



2020 Annual Report

Michael H. Robertson
Prosecutor

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TABLE OF CONTENTS

	<u>PAGE</u>
PROSECUTOR'S MESSAGE	1
LAW ENFORCEMENT OF SOMERSET COUNTY	5
Section 1: LEGAL DIVISION	
1.1 TRIAL SECTION	7
1.2 APPELLATE SECTION	21
1.3 INTAKE SCREENING UNIT	23
1.4 DOMESTIC VIOLENCE UNIT	29
1.5 JUVENILE UNIT	33
1.6 VICTIM-WITNESS	35
Section 2: CRIMINAL INVESTIGATION DIVISION	
2.1 CRIMINAL INVESTIGATION SECTION	39
A. MAJOR CRIMES UNIT	41
B. SEX CRIMES & CHILD ABUSE UNIT	45
C. SPECIAL INVESTIGATIONS UNIT	49
1. INSURANCE FRAUD UNIT	51
D. INTERNAL AFFAIRS UNIT	53
E. ORGANIZED CRIME & NARCOTICS TASK FORCE	55
F. POLYGRAPH & COMPUTERIZED VOICE STRESS ANALYSIS (C.V.S.A.) UNIT	59
G. SOMERSET COUNTY EMERGENCY RESPONSE TEAMS	61
2.2 OPERATIONS SECTION	65
A. FUGITIVE UNIT	65
B. CRIME SCENE INVESTIGATION UNIT & BALLISTICS LABORATORY	69
C. CRIMINAL INTELLIGENCE UNIT	73
1. BURGLARY TASK FORCE	77
2. STOPit	79
3. CRIME STOPPERS	81
D. COMPUTER CRIMES/TECHNICAL SERVICES UNIT	83
E. VEHICULAR HOMICIDE TASK FORCE & COLLISION ANALYSIS RECONSTRUCTION TEAM (C.A.R.T.)	85
F. FIRE INVESTIGATION UNIT (FIU)	89
G. COUNTER-TERRORISM UNIT	91
Section 3: ADMINISTRATIVE DIVISION	
3.1 ADMINISTRATIVE DIVISION	95
3.2 SCHOOL BASED AND COMMUNITY PROGRAMS	96
A. BRING YOUR CHILD TO WORK DAY	96
B. COMMUNITY EVENTS	96
Section 4: POLICE ACADEMY	97
Section 5: APPENDICES	99

APPENDICES

- PROSECUTORIAL SCREENING OF DEFENDANTS
- DEFENDANT APPLICATIONS FOR DIVERSION PROGRAM
- PRE-INDICTMENT DEFENDANT CASES
- DEFENDANTS COMPLETING THE GRAND JURY PROCESS AND ACTION TAKEN
- DEFENDANTS PENDING DISPOSITION BY AGE OF INDICTMENT OR ACCUSATION
- INDICTMENTS/ACCUSATIONS DISPOSED
- POST-CONVICTION ACTIVITIES AND MISCELLANEOUS COURT ACTIVITIES
- CAREER CRIMINAL DISPOSITION
- INVESTIGATIVE WORKLOAD AND DISPOSITIONS
- DISPOSITIONS OF ORIGINAL INVESTIGATIONS
- APPELLATE WORKLOAD AND DISPOSITIONS (LAW DIVISION)
- JUVENILE CASE INTAKE OUTCOMES
- JUVENILES WITH CASES REACHING FINAL ADJUDICATION
- VICTIM/WITNESS NOTIFICATION SERVICES
- VICTIM/WITNESS ASSISTANCE SERVICES PROVIDED
- MISCELLANEOUS ACTIVITIES
- ADULT DEFENDANTS - BIAS CRIME RELATED CHARGES DISPOSED
- JUVENILE - BIAS CRIME RELATED CHARGES DISPOSED
- POLICE PURSUIT SUMMARY REPORT
- INTERNAL AFFAIRS SUMMARY REPORT
- BUDGETS AND EXPENDITURES

MESSAGE FROM PROSECUTOR, Michael H. Robertson



This 2020 Annual Report of the Somerset County Prosecutor's Office has been prepared in accordance with the requirements of N.J.S.A. 52:17B-111. As Prosecutor for Somerset County, it is my honor to submit this Report to the Honorable Andrew Bruck, Acting Attorney General for the State of New Jersey. It is further my honor to share the information contained herein with the citizens of Somerset County in order for them to better understand the functions of the law enforcement community as well as the level of professionalism and pride with which the members of this Office, the Sheriff's Office and our local police departments perform their duties.

A lot has changed since our last message. While everyone has been impacted by COVID-19, and it has brought about a lot of change both personally and professionally, I am proud to say that our Detective Staff has worked in the office throughout the pandemic to serve the citizens of Somerset County. During most of the pandemic our remaining staff was working remotely. In 2021 we gradually transitioned to teams, Team A and Team B. Each Team would work one week in the office and one week remotely. We are all happy that we began working full-time with everyone in our office on June 1, 2021. I am proud to say that the Somerset County Prosecutor's Office has done more than an outstanding job navigating through these trying times and that everyone has been extremely supportive of one another and willing to step up and be a team player. I am also proud to begin this message with some highlights from our office including recent hires. Shamil Graham has been promoted to Detective from his prior position of Evidence Custodian. In 2020 we added Pamela Maggio to our secretarial staff. In 2020 the following persons retired: Captain Michael Schutta, Sergeant Richard Regan, Detective Brian Giannini and Ann Farrigan, Office Manager to Somerset County Police Academy. We wish all of them much happiness during their retirement.

Due to COVID-19 we are limiting in-person meetings and contact with others in an effort to provide the safest environment for our staff and the public we serve. However, we continue to reach out to the community through phone contact and/or zoom conferences, which is working very effectively as the "new norm". We are successfully accomplishing our mission of protecting the public while administering justice. I am proud to say that Somerset County is doing a superb job. I want to share the information that our Child Advocacy Center had a soft open at 40 North Bridge Street on our fourth floor. This was accomplished through the hard work of Child Advocacy Manager Melinda Pullis, Victim-Witness Coordinator Erin Rocchietti, Assistant Prosecutor Annmarie Mueller, Somerset County Engineering Department-Plans and the construction of CAC. Nydia Monagas (New Jersey Children's Alliance) mentored SCPO by providing assistance on grant applications, by touring other CAC's, becoming an associate member of the National Children's Alliance and plans for our future accreditation and by others

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

who worked hard to have this resource added to our office so that we may better serve the citizens of Somerset County.

Once again, during October which is Breast Cancer Awareness Month, we partnered with Robert Wood Johnson, the Far Hills Race Commission and our Municipal Police Departments, as we wrapped our patrol vehicles in pink to bring awareness to the community. There were a total of 9 vehicles this year that were wrapped in pink and the agencies that participated were the Somerset County Prosecutor's Office, the Sheriff's Office, Franklin Township Police Department, Branchburg Township Police Department and Raritan Borough Police Department. Breast cancer effects about 1 in 8 women and early detection is the key factor in offering more treatment options and increased survivability. We in law enforcement are in a unique position to continue to increase awareness to this disease and the pink vehicle campaign is proof positive that law enforcement deeply cares about the communities they serve. I thank everyone who participated in 2020 and look forward to next year. In light of the tragic death of George Floyd and other police community related issues the Somerset County Prosecutor's Office began a new training initiative entitled Principles of Policing ("The POP" program). These presentations are approximately 10-15 minutes in length on a variety of topics. The topics that were addressed culminated from Somerset and Hunterdon County Chiefs Association and the Somerset and Hunterdon County Prosecutors' Offices. We welcome training topics at the suggestion of the public and other citizen groups. These presentations are now available on disc.

The Somerset County Police Academy Director, Richard Celeste, designed the presentations, along with this Office. The presentations are designed to be administered by each municipal police department in Somerset County during roll-call or shift change.

There are now eighteen topics to include: Noble Cause Corruption, Duty of Care, Officer LODD Statistics, Implicit Bias, De-escalation, Social-Media, Active Listening, Investigative Stops/Part 1, Investigative Stops/Part2, Investigative Stops/Part 3, Traffic Stop Safety, George Floyd Case, Mental Health in the Community, Subject Respiration Awareness, The Case of Ernesto Miranda, Officer Safety and Warrant Service, Police Report Writing and The Core Principles of Use of Force. We provided this new training model during COVID-19 restrictions and during the national call for Police Reform. Although New Jersey arguably has the best trained law enforcement officers in the United States, there is always room for improvement and through this POP program, we hope to further advance training in Somerset County.

The Somerset County Prosecutor's Office is administering the Department of Health and Public Safety. In managing this department we assisted the public during the pandemic to include testing and vaccination in Somerset County. In 2021 there were numerous vaccination sites, including pop-up clinics hosted in Manville, Somerville, North Plainfield, Bernardsville, Franklin, South Bound Brook and Bound Brook. We coordinated a robust vaccination outreach

effort which included but was not limited to the operation of two of the most successful “drive through” clinics in the State, Raritan Valley Community College and Rutgers Plaza. Other clinics included the Bridgewater Senior Wellness Center, 27 Warren Street Clinic in Somerville, and Mobile Vaccination teams for the home bound. We also assisted FEMA, New Jersey State Department of Health and Office of Emergency Management with the Baptist Church vaccination clinic. The Baptist Church clinic provided over 3,500 vaccines. Between December 29, 2020 and June 17, 2021 47,761 people were vaccinated in the County. Currently in the summer of 2021 we consolidated our vaccination clinics into the Bridgewater Senior Wellness Center. I am so proud and grateful to our employees who accomplished this mission to keep our citizens safe and healthy.

In concluding this message, I want to again thank all of the staff, paralegals, detectives, assistant prosecutors, and others on what a tremendous job you have all been doing while facing this global pandemic and in returning to a more regular work schedule. While it has been a very difficult challenge, all of you have stepped up and are carrying out our mission and making sure we serve the community of Somerset County, so thank you.



Respectfully submitted,
Michael H. Robertson
 Somerset County Prosecutor

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
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Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
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Fugitive Unit
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Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES



First Row (bottom): Paralegal Supervisor Amy VanderGoot, Victim-Witness Coordinator Erin Rocchietti, Prosecutor Michael H. Robertson, Chief Assistant Prosecutor Kathleen P. Holly, Office Manager Ruthann Pauli

Second Row (middle): Deputy First Assistant Prosecutor W. Brian Stack, Captain Christopher Shearer, Chief Assistant Prosecutor Robert J. Hawkes, First Assistant Prosecutor Thomas J. Chirichella

Third Row (top): Deputy Chief Francis Roman, Assistant Prosecutor-Bureau Chief Appellate Section Paul H. Heinzl, Chief John W. Fodor, Assistant Prosecutor Frank P. Kolodzieski, II, Assistant Prosecutor Matthew Murphy

Law Enforcement of Somerset County

Michael H. Robertson - Prosecutor
 Thomas J. Chirichella, Jr. - First Assistant Prosecutor
 John W. Fodor - Chief of County Detectives

Chief Karl Rock	-	Bedminster Township
Chief Michael Shimsky	-	Bernards Township
Chief Kevin Valentine	-	Bernardsville Borough
Chief Vito Bet	-	Bound Brook Borough
Chief John W. Fodor	-	Branchburg Township
Chief Paul S. Payne	-	Bridgewater Township
Chief Michael DeCarolis	-	Far Hills Borough
Director Quovella Spruill	-	Franklin Township
Chief Samuel Caramela	-	Green Brook Township
Chief Michael McMahon	-	Hillsborough Township
Chief Thomas Herbst	-	Manville Borough
Director Jim Gill	-	Montgomery Township
Chief William Parenti	-	North Plainfield Borough
Chief Steven Ferrante	-	Peapack-Gladstone Borough
Chief Raymond Nolte	-	Raritan Borough
Chief Dennis Manning	-	Somerville Borough
OIC Frederick Fittin	-	South Bound Brook Borough
Chief William Keane	-	Warren Township
Chief Andy Hart	-	Watchung Borough

Darrin J. Russo - Sheriff
 Supervisory Senior Agent Jason Bevan - Federal Bureau of Investigation
 Lt. Dustin Foschetti - New Jersey State Police - Somerville Station Commander
 Lt. Shawn O'Connor - New Jersey State Police - Hamilton Station Commander

Municipal Prosecutors

Steven Davis	Bedminster Township, Bernards Township, Bernardsville Borough, & Peapack Gladstone Borough
John E. Bruder	Bound Brook Borough & Raritan Borough
Christopher S. Bateman	Branchburg Township
John E. Lanza	Bridgewater Township
Richard Guss	Far Hills Borough & Green Brook Township
Norman W. Albert	Franklin Township & Millstone Borough
Frank A. Blandino	Hillsborough Township, Montgomery Township, & Manville Borough
Raymond J. Stine	North Plainfield Borough, Rocky Hill Borough, & Watchung Borough
Robert Janzekovich	Somerville Borough
Dominic P. DiYanni	South Bound Brook Borough
Brent A. Bramnick	Warren Township

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
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Insurance Fraud Unit
Internal Affairs Unit
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Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

ROLL CALL

In 2020, Captain Michael Schutta retired from the Somerset County Prosecutor's Office after approximately 15 years of service. Sergeant Richard Regan retired after approximately 13 years of service as well as Detective Brian Giannini after approximately 16 years of service. Police Academy Office Manager Ann Farrigan also retired after approximately 26 years of service. We wish them much happiness in their retirement and thank them for their years of hard work and dedication to the citizens of Somerset County.

After joining our office in 2019, Shamil Graham was promoted to Detective. Also, joining our office in 2020 was Secretary Pamela Maggio.

Somerset County Prosecutors

William Thompson 1830 – 1840 1852 – 1857	J.D. Bartine 1883 – 1884	Frederick A. Pope 1911 – 1916	John H. Beekman 1941 – 1946	Stephen R. Champi 1972 – 1977
John M. Mann 1840 – 1852	W.V. Steel 1884 – 1896	Azariah Beekman 1916 – 1926	T. Girard Wharton 1946 – 1953	David Linett 1977 – 1982
Hugh H. Gaston 1857 – 1872	Nelson Y. Dungan 1896 – 1901	James I. Bowers 1926 – 1927	Leon Gerofsky 1953 – 1959	Nicholas L. Bissell, Jr. 1982 – 1996
John V. Voorhees 1872 – 1877	James L. Griggs 1901 – 1906	Frances L. Bergen 1927 – 1931	Arthur S. Meredith 1959 – 1965	Wayne J. Forrest 1997 - 2010
James Bergen 1877 – 1883	John F. Reger 1906 – 1911	Clarkson A. Cranmer 1931 – 1941	Michael R. Imbriani 1965 – 1972	Geoffrey D. Soriano 2010 – 2016
				Michael H. Robertson 2016 – 2021

LEGAL DIVISION

I. Purpose:

The Legal Division is responsible for the prosecution of indictable matters from the 21 municipalities of Somerset County and for providing legal advice during investigations through disposition of the matter. It also handles de novo appeals from 20 municipal courts.

Twenty-four Assistant Prosecutors are available to provide legal advice for the County Prosecutor's Office Detective Division and local police departments 24-hours a day. This includes screening cases for legal sufficiency and suggesting further investigation where warranted. Legal services provided include obtaining court orders for evidence. Typical orders are investigative detention orders, search warrants and communication data warrants. Other typical orders are for wiretaps or other electronic surveillance. Assistant Prosecutors obtain many grand jury subpoenas each year to aid in investigations.

Assistant Prosecutors instruct in-service classes at the Police Academy in criminal law and procedures. Assistant Prosecutors also serve on various committees and commissions in the county to address law enforcement issues. Classes and lectures on criminal law are given to various schools, civic groups and religious organizations.

In 2020, Somerset County continued to process cases through centralized screening while continuing the requirements of the Bail Reform Act. This process requires a review of every criminal investigation by an Assistant Prosecutor before a complaint charging an indictable offense is filed.

II. The number of personnel assigned to the section or unit:

A. Legal Staff: 24 Assistant Prosecutors

**B. Support Staff: 5 Paralegals
12 Secretaries
Investigative support as required**

III. Duties and responsibilities of section or unit personnel:

This division is responsible for prosecuting criminal matters in the Superior Court through indictments or accusations. A vertical prosecution system is used. After a case is screened by an attorney, it is assigned to 1 attorney whose responsibility it is to handle the case through disposition. This includes grand jury presentation, arraignment/status conference, pretrial conference, motions, and trial. Post-conviction and appellate matters are generally handled by the Appellate Section.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

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Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

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Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

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Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

- IV. The Assistant Prosecutor has 2 primary functions: to provide legal advice, counsel and support to law enforcement during the course of investigations and to prosecute criminal complaints filed through the Prosecutor's Office. The former function involves giving legal guidance during an investigation and providing support in the form of obtaining court orders, wiretaps, search warrants and the like. In addition, legal training for in-service officers is provided. The latter function includes screening complaints, grand jury presentations, and prosecuting indictments through guilty plea or trial.
- V. The Paralegal Unit consists of five paralegals, all of whom hold college degrees. The paralegals work with Assistant Prosecutors to prepare cases for grand jury and trial. Their duties include: follow-up investigation, criminal history and DMV checks, victim/witness contact, preparing speedy trial reports and tracking statistics, coordinating trials with the court and assisting during trial.

Deputy First Assistant Prosecutor W. Brian Stack

State v. Angelo Scifo – Indictment No. 19-06-00343-I

On April 7, 2020, defendant Angelo Scifo was sentenced to 5 years in prison with a 2½ year period of parole ineligibility. Defendant was convicted of Third Degree Aggravated Assault, Stalking, Terroristic Threats and Criminal Mischief following a 7-day jury trial before the Hon. Angela F. Borkowski, J.S.C.. Defendant's conviction stems from a March 9, 2019 incident in which Scifo stalked his sister, waited outside her home for her to emerge, and then attempted to ram her vehicle with his vehicle, forcing her off the road. The victim successfully fled from defendant and ran to bystanders, who protected her until police arrived.

Assistant Prosecutor Paul Heinzel

State v. Rahsjahn Courtney – Indictment No. 15-06-00324-I

This case involved a defendant who pled guilty to First Degree Possession of Heroin with Intent to Distribute, and who had a prior drug distribution conviction, making him eligible for a mandatory extended term under N.J.S.A. 2C:43-6f. During plea negotiations, defendant was offered a plea bargain (in accord with Brimage guidelines) that included a period of parole ineligibility shorter than would be required if he was actually to receive an extended term, and defense counsel successfully negotiated a base term that was also shorter than the minimum defendant could receive had he been sentenced to an extended term. At the plea hearing, the parties placed on the record that in exchange for defendant's plea, the State was waiving its right to seek a mandatory extended term and that defendant would indeed be receiving the sentence the parties had agreed to. Those terms were noted by the court, with the judge advising defendant that he would be following the plea agreement and would sentence defendant in accord with its terms. At sentencing, that same sentence was imposed, with both its base term and period of parole ineligibility within the ordinary range for First Degree crimes. Despite all this, defendant argued on appeal that because the State never actually moved for an extended term, the sentencing court's hands were not tied by N.J.S.A. 2C:35-12, which carves out an exception to a sentencing court's ordinary authority to sentence a defendant to a term less than that negotiated by the parties, and that the court could have sentenced defendant to a lesser term. The Appellate Division rejected defendant's argument and the Supreme Court granted defendant's petition for certification. Ultimately, the Supreme Court affirmed and ruled in our favor, holding that when the State bargains away its right to seek a mandatory extended term and agrees to a sentence that is in all respects within the ordinary range for a defendant who is extended term eligible, it need not go through the formality of filing a motion to seek an extended term, only to waive that sentence, in order to avail itself of the protections afforded by N.J.S.A. 2C:35-12. State v. Courtney, 243 N.J. 77 (2020).

State v. Craig Szemple (Morris County criminal appeal pending in the New Jersey Supreme Court)

This office filed an amicus brief to the Supreme Court and will argue on behalf of the County Prosecutors Association of New Jersey in a case involving a 45-year old murder for which defendant was convicted 25 years ago. Defendant successfully argued in the Appellate Division that the State must pull the case from storage and determine whether a particular witness was interviewed and whether that interview contained information that may be helpful to the defense. Critically, defendant has never presented any facts to support the notion that such an interview ever took place, much less that its contents might be helpful to the defense. This case has obvious statewide implications as an adverse ruling would mean that no case is ever over and could be re-examined at any time, even when no evidence has been offered to support such a late post-conviction investigation, such that prosecutors could be ordered by courts to examine long-closed cases to determine whether particular documents or records exist, based on nothing more than defense speculation.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

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& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

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Vehicular Homicide Task Force & Collision
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Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

State v. Oscar Lopez-Carrera – Indictment No. 19-10-00560-I

This case involves the operation of the Criminal Justice Reform Act for a defendant facing imminent and certain deportation by the federal Bureau of Immigration and Customs Enforcement (ICE). Defendant had been charged with Second and Fourth Degree sex crimes involving a minor victim and was granted pretrial release, subject to periodic reporting. With those state charges pending, defendant was placed in ICE custody and deportation proceedings began. A final order of deportation was subsequently obtained and ICE advised this office that defendant had exhausted his appeals and ICE was actively scheduling his flight out of the country, which could come at virtually any time. Hearing that, the State immediately moved to detain defendant in state custody, as ICE had advised that nothing short of a state court order detaining defendant would delay his deportation. Thus an order of detention had now become a necessity to ensure defendant's appearance in court and to safeguard the State's interest in enforcing its criminal laws. The trial court denied our application, holding that such an order was not authorized in light of the Appellate Division's recent decision in State v. Molchor, 464 N.J. Super. 274 (App. Div. 2020), which held that a defendant may only be detained to neutralize the risk of non-appearance when that risk arises from the defendant's own "volitional acts" and not purely the actions of a government agency such as ICE. The Appellate Division affirmed that ruling and the Supreme Court granted our motion for leave to appeal and ordered expedited briefing and argument, calendaring this case and Molchor back to back. Oral argument was recently convened and a decision is pending.

Chief Assistant Prosecutor Kathleen P. Holly**State v. Jamal Thomas – Indictment No. 19-02-00122-I**

Jamal Thomas was charged in Indictment No. 19-02-00122-I with First Degree Attempted Murder in violation of N.J.S.A. 2C:5-1a(3) and N.J.S.A. 2C:11-3a(1), two counts, Second Degree Possession of a Weapon for an Unlawful Purpose in violation of N.J.S.A. 2C:39-4a(1) and Third Degree Receiving Stolen Property in violation of N.J.S.A. 2C:20-7a. It should be noted that this defendant obtained multiple attorneys in this case, and it was not until there was a fourth attorney representing him that the matter was able to be resolved. On September 17, 2020 Jamal Thomas pled guilty to the following charges in the above-captioned indictment: Count 1 Third Degree Aggravated Assault with a Deadly Weapon (as amended) in violation of N.J.S.A. 2C:12-1b(2) and Second Degree Possession of a Weapon for an Unlawful Purpose in violation of N.J.S.A. 2C:39-4a(1). Based on the plea negotiations, the facts of this case, and the wishes of victim Jane Doe (DOB: 01/19/1983) and the total lack of cooperation from victim John Doe (DOB: 08/22/1982) and in the interest of justice the State moved for a Graves Act Waiver in reference to Count Three charging Possession of a Weapon for an Unlawful Purpose in the Second Degree. The Honorable Peter J. Tober, P.J. Cr. signed the Order authorizing a Graves Act Waiver for that charge permitting a sentence of three years incarceration with one year to be served without parole in reference to count three of the indictment.

The facts underlining Indictment No. 19-02-00122-I reveal that on November 27, 2018 the Franklin Township Police responded to a report of a shooting in the area of 237 Park Street, in Franklin Township, New Jersey. The victim, Jane Doe (DOB: 01/19/1983) is the ex-girlfriend of defendant Jamal Thomas. She attempted to retrieve her car that defendant kept when their relationship ended. She went to defendant's place of employment with another male, John Doe, (DOB: 08/22/1982) who was the victim of Count 2 of the indictment in order to retrieve her vehicle. The two met Jamal Thomas at Jiffy Lube, his place of employment, and an argument ensued. They were told to leave or

the police would be called. Jamal Thomas indicated he was going to his mother's home. Jamal Thomas drove the victim's car. The two followed him to that location. Jamal Thomas ran into the residence and exited with a handgun and shot at Jane Doe who was in her vehicle driving with John Doe in the front seat. Jane Doe and John Doe fled the area and called the police. The police recovered ten spent shell casings on the street in the direction in which the victim fled. Defendant fled and was arrested on December 7, 2018. It should be noted that surveillance revealed a person shooting and neighbors heard gun shots. One person saw a male shooting.

On October 29, 2020 Jamal Thomas was sentenced by the Honorable Anthony F. Picheca, Jr., J.S.C. as recommended in the plea agreement.

State v. Juan L. Boykin – Indictment No. 20-01-00091-I

State v. Justin B. Jenkins – Indictment No. 20-01-00092-I

Justin B. Jenkins was charged in Indictment No. 20-01-00092-I with Fourth Degree Resisting Arrest in violation of N.J.S.A. 2C:29-2a(2), Third Degree Possession of a Controlled Dangerous with Intent to Distribute in violation of N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(3), Third Degree Distribution of a Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(3), and Second Degree Distribution of a Controlled Dangerous Substance within 500 feet of a Public Housing Facility in violation of N.J.S.A. 2C:35-7.1a. Juan L. Boykin was charged in Indictment No. 20-01-00091-I with Third Degree Possession of a Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-10a(1).

