



Somerset County Law Enforcement Newsletter



Message from the Prosecutor

I would like to begin this newsletter by congratulating our detective bureau on the recent promotions that took place on October 26, 2017 in the Somerset County Historic Courthouse. Detectives William Federico and Judith Polhill were promoted to the rank of Sergeant. Detectives Michael Schutta and David Whipple were promoted to the rank of Lieutenant. Detective Christopher Shearer was promoted to the rank of Captain. Francisco "Frank" Roman was promoted the rank of Deputy Chief. Congratulations to each of these detectives; they earned their respective promotions and will continue to demonstrate leadership and professionalism on behalf of the Prosecutor's Office. I would also like to thank Father Ron Pollock for his invocation prior to the ceremony as well Judge Thomas C. Miller, P.J., Civil who presided over the swearing-in. Senator Christopher "Kip" Bateman was in attendance, and I appreciate his support of the Somerset County

Prosecutor's Office and of the Somerset County law enforcement community. Many of the County Chiefs were present as well as other ranking officers and I likewise want to thank them for attending this special occasion and for all of their support.



Michael H. Robertson

The opioid/heroin epidemic facing our County and our State is not getting any better; however, what is getting better are the resources available to those dealing with the disease of addiction. Fortunately, in late October 2017, Robert Wood Johnson University Hospital Somerset launched RWJ Barnabas Health's Institute for Prevention Opioid Overdose Recovery Program (OORP) here in Somerset, with the goal of fighting drug addiction in Somerset County. The OORP is currently operating in 14 hospitals throughout the State, via grants from the New Jersey Department of Human Services, Division of Mental Health and Addiction Services, the Governor's Council on Alcoholism and Drug Abuse and the Department of Children and Families. With the launch of the OORP in RWJUH Somerset, there will be 10 recovery specialists serving Somerset County who will be on- call 24/7, ready to be deployed to the hospital within one hour of notification of a patient whose overdose was reversed with Narcan. The recovery specialists will work with patients for a minimum of eight weeks to get them into the appropriate level of care and recovery. This is another great step in the direction of providing assistance to those who desperately need it, and I

continued on next page

In This Issue.....

Message from the Prosecutor	1
Verdicts of Interest	3
The Patrol Response to an Individual with Mental Illness	7
Victim – Witness Update.....	8
Search and Seizure Update.....	10
Law Enforcement Best Practice: Prepare Sufficiently Detailed Affidavits on Warrant Complaints.....	13
Roll Call	14
Law Enforcement Spotlight on Parking Enforcement.....	19

Message from the Prosecutor - continued from previous page

thank RWJUH Somerset for their commitment to helping the community.

In October of this year, the Somerset County Prosecutor's Office partnered with STOPit Solutions to form Somerset Strong, a reporting platform for members of the community to report anonymously incidents to law enforcement via their cell phone or computer device.

Our partnership began several months ago when I met the CEO of STOPit Solutions, Todd Schobel. He and I were discussing how the STOPit app worked to prevent bullying in schools as well as to provide an avenue for individuals in the corporate world to blow the whistle on inappropriate conduct and to do so anonymously. STOPit is a New Jersey based company that began in Bedminster, here in Somerset County. It has over 3 million subscribers all over the world and customers include over 100 New Jersey schools, including schools right here in Somerset County. As we discussed the effectiveness of the app and in light of the opioid epidemic facing our County, this State and this Country, we said why not take this platform and form an app designed to have the community help us fight this battle and give the community the ability to provide information to law enforcement anonymously through the STOPit app.

As a result, we formed SOMERSET STRONG, a mobile app for members of Somerset County to download for FREE on either an Android or I-phone. You simply download STOPit and enter the Access Code, "SOMERSETNJ". The user is completely anonymous, the app does not capture a device ID nor does it capture an IP address. Again it is FREE and available to all residents of Somerset County. Once downloaded, the user has the ability to report, via text messages, information to law enforcement. This information is received by the Somerset County Prosecutor's Office and the Somerset County 9-1-1 Dispatch Center where the information is then disseminated to the appropriate law enforcement municipality or agency and investigated accordingly. The app provides for a 2-way anonymous communication via text messages between the user and Somerset County law enforcement agencies or County Dispatch. The app further allows the user to provide additional information such as attaching photos or videos to the text message.

The app also allows Somerset County law enforcement to push out notifications to its users such as public safety information or general information about happenings in Somerset County. The app has a drop down menu that provides information on opiate addiction resources, as well as information regarding resources for victims of Sexual Assault, Child Abuse, and Domestic Violence. The app is available in several languages, including Spanish.

Citizens are often our best source of information when it comes to what is happening in our communities. With STOPit and Somerset Strong, the citizens of Somerset County have the security of knowing that they can safely and anonymously provide information and tips to law enforcement and work together to make Somerset Strong.

In addition to the foregoing, over the past several months I have reached out to our senior citizen population to educate them on the various fraud schemes that target senior citizens, including health care fraud and how to prevent themselves from becoming victims. My visits included senior living associations/facilities as well as a lecture venue which was hosted in Hillsborough. The Somerset County Prosecutor's Office is committed to protecting all citizens from becoming victims of crime and to providing educational programs addressing relevant issues affecting our community that will help prevent crimes before they happen, while also promoting unity and cohesiveness within our community. Along similar lines I will also be participating in initiatives geared to addressing cyber-bullying amongst our adolescent population. With ever increasing numbers of these incidents occurring throughout our country and certainly within our County, I am committed to working with the community on how to best address this serious issue facing our youth.

As Prosecutor, I will continue to engage members of the community to address the issues that face all of us to make Somerset County the best and safest place possible. Thank you for your continued support, and I wish everyone a Happy and Safe New Year.

Sincerely,

Michael H. Robertson
Prosecutor



VERDICTS OF INTEREST



State v. Devin Alexander **Indictment No. 15-09-463-I**

**Edited By: Chief Assistant Prosecutor
Kathleen P. Holly**

On February 24, 2017 a Somerset County Jury returned three guilty verdicts against Devin Alexander, 22, of Somerset, in connection with a drive-by shooting in Franklin Township on August 1, 2015.

Devin Alexander, had been charged in 2015 with First Degree Attempted Murder, Second Degree Unlawful Possession of a Handgun and Second Degree Possession of a Firearm for an Unlawful Purpose. Following a trial that commenced on February 15th of this year, the jury returned a verdict of guilty on a lesser included offense to the Attempted Murder charge, specifically Second Degree Aggravated Assault with the intent to cause serious bodily injury, as well as guilty verdicts on both Second Degree weapons charges. The Honorable Bradford M. Bury, J.S.C. presided. The State was represented by Assistant Prosecutor William A. Guhl and Chief Assistant Prosecutor Robert Hawkes. Defendant was represented by Anthony Mignella, Esq.

On August 1, 2015 at 7:09 p.m., Franklin Township Police received reports of shots being fired in the vicinity of Ambrose Street as well as reports of a gunshot and an individual fleeing a car with a gun on Eugene Avenue. Officers responded to various locations including to Churchill Avenue where responding officers located a male victim who stated that he was shot at while he was sitting in his vehicle on Ambrose Street. The male victim had fled the scene of the shooting to seek safety at the residence of a friend on Churchill Avenue. Police located the shattered glass from his car window in front of 62 Ambrose where he had been waiting to meet a friend.

