

**THE
UNION COUNTY
PROSECUTOR'S OFFICE**

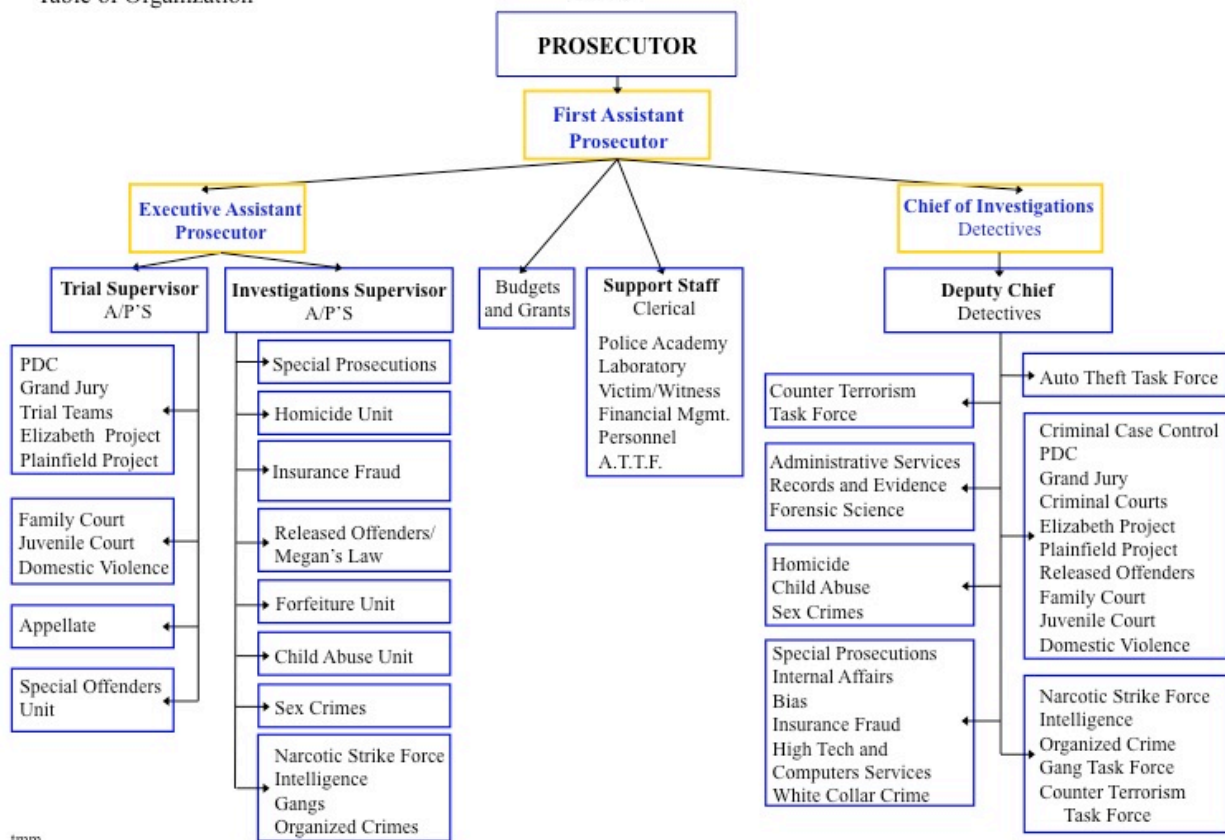


**ANNUAL REPORT
2013**

ORGANIZATIONAL CHART

UNION COUNTY PROSECUTOR'S OFFICE 2013

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MISSION

The mission of the Union County Prosecutor's Office is to investigate and prosecute major crimes occurring within the County; to proactively coordinate community outreach initiatives that improve quality of life for the County's citizens; and to work cooperatively with each of the County's various law enforcement agencies to protect the public's fundamental rights to safety, security, and liberty

LETTER FROM THE ACTING PROSECUTOR
GRACE H. PARK



On June 17, 2013 I had the distinct honor of being sworn in as acting Union County Prosecutor, succeeding former Prosecutor Theodore J. Romankow, whose tenure spanned 11 years. Although 2013 marked a period of transition for the Prosecutor's Office, I am proud to report that it was also a year marked by excellence in the performance of our sworn duties.

The dedicated men and women who make up the Union County Prosecutor's Office staff collectively obtained guilty pleas on nearly 1,900 criminal charges in 2013, including 13 kidnapping charges, 33 sexual assault charges, 80 weapons offenses, 92 robberies, and more than 800 drug offenses. The Office's Homicide Task Force also solved 15 of the 22 homicides that occurred in the County last year, marking a clearance rate of nearly 70 percent.

These efforts were emblematic of our shared commitment to the responsibilities of investigating and prosecuting major crimes in Union County, a task that is central to the Office's mission statement. Yet one of my primary objectives has also been building upon the Office's legacy of outstanding public service by introducing new initiatives intended to address specific areas of need connected to the quality of life in our neighborhoods and communities.

Starting in the last half of 2013 and continuing into this year, the Office's Guns, Gangs, Drugs, and Violent Crimes Task Force has spearheaded a nonlethal shooting initiative, through which the fashion in which such shootings are investigated has been streamlined and enhanced countywide. During that time, the Office's Domestic Violence Unit also underwent an extensive overhaul, ensuring that victims of domestic violence receive the personal attention they need and deserve. And the Office is continuing to participate in a wide range of new community outreach efforts, with staff representatives joining me in speaking to members of the public and other organizations on matters ranging from prescription drug abuse to the relationship between law enforcement and our public schools.

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

Regards,

A handwritten signature in black ink that reads "Grace H. Park" followed by a long, horizontal flourish.

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APPELLATE UNIT

Attorneys in the Union County Prosecutor's Office 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 pretrial intervention (PTI) rejections and appeals. Members of the Unit also conduct legal research and handle interlocutory appeals, both on an emergent and non-emergent basis.

The Appellate Unit serves as the primary training ground for new attorneys embarking on prosecutorial careers. The Unit also employs law students, many of whom return to the Prosecutor's Office as assistant prosecutors after completing their legal studies. These staff members concentrate on handling direct appeals referred to the Prosecutor's Office by the New Jersey Office of the Attorney General, helping them become familiar with all aspects of New Jersey criminal law and procedures. Handling these appeals also enables new attorneys to hone their skills in crafting persuasive legal arguments. Additionally, appearing in both the Law and Appellate Divisions of Superior Court provides them with firsthand knowledge of 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. In fact, the Third Circuit granted certificates of appealability for two Union County cases in 2013; both cases will be argued before that Court in 2014.

The Appellate Division granted all motions for leave to appeal that we filed in 2013. In addition, following the granting of the State's petition for certification, the New Jersey Supreme

Court heard arguments 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 asked the Court to determine whether a separate test is required when the simulated weapon is a bomb rather than a gun or a knife. It is anticipated that the Court will issue its decision in 2014. The Appellate Unit also filed a petition for certification in *State v. Edixon Vasquez*, which involves the circumstances under which a trial court can properly deny an adjournment request to obtain new counsel. That petition is pending before the New Jersey Supreme Court.