The facts that support the indictments include the following: On November 1, 2019 in Franklin Township members of the Somerset County Prosecutor's Office Narcotics Task Force were investigating controlled dangerous substance crimes. The investigators observed Justin B. Jenkins make a hand-to-hand transaction with another male, determined to be Juan L. Boykin, where he provided the other male with approximately ten wax folds of suspended heroin. When Justin B. Jenkins was stopped he was found to be in possession of approximately ten more wax folds of heroin. Sergeant Mike Guerra of the Somerset County Prosecutor's Office gave the expert opinion that the heroin was earmarked for distribution. Defendant Justin B. Jenkins attempted to flee police on foot. This incident occurred within 500 feet of Robinson Village in New Brunswick, New Jersey, which is a public housing facility. The heroin was seized, sent to the New Jersey State Police Laboratory and determined to be positive as heroin. Juan L. Boykin was the individual to whom Justin B. Jenkins distributed the heroin. Juan L. Boykin was arrested and was in possession of heroin and acknowledged to the police that he had purchased same from an individual.

Justin B. Jenkins pled guilty pursuant to a negotiated plea agreement under the requirements of State v. Brimage. The overall sentence recommendation for this defendant was six years incarceration with thirty months to be served without parole. Justin B. Jenkins is awaiting sentence. Juan L. Boykin pled guilty to the single count of Possession of a Controlled Dangerous Substance in the Third Degree without a plea recommendation. His plea was open. He refused to cooperate with the State. Justin B. Jenkins was sentenced and placed into the Drug Court Program.

Assistant Prosecutor Lauren Casale

State v. Manuel Riveiro – Docket No. A-005581-18

This was a DWI in a school zone conviction appealed to the Appellate Division in which defendant alleged that the State could not prove operation of the vehicle, he was improperly arrested because no arrest warrant had issued, he was not within 1,000 feet of a school zone, and that there was a Dennis issue with a prior conviction such that he was improperly sentenced as a third time DWI offender.

The underlying facts are on June 9, 2018, Warren Township Police responded to call at approximately 10:03 p.m. at the intersection of Mountain Avenue and Sterling Road for a possible motor vehicle accident. When officers arrived, they observed tire tracks which continued off the roadway and into the grass. There was a stationary vehicle in the middle of the roadway. The car was disabled with the lights on and the keys in the ignition. There was damage to the front bumper and side as well, and there was oil leaking from the car. In fact, there was a long oil trail behind the vehicle that led back to the original point of impact which was a speed limit sign that was damaged. Woodland Elementary School sits on the southeast corner of Sterling Road and Mountain Avenue. This is also the corner upon which the speed limit sign sat.

Manuel Riveiro, who was sitting in the driver's seat of the disabled vehicle, exhibited slurred speech, bloodshot and watery eyes, reeked of the odor of alcohol, and was unable to stand upright unassisted. The Honorable Francesco Taddeo, J.M.C. found defendant guilty of operating a motor vehicle under the influence of alcohol in violation of N.J.S.A. 39:4-50 and operating a motor vehicle under the influence of alcohol within 1,000 feet of a school zone in violation of N.J.S.A. 39:4-50(g) (1). Defendant was sentenced as a third time offender in violation of N.J.S.A. 39:4-50 even though the State failed to provide Dennis documents. Judge Taddeo had his court administrator contact the prior municipal court to investigate whether defendant's second conviction was impacted by Trooper Dennis and found that it was not.

Defendant filed a municipal appeal, and the Honorable Kathy C. Qasim, J.S.C. denied the appeal. Defendant then filed an appeal with the Appellate Division. After oral argument, Judges Ostrer and Enright also denied defendant's appeal finding that State had proven with ample evidence that defendant operated his vehicle while intoxicated. They found defendant's arrest was valid as probable cause negated the need for an arrest warrant and, given the specific details an officer provided at trial, the challenge to the distance of a school zone had no merit. Finally, the Court found that it was sufficient for Judge Taddeo to take notice of information set forth on the judiciary website to confirm that defendant's prior conviction did not involve Trooper Dennis and have the court administrator also independently verify the evidence.

Assistant Prosecutor John Ascione

State v. Alexander Cook – Indictment No. 20-01-00087-I

Pursuant to an investigation in September of 2019, detectives from the Somerset County Prosecutor's Office Organized Crime and Narcotics Task Force determined that defendant Alexander Cook of North Brunswick, N.J., was distributing LSD. Using a confidential informant, detectives arranged to purchase a quantity of LSD from defendant in Franklin Township. Search Warrants had already been granted for defendant's person, vehicle, and home. Defendant arrived at the agreed-upon location and was arrested. In defendant's wallet, detectives found 50 doses of LSD. In defendant's room at his home, detectives found 36 grams of psilocybin mushrooms, a digital scale, and U.S. Currency. Defendant entered a guilty plea to Second Degree Possession with Intent to Distribute a Controlled Dangerous Substance (LSD) and Third Degree Possession with Intent to Distribute a Controlled Dangerous Substance (psilocybin) within 1,000 feet of a School. Defendant was sentenced to 5 years of probation on Drug Court with an alternate sentence of 5 years in State prison including 18 months without parole if defendant violates Drug Court.

State v. Lorena Silva – Indictment No. 19-11-00652-I

On July 4, 2019, at about 1:00 a.m., Bedminster police attempted to stop defendant Lorena Silva for motor vehicle violations on Routes 202 and 206 north. At first, defendant slowed down and pulled to the right to stop. However, defendant then continued driving north on Route 206. Defendant continually exceeded the speed limit, crossed over solid lines on the road, and failed to obey traffic signals. Defendant drove through Bedminster, Peapack and Gladstone, and Chester. Police from those towns also joined the pursuit of defendant. The pursuit finally ended when defendant came to a dead end street in a residential area of Chester, and her exit was blocked by police. Defendant was arrested. In her car, police found raw marijuana, a THC vape cartridge, and other drug paraphernalia. Defendant also admitted to being on her cell phone during the pursuit. Defendant entered a guilty

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

plea to Second Degree Eluding and multiple motor vehicle offenses. Defendant is pending sentencing to 5 years of probation on Drug Court with an alternate sentence of 5 years in State prison if defendant violates Drug Court.

Assistant Prosecutor Lauren Bland

State v. Daniel Cabeza 1809 XTR 2020 00001

Green Brook Township filed a Temporary Extreme Risk Order against defendant Daniel Cabeza in August 2020 after defendant attempted to commit suicide by cutting his wrist with a knife. Defendant also physically attempted to prevent police officers from administering first aid upon responding and additionally attempted to flee from Robert Wood Johnson Hospital at Somerset where he was taken for medical treatment and psychiatric evaluation. Defendant was observed to be highly intoxicated at the time. Defendant had a history of violent and erratic behavior and had been known to possess weapons and high-capacity magazines. At the Final Extreme Risk Order hearing before Judge Rogers, defendant did not oppose the entrance of the FERPO order, but stated that he did not know where his weapons and firearms identification card were. With the assistance of Green Brook detectives, defendant's seven firearms and ID card were successfully located and seized at the home of defendant's daughter and secured for forfeiture.

State v. Gary Vanlew – Appellate Division Docket No. A-0372-17T4

The State successfully won an appeal against defendant Gary Vanlew in the Appellate Division in September 2020. Defendant appealed his convictions for shoplifting, N.J.S.A. 2C:20-11(b) (third degree) after trial. Defendant shoplifted items on two separate occasions from two different GameStop stores in Somerset County. He committed the shopliftings in a similar manner, and he was identified as the suspect in the first shoplifting due to the compelling evidence obtained in the second. On appeal, he argued he was prejudiced by the joinder of the indictments because the State, in effect, used the evidence of each incident to show defendant had a propensity to commit shoplifting. He also argued the court should have issued a limiting instruction as to his use of a disguise and due to the joinder of the indictments. The court flatly rejected all of defendant's arguments, agreeing with the State that the cases were properly joined for trial and that any argument as to the limiting instructions was invited error due to defense counsel's lack of objection. In affirming his conviction, contrary to defendant's assertions, the court found the record "contain[ed] strong evidence of defendant's guilt of each charge."

Assistant Prosecutor Jamin Cooper

State v. Jose Ventura-Garcia – Accusation Number 20-12-00296-A

In January of 2020, detectives from the Organized Crime and Narcotics Task Force received information from a reliable confidential informant that a Hispanic male known as Garcia from New York was distributing large quantities of heroin in the Somerset section of Franklin Township. The CI described Garcia as an older Hispanic male with facial deformities. On February 3, 2020, an undercover detective contacted Garcia and made arrangements to meet with him at a location in Franklin Township to purchase a quantity of raw heroin. The undercover detectives drove to the area of Somerset Street. At that location, two Hispanic males approached and then entered his vehicle. One of the Hispanic males was older and had facial deformities. He identified himself as Garcia. After having a general conversation about heroin and negotiating future prices and quantities, Garcia handed the undercover detective an item wrapped in aluminum foil, secured by a rubber band. Inside was approximately 75 grams of heroin. The undercover detective then handed Garcia U.S. currency.

On February 21, 2020, arrangements were again made for Garcia to sell to the undercover detective a quantity of raw heroin, specifically 300 grams. The undercover officer drove again to the area of Somerset Street. A short time later, Garcia entered the undercover officer's vehicle. The undercover officer handed Garcia U.S. currency. Garcia then handed to the undercover two packages wrapped in aluminum foil, indicating that one contained 200 grams and the second contained 100 grams. The undercover officer then gave the take down signal. Detectives from the Task Force approached and Garcia was arrested without incident.

Defendant was indicted for Second Degree Distribution of Heroin and First Degree Distribution of Heroin. On December 17, 2020, defendant pled guilty to both charges in exchange for a Brimage offer of twenty years in New Jersey State Prison with a mandatory four year period of parole ineligibility. Defendant is scheduled to be sentenced on February 11, 2021.

Assistant Prosecutor Rory Eaton**State v. Javon Hall – Indictment No. 19-08-00508-I**

Defendant Javon Hall is charged on Indictment No. 19-08-00508-I with the armed robbery of victim Jorge Ramon-Lossa in the early morning hours of April 27, 2019. As explained by the juvenile co-defendant A.P. in a post-Miranda statement, and later in a factual basis given at the time of her guilty plea, the defendant hatched the plan for the stickup and directed A.P. to lure the victim to her father's North Plainfield apartment under the pretext of promised sex. After A.P. did so, the defendant – disguised with a hood and lying in wait – surprised the victim with a pistol and demanded his cell phone and wallet. During the ensuing struggle the defendant pistol-whipped the victim, who was able to escape and flee the apartment. An exterior surveillance camera outside the apartment captured the defendant pursuing the victim, racking the handgun and pointing it in the victim's direction. At one point, the defendant's hood fell down exposing his face, albeit at a distance. Defendant was arrested on or about June 12, 2019, ordered detained on June 25, 2019 and indicted on August 28, 2019.

Unfortunately, the COVID-19 pandemic has delayed litigation in the case; but that time has not been wasted. A Communications Data Warrant for the defendant's Instagram account yielded inculpatory statements sent from him to a third party about the robbery. A review of over one-hundred hours of subpoenaed jail calls revealed his complaints of a "co-D who ratted [him] out" and his instructions to a friend to "bury that bitch," a clear reference to the handgun used in the robbery. Moreover, relying on the Supreme Court's recent decision in State v. Andrews, 243 N.J. 447 (2020), the State filed a motion to compel the disclosure of the defendant's cell phone passcode. While a year-long delay in any criminal prosecution is less than ideal, a comprehensive follow-up investigation and close review of the resultant evidence has only strengthened this case.

State v. Carlos Tobias-Panigua – Indictment No. 20-01-00011-I

Defendant Carlos Tobias-Panigua was charged on Indictment No. 20-01-00011-I with Third Degree Aggravated Assault, N.J.S.A. 2C:12-1b(13), and related charges, for strangulation of victim Melissa Navarro-Zavala, his girlfriend and the mother of his infant child. Following the defendant's arrest, the State argued and the Court found no amount or combination of conditions could reasonably assure the protection of the community upon his release, and pretrial detention was ordered. Following a motion to reopen detention and over the State's objection, the defendant was released with conditions and subsequently arrested on an Immigration and Customs Enforcement Detainer. Upon notification of defendant's imminent removal from the United States, the State filed to revoke pretrial release. Despite efforts to expedite the hearing, the defendant was deported before the revocation motion could be heard.

In light of defendant's removal, the State requested a bench warrant and the defense requested dismissal of the indictment without identifying legal grounds for that relief. Upon oral argument, the Court requested the parties to brief the impact of the Appellate Division's ruling in State v. Molchor, A-2010-19T6 (App. Div. July 8, 2020) on the propriety of bench warrant issuance in the case. The State distinguished Molchor, noting that case involved the appropriateness of pretrial detention ordered due to risk of a defendant's deportation. The State argued that the question of revocation

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

of pretrial release could not be reached without the ministerial issuance of a bench warrant to secure the defendant's appearance. Our Office further contended that non-issuance of a bench warrant in the Tobias-Panigua case would in essence equate to a ruling that the State cannot prosecute those subject federal deportation orders.

The Court denied the bench warrant request and dismissed the indictment, finding that victim non-cooperation in the case meant that "if the trial were to happen today, the prosecution could not put on a case." The State immediately filed a motion to reconsider, pointing out the factual oversight that the State had no means at its disposal to proceed with the prosecution. The State noted that the Court overlooked the subpoena power and the applicability of hearsay exceptions, determinations which should be made in trial and not prematurely without a record to decide them. Our Office also contended that the decision to dismiss the indictment erroneously focused the analysis on the Court's appraisal of the State's case in a vacuum and not in the validity of the indictment or the process which resulted in its return. The motion to reconsider is still pending.

Assistant Prosecutor Amanda Frankel

State v. DeMarco – Indictment No. 91-03-00134-I

Defendant was convicted of purposeful and knowing murder charges as well as a possession of a knife for an unlawful purpose charge for the brutal murder of Karen DeStefanis in 1990, who was stabbed forty-nine times and whose body was abandoned on a rural, isolated farm in Hillsborough. Because of the capital murder conviction, a penalty hearing was conducted but the jury was deadlocked on the issue of the existence of an aggravating factor. He was ultimately sentenced to life imprisonment in New Jersey State Prison, subject to a mandatory minimum term of thirty-years of parole ineligibility. Defendant was eligible for parole. Our objection was filed in May 2020 and we were advised that the Adult Panel determined to send his matter to the Full Board for parole consideration. In further opposition and upon request, we provided a copy of the original autopsy report, police reports, and the Appellate Division decisions in the matter. The hearing was scheduled for 18 December 2020 and the full Parole Board denied parole. The Board noted that despite defendant's portrayal of himself as "a victim of a faulty legal justice system," evidence linked him to the murder and a jury found him guilty. The Board found, among other things, defendant to be "narcissistic and absorbed only in his own self interests."

State v. Razzano – Indictment No. 18-08-530-I/ A-005621-18T1

Defendant assaulted the victim in this matter with a sword, causing extensive emotional and physical damage. The underlying altercation occurred after the victim was asked to move his car, which was allegedly blocking defendant's driveway. Defendant called the victim over and began assaulting the victim on the driveway, which was a distance away from the stairs leading to his home. The case was originally tried by Assistant Prosecutor Mueller and defendant was convicted of Second Degree Aggravated Assault and Fourth Degree Unlawful Possession of a Weapon in 2019. He was sentenced to seven years in New Jersey State Prison, subject to NERA, on the aggravated-assault charge and a concurrent term of eighteen months imprisonment on the weapons charge. Defendant appealed his conviction, arguing that the trial judge committed error in denying defendant's request for a jury charge on "use of force upon an intruder," the jury's guilty verdict was inconsistent and against the weight of the evidence, and his sentence was excessive. In rejecting these claims, we argued that the requested charge was not appropriate given where the assault occurred because a driveway does not fit into the definition of a "dwelling" under N.J.S.A. 2C:3-11(c), unlike in the Fourth Amendment concept of curtilage (which was not at issue here). The case law in this area is explicit as to what structures actually fall into the definition. With respect to his contention that the jury verdict was against the weight of the evidence, we argued that inconsistent verdicts are permissible and based on the evidence before it, the jury reasonably found the elements of aggravated assault and unlawful possession of a weapon were met. Finally, we argued that given the nature of the physical and emotional wounds to the victim as well as the nature of the assault, the trial judge did not abuse his discretion in finding the aggravating factors outweighed the mitigating. Further, defendant was properly sentenced within the sentencing guidelines and received a seven-year sentence, the mid-range for a second degree offense. We attached photographs introduced at trial to show the physical injuries sustained by the victim as well as photographs of the sword used by defendant. This case is pending before the Appellate Division.

Assistant Prosecutor Kimberly Savino French**State v. Angel Marmol – Indictment 19-02-00088-I.**

On December 14, 2018 at approximately 12:45 a.m., Officer Robert Jones of the Raritan Borough Police Department was on routine patrol. As he drove by the Shell gas station, he observed a Honda Accord bearing NY license plates parked between the gas pumps. The gas station was closed and the lights to the business were off. Officer Jones pulled into the gas station and approached the front passenger side of the Accord. Upon approaching the vehicle, the officer immediately detected the odor of raw and burnt marijuana emanating from the vehicle. He asked all the occupants to exit the vehicle and sit on the curb so a search could be conducted. Officer Nicholas Depiano arrived as back-up.

When defendant exited the vehicle, he surreptitiously walked to the rear of the Accord, opened the trunk, removed a black bag, and began walking away. As he slowly walked away from the scene, he attempted to conceal the black bag he removed from the trunk. Defendant was ordered to stop multiple times. In response to being ordered to stop, defendant began to run, holding on to the black bag. Officer Depiano pursued the defendant and Officer Jones stayed with the Accord. As Officer Depiano pursued the defendant, he continued to order him to stop. The pursuit crossed First Avenue and all four lanes of Route 202. When defendant entered the parking lot of Enterprise Rent-A-Car, Officer Depiano observed him making movements as if he were reaching for an item on his person or in the black bag. The officer then observed defendant throw several items to the ground. Shortly thereafter, Officer Depiano caught up to the defendant and brought him to the ground. As they fell to the ground, Officer Depiano heard the sound of a heavy metal object hit the concrete just a few feet away from him. While on the ground, defendant remained uncooperative, resisting the officer's attempts to place him in handcuffs. After a short period, Officer Depiano was able to place the defendant in handcuffs and search his person. After searching his person, the officer observed a silver handgun laying on the concrete sidewalk approximately feet away. The black bag contained altered checks and several debit cards bearing fictitious names. After defendant was arrested and transported to headquarters, the Accord was searched. Nothing of evidentiary value was located in the vehicle.

Defendant was charged, and later indicted, with Unlawful Possession of a Handgun, Second Degree, in violation of N.J.S.A. 2C:39-5b(1), Possession of Hollow-Nose Bullets, Fourth Degree, in violation of N.J.S.A. 2C:39-3f, Resisting by Flight, Fourth Degree, in violation of N.J.S.A. 2C:29-2a(2), two counts of Forgery, Third Degree, in violation of N.J.S.A. 2C:21-1a(1), and three counts of Fraudulent Use of a Credit Card, Third Degree, in violation of N.J.S.A. 2C:21-6h.

On August 26, 2020, defendant filed a Motion to Suppress the Evidence. An in-person testimonial hearing was heard on October 28, 2020 before the Honorable Michael J. Rogers, J.S.C. Written summations were filed on November 25, 2020 and on December 1, 2020. The Motion to Suppress was denied by way of a written opinion on December 8, 2020.

State v. Alaakhir Esaw & Michael Greene – Indictment No. 14-09-00629-I

On December 2, 2017, the police were called on the report of a shooting at 665 Hawthorne Avenue in Bridgewater. When the police arrived, they observed two males backing out of the driveway at 665 Hawthorne Avenue. The occupants were acting suspiciously and the windows of the vehicle were

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

tinted with after-market tint. A motor vehicle stop was conducted. Defendant Michael Greene was the driver and co-defendant Alaakhir Esaw was the front seat passenger. When the officer approached the driver, he immediately detected the odor of burnt and raw marijuana emanating from inside the vehicle. Defendant Greene was asked where he was coming from. Greene responded “the driveway that you saw me come out of.” The officer then asked Greene how long he had been at 665 Hawthorne Avenue. Greene responded that he had just gotten there and that the homeowner told him to leave because something was going on there and he figured he would leave before the police came back to the residence. He later stated that he was there for twenty minutes.

The officer requested consent from Greene to search the vehicle. Consent was denied. The officer then searched the vehicle based on the odor of marijuana. A silver handgun, a clear plastic bag of unknown green/pink pills, and marijuana were located in the trunk. The officer terminated the search upon observation of the firearm so that a search warrant could be obtained. The vehicle was impounded and a search warrant was obtained two days later.

Greene gave a post-Miranda statement stating that he was working security at a party at his cousin’s house at 665 Hawthorne Ave in Bridgewater. There was a shooting in front of the residence. After the shooting, he patted-down guests as they entered the house to make sure that no one was in possession of a firearm. An unknown male with dread locks attempted to gain entry into the house. He patted the male down and located a handgun in his waistband. He took the gun and told the unknown male that he wasn’t allowed inside the party with the gun. This male, who was a stranger to Greene, allowed Greene to keep his gun. After Greene took possession of the gun, the male did not enter the house and left the area without his gun. At some point after taking the gun, Greene walked to his vehicle. As he was walking to his vehicle, he located a clear plastic bag of unknown green/pink pills laying on the dirt next to the driveway of 665 Hawthorne Avenue. He picked up the bag and placed it and the handgun into the trunk of his vehicle. As the statement continued, Greene changed his story and said that his friend put the gun in the trunk. After being questioned on the discrepancy, Greene returned to his original story, that he was the one who placed the gun in the vehicle. He further stated that the marijuana was his but that the pills and firearm were not his. He was on his way to turn over the handgun and pills to a police or fire department.

Defendants were charged, and later indicted, with Second Degree Unlawful Possession of a Handgun in violation of N.J.S.A. 2C:39-5b(1). Thereafter, defendant filed a Motion to Suppress the Evidence. The motion was heard on March 28, 2019 and on March 3, 2020 before the Honorable Kevin M. Shanahan, P.J.Civil. On March 13, 2020, a 17-page written opinion was issued denying the motion. The case is pending.

Assistant Prosecutor Frank P. Kolodzieski, II

State v. Francis Mirasy Glasco – Indictment No. 18-05-00313-I

On March 18, 2020, defendant Francis Mirasy Glasco was found guilty of Second Degree Sexual Assault following a seven-day trial before Judge Anthony F. Picheca, Jr. and a petit jury. Defendant’s conviction resulted from his act of sexual penetration inflicted on his co-worker from a local bakery, with whom he had a working and platonic relationship. Defendant and victim usually went out to a club in Plainfield after work on Thursdays. They went out as friends. They did not have a sexual relationship. Defendant is a heterosexual. The victim openly identified as a lesbian and defendant was fully aware of her sexual preference. Defendant routinely stayed at the victim’s apartment after their Thursday night out, sleeping on the couch. On the date of the incident, defendant entered the victim’s bedroom and sexually penetrated her with his penis as the victim slept. An investigation was conducted by the North Plainfield Police which included a consensual overhear with the victim as a party-participant to a recorded telephone conversation. Defendant admitted in that recorded telephone conversation to having sexual intercourse and abusing her trust. Defendant gave a post-Miranda statement admitting to sexual penetration while the victim was unconscious. Defendant’s admissions were corroborated by his DNA found on the victim’s underwear collected at the scene. Defendant was indicted for First Degree Aggravated Sexual Assault for sexually assaulting the victim while physically helpless. The petit jury returned a verdict of guilty on the included offense of Second Degree Sexual Assault for sexual penetration by force, meaning with the absence of the victim’s freely and affirmatively given consent to sexual intercourse. Defendant’s pretrial release was revoked by the Court after the jury returned its verdict and he was remanded to the county jail. Judge Picheca sentenced Francis Mirasy Glasco to 7 years at 85% to be served without parole, 5.95 years to be served without parole.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

State v. Scott K. Jones – Accusation No. 20-08-00204-A

On March 13, 2020, the defendant Scott K. Jones, a recently ordained minister in the Clover Hill Reformed Church, lit a decorative wreath on fire in the Hillsborough home he resided in with his wife and their two dogs after a day of heavy drinking. Defendant was drinking while the victim was working her job as a nurse. Defendant and his wife were also experiencing ongoing domestic problems in their marriage leading up to this incident. On the night before the fire, defendant assaulted his wife at dinner while he was intoxicated, by tightly clenching her chin with his hand during an argument, causing the victim physical pain. The next night, the victim barricaded herself and the dogs in her bedroom before he got home from drinking in New Hope, PA. Knowing the defendant had been drinking all day and being in fear of what he might do to her when he got home, the victim took their dogs and retreated into the bedroom. Defendant lit the wreath on fire to force his wife to leave the house. In his effort to do so, defendant sent a photo of the burning wreath to his wife with his smart phone. The victim, seeing the picture and smoke billowing from around the door, evacuated the house by exiting the home through the bedroom window with the dogs, each weighing approximately 70 lbs. apiece. The victim called 9-1-1 to report the fire. Police and fire responded. Police encountered defendant attempting to re-enter the burning home to retrieve dog leashes for the excited unleashed dogs, which were running around uncontrollably. Police had to physically restrain defendant from entering the home, subjecting the officers to unnecessary risk of harm. The home was a parsonage owned by the Clover Hill Reformed Church that defendant was residing in as part of his employment with the church. The church was also a victim in this incident due to over \$200,000.00 for the loss of the parsonage. One of the dogs was later euthanized due to smoke inhalation from the fire. On August 20, 2020, Defendant pled guilty before Judge Angela Borkowski to Third Degree Arson; Third Degree Endangering Another Person; Third Degree Cruelty To Animals (Third Degree due to the death of one dog); and Fourth Degree Cruelty To Animals. The State recommended that defendant be placed on probation with service of 364 days in the county jail, undergo alcohol counselling and recommended treatment. Defendant also agreed to make restitution for the damage caused by the fire. On December 17, 2020, Judge Tober sentenced Scott K. Jones to 3 years non-custodial probation.

