

2019

Section IV. 15.

BUDGETS AND EXPENDITURES

This table requests information on actual and budgeted expenditures. It should include all expenditures or appropriations, regardless of the source of funding (i.e., County, State and Federal funds).

In 2003, a column was added to allow a separate reporting of grants funding - regardless of source (County, State or Federal). The total grants funding for each category for the corresponding year should be entered here. This number should not be included in the first column, Total Operating Budget.

1. TOTAL actual expenditures, prior reporting year.

Fill in the year for which the expenditures are being reported. Actual expenditures are reported for the year prior to the current annual report year. For example, if you are filing the 2004 Prosecutor's Annual Report, this form should show 2003 actual expenditures.

Complete the total actual expenditures. The total should be the sum of 1a. and 1b.

a. Salaries and Wages: Report the actual expenditures on salaries and wages.

b. Other Expenses: Report the actual expenditures on other expenses.

2. TOTAL Budgeted Appropriations, current reporting year.

Fill in the year for which the appropriations are being reported. Budgeted appropriations are reported for the current annual report year. For example, if you are filing the 2004 Prosecutor's Annual Report, this form should show 2004 total budgeted appropriations.

Complete the total budgeted appropriations. The total should be the sum of 2a. and 2b.

a. Salaries and Wages: Report the budgeted appropriations for salaries and wages.

b. Other Expenses: Report the budgeted appropriations for other expenses.

Section/Unit Administration
completing report
Section IV, 15

County Bergen
Year 2020

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	30,525,136.30	529,663.55
a. Salaries and Wages		28,979,017.30	520,612.55
b. Other Expenses		1,546,119.00	9,051.00
2. TOTAL Budgeted Appropriations, current report year (Include all County, State and Federal funding)	2020	32,434,852.00	681,624.00
a. Salaries and Wages		30,687,852.00	664,828.00
b. Other Expenses		1,747,000.00	16,796.00

Rev. 2007

APPELLATE AND LAW SECTION

2019

The Appellate Section is responsible for researching and writing the briefs, motions, and petitions filed by the Bergen County Prosecutor's Office in the New Jersey Appellate Division, New Jersey Supreme Court, United States District Court, Third Circuit Court of Appeals, and United States Supreme Court. These briefs address legal issues in cases ranging from homicides to traffic offenses. The Section handles the vast majority of appeals from criminal convictions arising out of Bergen County¹ and all other types of appeals. This latter category includes appeals from orders in forfeiture cases, gun permit rulings, juvenile matters, expungements, disorderly persons convictions, and motor vehicle violations.

The majority of the appellate level work of the Section is directed at upholding the convictions of persons who have been tried and found guilty. The Section also takes interlocutory appeals on behalf of the prosecution in certain cases. For example, when a judge has ruled that evidence, such as physical contraband or a confession, will be inadmissible at trial, the Section may seek to have that ruling overturned by a higher court in order to improve the prosecution's case.

The Section also gives legal advice on major prosecutions and novel issues at the trial level, working particularly on homicides and other violent crimes. In homicide prosecutions, an appellate prosecutor generally will work with the trial prosecutor on all aspects of the case, from pretrial hearings through sentencing. For serious crimes, or when no charge exists for the crime, the Section will draft proposed jury instructions. The Section also provides legal advice and, with increasing frequency, assistance on trial level briefs on all types of cases. Additionally, appellate prosecutors are frequently consulted for advice on active investigations.

The Section also provides assistance to trial prosecutors responding to

¹The remaining appeals from judgments of conviction for crimes are handled by the Appellate Bureau of the Division of Criminal Justice in Trenton, which handles appeals from criminal convictions statewide. Over the last several decades, the number of Bergen County cases handled by the Division has drastically declined.

petitions for post-conviction relief, and, in special circumstances, an appellate prosecutor will respond to the petition. Many of these applications are brought by the most notorious defendants, serving lengthy sentences for homicides.

Other significant functions of the Section include arguing appeals and motions at the appellate and trial levels, advising the Prosecutor and First Assistant Prosecutor on legal questions, and providing training to assistant prosecutors, law enforcement officers and municipal prosecutors.

The Section also oversees the municipal prosecutors of the 71 municipalities and agencies, the Vicinage 2 Court and the Bergen County Central Municipal Court. A member of the Section serves as the municipal prosecutor liaison and attends quarterly meetings with the Attorney General's Office where various topics concerning municipal prosecutions are addressed. The liaison routinely answers inquiries from municipal prosecutors and keeps them updated on significant developments in the law.

The Section filed a total of 183 briefs in 2019. Of this total, 74 briefs were filed with the Appellate Division; 22 motion briefs were filed with the Appellate Division; 22 briefs were filed with the Law Division; 18 briefs were filed with the Supreme Court; 9 motion briefs were filed with the Supreme Court; 4 briefs were filed with the United States District Court; and 34 briefs were filed on municipal appeals.