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 that which constitutes the proceeds of illegal activity.

A forfeiture action is commenced by the filing of a verified complaint in the Law Division of Superior Court. A copy of the filed complaint and summons are served upon each claimant (an individual who has ownership and/or possessory interest in the seized property). If the claimant fails to file an answer to the complaint, the Court may enter a 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 such an Order is entered, title in the property is transferred to the State. After an answer is filed, the matter ultimately will be resolved either by way of a negotiated settlement, trial, or court order.

Forfeiture actions promote major public policy objectives by encouraging citizens to be more responsible with their property and deterring them from using or allowing their property to be used for, or in furtherance of, illegal activity. A corollary benefit is that forfeited property is distributed to the law enforcement agency or agencies that participated in the investigation and seizure of the property. The forfeited property then can be utilized to further law enforcement purposes (for instance, the illegal proceeds from a narcotics transaction can be used by the seizing agency to purchase equipment).

In 2013, the Seized Asset Forfeiture Unit opened 660 files, seizing \$683,610.28 in forfeited United States currency, 23 motor vehicles valued at a combined sum of \$80,241, and other property valued at \$50,530 for an overall sum of \$814,381.28 in total value of forfeited property.

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 such cases to ensure that victims receive the care and attention they need. These cases run the gamut from harassment to very serious first-degree crimes.

The Domestic Violence Unit is comprised of two assistant prosecutors, one detective, and one domestic violence victim/witness counselor. Additionally, the Domestic Violence Unit is assisted by four rotating assistant prosecutors from the Juvenile Unit. The primary responsibilities of the Unit include the prosecution of violations of domestic violence restraining orders issued by the Family Court; the handling of weapons forfeiture hearings on domestic violence cases in which weapons were seized for safekeeping; and the management of cases involving law enforcement officers who engaged in acts of domestic violence. The members of the Domestic Violence Unit participate in 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 charging decisions. The Unit also handles all violations of probation, in which defendants fail to follow the probation conditions set forth by the Family Court. The Domestic Violence Unit also works closely with the Special Offenders Unit to address the mental health needs of defendants.

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

In 2013, the Unit handled 171 contempt of court cases, 40 violations of probation, and 89 weapons forfeiture cases.

DRUG COURT

In 2013, the Union County Prosecutor's Office Drug Court Unit was staffed by one full-time assistant prosecutor, who was responsible for the legal review of all Drug Court applications and who handled all Court-related appearances.

New Jersey's Drug Court Program, now in its 15th year, offers non-violent offenders who are prone to substance abuse a community treatment-based alternative to state prison. In 2013, a total of 324 individuals participated in Drug Court in Union County and were required to report to Court on a weekly, bi-monthly, or monthly basis, depending 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 a probation officer on a weekly basis, obtain employment or education; and participate in either inpatient or outpatient treatment, as clinically determined. Thirty-three Drug Court participants successfully completed their five-year term and graduated in 2013.

Two hundred and seventy-four applications were filed and reviewed for legal acceptance into the Program in 2013. Of that number, 132 applicants were determined to be legally suitable for the Program while 142 applicants were found to be ineligible. After clinical assessments were conducted, 104 of the accepted applicants entered pleas of guilty and were sentenced into Drug Court.

ELIZABETH PROJECT

Since 1994, the Prosecutor's 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 the Department with legal advice and investigative support.

The assistant prosecutor annually reviews hundreds of police reports and statements to determine when there is sufficient evidence for indictable charges to be filed or whether the case should be heard in Elizabeth Municipal Court. In 2013, the assistant prosecutor also reviewed more than 2,000 complaints filed in 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 Elizabeth Police Department detectives 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 Office representative screens all criminal investigations for accuracy, completeness, and disposition before they are forwarded to the Prosecutor's Office for presentation to the Grand Jury. In 2013, the assistant prosecutor screened more than 850 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 approximately 155 complaints for indictable crimes, reviewed 50 affidavits for search warrants and/or court orders, and assisted the Department's Detective Bureau and Narcotics Unit in obtaining the search warrants and/or court

orders. In addition, the assistant prosecutor assisted the Department's Detective Bureau, Narcotics Unit, Traffic Bureau, and Juvenile Bureau in obtaining and preparing 250 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 to screening responsibilities, the assistant prosecutor handled the investigation of multiple robbery, carjacking, and sexual assault cases with the assigned detectives. Many of these suspects currently are being prosecuted in Superior Court.

GRAND JURY UNIT

The Grand Jury Unit is responsible for preparing, investigating, and presenting matters involving indictable offenses to a grand jury panel.

The Grand Jury Unit now includes three assistant prosecutors, one lieutenant, one sergeant, and one detective. These individuals have the responsibility of preparing and processing files for presentation to those citizens who comprise the grand jury.

Union County empanels two separate grand juries. One panel hears investigative matters such as homicides cases, incidents of sexual assault, complex narcotics investigations, and child abuse cases, which are generally investigated by the various units of the Union County Prosecutor's Office. This panel sits on Wednesdays and Fridays. The second panel hears the vast majority of felony offenses, including but not limited to attempted murders, burglaries, robberies, aggravated assaults, carjackings, narcotics offenses, and weapons offenses. These cases originate in and are investigated by our local municipal police departments with the assistance of the assistant prosecutors from the Elizabeth, Suburban, and Plainfield projects. This panel sits every Tuesday and Thursday.

Both the investigative and regular panels sit year-round, and each grand jury is empanelled for nine weeks, or a total of 18 sessions. In 2013, cases involving 1,363 defendants were presented to the grand jury, resulting in 1,336 defendants being indicted.

The Grand Jury Unit receives files on a weekly basis from the Pre-Disposition Conference Unit or directly from the municipal police departments. Immediately upon receipt, an assistant prosecutor and detective review each file's screening sheets, preliminary reports, and handwritten and sworn statements. The detective and assistant prosecutor also look for information such as supplemental municipal police reports, ballistics reports, New Jersey State

Police weapon affidavits, operability reports, evidence inventory reports, search warrants, 9-1-1 tapes, CAD records, photo arrays, medical records, DNA request forms, fingerprint submittal forms, DVD/CD copies of statements taken, photos of victim injuries, and any other documents required to complete the case file. The file then is assigned to the clerical staff to complete a grand jury summary, which contains all pertinent reference information for a case.

During this time, the grand jury staff continues 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 each defendant was charged properly by reviewing police reports, witness statements, and other evidence collected during the investigation. After this review, the assistant prosecutor drafts a form of indictment 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. During this presentation, the assistant prosecutor is also required to charge the grand jurors on the relevant law, including statutes and elements of the offenses charged.

The Grand Jury Unit continues to benefit from having three assistant prosecutors and four clericals assigned to it, thereby keeping case backlog to a minimum or eliminating it altogether. The grand jury investigative personnel improve the quality of each case and move the files through our system more effectively. Our streamlined system continues to be viewed favorably by victims, witnesses, court staff, and the grand jurors.

