICIDE TASK FORCE

The Homicide Task Force is responsible for the investigation of all homicide cases including vehicular homicides. The Unit is also responsible for the investigation of police shootings involving death, suspicious deaths, in-custody deaths, baby deaths and murder-suicides. The detectives in the Task Force work in conjunction with the detectives in the local police departments. The Homicide Task Force maintains a 24-hour a day legal and investigative “on-call” service to all law enforcement agencies in the County. Five assistant prosecutors, four investigative supervisors, six detectives, seven municipal detectives, one Prosecutor’s Agent and two clerical personnel staff the Unit. Some of the Unit personnel are assigned to a particular area, such as cold cases and electronic surveillance/evidence.

In 2012, there were 28 homicides in Union County. Twenty complaints were signed in 17 of these cases. Of the 28 cases, there were sixteen (16) shootings, seven (7) stabbings, three (3) cases of blunt force trauma and two (2) homicides as a result of asphyxia. In addition, there were 32 deaths resulting from 32 motor vehicle accidents. Of these cases, two complaints for vehicular homicide were signed. One of those vehicular homicide cases was transferred to Bergen County for prosecution, and in two additional cases, charges for leaving the scene of a fatal motor vehicle accident were authorized. The HTF also investigated eight (8) suspicious deaths, in-custody deaths, baby deaths and police-involved shootings.

In addition to the 20 complaints signed on the 2012 cases, the Homicide Task Force solved two open homicides from the previous years of 2010 and 1976, resulting in two additional complaints. In total, 26 homicide and related complaints were signed in 22 cases, with a total of 26 defendants charged.

One investigation of note concerned the murder of Diane Zaleski. On November 18, 2010, Ms. Zaleski was found murdered in her residence located in Union, N.J. Ms. Zaleski suffered numerous stab wounds to her upper torso and died from those wounds. Ms. Zaleski’s body was covered in cleaning fluid and the entire first floor of her residence was sprayed with a fire extinguisher in an attempt by the murderer to conceal evidence of his identity. The homicide scene was processed and over 200 items of evidence were collected and forensically examined. As a result of the forensic examination, an unknown male DNA profile was obtained from several small blood samples found at the scene. As was clear from the spraying of the fire extinguisher and cleaning of the body, the offender made an attempt to clean the scene and destroy evidence. The offender also washed himself and his clothes prior to leaving the residence. The victim’s pocketbook and its contents were found in the kitchen sink, which was filled with water and cleaning fluid. Also in the sink were the remote controls for the televisions in the house. In the upstairs bathroom, where the offender cleaned himself, the bathroom sink was left turned on and flooded portions of the house. There were no identifiable fingerprints lifted from the scene. The male DNA samples collected from the residence were entered into CODIS, with no matches found.

On the one-year anniversary of Ms. Zaleski’s murder, the Homicide Task Force conducted a media blitz with the hope of attaining additional assistance from the public on the crime. As a result of the news articles, a witness from Massachusetts contacted the Homicide Task Force and indicated she was a Facebook friend with an individual who

she believed might have been involved with the murder based upon Facebook conversations the two had. Following up on the information provided by this witness, members of the Homicide Task Force were able to positively identify Ms. Zaleski's killer and solve the case.

During the course of the year, there were seven (7) trials prosecuted by members of the Task Force. One of these trials involved 52-year-old defendant Carlton Franklin. This trial was conducted in Juvenile Court, as Franklin had only been 15-years-old when he committed the murder in question. In 1976, Lena Triano was hog-tied, raped and murdered in her home in Westfield, N.J. Ms. Triano lived alone, and her murder went unsolved for more than 35 years. In 2011, a Prosecutor's Agent, who is assigned to investigate "cold" cases throughout Union County, re-opened Ms. Triano's murder investigation. Through the use of forensic techniques unavailable to investigators in 1976, the Prosecutor's Agent was able to re-submit a portion of Ms. Triano's clothing that had been retained as part of the original investigation. After examining the clothing in question, employees of the Union County Forensic DNA Laboratory were able to recover evidence from that clothing that contained a male genetic profile. That profile belonged to the defendant, Carlton Franklin. Further investigation showed that Franklin's childhood home abutted Ms. Triano's at the time of her murder. Franklin was ultimately tried in Juvenile Court as New Jersey law in 1976 did not allow for the waiver of a 15-year-old to adult court. Franklin was convicted, or "adjudicated delinquent," for the rape and murder of Ms. Triano.

INTELLIGENCE UNIT

In December of 2002, the Union County Prosecutor's Office Intelligence Unit was established and a directive was issued outlining the Unit's mission. The mission of this Unit is to gather information from all sources in a manner consistent with the law in order to provide tactical and strategic assessments on the existence, identities, and capabilities of criminal suspects and criminal enterprises and to further the crime prevention and law enforcement objects/priorities identified by the Union County Prosecutor's Office.

The Intelligence Unit is responsible for collecting all intelligence information at the local, county, state, and federal levels on any and all individuals or enterprises involved in criminal activity, as well as the more organized traditional, and less organized regional gang enterprises.

The Intelligence Unit is further responsible for collating, analyzing, and disseminating intelligence information into one of two centralized databases: the unclassified crime intelligence database or the verified gang intelligence database, retained at the Union County Prosecutor's Office.

Both the unclassified crime intelligence and the verified gang intelligence databases are accessible to every municipal police department in Union County, as well as, the Union County Sheriff's Office, the Union County Police, and the Kean University Police via the countywide CrimeNtel information sharing system.

Law enforcement agencies throughout Union County and the state continue to utilize the CrimeNtel information sharing database system. 2012 commenced the availability of CrimeNtel on all smartphones. In addition, this Unit is responsible for reinstalling CrimeNtel when municipal police departments have their computers upgraded. In 2012, the following reinstallations have taken place: Union Police Department, Linden Police Department, Kenilworth Police Department, Rahway Police Department and Plainfield Police Division.

The Union County Prosecutor's Office Intelligence Unit is tasked with mapping criminal activity throughout the State; identifying crimes that have similar methods of operation; and to give focus and assistance to specialized units such as the Union County Terrorism Task Force, as well as the Guns, Gangs, Drugs and Violent Crime Task Force, while also giving focus and assistance to municipal police departments' intelligence, patrol, detective, narcotic and street units.

In the year 2012, the Union County Prosecutor's Office Intelligence Unit rendered assistance in the form of intelligence to more than 136 different municipal, county, state, and federal law enforcement agencies. In addition, the Intelligence Unit has rendered assistance, in the form of intelligence information, to law enforcement officers and legal personnel encompassing every unit within the Union County Prosecutor's Office.

The year 2012 also saw a tremendous amount of growth, as well as, outreach for the Unit.