Assistant Prosecutor Nicole McGrath**State v. Michael Kibalo – Accusation Nos. 20-09-00216-A and 20-09-00217-A**

Defendant Michael Kibalo was charged in Somerset County Accusation 20-09-00216-A with two counts of Third Degree Aggravated Assault with a Deadly Weapon, in violation of N.J.S.A. 2C:12-1b(2). Defendant was additionally charged in New Jersey Attorney General's Accusation 20-09-00217-A with Second Degree Robbery, in violation of N.J.S.A. 2C:15-1a(2) and Third Degree Bias Intimidation, in violation of N.J.S.A. 2C:16-1a(1). On September 15, 2020, defendant pled guilty to all charges contained in the above accusations in exchange for a recommended sentence of 4 years flat New Jersey State Prison on the Somerset County Charges, to run concurrent to a sentence of 4 years New Jersey State Prison with 85% to be served before he would become eligible for parole, pursuant to the No Early Release Act, on the Attorney General's charges.

The facts which substantiate the charges to which defendant pled guilty included the following: On March 10, 2020, Montgomery Police officers were in the area of Belle Glades Lane and Sleepy Hollow Lane when they were alerted to a robbery in progress. The investigating officers learned that defendant Kibalo had pointed an imitation firearm¹ at a woman and two small children while demanding the woman's cellular telephone. After the woman refused, the defendant chased her and the children through several adjacent streets until the defendant caught up to them. In order to escape, the woman pushed the defendant down, before falling to the ground herself with the two children. At this time police arrived on scene and took defendant into custody. During a post-Miranda statement defendant admitted to pointing an imitation firearm at the adult victim, demanding her cellular telephone and making derogatory ethnic statements in response to her refusal to turn over same.

Thereafter, on April 4, 2020, officers from the Montgomery Police Department were dispatched to a residence on a report of an assault. Upon arrival, investigating officers learned that Michael Kibalo had assaulted his mother and father with a shovel. It was further learned that the defendant assaulted his parents in response to his mother refusing to allow him to leave the house during the Covid-19 pandemic and taking his cellular telephone away from him.

On December 12, 2020, the Honorable Angela F. Borkowski sentenced defendant to 4 years flat New Jersey State Prison on the Somerset County Charges, to run concurrent to a sentence of 4 years with 85% to be served before becoming eligible for parole, pursuant to the No Early Release Act, on the Attorney General's charges and three years of parole supervision upon defendant's release from custody.²

Assistant Prosecutor Fara Momen

State v. Michelle Bartolett – MA 20-16

This matter's inception was a call to the police by a concerned citizen of an individual who was driving erratically and subsequently was observed by police with a disabled vehicle with tire damage. Defendant's interaction with the police led to a suspicion that she was operating the vehicle under the influence of alcohol. Defendant was arrested and administered a breath test resulting in a BAC of .10%.

Defendant plead guilty to DWI, as a second offender. The municipal court sentenced defendant to mandatory minimum fines and penalties, and required 2-year loss of license, per the statute in effect at the time the offense was committed on September 3, 2019.

Defendant appealed, arguing she was entitled to the modified (and less restrictive) amendment to the statute that took effect on December 1, 2019. The State argued that per Directive 25-19 by AOC Acting Director Glenn A. Glant, J.A.D. issued on December 4, 2019, and the effective date on the amendment to the statute, the defendant is subject to the statute in effect at the time the offense was committed. Defense argued the definitions of "offense" and "offender" with respect to when the guilty plea was entered, but the State relied on Black's Law Dictionary definitions, which proved convincing to the Court. Further, the State argued that there is no ambiguity in the amendment, no interpretation required, and that the statute is plainly clear in effectivity, as provided by Directive 25-19. The Court agreed. Defendant was found guilty under the DWI statute in effect prior to December 1, 2019.

Assistant Prosecutor Annemarie Mueller

TRIAL ATTORNEY IS NOT PERMITTED TO BE PCR ATTORNEY

State v. Rashad Lamah – Indictment No. 18-04-00227-I

On March 19, 2019, a Somerset County jury found the defendant Rashad Lamah guilty of Second Degree eluding. The Honorable Anthony F. Picheca, Jr. J.S.C. presided over the trial. The State was represented in this matter by Somerset County Assistant Prosecutor Annemarie L. Mueller. The trial was seven days.

¹At the time of the robbery, the victims believed the imitation firearm to be a real firearm.

²As part of his negotiated plea agreement defendant pled to Second Degree robbery with a recommendation that he be sentenced in the third degree range to 4 years in the New Jersey State Prison with 85% of his sentence to be served before he would become eligible for parole.

In the early morning hours of January 19, 2018, the defendant was pulled over for speeding on Route 78 in Bernards Township by Trooper Dovid Kohn and Trooper Abraham Pena of the New Jersey State Police. The defendant handed the troopers his driver's license. The passenger was found to have warrants for his arrest. When the troopers asked the defendant to turn off the car so that they could arrest the passenger, the defendant stepped on the gas and fled the stop. The defendant drove over 130 miles per hour on Route 78 out of Somerset County, into Union County, and exiting into Newark in Essex County. The pursuit was terminated in Newark due to safety concerns. The defendant was arrested two weeks later.

On July 26, 2019, the defendant was sentenced by Judge Picheca to seven years in New Jersey State Prison. The defendant was also sentenced to fines on the numerous motor vehicle offenses.

After the sentence, the trial attorney filed two motions for a new trial. One motion was due to Facebook posts by one of the jurors. The court denied the motion. The second motion was based on newly discovered evidence that the passenger in the car stated that the defendant was not the driver. The court denied the motion due to the trial attorney's ability to obtain that information prior to the trial.

The trial attorney then filed a motion for Post-Conviction Relief arguing that he was ineffective because he did not obtain information from the passenger. The State, again represented by Assistant Prosecutor Annemarie Mueller, argued that trial counsel's representation of the defendant in the PCR application would be a conflict of interest as the attorney would have to allege his own ineffectiveness. The trial attorney would also be an essential witness in the PCR proceedings and could not serve as both an advocate and a witness.

On January 23, 2020, the court denied trial counsel's request to serve as PCR counsel due to the conflict of interest. The court found that trial counsel would be litigating against himself, which would result in a prejudice to the defendant.

STATE TO RE-TRY MATTER AFTER HUNG JURY

State v. Zhenwei Zhao – Indictment No. 19-01-00042-I

On February 4, 2020, jury selection began in the trial against the defendant Zhenwei Zhao for charges of Sexual Assault. A jury was selected on February 10, 2020 and the trial began the next day. Jury deliberations then began on February 20, 2020. After numerous questions and playback of testimony and evidence, the jury indicated that they could not reach a unanimous verdict on February 26, 2020.

On November 18, 2018, the Montgomery Township Police Department responded to a residence after a 911 call was placed by a ten year old child. The young boy said that his father was in the house when he should not be there and he was afraid that his father was hurting his mom. The police arrived and announced their presence. The victim came out of the upstairs bedroom crying and pointing towards the room. The defendant was found hiding in the closet wearing only a pair of pants. The victim told police that the defendant sexually assaulted her.

The State intends to have another trial on this matter in 2021.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

Assistant Prosecutor Anthony J. Parenti, Jr.**State of New Jersey v. Mark Byars – Indictment No. 19-03-00183-I, and Zakee L. Jennings – Accusation No. 20-02-00149-A.**

On October 20, 2018, Franklin Police were dispatched to Easton Avenue in New Brunswick on a report of an armed robbery that occurred in Franklin Township. Upon arrival, the officers met with the victim, AG who stated that he was robbed at gunpoint near Hollywood Avenue in Somerset. The victim, a driver for Victory Cabs, stated he was dispatched to Hollywood Avenue to take a fare to Bristol Blvd. in Somerset. AG stated when he arrived in the area of Hollywood Avenue, he observed a male approximately 5'10" tall, wearing all black with a ski mask standing on the corner of 14th Street flagging him down. The unknown male jumped in the back seat, then another masked male wearing all black appeared and got into the back seat behind AG. This individual pulled out a silver colored revolver and placed it to AG's head and demanding money. The first passenger then got out of the vehicle and opened the driver's side door. This man took \$20 and a cell phone from AG. Both masked men then fled the area.

On December 18, 2018, Mark Byars was brought into Franklin HQ on an unrelated investigation involving a large silver handgun. In a post-Miranda statement, Byars stated that on October 20, 2018, he called for a taxi him to take his friend, Zakee Jennings' house on Hollywood Avenue. Byars later called a cab company to take himself and Jennings somewhere in town. When the cab pulled up, Byars got into the rear driver's seat and Jennings on into the rear passenger seat. Jennings then pulled out a silver revolver and pointed it the driver demanding money. Byars got out of the cab and approached the cab driver asking him for what was in his pockets and he took the victim's cell phone. Byars said Jennings must have taken the \$20 from the victim. Byars phone was seized and analyzed by the Somerset County Prosecutors Office. The Cell phone revealed Byars phone calling the cab company using a 3rd party app.

Mark Byars pled guilty to Robbery, Second Degree, in violation of N.J.S.A. 2C:15-1a; and to Unlawful Possession of a Handgun, Second Degree, in violation of N.J.S.A. 2C:39-5b. He was sentenced to 5 years in New Jersey State Prison, subject to the No Early Release Act with 85% to be served without parole eligibility, and 5 years in New Jersey State Prison subject to the Graves Act with 42 months of parole ineligibility. The counts are to run concurrently. (The Graves Act stip is subsumed by the NERA stip.)

Jakee Jennings pled guilty to Unlawful Possession of a Handgun, Second Degree, in violation of N.J.S.A. 2C:39-5b; and Theft from the Person, third degree, in violation of N.J.S.A. 2C:20-3a, and was sentenced on February 28, 2020, to serve 5 years in New Jersey State Prison, with 42 months of parole ineligibility pursuant to the Graves Act on the handgun charge, with a three year sentence to run concurrently with the handgun charge for the theft.

State of New Jersey v. Darrell Chavis – Accusation No. 19-12-00675-A, and Timothy J. Diaz – Indictment No. 20-01-00001-I

On July 17, 2019, at approximately 12:48 a.m., North Plainfield Police were in the area of the International Club performing crowd and traffic control as a concert was at the club was letting out. Officers in the area heard two loud bangs, believed to be gunshots, in the area of the Quick Chek parking lot. Victim, T.B., was found on the sidewalk in front of the Quick Chek with two gunshot wounds, one to his wrist and one to his abdomen. Two .45 caliber shell casings were located at the scene. The victim was taken to Robert Wood Johnson Hospital and treated for his injuries.

Surveillance video from the area of the Quick Chek strip mall showed that the shooter, later identified as Darrell Chavis, and driver of the vehicle, later identified as Timothy Diaz, had arrived together in a blue colored Volvo S80. Another video showed the victim walking with several other males in front of the Quick Chek strip mall, when someone runs up on the victim and punches him several times knocking the victim to the ground. The video then showed Chavis, point a gun in the victim's direction shoot the victim several times. Chavis and Diaz then ran together through the strip mall parking lot west to Steiner Avenue. Chavis opened the rear passenger door of the blue Volvo S80 and placed a handgun inside the vehicle. Chavis then ran west on Steiner Avenue. Diaz, who ran closely behind Chavis, then entered the vehicle and drove away with the handgun. The blue Volvo S80 in the video is registered to Timothy Diaz.

Chavis and Diaz were initially identified by Plainfield Police Department personnel as a result of a TRAK flier. Diaz provided a post Miranda statement to North Plainfield Police Department and Somerset County Prosecutor's detectives. Diaz identified Chavis from picture stills provided to him from the surveillance video.

Darrell Chavis pled guilty to Aggravated Assault, Second Degree, in violation of N.J.S.A. 2C:12-1b(1); Unlawful Possession of a Handgun, Second Degree, in violation of N.J.S.A. 2C:39-5b(1); Possession of Weapon for Unlawful Purpose, Second Degree, in violation of N.J.S.A. 2C:39-4a(1); and Certain Persons not to have Weapons, fourth degree, in violation of N.J.S.A. 2C:39-7a. On February 7, 2020, Chavis was sentenced to serve 5 years in New Jersey State Prison with 85% to be served without eligibility for parole pursuant to the No Early Release Act, with the remaining charges to run concurrently.

Timothy Diaz pled guilty to Unlawful Possession of a Handgun, Second Degree, in violation of N.J.S.A. 2C:39-5b(1), and was sentenced on October 23, 2020 to serve 5 years in New Jersey State prison with a one year period of parole ineligibly pursuant to a Graves Act Waiver.

Assistant Prosecutor Natacha Despinos Peavey

State v. Anthony Quesada – Indictment No. 19-10-583-I and Accusation No. 19-12-676-A

Anthony Quesada sexually abused his minor half-brother over a period of five years between on or about April of 2014 and August of 2019. At the age of 14 years old, Quesada commenced the sexual abuse upon his half-sibling who was 6 years old at the time. The sexual abuse entailed acts of fondling, oral sex and anal sex upon the victim. The assaults ended in August of 2019 when the victim saw an episode on Sesame Street addressing child sexual abuse. The child program propelled the victim to disclose the sexual abuse to his mother. The victim's mother reported the disclosure to the Manville Police Department. In a post Miranda statement, Quesada admitted to committing acts of sexual abuse upon the victim for over a five year period. Quesada was criminally charged as a juvenile and adult. Quesada consented to waive the eligible juvenile matters to the Law Division.

Anthony Quesada was charged in both Indictment No. 19-10-583-I and Accusation No. 19-12-676-A with First Degree Aggravated Sexual Assault in violation of N.J.S.A. 2C:14-2A(1). In Accusation No. 19-12-676-A, he was further charged with Second Degree Sexual Assault - Victim Under 13 in violation of N.J.S.A. 2C:14-2B. On December 12, 2019, defendant pled guilty to all three counts. On May 7, 2020, defendant was sentenced to 15 years N.J.S.P. without parole (concurrent), Parole Supervision for Life and Megan's law.

APPELLATE

In 2020, the Assistant Prosecutors in the Appellate Section wrote twenty-four responses to petitions for certification. Twenty-six appellate briefs were filed in the Appellate Division of the Superior Court of New Jersey. Seven briefs were filed in the Supreme Court of New Jersey. Additionally, the Assistant Prosecutors in the Appellate Section handled eight excessive sentencing appeals in the Appellate Division.

In the Superior Court, Law Division, fourteen municipal appeal letter briefs were filed. In ten of those matters the municipal court convictions were upheld, three convictions were reversed, and four such matters were pending at the end of the year.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

INTAKE SCREENING

I. Purpose:

Somerset County continued in 2020 to use central screening of criminal charges and complaints as a method to expedite prosecutions. The Intake Screening Section is responsible for operating the central complaint screening system. Complaints are now filed electronically by the police departments after charges are authorized and the complaints are reviewed by an Assistant Prosecutor. This section consists of Assistant Prosecutors and secretaries. (All Assistant Prosecutors assist in screening cases as the need arises). The attorneys screen cases prior to authorizing criminal charges and a complaint and provide police officers with supervision, legal advice, and direction as to necessary additional investigation. The Assistant Prosecutors decide what charges will be filed. A primary mission of the section is to have all cases in proper order for assignment to the Legal Division for grand jury presentation as soon as possible. This section handles the file until complaints are filed and first appearance is completed. The file is then reviewed by the Chief Assistant Prosecutor and assigned to a trial attorney.

II. The number of personnel assigned to the section or unit:

- A. Legal Staff:** **1 Supervisory Assistant Prosecutor**
8 Assistant Prosecutors; others as needed
- B. Support Staff:** **2 Secretaries**

III. Duties and responsibilities of section or unit personnel:

- A. Legal Staff:**
Review and authorize any potential indictable charges and complaints with the investigating officer. Supervise investigative procedures to insure that complaints are signed for proper offenses and that sufficient evidence exists to support such charges. Direct further investigations that may be necessary. All Assistant Prosecutors assigned to Intake Screening file and argue Pre-Trial Detention Motions and arrange for the setting of bail, if applicable.
- B. Support Staff:**
Three secretaries, with assistance, assemble all necessary reports, forms, and provide the screening packets to Assistant Prosecutors. Screening secretaries also advise Assistant Prosecutors when a screening telephone call has been received.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

IV. Description of unit functions:

A. In general:

Whenever a suspect is arrested on an indictable offense, the police officer will bring the defendant to police headquarters for processing. The arresting officer will then call the Prosecutor's Office (or after hours, the "on call" Assistant Prosecutor) to discuss the case. The Assistant Prosecutor will either direct that the defendant be released to await screening of the case, authorize charges on a summons and the defendant will be released on his/her own recognizance (ROR) or authorize charges on a warrant and the defendant will be held in the jail pending a first appearance. The defendant will be photographed and fingerprinted as per procedures. The Assistant Prosecutor, if the facts clearly indicate, may suggest that a disorderly persons or petty disorderly persons complaint be filed by the officer directly in the appropriate municipal court.

If the defendant is in jail, it is the duty of the arresting officer to send all investigative reports and the affidavit of probable cause via email to the Prosecutor's Office by 7:30 a.m. the day after the arrest or by the next business day if the arrest occurs on a weekend or a holiday. If the defendant is released, either with or without bail, the arresting officer will still email all materials by 7:30 a.m.

During the screening process it is the duty of the Assistant Prosecutor to insure that a complaint is signed for an offense supported by the evidence. Additionally, the screening Prosecutor provides legal advice and investigative direction to the officers.

B. Screening Policies:

The following are the general policies of the Intake Screening Section regarding screening potential indictable complaints:

1. Authorize criminal (indictable) complaints only when investigation, including required reports, is complete, or almost complete, and the facts and circumstances mandate an indictable charge.
2. Decline cases where further investigation is required until that investigation is completed, or when no charge is appropriate. Declined cases are filed and recorded in screening.
3. Authorize downgrade charges in cases where the Assistant Prosecutor decides that municipal court action will provide the most appropriate disposition. Cases that are initially downgraded are filed and recorded in screening.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

*Major Crimes Unit**Sex Crimes & Child Abuse Unit**Special Investigations Unit**Insurance Fraud Unit**Internal Affairs Unit**Organized Crime & Narcotics Task Force**Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit**Somerset County Emergency Response Teams*

Operations Section

*Fugitive Unit**Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory**Criminal Intelligence Unit**Burglary Task Force**STOPit**Crime Stoppers**Computer Crimes / Technical Services Unit**Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)**Fire Investigation Unit**Counter-Terrorism Unit*

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

C. Citizen Complaints:

Citizen complaints are filed by any individual who believes an offense has been committed. Citizen complaints include petty disorderly persons offenses, disorderly persons offenses, and indictable offenses:

1. Non-criminal matters often relating to governmental agencies;
2. Complaints against police officers;
3. Complaints by emotionally disturbed persons;
4. Complaints regarding personal or business disputes;
5. Complaints where the citizen disagrees with local law enforcement action.

Citizen complaints are filed in Municipal Court. All citizen complaints must be accepted for filing. When a complaint alleging an indictable offense, an offense involving a party official, an offense involving a public servant, an offense involving a candidate or nominee for public office, or an offense involving a judicial nominee is filed, an Assistant Prosecutor reviews the complaint to determine whether sufficient evidence exists to support the complaint. If sufficient evidence exists, the complaint proceeds in the normal course. If sufficient evidence does not exist, the charges are declined. When an indictable charge is declined, the Assistant Prosecutor reviewing the complaint writes a letter explaining the reason for the decline. The letter is sent to the complainant, the defendant, the Assignment Judge, and the municipal court where the complaint was filed.

D. File Flow through the Screening Process:

1. A screening memo is completed by a screening attorney indicating what is required to complete the file.
2. A letter is sent by mail or fax to the specific local department Chief describing follow-up investigation needed which is to be completed within a 10- day period.
3. Complaint is docketed in eCDR and referred to computer supervisor for input into the Promis/Gavel System. All future events are scheduled through the Promis/Gavel System.
4. File is returned to screening room for opening and first appearance.
5. The file is forwarded to the Chief Assistant Prosecutor for attorney assignment and a Grand Jury date.
6. Additional reports received are sent to the secretary or the paralegal of the Assistant Prosecutor who has been assigned the file.
7. Files will remain in the Intake Screening Section until first appearance.
8. All out-of-state fugitive files are given to the Assistant Prosecutor who authorized the charge(s). The Fugitive Unit notifies the Assistant Prosecutor when the fugitive leaves the Somerset County Jail. The file is returned to screening for administrative dismissal when the defendant is picked up by the requesting authority.
9. The Fugitive Unit is notified when bench warrants are requested by the screening attorney and issued by a Superior Court Judge. The Fugitive Unit is given a copy of the complaint and necessary information to open a fugitive file.

Somerset County Prosecutor's Office Intake Screening Review*
2020

Month	Cases Screened	Cases Accepted	Cases Not Accepted	Defendants Accepted	Complaints Accepted
JANUARY	58	36	22	46	123
FEBRUARY	37	21	16	38	113
MARCH	31	17	14	28	77
APRIL	25	12	13	13	50
MAY	27	22	5	25	76
JUNE	51	13	38	14	95
JULY	48	16	32	17	75
AUGUST	58	44	14	63	137
SEPTEMBER	46	29	17	40	122
OCTOBER	46	26	20	26	117
NOVEMBER	21	5	16	5	102
DECEMBER	24	6	18	5	88
Total:	472	247	225	320	1,172

*Numbers affected by COVID-19

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

DOMESTIC VIOLENCE

I. Purpose:

The Assistant Prosecutors assigned to this section are responsible for prosecution of all disorderly persons contempt complaints, including trials, plea negotiations, weapon forfeiture applications, weapon forfeiture hearings, and legal advice to police regarding domestic violence matters. The Assistant Prosecutors prosecute those contempt and forfeiture cases to completion. They are also responsible for making recommendations for sentencing.

II. The number of personnel assigned to the section or unit:

- A. Legal Staff:** **1 Supervisor (Chief Assistant Prosecutor)**
4 Assistant Prosecutors
- B. Support Staff:** **1 Paralegal**
1 Secretary
1 Victim-Witness Advocate, assigned to DV Superior Court cases and to DV municipal court cases in certain designated municipalities.

III. Duties and responsibilities of section or unit personnel:

- A. Legal Staff:**
The Assistant Prosecutors assigned to this section are responsible for prosecution of all disorderly persons contempt complaints, including trials, plea negotiations and sentencing. They are also responsible for weapon forfeiture applications, weapon forfeiture hearings, and legal advice to police regarding domestic violence matters.

- B. Support Staff:**
The Paralegal is available to assist the Assistant Prosecutor regarding collection of discovery, trial preparation and trial where necessary.

The Victim-Witness Advocate contacts the victims prior to arraignment to explain the case process. Any additional information learned during those conversations is relayed to the Assistant Prosecutor handling the case. The Victim-Witness Advocate addresses any concerns the victims may have and refers them to special programs, when necessary. The Victim-Witness Advocate also attends court proceedings and keeps the victims updated as the cases proceed.

The Secretary opens contempt and weapon forfeiture files, obtains criminal histories and sends discovery when necessary. The Secretary keeps track of the court's calendar regarding scheduled domestic violence and weapons forfeiture matters. The Secretary also sends subpoenas to the witnesses.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

POLICE ACADEMY

APPENDICES

IV. Description of the functions of the unit:

This unit is responsible for the prosecution of all disorderly persons domestic violence contempt complaints and weapon forfeiture applications and hearings. Upon receiving a contempt file, an Assistant Prosecutor reviews the facts and charges and makes a determination as to what additional investigation is required. Once counsel has been assigned, the Assistant Prosecutor will issue a plea offer and engage in plea negotiations. If the plea offer is not accepted, the Assistant Prosecutor will prepare for trial and try the matter. The Assistant Prosecutor will handle the sentencing.

Upon receiving a weapon forfeiture file, an Assistant Prosecutor reviews the facts and determines whether an application to forfeit the weapon is appropriate. If such application is made, the Assistant Prosecutor will prepare the appropriate pleadings. The Assistant Prosecutor will then prepare for and handle the weapon forfeiture hearing.

This unit provides legal advice and guidance to local police departments concerning all domestic violence related issues.

V. Operations and activities, including highlights are as follows:**General Overview of the Domestic Violence Contempt Process:**

Domestic violence cases originate in the local police departments. The local police department is responsible for charging and filing contempt complaints. The complaints and accompanying police reports are then forwarded to the S.C.P.O. for prosecution. Once the case is received at the S.C.P.O., a file is opened and an Assistant Prosecutor is assigned the case. The Family Court assigns court dates where the case proceeds to court where there it is either dismissed, resolved by way of a plea or tried.

The Honorable Julie M. Marino, J.S.C., presides over the disorderly persons domestic violence contempt calendar. All matters are scheduled weekly on Wednesdays beginning at 1:30 p.m. The first appearance is similar to a criminal arraignment. At this time, the charges are read, the defendant enters a “not guilty” or “guilty” plea, the plea offer is put on the record, and in cases where a “not guilty” plea was entered, the case is assigned a trial date. On or before the day of trial, the defendant may enter a guilty plea or proceed to trial. Immediately after entry of a “guilty plea” or a finding of guilt after trial, the judge will sentence the defendant.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

Goals for the Domestic Violence Unit 2020:

One of the goals of the Domestic Violence Unit is to maintain the current status of moving cases through the Family Court in an efficient and expeditious manner. Additionally, it is also this unit's goal to continue in our efforts of training the local police in the area of domestic violence.

General Highlights:

The Supervisor of the Domestic Violence Unit attends important meetings with various professionals, both on the County and the State level, concerning issues of domestic violence and communicates those issues to others within the unit and within the municipal police departments. The Supervisor of the Domestic Violence Unit is the point of contact for all police officers in Somerset County for Domestic Violence related questions.