The 21-year old victim had not been struck by

bullets, but suffered lacerations to his face from the glass in his car windows shattering when they were struck by bullets. Police found his car to contain numerous bullet holes and with his driver and passenger side windows broken out. Investigators also recovered bullet fragments from the car.

The investigation conducted by detectives of the Franklin Township Police Department revealed that a blue Honda Accord with tinted windows had turned off of Pearl Place and onto Ambrose and that the individual in the passenger seat began firing at the victim in his parked vehicle. The front right passenger of the suspect vehicle pointed a black handgun out the window and discharged the weapon towards the victim, shattering the glass in the victim's vehicle but missing him.

The victim, who had known Devin Alexander for several years dating back to elementary school and who had been the victim of an aggravated assault committed by Alexander in October 2014, identified him as the shooter to the police. Subsequent investigation also confirmed that the driver of the vehicle was a co-defendant, Avery Gorman. On August 2, 2015 at approximately 6:41 p.m. Franklin Township patrols observed co-defendant Gorman operating his 2014 Honda Accord and he was arrested without incident. Police searched for Alexander for several weeks before locating and arresting him on September 19, 2015.

Gorman later pled guilty to Third Degree Hindering Apprehension for driving the defendant away from the scene of the shooting and for not notifying police of defendant's whereabouts or his involvement in the shooting. Gorman agreed to testify at trial and did so identifying Devin Alexander as the shooter who was seated in the passenger seat and the

continued on next page

Verdicts of Interest - continued from previous page

individual who the witness on Eugene Avenue had seen jumping out of his blue Honda Accord holding a gun. Additionally, the physical description provided by the resident of Eugene Avenue of the man fleeing the car with a gun in front of her house was consistent with Devin Alexander.

The victim testified at trial and again identified Alexander as the person he saw pointing the gun at him and firing that night. Ballistics testing confirmed that the a .38 Smith and Wesson revolver found the next morning at the intersection of Ray and Eugene Streets by a local resident was the same gun that fired the bullet fragments found in the victim's car. The gun had four spent casings and two live rounds. Analysis of the bullet damage to the car indicated it had likely been hit by four bullets.

The investigation in this case was handled by the Franklin Township Police Department with assistance from the Somerset County Prosecutor's Office Forensic Lab.

Alexander was sentenced by Judge Bury to serve 13 years in New Jersey State Prison, at least 85 percent of his sentence to be served without eligibility for parole, consecutive to a five-year sentence Alexander was serving for his prior Aggravated Assault conviction.

State v. Terrance Barker

Indictment No. 14-12-793-I and 14-12-794-I

Edited By: Chief Assistant Prosecutor Kathleen P. Holly

On April 11, 2017 a Somerset County Jury returned a guilty verdict against Terrance Barker of North Plainfield, convicting Barker of Fourth Degree Possession of a Defaced Firearm following the first part of a bifurcated trial. The jury then returned guilty verdicts to two counts of Second Degree Certain Persons Not to Possess Firearms on April 12, 2017 following the second stage of the bifurcated trial.

During the summer of 2014 police had received information from a confidential informant that Barker was dealing drugs from his apartment

in North Plainfield. Officers had conducted surveillance of the apartment and had seen Barker at the residence meeting with an informant and conducting drug transactions on multiple dates. On October 22, 2014 members of the Somerset County Prosecutor's Office Organized Crime and Narcotics Task Force obtained a search warrant for the residence of defendant Terrance Barker on Maple Avenue in North Plainfield.

Upon executing the warrant police located a plant grow box, digital scale, baggies, wax folds, fertilizer, and numerous books on growing marijuana. They also located, in Barker's bedroom, a High-Point JCP .40 caliber handgun with a defaced serial number, a Smith & Wesson revolver, and ninety-four .25 caliber bullets. The two guns and the bullets were found in a hidden compartment under the top of the dresser next to Barker's passport, citizenship certificate and a large sum of cash.

Barker was advised of his Miranda Rights and provided a statement at the scene admitting the guns belonged to him and only to him. He said the person with whom he was sharing the apartment had nothing to do with the guns. Barker was previously convicted of Distribution of a Controlled Dangerous Substance and Possession with Intent to Distribute a Controlled Dangerous Substance in a School Zone. This by statute made him a "certain person" prohibited from having weapons.

Prior to trial Barker attempted to suppress his statement, but following a Miranda hearing his motion was denied. At trial Barker took the stand and claimed that he had lied in his statement to the police and that the guns did not belong to him. He said he did not know who they belonged to or how they got into the dresser in his bedroom. On cross-examination he acknowledged that the dresser was his, the passport and citizenship certificate were his, the cash in the compartment was his, and that the person he was sharing the apartment with likely did not know how to open the hidden compartment.

The State was represented at trial by Assistant Prosecutor William A. Guhl and the

defendant was represented by Marcia Munoz, Esq. The Honorable Robert A. Ballard, Jr., J.S.C., presided over the trial. Barker was sentenced by Judge Ballard on May 26, 2017 to serve seven years in New Jersey State Prison, five years to be served without eligibility for parole as required under the Certain Persons Not to Have Weapons statute, N.J.S.A. 2C:39-7.

State v. Saeed Cousar
Indictment No. 14-02-111-I

Edited By: Assistant Prosecutor William A. Guhl

In May of this year a Somerset County jury returned a guilty verdict in the trial of defendant Saeed Cousar, age 42, of Jersey City, New Jersey, on charges of Third degree Theft by Deception and Third Degree Identity Theft, following a six day jury trial. On June 23, 2017, Judge Coleman granted the State's motion to sentence defendant to an extended term of incarceration as a persistent offender, and sentenced defendant to ten years in prison with five years to be served without parole – the maximum he could receive.

Defendant Cousar's arrest and conviction stem from an investigation conducted by the Bedminster Township Police Department and the Somerset County Prosecutor's Office Special Investigations Unit. The investigation began after a Mendham resident reported that his identifying information and money were stolen in July of 2013. The victim contacted his bank (located in Bedminster) and the police after he had received his savings account statement and discovered that more than \$74,000 was missing from his account. Thereafter, detectives investigated, identified defendant Cousar, and connected him to the theft based on a variety of records, including internet service provider, cellular telephone, bank, and utility records. The investigation revealed that defendant Cousar used the victim's stolen identifying information to open fraudulent online banking and fraudulent checking accounts in the victim's name, and thereafter transfer money from the victim's legitimate savings account to the fraudulent accounts controlled by the defendant.

In November, 2013, police executed a search warrant on defendant's Jersey City residence and found papers containing the personal identifying information of dozens of individuals.