During the course of 2012, this Unit, with the approval of both the Prosecutor and the Crime Stoppers Board, began to implement a web-based version of the already successful Crime Stoppers "tip-line." One investigator and one intelligence analyst via BlackBerry monitor the site itself 24 hours a day, seven days a week. Once a tip is received, it is reviewed and forwarded to the appropriate agency. The site itself has the

capability to publicize any crime deemed noteworthy throughout the county. In this past year, 85 tips were received and there were 19,966 “hits” to the website.

The Organized Retail Theft Task Force, another program overseen by this Unit, continues to assist local and statewide law enforcement agencies throughout the year. Of course, any information of importance obtained throughout the year is entered into CrimeNtel.

In November 2012, this Unit organized a seminar on Sovereign Citizens and New Jersey Hate Groups at the John H. Stamler Police Academy. It was hugely successful, with over 100 attendees from the law enforcement community.

The monthly Intelligence Unit meetings have now become one of the cornerstones to this Unit. What began as small meetings with members of the Plainfield Police Division, Elizabeth Police Department and Union County Jail Special Investigations Unit, has now grown into sessions with close to 50 attendees a month. Members from both federal and state agencies, along with local municipalities, have actively participated in these meetings making them successful beyond anyone’s expectations. Reports and intelligence are brought to the table with pertinent information passed on to specific agencies and units, both county and statewide.

Lastly, this year saw the creation of a bi-weekly Intelligence Brief, which has been incredibly well received by the law enforcement community both in-county and statewide. It is now disseminated to the Federal Bureau of Investigation (FBI), Drug Enforcement Agency (DEA), Secret Service, Immigration and Customer Enforcement (ICE), New Jersey State Police (NJSP), all County Prosecutors’ Office Intelligence Units, all County Prosecutors, New Jersey Regional Operations Intelligence Center (NJ ROIC) and the Attorney General. In total, the Intelligence Brief is now distributed to 274 law enforcement professionals.

The Union County Prosecutor’s Office Intelligence Unit continues to be viewed by the New Jersey law enforcement community as being the very best in intelligence gathering, collating, analyzing and dissemination.

PROFESSIONAL STANDARDS EXECUTIVE SUMMARY

The Union County Prosecutor's Office is responsible for conducting investigations of police misconduct regarding criminal and administrative violations committed by its law enforcement personnel. It is also charged with the responsibility of overseeing internal affairs criminal investigations of all police jurisdictions within Union County. Under certain conditions, the Prosecutor's Office may review completed internal affairs investigations and may conduct independent or joint investigations of a criminal or administrative incident involving municipal and county law enforcement. At times, the Prosecutor's Office provides legal and investigative support to municipal and county law enforcement for internal affairs investigations. The Prosecutor's Office requires all Union County law enforcement agencies to report statistical information on a quarterly basis summarizing each department's Internal Affairs Unit's activity for that period. Union County internal affairs reporting statistics are derived from each of the County's Police Department's Professional Standards Summary Report Forms. It is important to note that these statistics are from manually collected data. The Union County Prosecutor's Office's Internal Affairs Professional Standards Summary Reports provides a summarized yearly analysis for the entire county. In 2012, the Prosecutor's Office now requires from each county police agency to report the activity of each individual internal affairs investigation on a summary report to be forwarded on a quarterly basis to the County Prosecutor's Office.

The Professional Standards Summary Report Forms reporting year was the calendar year, January 1, 2012 through December 31, 2012. The complaints reported for this year for the most part usually have occurred during the reporting year. However, it is understood that not all complaints filed will have had a disposition during the same reporting year and that the number of all dispositions may not equal the number of complaints filed. In order to better understand the Internal Affairs Professional Standards Summary Report Forms, a "complaint" is defined as a single incident and the officer involved. If an officer commits more than one act under the complaint types, only the most serious complaint type is reported. If there are multiple officers involved in an incident, each officer who had a complaint filed against him or her is a separate case. The reports from each department are quarterly reporting and a summarized yearly analysis is consolidated into a countywide annual report into the following format.

Table 1 -- Complaints Filed Report Form Indicates the source of the internal affairs complaint listed by Anonymous Complaint or Citizen Complaint or Agency Complaint. Complaints for each quarter and the year-end summary are divided into the individual complaint types as follows:

Excessive Force - Complaint regarding the use or threatened use of excessive force against a person.

Improper Arrest - Complaint that the restraint of a person's liberty was improper or unjust, or violated the person's civil rights.

Improper Entry - Complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.

Improper Search - Complaint that the search of a person or property was improper, unjust, violated established agency procedures, or violated the person's civil rights.

Other Criminal Violation - Complaint regarding the commission of an illegal act, but is not specified elsewhere.

Differential Treatment - Complaint that the taking, failure to take, or method of police action was predicated upon irrelevant factors such as race, appearance, age, or sex.

Demeanor - Complaint that a department member's bearing, gestures, language or other actions were inappropriate.

Domestic Violence - Complaints that a department's member violated the provisions of *N.J.S.A. 2C:25-17 et seq.* This category is not limited to cases in which a criminal or disorderly persons complaint is filed or a final or temporary restraining order is issued.

Other Rule Violation - Complaint for conduct which violates agency rules. This includes conduct such as insubordination, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering, untidiness, tardiness, faulty driving, or failure to follow procedures.

Table 2 – Agency Dispositions Report Form Once a complaint is investigated and completed, a disposition is made based on the case facts. The outcome is defined as a finding as listed below:

Sustained - The investigation disclosed sufficient evidence to prove the allegation by a preponderance of the evidence.

Exonerated - The alleged incident did occur, but the actions of the officer were justified, legal and proper.

Not Sustained - The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

Unfounded - The alleged incident did not occur.

Administratively Closed - In some cases, the complaint or investigation is closed prior to reaching a disposition. These should be counted as "Administratively Closed." Examples include situations when a complainant voluntarily requests that a complaint be withdrawn, or the subject officer terminates his or her employment prior to disposition of the complaint.

Table 3 – Court Dispositions Report Form At times, an internal affairs investigation may result in criminal charges being brought against an officer(s) and it may be necessary

to resolve the matter in a Municipal or Superior Court proceeding. The Court dispositions are listed below:

Cases Dismissed - A determination was made that the investigation may result in an unsuccessful prosecution of the charged officer based on insufficient evidence to prove the allegations beyond a reasonable doubt.

Cases Diverted - The charged officer's proceedings resulted in a Court action other than a plea or trial. For example, where a charged officer is admitted into a Pre-Trial Intervention Program.

Acquittals - The charged officer was found not guilty.

Conviction - The charged officer pled guilty or was found guilty at trial.