The Somerset County Prosecutor's Office is represented at the quarterly Somerset County Working Group meetings and at the quarterly Attorney General Domestic Violence Unit Chiefs meeting by the Supervisor of the unit.

This unit provides in-service training to police officers in the area of Domestic Violence.

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
<i>Major Crimes Unit</i>
<i>Sex Crimes & Child Abuse Unit</i>
<i>Special Investigations Unit</i>
<i>Insurance Fraud Unit</i>
<i>Internal Affairs Unit</i>
<i>Organized Crime & Narcotics Task Force</i>
<i>Polygraph & Computerized Voice Stress Analysis (CVSA) Unit</i>
<i>Somerset County Emergency Response Teams</i>
Operations Section
<i>Fugitive Unit</i>
<i>Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory</i>
<i>Criminal Intelligence Unit</i>
<i>Burglary Task Force</i>
<i>STOPit</i>
<i>Crime Stoppers</i>
<i>Computer Crimes / Technical Services Unit</i>
<i>Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)</i>
<i>Fire Investigation Unit</i>
<i>Counter-Terrorism Unit</i>

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

JUVENILE UNIT

I. Purpose:

The Assistant Prosecutors assigned to this section are responsible for the prosecution of all juvenile complaints. They also provide legal advice to the police regarding juvenile matters. The attorneys determine whether to charge, decline or divert a case and they prosecute charged cases to completion. They are responsible for making recommendations for disposition of cases, including transfer to another jurisdiction, stationhouse adjustment, deferral, plea, trial or waiver.

II. The number of personnel assigned to the section or unit:

- | | |
|--------------------------|--|
| A. Legal Staff: | 1 Supervisor (Assistant Prosecutor)
4 Assistant Prosecutors |
| B. Support Staff: | 1 Paralegal
1 Secretary
1 Victim-Witness Advocate |

III. Duties and responsibilities of section or unit personnel:

A. Legal Staff:

The Assistant Prosecutors screen cases with various police departments, authorize appropriate charges as well as determine potential pre-trial disposition of cases. The Assistant Prosecutors represent the State at weekly plea hearings, preliminary hearings, trial conferences, detention hearings, disposition hearings and waiver hearings that involve transfer of jurisdiction to the Law Division. The Assistant Prosecutors prosecute those cases that proceed to trial.

B. Support Staff:

The Paralegal assists the Assistant Prosecutor in handling a given case by making sure the case is complete and contains all necessary police reports and related information. The Paralegal will also accompany the Assistant Prosecutor at trial.

The Secretary opens files and tracks their progression, inputs information into the juvenile module of the Infoshare Computer Case Management System and copies and forwards discovery to Family Case Management and defense attorneys. The secretary also subpoenas witnesses where necessary.

The Victim-Witness Advocate contacts the victims prior to court proceedings to explain the case process. Any additional information learned during those conversations is relayed to the Assistant Prosecutor handling the case. The Victim-Witness Advocate addresses any concerns the victims may have and refers them to special programs when necessary. The Victim-Witness Advocate also attends all court proceedings and keeps the victims updated as the cases proceed.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Unit**
- Victim-Witness

CRIMINAL INVESTIGATION DIVISION

- Criminal Investigation Section
 - Major Crimes Unit
 - Sex Crimes & Child Abuse Unit
 - Special Investigations Unit
 - Insurance Fraud Unit
 - Internal Affairs Unit
 - Organized Crime & Narcotics Task Force
 - Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
 - Somerset County Emergency Response Teams
- Operations Section
 - Fugitive Unit
 - Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
 - Criminal Intelligence Unit
 - Burglary Task Force
 - STOPit
 - Crime Stoppers
 - Computer Crimes / Technical Services Unit
 - Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
 - Fire Investigation Unit
 - Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

- Administrative Division Summary
- D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
- Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

IV. Description of the functions of the unit:

This unit is responsible for the disposition of all juvenile complaints. Upon receiving a file concerning a juvenile, an Assistant Prosecutor reviews the facts along with the arresting agency and makes a determination of the appropriate charges. The Assistant Prosecutor also assists the agency in determining whether to contact Family Case Management for detention. If charges are filed, the case is then prepared for appropriate disposition, such as transfer, deferral, plea, trial or waiver. This unit also provides legal advice and guidance to local police departments concerning all juvenile related issues.

V. Operations and activities of the Juvenile Unit for 2020:**General Overview of the Juvenile Process**

Juvenile cases primarily originate in the local police departments. Generally, after law enforcement's contact with a juvenile, the police reports are sent to the S.C.P.O. for formal screening of charges. The S.C.P.O. policy requires the police to send copies of their reports to this office within 3 days. Some complex cases, however, may take more time. Once the reports are received at the S.C.P.O., a file is opened and an Assistant Prosecutor reviews the file for appropriate disposition. S.C.P.O. policy requires that most cases be screened by an Assistant Prosecutor within 5 days of receipt by that attorney. After the case is screened, if charges are authorized, the law enforcement agency is contacted and advised of which charges are authorized. That police department will file the complaint in the Juvenile E-CDR. Once a complaint is signed, discovery is sent to the Family Court. The Family Court assigns a date and the case is scheduled for the first appearance. Approximately 1 week later, the case proceeds to a preliminary hearing and if the juvenile does not enter a guilty plea, the matter is scheduled for trial. Although there are several other paths a juvenile case can take, this is among the most common.

The Honorable Julie M. Marino, J.S.C., hears most juvenile cases. Weekly, the attorney for the State and the juvenile's attorney appear for the juvenile's first appearance, preliminary hearing or disposition. The first appearance is similar to adult arraignment. At this time, the charges are read, the juvenile enters a "not guilty" plea, the plea offer is put on the record, and the case is assigned a preliminary hearing and trial date. At the preliminary hearing, if the juvenile does not change his or her plea to guilty, discovery and motion issues are discussed and an order is entered concerning the disposition of any pre-trial issues. Generally, all juvenile motions are heard on the day of trial. At the conclusion of the trial, if the juvenile is adjudicated delinquent, he or she proceeds to disposition. At disposition the Judge sentences the juvenile.

Juvenile trials are scheduled for Wednesdays each week. On average, 5-10 juvenile cases are listed for trial each week. Of these listed trials, few proceed to trial. Most cases are resolved without the necessity of trial. In the Juvenile Justice system, the focus is on methods of rehabilitation where appropriate.

General Highlights

The Supervisor of the Juvenile Unit attends important meetings of various professionals, both on the County and the State level, concerning issues pertaining to Juvenile Justice.

This unit provides in-service training to police officers to update personnel on the relevant case law in the area of Juvenile Justice.

VICTIM-WITNESS

I. Purpose:

County Offices of Victim-Witness Advocacy were established in 1985 to ensure the rights of crime victims as stated in the Crime Victims’ Bill of Rights (N.J.S.A. 52:4B-36 amended 10/6/2012) with the primary focus to inform crime victims and witnesses of the criminal justice process, advise victims and witnesses of case progress and final disposition and ensure that victims are treated with dignity and compassion by the criminal justice system.

II. Personnel assigned to the unit:

Erin Rocchietti
Bobbi Mowery
Alex Wick
Katie Cerillo
Ileana Cosme

Coordinator
Victim Advocate
Victim Advocate
Victim Advocate
Secretary

Student Interns

11 student interns volunteered 722 hours to Victim-Witness Unit activities

III. Data Collection for Victims Services and the Number of Victims by Crime Type

Victim-Witness staff enter victim services data in the Victim Services tab in the Info Share computer program. The data collected is reported on a quarterly basis to the Department of Justice via the Office for Victims of Crime Performance Measurement Tool (PMT).

- Number of unduplicated victims provided direct services: 1,363
- Number of direct services provided to victims: 6,881

PROSECUTOR’S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)

Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

IV. Services Provided:

In accordance with the Crime Victims' Bill of Rights, as well as the Attorney General's Standards to Ensure the Rights of Crime Victims, staff in the Office of Victim-Witness Advocacy is required to provide the following specific services to crime victims/victim survivors and witnesses:

During the entirety of this reporting period, our offices were closed to the public due to the COVID-19 pandemic. Our staff continued to contact victims to offer information and assistance via phone, email and letters but could provide very limited in-person assistance. We offered victims meetings with Advocate and Prosecution staff via Zoom to allow for face-to-face contact.

- Crisis intervention and emotional support
- Criminal justice advocacy/support i.e.:
 - Criminal justice orientation and information
 - Inform victims of their rights within the criminal justice system
 - Case status information
 - Assistance completing victim impact statements
 - Referrals for counseling and support services
 - Information concerning transportation, parking and courthouse location
 - Child care (when attending court proceedings)
 - Information and assistance in filing claims with the Victims of Crime Compensation Office
 - Assistance in applying for restitution
 - Employer/creditor/school intercession
 - Court accompaniment
 - A secure and separate waiting area in the courthouse
 - Assistance with the return of property
 - Information and assistance regarding the NJ VINE system
 - In sexual assault cases assistance in obtaining HIV/AIDS testing results of the defendant
 - Assistance with the Parole Board victim input process
 - Interpreter Services
 - Access to virtual court NJCourt link and via Zoom

V. Case Status - Letter Notification and Outreach

In March of 2020, the courts and Prosecutor's offices closed for the COVID-19 pandemic. Victim-Witness Units throughout the State had to adjust to communicate appropriate language to keep victims and witnesses aware of the impact to court appearances and to facilitate victim participation in virtual hearings. Additionally, the Victim-Witness Units were tasked with making additional outreach and solicit input from victims as part of Executive Order 124 for Emergency Medical Release, as well as provide notification of early release and no contact provisions for inmates being released under Senate Bill 2519.

The Victim-Witness Unit secretary, Ileana Cosme, sends (via email and mail) victim and witness case status letters, case specific Victim Impact Statements and Plea Negotiation Forms generated from InfoShare. Ms. Cosme also hand-generates the following letters to victims and witnesses: pre-grand jury remand/decline, inmate parole eligibility/release, parole denial notification, release at maximum time served, fugitive arrest, change in Krol status, consideration of inmate community release application, release to ISP, Collision Analysis Reconstruction Team charge decisions, condolence letters and VINE letters. During 2020, 12,507 case status letters, both InfoShare and hand-generated were mailed/emailed to crime victims and witnesses. In 2020, 179 case status letters were mailed to victims involved in the juvenile justice system. Zero case notification letters were generated and mailed for victims of crimes committed by defendants who are eligible for drug court.

VI. Victim-Advocate Accompaniment

Advocates provide court accompaniment at criminal trials, status conferences, detention and sentencing hearings, Krol hearings and motions. Advocates also accompany victims in discussions regarding plea offers and trial-prep meetings with the Assistant Prosecutors, in person and during conference and Zoom calls. Advocates attend court hearings with victims of juvenile offenses and also with domestic violence victims in municipal courts as well as in family court at weapon forfeiture and contempt hearings.

Expansion of MC:

The Victim-Witness Unit provides services to victims of domestic violence in municipal court. In prior years, our involvement was limited to a few of the busier courts for in-person assistance. However, during the pandemic, all hearings moved to a virtual platform and the Coordinator and domestic violence advocate worked with the municipal court administrators to provide “virtual in person” accompaniment to victims of domestic violence offenses. The virtual forum makes it possible for the advocates to expand coverage and offer services to all municipal courts.

In August 2020 Victim-Witness Advocate Katie Cerillo assisted victims of domestic violence in Manville, Hillsborough and Bedminster. Victim-Witness Advocate Alexandra Wick assisted victims of domestic violence in Raritan and Hillsborough.

VII. Training Conducted by Advocate Staff:

- January: Erin Rocchietti assisted with a Mandatory Annual Training Series (MATS) on victim services for victims of domestic violence at the Somerset County Police Academy.
- February: Erin Rocchietti provided training to criminal justice students at Rutgers’ criminal justice internship class.
- March: Erin Rocchietti conducted a pre-recorded virtual training on the Victims of Crime Compensation for the Somerset County Prosecutor’s Office Assistant Prosecutor staff.
- June: Bobbi Mowery presented a virtual training about the investigative and criminal justice process and services for victims of sexual assault for Zufall Health’s Sexual Assault Support Services 40-hour training.

All members of the Victim-Witness Unit provided training to the 11 student interns we had during 2020. Due to the nature of remote internships, there were weekly trainings on various topics related to crime victimization.

VIII. Crime Victims’ Rights Week Program

In 2020 the Victim-Witness Unit recognized National Crime Victims’ Rights Week with social media advertising and distributing all notification letters to victims and witnesses via USPS in envelopes printed with the 2020 NCVRW theme.

PROSECUTOR’S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Unit
- Victim-Witness**

CRIMINAL INVESTIGATION DIVISION

- Criminal Investigation Section
 - Major Crimes Unit
 - Sex Crimes & Child Abuse Unit
 - Special Investigations Unit
 - Insurance Fraud Unit
 - Internal Affairs Unit
 - Organized Crime & Narcotics Task Force
 - Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
 - Somerset County Emergency Response Teams
- Operations Section
 - Fugitive Unit
 - Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
 - Criminal Intelligence Unit
 - Burglary Task Force
 - STOPit
 - Crime Stoppers
 - Computer Crimes / Technical Services Unit
 - Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
 - Fire Investigation Unit
 - Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

- Administrative Division Summary
- D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
- Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

IX. Other Crime Victim Related Programs

The Victim-Witness Unit continues to strive to improve in providing timely access, information and referrals to victims of crime in Somerset County. As part of this on-going initiative, we purchased a module for the Victim-Witness Portal mobile phone app to provide a mapping feature, which victims can use to search and obtain immediate overview, location, contact information and directions for services. Additionally, we collaborated with the other 21 counties in the state and the developers of the Infoshare software to create uniform letters to be automatically generated for victims of domestic violence and offenses committed by juveniles. Along with the limitations of 2020, Victim Advocates began meeting with victims via Zoom to increase access and provide face-to-face support.

CRIMINAL INVESTIGATION DIVISION

The Somerset County Prosecutor's Office Criminal Investigation Division is headed by the Chief of Detectives and the Deputy Chief of Detectives who oversee the following:

CRIMINAL INVESTIGATION SECTION:

- Major Crimes Unit
- Sex Crimes & Child Abuse Unit
- Special Investigations Unit
- Insurance Fraud Unit
- Internal Affairs Unit
- Organized Crime & Narcotics Task Force
- Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
- Somerset County Emergency Response Teams

OPERATIONS SECTION:

- Fugitive Task Force
- Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
- Criminal Intelligence Section (CIS)
- Burglary Task Force
- STOPit
- Crime Stoppers
- Computer Crimes / Technical Services Unit
- Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
- Fire Investigation Unit
- Counter-Terrorism Unit

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Unit
- Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

- Major Crimes Unit
- Sex Crimes & Child Abuse Unit
- Special Investigations Unit
- Insurance Fraud Unit
- Internal Affairs Unit
- Organized Crime & Narcotics Task Force
- Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
- Somerset County Emergency Response Teams
- Operations Section
- Fugitive Unit
- Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
- Criminal Intelligence Unit
- Burglary Task Force
- STOPit
- Crime Stoppers
- Computer Crimes / Technical Services Unit
- Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
- Fire Investigation Unit
- Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

- Administrative Division Summary
- D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)
- Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

MAJOR CRIMES UNIT

I. Purpose:

The Major Crimes Unit investigates crimes such as homicides, aggravated assaults, arsons, missing persons, and armed robberies. The Major Crimes Unit works with and assists the local agencies throughout Somerset County, along with state and other county agencies, in a wide array of criminal investigations. The Major Crimes Unit opened 38 criminal investigations resulting in 27 arrests in 2020. The number of homicides that occurred in Somerset County during 2020 was 4. The Major Crimes Unit investigates all unsolved homicides throughout Somerset County as well as any suspicious deaths and suicides.

II. The number of personnel assigned to the section or unit:

- | | |
|--------------------------------|---|
| A. Investigative Staff: | 1 Captain (Commander of CID)
1 Lieutenant (Deputy Commander of CID)
1 Sergeant (Commander of Major Crimes Unit)
2 Detectives |
| B. Legal Staff: | 1 Assistant Prosecutor – Primary
1 Assistant Prosecutor – Secondary |
| C. Support Staff: | 2 Clerical (shared) |

III. Duties and responsibilities of section or unit personnel:

- | | |
|--------------------------------|---|
| A. Legal Staff: | Provides legal supervision of investigations in preparation for prosecution and provides legal advice as needed. |
| B. Investigative Staff: | The Sergeant commands the unit members who are on-call 24 hours a day, 7 days a week to respond to investigative Major Crime incidents throughout the County. |
| C. Support Staff: | Shares clerical and data entry responsibilities. |

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Unit
- Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)

Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

IV. Investigations, activities and accomplishments for 2020:

In 2020, the Major Crimes Unit opened 38 criminal investigations, which resulted in 27 arrests. Included among those cases were:

- 4 Homicide investigations
- 5 Death investigations
- 4 Attempted Murders
- 2 Missing Persons
- 5 Robberies
- 4 Arsons
- 2 Prohibited Devices or Weapons
- 1 Strict Liability, Drug Induced Death
- 7 Suicides
- 1 Kidnapping
- 1 Carjacking
- 1 Miscellaneous

The Major Crimes Unit also tracked 21 suicides, 45 drug related overdose deaths, 498 unattended deaths, and is actively investigating 10 cold case homicides within Somerset County.

V. Case Highlights for 2020:

Case #1 – Homicide

On June 20, 2020, the Bridgewater Police Department received a 9-1-1 call for a person with a gunshot wound in a vehicle. Patrol units made contact with the victim on Route 22 and observed that the victim had a gunshot wound to his back. The victim later died as a result. Detectives with the Somerset County Prosecutor's Office and Bridgewater Police Department interviewed a witness who stated that the witness and the victim tried to attend a party at 475 Bayberry Road, Bridgewater, N.J. The homeowners of 475 Bayberry Road told the witness and the victim to leave. Upon entering the victim's vehicle, the homeowners again told them to leave. The victim and witness began to slowly drive their vehicle away from the party and the witness heard three gunshots. Approximately fourteen separate interviews at the Bridgewater Police Department were conducted which led to two witnesses stating that they observed Hafeez Brown shoot at the victim's vehicle as it slowly drove away. Brown was subsequently charged with Murder, First Degree. Brown was lodged in the Somerset County Jail and the matter is pending in Somerset County Superior Court.

Case #2 – Homicide

On July 7, 2020, the Franklin Township Police Department responded to the area of Village Drive in Franklin Park, N.J., on a report of several gunshots and an injured male suffering from gunshot wounds. The victim was transported to a local hospital where he was subsequently pronounced dead. Multiple statements and video surveillance recordings were obtained that led investigators to seek information on two unknown males as persons of interest. A press release and video of the two persons of interest, along with a vehicle of interest, was generated and sent out to the public. Based on the press release a tip was received indicating a gray colored BMW was involved in the homicide and a license plate was provided in the tip. Additional witnesses subsequently provided statements to detectives identifying William Brandon as one of the persons of interest, along with their knowledge of Brandon operating a gray colored BMW. Further investigation revealed that Brandon traded in his BMW two days after the press release. Brandon's phone records were received and analyzed. The geo-location of Brandon's phone placed him in the area during the time span of the homicide in Village Drive, to include other areas of significance that were pertinent to the homicide investigation. A known associate of Brandon was identified as Chris Gardner. Gardner's phone records were obtained and revealed that Gardner was also in the area of the homicide during the relevant time span. Brandon and Gardner were both charged with Murder, First Degree. Brandon and Gardner were lodged in the Somerset County Jail and the matter is pending in Somerset County Superior Court.

Case #3 – Homicide

On November 2, 2020, the Franklin Township Police Department responded to the Hamilton Barber Shop for a victim who sustained a gunshot wound to his head. The victim was transported to a local hospital where he was later pronounced dead. Surveillance video was reviewed depicting two unknown black males entering the Hamilton Barber Shop and leaving a short time later and walking down a nearby street. After the two males leave, other individuals who were inside the Hamilton Barber Shop appeared to leave in a panicked manner. A video was obtained depicting a red Chrysler 300 as the suspect vehicle. A witness came forward and provided information that Todd Smith was operating a red Chrysler 300 in

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)

Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

the days before and after the homicide. Multiple LPR reads and video footage to include video footage of the Chesapeake Bay Bridge was obtained. The Chesapeake Bay Bridge video showed Smith paying a toll to access the bridge. The suspect vehicle was identified as a rental vehicle that was rented from Tennessee and GPS data showed the suspect vehicle at the scene during the time span of the homicide. Phone records were obtained for Smith and his associate Tayyab Ware. Ware became a person of interest based on knowledge of the witness who provided information on Smith operating the Chrysler 300. Smith's and Ware's phone records were analyzed and the geo location coincided with the GPS data of the Chrysler 300 and the geo-location of the phones were in the area of the homicide during the relevant time frame. Smith was arrested in N.J. and Ware was arrested in Augusta, Georgia. They both were charged with Murder, First Degree. Smith and Ware were lodged in the Somerset County Jail and the matter is pending in Somerset County Superior Court.

SEX CRIMES & CHILD ABUSE UNIT

I. Purpose:

The Sex Crimes and Child Abuse Unit of the Somerset County Prosecutor's Office is responsible for investigating and preparing for prosecution investigations involving the physical or sexual abuse of children and sexual assault cases involving adult victims throughout the County. In addition to the primary role of investigating and prosecuting these offenses, the unit takes an active role in providing education and training to local law enforcement agencies, parent groups and various civic organizations..

II. Number of personnel assigned to the section or unit:

- | | |
|--------------------------------|--|
| A. Legal Staff: | 1 Assistant Prosecutor assigned as Supervisor of the Sex Crimes and Child Abuse Unit.
Other Assistant Prosecutors assigned to advise and prosecute as needed. |
| B. Investigative Staff: | 1 Captain (Commander of CID)
1 Lieutenant (Deputy Commander of CID)
1 Sergeant
4 Detectives |
| C. Support Staff: | 1 SANE Coordinator
Victim-Witness Unit
Shared Secretary
Shared Data Entry
Child Advocacy Center Manager |

III. Duties and responsibilities of section or unit personnel:

- | | |
|----------------------------------|---|
| A. Assistant Prosecutors: | The unit legal supervisor reviews all cases and provides supervision and legal support on a daily basis. |
| B. Investigative Staff: | The Sex Crimes/Child Abuse Unit has a Captain and a Lieutenant who oversee the Criminal Investigation Division and a Sergeant who commands the unit of four detectives. The staff is on-call 24 hours a day, 365 days a year, and provides direction and assistance to the local police, the Division of Child Protection and Permanency (DCP&P) and any member of the public reporting a sexual assault and/or a child abuse allegation. They conduct complete investigations, including the interview of victims, witnesses and suspects. |

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

C. Support Staff:

The Victim-Witness Unit provides support and referral services. Shared secretarial and data entry responsibilities. The Child Advocacy Center manager provides support to the detectives of the Sex Crimes/Child Abuse Unit and ensures that the National Children's Alliance standards for child advocacy centers are being followed. The manager is also responsible for working towards getting the center accredited.

IV. Description of the functions of the unit:

The Sex Crimes and Child Abuse Unit is a reactive, investigative unit. Upon receiving a complaint from the Division of Child Protection and Permanency (DCP&P), a police agency, or any other source, the unit reviews the data received, and takes the appropriate action.

This action could include immediate response by investigative unit personnel, or the matter may be referred to a municipal police department or other law enforcement agency for investigation. In cases where the victim is a child and the alleged suspect is a parent or caretaker the matter is also referred to DCP&P, or one of their subdivisions (e.g., the Institutional Abuse Unit). Upon completion of the investigation, the facts are screened with an Assistant Prosecutor and a determination is made regarding prosecution of the case.

In physical or sexual abuse investigations dealing with children, DCP&P or the local police usually refer cases. Additionally, but to a lesser degree, our office receives cases reported to us directly. A case file is opened as warranted and the victim is then interviewed as soon as possible. In cases when the victim is very young or has developmental disabilities, the interview is usually digitally recorded on video in the child advocacy center when feasible. In all cases, if a complaint is substantiated through investigation, the case is processed and forwarded to the legal staff for prosecution.

V. Investigations, activities, and accomplishments for 2020:**Investigations:**

- 50 referrals were processed in the unit and assistance given to local police, DCP&P and the Institutional Abuse Unit;
- There were also 50 additional referrals that resulted in an investigation conducted by the Prosecutor's Office;
- 12 of the 50 cases resulted in arrests;
- Two bilingual detectives remain in the unit out of a total of 4 investigators; and
- There have been 19 adult/adolescent Sexual Assault Response Team (SART) activations plus 0 pediatric cases for the year.

Megan's Law:

- There were 58 sex offenders served with Megan's Law Tier Notification (includes those who were initial registrants, as well as those who needed to be re-tiered). For schools, daycare centers and community agencies, 125 notifications were sent out.

Education and Training:

- The unit continues to provide countywide training for police, dispatchers, rape care advocates, DCP&P, Institutional Abuse and Robert Wood Johnson Hospital at Somerset medical staff on procedures for investigating sex crimes and child abuse;
- The unit continues to provide in-service training to police officers within the County and State on the process of investigating sex crimes and child abuse.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

Milestones Met in 2020:

- The Somerset County Prosecutor's Office maintains a seat as Chair on the executive board of the New Jersey Sex Crimes Officers Association (NJSCOA);
- The unit is a member of the Somerset County Multi-Disciplinary Team (MDT) and meets once a month to discuss and resolves cases.

57 new cases were reviewed by the County MDT in 2020

- The unit meets quarterly on the Sexual Response Team Advisory Board to discuss countywide Sexual Assault Response Team (SART) activations and discuss ways to improve the program.
- 7 Forensic Nurses – Certified in Sexual Assault (FN-CSA) are on staff/on-call to respond to Sexual Assault Response Team (SART) activations.
- 7 SANE nurses are certified to conduct pediatric examinations.