The jury trial commenced on April 24, 2017 before the Hon. Edward M. Coleman, P.J. Civil (retired and temporarily assigned on recall). The jury deliberated approximately three hours before returning a guilty verdict today. Following the conviction, Judge Coleman revoked the defendant's bail and remanded him to the Somerset County Jail. Defendant's criminal history consists of seventeen prior indictable and felony convictions, including convictions for Third Degree Computer Criminal Activity (Ocean County Ind. No. 13-02-494-I); Third Degree Identity Theft (Morris County Ind. No. 10-12-1265-A); Third Degree Theft by Deception (Essex County Ind. No. 08-09-2665-I); Third Degree Issuing Bad Checks, Third Degree Wrongful Impersonation and Third Degree Theft by Deception (Hudson County Ind. Nos. 1000-05-08, 1740-09-08 and 336-02-09)); Third Degree Fraudulent Use of a Credit Card (Bergen County Ind. No. 07-08-1329-A); Third Degree Identity Theft (Hudson County Ind. No. 160-2-04Z); Third Degree Attempted Theft by Deception (Hudson County Acc. No. 337-01); Third Degree Theft by Deception (Hudson County Ind. No. 842-98); Second Degree Receiving Stolen Property, Third Degree Possession with Intent to Distribute CDS within 1000 feet of School Property and Third Degree Attempted Theft by Deception (Hudson County Ind. Nos. 1021-06-03 and 1186-07-04, and Acc. No. 896-8-04); Third Degree Burglary and Resisting Arrest (Hudson County Ind. Nos. 126-94 and 125-94); a June 24, 1997 felony conviction for Uttering a Forged Instrument in Mecklenburg County, North Carolina (File No. 97CRS004382-02); and a July 18, 1995 felony conviction for Uttering a Forged Instrument in Mecklenburg County, North Carolina (File No. 95CRS022316).

The following law enforcement agencies assisted with the investigation: the Union County Prosecutor's Office; the Hudson County

continued on next page

Verdicts of Interest - continued from previous page

Prosecutor's Office; the Denville, Morris County Police Department; the Manchester Township, Ocean County Police Department, and the Jersey City Police Department.

The State was represented by Chief Assistant Prosecutor W. Brian Stack. Defendant Cousar was represented by James Lisa, Esq.

State v. Nancy Rodriguez

Indictment No. 16-08-00646-I

Edited By: Assistant Prosecutor William A. Guhl

On September 20, 2017 a Somerset County Petit Jury found Nancy Rodriguez of Warren, New Jersey guilty of Second Degree Sexual Assault and Third Degree Endangering the Welfare of a Child. The trial commenced on September 11, 2017 and concluded on September 20, 2017. The Honorable Bradford M. Bury, J.S.C. presided over the trial.

The investigation was conducted by the Somerset County Prosecutor's Office in conjunction with the Warren Township Police Department and the Gastonia, North Carolina Police Department. The investigation revealed that defendant, Nancy Rodriguez, had been engaging in sexual relations with her first cousin beginning when she was 14 years old and ending when she was 16 years old. Defendant was 20 years older than the victim.

The victim was living in Gastonia, North Carolina at the time. She would fly to New Jersey to visit the defendant every few months beginning the summer of 2014. During those visits, the defendant and she would engage in sexual relations. The conduct started with a kiss but quickly escalated to digital penetration and cunnilingus. A cellphone extraction of the victim's phone revealed over 12,000 text messages between the defendant and the victim over the previous six months. Numerous photographs of the victim and defendant were also located. The pictures included naked shots of the victim and defendant. Defendant provided a post-Miranda statement admitting to engaging in "sexual activity" with the victim beginning the summer of 2014.

The following witnesses testified on behalf of the State: Detective Sergeant Meredith McKay and Detective Jaime Gutierrez from the Somerset County Prosecutor's Office, Detective Matthew Sherrill and Detective Carla Mastro from the Gastonia Police Department, Belinda Butler from Gastonia County Social Services, the victim and the victim's mother. The matter was prosecuted by Assistant Prosecutor Kimberly Savino French and the defendant was represented by James Wronko, Esq. Defendant awaits sentencing.

State v. Arthur Wildgoose,

Indictment No. 16-03-148-I

By: Chief Assistant Prosecutor Kathleen P. Holly

On May 26, 2017 after approximately two weeks of trial, a Somerset County petit jury convicted 34-year-old Arthur Wildgoose, a Bridgewater resident, on a two count indictment charging First Degree Aggravated Sexual Assault and Third Degree Endangering the Welfare of a Child. The case was investigated by Sergeant Ronald Gazaway of the Manville Police Department and by members of the Somerset County Prosecutor's Office, Sex Crimes and Child Abuse Unit.

Investigation commenced when the 12-year-old victim's mother reported to police that she saw the defendant had sent a suspicious text message to her 12-year-old daughter. The defendant was a friend of the victim's family, although the victim's mother was hoping to have a dating relationship with the defendant. The victim's mother reported that the victim's cell phone had gone missing after she discovered the defendant's text, and that the victim told her mother that the defendant took her cellular phone so that nobody could see their text messages. When questioned by police and her mother, the victim initially denied having a sexual or otherwise inappropriate relationship with the defendant.

Sergeant Gazaway applied for and received communications data warrants directing Verizon Wireless to provide historical precision location information on the victim's cellular phone and

continued on page 12

The Patrol Response to an Individual with Mental Illness

By: Patrolman Michael A. Laboy, Hillsborough Township Police Department

Among the many intricate duties of the patrol officer, there has been a renewed focus on how officers manage their interactions with individuals with mental illness. The New Jersey Attorney General has recently mandated that all police officers in New Jersey are required to undergo training on the proper response to calls for service involving individuals with mental illness. By the time many of you read this article, you may have already received this new training. The purpose of this article is to reinforce the principals that were taught in this class, and to further delve into the specific services that are provided in Somerset County.

Although many officers have worked side by side with PESS screeners and transported individuals to PESS, many of you may be thinking, what is PESS? Well, PESS stands for Psychiatric Emergency Screening Service. This service is intended to act as a preventative and pro-active approach to individuals in pre-crisis conditions. The thought is to reach community members while they are still in pre-crisis mode, and provide them with the proper medication, referrals, and appropriate services that they may need, in order to prevent a crisis emergency. In providing these services, PESS is trying to live by their seven principles of providing clients with hope, individualized service, choice and responsibility, community integration, skill development, drug-free living, and a recovery journey. Along with the mission set forth by PESS, police officers must also be aware of their mission as the first responder.

During some calls for service, involved parties sometimes say to officers, "Just take em to PESS!" This statement may have been uttered through frustration or unwillingness by the orator to take appropriate action. Although PESS may be the appropriate course of action in some cases, this is not always the correct way to handle the

predicament. As we well know, a call for service that involves mental health emergencies can range from someone who is suicidal, mentally ill, or under the influence of a controlled dangerous substance. It is our job, as the police officer, to decipher what the proper course of action may be to best help this individual.

Along with the standard operating procedures and guidelines set forth by your respective agencies, the following suggestions are here to help officers grapple with the sometimes confusing situations that arise during calls involving individuals with mental illness. First, the individual in need of assistance may have been acting out because they want to vent their concerns and frustrations to someone. In this case, it may be the best course of action to let the individual vent and then see if you can help them find a way to overcome their predicament. Contacting PESS mobile outreach can assist in this case by providing information for various services. Second, some individuals may be acting out and saying borderline statements that spur suspicion. In these cases, it may be advisable to call PESS mobile outreach and ask them what they think. PESS screeners may provide suggestions over the phone or even respond to the scene to provide assistance. Lastly, there are situations when individuals are in crisis and are making alarming statements that involve hurting themselves or others. In this situation, officers must utilize their tactical wherewithal to safely transport individuals to the appropriate medical facility for much needed assistance.