The following attached report contains statistical summaries for all law enforcement departments in Union County for 2012. A review of these reports and a comparison with the statistics from 2011 reveal the following:

<u>Complaints Filed:</u>	<u>2011</u>	<u>2012</u>	<u>%</u>
<u>Change (-)</u>			
Anonymous Complaint	14	6	(57)
Citizen Complaint	380	450	18
Agency Complaint	<u>336</u>	<u>298</u>	(11)
Total Complaints	730	754	3

Agency Dispositions:

Sustained	249	226	(9)
Exonerated	177	161	(9)
Not Sustained	132	158	20
Unfounded	83	73	(12)
Administratively Closed	<u>53</u>	<u>75</u>	41
Total Agency Dispositions	694	693	--

Court Dispositions:

Cases Dismissed	0	0	--
Cases Diverted	2	2	--
Acquittals	3	1	--
Convictions	<u>2</u>	<u>2</u>	--
Total Court Dispositions	7	5	--

Analysis of Data:

In 2012, a total of 754 investigations were completed by all of Union County's Police Department's Internal Affairs Units as compared to 730 investigations in 2011 which is a decrease of 3%. In 2012, of the 754 complaints filed, 693 were resolved

through agency dispositions for a closed investigation rate of 92% as compared to 2011 where, 730 complaints were filed and 694 were resolved through agency dispositions for a closed investigation rate of 95%. Anonymous and Agency complaints filed showed decreases and citizen complaints increased when comparing years. The agency dispositions with the highest decrease in percentages, when comparing years, were the categories of sustained, exonerated and unfounded. The categories of not sustained and administratively closed showed increases when comparing years. Although, there is no single determination that can be attributed to the minimal decrease of internal affairs complaints received in 2012 as compared to 2011, and the percentage decreases, many factors may be impacting annual statistics. Factors that may be affecting statistics are more stringent requirements for new hires, the continuing strive for more professionalism by individual departments, better supervision at all levels, and an increase in training requirements. Presently, many Union County law enforcement agencies have become accredited or are seeking accreditation through the New Jersey State Association of Chiefs of Police which sets standards containing a clear statement of professional objectives through the implementation of policies and procedures that are conceptually sound and operationally effective.

The complexity of internal affairs investigations still continues and agencies are moving forward with State mandated training requirements of their Internal Affairs Unit personnel, resulting in more thorough investigations. Many police agencies have also assigned additional personnel to handle internal affairs investigation.

JUVENILE UNIT

The Juvenile Unit is responsible for prosecuting juveniles for acts of delinquency which range from violations of township ordinances to murder. The Unit is comprised of a supervising assistant prosecutor, four full-time assistant prosecutors, a detective, a victim/witness advocate and two secretaries. The goals of the Union County Prosecutor's Office Juvenile Unit are to promote swift and certain punishment for repeat violent offenders and to divert minor offenders away from delinquency and further Court action.

During 2012, the Unit handled approximately 904 cases and 211 violations of probation. Staff members from the Unit handled 31 juvenile delinquency hearings, consistent with the heavy trial schedule of 2011.

Thirty-four motions were filed to have the juveniles treated as adults for purposes of the criminal justice system. Of those motions filed, four of the juveniles were charged with murder. In one particular case, an eighteen-year-old man was shot to death in broad daylight in the middle of an athletic field. In another case, a thirty-year-old victim was stabbed to death in an unprovoked attack. The juvenile-defendant is alleged to have been a member of the MS-13 street gang. The remaining motions were filed for juveniles charged with various crimes including robbery, carjacking, weapons offenses, aggravated sexual assault and attempted murder.

The statistics show a slight decrease in the number of complaints filed, with 1,459 cases filed in 2012 compared with 1,680 in 2011. The number of juveniles charged with acts of delinquency has decreased to 1,080 juveniles, down from 1,262 juveniles last year and 451 cases were diverted from the formal calendar. However, there was an increase in the number of juvenile cases that were handled in the formal calendar, which requires prosecutor involvement. In 2011, there were 560 cases sent to the formal calendar. In 2012, there were 741 cases sent to the formal calendar. This trend is consistent with the trend, which started in 2011 in which, while overall juvenile complaint filings were down, in Union County, the number of serious, and violent crimes increased. In turn, the more serious cases are referred to the formal calendar. In 2012, 211 violations of probation were filed.

The number of serious and complex cases remains high. Specifically, in 2012, the Unit handled twice as many juveniles charged with sexual assaults. There is a great deal of time and preparation required in prosecuting these types of cases. The assistant prosecutor must review extensive discovery and meet with the victim and the victim's family regarding the plea offer. The assistant prosecutor must answer numerous defense motions and prepare State's motions and briefs for the admission of certain evidence unique to these cases. The State must retain experts and prepare the witness for testimony. Most importantly, the assistant prosecutor spends weeks preparing the victim for their testimony. In addition, we handled several child pornography cases. One such case was tried and required seven hours of expert testimony from the State's computer crimes expert.

This year has also seen the steady reporting of gang-related or gang-affiliated crimes and violent offenses. The Juvenile Unit handled approximately 101 robbery cases in 2012. In addition, we handled 14 sexual assault cases, eight (8) kidnapping cases, five (5) murder/attempted murder cases, four (4) carjacking cases, three (3) arson cases, and 110 weapons-related offenses.

The Unit provides daily legal advice to the twenty-two Juvenile Bureaus within Union County. The supervising assistant prosecutor is a member and officer of numerous county initiatives regarding juveniles, including, but not limited to, the Juvenile Officers Association, the Juvenile Detention Alternative Initiative, the Youth Services Commission, and the subcommittee on Disparate Minority Contacts.

PRE-DISPOSITION CONFERENCE / PRE-TRIAL INTERVENTION UNIT

The Pre-Disposition Conference Unit is assigned the responsibility of reviewing the majority of criminal cases in Union County involving second, third and fourth degree criminal charges. The goal of the Unit is to resolve as many cases as possible prior to any Grand Jury action. This not only saves the State the time, cost and effort of processing these cases through the Criminal Justice System, but also helps bring closure to victims of crimes in a timely manner.

The Unit consists of three assistant prosecutors, two clerical employees and one victim witness counselor. The Unit handles all cases assigned a Pre-Disposition Conference date at the time of defendant's first appearance hearing. The time between the complaint and the Pre-Disposition Conference hearing is approximately six weeks. The Unit also reviews cases where a complaint has been signed but the defendant has not received a first appearance date.