2020 Case Summaries:

- In March of 2020, the Manville Police Department contacted the Somerset County Prosecutor's Office regarding a sexual assault of a 14-year old female. A detective from the Prosecutor's Office Sex Crimes/Child Abuse Unit interviewed the female who disclosed that she was digitally penetrated on two occasions by her step-father. The defendant, Alejandro Ortega-Bravo was arrested and charged with First Degree Aggravated Sexual Assault and Second Degree Endangering the Welfare of a Child.
- In October of 2020, the Division of Children Protection and Permanency contacted the Prosecutor's office stating that they received a report that a 13-year old female had been sexually assaulted by her half-brother. The Somerset County Prosecutor's Office Sex Crimes/Child Abuse Unit conducted an interview with the 13-year old victim who disclosed that her half-brother, Gerardo Flores-Dominguez had, on numerous occasions touched her breasts, butt and vagina. She also disclosed that he put his penis on her butt as well. Flores-Dominguez was arrested and charged with Sexual Assault, Criminal Sexual Contact and Endangering the Welfare of a Child.

CRIMINAL INVESTIGATION DIVISION**Criminal Investigation Section**

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)

Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

SPECIAL INVESTIGATIONS UNIT

I. Purpose:

The Special Investigations Unit (SIU) handles all cases involving official corruption, government integrity, high profile white-collar crimes (over \$75,000.00 loss), insurance fraud, environmental crimes, illegal documents, bias and hate crimes, computer crimes, technical services and background investigations.

In 2020, the Special Investigations Unit handled a total of 199 cases. This includes all bias crime as well as animal cruelty investigations (See year end reports for Computer Crimes for those statistics).

Investigations conducted by the Special Investigations Unit during 2020:

Criminal Investigations:	199
Arrests:	7
Background Investigations:	46 (includes intern background investigations)

II. Number of personnel assigned to the section or unit:

- A. Legal Staff:** **4 Assistant Prosecutors**
- B. Investigative Staff:** **1 Captain (Commander, Criminal Investigative Division)**
1 Lieutenant (Deputy Commander, CID)
1 Sergeant
5 Detectives
1 Senior Prosecutor Agent
1 Criminal Analyst
- C. Clerical Staff:** **1 Secretary**

III. Duties and responsibilities of section or unit personnel:

A. Investigative Staff:

10 investigative personnel staffed the SIU in 2020: a Captain and Lieutenant who oversaw the Criminal Investigations Division and a Sergeant who commanded the unit of 5 Detectives, 1 Senior Prosecutor Agent, and 1 Criminal Analyst.

B. Legal Staff:

Legal guidance was provided on a case-by-case basis by 4 Assistant Prosecutors assigned as legal advisors: one for insurance fraud matters, one for general investigations, one for both Bias and Hate Crimes and Environmental Crimes and one for Computer Related Crimes.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

IV. Highlighted Cases:

The Special Investigations Unit charged the following individuals in 2020:

Case #1

On December 29, 2020, Det. Rigo Gonzalez along with Senior Prosecutor Agent Trevor Oldenburg arrested Blandina Roque for Second Degree Theft by Deception. Roque was an aide to an elderly victim who entrusted Roque to conduct her affairs. Roque was charged after an extensive investigation for the theft of over \$750,000.00 from the elderly victim.

Case #2

In February of 2020, Det. Mark Nigro completed an investigation related to bank fraud committed by a former bank teller supervisor at Fulton Bank, Christian Carter. The investigation revealed that the defendant was fraudulently transferring money from customer deposits into his personal Fulton Bank health savings account totaling over \$30,000.00. The defendant was ultimately charged with 1 count of Theft.

INSURANCE FRAUD UNIT

I. Purpose:

The Insurance Fraud Unit (IFU) handles all cases involving insurance fraud related matters in Somerset County. In the year 2020, the Insurance Fraud Unit handled a total of 30 cases.

Investigations conducted by the Insurance Fraud Unit during 2020:

Criminal Investigations:	30
Search Warrants:	0
Arrests:	3

II. Number of personnel assigned to section or unit:

A. Legal Staff:	1 Assistant Prosecutor
B. Investigative Staff:	1 Captain (Commander, Criminal Investigative Division) 1 Lieutenant (Deputy Commander, CID) 1 Sergeant 4 Detectives 1 Senior Prosecutor Agent 1 Criminal Analyst
C. Clerical Staff:	1 Secretary

III. Duties and responsibilities of section or unit personnel:

A. Investigative Staff:

Six investigative agent personnel staffed the IFU in 2020: a Captain and Lieutenant who oversaw the Criminal Investigations Division, and a Sergeant who commanded the unit of 4 Detectives, 1 Senior Prosecutor Agent, and 1 Criminal Analyst.

B. Legal Staff:

Legal guidance was provided on a case-by-case basis by 1 Assistant Prosecutor assigned as legal advisor for insurance fraud matters.

IV. Highlighted Case:

The Insurance Fraud Unit charged the following individual in 2020:

In June of 2020, the Insurance Fraud Unit Senior Prosecutor Agent Trevor Oldenburg concluded an investigation of rate evasion. The investigation revealed the defendant, who owned a trucking company in Hillside, N.J., had listed on his insurance premium that he was garaging his vehicles in Bridgewater, N.J. The investigation revealed the difference between garaging the vehicles in Bridgewater, N.J. then garaging them in Hillside, N.J. was over \$30,000.00. The defendant was ultimately charged with 2 counts of insurance fraud.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

INTERNAL AFFAIRS UNIT

I. Purpose:

The Internal Affairs Unit of the Somerset County Prosecutor's Office is responsible for conducting internal affairs investigations of police officers from 19 municipal police departments in addition to the Somerset County Sheriff's Office and Somerset County Prosecutor's Office. The unit also investigates discharge of weapons by police officers and police pursuits which result in accidents with injuries to the operators of the vehicles. Additionally, the unit handles police procedure reviews for all 19 municipal police agencies.

II. Number of personnel assigned to section or unit:

- A. Legal Staff:** **2 Assistant Prosecutors**
- B. Investigative Staff:**
 - 1 Lieutenant**
 - 1 Detective**
 - 1 Agent**
- C. Clerical Staff:** **1 Secretary**

III. Duties and responsibilities of section or unit personnel:

- A. Legal Staff:**

Provides legal supervision of investigations in preparation for prosecution and provides legal guidance on a day-to-day basis.
- B. Investigative Staff:**

Conducts investigations concerning complaints made against police officers and police operations within Somerset County.

IV. Description of the functions of the unit:

The unit not only conducts all internal investigations within the Prosecutor's Office but it also works cooperatively with local internal affairs officers in cases where serious allegations of improper conduct are alleged against county and municipal officers. It is also the responsibility of this unit to review policy and procedures for municipal police departments upon request. The unit supervisor reports directly to the Chief of Detectives.

- V.** For the year 2020 there were 235 investigations of police misconduct in Somerset County. Sixty-three cases were exclusively investigated by the Prosecutor's Office Internal Affairs Unit.

- VI.** Of the 63 investigations, 0 resulted in a criminal charge or conviction. Of the remaining 63 dispositions; 7 were classified as exonerated, 9 were unfounded, 4 were not-sustained, 6 were sustained and 36 were administratively closed. There was 1 criminal case that remained open from 2020.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Unit
- Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

- Major Crimes Unit
- Sex Crimes & Child Abuse Unit
- Special Investigations Unit
- Insurance Fraud Unit
- Internal Affairs Unit**
- Organized Crime & Narcotics Task Force
- Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
- Somerset County Emergency Response Teams
- Operations Section
- Fugitive Unit
- Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
- Criminal Intelligence Unit
- Burglary Task Force
- STOPit
- Crime Stoppers
- Computer Crimes / Technical Services Unit
- Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
- Fire Investigation Unit
- Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

- Administrative Division Summary
- D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
- Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

ORGANIZED CRIME & NARCOTICS TASK FORCE

I. Purpose:

The Organized Crime and Narcotics Task Force of the Somerset County Prosecutor's Office is responsible for the detection, investigation, apprehension and prosecution of those individuals who violate the drug laws of the State of New Jersey. It is further responsible for the investigation of other forms of organized criminal activity, gangs, gambling and prostitution.

II. The number of personnel assigned to the section or unit:

- A. Legal Staff:** **2 Assistant Prosecutors**
- B. Investigative Staff:**
- 1 Captain**
 - 1 Lieutenant**
 - 3 Sergeants**
 - 15 Detectives**
 - 6 Task Force Investigators from local police departments**

III. Duties and responsibilities of section or unit personnel:

- A. Legal Staff:**
Provides legal supervision of investigations in preparation for prosecution and gives legal guidance on a daily basis.
- B. Investigative Staff:**
Conducts narcotic and organized crime investigations throughout Somerset County. Detectives work in an undercover capacity and are responsible for all organized crime and narcotic related electronic surveillances.
- C. Clerical Staff:**
Prepares reports and completes paperwork to place into case files.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

IV. Description of the functions of the unit:

This Task Force uses a wide variety of investigative techniques to combat the use and sale of drugs as well as to investigate other forms of organized criminal activity. These techniques include undercover or plainclothes operations, physical surveillance, electronic surveillance, intelligence gathering and the investigative follow-up of referrals from other law enforcement agencies.

Case preparation is developed by members of the Organized Crime and Narcotics Task Force with the supervision and guidance of the legal staff of the Office of the Prosecutor.

V. Investigation, activities, and accomplishments for 2020:

Cases	143
Arrests	145
Weapons Seized	19
Vehicles Seized	3 automobiles
Currency Seized	\$652,103.25
Narcotics Seized:	
Cocaine	21,370.5 grams
Crack Cocaine	14 grams
Cannabis	444.13 pounds
THC liquid cartridges	38.85 ounces
THC Edibles	104 grams
Heroin	5,580 decks
MDMA	4 pills
LSD	20 doses
Misc. Prescription Pills	59 doses (variety)
Value of Narcotics Seized	\$1,155,610.00

VI. Highlighted Cases for 2020:

A. Operation “Nonstop”

On 2/26/2020 8 search warrants for multiple addresses and vehicles were obtained for this investigation. The results of these search warrants yielded approximately 2 kilos of cocaine, 20 bricks of heroin, 5 handguns, \$48,000.00+ U.S. currency, bullet proof vests, scales, hollow point armor, extended magazines, and various paraphernalia.

B. Operation “Money Grab”

In the fall of 2020, the Organized Crime and Narcotics Task Force conducted a major narcotics operation into individuals trafficking large amounts of illegal narcotics. During the course of this operation over 400 pounds of marijuana, over 1 kilogram of cocaine, 4 vehicles, approximately \$500,000.00 in U.S. currency were seized and 9 First Degree arrests were made.

PROSECUTOR’S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)
Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

POLYGRAPH & COMPUTERIZED VOICE STRESS ANALYSIS UNIT

I. Purpose:

The Polygraph Unit and CVSA Unit are responsible for conducting examinations to test the veracity of statements given to investigative units and local departments when needed.

II. Number of personnel assigned to the section or unit:

A. Legal Staff: **Assistant Prosecutors as needed**

B. Certified Examiners:	<u>Polygraph</u>	<u>CVSA</u>
	1 Chief	1 Lieutenant
	1 Sergeant	3 Sergeants
	1 Detective	

III. Duties and responsibilities of section/unit personnel:

A. Legal Staff:

Assistant Prosecutors provide legal guidance as needed on a case-by-case basis. All agreements and stipulations are reviewed and approved by the Assistant Prosecutors.

B. Certified Examiners:

Polygraphists and CVSA Examiners conduct examinations as needed. Polygraph and CVSA examinations are a collateral responsibility of the members of this unit based on their specialized training in this area.

IV. Description of the functions of the unit:

The requests for in-county Polygraph and CVSA examinations must be reviewed and approved by the unit commander. Any request for an examination for an out-of-county agency must be approved by the Chief of Detectives.

During 2020, the total number of Polygraph/CVSA examinations was 3, resulting in 1 no deception indicated findings and 2 deception indicated findings.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
**Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit**
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)
Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

SOMERSET COUNTY EMERGENCY RESPONSE TEAMS (SCERT)

I. Purpose:

The Somerset County Emergency Response Teams (SCERT) are responsible for immediate response to incidents of a critical nature where specially trained personnel are required to assist in disturbances or other life-threatening situations, such as hostage incidents, barricaded persons, high risk warrant service, civil disturbances, suicidal subjects, search/rescue, dignitary protection, crowd control, evidence/area searches, and water related rescue/recovery operations. The SCERT are comprised of the SWAT Team, Crisis Negotiations Team (CNT), Dive-Rescue Team, and Tactical Emergency Medical Services Team (TEMS).

II. Number of personnel assigned to the section or unit:

A. Legal Staff: Deputy First Assistant Prosecutor W. Brian Stack

B. Sworn Personnel: Chief John Fodor SCPO
SCERT Commander
Lieutenant Edward Ciempola North Plainfield P.D.
SWAT Commander
Detective Edward Conway SCPO
CNT Commander
Detective Mark Matthews SCPO
Dive – Rescue Team Commander

90 law enforcement officers and medics are trained and assigned to various teams.

C. Civilian Personnel: A contingent of 18 paramedics from Robert Wood Johnson University Hospital-Somerset, and Robert Wood Johnson University Hospital-New Brunswick, 2 civilian divers, and a Mental Health Specialist are team members.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)
Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

III. Duties and responsibilities of section/unit personnel:

A. Legal Staff:

Provides legal assistance as the need and situation indicates.

B. Sworn Personnel:

Assigned to the teams from the Office of the County Prosecutor, Sheriff and municipal law enforcement agencies within Somerset County.

C. Civilian Personnel:

Assigned as team members based on their particular expertise in the medical or mental health field.

IV. Description of the functions of the teams:

A. SCERT is comprised of 4 essential components. The first is the Special Weapons and Tactics (SWAT) component, the second is the Crisis Negotiations Team (CNT), the third is the Dive-Rescue Team, and the fourth is the Tactical Emergency Medical Services Team (TEMS). When an incident occurs that requires mobilization of any of the SCERT components, notification is made activating all members of the required component(s) to respond. Team members have specific responsibilities within each component.

B. The SWAT team consists of 38 full-time officers from 17 different law enforcement agencies within Somerset County. This team is a specially trained group of police officers who are equipped to handle extraordinary situations necessitating a specialized police response anywhere within Somerset County.

C. The Crisis Negotiations Team (CNT) is comprised of 13 full-time officers from 9 different law enforcement agencies within Somerset County. Each of these specially trained officers is required to attend the FBI's 40 hour "Crisis Negotiations Training" Course. Since 1987, the team has the added support and resources of a Mental Health Specialist, Mr. Paul Mahaffey, M.S., and M.A.

D. The Dive-Rescue Team is comprised of 17 full-time law enforcement officers, and 1 retired law enforcement officer who is employed by the Prosecutor's Office. Officers are from 11 different enforcement agencies within Somerset County. The members are trained in various aspects of water rescue, underwater search and rescue, crime scene collection and processing, ice-diving and rescue, urban flooding and water rescue, boat operations, and surface swift water rescue operations.

E. The Tactical Emergency Medical Services Team (TEMS) consists of 18 paramedics from Robert Wood Johnson University Hospital-Somerset, and Robert Wood Johnson University Hospital-New Brunswick Mobile Intensive Care Unit. The members of TEMS provide tactical medical services to both Somerset County SWAT, and Middlesex County SWAT. The members of TEMS are required to attend Tactical Medic training and actively train with other SCERT components.

V. 2020 Training Summary:

- A.** The Somerset County SWAT team conducted 9 monthly drills in 2020. Three drills in March, April and December were canceled due to Covid-19.

In January and February, half the team traveled each month to New Mexico for a specialized course for SWAT teams. The topic was the Prevention of and Response to Suicide Bombing incidents, Residential (PER-231) Training Course. All expenses were paid for by the federal government through a grant given to New Mexico Tech Playas Training and Research Center.

Following the last group returning from New Mexico the team canceled training for March and April. In May of 2020 a specialized training was developed that limited the participation to 7 SWAT operators. Six training days were utilized to cover the entire team. From June to November the team resumed training together while maintaining CDC guidelines. The December drill was canceled once more due to Covid-19.

- B.** The Dive Rescue Team conducted 10 regularly scheduled monthly drills (due to Covid-19, 2 of the monthly drills were canceled) throughout 2020. During the training year, the team trained in the following functional areas: operational planning, ice rescue operations, rescue boat operations, swift water operations, diving in deep water, black (low visibility) water diving, night diving, underwater search patterns, underwater crime scene searches, and underwater crime scene processing. Members also performed regular maintenance of the dive equipment including VIP inspections of all SCUBA tanks.
- C.** The TEMS Team actively trains every month with SWAT and on all joint drills..

VI. Joint Training

Due to Covid-19 all joint training sessions were canceled in 2020.

VII. Brief Synopsis of SCERT Callouts:

May 31, 2020: SWAT/TNT activation to assist Trenton Police with civil disturbance in Trenton, N.J.
 June 21, 2020: SWAT/CNT activation for shots fired/homicide investigation in Bridgewater Township, N.J.
 December 12, 2020: SWAT/CNT activation for shots fired in Raritan Borough, N.J.

Dive Rescue Team Callouts

- Evidence search in river for a shooting in Bridgewater.
- Body recovery (drowning) in Bridgewater.
- Assisted local Police Department with retrieving submerged vehicle after motor vehicle collision in Bridgewater.

PROSECUTOR'S MESSAGE
LAW ENFORCEMENT OF SOMERSET COUNTY
LEGAL DIVISION
Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness
CRIMINAL INVESTIGATION DIVISION
Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit
ADMINISTRATIVE DIVISION
Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events
POLICE ACADEMY
APPENDICES

VIII. Training provided by SCERT

Response to Active Shooter Instructor Course

IX. Community Outreach

The Somerset County SWAT team did not participate in any community outreach due to Covid-19.

CNT members participated in the following special events:

During 2020 the CNT provided demonstrations of equipment and personnel as requested by community groups and events, allowing the citizens of Somerset County to recognize the professionalism of their law enforcement community, as well as the many specialty resources available here in Somerset County.

The CNT also assists Centenary College each semester, as requested with role players and expertise relative to an undergraduate Criminal Justice course offering titled: "Crisis Negotiations in Police and Corrections".

DIVE – RESCUE team members participated in the following special events:

- Provided dive team demo during Police Youth Week for Franklin Township.

FUGITIVE UNIT

I. Purpose:

The Somerset County Prosecutor's Office Fugitive Unit is comprised of county detectives whose primary responsibilities are to locate and apprehend wanted fugitives.

II. Number of personnel assigned to section or unit:

- A. **Legal Staff:** **1 Assistant Prosecutor**
- B. **Investigative Staff:** **1 Lieutenant
2 Detectives**
- C. **Clerical Staff:** **1 Secretary**

III. Duties and responsibilities of section or unit personnel:

- A. **Legal Staff:**
Provides legal supervision and guidance to investigative staff relating to legal issues concerning fugitive cases and other matters as needed.
- B. **Investigative Staff:**
This unit is on-call 24 hours a day, 7 days a week. The Fugitive Unit travels throughout various jurisdictions within New Jersey and outside state boundaries to pursue felons wanted for various criminal offenses, violation of parole and failure to comply with bail tracking. These efforts require extensive cooperation between the fugitive unit and law enforcement agencies from local, state and federal sectors.
- C. **Support Staff:**
Secretary provides data entry and updates files.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Unit
- Victim-Witness

CRIMINAL INVESTIGATION DIVISION

- Criminal Investigation Section
 - Major Crimes Unit
 - Sex Crimes & Child Abuse Unit
 - Special Investigations Unit
 - Insurance Fraud Unit
 - Internal Affairs Unit
 - Organized Crime & Narcotics Task Force
 - Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
 - Somerset County Emergency Response Teams
- Operations Section**
 - Fugitive Unit**
 - Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
 - Criminal Intelligence Unit
 - Burglary Task Force
 - STOPit
 - Crime Stoppers
 - Computer Crimes / Technical Services Unit
 - Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
 - Fire Investigation Unit
 - Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

- Administrative Division Summary
- D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)
- Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

IV. Description of the functions of the unit:

Since 1997, this unit averages approximately 300-500 arrests per year. An additional function includes the arrest and incarceration of the individuals located within Somerset County who are wanted as fugitives from out-of-state authorities. All wanted fugitives arrested outside of New Jersey must be extradited to New Jersey. It is the responsibility of the Fugitive Unit to apply for a Governor's Warrant within 90 days to bring the wanted individuals back to New Jersey.

In 2020, the Fugitive Unit extradited several fugitives from numerous states including: New York, Pennsylvania, Maryland, Georgia, Indiana, North Carolina, Arizona, and Illinois.

In addition to the out-of-state extraditions and in-state transports the Fugitive Unit was able to proactively work with local law enforcement agencies to attempt service on outstanding active warrants on numerous occasions.

V. Investigative activities for 2020 are as follows:

- **315 New warrants were received**
- **272 Warrants were satisfied by arrest or vacated**
- **560 Active warrants at start of 2020**
- **4 Governor's Warrants**
- **1 Interstate Agreement on Detainers (IAD)**

VI. Fugitive Unit - 2020

	Arrests	Vacates	Dismissed	Totals
January	43	8	0	51
February	36	5	0	41
March	26	5	0	31
April	3	0	0	3
May	6	4	0	10
June	7	4	0	11
July	14	0	0	14
August	24	2	0	26
September	20	6	0	26
October	15	6	0	21
November	16	2	0	18
December	17	3	0	20
Totals	227	45	0	272

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Unit
- Victim-Witness

CRIMINAL INVESTIGATION DIVISION

- Criminal Investigation Section
 - Major Crimes Unit
 - Sex Crimes & Child Abuse Unit
 - Special Investigations Unit
 - Insurance Fraud Unit
 - Internal Affairs Unit
 - Organized Crime & Narcotics Task Force
 - Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
 - Somerset County Emergency Response Teams
- Operations Section**
 - Fugitive Unit**
 - Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
 - Criminal Intelligence Unit
 - Burglary Task Force
 - STOPit
 - Crime Stoppers
 - Computer Crimes / Technical Services Unit
 - Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
 - Fire Investigation Unit
 - Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

- Administrative Division Summary
 - D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
 - Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

CRIME SCENE INVESTIGATION UNIT (CSIU) & BALLISTICS LABORATORY

I. Purpose:

The Crime Scene Investigation Unit and Ballistics Laboratory of the Somerset County Prosecutor's Office utilizes the most current technology and equipment to obtain and analyze physical evidence for use in criminal investigations.

II. Crime Scene Investigation Unit:

(Staffed by 1 Lieutenant, 1 Sergeant, 3 Detectives, 1 civilian personnel, 1 Ballistics Examiner from the Somerset County Prosecutor's Office, and 1 Ballistic Examiner from the Middlesex County Prosecutor's Office).

During the course of 2020 the Crime Scene Investigation Unit opened 123 cases that were either submitted by local Police Departments, County Prosecutor's Offices, Federal Agencies or generated as a result of the Crime Scene Unit processing a scene.

Among the items the Crime Scene Investigation Unit may be requested to collect, analyze, process or compare include, but are not limited to:

1. Biological or serological evidence (blood, semen, saliva, etc.). These items are collected and submitted to other laboratories for analysis. The Somerset County Prosecutor's Office does not conduct biological or trace evidence analysis;
2. Latent finger and palm print development and comparisons;
3. Impression evidence such as tire impressions, footwear impressions, glove and fabric impressions and bite mark evidence;
4. Hairs, fibers and other trace evidence are also submitted to other laboratories for analysis;
5. Firearms, ammunition, projectiles and shell casings;
6. Gunshot residue;
7. Tool marks;
8. Accelerants from fire scenes that may be sent to other laboratories for analysis.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams

Operations Section

Fugitive Unit
**Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory**
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)
Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

III. Firearms and Ballistics Unit:

The Firearms and Ballistics Unit is responsible for the following examinations:

1. Operability to determine if a weapon is readily capable of firing;
2. Serial number restoration utilizing mechanical and chemical processes to restore defaced serial numbers;
3. Microscopic comparisons of projectiles and casings in an attempt to identify weapons used in a specific crime and to determine if there is any correlation between the weapon, projectiles or casings with any other crimes;
4. Gunshot distancing: used to determine the distance between the muzzle of the firearm and the point of impact of the projectile;
5. Trajectory analysis to determine the path that a projectile takes after it exits the barrel to where it comes to rest. This is most commonly used to determine from where the weapon was fired.

The Somerset County Prosecutor's Office is in partnership with the New Jersey State Police, whereby a detective is assigned to the New Jersey State Police Laboratory to do the ballistics processing, the Integrated Ballistics Identification System, (IBIS). IBIS is a computerized imaging system where projectiles and casings are received in the laboratory, analyzed for forensic value, weighed, measured and entered into the IBIS database. The items are searched against the database and potential matches or "hits" are reported.

IV. Crime Scene Investigation Unit:

The Crime Scene Unit responds to the scene of various crimes and is responsible for processing the scene for potential physical evidence. The most common types of scenes processed include homicides, death investigations, aggravated assaults, robberies, burglaries and sexual assaults. During the course of 2020, the Crime Scene Unit was called on to process 37 crime scenes within Somerset County.

In addition to scene processing, the Crime Scene Unit assists all other units of the SCPO as well as local, county, state and federal law enforcement agencies as needed. The Crime Scene Unit is a participating member of a statewide Major Crimes Task Force that is able to respond anywhere in the state to assist with processing major crime or disaster scenes.