While we are on calls for service to help individuals with mental illness, we need not forget about the families that called for assistance. During the initial evaluation process and subsequent actions taken, we should try to be as openly honest and straight forward with families

continued on page 18

VICTIM-WITNESS UPDATE

CYBERBULLYING

By: Melissa Underwood,
Victim-Witness Advocate



In 2003, at just 13-years-old, Ryan Patrick Halligan had been bullied for years and was repeatedly sent homophobic messages due to a rumor that a former bully of Ryan's was spreading throughout the school. On October 7th, 2003, Ryan Halligan hanged himself in his home. Not long after Ryan's death, John Halligan, Ryan's father began to lobby for legislation in Vermont to improve how schools address bullying and suicide prevention. In May of 2004, Vermont enacted a Bullying Prevention Policy and later enacted a Suicide Prevention Law in 2005 – which John Halligan had a part in writing. Ryan Patrick Halligan is noted as being the first child nationally to commit suicide as a result of cyberbullying. In the years since there have been many other incidents of cyberbullying and related suicides.

Cyberbullying is the use of electronic communication to harass, intimidate or threaten another person. The definition is geared towards young people. Here are some uncommon facts about cyberbullying:

- 1 in 3 young people have received some kind of threat online *
- Fewer than 1 out of 5 threats of cyberbullying will be reported to law enforcement*
- 1 in 10 adolescents or teens have had embarrassing or damaging pictures taken of themselves without their permission, often using cell phone cameras **
- Cyberbullying victims are more likely to have low self-esteem and to consider suicide ***

In 2002, New Jersey enacted an anti-bullying law. Less than one year later, 14 other states had passed anti-bullying laws. Many states enacted anti-bullying laws in response to school shootings

that occurred – the most well-known at the time being the Columbine High School massacre. There had been much speculation that the shooters were bullied by classmates.


In January of 2011, New Jersey Governor Christie signed the “Anti-Bullying Bill of Rights Act” which includes requirements that public schools follow prevention and respond to harassment, intimidation, and bullying (HIB) in a school setting. There is an 18-page compliance checklist that school officials must comply with once there is an H.I.B. allegation. For a copy of the checklist please go to: <http://www.nj.gov/education/students/safety/behavior/hib/checklist.pdf>

Schools are required to provide HIB training for all staff, contracted service providers and volunteers. Each school district must determine the appropriate way to provide the required training on the schools HIB policy and procedures. Schools are not just viewing bullying as verbal or electronic – it can also be physical and psychological, such as spreading rumors. This law also defines bullying as any action that creates a hostile school environment or infringes on a student's rights at school. It's believed that this new bill is now seen as one of the toughest anti-bullying laws in the country.

Since cyberbullying is on the rise the Bergen County Prosecutor's Office produced “Sticks and Stones” which is about a high school student, Brandon, who befriends the ever so popular Lindsay. The two develop a friendship and communicate through instant and text messaging. Unfortunately, Lindsay's boyfriend, Corey does not approve of this friendship and begins to spread rumors about Brandon through social media. Brandon's friends start to disconnect from him due to these rumors and Brandon does not know where to turn. This movie provides a

real connection for teenagers because most of them have cell phones and or a social media page. Most teenagers have either seen, heard, or been part of cyberbullying.

The Bergen County Prosecutor's Office provides schools with copies of "Sticks and Stones" to show their students. There is a teacher's guide that goes along with the movie that will instruct counselors and teachers on how to respond to the student's reaction after crucial parts of the movie. There are also discussion parts prior to viewing, processing during the film, and ultimately after the film. Since the ending of the film is very traumatic the school should request a consent form or permission slip to be signed by the student's parent or guardian. Knowing the movie touches on very sensitive subjects some schools even offer to have a viewing for parents/guardians prior to the students seeing it.

Topics such as cyberbullying, peer pressure, internet safety and suicide are discussed in "Sticks and Stones". By watching this video, the students will see how an event that they encounter on a daily basis can have a devastating effect on those involved and hopefully will change the way they react or maybe it will inspire them to react differently and get involved in a positive way. For more information on "Sticks and Stones" and resources for cyberbullying please contact Melissa Underwood, Victim Advocate at the Somerset County Prosecutor's Office at 908-575-3345. 

* *i-SAFE Inc., "Cyber Bullying: Statistics and Tips" [online]*

** *Richard Webster, Harford County Examiner, "From cyber bullying to sexting: What on your kids' cell?" [online]*

*** *Cyberbullying Research Center, "Summary of our cyberbullying research from 2004-2010" [online]*



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www.victimwitness.nj.gov/vine
- Division of Criminal Justice
www.njdcj.org
- New Jersey State Office of Victim/Witness Advocacy
1-609-896-8855
- New Jersey State Victim of Crime Compensation Board
1-877-658-2221 • www.nj.gov/victims
- New Jersey Coalition for Battered Women
1-609-584-8107
- New Jersey Coalition Against Sexual Assault
1-800-601-7200
- Mothers Against Drunk Driving (MADD)
1-800-448-6233
- New Jersey State Domestic Violence Hotline
1-800-572-7233
- New Jersey State Elder Abuse Hotline
1-800-792-8820
- New Jersey State Parole Victim Unit
1-609-633-0595
- New Jersey Sex Offender Registry
www.nj.gov/oag/njsp
- Rape Crisis Services
1-888-601-7200

SEARCH & SEIZURE UPDATE

State v. Rosario, 2017 WL 2437180 (N.J. 2017)

Police received an anonymous tip that defendant was selling heroin from her home and out of her vehicle. As the officer parked his squad car perpendicular to defendant's car he essentially blocked in defendant's car. Because of how dimly lit the street was, the officer turned on the rooftop night alley light of the patrol car, but did not turn on the siren or emergency lights. The alley light revealed a woman, the defendant, sitting in the driver's seat of the car. Once the defendant looked back at the officer, she began to "scuffle around" with something on the passenger side of the car, making the officer suspicious. After defendant produced her identification and a verbal exchange occurred between the two, defendant admitted that she may have been engaged in illegal activity similar to that which she was previously arrested for by the same officer six (6) months prior. Once the officer placed defendant under arrest, defendant opened the eyeglass case and produced white powdery substance that the officer identified as drugs and drug paraphernalia.

During a suppression hearing, the Court denied defendant's motion to suppress and concluded that the encounter between the defendant and the officer did not escalate into an investigatory stop until the officer asked the defendant whether she had anything in the car the officer should know about insinuating that the defendant might have contraband in her possession. The Appellate Division affirmed and agreed with the trial Court because it found sufficient evidentiary support for the determination that defendant's detention was based on reasonable suspicion. The Supreme Court

of New Jersey granted certiorari to determine the difference between the two police-citizen interactions: the field inquiry and investigative detention.