In 2012, the Unit reviewed more than four thousand (4,000) cases with Court dates. Cases are disposed of by the plea negotiation process, administrative dismissals, admission into the Pre-Trial Intervention Program and remands to a Municipal Court. Frequently, the attorneys must consolidate cases from other counties to dispose of defendants with multiple charges. Pre-Disposition Conference attorneys handle all types of cases, including aggravated assaults, gun possession cases, burglaries, robberies, eluding police officers and drug cases. Identity theft cases, which can be very complex and multi-jurisdictional, receive special attention from the Unit. Violations of anti-piracy laws are prosecuted with the assistance of experts from the motion picture and sound recording industries. Endangering the welfare of a child cases, which our Unit handles, receive a high priority from the assistant prosecutors. In addition, our Unit reviewed three hundred and ninety three (393) cases where the defendant did not receive a first appearance date. Of those cases, 187 were sent to a Grand Jury for their consideration, 198 were remanded to Municipal Court for disposition and eight (8) were administratively dismissed.

The Unit, as always, is very concerned with the rights of victims of crimes. A great deal of time and effort is put into contacting the victims, informing them of status of their case, listening to their concerns and explaining the process to them. The adult criminal trial calendar continues to show a marked reduction in the number of second, third and fourth degree offenses due to improved screening of cases, diversionary programs and vigorous plea negotiations by members of the Pre-Disposition Conference Unit.

The Pre-Trial Intervention Program is a diversionary program designed for first-time offenders who commit non-violent, victimless offenses. In 2012, 598 new applicants were filed with the PTI Program and were legally reviewed. There were 413 new applications ultimately accepted into the Program with case and defendant specific conditions for Program participation. All applications, which were legally rejected, were provided with a written legal notice of rejection. There were 72 individuals terminated from the Program in 2012. Three hundred and sixteen (316) PTI participants successfully completed the program and received dismissals.

PLAINFIELD PROJECT

The Plainfield Project is a fully staffed satellite office established in the City of Plainfield. Its mission is to work closely with the Plainfield Police Division to advance the shared goal of reducing crime in the “Queen City.” It serves as the presence of the Prosecutor’s Office in Plainfield, New Jersey, to work with the community and the police division on crime reduction initiatives.

The assistant prosecutor assigned to the Plainfield Project provides legal advice and investigative support to the Plainfield Police Division on a daily basis. This consists of preparation and review of affidavits for search warrants, obtaining court orders and communication data warrants and other legal documents required appropriately investigating and prosecuting criminal matters arising in the City of Plainfield. The Plainfield Project is also responsible for assisting in the sharing of criminal intelligence information between the Union County Prosecutor’s Office, the Plainfield Police Division and any other necessary law enforcement agencies. The Plainfield Project also serves to provide in-service training to Plainfield Police Division personnel and participates in crafting strategies to address emergent and chronic crime problems. In addition to providing daily legal advice and investigative support to the Plainfield Police Division, the assistant prosecutor also provides legal assistance to the Westfield, Scotch Plains and Fanwood Police Departments.

All criminal matters arising within Plainfield, Westfield, Scotch Plains and Fanwood are initially screened to determine whether there is sufficient evidence for indictable charges to be filed. Upon a determination that indictable charges are appropriate, all cases are further screened for accuracy and completeness before being forwarded to the Pre-Disposition or Grand Jury Units for disposition. This helps improve the quality of cases emanating from all four towns.

In 2012, along with providing daily legal advice to all units of the Plainfield Police Division and the other police departments, the assistant prosecutor reviewed a total of 581 cases. The assistant prosecutor referred 175 of the cases to the Municipal Courts, because there was only sufficient evidence of disorderly persons offenses having been committed. Additionally, the assistant prosecutor determined that no charges should be filed in 23 cases because there was insufficient evidence of any criminal offenses having been committed.

The assistant prosecutor reviewed 25 affidavits for search warrants and assisted the Narcotics Bureau and the Criminal Investigations Bureau in Plainfield in obtaining those warrants. In addition to obtaining search warrants, the assistant prosecutor obtained court orders for the submission of buccal swabs for DNA testing and court orders for HIV/AIDS testing. The assistant prosecutor also assisted members of several investigative units in the various police departments in obtaining and preparing 126 Grand Jury subpoenas for medical records, telephone records, banking records and other essential documents to assist the various police departments in their investigations.

JOHN H. STAMLER POLICE ACADEMY

Union County is home to one of New Jersey's premier police training facilities, the John H. Stamler Police Academy. The Academy has two primary functions: to provide basic police training to recruits to produce qualified law enforcement officers for municipal, county and state agencies, and to provide advanced (in-service) training for veteran police officers.

The Basic Training Police Curriculum meets the strict requirements of the New Jersey Police Training Commission (PTC). The instructional staff is comprised of experts in various areas of law enforcement, thus assuring the Academy graduates have the desire, ability and judgment to serve the public and honor their oaths of office.

In 2012, 88 recruits successfully completed a twenty (20) week Basic Police Training Program. These graduates represent both municipal agency participants, who traditionally are hired by those law enforcement agencies prior to attending the Academy, and Alternate Route candidates, non-law enforcement personnel who have the opportunity to enroll themselves. Class 106 had 31 graduates; Class 107 had 57 graduates. There were no Alternate Route candidates in the December class, as the State of New Jersey had suspended the Alternate Route Program. The State Chiefs Examination was administered in November 2012 in anticipation of upcoming Alternate Route classes.

In addition to training police recruits, the Academy strives to provide top-notch continuing education to law enforcement professionals in Union County and throughout the state. In 2012, approximately 3,600 law enforcement professionals – 2,088 from Union County (58%), and 1,512 from out-of-county (42%) – attended 185 in-service training courses (including Computer Proficiency for Law Enforcement courses) representing 129 different course offerings presented over 348 training days, for a total of 6,283 total training days. The Academy courses represent a diverse offering focused on expanding the core Police Training Commission's Basic Police Training Curriculum and are often created to respond to forecasted and identified needs in the field.

Among our accomplishments in 2012 were:

- Class 15 graduation of 28 auxiliary recruits from our three-month Basic Auxiliary Police Training Program, in cooperation with the New Jersey State Police and New Jersey Office of Emergency Management;
- Class 6 graduation of two (2) recruits in the Special Law Enforcement Officer Class One Police Training Program;
- A wide array of special in-service course offerings from such esteemed institutions and law enforcement agencies as Penn State University, DHS/ICE, DEA, DCJ, HITDA, NWC3, MAGLOCLEN, Renahan Consulting, and the New Jersey Cop 2 Cop Association, which focused on enhanced investigation and prosecution techniques, particularly with regard to gang, narcotic and cyber investigations; specialized Crisis Intervention Training to enhance police response to individuals with mental illness; increased patrol efficiency and safety; leadership, supervision and agency management enhancement; and Cop 2 Cop Suicide Awareness Prevention, as well as special training for educators

and law enforcement officers in partnership with the Office of the Union County Superintendent of Schools.