The Crime Scene Investigation Unit also provides the following services for the Somerset County Prosecutor's Office:

1. Attends autopsies in cases of homicide or suspicious deaths;
2. Prepares crime scene diagrams and other documents for court presentation;
3. Utilizes various photography techniques to document crime scenes, evidence and public relations events;
4. Collects and submits DNA and other trace evidence specimens for laboratory analysis;
5. Provides training classes on various crime scene and evidence related topics to veteran officers.
6. Conducts presentations to a wide variety of public groups including high school and college classes on general crime scene and laboratory processing techniques;
7. Conducts blood stain pattern analysis at scenes and on clothing.

V. Crime Scene Investigation Unit:

The Crime Scene Investigation Unit is responsible for processing all items of evidence submitted to the laboratory for latent fingerprints. The unit is also responsible for the collection, preservation and submission of biological evidence, hairs, fibers or other trace evidence to other laboratories for analysis. During 2020, the Crime Scene Unit processed 450 individual items of evidence.

The Crime Scene Investigation Unit has the responsibility of operating the Automated Fingerprint Identification System or AFIS Terminal, which directly accesses the NJSP AFIS fingerprint database. Latent prints developed at crime scenes, in the laboratory or submitted by local agencies are input into the Somerset County Prosecutor's Office terminal and searched through the state database in an attempt to find a match or "hit". In 2020, 28 cases were entered into AFIS resulting in 42 "hits" identifying suspects.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized
Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams

Operations Section

Fugitive Unit
**Crime Scene Investigation Unit (CSIU)
& Ballistics Laboratory**
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)
Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

CRIMINAL INTELLIGENCE UNIT

I. Purpose:

The Criminal Intelligence Unit (CIU) provides the Somerset County Prosecutor's Office with the knowledge and recommendations to allow for effective management of its resources. Criminal Intelligence is a process involving planning and direction, collection, evaluation, collation, analysis, dissemination, and re-evaluation of information on suspected or known criminals and/or organizations operating within our jurisdiction.

The focus of the CIU resources consist of but are not limited to the following criminal activities: violations of New Jersey Statutes pertaining to controlled dangerous substances, gambling, traditional and non-traditional organized crime, burglary/theft, street gangs, strategic threat groups, and violent crimes.

Information received is maintained and secured in a computerized database. This information or data that is maintained in the database is restricted to criminal intelligence and related information from public records, media sources, and substantiated information received from citizens and law enforcement agents which adheres to federal regulation standards for operating a multi-jurisdictional Criminal Intelligence Systems (28 CFR Part 23)(2019).

II. Number of personnel assigned to unit:

A. Investigative Staff: **1 Detective**

III. Duties and responsibilities of unit personnel:

The CIU is responsible for the collection, collation, evaluation, analytic review, dissemination, and re-evaluation of the data maintained in the Infoshare Intelligence database. It is the duty of the CIU to educate, train, and monitor users of the Infoshare Intelligence database, making sure its users comply with the federal regulation standards of 28 CFR Part 23 (2019). In 2019, the CIU maintained the Intelligence database entries as well as vetting its users within Somerset County. All users of the Intelligence Database are required to complete Criminal Intelligence Systems Operating Policies 28 CFR Part 23 (2019) training to gain access to the system.

Data collected by the CIU is entered into the Infoshare Intelligence database and maintained by the CIU. Data collected consists of, but is not limited to the following items: information received from confidential informants, probation and parole updates for Somerset County residents, as well as intelligence learned by Somerset County local municipalities.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

In March 2012, the Somerset County Prosecutor's Office Criminal Intelligence Unit began sharing intelligence information with 13 outside law enforcement agencies on the Infoshare Intelligence Network. In 2020, the Infoshare Intelligence Network is connected statewide with state law enforcement agencies as well as 17 out of 21 the majority of County Prosecutor's Offices.

The CIU receives and evaluates hundreds of intelligence emails on a daily basis to include monitoring the Critical Reach / TRAK system. Information collected from various sources is then disseminated to intelligence liaisons throughout Somerset County, various law enforcement contacts in the State of New Jersey, surrounding states, and federal agencies.

Any and all intelligence products and emails generated and disseminated by the CIU to law enforcement contains a confidentiality statement. The statement is as follows:

This is a confidential intelligence report and is the property of the Intelligence Unit of the Somerset County Prosecutor's Office. This agency is a "participating agency" within the meaning of 28 CFR Part 23(2019). As such, this publication is regarded as a government record exempt from public access or review under O.P.R.A. N.J.S.47:1A-1 et seq. This office further asserts that this publication is exempt on the basis that it constitutes "inter-agency advisory consultative or deliberative material." Further dissemination of this report without the expressed authorization of the Somerset County Prosecutor's Office is strictly forbidden. Unauthorized use or dissemination of this report may result in civil/criminal liability. No enforcement action should take place based solely on the contents of this report. Do not make this report or any portion thereof part of any discovery package. Do not post in a publicly visible area.

The CIU lends support to all units of the Somerset County Prosecutor's Office as well as to local municipalities as requested. On a daily basis the CIU provides timely intelligence to the Organized Crime and Narcotics Task Force, Fugitive Unit, and the Burglary / Major Crimes Unit. The CIU continues to lend support by the dissemination of information, case analysis, as well as producing analytical products. Analytical products include mapping, GPS mapping, telephone toll analysis, timelines, organizational charts, and case-by-case intelligence lookups.

The CIU is responsible for maintaining and compiling a database comprised of confidential informants who are contracted by Somerset County Prosecutor's Office detective staff. The CI files are maintained and updated as requested by the CIU unit.

Lastly, the CIU holds a by-monthly Roundtable Intelligence / Counter Terrorism / Commanders Meeting which is attended by Municipal, County, State, and Federal agencies in the State of New Jersey. Due to Covid-19 restrictions, the above-mentioned meeting was postponed until in-person gatherings could be rescheduled.

Additional CIU duties:

1. CJIS

- TAC Officer for Somerset County
- Train / Test / Certify Users
- NJSP Audits (every 2 years) Completed 2018

2. Deconfliction

- Lead POC for HIDTA Case Explorer
- Organize / Maintain HIDTA User list

3. FBI VICAP

- Lead POC for Somerset County
- Input / Maintain records
- Update Users / Maintain

4. Confidential Informant Database

- Maintenance of database as well as hard copy of CI files
- Track CDS prices from narcotic vouchers
- Maintain narcotic vouchers in CI files
- Deconfliction of all CIs

5. Intelligence Officer / Analyst

- Collect and correlate information received
- Analyze data
- Produce tactical and strategic intelligence products
- Publish Intelligence Bulletins, and Monthly Intelligence Briefs
- Disseminate intelligence to Local, County, State and Federal agencies
- Evaluate the intelligence

6. Infoshare Intelligence Database Supervisor

- Input (CI intelligence received, gang identifications, Crime Stopper tips)
- Review (all records added by SCPO and local police departments)
- Purge (deletion of outdated records)

7. Email Distribution / Dissemination

- SCPOIntel email distribution list service was established through Reginal Information Sharing System (RISS) to easily generate and distribute intelligence to Somerset County law enforcement as well as to surrounding county departments. Approximately 300 law enforcements officers currently subscribe. Intelligence distributed is not limited to the following topics (i.e. APB, NJSP ROIC, PA Attorney General Intelligence Unit, officer safety, crime/drug trends).

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

8. Statewide Intelligence Commanders Meeting
 - Lead coordinator since January 2016
 - Organize / schedule
 - Held quarterly (March, June, September, December)
 - Hosted throughout the State of New Jersey
 - Maintain email distribution list
 - Provide training
 - Approximately 200 members

9. Somerset County Intelligence / Counter-Terrorism / Commanders Meeting
 - Organize / Schedule
 - Every 2 months
 - Outlet for active law enforcement officers to share open case data and network
 - Provide training
 - Open to SCPO detective staff, Somerset County local police departments, and surrounding counties / agencies

10. Attend Intelligence Meetings / Networking opportunities

11. Operation Helping Hand
 - Grant Writer / Project Manager

BURGLARY TASK FORCE

I. Purpose:

The Somerset County Prosecutor's Office Burglary Task Force, attached to the Somerset County Prosecutor's Major Crimes Unit, is an investigative unit created to assist municipal, county and state law enforcement agencies in investigating burglaries. The function of the Burglary Task Force is to collect data, analyze crime patterns, and disseminate pertinent information to police agencies affected by common burglary types.

II. The number of personnel assigned to the unit:

- A. Legal Staff:** 1 Assistant Prosecutor
- B. Investigative Staff:**
 - 1 Detective Captain
 - 1 Detective Lieutenant
 - 1 Detective Sergeant
 - 1 Detective

III. Duties and responsibilities of section or unit personnel:

- A. Legal Staff:** Provides legal supervision in preparation for prosecution and gives legal advice and opinions on a day-to-day basis as needed.
- B. Investigative Staff:** Collects data from local police agencies, analyzes crime patterns, disseminates pertinent information to police agencies affected by common burglary types, and conducts pro-active investigations into burglary suspects.

IV. Descriptions of the functions of the unit:

In 2020, the Somerset County Prosecutor's Office Burglary Task Force continued to review the past methods of investigation and constantly improved upon how the Burglary Task Force would carry out its mission. In previous years the Burglary Task Force operated as more of a reactive unit. Starting in 2011 the Burglary Task Force established itself as a pro-active intelligence led investigative unit and that concept continued into 2020. The assistance provided by the Burglary Task Force to Somerset County municipalities varies on a case-by-case basis. The Burglary Task Force disseminates the names of burglary suspects obtained from confidential informants and other police agencies to the municipalities within Somerset County. As serial residential burglars often cross county lines and begin working in larger regions, the Somerset County Burglary Task Force saw the need to forge strong relationships with other intelligence and burglary units in our surrounding counties to foster information sharing. The Burglary Task Force also assists by providing physical surveillance of suspects believed to be actively committing burglaries, along with the installation and monitoring of court ordered Global Positioning Systems (GPS) investigations. The Burglary Task Force works closely with the Division of Weights and Measures to insure local precious metal buyers are properly documenting purchases and filing our purchase receipts.

PROSECUTOR'S MESSAGE
LAW ENFORCEMENT OF SOMERSET COUNTY
LEGAL DIVISION
Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness
CRIMINAL INVESTIGATION DIVISION
Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit
ADMINISTRATIVE DIVISION
Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events
POLICE ACADEMY
APPENDICES

In 2020 the Somerset County Burglary Task Force continued to monitor the buying and selling of precious metals throughout Somerset County. As the price of gold and silver remains high, residential burglars who target gold continue to be on the rise. To ensure uniformity and compliance, the Burglary Task Force, along with the Division of Weights and Measures, constructed a uniform receipt to be utilized by each buyer within Somerset County at the time of the purchase. The Burglary Task Force requires that the receipt be forwarded to both the Burglary Task Force and the police department in the town where the buyer resides. The Burglary Task Force provides the information gathered from the precious metal buyers to all sworn law enforcement through a searchable online database. This database allows a detective to search jewelry sold to all buyers across Somerset County from their desktop computer. To date the program dubbed "Operation Gold Rush" assisted the Burglary Task Force and other municipalities that use the system in solving over 422 residential burglaries based solely on the precious metal reporting forms .

In 2020 the Somerset County Burglary Task Force continued to maintain and review a uniform reporting form requiring each municipality to notify the Burglary Task Force when a residential or commercial burglary occurs within their jurisdiction. By collecting this information the Burglary Task Force is able to study the methods of entry, times of days, and methods the burglars used to search the house. This information has been useful in spotting patterns and identifying burglary suspects.

The Somerset County Burglary Task Force continues to make the transition in a more advanced precious metal reporting system called Regional Automated Information Database (RAPID). Currently 3 municipalities have passed ordinances to enforce the requirement to use the new precious metal reporting system. In addition, the Somerset County Burglary Task Force has fostered new relationships with the New York Police Department and other federal agencies who are actively investigating burglaries targeting Asian homeowners and Jewelry Store burglaries.

V. 2020 Significant Cases:

The Somerset County Prosecutor's Office Burglary Task Force has continued to assist municipal, county and state law enforcement agencies in investigating residential and commercial burglaries. The Somerset County Prosecutor's Office Burglary Task Force made 11 arrests for burglaries and investigated 25 residential burglaries. Listed below is a highlighted case for 2020:

- On February 4, 2020, the Bridgewater Police Department made contact with the Somerset County Burglary Task Force in reference to a theft of a motor vehicle and several residential and vehicular burglaries. A suspect was developed as Nigel Hill based on surveillance video. The suspect was seen operating a Subaru Crosstrek that was reported stolen out of Bridgewater on February 1, 2020. Hill fled from multiple police agencies while operating the Subaru Crosstrek. On February 6, 2020, the Subaru Crosstrek was located in New Brunswick and subsequently seized. A Superior Court Search Warrant was obtained and as a result of the search warrant, approximately 100 items of evidentiary value were located to include proceeds from a burglary that occurred in Franklin. On February 24, 2020, Hill was taken into custody by the US Marshals Service Fugitive Task Force in Saylorsburg, PA. Based on the evidence received as a result of the search warrant on the Subaru Crosstrek and video surveillance obtained, Hill was charged with multiple burglaries in Bound Brook, Bridgewater, and Franklin to include charges of Eluding and Receiving Stolen Property. Hill was subsequently lodged at the Somerset County Jail and the matter is pending in Somerset County Superior Court.

VI. Future

The Somerset County Burglary Task Force will continue to expand investigative techniques and continue to network throughout the bordering counties sharing available intelligence. The Task Force utilizes RAPID for reporting precious metals transactions with the three municipalities. The RAPID system is in full use in Maryland and Delaware and is beginning to be used more in New Jersey. The RAPID system records and photographs the purchase of all precious metals at the point of sale which would alleviate the data entry currently being done by police detectives giving them more time to conduct pro-active burglary investigations. The Somerset County Burglary Task Force is also creating an email correspondence consisting of Somerset, Warren, and Hunterdon police agencies ensuring that information pertaining to residential and vehicular burglaries are being properly disseminated.

STOPit

The STOPit program was initiated in October of 2017 and has proven to be a highly successful way for citizens to provide information to law enforcement anonymously.

I. Purpose:

The STOPit program is a new and innovative way of anonymously reporting suspected criminal behavior. STOPit is a simple, user-friendly mobile app that immediately and discreetly connects people affected by crime with law enforcement. The STOPit app allows for anonymous two-way communications with dispatchers and/or law enforcement who obtain the information necessary to render assistance. The app is monitored 24 hours a day, 7 days a week, has a chat/messenger function, in addition to the ability for users to send photos, videos and screenshots. Another important feature of the STOPit app is the Get Help section that makes it easy for someone to access services within Somerset County to deal with opioid addiction, suicide, child abuse, sexual assault and domestic violence. Since its inception, the Somerset Strong STOPit account has proven to be highly valuable, leading the arrests of fugitives, as well as providing information on narcotic and homicide investigations in Somerset County. The app is free to download on the Google Play Store or Apple App Store with an access code of SOMERSETNJ.

II. The number of personnel assigned to the STOPit program – Somerset Strong:

A. Investigative Staff: 2 Detectives & 1 Agent (Coordinator & 2 Assistants)

B. Dispatchers: Multiple –provide 24/7 monitoring of app

III. Duties and responsibilities of section or unit personnel:

The detective coordinator oversees the day-to-day operations of the program to include setting up accounts for dispatchers and law enforcement, monitoring the reports that come and making sure they are assigned to the appropriate personnel. The coordinator is also responsible for sending out STOPit broadcasts, either to notify users of important information or to request assistance or information on active investigations.

The assisting detective and agent is responsible for periodically reviewing the STOPit reports, making sure they have been assigned appropriately and closing them out when no more action is necessary.

Both the coordinator, assisting detective and agent are responsible for publicizing and disseminating information on the STOPit app.

IV. Number of STOPit reports in 2020: 169 STOPit reports

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

CRIME STOPPERS OF SOMERSET COUNTY

The Crime Stoppers program was initiated in Somerset County in February of 2004 and it remains a highly successful program in assisting the Somerset County law enforcement community in solving crimes.

I. Purpose:

Crime Stoppers of Somerset County, Inc. is a New Jersey 501© (3) non-profit corporation and it is funded entirely by tax-deductible donations from the private and corporate sectors. As a community-based program, it brings the public, the media and the police together in a cooperative effort to help prevent and solve crimes, as well as helping law enforcement apprehend fugitives from justice. This is accomplished by offering cash rewards and anonymity to persons who furnish information leading to the arrest and conviction of a criminal offender. The program encourages individuals with knowledge of a crime or whereabouts of a fugitive to call a toll-free (888) 577-TIPS. Tipsters may also email information via the internet by logging onto www.577tips.org. Crime Stoppers has proven to be an effective weapon against crime. There are over 1,000 Crime Stopper programs in the United States, Canada, and Europe.

II. Number of personnel assigned to Crime Stoppers of Somerset County:

A. 1 Prosecutor's Agent

III. Duties and responsibilities of personnel:

The Prosecutor's Agent is responsible for receiving, analyzing, and forwarding tip information to the appropriate law enforcement agency/unit.

IV. Crimestoppers Tips for 2020

There were 13 tips received for the year of 2020. The following is a breakdown of all of the tips received:

- Major Crimes: 3
- Narcotics: 8
- Special Investigations: 2

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams

Operations Section

Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T.
(Gang Resistance Education Training)

Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES

COMPUTER CRIMES / TECHNICAL SERVICES UNIT

I. Purpose:

The Computer Crimes Unit of the Somerset County Prosecutor's Office is a Unit within the Special Investigations Unit. It is comprised of a Captain, Lieutenant, Sergeant, and 4 Detectives. The unit supports all of the units in the Prosecutor's Office as well as the County's municipal police departments with computer related investigations. The Computer Crimes Unit is responsible for forensically analyzing/previewing computers and cellular devices, which are suspected of being used in the commission of a crime. The unit is affiliated with the Internet Crimes Against Children (I.C.A.C.) Task Force, which investigates internet crimes against children. As a member of the I.C.A.C. Task Force the unit handles referrals from I.C.A.C Task Forces across the country in addition to actively investigating online child predators. The unit provides local schools and community organizations with Internet Safety Presentations.

II. The number of personnel assigned to the section or unit:

A. Investigative Staff:	1 Captain
	1 Lieutenant
	1 Sergeant
	4 Detectives

III. Investigations, activities and accomplishments for 2020:

I.C.A.C. Referrals/Investigations	46
Investigations of distribution of child pornography	46
Investigations of possession of child pornography	46
Investigations of enticing/obscenity to a minor	11
Arrest for above offenses	11
D.V.R. Extractions (including video analysis and editing)	17
Computer Forensic Examinations/Previews	12
Cellular Forensic phone examinations	131

IV. Accomplishments of the Unit during 2020:

- A.** In October 2020, the Computer Crimes Unit partnered with the Federal Bureau of Investigation to conduct Operation Spotlight. The operation consisted of undercover F.B.I. Agents and S.C.P.O. Detectives posing online as underage children. The operation led to twelve arrests of adults who travelled to a pre-arranged location where they believed they would be meeting with children to engage in sexual activity. In one of the cases, the defendant believed he was meeting with a mother who was advertising her 14 year old daughter for sex.
- B.** In October of 2020, Det. Sara Granstrom completed an investigation related to a Cybertip provided by the New Jersey State Police Internet Crimes Against Children Task Force. The investigation led to the arrest of William Vincent. Computer forensic analysis found that Vincent had possessed over 100,000 files of child pornography. Vincent was charged with Second Degree Endangering the Welfare of a Child.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

VEHICULAR HOMICIDE TASK FORCE & COLLISION ANALYSIS RECONSTRUCTION TEAM (C.A.R.T.)

I. Purpose:

The Collision Analysis Reconstruction Team (C.A.R.T.) was established in 1999 to enhance the capacity of Somerset County Law Enforcement agencies to swiftly, efficiently, systematically and professionally investigate motor vehicle crashes resulting in fatal or serious bodily injuries and to determine whether criminal or other related charges are warranted.

The C.A.R. Team makes available to the 21 municipalities of Somerset County and to the New Jersey State Police, a highly trained team of experienced collision investigators from throughout the county who can properly investigate and reconstruct fatal and serious bodily injury motor vehicle collisions and pursue the prosecution of same.

The C.A.R. Team also makes available to all municipalities a response vehicle equipped with state-of-the-art reconstruction equipment maintained and utilized by the team.

The C.A.R. Team's multi-jurisdictional approach increases dramatically the experience level of its members. It affords investigative parity to all jurisdictions throughout the county. The team assists the New Jersey State Police in investigating certain criteria cases on Interstate Highways throughout Somerset County.

II. Number of personnel assigned to the unit:

The Collision Analysis Reconstruction Team is comprised of 7 Investigators from the Prosecutor's Office and 24 municipal task force officers.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams

Operations Section

Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

III. Duties and responsibilities of section or unit personnel:

The C.A.R. Team is managed by the Somerset County Prosecutor's Office. However, it is still the responsibility of the local police department in which the crash occurred to complete all required reports in a joint investigation with the C.A.R. Team.

Team Commander:

The duties and responsibilities of the Team Commander include, but are not limited to:

- Determining when the Team should be activated based upon information received about a serious or fatal crash.
- Determining the scope and degree to which the investigation progresses. Identify circumstances which require immediate criminal charges and then screen those charges.
- Assigning personnel duties and responsibilities during at-scene investigations.
- Making proper notifications to all support services (i.e., Medical Examiner's Office, hospitals, local police departments, Emergency Services, tow companies, etc.).
- Making notification to superiors advising of Team activations.
- Consulting with the Team's assigned Assistant Prosecutors regarding all legal concerns.
- Serving as liaison between the Team, the SCPO, local police and fire departments, County Chief's of Police Association, and the N.J. State Police Fatal Accident Investigation Unit.
- Tracking progress of all open cases and reporting to the Team's assigned Assistant Prosecutor.
- Provide expert reports and testimony in criminal and quasi-criminal proceedings.

Total Station Operators:

All C.A.R. Team Total Station Operators must have completed a training course specific to each Total Station and show competency in mapping scenes with that Total Station. All Total Station Operators will be responsible for forensically mapping crash scenes and all relevant evidence. Operators shall be responsible for producing both after-situation and dynamic scale diagrams of the scene and an operator's report in a timely manner.

Task Force Members:

The duties of all members of the C.A.R. Team shall include, but are not limited to:

- Crash scene evaluations to identify contributing causes for the crash.
- Interviewing witnesses and participants.
- Photographing scenes and evidence.
- Vehicle inspections.
- Assisting in forensic documentation of roadways, vehicles, and evidence.
- Attending autopsies when necessary.
- Identification, collection, preservation, and analysis of all scene evidence.
- Hand-drawn field sketches of scenes.
- Supplemental investigations (i.e., vehicle inspections, interviews, diagrams, additional photography).
- Timely response to scenes.

IV. Highlights of 2020 for C.A.R.T.

A. 7 SCPO and 24 municipal members are on the task force

B. Investigated 33 fatal or serious injury crashes

- 18 fatalities in 18 fatal crashes
- 15 serious bodily injury crashes
- 3 cases reviewed for criminal charges as requested by Municipal Courts
- Assisted State Police with 5 fatal and/or serious injury crashes
- Assisted/consulted on 6 out-of-county investigation
- 3 investigations resulted in indictable charges
- 7 crashes involved alcohol/drugs **

V. Significant Cases of 2020

State v. Kevin D. Betyeman

Vehicular Homicide

Raritan Borough – 09/18/2020 at 3:33 p.m.

Status – Pending

Defendant eastbound on Old York Road struck pedestrian victim in the crosswalk. Defendant found to be operating under the influence of alcohol.

State v. Emilio J. Liranzomercedes

Aggravated Assault with Auto

North Plainfield – 11/09/2020 at 1:15 a.m

Status – Pending

Defendant while operating a motor vehicle intentionally struck pedestrian victim. Defendant operating under the influence of alcohol.

State v. George L. Rodriguez

Vehicular Homicide

Bedminster Township – 11/13/2020 at 6:47p.m.

Status – Pending

Defendant was operating his vehicle northbound on Route 206. At an intersection Defendant drove through the center concrete barrier and proceeded northbound into oncoming southbound traffic striking the victim's vehicle.