The main difference between the two interactions is whether "...an objectively reasonable person would have felt free to leave or to terminate the encounter with the police. The encounter is measured from a defendant's perspective." State v. Maryland, 167 N.J. 471, 483, (2001). Under the totality of the circumstances, the Supreme Court disagreed with the lower courts and believed that defendant did not have the right to leave. The judgment of the Appellate Division was reversed.

State v. Lunsford, 226 N.J. 129 (2016)

Police arrested defendant after executing a search warrant at his home based on suspected criminal activity involving narcotics. As part of a continuing investigation, a grand jury issued a subpoena *duces tecum* to a wireless telephone service provider requesting subscriber information associated with defendant's cell phone number, which was the contact number for the controlled drug buys that led to defendant's arrest. The subpoena sought customer and billing records, as well as call-detail records, which identify the phone numbers of all incoming and outgoing calls with date(s), time, and duration of those calls.

Defendant filed a motion to quash the subpoena, which the trial court granted, stating that, under State v. Hunt, 91 N.J. 338 (1982), a party seeking these records needed a judicially issued Communications Data Warrant (CDW), based on probable cause presented to the judge, to obtain

SEIZURE DATE



By: Robert G. Veech, III
 Legal Intern
 Somerset County
 Prosecutor's Office

telephone billing records. The State sought leave to appeal, which the Appellate Division denied but the Supreme Court granted.

The Supreme Court compared the level of privacy intrusion inherent in the obtaining of various forms of third-party records and concluded that telephone billing records reveal no more detail concerning a person's private affairs than bank account records, credit card statements (see State v. McAllister, 184 N.J. 17 (2005)), utility records (see State v. Domicz, 188 N.J. 285 (2006)), and Internet subscriber information (see State v. Reid, 194 N.J. 386 (2008)). The Court also found no difference in the reasonable expectation of privacy that attaches to each. Accordingly, the Court concluded that these various types of records should receive the same level of constitutional protection and be obtainable upon the same showing of relevancy to an ongoing criminal investigation. The Court distinguished these types of records from more intrusive records, like cellphone G.P.S. location records, which are entitled to greater protection and require a search warrant. See State v. Earls, 214 N.J. 564 (2013).

The Court ruled that, in order to obtain telephone billing records (which disclose the telephone numbers dialed to and from a particular phone, along with the time and duration of each call, but not the content of any conversations), the State no longer needs to obtain a search warrant or C.D.W. supported by probable cause; rather, the State need only obtain a court order based on a lesser showing that the records are relevant to a pending criminal investigation – the same legal standard applicable to the issuance of a grand jury

subpoena.

State v. Gonzales, 227 N.J. 77 (2016)

As part of an on-going, multi-agency investigation into a large drug-trafficking ring, police learned from a wiretap that an unidentified female – later determined to be defendant – as well as one of her co-defendants, intended to pick up a package the police suspected would contain a significant quantity of heroin. The police followed defendant and a co-defendant from the suspected pick-up location, where the co-defendant had dropped something off, to a stash house, where defendant remained outside while her co-defendant entered. The co-defendant exited several minutes later carrying two shopping bags, which he placed in the backseat of defendant's car. After a brief conversation, the two drove away in their respective cars, and the codefendant led defendant to a highway before returning to the stash house.

Though the police immediately believed the shopping bags placed in defendant's backseat contained drugs, they did not initiate a stop in front of the stash house to avoid compromising the on-going wiretap investigation. Instead, two officers were instructed to follow defendant and effectuate a routine motor-vehicle stop. The pursuing officers, who were in uniform and driving a marked police vehicle, remained in contact with the surveillance team as they followed defendant and had been advised of the bags in defendant's backseat. After witnessing defendant commit several traffic violations, the

continued on next page

Search & Seizure Update - continued from previous page

officers pulled defendant over. When the officer approached defendant's car, he saw through the rear-view window that the contents of the bags had spilled onto the floor, and immediately recognized the contents to be packaged heroin. Defendant was arrested, the contents were placed back in the bags, and the vehicle was towed to a police garage, where the contents were identified as 13,500 glassine envelopes, or 270 bricks of heroin.


The Supreme Court held that the plain-view exception to the warrant requirement under the State Constitution no longer requires the inadvertent discovery of the contraband or evidence seized. The Court noted that, since the three-prong plain-view standard was established by a plurality of the United States Supreme Court in Coolidge v. New Hampshire, 403 U.S. 443 (1971), and adopted by our Supreme Court in State v. Bruzzese, 94 N.J. 210 (1983), cert. denied, 465 U.S. 1030 (1984), the inadvertence prong has been eliminated by the United States Supreme Court and a majority of states. The Court found that the inadvertence prong is inconsistent with our State Constitution's strong preference for objective standards of reasonableness, because it calls for subjective inquiry into the individual officer's motivation. The Court ruled the new plain-view standard – requiring only that the officer be lawfully in the viewing area and that the incriminating nature of the evidence be immediately apparent – applies only prospectively, but found the three-prong standard was nevertheless satisfied in this case.



Verdicts of Interest - continued from page 6

records of text messages exchanged between the victim and the defendant. As a result of the CDW, more than 2,000 text messages were recovered by police, wherein defendant had been secretly communicating with the victim for more than one month. The messages demonstrated that the defendant was grooming the child to become sexually involved with him and that he was conditioning her to assist him in hiding their relationship from others. The records also intimated that the defendant had committed sexual penetration upon the child. The historical precision location information received through the communications data warrant suggested that after the victim's mother discovered the defendant's suspicious text, the defendant traveled with the victim's phone to Northern New Jersey, near his place of employment. The victim's cell phone was never recovered.

Although the 12-year-old victim initially denied any inappropriate relationship with the defendant, she eventually disclosed to her mother and police that she had been texting with the defendant, privately seeing him alone, and that defendant had sexually assaulted her in the basement of her home. When questioned by police, defendant denied having a sexual or romantic relationship with the child.

Trial commenced on May 16, 2017 and resulted in a guilty verdict on the indictment on May 26, 2017. Defendant is pending sentencing, currently scheduled for early in 2018, where he faces a mandatory sentence of 25 years to life in prison with a 25-year parole disqualifier on the First Degree Aggravated Sexual Assault Conviction. It will be in the court's discretion whether to sentence defendant to a concurrent or consecutive term on the lesser crime in count two of the indictment, charging Third Degree Endangering the Welfare of a Child. The case was prosecuted by Chief Assistant Prosecutor Merrill Mezzacappa and second-chaired by Assistant Prosecutor Annemarie Mueller. The defendant was represented by James Wronko, Esq. 

Law Enforcement Best Practice: Prepare Sufficiently Detailed Affidavits on Warrant Complaints

By: Alex Incao, Legal Intern, Somerset County Prosecutor's Office and
Assistant Prosecutor William A. Guhl

In State v. Amed Ingram, 230 N.J. 190 (2017), the Supreme Court addressed whether the State must present a live witness with firsthand knowledge of the charged offenses at a pretrial detention hearing in order to demonstrate probable cause to detain a defendant. The Court ruled that such live testimony is not required under the plain language of the Act, or as a matter of due process.