- Total resurfacing of our EVOC course, which is also used by other neighboring Police Academies for their recruit and special law enforcement class EVOC training, as well as replacement of the front entrance walkway.

The unique partnership between the Police Academy, Union County Police Chiefs Association and the Union County Prosecutor's Office, forged in July 1986, continues to ensure broader opportunities for the basic and in-service training programs, and ensure the highest standards of training, competence and professionalism to assist our law enforcement officers to successfully and safely protect and serve our citizens.

RECORDS AND EVIDENCE UNIT

The Records and Evidence Unit of the Union County Prosecutor's Office is responsible for maintaining and safeguarding all evidence from Office-originated investigations such as homicides, narcotic investigations, search warrants, and the issuance of employee police equipment and firearms. Additionally, the Unit personnel arrange for the destruction of evidence and weapons from adjudicated cases, which include forfeited weapons and firearms seized during domestic violence investigations by all municipal departments within Union County. The Records and Evidence Unit is also responsible for returning seized property to crime victims and to defendants who have been cleared of their charges.

In 2012, the Records and Evidence Unit received and secured evidence from 140 criminal cases involving 175 defendants. Additionally, the Unit orchestrated the destruction of 262 firearms from adjudicated cases.

RELEASED OFFENDERS UNIT 2012

Two assistant prosecutors, one legal analyst, one legal assistants, one investigator, one prosecutor's agent, and two clericals staff the Released Offenders Unit, better known as the Megan's Law Unit.

The Unit is responsible for ensuring that all convicted sex offenders residing in the County have properly registered their residence, employment and/or school attendance with the police department in the municipality in which they live. This includes verifying that the registrant does, in fact, reside at the given address and the monitoring of offenders with local law enforcement to ensure compliance with the quarterly and annual address verification for each registrant residing in Union County. As a result of intense monitoring and tracking of sex offenders, this Unit, working with local law enforcement and State parole, uncovered instances where sex offenders failed to register their employment, failed to notify the police of their intent to move, failed to re-register their new addresses, and provided false address information to law enforcement. In 2012 thirteen (13) criminal complaints were signed against sex offenders for violating the registration requirements of Megan's Law. Moreover, due to the thorough investigation and tracking of missing sex offenders, the Unit detective for offenders who violated the registration provisions of Megan's Law made eleven (11) arrests. One offender was arrested in Florida and through the diligence of the Unit detective, this offender is charged in Florida with violating their registration statutes. Moreover, the United States Attorney's Office is considering charging this offender with a violation of the Federal Adam Walsh Act.

The Unit also works closely with the State Parole Board Sex Offender Management Unit and the GPS Monitoring Unit and investigates and prosecutes offenders who violate Community Supervision for Life, Parole Supervision for Life or GPS conditions. In 2012, nineteen (19) criminal complaints were signed against sex offenders who violated Community Supervision for Life conditions and two offenders were charged with violations of the GPS Monitoring Act. The Megan's Law Unit also ensures immediate notification is made to the GPS Unit of a Tier Three (High Risk) offender determination to coordinate the mandatory placement of the offender on GPS monitoring.

The primary focus of the Released Offenders Unit is the tiering of registered offenders to determine the level of risk of re-offense to be assigned to each individual and the subsequent scope of community notification. This requires an assessment of many factors, including the individual's criminal history, the facts of the sex offense, institutional progress, and response to treatment, employment, residential stability and whether publication on the Sex Offender Internet Registry is applicable to the registrant. Registrants must also be re-tiered whenever their address, employment or school status changes. During 2012, there were seven hundred seventy-six (776) registered sex offenders residing in Union County. In 2012, fifty-nine (59) new offenders registered their addresses, and a total of ninety-nine (99) cases were tiered by the Unit. A total of twenty-five (25) notifications were made to law enforcement regarding Tier 1 offenders and seventy-four (74) offenders were personally served with notice of their Tier 2 or Tier 3 status. A total of one thousand twenty eight (1028) schools, community organizations and civic groups received notification regarding a sex offender. This past year, the Unit

conducted two (2) Tier 3 notifications going door-to-door to provide residents notice of a sex offender residing in their neighborhood.

This Unit is also responsible for entering all sex offender data in the State Police Sex Offender Registry and Megan's Law Promis Gavel. The State Police database is the basis for the information that is listed on the Internet Sex Offender Registry and the data entry is an important and continuous function to track sex offenders, as sex offenders frequently move and change employment. The up-to-date data entry significantly improves notification procedures to schools and community organizations and the public, thereby enhancing public safety. This past year several members of the Unit continued to work diligently to review the list of offenders and obtain the necessary fingerprints and documentation so that those offenders, who were no longer residing in Union County, and those who were deported or deceased, could be removed from the New Jersey State Police database and the Internet Registry of Union County sex offenders.

This Unit continues to assist Immigration and Customs Enforcement (ICE) to identify convicted sex offenders residing in the County who are subject to deportation. The Unit also reviewed and objected to eleven (11) clemency/pardon applications submitted to this Office by the New Jersey State Parole Board. The Unit also handled three (3) motions to be relieved of Megan's Law obligations. Pursuant to the Attorney General Guidelines, the Released Offenders Unit also conducted numerous training sessions for school personnel, community organizations and civic groups so they could receive Megan's Law notifications, and conducted law enforcement training, public awareness training and service provider training.

SEX CRIMES UNIT

The Union County Prosecutor's Office Sex Crimes Unit investigates and prosecutes allegations of sexual assault involving adult victims, as well as, minor victims between the ages of thirteen and seventeen. Three assistant prosecutors and two investigators are assigned to the Unit and review sexual assault reports made to the 21 municipalities. Unit members are jointly involved with municipal police detectives in the initial stages of the investigation, including witness interviews and statements, evidence analysis and retrieval, search warrants, and Court Orders for records and biological evidence. The Unit investigators work with municipal officers in providing field support. Assistant prosecutors direct the investigation and provide legal advice at each critical stage of the proceedings. The assistant prosecutor will make a determination of probable cause, or close the investigation due to insufficient credible evidence. After the signing of complaints and arrest of the suspect, the assistant prosecutor will build a rapport with the victim; present the matter to a Grand Jury; negotiate a plea; or prepare for trial and ultimate sentence.

The Sex Crimes Unit works closely with the Sexual Assault Response Team (SART), the Union County Prosecutor's Office Laboratory and the New Jersey State Police Laboratory. In June 2001, the Prosecutor's Office, following two years of collaborative efforts with Runnells Hospital, the Rape Crisis Center and Emergency Room staffs at Trinitas, Muhlenberg and Overlook Hospitals, established a special team to address the needs of survivors of sexual assault. If a survivor is over thirteen-years-old

and the sexual assault occurred within five days, the survivor is offered special services. These services include a specially-trained nurse examiner to complete the sexual assault evidence collection kit in a timely manner, a rape crisis advocate for emotional support and a municipal police detective for statement-taking and investigation. The sexual assault evidence collection kit is then forwarded to the Union County Laboratory for preliminary serology and DNA analysis.