GUNS, GANGS, DRUGS, AND VIOLENT CRIMES TASK FORCE

The Guns, Gangs, Drugs, and Violent Crimes Task Force works with local, state, and federal law enforcement agencies to investigate illegal drug trafficking and gang activity in Union County. The Task Force is the successor to the Narcotic Strike Force – established in 1971, the oldest countywide, multi-jurisdictional narcotic task force in New Jersey – and it is comprised of four assistant prosecutors and 13 detectives from the Prosecutor’s Office.

The Task Force’s daily activities include narcotics interdiction, search warrant preparation, speaking engagements with civic groups, and presentation of training courses at the John H. Stamler Police Academy regarding narcotics, gang enforcement, and search and seizure issues. The Task Force also supplies technical and surveillance assistance to local, state, and federal law enforcement agencies and performs maintenance of an extensive inventory of sophisticated surveillance equipment. Detectives assigned to the Task Force also contribute their expertise by reviewing cases in Union County in which a defendant is charged with possession with the intent to distribute controlled dangerous substances. These detectives are also responsible for testifying as expert witnesses in Superior Court.

The narcotics interdiction efforts at the Task Force are two-pronged in that the priority is to identify and arrest mid- and upper-level drug dealers and gang members while also assisting municipal police departments with disrupting open-air, street-level drug distribution and gang activities. This effort is accomplished by employing the full spectrum of investigative techniques, including surveillance, undercover operations, search warrant execution, and electronic surveillance.

Assistant prosecutors assigned to the Task Force, in addition to providing legal supervision in all areas of narcotics interdiction, are also responsible for providing legal guidance on all nonfatal shooting investigations that occur in Union County. This includes responding to

crime scenes, applying for search warrants and communications data warrants, monitoring statements, presenting cases to the Grand Jury, and prosecuting the cases from start to finish.

In 2013, through the cooperation of the Union County Police Chiefs Association, the Guns, Gangs, Drugs, and Violent Crimes Task Force reinstituted a program in which municipal detectives are detailed to the Task Force for six months to a year, whereby they are trained in all aspects of narcotics and gang investigations. The benefit of this initiative is threefold:

departments are given a cash stipend for each detective assigned; the Task Force gains additional staffing; and the detectives return to their departments better equipped to handle narcotics and gang investigations.

In 2013 the Task Force initiated 63 investigations and executed 42 search warrants, which resulted in 59 arrests and substantial seizures of cocaine (1,327 grams), heroin (742 grams), marijuana (18,978 grams), synthetic marijuana (9,104 grams), prescription legend drugs (in excess of 29 grams), as well as seven handguns, two shotguns, two sawed-off shotguns, \$403,857 in United States currency, and the seizure of 14 vehicles. Additionally, six Court-ordered wiretaps and 19 Court-ordered pen registers were conducted.

Significant cases highlighted from the year 2013 included the following: In January 2013, using physical and electronic surveillance as well as intelligence gleaned from various databases, detectives identified a heroin mill operating in Elizabeth. The investigation resulted in the execution of two search warrants, which led to the arrests of five individuals and the seizure of 445 grams of heroin, 73 grams of cocaine, and approximately \$250,000 in United States currency.

In October 2013, while engaged in a foot pursuit, a Linden police officer's firearm fell from his holster and was taken by an unknown person. Task Force detectives tracked the

officer's weapon to a Latin Kings gang member and applied for two search warrants, yielding seven arrests and the seizure of six handguns (including the Linden officer's stolen gun), four shotguns, a ballistic vest, and two ounces of cocaine.

HOMICIDE TASK FORCE

The Homicide Task Force is responsible for the investigation of all homicide cases, including vehicular homicides, occurring within Union County. The Unit is also responsible for the investigation of fatal police-involved shootings, suspicious deaths, in-custody deaths, baby deaths, and murder-suicides. The Homicide Task Force works in conjunction with detectives and police officers employed by the municipality in which each death occurs in conducting these investigations.

The Homicide Task Force maintains a 24-hour-a-day legal and investigative “on-call” service to all law enforcement agencies in Union County. Five assistant prosecutors, four investigative supervisors, seven detectives, four municipal detectives, one prosecutor’s agent, and two clerical personnel staff the Unit. Some of the unit personnel are assigned to particular tasks, such as the investigations of cold cases.

In 2013, there were 22 homicides in Union County. The Homicide Task Force investigated 15 of those homicides, and to date, 11 of the 15 have been solved. The remaining seven homicides committed in Union County in 2013 occurred in the City of Elizabeth and were investigated by the Elizabeth Police Department. Thus far, Homicide Task Force assistant prosecutors have approved homicide complaints in four of those seven cases. Thus, in total, 15 of the 22 homicides that occurred in Union County in 2013 have been solved.

Of those 22 homicides, there were seven shootings, seven stabbings, seven cases of blunt-force trauma, and one strangulation. Additionally, there were 18 motor vehicle deaths in Union County in 2013. One of those deaths was a direct result of criminal conduct, and the driver was indicted for Aggravated Manslaughter. The Homicide Task Force also investigated another six cases in which the manner of death initially appeared to be suspicious in nature, or instances

involving a child death, an inmate death, or a death occurring as the result of a police-involved shooting.

In addition to the 14 complaints signed on the 2013 cases, the Homicide Task Force also was able to obtain criminal complaints in a previously unsolved homicide from 2005 and a 2012 vehicular homicide. In total, 17 homicide complaints were signed in 2013, with a total of 19 defendants charged. During the course of the year there were four trials prosecuted by members of the Homicide Task Force.

One investigation of note concerned the murder of Joseph Galfy, Jr., a prominent New Jersey attorney. On May 13, 2013, Mr. Galfy's body was found inside his residence, which was located in Clark. Mr. Galfy had been the victim of a homicide, having suffered from a series of multiple blunt-force trauma injuries, the combination of which resulted in his death. Through the careful examination of evidence, case investigators were able to identify a suspect, and on May 16, 2013, Kai Lawrence was arrested by the Philadelphia Police Department in Philadelphia's main downtown rail terminal. Lawrence has been indicted for the commission of Mr. Galfy's murder and is now incarcerated in the Union County Jail awaiting trial.

In another notable case, on October 23, 2013, members of the Homicide Task Force were advised by detectives employed by the Union Township Police Department about a possible homicide in that municipality; a swift-moving investigation determined that the homicide victim was a 43-year-old Cranford woman named April Wyckoff.