In this case, the defendant was arrested one hour into the new bail reform system (yes, at 1:08 a.m. on January 1, 2017) after a Camden officer observed him with a defaced .45 caliber handgun loaded with 8 rounds. He was charged with second-degree possession of a handgun, second-degree possession of a firearm for an unlawful purpose, second-degree possession of a firearm by certain persons with a prior conviction and fourth-degree receipt of a defaced firearm. Defendant had 6/6 PSA score and a significant criminal history. During the pretrial detention motion, the State provided a PLEIR with the Affidavit of Probable Cause, noting the personal observations of the arresting officer (in conclusory terms) that defendant possessed the handgun. Defendant appealed on the grounds that the State needed to present a live witness in order to establish probable cause instead of merely relying on the supporting documents provided.

The Supreme Court found no requirement or obligation for the State to present a live witness to establish probable cause in each case. It is sufficient to rely on a proffer using a complaint-warrant, Affidavit of Probable Cause, PSA, PLEIR, and defendant's criminal history to detain a defendant based on a standard of clear and convincing evidence. It is ultimately committed to the discretion of the trial court whether live testimony will be required if it deems the State's

proffer unsatisfactory.

The Court made clear that this ruling does not diminish the State's requirement to provide probable cause for all elements of the offense. In this case, the probable cause affidavit spoke largely in conclusory terms, alleging that the defendant was "found to be in possession of a handgun," without setting forth the facts that supported that legal conclusion. For that reason, the Court noted that it would have been within the trial Court's discretion to require the State to call a live witness. The Court observed that the better practice is for the State "to establish a narrative of facts in the affidavit and identify the basis for the officer's knowledge. The affidavit should do more than merely recite statutory language. It should contain sufficient information in the form of factual details, not legal conclusions, to explain how probable cause exists for each charge." The Court further elaborated: "That said, officers do not have to follow a mathematical formula. Since January 1, 2017, they have been required to complete an electronic 'Affidavit of Probable Cause' form in each case. The form asks for two things: (1) a 'description of relevant facts and circumstances' that show 'the offense was committed and the defendant is the one who committed it'; and (2) how the officer became 'aware of those facts (including but not limited to observations, statements of eyewitnesses, defendant's admission, etc.)'. The responses to those questions, of course, will depend on the circumstances of each case."

This was obviously a huge victory for the State, and it also provides a warning against relying on conclusory Affidavits of Probable Cause that don't provide any real description of the underlying facts. If you do rely on such

continued on page 18



ROLL CALL

AWARDS - RECOGNITIONS
RETIREMENTS - PROMOTIONS - NEW HIRES - GRADUATIONS

HILLSBOROUGH TOWNSHIP POLICE

Retirements:

Captain Fran Mozgai retired on June 1, 2017 after twenty-five distinguished years of service with the Township. During his tenure, Captain Mozgai served in the Services Division/ Training Community Policing Unit, and as the Patrol Division Commander, Services Division Commander, Investigative Division Commander, before finishing his career as Captain.

Lt. Kenneth Pryor retired on July 1, 2017 after twenty-five distinguished years of service with the Township. During his tenure, Lt. Pryor served in the Patrol Division, Services Division, Traffic Bureau and as Administrative Division Commander.

Promotions:

Cpl. Mark Szymanski was promoted to Sergeant on January 25, 2017. Sgt. Szymanski was hired on June 16, 1997 and has served in the Patrol Division. He was appointed Corporal on May 1, 2015 and was assigned to the Investigative Division. He was re-assigned to the Patrol Division after his promotion to Sergeant.

Officer Stephen Nowacki was appointed Corporal on January 30, 2017.

New Hires:

Thomas Stout was hired on January 11, 2017 as a Police Officer. He graduated from the Cape May County Police Academy on January 17, 2017.

Richard Tichenor III was hired on May 24, 2017 as a Police Officer. He was previously a Police Officer with the Montville Township Police Department.

Pedro David Velez was hired on May 24, 2017 as a Police Officer. He graduated from the Atlantic County Police Academy on June 29, 2017.

MANVILLE POLICE AWARDS

On Monday, May 22, 2017, the Manville Police Department held their annual awards program. The following Officers were given the following awards.

Lifesaving Award:

**Patrolman Ryan Steier and
Patrolman Richard Canuso**

On April 1, 2017, Patrolman Ryan Steier and Patrolman Richard Canuso were off duty at the Manville VFW. While there, an elderly gentleman suddenly collapsed in the bar area and fell to the floor. Patrolman Steier and Patrolman Canuso immediately responded to the situation, assessed the victim and found that he was not breathing and had no pulse. They began CPR which they continued for several minutes at which point the victim regained consciousness. The victim was subsequently transported by the Manville Rescue Squad to the hospital. Patrolman Steier and Patrolman Canuso were commended for their quick response and lifesaving actions.

Additional Lifesaving Awards:

Lieutenant John Crater
Sergeant Craig Jeremiah
Patrolman Joseph Buda
Patrolman Nickolas Franzoso
Detective David Sheffrin
Patrolman Richard Canuso
Patrolman Richard Ozieblo
Patrolman Christopher Morrison
Patrolman Michael Zangrillo
Patrolman John Chismar

Good Conduct Medal (10 Years):

Detective Sergeant Ronald Gazaway
Sergeant Craig Jeremiah
Patrolman John Granahan
Patrolman Todd Widitz
Detective William Sampson

continued on next page

Patrolman Joseph Buda
 Patrolman Nickolas Franzoso
 Detective David Sheffrin
 Patrolman Ryan Steier

Good Conduct Medal (5 Years):

Sergeant Jeffery Petrone
 Patrolman Sebastian Szelag

Educational Achievement Award:

Patrolman Richard Canuso
 Patrolman Richard Ozieblo
 Patrolman Christopher Morrison
 Patrolman Michael Zangrillo
 Patrolman John Chismar

**SOMERSET COUNTY
 SHERIFF'S OFFICE**

Somerset County Sheriff Frank J. Provenzano held a swearing-in ceremony September 20, 2017 for newly hired and promoted officers. Superior Court Judge Paul Armstrong administered the oaths in the County Historic Courthouse on East Main Street. The sheriff announced six promotions in the Law Enforcement Division as well as one new Sheriff's Officer and five new hires in the Corrections Division. The new employees are replacements for officers who have retired in the past year.

Promotions:

Capt. Steve SanAntonio – He serves as Commander of the Agency Accreditation Program, Agency Training, Community Outreach Programs, Medicine Collection Programs, Student Internship Program, Field Training Officer Program, School Resource Officers (SRO) and K-9 Unit. He also collaborates with PoliceOne Academy, a web-based activity tracking system for Policy and Training delivery for Law Enforcement and civilian personnel. He also serves the community where he resides, as a commissioner for the Berkeley Heights PAL and as the founder and head coach for the Track and Cross Country program, where he has trained over 1,500 children in the past four years. He graduated from the Union County Police Academy in 1991. He is married with two children.