Each month, the various SART members meet to continue to streamline services to sexual assault survivors and identify problems in the response team infrastructure. Since its inception, the program has provided medical, therapeutic and legal assistance to over 800 sexual assault survivors.

In 2012, the Unit screened 176 sexual assault cases from the 21 municipalities. Complaints were authorized in 59 cases and 23 defendants were indicted for first or second degree sexual assault. Unit prosecutors resolved 24 sexual assault cases through guilty pleas and jury trials.

Among the cases prosecuted in 2012 was a twenty-eight-year-old man who sexually assaulted a teenage girl that he met on *MySpace*. The defendant, who is a convicted sex offender, met the victim when he sent her a friend request on her *MySpace* account. The defendant continued to send the victim messages and eventually convinced her to meet in person. Once they met, the defendant took her to his home where he sexually assaulted her. The victim told her parents what occurred and the defendant was arrested. After he was arrested, the defendant continued to contact the victim and attempted to meet with her again. The defendant was then again arrested for his contact with the victim. After a three week trial, the defendant was convicted and given a State Prison sentence.

In 2012, the Sex Crimes Unit also investigated a serial rapist who was breaking into hotel rooms at gunpoint and forcing the occupants in the room to have sex with each other. After the defendant forced the occupants of the room to have sex with each other, he would sexually assault the woman in the room. The defendant would then rob the occupants before fleeing. An investigation conducted by the Sex Crimes Unit and local municipal police departments eventually led to the capture of the defendant. The defendant has been indicted, and is charged in a seventy-one count indictment with numerous charges including aggravated sexual assault and robbery.

SPECIAL OFFENDERS UNIT

The Special Offenders Unit was created in March 2005 to address the marked increase in criminal prosecutions against individuals with mental illness. The Unit is comprised of two assistant prosecutors, who handle any Trial Team case where the defendant presents with a mental illness. The cases raise a myriad of issues, including competency to stand trial, and the defenses of insanity or diminished capacity.

The Special Offenders Unit partners with Trinitas Hospital and Bridgeway Rehabilitation Services to operate the Jail Diversion Program. The Jail Diversion Program attempts to divert mentally ill criminal defendants from traditional prosecution, where the underlying offense is related to the defendant's mental illness. A treatment plan formulated by mental health professionals from Trinitas Hospital and Bridgeway Rehabilitation Services is incorporated into a plea bargain. In 2012, the Special Offender's Unit screened 447 cases for acceptance into the Jail Diversion Program.

In 2012, the Unit continued to handle cases in a mental health program assigned to one judge within the criminal courts. This program began in July 2009 and the mental health list is heard once a month. This specialization allowed more individuals to be diverted from incarceration and prosecution because of the close monitoring of the cases.

The Unit works closely with the Department of Corrections to provide mental health records when a person with mental illness is sentenced to State prison. The institution is then better able to provide services and treatment to the inmate.

The Unit provides training for law enforcement in the recognition of mental illness and techniques for de-escalation of crisis situations. The Unit continues to collaborate with the National Alliance on Mental Illness of New Jersey (NAMI) and the Union County Chapter of NAMI, as it has in the past, when it took part in producing a short training video for law enforcement entitled, "The Community I Serve – Law Enforcement and Persons with Mental Illness." This video has been well received and requested by law enforcement in other states. In 2010, the Unit, in conjunction with local law enforcement and various mental health service providers and agencies, began the process of establishing a Crisis Intervention Training Program (CIT) in Union County. This planning resulted in three 40 hour CIT training sessions conducted in 2012 for law enforcement and mental health providers. The goal of CIT continues to be to train local law enforcement officers and responding mental health screeners in how best to handle a situation involving an emotionally disturbed person. It is further designed to encourage an understanding and appreciation by all responding parties of each agency's role.

The Unit has also continued in its efforts to provide a practical and hands-on in-service training curriculum at the John H. Stamler Police Academy. In 2012, the Unit conducted two separate two-day intensive training programs on law enforcement's response to the mentally ill and the concept of excited delirium, offering practical de-escalation methods and tactical demonstrations. Training was also provided to community organizations on the Jail Diversion Program and the criminal justice process.

Additionally, the Unit is responsible for the involuntary civil commitment cases at the State psychiatric hospitals. The assistant prosecutors in this Unit regularly appear at Ann Klein Forensic Center, Trenton Psychiatric Hospital, and Ancora Psychiatric Hospital to represent the State in the commitment hearings of profoundly mentally ill

criminal defendants and monitor those defendants released from these institutions back into the community.

In an effort to address the increasing number of veterans suffering from mental illness and/or substance addiction, in 2012, the Unit expanded its role and partnered with the Veteran's Administration to track veteran offenders who make contact with the criminal justice system. Once the Unit is alerted that a defendant has self-identified as a veteran, contact is made with a Veteran Justice Outreach Specialist to verify the defendant's status as a veteran and his/her eligibility for VA services. Once verified, the veteran is evaluated by the VA and, when appropriate, the defendant is referred for services through the VA as part of any disposition in the case. Additionally, in 2012, the mental health program continued to work with the VA in attempting to divert veterans from incarceration and into community treatment. In 2012, the Unit screened 68 verified veterans charged with indictable crimes.

The Unit further expanded its work with developmentally disabled offenders and training for police officers who interact with persons suffering from autism. In light of the CDC's 2012 statistics predicting that 1 in 49 births in New Jersey will result in a child diagnosed with autism, the Unit has scheduled an autism training for law enforcement in early 2013, at which officers will be educated as to the indicators for identifying persons with Autism Spectrum Disorder, appropriate de-escalation methods and safe and effective restraint techniques.

SPECIAL PROSECUTIONS UNIT

The Special Prosecutions Unit's core function remains the investigation and prosecution of complex financial matters and official misconduct by elected or appointed officials. The Unit also takes on such investigations as insurance fraud, human trafficking, bribery, kick-back schemes, election law violations, identity theft, bias crime, open public meeting act violations, welfare fraud, officer involved shootings (Shooting Response Team/SRT) and computer crimes. Three assistant prosecutors, one lieutenant and five sergeants staff the Unit. There are three detectives assigned to the Special Prosecutions Unit, one assigned to the Insurance Fraud Unit; and three assigned to the High Tech Task Force. The Special Prosecutions Unit Financial Crimes Section handles telephone calls, letters, and walk-ins "from the public." Whenever a member of the public has a question that does not fit neatly into one of the other investigative units, they are directed to the Special Prosecutions Unit. Questions have ranged from something as simple as how to get bail money returned, to the more complex frauds or identity theft. We also handle special assignments/inquiries. The SPU/Financial Crimes Section has initiated 41 investigations in 2012 and made 39 arrests. The Unit also handled over 187 citizen contacts/inquiries.