On October 25, 2013, search teams consisting of approximately 200 law enforcement personnel were assembled in Liberty State Park in Jersey City. Based on information learned in the investigation, this area had been determined as a location where a suspect, Matthew Ballister III, may have attempted to dispose of Ms. Wyckoff's remains. The following is a partial list of

the agencies that participated in the search: New Jersey State Police, New Jersey State Police Aviation Unit, New Jersey Air National Guard, Federal Park Police, New Jersey State Park Police, Hudson and Essex County Prosecutor's Offices, Hudson and Essex County Sheriff's Offices, Jersey City Office of Emergency Management, Bergen County Sheriff's Office, Union County Sheriff's Office, Union County Police Marine Unit, Recruits from the Union County Police Academy, Jersey City Police Department, Mountainside Police Department, Perth Amboy Police Department, and the Union County Prosecutor's Office.

After a massive search effort by members of these agencies, efforts to locate Ms. Wyckoff's remains were negative. However, on October 27, 2013, during a subsequent search for Ms. Wyckoff's body, members of the Union County Prosecutor's Office were able to locate the partial remains of Ms. Wyckoff in a desolate area of Newark.

Matthew Ballister III was arrested and charged with murder; he was indicted by a grand jury in March 2014 and the case remains pending.

INTELLIGENCE UNIT

In December 2002, the Union County Prosecutor's Office Intelligence Unit was established. The mission of this Unit is to gather information from all available 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 objectives identified by the Prosecutor's Office.

The Unit is responsible for collecting all intelligence information at the local, county, state, and federal levels on any and all individuals or organizations involved in various forms of criminal and/or gang activity.

The 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, both of which are retained at the Union County Prosecutor's Office and accessible to every municipal police department in Union County.

Law enforcement agencies throughout Union County and the state continue to utilize the CrimeNtel information-sharing database system, which is available on smart phones. In addition, this Unit is responsible for reinstalling CrimeNtel when municipal police departments have their computers upgraded.

The Intelligence Unit is tasked with mapping criminal activity throughout the state; identifying crimes that have similar methods of operation; and offering focus and assistance to specialized units such as the Prosecutor's Office Guns, Gangs, Drugs, and Violent Crimes Task Force and the Homicide Task Force while also providing focus and assistance to municipal police departments' intelligence, patrol, detective, narcotic, and street units.

In 2013, the Intelligence Unit rendered assistance in the form of intelligence to more than 140 different municipal, county, state, and federal law enforcement agencies as well as to law enforcement officers and legal personnel encompassing every unit within the Union County Prosecutor's Office.

In 2012, this Unit, with the approval of the Union County Crime Stoppers Board, began to implement a Web-based version of the already successful 24-hour Crime Stoppers tip hotline. The site itself is monitored by one investigator and one intelligence analyst, via BlackBerry, 24 hours a day, seven days a week. Once a tip is received, it is reviewed and forwarded to the appropriate agency. The website also has the capability to publicize any crime deemed noteworthy. In 2013, a total of 101 tips were received and there were 163,059 "hits" to the website.

The Intelligence Unit also is responsible for the collection of Office-wide monthly Uniform Crime Report statistics for reporting to the New Jersey State Police. In addition, the Intelligence Unit maintains countywide carjacking statistics.

Additionally, since October 2013 the Intelligence Unit has received, reviewed, and disseminated all notifications regarding non-lethal shootings. The Intelligence Unit collects all relative police reports in order to keep factual statistics regarding such shootings. From October to December 2013, there were 20 non-lethal shootings for which the Intelligence Unit maintained statistics.

During recent years, the monthly Intelligence Unit meetings have become a cornerstone of the Office, drawing close to 50 attendees per month. Members from federal and state agencies, along with local municipalities, have participated in these meetings, making them successful

beyond what was initially expected. At the meetings, reports and intelligence are discussed, with pertinent information passed on to specific agencies and units, both in-county and statewide.

Lastly, the biweekly Intelligence Briefing continues to be very well-received by the law enforcement community, both in-county and statewide. It continues to be disseminated to the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Secret Service, Immigration and Customs Enforcement (ICE), New Jersey State Police (NJSP), all county prosecutors' office intelligence units, all county prosecutors, the New Jersey Regional Operations Intelligence Center (NJ ROIC), and the New Jersey Office of the Attorney General. In total, the Intelligence Briefing now is distributed to nearly 300 law enforcement professionals.

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

INTERNAL AFFAIRS UNIT

The Union County Prosecutor's Office is responsible for conducting investigations of police misconduct involving criminal and administrative violations committed by law enforcement personnel within the Office. It is also charged with the responsibility of overseeing internal affairs criminal investigations for all police jurisdictions within Union County. Under certain conditions, the Prosecutor's Office may conduct investigations of Union County police personnel at the executive level of law enforcement, and it may conduct independent or joint investigations of a criminal or administrative incident involving municipal and county law enforcement. The Prosecutor's Office also 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. Such statistics are derived from the police departments' Professional Standards Summary Reports. The Union County Prosecutor's Office's Internal Affairs Professional Standards Summary Reports provide a summarized yearly analysis for the entire county.

During 2013, all county law enforcement agencies were directed by the Union County Prosecutor's Office to update their individual internal affairs policies to ensure that they are compliant with the New Jersey Attorney General Guidelines on Internal Affairs. This directive was achieved with 100 percent compliance.

In 2013, Union County municipal police departments reported a total of 839 internal affairs complaints filed, marking an 11-percent increase from 2012, when 754 complaints were filed. A total of 721 complaints were resolved through agency dispositions for a closure rate of 86 percent, as compared to 2012, when 754 complaints were filed and 693 were resolved through agency dispositions for a closure rate of 92 percent.

The New Jersey Office of the Attorney General last year also delegated the training of county law enforcement on Internal Affairs Policies and Procedures to each of New Jersey's county prosecutor's offices. The training protocol is presently in the transition phase between those offices and the New Jersey Office of the Attorney General's Division of Criminal Justice.

JUVENILE UNIT

The Juvenile Unit is responsible for prosecuting juveniles for acts ranging from violations of township ordinances to serious violent crimes. The Unit is comprised of four assistant prosecutors, a detective, and a victim/witness advocate. The goals of the Juvenile Unit are to promote swift and appropriate punishment for repeat violent offenders and to divert minor offenders away from delinquency and further court action.

During 2013, the Unit handled approximately 700 cases and 170 violations of probation. Staff members from the Unit handled 31 juvenile delinquency hearings, consistent with the heavy trial schedule of 2012.

Twenty-three motions pertaining to 16 juveniles were filed to have the juveniles treated as adults for purposes of prosecution. Of those motions, two of the juveniles were charged with attempted murder; two of the juveniles were charged with kidnapping; and two of the juveniles were charged with carjacking. In one particular case, the juvenile shot at police officers in an attempt to kill them. In another case, two juveniles (along with an adult co-defendant) targeted a Hispanic man and robbed and beat him until he was unconscious. The remaining motions were filed for juveniles charged with various crimes including robbery, witness tampering, bias intimidation, and weapons offenses.

The statistics show a slight decrease in the number of complaints filed, with 1,167 cases filed in 2013 compared with 1,459 in 2012. The number of juveniles charged with acts of delinquency has decreased to 921 (down from 1,080 juveniles last year).