Capt. Mark Szczecina – A 25-year veteran of the Sheriff's Office, he has received numerous commendations, including Hurricane Floyd Deployment, 1999; Fugitive Capture, 2000; World Trade Center New York City Deployment, 2001; Project Lifesaver 2004; Gang and Terrorism Unit, 2004; Special Response Team, 2005; Hurricane Katrina New Orleans Deployment, 2005; Armed Robbery Capture, 2011; and the Life Saving Award for locating a missing person, 2013. He is the Project Lifesaver Commander, Project Lifesaver Search and Rescue Electronic Search Specialist, National Instructor, and an Unmanned Ariel System (UAS) pilot. He is a team leader for the Sheriff's Special Response Team. Prior to his employment with Somerset County, he attended Wilkes University and East Stroudsburg University. He is married with two children and lives in Hillsborough.

Lt. Thomas Carlucci – Hired by the Sheriff's Office in 1998 as a cadet, he later transferred to the Correctional Division where he served as a Corrections Officer at the Somerset County Jail. In 2003, he transferred to the Law Enforcement Division, where he served as a Field Training Officer and Firearms Instructor as well as Traffic Safety Coordinator. He was promoted to the rank of sergeant in June 2014 where, in addition to his operational duties, he coordinates in-service training for response to active shooter, self-aid buddy-aid concepts and application, force-on-force trainings, mobile field force operations, as well as security and operational planning for incidents and critical responses. He regularly teaches tactical firearms as well as self-aid/buddy-aid/bleeding control to local, state and federal law enforcement agencies. He is a core committee member for the NJSMART program, which is responsible for a statewide task force to protect the judiciary and a statewide protective intelligence database, the Suspicious Activity Monitoring System (SAMS), to share intelligence. He is married and lives in Califon.

Lt. Michael DiGuilio – He began his career with the Sheriff's Office in 2001, bringing nine

Roll Call - *continued from previous page*

years prior law enforcement experience. By 2002 he was made a Field Training Officer. In 2005 he was assigned to the Detective Bureau, where he became a Lead Investigator and an Evidence Custodian. In 2014 he was promoted to the rank of sergeant, overseeing all daily operations. In 2015 he was assigned to the Detective Bureau, overseeing five detectives and one civilian employee. In November 2016 he was assigned to the Somerset County Courthouse and now is an Internal Affairs Investigator. He has received numerous awards and letters of appreciation for services to the community. He is a graduate of the Somerset County BELT (Building Exceptional Leadership Talent) Program. He is now assigned to the Operations Division and Internal Affairs. He is married with one daughter and one grandson, and lives in Bridgewater.

Sgt. Richard Fedora – He started with the Sheriff's Office in 1993 as a cadet and was hired as a full-time Sheriff's Officer in December 1994. He attended the 72nd class of the John H. Stamler Police Academy in Union County and graduated in June 1995. He has been an agency Field Training Officer, Firearms Instructor and an armorer of Sheriff's Office issued shotgun and rifles. He currently serves as the lead Firearms Instructor and head of the firearms program. In 2005, he was assigned to the Detective Bureau, where he served as back-up to the 4D warrant program (Deadbeat Parent Roundup), executive protection as well as being the domestic-violence specialist. In 2009, he received certification for Law Enforcement flying armed and received travel orders to transport a prisoner via commercial aircraft to New Hanover County Jail in Castle Hayne, N.C. In 2015, he was assigned as a line Officer where he served in the Somerset County Courthouse. He currently is assigned to Courthouse Operations, where he oversees the line officers and daily operations. He has received numerous awards and recognitions throughout his career, including a 2002 letter of commendation for volunteer service at the World Trade Center Ground Zero. He volunteers in his town of Hillsborough as his two sons' baseball and football coach.

Sgt. Scott Tozzi – He came to the Sheriff's Office in February 1999 with almost four years of prior law enforcement experience in Hunterdon County. In 2000 he became heavily involved with training where he received his ASP Tactical Baton Instructor Certification, Smith & Wesson Academy Armorers Certification, as well as his Firearms Instructor Certification. In 2002 he obtained his Field Training Officer Certification where he has trained more than 40 officers. In 2005 he received his Benelli Armorers M1, M4 and Nova Certification. In 2014 he received his Glock Armorers Certification. In 2016 he was selected to be our agency's Field Training Officer liaison. He has received several other awards, letters of appreciation and other distinctions throughout his career. He now is assigned to the Administrative Division. He has two children and lives in Glen Gardner.

New hires:

Sheriff's Officer Michael Lester – He is a graduate of Middlesex High School Class of 2010, where he was a captain of the high school basketball team. He graduated from Raritan Valley Community College with honors, earning an associate's degree in criminal justice. He completed his bachelor's degree in criminal justice at Kean University, graduating with honors in 2014. He went on to graduate from the Cape May County Police Academy Class 42 in June 2017.

Corrections Officer Tyler Scott – He grew up and resides in Raritan, and graduated from Immaculata High School in 2012. He played varsity football as a defensive back and wide receiver for Immaculata. After high school he attended East Stroudsburg University, where he was a two-year letter winner in football, and graduated with two bachelor's degrees, in criminal justice and sociology. He was inducted as a member of the Alpha Kappa Delta National Honor Society. As a senior in college, he completed an internship with the New Jersey State Police.

Corrections Officer David Castro – Born and raised in Manville, he attended and graduated

continued on next page

in 2011 from Manville High School, where he was a four-year varsity letter winner in wrestling, captain of the wrestling team and Skyland Conference Champion. He received his associate's degree in exercise science from Raritan Valley Community College and is currently pursuing his bachelor's degree from Montclair State University. He also is a volunteer wrestling coach.

Corrections Officer Adam Goldenberg – Born and raised in Old Bridge, he graduated from high school in 2004. While in high school Adam played several sports and wrote for the school newspaper for four years, serving as the editor his senior year. He attended Kean University and graduated in 2010 with a bachelor's degree in sociology. After college, he began working in the mental health field and then worked for the New Jersey Department of Corrections before coming to the Somerset County Jail. He also works with the charity K-9 Soldiers Inc., which is run by his fiancé's family; the focus of the charity is to donate service dogs to wounded veterans and law enforcement departments.

Corrections Officer Carly Johnson – She grew up in Dunellen and was part of a high school graduating class of only 75 students. She continued her education at William Paterson University, where she received a bachelor's degree in sociology with a concentration in criminal justice. She was accepted into the nursing program at William Paterson, but after completing multiple classes in the criminal justice field, she switched her major to sociology and decided to apply to the Somerset County Jail for the position of Corrections Officer.


Corrections Officer Roberto Ortega – He has spent a majority of his life in Bridgewater, graduating from Bridgewater-Raritan High School and then attending Raritan Valley Community College for one year. During that year, he spent part of a semester interning at the Somerset County Jail. He finished his college education at Rutgers University-Newark earning a bachelor's degree in criminal justice with a

minor in political science. During his time at Rutgers, he was invited to join the National Society of Collegiate Scholars and The National Society of Leadership and Success.

Sheriff Provenzano also announces the addition of a human-tracking dog to the K-9 Unit, named in memory of a local World War II hero and Raritan's native son, Marine Gunnery Sgt. John Basilone. **K-9 Basilone** is handled by **Officer Shannon Dinella**. Somerset County Sheriff Frank J. Provenzano presented the K-9 Unit's newest K-9 sheriff's officer and her K-9 partner, Basilone, at a recent Raritan Borough Council Meeting.