VI. Totals since the inception of the Collision Analysis Reconstruction Team in 1999:

- 782 cases investigated
- 439 fatalities
- 94 crashes that warranted criminal charges
- 96 cases involving assists to other out-of-county agencies

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Unit

Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

Operations Section

Fugitive Unit

Crime Scene Investigation Unit (CSIU)

& Ballistics Laboratory

Criminal Intelligence Unit

Burglary Task Force

STOPit

Crime Stoppers

Computer Crimes / Technical Services Unit

**Vehicular Homicide Task Force & Collision
Analysis Reconstruction Team (C.A.R.T.)**

Fire Investigation Unit

Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

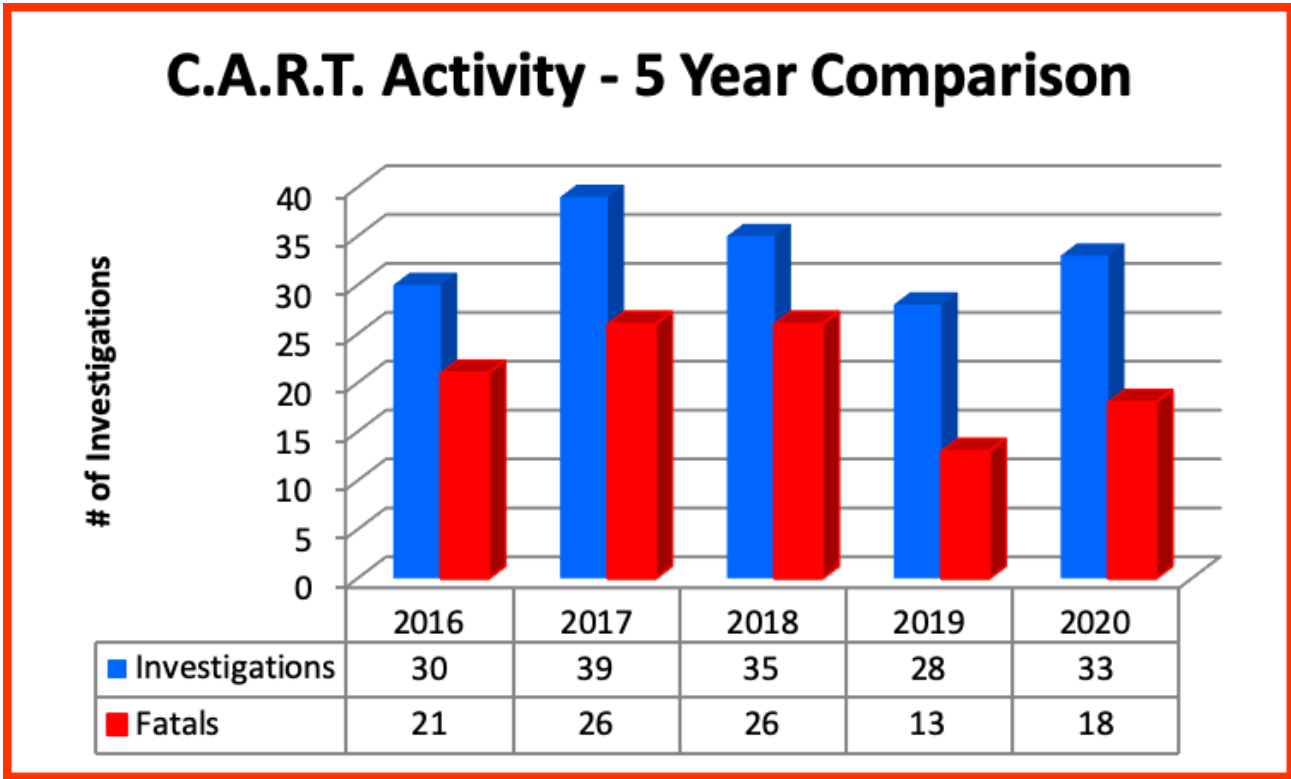
D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day
& Community Events

POLICE ACADEMY

APPENDICES



NOTE – C.A.R.T. investigations increased 18% in 2020 and the total number of fatalities increased as well by 39%.

Notwithstanding the year-to-year fluctuation in the number of crashes investigated, an attempt was made to maintain fiscal prudence by keeping to a minimum the number of task force investigators (both county and municipal) that responded to each of the call-outs.

Summary:

There were 33 motor vehicle collisions this year which required either on-scene or supplemental investigations. There were 18 crashes resulting in 18 fatalities. Each of those fatal crashes received extensive and thorough investigations commensurate with the loss of a human life.

The presence of alcohol and/or drugs was found to be a factor in 7 of the 33 crashes, equating to approximately 21%. Some toxicological reports are still outstanding from 2020.

FIRE INVESTIGATION UNIT (FIU)

I. Purpose:

The Somerset County Fire Investigation Unit was formed to provide the 21 municipalities of Somerset County with a professionally staffed team trained and equipped to conduct all phases of fire investigations. The Task Force is comprised of law enforcement officers, municipal fire officials, career and volunteer fire personnel.

II. Number of personnel assigned to section or unit

A. Legal Staff: **2 Assistant Prosecutors**

B. Personnel Assigned to Unit: **1 Task Force Commander**
Team Members comprised of:
 7 Prosecutor's Office personnel
 8 Municipal Police Officers
 14 Municipal Fire Officials
 3 State Fire Marshals
 3 ATF Special Agents
 4 Fire Service Personnel
 3 Arson K-9

III. Duties and responsibilities of section or unit personnel:

The Fire Investigation Unit team members are all trained in origin and cause determination. The team is staffed with personnel from the law enforcement community to handle any and all criminal investigations and fire officials who are familiar and responsible for the enforcement of the Uniform Fire Safety Act and the Uniform Fire Safety Code.

IV. Fire Investigations:

Fire Investigations conducted: **13**

Types of structures involved:

Multi-Family	3
Single family	5
Motor vehicle	2
Shed	2
Commercial	1
Religious	1

V. Type of fire investigations conducted in 2020:

Intentional use of incendiary **5 (4 arrests)**

Combustibles too close to heat source **1**

Fatal 1

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit (FIU)
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

VI. Notable Cases:

- On January 12, 2020 Police and multiple fire units responded to a large scale five-alarm fire occupying approximately two city blocks of Bound Brook. All teams were activated and investigated over a three-day operational period. The area of origin was determined to be the Merida II apartment building that was under construction. Because of the magnitude of damage, the fire investigation lasted three days and required the use of heavy machinery. The investigation revealed through both social media posts and video footage that the individual responsible for setting the fire was Hector Padilla. Padilla was seen on video surveillance captured by the gym across the street going to and leaving the area of origin just prior to the fire and just after the fire. He also made several posts prior to the fire that he would burn the world to the ground. Padilla was arrested for Aggravated Arson among other charges and is awaiting trial.
- On March 13, 2020 at approximately 10:30 p.m. a fire was reported by one of the occupants of 886 Amwell Road in Hillsborough, N.J. Team Charlie as well as the Hillsborough Fire investigators responded. The residence was subsequently destroyed despite fire suppression efforts. The occupants were husband and wife that were reportedly having marital issues. The husband lit the straw wreath hanging above their couch, took a picture of it and texted it to his wife who had locked herself in the bathroom with their dogs. The cause of the fire was determined incendiary and the husband was arrested. He ultimately pled guilty and was given PTI. One of their dogs passed away shortly after the fire as a result of smoke inhalation.
- On April 21, 2020 a fire occurred in the first floor of an apartment complex located on Treeman Drive in Hillsborough, N.J. There was minimal damage to the apartment but the mother and her two children were observed running away. The area of fire was mostly around the sink. The stove/oven knobs were found to be in the "on" position. There were also a few areas of the hallway floor that had fire damage. Based on the patterns, distinctive damages, paper products present and the presence of several flammable household products, the fire was determined incendiary. The mother was subsequently charged and is awaiting trial.
- On May 27, 2020 team Echo and Alpha responded to a fire that occurred in an unoccupied residence located at 197 Maple Ave in North Plainfield, N.J. The home was completely consumed by the fire and the adjacent homes on either side also suffered fire damage. Based on the fire patterns, damage and fire debris, the area of origin was the garage of the residence. The area was also corroborated by video obtained from a nearby house. An individual was identified on video in the area of origin just prior to the fire starting. Jonathan Davies lived in a nearby house and was subsequently charged. He is awaiting trial.

COUNTER-TERRORISM UNIT

I. Purpose:

The Somerset County Prosecutor's Office Counter-Terrorism Unit is an investigative unit created to assist the New Jersey Office of Homeland Security and Preparedness (OHSP) and Federal Bureau of Investigations Joint Terrorism Task Force (JTTF) in investigating possible terrorism suspects and activities. The Somerset County Prosecutor's Office Counter-Terrorism Unit provides manpower and resources to assist OHSP and JTTF in terrorism related cases that originate or fall within the boundaries of Somerset County. The Counter-Terrorism Unit interacts with businesses and corporations deemed "critical and non-critical infrastructures and facilities" to deter terrorist activity, protect their property, and promote better lines of communication.

II. The number of personnel assigned to the unit:

A. Legal Staff: 1 Assistant Prosecutor

B. Investigative Staff: 2 Detectives

C. Support Staff: 1 Clerical

III. Duties and responsibilities of unit personnel:

A. Legal Staff:

Provides legal supervision in preparation for prosecution and legal advice and opinions on a day-to-day basis as needed.

B. Investigative Staff:

Conducts thorough investigations concerning terrorism with the assistance of local and federal agencies, and maintains open lines of communication between local businesses and corporations.

C. Support Staff:

Shares clerical and data entry responsibilities.

IV. Accomplishments of 2020:

In 2020, the Somerset County Prosecutor's Office Counter-Terrorism Unit participated in 36 incidents where suspicious activities were reported. The Counter-Terrorism Unit participated in numerous interviews of suspicious individuals, performed surveillance of residences and vehicles, and spoke to several citizens who observed peculiar activity. All information gleaned as a result of these investigations was forwarded to OHSP and JTTF for review. The Somerset County Prosecutor's Office, working jointly with municipal police departments, OHSP and JTTF, and subsequently confirmed or dispelled all suspicious activities.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

V. The Counter-Terrorism Unit investigated the following types of cases in 2020:

- Identified juvenile made an implied threat toward another student at a middle school in Bridgewater Township, N.J.
- Two unidentified subjects made implied threats, via social media, regarding a parade as reported in Somerville, N.J.
- Unidentified subject(s) wrote graffiti on a railroad bridge support, implying a threat, as reported in Raritan, N.J.
- Two unidentified subjects purchased a large quantity of diesel fuel in Watchung, N.J.
- Unidentified subject made a threat against the N.J. Governor on Facebook as reported in Bridgewater Township, N.J.
- Identified subject made an implied threat of violence toward personnel at an airport in Hillsborough Township, N.J.
- Unidentified subject interrupted an online zoom meeting and wrote threatening remarks, as reported in Somerville, N.J.
- Identified subject threatened a Superior Court Judge in Somerville, N.J.
- Unidentified subjects burglarized a gun shop, taking 14 handguns and ammunition, in Green Brook Township, N.J.
- Identified subject threatened a Superior Court Judge in Somerville, N.J.
- Victim reported the loss of his Ukraine passport in Montgomery Township, N.J.
- Identified subject flew a private aircraft over a golf club in a restricted Presidential airspace in Bedminster Township, N.J.
- A second identified subject flew a private aircraft over a golf club in a restricted Presidential airspace in Bedminster Township, N.J.
- Identified subject made telephonic threats against a State Senator in Somerville, N.J.
- Identified subject threatened two Superior Court Judges in Somerville, N.J.
- Identified subject made a telephonic threat of violence towards the elected candidates, as reported in Hillsborough Township, N.J.
- Unidentified subjects interrupted an online meeting, posted images of swastikas and threatened the host as reported in Raritan, N.J.
- Identified subject made telephonic threats of violence against people in Hillsborough Township, N.J.
- Identified subject made threats against law enforcement on social media as observed in North Plainfield, N.J.
- Identified subject is actively recruiting for the Neo-Nazi cause as reported in Peapack-Gladstone Borough, N.J.
- Unidentified subject spray painted anti - government related graffiti on an entrance to a bank in Bernards Township, N.J.
- Unidentified subject spray painted two anarchist symbols and a derogatory reference to law enforcement, at a community center parking lot, in Bernards Township, N.J.
- Unidentified subject spray painted ACAB graffiti on a wooden structure, at a school, in Bernards Township, N.J.
- Unidentified subjects made threats of violence on social media, as reported in Manville Borough, N.J.
- Two unknown subjects trespassed at a sewage treatment facility in Bridgewater Township, N.J.
- Identified subject threatened a healthcare facility in Montgomery Township, N.J.
- Identified subject left a threatening voicemail message to the township engineer in Hillsborough Township, N.J..
- Identified juvenile subject made threatening remarks on Snapchat as reported in Hillsborough Township, N.J.
- Unidentified subject left a written bomb threat on a bathroom stall, at a high school, in Hillsborough Township, N.J.
- Unidentified subject left a written threat of school violence, on the wall of a school restroom, in Bridgewater Township, N.J.
- Unidentified subject painted Anti-Semitic graffiti on property owned by the township in Branchburg Township, N.J.
- Victim reported the loss of her India passport in Montgomery Township, N.J.
- Identified subject made a telephonic threat of violence towards the County Court Facility in Somerville, N.J.
- Unidentified subject left a written threat of school violence, on the wall of a school restroom, in Bridgewater Township, N.J.
- Identified subject made several harassing phone calls to a police agency as reported in Bridgewater Township, N.J.
- Identified subject left an alarming phone message eluding to a bomb threat count down at the municipal office in Hillsborough Township, N.J.

The Somerset County Prosecutor's Office Counter-Terrorism Unit is responsible for updating all municipal police on intelligence relating to terrorism. All information sent to the Somerset County Counter-Terrorism Coordinator from OHSP and JTTF is disseminated via e-mail to all local police counter-terrorism coordinators. Local coordinators, in turn, are required to provide the intelligence to the patrolmen in their respective jurisdictions.

The Somerset County Prosecutor's Office Counter-Terrorism Unit is responsible for maintaining a working relationship with businesses in Somerset County considered to be "Critical and Non-Critical Infrastructures". "Critical Infrastructures" are defined as businesses or structures that, if targeted by terrorists, could severely damage the national or state economy or cause mass civilian casualties. Businesses such as chemical facilities, water treatment plants, malls, insurance corporations and airports are considered "Critical Infrastructures." "Non-Critical Infrastructures" are businesses such as hotels, storage facilities, car rental agencies, and garden supply stores that are capable of supplying terrorists with supplies, tools or concealment from which to prepare or launch a terrorist attack.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

ADMINISTRATIVE DIVISION

I. The number of personnel assigned to the section or unit:

- A. Division Head:** 1 Administrator
1 Office Manager
- B. Support Staff:** 47 Clerical & Support Staff

II. Description of the functions of the unit/Mission Statement:

The mission of the Administrative Division of the Somerset County Prosecutor's Office is one of support, assistance and the facilitation of logistical, material and personnel services to the Legal and Investigative Divisions so that they may ensure the effective, efficient and uniform enforcement of the criminal laws and the administration of criminal justice throughout Somerset County.

The Division's responsibilities include:

- Management of the clerical, secretarial and support staff in addition to computer systems management. In 2020, 2,366 criminal warrants/summons were issued and our staff processed thousands of criminal, civil and juvenile discovery requests. Additionally, our secretarial and paralegal staff processed and generated thousands of statements, letters and various types of legal documents;
- Assists with policies and directives development;
- Data entry;
- Purchasing, 1,163 purchase orders were processed for the year;
- Budgeting, development and administration of a 13.8 million + budget;
- Grant management
- Management of the seized, forfeited, petty cash, confidential fund accounts, and municipal law enforcement trust accounts;
- Assist in the pre-employment screening and background investigations, fleet vehicle purchases;
- Liaison to the County Police Chiefs/Director and educational community;
- Logistical support for the Legal and Investigative Divisions;
- Coordination of Community Justice Programs.

First and foremost, the Administrative Division prides itself on the prompt response to inquiries and timely resolution of office problems and issues. The Administrative Division had numerous accomplishments in 2020 despite the pandemic. We purchased several new InfoShare modules, Internal Affairs and the Victim-Witness Phone App Mapping Component. Both were purchased, installed and are operational. We also broke ground on a new Child Advocacy Center (CAC) for the Office which started construction in September on the fourth floor of our building. We demolished a storage area and our Grand Jury area to make room for the CAC and remodeled our Media Room to convert it to the new Grand Jury area. Unfortunately, our Bring your Child to Work Day in 2020 had to be canceled, which was a disappointment.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
Criminal Intelligence Unit
Burglary Task Force
STOPit
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Fire Investigation Unit
Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

Administrative Division Summary

D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

As we do each year, we continued a program of upgrading our office computers, cell phones, office furniture, office equipment, photocopiers and fax machines, to include new InfoShare servers. All nineteen police agencies in Somerset County continue to be connected to our Evidence, Lab, Intelligence and Adult CJP Screening modules through a secured VPN.

Government Emergency Telecommunications (GETS) and Wireless Priority Service (WPS) continues to be installed on the cell phones of key Somerset County Prosecutor's Office personnel that will provide priority cell phone service during major incidents such as terrorist attacks and natural disasters.

The Administrative Division also serves as the liaison to other County agencies, such as the Facilities & Services Department, Purchasing, Human Resources, Finance, Vehicle Maintenance, MIS Department and Printing & Graphics Department.

III. School Based and Community Programs:

A. Bring Your Child to Work Day

Due to Covid-19, this year's Bring Your Child to Work Day was canceled.

B. Community Events

Due to the Covid-19 lockdown much of the community outreach was cancelled or suspended.

In 2020 the Somerset County Traffic Safety Alliance continued to operate Child Passenger Safety Seat Fitting Stations in Somerset and Hunterdon Counties. The Fitting Stations are free of charge to parents and caregivers. Twice a month on the first Saturday and third Wednesday of each month in Somerset County and on the second and fourth Tuesday in Hunterdon County, Certified Child Safety Seat Technicians are on hand to inspect and teach how to properly install and use child safety seats. During the 2020 calendar year 374 seats were inspected and 85% were found to have some form of misuse or improper installation.

POLICE ACADEMY

I. Purpose:

The mission of the Somerset County Police Academy is to offer a comprehensive continuing education calendar each year including both required and elective courses for law enforcement personnel. Included in the continuing education component is the scheduling, maintenance and supervision of the Somerset County Firearms Range, a facility utilized by both County and municipal agencies serviced through the Academy. The Academy provides outreach to the community through its participation in various events and specialty classes.

II. The number of personnel assigned to the section or unit:

- | | |
|-----------------------------|---|
| A. Legal Staff: | 1 Assistant Prosecutor (On-Call)
Others as needed |
| B. Academy Director: | 1 Academy Director (Civilian) |
| C. Assigned Staff: | 1 Detective Sergeant (Commanding Officer)
1 Detective (Training Coordinator) (Retired June 2020) |
| D. Support Staff: | 1 Office Manager (Civilian) |

III. Duties and responsibilities of section or unit:

- | | |
|--|---|
| A. Legal Staff: | Requested as needed to instruct and provide legal guidance on a variety of topics and issues. |
| B. Academy Director (Civilian): | The Academy Director provides oversight to the operations of the Somerset County Police Academy. |
| C. Sworn Personnel: | The cadre of sworn personnel delivers the day-to-day coordination, facilitation, and supervision consistent with the purpose of the Academy and its identified mission. |
| D. Support Staff (Civilian): | The Office Manager provides administrative activity and support services to all areas of the Academy. |

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Unit
- Victim-Witness

CRIMINAL INVESTIGATION DIVISION

- Criminal Investigation Section
 - Major Crimes Unit
 - Sex Crimes & Child Abuse Unit
 - Special Investigations Unit
 - Insurance Fraud Unit
 - Internal Affairs Unit
 - Organized Crime & Narcotics Task Force
 - Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
 - Somerset County Emergency Response Teams
- Operations Section
 - Fugitive Unit
 - Crime Scene Investigation Unit (CSIU) & Ballistics Laboratory
 - Criminal Intelligence Unit
 - Burglary Task Force
 - STOPit
 - Crime Stoppers
 - Computer Crimes / Technical Services Unit
 - Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
 - Fire Investigation Unit
 - Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

- Administrative Division Summary
- D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
- Bring Your Child to Work Day & Community Events

POLICE ACADEMY

APPENDICES

IV. Accomplishments:

In early 2020, the Academy was closed due to Covid-19. All personnel were re-assigned.

The Somerset County Firearms Range (SCFR):

The Academy provides oversight, scheduling and maintenance of the Somerset County Firearms Range (SCFR), located on Roycefield Road in Hillsborough Twp., N.J. The Range is used almost daily throughout the year by the Academy for firearms related Continuing Education courses, and by most law enforcement agencies from throughout Somerset County for their New Jersey Attorney General mandated semi-annual firearms qualifications and other agency specific tactical firearms training programs.

The SCFR is a New Jersey Police Training Commission approved firearms training range. The Range is a 50-yard, 16 lane outdoor shooting facility. In addition it has a 100-yard line shooting platform for lanes 1 through 5. This allows agencies to conduct true 100-yard rifle qualifications. It has 2 overhead protected "classroom" or "weapon cleaning" areas, 2 storage sheds and portable toilet facilities. The Range is approved for the firing of agency-authorized on- and-off-duty handguns, agency-authorized shotguns, and agency-authorized police rifles.

APPENDICES

- PROSECUTORIAL SCREENING OF DEFENDANTS
- DEFENDANT APPLICATIONS FOR DIVERSION PROGRAM
- PRE-INDICTMENT DEFENDANT CASES
- DEFENDANTS COMPLETING THE GRAND JURY PROCESS AND ACTION TAKEN
- DEFENDANTS PENDING DISPOSITION BY AGE OF INDICTMENT OR ACCUSATION
- INDICTMENTS/ACCUSATIONS DISPOSED
- POST-CONVICTION ACTIVITIES AND MISCELLANEOUS COURT ACTIVITIES
- CAREER CRIMINAL DISPOSITION
- INVESTIGATIVE WORKLOAD AND DISPOSITIONS
- DISPOSITIONS OF ORIGINAL INVESTIGATIONS
- APPELLATE WORKLOAD AND DISPOSITIONS (LAW DIVISION)
- JUVENILE CASE INTAKE OUTCOMES
- JUVENILES WITH CASES REACHING FINAL ADJUDICATION
- VICTIM/WITNESS NOTIFICATION SERVICES
- VICTIM/WITNESS ASSISTANCE SERVICES PROVIDED
- MISCELLANEOUS ACTIVITIES
- ADULT DEFENDANTS - BIAS CRIME RELATED CHARGES DISPOSED
- JUVENILE - BIAS CRIME RELATED CHARGES DISPOSED
- POLICE PURSUIT SUMMARY REPORT
- INTERNAL AFFAIRS SUMMARY REPORT
- BUDGETS AND EXPENDITURES

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Unit
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
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POLICE ACADEMY

APPENDICES

PROSECUTORIAL SCREENING OF DEFENDANTS

SCREENING OUTCOMES	STAGE OF THE CRIMINAL JUSTICE PROCESS WHEN DECISION OCCURS	
	PRE-COMPLAINT DECISIONS	POST-COMPLAINT DECISIONS
a. Defendants administratively dismissed	0	59
b. Defendants with charges downgraded to disorderly persons offenses	21	10
c. Defendants accepted for pre-trial diversion	0	37
d. Defendants otherwise screened out	225	13
e. Defendants with change of venue	0	7
f. Accusations filed	0	129
g. Defendants with either indictable complaints authorized or charges approved for grand jury	0	604
h. AOC Correction: Defendants who completed grand jury	0	59
TOTAL SCREENING DECISIONS FOR YEAR (add a - h)	246	918

DEFENDANT APPLICATIONS FOR DIVERSION PROGRAM, ACTION TAKEN AND OUTCOME

Pre-trial Intervention Diversion Program

	Number of DEFENDANT APPLICATIONS FOR PRE- TRIAL INTERVENTION	
	PRE-INDICTMENT	POST-INDICTMENT
1. Applications reviewed	41	51
2. Recommended for acceptance	41	50
3. Recommended for rejection	0	3
4. Accepted into program	37	52

**DEFENDANTS PENDING GRAND JURY PROCESS
(Pre-Indictment Defendant Cases)
BY AGE OF COMPLAINT**

AGES OF PRE-INDICTMENT DEFENDANT CASES FROM DATE OF COMPLAINT	NUMBER OF DEFENDANTS	
	ACTIVE	INACTIVE/FUGITIVE
1. 0 to 1 month	54	0/0
2. 1+ to 2 months	61	0/1
3. 2+ to 3 months	76	0/1
4. 3+ to 4 months	73	0/1
5. Over 4 months	307	0/30
6. TOTAL defendant cases pending grand jury	571	0/33

**DEFENDANTS COMPLETING THE
GRAND JURY PROCESS
AND ACTION TAKEN**

ACTION TAKEN	NUMBER OF DEFENDANTS
1. Defendants presented to the grand jury	238
2. Defendants indicted	237
3. Defendants no billed and remanded to municipal court	1
4. Defendants no billed/no action	0
5. TOTAL defendants completing the grand jury process	238

DEFENDANTS CHARGED BY ACCUSATION

	NUMBER OF DEFENDANTS
TOTAL Defendants charged through Accusation	129

DEFENDANTS PENDING DISPOSITION OF CHARGES BY AGE OF INDICTMENT OR ACCUSATION

AGES OF POST-INDICTMENT DEFENDANT CASES FROM DATE OF INDICTMENT OF ACCUSATION	NUMBER OF DEFENDANTS	
	ACTIVE	INACTIVE/FUGITIVE
1. 0 to 3 months	52	0/9
2. 3+ to 6 months	1	0/0
3. 6+ to 9 months	0	0/0
4. 9+ to 12 months	39	0/14
5. 12+ to 24 months	74	1/81
6. 24+ months	44	1/367
7. TOTAL post-indictment/accusation defendant cases pending	210	2/471

DEFENDANTS WITH INDICTMENTS/ACCUSATIONS DISPOSED BY OFFENSE CATEGORY AND MANNER OF DISPOSITION

MANNER OF DISPOSITION	OFFENSE CATEGORIES										
	Homicide	Kidnap- ping	Sexual Assault	Robbery	Arson	Assault	Burglary	Bribery	Narcotics	Official Miscon- duct	Perjury/ Falsifi- cation
1. Guilty plea to most serious offense	7	8	6	11	6	16	24	0	123	0	1
2. Guilty plea to lesser indictable offense	1	2	1	1	0	2	2	0	19	0	0
3. Ind. dism., plea to dis. persons offense	0	0	0	0	1	1	2	0	7	0	0
4. Guilty at trial, most serious offense											
a. Jury	1	0	0	0	1	0	0	0	0	0	1
b. Non-jury	0	0	0	0	0	0	0	0	0	0	0
5. Guilty at trial, lesser indictable offense											
a. Jury	0	0	1	0	0	0	0	0	0	0	0
b. Non-jury	0	0	0	0	0	0	0	0	0	0	0
6. Guilty at trial, dis. persons offense											
a. Jury	0	0	0	0	0	0	0	0	0	0	0
b. Non-jury	0	0	0	0	0	0	0	0	0	0	0
7. Not guilty at trial											
a. Jury	0	0	0	0	0	0	0	0	0	0	0
b. Non-jury	0	0	0	1	0	1	0	0	1	0	0
8. Acceptance into diversion program	0	0	0	1	1	3	1	0	21	1	2
9. Dismissed over objection of pros.	0	0	0	0	0	0	0	0	0	0	0
10. Dismissed pros. motion or consent	0	1	3	2	0	0	4	0	35	0	0
11. TOTAL dispositions	9	11	11	16	9	23	33	0	206	1	4