There was also a decrease in the number of juvenile cases that were handled in the formal calendar, requiring prosecutor involvement. In 2012, there were 741 cases sent to the formal

calendar, and in 2013, a total of 584 cases were sent to the formal calendar. In 2013, a total of 175 violations of probation were also filed.

The number of serious and complex cases remained high in 2013. Specifically, during the year, the Unit handled 15 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 a potential plea offer. The assistant prosecutor must answer numerous defense motions and prepare motions and briefs for the admission of certain evidence unique to these cases. The State must retain experts and prepare witnesses for testimony. Most importantly, the assistant prosecutor spends weeks preparing the victim for his or her testimony. In addition, the Unit handled several child pornography cases in 2013. One such case was tried and required seven hours of expert testimony from the State's computer crimes expert.

This year also has seen the steady reporting of gang-related or gang-affiliated crimes and violent offenses committed by juveniles. Approximately 75 robbery cases and 77 weapons cases were handled by the Juvenile Unit in 2013.

The Unit also provides daily legal advice to the 22 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.

FORENSIC LABORATORY

The Union County Prosecutor's Office Forensic Laboratory, the first county laboratory in New Jersey state history, was established in 1972 to analyze physical evidence submitted by law enforcement agencies in Union County. The Laboratory also occasionally extends services to the Drug Enforcement Administration (DEA), U.S. Customs and Border Protection, and the Port Authority Police Department.

The Forensic Laboratory is comprised of two analytical sections, the Forensic Biology and Controlled Substances sections, which offer forensic science service delivery for criminal investigations within Union County. The Laboratory currently employs 13 technical and support staff, consisting of the Laboratory Director, DNA Technical Leader, Senior Forensic Chemist Supervisors, and other staff members.

The Laboratory during recent years began preparations for its first assessment by the American Society of Crime Laboratory Directors standards and will complete the accreditation process in 2014. A commitment to the accreditation standards ensures continual improvement for delivery of forensic services. Accreditation is also a requirement for participation in the National DNA Index System.

Union County recently entered into a shared services agreement with the Middlesex County Prosecutor's Office (MCPO) for the analysis of biological evidence and DNA. One full-time DNA analyst, hired by MCPO, actively tests evidence for criminal investigations under the supervision of Forensic Laboratory staff. The shared services agreement provides MCPO investigators with the flexibility to determine case priorities and work more efficiently with a Laboratory near that county.

In 2013, the Forensic Biology Section received 160 case submissions. Requests were received regarding the following cases: 34 homicides, 39 sexual assaults, 35 burglaries/robberies, 23 assaults,

14 missing/unidentified persons, and 15 others. The Forensic Biology Section currently offers an average turnaround time of 10 weeks and operates with a minimal backlog.

To date, the Forensic Laboratory has linked crime scene DNA profiles to convicted offenders and other criminal incidents in nearly 200 Union County cases. In 2013, a total of 17 DNA hits to felon offenders and two case-to-case matches were generated by the Laboratory. One recent case highlight involved the cold-case homicide of Williametta Moore, which occurred on December 15, 2005. The victim was found in her home, strangled and fully clothed. DNA mixtures consistent with two contributors were detected on a T-shirt that was found near the body and on one of the victim's right-hand fingernails. Given the small amount of DNA on the fingernails, a modified testing procedure was utilized to recover additional DNA material for testing. The DNA types recovered, which were foreign to the victim, were then searched in CODIS. A potential match to a convicted offender was obtained for this search, yet a similar match could not be obtained for the DNA mixtures on the T-shirt.

The Controlled Substances Section in 2013 saw a 12 percent increase in submissions over the previous year. Requests to analyze suspected controlled substances comprised the following: marijuana (44 percent), heroin (20 percent), and cocaine (18 percent), accounting for roughly 82 percent of the submitted evidence items. Prescription Legend Drugs increased significantly in this calendar year, going from 1,780 tablets/capsules in 2012 to 11,200 in 2013. This increase is largely attributed to seizures of sildenafil (Viagra) and tadalafil (Cialis) at bodegas in Union County. Submissions to analyze synthetic cannabinoids and synthetic cathinones ("bath salts") both doubled from the previous year, accounting for 97 and 68 items tested, respectively.

The Controlled Dangerous Substances backlog grew throughout the year due to an analyst vacancy. The Controlled Substances Section currently has a backlog of greater than 500 cases and a corresponding turnaround time of 38 days. The Controlled Substances Section also continues to process Newark narcotics submissions at a rate of about 250 a year.

PLAINFIELD PROJECT

The Plainfield Project is a Union County Prosecutor's Office 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 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 the preparation and review of affidavits for search warrants, the obtaining of court orders and communication data warrants, and the provision of other legal documents required to appropriately investigate and prosecute criminal matters arising in the City of Plainfield. 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 municipal police departments of Westfield, Scotch Plains, and Fanwood.

All criminal matters arising within Plainfield, Westfield, Scotch Plains, and Fanwood initially are 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 Unit or Grand Jury Unit for disposition. This helps improve the quality of cases originating from all four municipalities.

In 2013, the assistant prosecutor reviewed a total of 603 cases. The assistant prosecutor referred 162 of the cases to the appropriate municipal court, as there was only sufficient evidence of disorderly persons offenses having been committed. Additionally, the assistant prosecutor determined that no charges should be filed in 29 cases because there was insufficient evidence of any criminal offenses having been committed.

The assistant prosecutor reviewed 23 affidavits for search warrants and assisted the Plainfield Police Division Narcotics Bureau and the Criminal Investigations Bureau in obtaining those warrants. In addition to obtaining search warrants and grand jury subpoenas, the assistant prosecutor also obtained court orders for telephone call detail records. The assistant prosecutor also assisted investigative units in the various police departments in obtaining and preparing 96 grand jury subpoenas for medical records, telephone records, banking records, and other essential documents to assist the police departments in their investigations.

One case in particular involved an investigation of a theft of several hundred thousand dollars from an asbestos removal company located in Scotch Plains. As a result of an extensive investigation by the Detective Bureau of the Scotch Plains Police Department, the office manager and an administrative assistant of the asbestos removal company were charged as the main defendants in the case. These two employees drew up fraudulent payroll lists and created W-4 forms and time sheets for seven nonexistent employees. They generated false paychecks for those seven “employees,” who were friends of the defendants who would either deposit the checks into existing bank accounts or cash them at numerous check cashing locations. The “employees” then would share the cash with the office manager and the administrative assistant. The scheme lasted an entire year before it was discovered by the company. The assistant prosecutor aided the investigation by issuing numerous grand jury subpoenas for banking records and for surveillance videos at numerous check cashing establishments, which ultimately led to the identification of the seven nonexistent employees. All nine co-defendants have been indicted and their cases are pending disposition.

The assistant prosecutor also screened and referred five firearms cases to the United States Attorney’s Office for federal prosecution under the “Trigger-Lock” Program. Three of the five cases were accepted for federal prosecution and one was declined. A decision on whether to adopt the fifth case is pending.