Welfare Fraud Section

During 2012, one case was referred to the Union County Prosecutor's Office from the Division of Social Services Welfare Fraud Unit. This case represented a total fraud of \$5,367.00. One detective from the Special Prosecutions Unit is assigned to handle and screen the welfare fraud referrals from the Division of Social Services. That detective is also responsible for preparing the cases for Grand Jury and serving the complaints. An assistant prosecutor in the Special Prosecutions Unit reviews the files to determine what charges should be filed. There has been a substantial decrease in the amount of welfare fraud because of initial investigation and verification at the time a client applies for welfare.

Bias Crime Section

A total of three (3) bias-related incidents were referred to the Union County Prosecutor's Office in 2012 for review. One of the three (3) resulted in criminal charges upgraded to second-degree bias. Most of the incidents involved acts of graffiti on public and private property. Some of the cases required a preliminary investigation in order to determine if there was a crime committed or if the First Amendment protects the subjects' actions. The Bias Crime Section, in conjunction with the New Jersey Bias Officer's Association, conducted several community outreach programs. Topics included bias education and awareness, enhanced communication between law enforcement and the community, and problem solving techniques. Additionally, we conducted bias crime training for police recruits and in-service law enforcement officers. We are also members of the Union County Human Relations Commission and are required to attend the monthly meetings every third Monday of the month at the John H. Stamler Police Academy.

High Tech Crimes Section

The Union County High Tech Crimes Section has built a reputation of being well trained and respected in the law enforcement community statewide. This Section continued to increase its knowledge and technological advancement in 2012 and

completed 67 forensic examinations, 53 video extractions and assisted in two Internet investigations.

2012 Cases:

State v. Desa

The following is a case which was investigated by members of the Union County Shooting Response Team (SRT).

In the morning hours of October 16, 2012, within relatively close physical and temporal proximity, two robberies occurred within the towns of Franklin Township in Somerset County and Piscataway in Middlesex County. In each robbery, the suspect entered a deli and brandished a black handgun and escaped with store merchandise and money. The descriptions given by each of the victims were consistent with one another, and during one robbery, a victim, who knew the suspect to be a customer, obtained a description and license plate of the vehicle the suspect used to escape.

Shortly after information pertaining to the robberies were broadcast to police departments in the area, a detective from the South Plainfield Police Department, who was involved in the investigation of a string of thefts from weeks earlier, in which they developed a suspect by the name of Christopher Desa, called the Piscataway Police Department and provided them with information that would assist them in identifying and apprehending the suspect. Piscataway detectives, in furthering their investigation, learned that Desa was at the Benedict Motel located on U.S. Route 1 in Linden, Union County. The Piscataway detectives then proceeded to the motel in order to locate him.

Once the above-mentioned detectives arrived at the Benedict Motel, they were able to visually confirm that the vehicle used in at least one of the robberies was parked within the interior parking lot of the motel. The detectives were able to confirm that the vehicle was registered to a particular room and as they were approaching, they observed Christopher Desa exit the room and walk down the stairs and enter the vehicle. At this point, the detectives, with badges and department issued firearms clearly displayed, approached Desa in an attempt to question him. As Desa began to erratically pull away, one of the detectives approached the vehicle and saw that Desa had a black handgun at his side. The detectives screamed numerous times for Desa to stop as he slowly pulled out of the space. One of the detectives attempted to gain access to the vehicle and defendant immediately accelerated the vehicle and drove erratically and at a high rate of speed through the parking lot, aiming the vehicle at one or more of the detectives, and at one point grazing one of them. In an effort to keep Desa from injuring any of the officers or public with either the firearm or vehicle, one of the detectives fired multiple rounds at him, striking both Desa and the vehicle several times. Desa then careened through the parking lot and out the exit tunnel, striking the side of the tunnel, into an exterior lot, where another of the detectives was located. Desa then rammed a parked unmarked Piscataway police vehicle in order to effectuate his escape onto U.S. Route 1. At that point, a Piscataway detective in an unmarked vehicle was able to chase Desa. The Piscataway detective was joined in that pursuit by a New Jersey Transit police officer in a marked unit, who had been at the light directly adjacent to the motel. Desa proceeded to flee North on Route 1 for approximately three miles while weaving in and out of traffic, with the officers in pursuit, causing several accidents along the way. During the course of Desa's flight, officers witnessed him discard what appeared to be a black handgun out the window of his vehicle. Prior to Desa crashing to a final stop in front of the entrance

to the “Philips 66 Linden Refinery,” he struck several vehicles that were also traveling on Route 1 North. Some of the occupants of those vehicles sustained injuries and were provided medical assistance. Upon the conclusion of the chase, Desa was removed from the vehicle, apprehended and transported to University of Medicine and Dentistry of New Jersey for his injuries. Officers subsequently located a black handgun along the side of the highway in the area where the officer observed Desa discarded it from his vehicle. Blood evidence was recovered from that handgun and it is awaiting DNA comparison with a sample taken from Mr. Desa.

Christopher Desa is currently incarcerated in the Middlesex County Jail pending charges for first-degree robbery in both Middlesex and Somerset Counties, as well as several other counts of theft. He was also charged in Union County with several counts of aggravated assault, weapons offenses and eluding. His case is in the pre-indictment phase.

State v. Malgieri

On March 16, 2011, the Prosecutor’s Office authorized the Elizabeth Police Department’s Internal Affairs Unit to sign complaints against Rocco Malgieri, a 19-year veteran of the Elizabeth Police Department. Officer Malgieri was charged with multiple counts of theft, bribery, official misconduct and engaging in a pattern of official misconduct after six local undocumented aliens reported that he had stopped their vehicles for no reason and solicited cash bribes in exchange for not reporting them to immigration authorities. After his arrest and photograph were publicized on Spanish television, six more men came forward to report that he had done the same thing to them. The victims were able to identify Officer Malgieri because he was driving a numbered and marked police car while wearing his police uniform. On November 16, 2012, Officer Malgieri pled guilty to pattern of misconduct. He was sentenced to five years in State prison with a three-year parole disqualifier and forfeited his public employment and pension.