DEFENDANTS WITH INDICTMENTS/ACCUSATIONS DISPOSED BY OFFENSE CATEGORY AND MANNER OF DISPOSITION

MANNER OF DISPOSITION										
	Theft	Forgery/ Fraud	Weapons	Child Abuse/ Endanger	Gambling	Wiretap	Obstr. Gov't Oper.	Fail to Register	Other	TOTAL
1. Guilty plea to most serious offense	38	7	5	4	0	0	18	1	4	279
2. Guilty plea to lesser indictable offense	2	2	2	0	0	0	3	0	1	38
3. Ind. dism., plea to dis. persons offense	2	0	0	1	0	0	1	0	0	15
4. Guilty at trial, most serious offense										
a. Jury	0	0	0	0	0	0	0	0	0	3
b. Non-jury	0	0	0	0	0	0	0	0	0	0
5. Guilty at trial, lesser indictable offense										
a. Jury	0	0	0	0	0	0	0	0	0	1
b. Non-jury	0	0	0	0	0	0	0	0	0	0
6. Guilty at trial, dis. persons offense										
a. Jury	0	0	0	0	0	0	0	0	0	0
b. Non-jury	0	0	0	0	0	0	0	0	0	0
7. Not guilty at trial										
a. Jury	1	0	0	0	0	0	0	0	0	1
b. Non-jury	1	0	0	0	0	0	0	0	0	4
8. Acceptance into diversion program	14	8	13	2	0	0	3	1	3	74
9. Dismissed over objection of pros.	0	0	0	0	0	0	0	0	0	0
10. Dismissed pros. motion or consent	4	2	2	0	0	0	0	0	4	57
11. TOTAL dispositions	62	19	22	7	0	0	25	2	12	472

**POST-CONVICTION ACTIVITIES
AND MISCELLANEOUS COURT ACTIVITIES
BY TYPE AND OUTCOME**

POST CONVICTION ACTIVITY AND OUTCOME	NUMBER
1. Krol hearings involving the prosecutor's office	27
2. TOTAL post-conviction relief applications/briefs filed involving the prosecutor's office	13
a. Defendants granted relief	0
b. Defendants denied relief	10
c. Defendants granted relief in part/Denied relief in part	0
d. Defendants dismissed/Withdrawn	1
3. TOTAL habeas corpus petitions/briefs filed involving the prosecutor's office	3
a. Defendants granted relief	0
b. Defendants denied relief	0
c. Defendants granted relief in part/Denied relief in part	0
d. Defendants dismissed/Withdrawn	0

CAREER CRIMINAL WORKLOAD AND GRAND JURY ACTION

CAREER CRIMINAL WORKLOAD AND GRAND JURY ACTION	NUMBER OF DEFENDANTS
1. Defendants reviewed for acceptance into career criminal prosecution program	0
2. Defendants accepted for prosecution as career criminals	0
3. TOTAL career criminal defendants completing grand jury process	0
a. Defendants indicted	0
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0
4. TOTAL career criminal defendants charged through accusation	0

**CAREER CRIMINAL
DEFENDANTS PENDING GRAND JURY PROCESS
(Pre-Indictment Defendant Cases)
BY AGE OF COMPLAINT**

AGES OF PRE-INDICTMENT DEFENDANT CASES FROM DATE OF COMPLAINT	NUMBER
1. 0 to 1 month	0
2. 1+ to 2 months	1
3. 2+ to 3 months	0
4. 3+ to 4 months	0
5. Over 4 months	0
6. TOTAL defendant cases pending grand jury	1

**CAREER CRIMINAL
DEFENDANTS PENDING DISPOSITION OF CHARGES
BY AGE OF INDICTMENT OR ACCUSATION**

AGES OF POST-INDICTMENT DEFENDANT CASES FROM DATE OF INDICTMENT OR ACCUSATION	NUMBER
1. 0 to 3 months	0
2. 3+ to 6 months	0
3. 6+ to 9 months	0
4. 9+ to 12 months	0
5. 12+ to 24 months	0
6. 24+ months	0
7. TOTAL post-indictment/accusation defendant cases pending	0

**CAREER CRIMINAL
DEFENDANTS WITH INDICTMENTS/ACCUSATION DISPOSED
BY MANNER OF DISPOSITION**

MANNER OF DISPOSITION	NUMBER OF DEFENDANTS
1. Guilty plea to most serious offense	0
2. Guilty plea to lesser indictable offense	0
3. Ind. disp., plea to disorderly persons offense	0
4. Guilty at trial, most serious offense	0
a. Jury trial	0
b. Non-jury trial	0
5. Guilty at trial, lesser indictable offense	0
a. Jury trial	0
b. Non-jury trial	0
6. Guilty at trial, disorderly persons offense	0
a. Jury trial	0
b. Non-jury trial	0
7. Not guilty at trial	0
a. Jury trial	0
b. Non-jury trial	0
8. Acceptance into diversion program	0
9. Dismissed over objection of prosecutor	0
10. Dismissed on motion of prosecutor	0
11. TOTAL dispositions	0

INVESTIGATIVE WORKLOAD AND DISPOSITIONS

INVESTIGATIVE WORKLOAD AND DISPOSITIONS	NUMBER OF INVESTIGATIONS BY TYPE -- Original and Post-complaint investigations						
	Original Investigations Conducted Jointly With:				Original Exclusive Investigations	TOTAL Original Investigations	TOTAL Post-complaint Investigations
	Local Police	State Agency	Other County Prosecutor	Other Agency			
1. Investigations pending or inactive at the beginning of the year	337	20	4	20	226	607	4
2. Investigations opened during the year	765	49	14	48	407	1283	10
3. TOTAL Investigative workload for the year (add nos. 1 - 2)	1102	69	18	68	633	1890	14
4. TOTAL Investigations completed during this year (add a. - d.)	843	49	9	38	464	1403	10
a. Resulting in criminal charges	24	0	1	1	67	93	10
b. Referred to other agency for criminal prosecution	17	4	4	5	27	57	
c. Referred to other agency for civil or administrative action	4	0	0	2	4	10	
d. Closed - No further action	798	45	4	30	366	1243	
5. Investigations pending or inactive at the end of the year	259	20	9	30	169	487	

DISPOSITIONS OF ORIGINAL INVESTIGATIONS RESULTING IN CRIMINAL CHARGES

DISPOSITION OF ORIGINAL INVESTIGATIONS RESULTING IN CRIMINAL CHARGES	NUMBER OF DEFENDANTS
1. Defendants charged by complaint, TOTAL	194
a. Defendants with complaints administratively dismissed	10
b. Defendants with complaints downgraded to disorderly persons offenses	1
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	58
2. Defendants with original charges presented to grand jury on direct presentment	1
3. Defendants charged through accusation	11
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	59
a. Defendants indicted	59
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

APPELLATE WORKLOAD AND DISPOSITIONS

Appellate Division and Other Appellate Courts

APPELLATE WORKLOAD AND DISPOSITIONS/OUTCOMES	Appellate Division Appeals						NJ Supreme Court Appeals	U.S. and Other Court Appeals (specify court)	TOTAL
	Criminal referral cases	Other criminal appeals	Criminal Inter-locutory	Juvenile	Law Division (de novo)	Civil			
1. Appeals pending at beginning of the year	27	0	0	0	2	0	3	2 district ct.	34
2. Notices of appeal received/filed	21	0	6	1	5	0	24	3 district ct.	60
3. Appellate motions, motion responses filed	2	0	4	0	1	0	24	0	31
4. Appellate briefs filed	17	0	4	1	4	0	7	3 district ct.	36
5. STATE Appeals and - TOTAL DISPOSED Cross Appeals	0	0	2	0	1	0	1	0	4
a. Conviction or order affirmed	0	0	1	0	0	0	1	0	2
b. Conviction or order reversed	0	0	1	0	0	0	0	0	1
c. Remanded or judgment modified	0	0	0	0	0	0	0	0	0
d. Withdrawn or dismissed	0	0	0	0	0	0	0	0	0
e. Affirmed in part/Reversed and or remanded in part	0	0	0	0	0	0	0	0	0
6. DEFENSE Appeals - TOTAL DISPOSED	23	0	2	1	7	0	14	1 district ct.	48
a. Conviction or order affirmed	18	0	2	1	5	0	14	1 district ct.	41
b. Conviction or order reversed	2	0	0	0	0	0	0	0	2
c. Remanded or judgment modified	1	0	0	0	0	0	0	0	1
d. Withdrawn or dismissed	1	0	0	0	1	0	0	0	2
e. Affirmed in part/Reversed and or remanded in part	1	0	0	0	1	0	0	0	2
7. Appeals pending at the end of the year	22	0	2	0	1	0	6	4	35

APPELLATE WORKLOAD AND DISPOSITIONS Law Division

APPELLATE WORKLOAD AND DISPOSITIONS/OUTCOMES	MUNICIPAL COURT APPEALS -- BY TYPE OF VIOLATION					TOTAL
	Criminal	Disorderly Persons	Motor Vehicle	Municipal Ordinances	Other	
1. Appeals pending at beginning of year	0	1	3	0	0	4
2. Notices of appeal received/filed	0	2	18	0	0	20
3. Appellate motions, motion responses filed	0	0	0	0	0	0
4. Appellate briefs filed	0	2	12	0	0	14
5. TOTAL APPEALS DISPOSED	0	3	17	0	0	20
a. Conviction or order affirmed	0	1	9	0	0	10
b. Conviction or order reversed	0	2	1	0	0	3
c. Remanded or judgment modified	0	0	0	0	0	0
d. Withdrawn or dismissed	0	0	7	0	0	7
6. Appeals pending at the end of the year	0	0	4	0	0	4

Section/Unit _____
(completing report)

County: Somerset

Section IV. 9.a.

Year...: 2020

JUVENILE DELINQUENCY INTAKE

Filings/New Cases	Number of Juveniles	Number of Cases	Number of Offenses
1. Total New Filings During the Calendar Year	143	177	326
VOP Filings			
2. Total Violations of Probation During the Calendar Year	12	12	12
Returned to Court			
3a. Cases Reactivated	12	16	28
3b. Cases Reopened	24	25	39
3c. Cases Successfully Appealed	0	0	0
3. Total Cases Returned to Court	36	41	67
Transfers			
4a. Entering this county	38	47	75
4b. Leaving this county	59	64	132
4. (Net Change)	-21	-17	-57

5. County Screening Procedures.....: Check the box that most accurately describes the procedure in your county. Do not check more than one box.

- a. Prosecutor's office reviews all new delinquency complaints either before of after diversion.
- b. Prosecutor's office reviews selected delinquency complaints either before or after diversion based on offense charged or other criteria
- c. Prosecutor's office does not screen new delinquency complaints.

6. Violations of Probation Procedures: Check the box that most accurately describes the procedure in your county. Do not check more than one box.

- a. An Assistant Prosecutor appears at all V.O.P. hearings.
- b. An Assistant Prosecutor appears at selected V.O.P. hearings based on offense charged or other criteria.
- c. Assistant Prosecutor's do not at V.O.P. hearings.

Section/Unit _____
 (completing report)

County: Somerset

Section IV. 9.b.

Year...: 2020

JUVENILE DELINQUENCY DISPOSED CASES

	Number of Juveniles	Number of Cases	Number of Offenses
Dismissed/Consolidated/Withdrawn			
1. Total Dismissed/Consolidated/Withdrawn during Calendar Year	22	27	42
Diverted Cases			
2. Total Diversions during Calendar Year	41	42	67
Inactivated Cases			
3a. VOP Cases Inactivated	4	4	4
3b. Non-VOP Cases Inactivated	10	14	22
3. Total Inactivations during Calendar Year	14	18	26
Non-VOP Decisions (Mandatory Calendar)			
4a. Adjudicated Delinquent	1	1	3
4b. Adjudicated Not Delinquent	0	0	0
4c. Not Adjudicated Dismissed	0	0	0
4d. Case Returned/Post Adjudication Decision	5	6	10
4. Total Non-VOP Decisions (Mandatory Calendar)	6	7	13
Non-VOP Decisions (Non-Mandatory Calendar)			
5a. Adjudicated Delinquent	0	0	0
5b. Adjudicated Not Delinquent	0	0	0
5c. Not Adjudicated Dismissed	0	0	0
5d. Case Returned/Post Adjudication Decision	0	0	0
5. Total Non-VOP Decisions (Non-Mandatory Calendar)	0	0	0
Non-VOP Decisions (Juvenile Referee)			
6a. Adjudicated Delinquent	36	57	122
6b. Adjudicated Not Delinquent	0	0	0
6c. Not Adjudicated Dismissed	0	0	0
6d. Case Returned/Post Adjudication Decision	4	4	9
6. Total Non-VOP Decisions (Juvenile Referee)	40	61	131
VOP Decisions (1:1)			
	Mandatory Calendar	Non-Mandatory Calendar	Juvenile Referee
7a. Adjudicated Delinquent	0	0	11
7b. Adjudicated Not Delinquent	0	0	0
7c. Not Adjudicated Dismissed	0	0	0
7d. Case Returned/Post Adjudication Decision	0	0	0
7. Total VOP Decisions	0	0	11

Trials		
8a. Total Number of Trials Where the Assistant Prosecutor Appeared.	0	0
8b. Total Number of Juveniles Adjudicated Delinquent on One or More Charges at Trial.	0	0
8c. Total Number of Juveniles Adjudicated Not Delinquent at Trial.	0	0

Revised for 2020 data

JUVENILE WAIVER DECISIONS

1. Voluntary Waivers at Juvenile's Request	0
2. Juvenile Waiver Applications by Prosecutor	
a. Pending at Beginning of Year	2
b. Motions Filed by Prosecutor this Year	2
3. Juvenile Waiver Decisions (Prosecutor's Applications)	
a. Waived on Prosecutor's Motion with Juvenile's Consent	0
b. Waived on Prosecutor's Motion after a Hearing	2
c. Motion Voluntarily Withdrawn by Prosecutor	0
d. Waivers Denied	0
e. Total Decisions (sum of 3a through 3d)	2
4. Juvenile Waiver Applications filed by Prosecutor Pending at Year End (2.a. + 2.b. - 3.e.)	2

Rev. 1999

VICTIM/WITNESS NOTIFICATION SERVICES

NOTIFICATION SERVICES		NOTIFICATION PROVIDED TO					
		VICTIMS		Lay WITNESSES		Law Enforcement Complainant	
		YES	NO	YES	NO	YES	NO
Initial contact	460	X					
Administrative dismissal	65	X		X		X	
GJ Remand to Remand Municipal Court	1	X		X		X	
Indictment returned	467	X		X		X	
No bill (Grand Jury Dismissal)	0	X		X		X	
Applied to PTI	60	X		X		X	
Acceptance to PTI	140	X		X		X	
Completed PTI	179	X		X		X	
Terminated from PTI	5	X		X		X	
Pre-Trial Proceeding	6953	X		X		X	
Fugitive Status	425	X		X		X	
Court Dismissal	107	X		X		X	

VICTIM/WITNESS NOTIFICATION SERVICES

NOTIFICATION SERVICES		NOTIFICATION PROVIDED TO					
		VICTIMS		Lay WITNESSES		Law Enforcement Complainant	
		YES	NO	YES	NO	YES	NO
Pre-Grand Jury Remand/Decline	2	X					
Disposed of Charges Not Guilty	6	X		X		X	
Dispose of Charges Guilty To Be Sentenced	8	X		X		X	
Sentence Date	1165	X		X		X	
Sentence Imposed- Parole Input	66	X					
Sentence Imposed	1225	X		X		X	
Mistrial/Dismissal	0	X				X	
Mistrial	0	X		X		X	
Plea to Charges/To Be Sentenced	487	X		X		X	
Plea and sentenced	0	X		X		X	
Community Release	3	X					
Parole Denial	52	X					
Parole Eligibility	91	X					
Max Release (Sentence Expiration)	148	X					
Release on Parole	91	X					

VICTIM/WITNESS NOTIFICATION SERVICES

NOTIFICATION SERVICES	NOTIFICATION PROVIDED TO					
	VICTIMS		Lay WITNESSES		Law Enforcement WITNESSES	
	YES	NO	YES	NO	YES	NO
Return to Custody	0					
Juvenile Release	4	X				
Juvenile- Initial Contact	44	X				
Juvenile- Disposition of Case	129	X				
Juvenile Transfer Out	2	X				
Fugitive Arrest	16	X				
Condolence Letters	14	X				
VINE	9	X				
Administrative Hold	0	X				
Release to ISP	10	X				
Applied to Drug Court	0	X				
CAR Team	0	X				
Total Notifications for 2019	12,507					

VICTIM/WITNESS ASSISTANCE SERVICES PROVIDED

VICTIM/WITNESS ASSISTANCE SERVICES	SERVICE PROVIDED TO			
	VICTIMS		WITNESSES	
	Juvenile Cases	Adult Cases	Juvenile Cases	Adult Cases
INFORMATION AND REFERRAL SERVICES				
Introductory brochure	X	X		
Criminal Justice system orientation	X	X		
Case information	X	X	X	X
VCCO referral	X	X		
Social service information/referral	X	X		
Crime prevention information/refer				
Property return information	X	X		
Witness fee information				
Public education, community awareness		X		
LOGISTIC SERVICES				
Stand-by subpoena and call		X		
Witness waiting area	X	X	X	X
Response to witness intimidation, harassment				
Restitution to recommendation at sentencing	X	X		
VCCO Claim Assistance	X	X		
Social service intervention	X	X		
Employer/student intervention	X	X		
Travel, lodging assistance		X		
Transportation assistance	X	X		
Child care assistance		X		
Property return assistance		X		
Witness fee assistance				
Victim impact statement assistance	X	X		
Counseling referral		X		
Other (specify)				
Court accompaniment	X	X		
Bilingual Spanish Assistance	X	X		X

MISCELLANEOUS ACTIVITIES

ACTIVITY	NUMBER	VALUE
1. Notice of intention to solicit funds received	1	
2. Expungement applications received	441	
3. TOTAL number of forfeiture actions	39	
4. Number of motor vehicles obtained through forfeiture actions	2	
5. TOTAL value of property forfeited (add a. - c.)		\$76,026.85
a. Cash forfeited		\$66,826.85
b. Value of forfeited motor vehicles		\$9,200.00
c. Value of other forfeited property		0
(Specify property)		

ADULT DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

	TOTAL	NUMBER CONVICTED		ACQUITTED	DISMISSED	DOWNGRADE/ REMAND
		PLEA	TRIAL			
Number of defendants disposed	0	0	0	0	0	0
Number of defendants for whom application for extended term of imprisonment made	0					
Number of defendants for whom application was granted	0					
Number of defendants for whom application was denied	0					
Number of defendants for whom simple assault was upgraded to 4th degree crime	0	0	0	0	0	0
Number of defendants for whom harassment was upgraded to 4th degree crime	0	0	0	0	0	0
Number of defendants who had both an upgrade to a 4th degree crime and an application for extended terms	0					

JUVENILE DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

	TOTAL	NUMBER CONVICTED		ACQUITTED	DISMISSED	DOWNGRADE/ REMAND
		PLEA	TRIAL			
Number of juveniles disposed	0					
Number of juveniles waived for adult prosecution	0	0	0	0	0	0
Number of juveniles for whom application for extended term of imprisonment made	0					
Number of juveniles for whom application was granted	0					
Number of juveniles for whom application was denied	0					
Number of juveniles for whom simple assault was upgraded to 4th degree crime	0	0	0	0	0	0
Number of juveniles for whom harassment was upgraded to 4th degree crime	0	0	0	0	0	0
Number of juveniles who had both an upgrade to a 4th degree crime and an application for extended terms	0					

TABLE 2 - AGENCY DISPOSITIONS

Type of Complaint	Number and Type of Disposition										
	Pending Last Year	Received This Year	Total	Sustained		Exonerated	Not Sustained	Unfounded	Admin. Closed	Closed This Year	Pending End of Year
				Criminal Charge	Internal Disciplinary Action						
Excessive Force	12	4	16			4			1	5	11
Improper Arrest	1	4	5			2			1	3	2
Improper Entry	2	3	5			2				2	3
Improper Search	0	2	2			2				2	0
Other Criminal Violation	6	3	9		1	1	2	1		5	4
Differential Treatment	3	44	47		1	15	11	6	5	38	9
Demeanor	14	45	59		2	14	17	4	6	43	16
Domestic Violence	2	3	5		1				1	2	3
Other Rule Violation	31	127	158		32	29	16	14	15	106	52
TOTAL	71	235	306	0	37	69	46	25	29	206	100

Signature of Person Completing Report:



Name of Person Completing Report:

Lt. Justin Berger

Date Report Completed:

January 29, 2021

Department:

ALL SOMERSET COUNTY DEPARTMENTS

Year

2020

Section/Unit _____
 completing report
 Section IV 14a.

County: Somerset
 Year: 2020

POLICE PURSUIT SUMMARY REPORT

Agency: Somerset County- All Agencies	County: Somerset
Reporting Period: 2020	
Person completing report: Lt. Justin Berger	Date completed: 1/31/2021
Phone number: 908-231-7100	

1. Number of pursuits	61
2. Number of pursuits resulting in accidents	7
3. Number of pursuits resulting in injuries (NO DEATHS)	1
4. Number of pursuits resulting in death	0
5. Number of pursuits resulting in arrests	18
6. Number of vehicles in accidents	22
a) Pursued vehicles	9
b) Police vehicles	9
c) Third party vehicles	4
7. Number of people injured	1
a) Pursued vehicles	1
b) Police vehicles	0
c) Third party vehicles	0
d) Pedestrians	0
8. Number of people killed	0
a) Pursued vehicles	0
b) Police vehicles	0
c) Third party vehicles	0
d) Pedestrians	0
9. Number of people arrested	26
10. Number of pursuits in which a tire deflation device was used	0

SCPO - ANNUAL INTERNAL AFFAIRS SUMMARY REPORT

Agency: ALL SOMERSET COUNTY DEPARTMENTS

Year: 2020

Person Completing Report: Lt. Justin Berger

TABLE 1 - COMPLAINTS FILED

Type of Complaint	Anonymous Complaints	Citizen Complaints	Agency Complaints	Total Complaints
Excessive Force		4		4
Improper Arrest		4		4
Improper Entry		3		3
Improper Search		2		2
Other Criminal Violation		2	1	3
Differential Treatment	5	36	3	44
Demeanor	1	42	2	45
Domestic Violence	1	1	1	3
Other Rule Violation	7	45	75	127
TOTAL	14	139	82	235

Table 3 - Court Dispositions

Court	Cases Dismissed	Cases Diverted	Acquittals	Convictions
Municipal				
Superior				
Total	0	0	0	0



2020 PROFESSIONAL STANDARDS EXECUTIVE SUMMARY

SOMERSET COUNTY

The following report contains the statistical summary of reports of police misconduct in Somerset County in 2020. In addition, the report provides statistics for the dispositions of those complaints. A review of the report and a comparison of this report with the report prepared the previous year reveals the following:

Somerset County law enforcement agencies investigated 235 new cases in 2020 with 71 additional complaints pending from the previous year. Compared to the previous year (2019 – 329 total cases investigated), there was an approximate -28.57 % decrease in the number of complaints investigated.

Of the 235 complaints investigated in 2020, there were 37 sustained allegations (Refer to Table 2). None of those sustained allegations resulted in Criminal Charges; the remaining 198 represented Internal Disciplinary Action. Of the remaining complaints, there were 206 disposed allegations, which included: Exonerated – 69, Not Sustained – 46, Unfounded – 25, and Administratively Closed – 29. One Hundred (100) complaints remain open and are pending into 2021.

The following chart compares the number of complaints between 2019 and 2020.

Type of Complaint	2019 Total Complaints	2020 Total Complaints	Percentage Increase/Decrease
Excessive Force	20	4	-80.00%
Improper Arrest	7	4	-42.86%
Improper Entry	2	3	50%
Improper Search	5	2	-60.00%
Other Criminal Violation	22	3	-86.36%
Differential Treatment	27	44	62.97%
Demeanor	92	45	-51.1%
Domestic Violence	3	3	0%
Other Rule Violation	151	127	-15.89%
Total	329	235	-28.57%

As you can see, there was a decrease in the overall number of complaints received in 2020 (235) when compared to the number of complaints received in 2019 (329). This represents a decrease of approximately -28.57% in the number of received complaints. Year 2020 also saw a decrease in the number of Excessive Force (-80%), Improper Arrest (-42.86%), Demeanor (51.1%), Other Criminal Violation (-86.36 %), and Other Rule Violation (-15.89%). Which based on the number of complaints received for the entire year, is a significant decrease from 2019.

However, based upon the above statistics there appears to be an increase in the number of received Improper Entry (+50%), and Differential Treatment (+62.97%). There was no increase/decrease in the number of Domestic Violence.

As in the past, the goal is to continue to investigate and dispose of cases in a timely manner. As well as to thoroughly and fairly investigate all complaints brought to the Internal Affairs Unit and pursue all sustainable charges.

BUDGETS AND EXPENDITURES

ACTIVITY	YEAR	Total Operating Budget (excluding Grants)	Total Grants Funding
1. TOTAL actual expenditures, prior report year (include all County, State and Federal funding)	2019	12,879,053	1,076,805
a. Salaries and Wages		11,822,432	374,517
b. Other Expenses		1,056,621	702,288
2. TOTAL Budgeted Appropriations, current report year (include all County, State and Federal funding)	2020	13,973,271	1,415,094
a. Salaries and Wages		12,836,962	478,723
b. Other Expenses		1,136,309	936,371

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