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 that Academy graduates have the desire, ability, and judgment to serve the public and honor their oaths of office.

In 2013, a total of 120 recruits successfully completed the 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 in the Program. The 108th Academy Graduating Class had 35 graduates while the 109th Graduating Class had 85 graduates, marking the second-largest graduating class in Academy history, which included 16 Alternate Route recruits. The State Chiefs Examination was administered in November 2013 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 2013, approximately 4,551 law enforcement professionals – 2,142 from Union County (47 percent) and 2,382 from outside the county (52 percent) – attended in-service training courses, representing 130 different course offerings presented over 344 training days.

The Academy courses represent a diverse offering focused on expanding the core Police Training Commission's Basic Police Training Curriculum, and they often are created to respond to forecasted and identified needs in the field.

Among our accomplishments in 2013 were:

- Graduation of 33 auxiliary recruits from our three-month Basic Auxiliary Police Training Program, held in cooperation with the New Jersey State Police and New Jersey Office of Emergency Management.
- Graduation of seven recruits in the Special Law Enforcement Officer Police Training Program.
- The offering of a wide array of special in-service courses from such esteemed institutions and law enforcement agencies as Pennsylvania State University, the U.S. Department of Homeland Security/Immigration and Customs Enforcement, and the New Jersey Division of Criminal Justice, as well as federal agencies including the Drug Enforcement Administration, Federal Bureau of Investigations, and other regional and specialized law enforcement organizations and training agencies (including the New York/New Jersey High Intensity Drug Trafficking Areas, or HITDA, MAGLOCLEN, Renahan Consulting and Marin Consulting, which focused on enhanced investigations and prosecution techniques, particularly with regard to gang, narcotics and cyber investigations).

Also offered in 2013 were a course by the New Jersey Cop 2 Cop Intervention program, specialized crisis intervention training to enhance police response to individuals with mental illness and to assist returning veterans in crisis, and courses covering topics including increased patrol efficiency and safety, leadership, supervision, and agency management enhancement.

The unique partnership between the Police Academy, the 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. It also allows the Academy to maintain the highest standards of training, competence, and professionalism to assist our law enforcement officers to successfully and safely protect and serve our citizens.

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 it helps bring closure to victims of crimes in a timely manner.

The Unit consists of three assistant prosecutors 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 for which a complaint has been signed but the defendant has not received a first appearance date.

Frequently, attorneys must consolidate cases from other counties to adjudicate cases involving defendants with multiple charges. Pre-disposition conference attorneys handle all types of cases, including aggravated assaults, gun possession, burglaries, robberies, fraud, theft, 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

In 2013, more than 5,000 cases with court dates were reviewed by the Unit (cases are adjudicated via plea, administrative dismissal, admission into the Pre-Trial Intervention Program, or remand to a municipal court). In addition, the Unit reviewed 489 cases in which the defendant did not receive a first appearance date. Of those cases, 262 were sent to a grand jury for their consideration, 218 were remanded to municipal court for disposition, and nine were administratively dismissed. 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, the prevalence of diversionary programs, and vigorous plea negotiations by members of the Pre-Disposition Conference Unit.

As always, the Unit remains very conscious of the rights of crime victims. A great deal of time and effort is put into contacting the victims, informing them of the status of their cases, listening to their concerns, and explaining the judicial process to them.

The Pre-Trial Intervention (PTI) Program is a diversionary program designed for first-time offenders who commit non-violent, victimless offenses. In 2013, a total of 702 new defendants applied for entry into the PTI Program and had their cases legally reviewed. A total of 516 of those applicants were accepted into the PTI Program, with case- and defendant-specific conditions for PTI participation implemented. All applicants who were legally rejected were provided with a written legal notice of rejection. In 2013, a total of 112 individuals were terminated from the Program, and during the same year 417 PTI participants successfully completed the Program and received dismissals.

RELEASED OFFENDERS UNIT

The Released Offenders Unit, better known as the Megan's Law Unit, is staffed by one assistant prosecutor, one legal analyst, one legal assistant, one investigator, and one prosecutor's agent.

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 his or her given address and ensures the monitoring of offenders with local law enforcement to achieve 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 the New Jersey State Parole Board, uncovered instances in which sex offenders failed to register their employment, failed to notify police of their intent to move, failed to re-register their new addresses, and provided false address information to law enforcement. In 2013, a total of 12 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, five arrests were made by the Unit detective for offenders who violated the registration provisions of Megan's Law. One offender was arrested in Ohio and through the diligence of the Unit detective, this offender was extradited to New Jersey and has pleaded guilty to registration violations associated with Megan's Law.

The Unit also works closely with the New Jersey State Parole Board Sex Offender Management Unit and the GPS Monitoring Unit in investigating and prosecuting offenders who violate provisions of community supervision for life, parole supervision for life, or GPS

conditions. In 2013, a total of 10 criminal complaints were signed against sex offenders who violated community supervision for life conditions. The Unit also ensures that 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, response to treatment, employment and residential stability, and whether publication on the Sex Offender Internet Registry is applicable to the registrant. Registrants also must be “re-tiered” whenever their address, employment, or school status changes. During 2013, there were 791 registered sex offenders residing in Union County. In 2013, a total of 55 new sex offenders registered their addresses and a total of 104 cases were tiered by the Unit. A total of 11 notifications were made to law enforcement regarding Tier 1 offenders and 93 offenders were personally served with notice of their Tier 2 or Tier 3 status. A total of 555 schools, community organizations, and civic groups received notification regarding a sex offender.

This Unit is also responsible for entering all sex offender data in the New Jersey 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 utilized to track sex offenders, who frequently move and change employment. The timely data entry significantly improves notification procedures to schools, 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 the U.S. 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 15 clemency/pardon applications submitted to this Office by the New Jersey State Parole Board. The Unit also handled 15 motions to be relieved of Megan's Law obligations, marking a substantial increase from the three motions received in 2012. Pursuant to the New Jersey Office of 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.

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 handles investigations involving insurance fraud, human trafficking, bribery, kickback schemes, election law violations, identity theft, bias crime, Open Public Meeting Act violations, welfare fraud, nonfatal officer-involved shootings (Shooting Response Team/SRT), and computer crimes. The Unit is staffed by four assistant prosecutors, one lieutenant, three sergeants, and six detectives. There are three assistant prosecutors, one sergeant, and four detectives assigned to the Special Prosecutions Unit; one assistant prosecutor, one sergeant, and one detective assigned to the Insurance Fraud Unit; and one sergeant and one detective assigned to the High Tech Crime Unit. The Special Prosecutions Unit Financial Crimes Section handles telephone calls, letters, and walk-ins from members of the public. Whenever a member of the public has a question that cannot be easily answered by 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 inquiries about complex fraud or identity theft schemes. The Unit also handles special assignments and inquiries. The Financial Crimes Section initiated 35 investigations in 2013 and made 29 arrests. Overall, the Unit also handled more than 140 citizen contacts/inquiries and conducted six nonfatal police-involved shooting investigations.