Insurance Fraud Unit

This Unit devotes 100% of their efforts combating insurance fraud while working closely with local, state and federal law enforcement and private industry. The Unit is comprised of a sergeant, one detective and an assistant prosecutor. The Insurance Fraud Unit made two (2) arrests in 2012. Two defendants were charged with third-degree offenses, including possessing fraudulent insurance cards; forgery; and receiving stolen property. The Insurance Fraud Unit is state mandated and is under a grant provided by the Office of Insurance Fraud Prosecutor (OIFP).

2012 Cases:

State v. Roben Brookhim

In 2012, the Insurance Fraud Unit received information that Roben Brookhim was practicing dentistry illegally in New Providence. While working with the New Providence Police Department and the N.J. Department of Consumer Affairs, it was determined that Brookhim was actually practicing dentistry after having assumed the identity of a deceased dentist, Dr. John Kirkland. Brookhim had his license revoked years ago. After an undercover operation confirmed that he was illegally performing dentistry, a search warrant was executed at his office. It was revealed that he had been committing insurance fraud and identity theft for years, with fraudulent charges rising into the several hundred thousand dollar range.

TRIAL UNIT

Twelve assistant prosecutors are assigned, in teams of two, to six criminal courts that handle first, second, third and fourth degree criminal charges that are not being handled by a specialized unit. The six courts and the designated assistant prosecutors handle arraignments, pre-trial conferences, pre and post trial motions, trials and sentences. Approximately 729 defendants entered pleas of guilty in 2012.

Approximately 68 defendants proceeded to trial. The remaining cases were dismissed.

The cases which proceeded to trial included defendants who were subjected to significant penal exposure due to the nature of the charges or a significant prior record. The trial unit is the backbone of any Prosecutor's Office, as reflected in the volume of cases which each assistant prosecutor must review, prepare and dispose of during the course of a year. The trial unit handled approximately 1,300 cases for crimes of kidnapping, carjacking, burglary, robbery, aggravated assault, weapons possession, eluding and drugs.

After a five-week trial, a Union County jury convicted a 67-year-old woman of third degree Neglect of an Elderly Person and a disorderly persons offense of Resisting Arrest. These charges stemmed from the neglect of a 92-year-old woman, a long-time family friend who she took into her home. Ignoring her victim's descent into dementia and concomitant inability to care for herself, defendant only sought help after noticing what turned out to be a Stage IV decubitus ulcer on the victim's buttock. Responding officers and paramedics found the victim conscious but not responsive, contracted and unable to get up on her own. She was clad in a dirty sweatshirt, separated from her urine-soaked mattress by nothing but a black plastic garbage bag. Defendant resisted officers' efforts to place her under arrest for Elder Abuse. The victim was taken to the hospital where she was found to be suffering from dehydration, malnutrition, decubitus ulcers and dementia. Defendant fought the efforts of the Public Guardian to gain custody of the victim, fired numerous attorneys, and represented herself for a time prior to trial until her obstreperous conduct in Court led the trial judge to revoke her right to proceed *pro se*. At trial, defendant called over twenty-five witnesses, including character and expert medical witnesses. In addition, defendant and one of her two sons testified at trial. While being cross-examined, defendant erupted in a verbal attack upon the trial judge, accusing him of having been paid off. Despite these antics, the jury found her guilty. Defendant, who had no prior convictions, was subsequently sentenced to serve five years on probation and pay a \$15,000 fine.

In March 2012, a jury convicted a defendant of second-degree robbery. A 68-year-old taxi cab driver picked up the defendant at the Elizabeth train station as his last fare for the evening. Defendant requested the victim to drop him off in the area of First and Bond Streets in Elizabeth. When they reached the location, the defendant exited the taxicab and refused to pay the victim for the ride. The victim exited his vehicle to ask for the cab fare again and the defendant threatened and attempted to punch him while trying to grab the victim's moneybag in the front console area. The victim was able to get away and drove his cab to the nearest police car he found a few blocks away. Within minutes, the police were able to apprehend the defendant. Based upon the defendant's prior criminal history and the State's application for extended term, the sentencing judge found

that a sentence in the first degree range was appropriate and sentenced the defendant to thirteen years in New Jersey State Prison subject to the No Early Release Act (NERA).

In August of 2012, a defendant was convicted of committing two counts of armed robbery; conspiracy to commit armed robbery, and related weapons offenses against two teenage boys. The young victims were walking near Rahway High School when defendant and his two accomplices approached them. Defendant then pointed a handgun at them while demanding their belongings. He threatened to shoot them if they did not comply. The boys were searched and their money and possessions were taken. Defendant and his accomplices then fled the area. Within a week all of the parties involved were identified and arrested. In October 2012, defendant was sentenced to twenty years in New Jersey State Prison subject to the No Early Release Act (NERA).

VICTIM WITNESS UNIT

Victims of crime face many problems, inequities and inconveniences when they become enmeshed in the criminal justice system. The woman who is seeking a restraining order, the teenager who was assaulted walking home from school, the family that walked in on an intruder and the man that was beaten on the street are the faces of the people behind crime statistics.

The Victim Witness Unit provides comprehensive services to help victims deal with the financial, psychological and physical injuries that arise as a consequence of being a crime victim. Our goal is to provide victims with an understanding of the criminal justice system so that they are better prepared to participate in the Court process. We act as both advocates and liaison with office staff, as well as with outside agencies. For each and every victim we attempt to devise a program that will respond to their individual needs whether they are financial, physical or psychological.

The Unit is staffed with a coordinator, four Victim Witness advocates and two support staff. Three advocates are located in the Pre-Disposition, Special Victim's, and Juvenile Units and provide specialized services that extend from case inception through the time a defendant is released on parole, and oftentimes for a longer period. Advocates make an initial assessment and can then provide appropriate services, *i.e.*, short term crisis counseling, case status notification, explanation of the criminal justice system, assisting in problem solving caused by Court appearances, Court accompaniment and acting as a liaison with law enforcement, Courts and social service agencies.

The victim of an aggravated assault called to advise us that she wanted to make an in-person statement to the Parole Board. The defendant had been incarcerated for eight years for the assault on the victim. The victim had registered with the Parole Board and was subsequently notified that there would be a hearing. We assisted the victim by answering questions she had regarding the parole process and discussing with her the information that the Parole Board would be interested in hearing. We provided transportation and accompaniment to the hearing location in Trenton. After several weeks, the victim was advised that the inmate would not be released. We then advised the victim that this entire process would be repeated when the inmate was up for parole in the future. During this time, we made sure that the victim's information was included and correct in the statewide V.I.N.E. registry. Eighteen months later, the victim received information of another parole hearing. This time she opted to provide a statement in writing, as she did not wish to endure the stress and loss of time from work. Between the two hearings, she relocated to an entirely different area and she now feels more secure. She understands the process and is more accepting that the inmate would eventually be released at some point in time. Her only hope is that they will not cross paths and that he has learned his lesson.