"In honor of John Basilone and the continued efforts to preserve his memory, I named our human tracking service dog Basilone," said Sheriff Frank J. Provenzano. Present at the tribute were Sgt. Basilone's niece Kim Van Note and her granddaughter.

Other members of the K-9 Unit are Apex (narcotics detection), handled by **Officer David Daneker**, and **Diesel** (explosives detection) and **Billy** (arson detection), handled by **Officer Albert Bauer**. K-9 Diesel is crossed-trained for human tracking. "Since 2003, our K-9s have answered a total of 1,821 calls and have taken \$2.9 million worth of drugs off the streets, along with six guns and \$220,000.00 in currency," the Sheriff said. "They have assisted in finding lost children and in the apprehension of criminals. The K-9s are valuable in the Project Lifesaver Program, whereby clients (children and adults) wear a personalized wristband that emits a signal in the event they become missing. And to show how all these programs integrate, we now have a drone that can be used in multiple ways in tracking and securing the safety of our residents."

The Somerset County Sheriff's Office also announced the retirement of **Correction Officer Dennis O'Brien** this year. 

Patrol Response - *continued from page 7*

throughout the process. In doing so, officers will help families have proper expectations for the services that are provided, and through further understanding families will be less likely to be afraid to call for police assistance.

Lastly, we must be aware of our own mental well-being. Do not be afraid to talk to your family, friends, or fellow police officers about mental struggles that you may be having. You may also seek out the help from law enforcement specific services to help you through your crisis. You may feel alone, but I guarantee that there have been other officers that have gone through what you have gone through, and are willing to help you through your tough time. As always, stay safe and get home to your families. 🚓

Warrant Complaints - *continued from page 13*

a barebones affidavit, you increase the risk of the Court requiring a live witness to establish probable cause. It is essential that Affidavits of Probable Cause contain the date and location of the event, enough detail to support each required element of the statute(s) violated, and reference to what specific evidence was recovered or obtained in support of those elements. While the affidavits do not need to provide as much detail and background information as a police investigation report (and generally speaking they should not be that long or that detailed), they must at a minimum contain these elements. If critical information is left out of an Affidavit of Probable Cause, the officer writing the affidavit should be aware he may be called into court by the Judge to provide live testimony and to be cross-examined by defense counsel. Failure to appear and testify in the detention hearing could result in a defendant who otherwise would be held in detention, being released onto the streets. 🚓

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Law Enforcement Spotlight on Parking Enforcement

By: Officer Robert Reilly, Bridgewater Township Police Department

Nothing irritates a person more than when they feel someone is abusing the privilege of parking in a handicapped parking space. As a patrol officer, we've all responded to the complaint of a person parking illegally in a handicapped space. Upon arrival, we check to see if the handicap placard is hanging in the window. If it isn't, we check to see if the placard fell onto the dash. If we can't find it there, we issue the ticket for not utilizing a handicap placard. Sometimes we get lucky and we catch a person walking back to their vehicle and it's quite obvious that they don't have a handicap that would necessitate the use of a handicapped parking space. And then we clear the call and move on.

In 2011, that scenario changed for our patrol officers. We started to proactively seek and detect the people abusing the use of Handicapped Parking placards. Our enforcement process has evolved into a search for fraudulent use of the handicapped placards. This initiative has been an eye opener for us. Our officers wrote 1,243 Handicapped Parking violations and 1,053 Improper Use of Handicapped Placard from 2011 until now. There are a lot of people abusing the use of Handicap placards. In this article, I plan on sharing our technique as to how we find so many violators.

The blue Handicapped Placards should be treated the same as a license plate. New Jersey Motor Vehicle Commission distributes a registration card identical to the vehicle registration to each disabled person. If you run the blue Handicapped Placard number with the "P" in the first position when running an inquiry in the MDT, it should return to the person that was issued the placard. If the placard returns expired or "Not On File", we will look deeper into the reason why this occurred. So when the inquiry returns "Not On File", have your dispatch run a plate history inquiry to see who the placard was last registered to. Many time individuals report the placard as lost or stolen, but they continue to use the placard. Sometimes they give the "lost" placard to a friend or a family member.

We have discovered numerous individuals that are using placards which return to deceased people. The most useful way to investigate this is by using Google internet search engine. By typing in the person's name, town where they live, and the word "Obituary" we can usually find the obituary. Another method is to use the Social Security Death Index (SSDI) which is found on Genealogybank.com and Ancestry.com. The SSDI lookup sometimes will not work since Congress passed a law that forbids the SSDI from publishing individual information about a death if they passed away within a three year period.

continued on next page

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Parking Enforcement - *continued from previous page*

Take note of the age of the person to whom the placard has been registered. There are not too many individuals that are 115 years old walking around the Bridgewater Mall. But somehow their placards have turned up in the vehicles parked at the mall.



(Photo comparison of a fraudulent homemade placard on the left and a real but expired placard on the right).

We have also discovered numerous fraudulent copies of Handicapped Placards. Usually the color or size is off on these copies. Sometimes we see the fraudulent copies of placards start to peel apart.



(All placards similar to the one on the left should be expired. The placards similar to the one on the right are usually valid but some are beginning to expire.)

The blue handicapped tags without the calendar on them (older style) should be run all the time if observed. Every one of these tags now should be expired.

When I approach an individual I suspect of using a Handicapped Placard fraudulently I still always initially treat them as being disabled. One of the first questions I always ask is "Whose handicapped placard is that?" If their response is, "It's mine", I ask them to produce their

Handicapped Placard registration. Many times the individual may be using their tag which has just expired. However, many times they state it belongs to a family member. You should ask where that family member is and are they at or near our scene. If the registered owner of the placard is not on location the last question to ask is if they have a handicapped placard of their own. You are asking this question to confirm that the individual has no legitimate reason to park in the Handicap parking space. Never ask a person what their disability is. If you discover that the suspect is using the placard fraudulently, you may issue N.J.S.A. 39:4-138-O for Parking in a Handicapped Space without Authorization and N.J.S.A. 39:4-205 for Improper Use of a Handicapped Card. Court appearance is mandatory as per state law.

Red Temporary Placards cannot be run through the MDT however they should not be overlooked. Each placard is only good for 6 months. Many have been expired for years and are still being used. Out-of-state placards also cannot be run (for the most part) through the MDT.



(photo of an expired Temporary Placard)

Finally, please ask your Municipal Prosecutor to bring in (subpoena) the issuing officer for these summonses if they are contested so the officer can explain the situation. The prosecutor will probably be unaware the person you wrote the ticket to was using a deceased persons handicapped placard.

The officers at Bridgewater PD believe we are doing a service to the truly disabled people who need the advantage that a Handicapped Parking space provides. Those who choose to use the placards fraudulently make a conscious decision to "steal" handicapped parking spots without consideration of the people who need it most. If you have any questions or wish to have a power point presentation, please contact me at rreilly@bridgewaterpd.com or call 908-722-4111, Ext. 4176.

7