Some notable investigations taking place in 2013 included the following:

Sergio Pastor was a Cranford attorney who stole more than \$300,000 from two estates and three real estate clients. The case was referred to the Prosecutor's Office by the New Jersey Office of Attorney Ethics after the executor of an estate complained that Pastor had not provided her with the proceeds of the sale of her dead brother's real estate. At the same time, a real estate investor who gave Pastor \$150,000 to hold in his attorney trust account reported to the Garwood

Police Department that Pastor had stolen his money and repaid him with three bad checks. Our Unit executed a search warrant for Pastor's law office and recovered a number of files that corresponded with the clients from whom Pastor stole. The case was resolved after the defendant's guilty pleas to second- and third-degree charges of Theft by Failure to Make Required Disposition and Unauthorized Practice of Law in December 2013. In February 2014, Pastor was sentenced to 11 years in state prison. Pastor continued to practice law after he was suspended by the New Jersey Supreme Court and since has been disbarred.

In another case, Maritza Chavez portrayed herself as an immigration attorney and an immigration consultant active in several towns in Union County. After a referral from an attorney on behalf of three clients who had been defrauded by Chavez, an exhaustive investigation was conducted by the Special Prosecutions Unit with assistance from U.S. Immigration and Customs and Enforcement (ICE). Statements were taken from more than 30 victims who gave Chavez money in return for her promises to get them immigration documents. Chavez was charged in two separate indictments with Theft by Deception, Theft by Failure to Make Required Disposition, Unauthorized Practice of Immigration Law, and Forgery. Chavez purposely filed incomplete or inaccurate forms with insufficient fees that then were returned to her for not being correct. Then she would steal the filing fees to pay her own expenses and would continue to charge clients for her services despite knowing that their applications had been or certainly would be denied. In this fashion, she stole more than \$89,000 over a six-year period between 2006 and 2012. In February 2014, she pleaded guilty to 26 counts for a recommendation of 10 years in state prison.

A total of eight bias-related incidents were referred to the Union County Prosecutor's Office for review in 2013. None resulted in criminal charges. All 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 subjects' actions were protected by

the First Amendment. The Bias Crime Section, in conjunction with the New Jersey Bias Crime Officers Association, conducted several community outreach programs in 2013; topics included bias education and awareness, enhanced communication between law enforcement and the community, and problem-solving techniques. Additionally, the Unit conducted bias crime training for police recruits and in-service law enforcement officers. The Unit also includes members of the Union County Human Relations Commission who are required to attend regularly scheduled meetings at the John H. Stamler Police Academy.

The High Tech Crimes Unit is involved in all aspects of computer and/or Internet-related investigations taking place in Union County. The staff is responsible for conducting all aspects of such investigations, including computer forensic examinations, cell phone dumps, video extractions, data extraction from digital devices, and preparation of legal processes, including grand jury subpoenas, search warrants, communications information orders, communications data warrants, and any court orders related to computer/Internet investigations. Unit representatives also deliver lectures on investigating cybercrimes, Internet safety, and cyberbullying.

In 2013, a total of 265 items of digital media were analyzed by the Unit (an increase from 198 items analyzed last year), including 170 hard drives, external drives, or flash drives and 95 cell phones, smart phones, tablets, or SIM cards. The size of the storage media analyzed ranged in variety from floppy disks to terabyte-sized hard drives. In 2013 there were also 45 cases requiring the High Tech Crimes Unit to conduct extraction of video footage from business or residential video surveillance systems, a decrease of eight from last year. Due to the unique nature of the technology used to analyze media, time spent on forensic examinations ranged from a few hours to several weeks.

The Insurance Fraud Unit devotes 80 percent of its efforts to combating insurance fraud while working closely with local, state, and federal law enforcement and private industry

representatives. The Insurance Fraud Unit made 11 arrests in 2013. The Unit is state-mandated and operates under a grant provided by the New Jersey Office of the Insurance Fraud Prosecutor (OIFP).

SPECIAL VICTIMS UNIT

For three decades, the Union County Prosecutor's Office has consistently dedicated every available resource to protecting survivors of sexual abuse and holding perpetrators fully accountable for the bodily and psychological harm of children, teens, and adults. Referrals come from all 21 municipalities in the County. In February 2013, the Union County Child Advocacy Center staff and the Office's Sex Crimes Unit merged to form a single Special Victims Unit. At that same time, the Special Victims Unit (SVU) assumed responsibility for interviewing all children, from infants to age 17, who disclose incidents of sexual penetration. The SVU staff includes nine detectives, six assistant prosecutors, three clerical support staff members, a multidisciplinary team coordinator, two part-time, on-site therapists from Trinitas Regional Medical Center, six intake workers from the New Jersey Division of Child Protection and Permanency, and a forensic sexual assault nurse examiner.

SVU representatives work jointly with municipal police detectives in the initial stages of investigating cases of sexual abuse of adults. The SVU staff supervises the investigations and reviews witness interviews, suspect statements, and evidence analysis, also obtaining search warrants, court orders for phone 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 a suspect, the assistant prosecutor will build a rapport with the victim, present the matter to a grand jury, then either negotiate a plea or prepare for trial.

The SVU works closely with the Sexual Assault Response Team (SART), the Union County Prosecutor's Office Forensics 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 13 and the sexual assault occurred within the previous five days of reporting, the survivor is offered special medical and therapeutic services. The Prosecutor's Office, in close collaboration with the Rape Crisis Center and local hospital emergency rooms, meet every eight weeks as the Sexual Assault Response Team Advisory Board to review and improve patient care at the point of first disclosure.

The Union County Child Advocacy Center is an integral part of the SVU team. Since 1995, the Child Advocacy Center's detectives have interviewed 3,280 children ages 12 and under regarding sexual abuse. From initial disclosure through continued investigation, complaint authorization, grand jury presentation, plea or trial and sentencing, the Unit's various members shepherd each child's case through the criminal justice system. Essential to the investigatory process is the building of a rapport with each 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. The digitally recorded interview process eases disclosure and prevents multiple re-interviews. The Union County Multi-Disciplinary Team meets on a monthly basis to assess the needs of all families with open cases and to take all necessary and appropriate investigative, legal, therapeutic, and medical services steps to improve the well-being of victims and their families. The 2013 calendar year marked the

first full year of operation for the new “wraparound” service model and the opening of the new Union County Child Advocacy Center located at 240 West Jersey St. in Elizabeth. Colocation has allowed total investigative, prosecutorial, and therapeutic review time of all new sexual abuse referrals to be reduced from five business days to one business day.

In 2013, more than 483 referrals of child abuse were received, 69 criminal investigations were opened, and 67 criminal complaints were signed by this Unit. 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 211 interviews of sexually abused children and teens, and with the help of the clerical staff obtained 122 typewritten statements from related witnesses. The child and teen sexual abuse clearance rate in 2013, *i.e.*, those formal investigations that resulted in a criminal charge, was 97 percent. This figure is a 19-year Unit record.

In 2013, the SVU prosecuted a convicted sex offender who met his victim when she was stranded in the City of Elizabeth. Under the guise of a good Samaritan, the defendant offered to drive his victim, who was lost on Halloween night, to the train station less than a mile away. He instead drove the victim to a secluded area, dragged her behind a building, and sexually assaulted her. The victim went to the hospital the next morning, where a sexual assault forensic examination was completed. The defendant ultimately was identified via DNA recovered during the examination. After a three-week trial, the defendant was found guilty of kidnapping and sexual assault offenses, and ultimately he was sentenced to 50 years, subject to the No Early Release Act, in New Jersey State Prison.

Also in 2013, a 33-year-old man was convicted of aggravated sexual assault, sexual assault, and numerous weapons offenses following a three-week trial. In this case, the defendant

attacked a 22-year-old woman who was walking home from work one night in the City of Plainfield. The defendant approached the victim, began beating her with a socket wrench, and dragged her behind a building where he continued to beat her and sexually assaulted her. The defendant was apprehended later that evening, and DNA evidence obtained from the crime scene and on the defendant's body linked him to the crime. The defendant is scheduled to be sentenced in 2014 and is facing a possible sentence of 55 years in state prison.

Finally, on January 4, 2013, the Child Advocacy Center's legal and investigative staff completed their first investigation and arrest that resulted in a successful international extradition. The defendant, a 37-year-old private daycare transport aide, sexually abused two children under the age of 8. When authorities discovered a third victim, an infant, with an unexplained sexually transmitted disease, the defendant quickly fled the country. Following his capture by the FBI and the Colombian Army in a suburb outside of Bogota, Columbia, the defendant pleaded guilty and is now serving a 19-year sentence in New Jersey.

Legal and investigative staff also continued to investigate two separate, non-accidental, abusive head trauma cases for two infants who were aggressively shaken by their biological fathers in Elizabeth during a prolonged bout of child colic. Both infants suffered skull fractures, internal brain bleeding, and retinal hemorrhages in both eyes as a result of their father's reckless aggression. Both cases are still in pre-trial litigation.

TRIAL UNIT

In the Trial Unit, 12 assistant prosecutors and six detectives are assigned, in teams, to six criminal courts that handle first-, second-, third-, and fourth-degree criminal charges that are not being handled by a specialized investigative unit. The six courts and the designated assistant prosecutors handle arraignments, pre-trial conferences, pre- and post-trial motions, trials, and sentencings. In addition to their trial responsibilities, the assistant prosecutors conduct case review and issue complaint approval on a rotating, on-call basis. Hundreds of defendants entered guilty pleas in 2013, and approximately 80 defendants proceeded to trial. The remaining cases were dismissed.

The cases that proceeded to trial included matters involving defendants who were subjected to significant penal exposure due to the nature of the charges or a significant prior criminal record. The Trial Unit is the backbone of any prosecutor's office, as reflected in the volume of cases each assistant prosecutor must review, prepare, and dispose of during the course of a year. In 2013 the Unit handled approximately 1,300 cases for crimes including kidnapping, carjacking, burglary, robbery, aggravated assault, weapons possession, eluding, and drug possession and distribution.

Among notable cases adjudicated last year, after a four-week trial spanning May and June 2013, a Union County jury convicted two defendants of two separate counts of first-degree robbery and weapons possession counts for possessing a loaded 9mm handgun. In addition, one of the defendants was convicted of first-degree carjacking and an additional count of first-degree robbery. Both defendants had approached a man and a woman in the parking lot of a business establishment in Linden and brandished a handgun, ordering the couple to enter a nearby motel room. The male, an off-duty police officer, was able to reach his service weapon and fired at the

defendants, striking both. One defendant was able to flee the scene in the vehicle in which the defendants arrived. The other defendant committed a carjacking of another victim located at the business, taking the vehicle by force. Both defendants fled to Newark, where they were observed bleeding from their wounds by several witnesses. The defendants proceeded to a hospital where they provided false names and fabricated a story about being victims of a robbery and shooting.

Both defendants were also convicted of second-degree certain persons charges. Each defendant was sentenced to a 40-year term of imprisonment under the No Early Release Act and a consecutive 10-year term with a five-year period of parole ineligibility.

In May 2013, after a four-week trial, a jury convicted a defendant of second-degree possession of a weapon for an unlawful purpose, second-degree unlawful possession of a weapon, and fourth-degree aggravated assault for pointing a firearm at another. On the night in question, the defendant had been asked to leave a party in Plainfield by the victim, another partygoer. Following the request and before leaving the party, the defendant and his friends assaulted the victim. Approximately 30 minutes later, the victim also left the party and went to a friend's house nearby. As the victim and his friends sat outside of the house, a car pulled up and the occupants exited the vehicle armed with various weapons, including knives, sticks, and metal rods. Among the occupants was the defendant, who brandished a firearm and pointed it at the victim. One of the witnesses called 9-1-1 as a melee ensued. The defendant fled the scene prior to the arrival of police. At trial, all civilian witnesses recanted their prior sworn statements that the defendant was armed with a handgun. Nevertheless, the defendant was found guilty of all counts and sentenced under the Graves Act to a five-year term of imprisonment with a three-year parole disqualifier.

In December 2013, a Union County jury convicted a defendant of a second-degree aggravated assault during an eluding, second-degree eluding, and third-degree aggravated assault. During the course of a motor vehicle stop, officers discovered that the driver-defendant had an outstanding warrant and that his license was suspended. Once the officers instructed the defendant to exit the vehicle, the defendant sped off, striking one of the officers. A two-mile pursuit through residential neighborhoods followed, with the pursuit ultimately being terminated; the vehicle used in the pursuit was subsequently found abandoned in Hillside (the car had been rented by the defendant's girlfriend). Approximately one week later, Elizabeth police officers responded to a report of three people having suffered gunshot wounds. The defendant was discovered to be one of the shooting victims and was placed under arrest. The defendant was sentenced to a 14-year term of imprisonment under the No Early Release Act, requiring that he serve 85 percent of his term prior to being eligible for parole.

VICTIM/WITNESS UNIT

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. The Unit's goal is to provide victims with an understanding of the criminal justice system so they are better prepared to participate in the judicial process. We act as both advocates and liaisons with office staff as well as outside agencies. For each and every victim, we attempt to devise a program that will respond to their individual needs, whether financial, physical, or psychological.

The Unit is staffed with a coordinator, four victim/witness advocates, and two support staff members. One advocate and the coordinator handle all victim cases while the remaining three advocates are located in the Pre-Disposition, Domestic Violence, Special Victims, and Juvenile units. The staff provides specialized services that extend from case inception through the time a defendant is released on parole, and often for a longer period. Advocates make an initial assessment and then can provide appropriate services, *i.e.*, short-term crisis counseling, case status notification, explanation of the criminal justice system, assistance in problem-solving, court accompaniment, and communication assistance with law enforcement, the courts, and social service agencies.