At the year's close, the Section consisted of five assistant prosecutors, two legal assistants (both retired Appellate assistant prosecutors having over 25 years of experience in appellate work), and one legal secretary. Four assistant prosecutors are permanently assigned to the Section. During the summer, the Section included three interns, who handled municipal appeals.

The following significant cases were handled by the Section during 2019. These cases often involved numerous arguments and, for purposes of brevity, the summaries below present only the main issues briefed.

Brian J. Paladino v. Willie Bonds, et al.

Before the United States District Court, the Section argued on issue of

whether habeas relief should be granted because trial counsel did not conduct a pretrial investigation, did not provide copies of or discuss the discovery with defendant, and failed to advise him of a right to appeal.

Martin Baskerville v. George Robinson, et al.

Before the United States District Court, the Section argued whether: (1) the petition was moot and defendant was not "in custody" within the meaning of the habeas statute; (2) defendant had stated a claim for which habeas relief could be granted; and (3) defendant had exhausted all state remedies.

State v. G.E.P.

Before the Supreme Court, the Section argued whether: (1) State v. J.L.G., which barred CSAAS testimony, should be given pipeline retroactivity, and (2) assuming it should, whether the admission of CSAAS testimony at trial constituted harmless error in this case.

State v. Jerome Shaw

Before the Supreme Court, the Section argued whether: (1) the Court should impose a numerical limit on the number of times the State may re-present a case to the grand jury after a no-bill, and (2) the trial court's approval should be required before the State may re-present such a case.

State v. Michael Sampson

Before the Supreme Court, the Section petitioned for certification on issues of whether defendant's motion for severance was properly denied and, alternatively, whether any error was harmless.

State v. Sui Kam Tung

Before the Supreme Court, the Section petitioned for certification on the issues of whether the Appellate Division erred by reversing defendant's murder conviction on the grounds that (1) a limiting instruction should have been given when testimony indicated that defendant had invoked his Miranda rights; (2) the

State improperly elicited testimony that defendant refused to consent to the search of his car and computer; and (3) testimony by the interviewing detective regarding defendant's denials during his statement constituted improper opinion testimony that defendant was lying.

State v. Yoseop Choi

Before the Supreme Court, the Section petitioned for certification on the issue of whether the Appellate Division erred by failing to provide reasons for vacating defendant's twenty-year aggravated manslaughter sentence and remanding the matter to a different trial court judge for re-sentencing.

State v. Aakash Dalal

Before the Appellate Division, the Section argued whether: (1) the New Jersey Anti-Terrorism statute passed constitutional muster; (2) the State's seizure of defendant's jail writings violated defendant's Sixth Amendment right to counsel; and (3) the trial court erred by failing to bar the introduction into evidence of computer data found on the co-defendant's computer, given the defense's contention that no probable cause existed for the seizure of that computer.

State v. Anthony Graziano

Before the Appellate Division, the Section argued whether (1) the New Jersey Anti-Terrorism statute passed constitutional muster, and (2) the State properly secured statutorily-mandated permission from the New Jersey Attorney General to charge terrorism.

State v. Joseph Ferretti

Before the Appellate Division, the Section argued whether: (1) the trial court's jury instructions on causation properly focused the jury on the issue of whether defendant consciously disregarded risk that his driving at high speeds could result in death and foreclosed the jury from considering volitional acts of co-defendant and victim as possible intervening causes, and (2) the trial court properly barred testimony of a proposed defense expert on the effects of recent marijuana use on the victim's own driving.

State v. Josh Pompey

Before the Appellate Division, the Section argued whether: (1) defendant's petition for post-conviction relief regarding his conviction for murder was time-barred; (2) defendant's alleged Brady violations were without merit; (3) defendant's "EDTA/blood tampering" expert was properly barred under R. 3:22-5 and "new science" did not now militate in favor of admission of this evidence; and (4) new DNA test results did not warrant granting defendant a new trial or other relief.

State v. Yoher A. Jimenez

Before the Appellate Division, the Section argued whether defendant's counsel was ineffective for: (1) failing to secure a defense expert's appearance at trial (whose testimony allegedly exculpated defendant in the death of an infant), and (2) failing to object to opinion testimony by a police officer arguably implicating defendant's truthfulness.

State v. Arthur Lomando

Before the Law Division in a homicide prosecution, the State filed briefs: (1) arguing that defendant's statements were admissible under N.J.R.E. 403; (2) opposing defendant's JNOV motion; and (3) providing the appropriate analysis for sentencing.

State v. Raphael Lolos

Before the Law Division in a homicide prosecution, the State filed briefs: (1) opposing defendant's motion for a bill of particulars; (2) opposing defendant's motion to sequester the case detective; (3) arguing that the victim's text messages were admissible to establish defendant's motive; (4) opposing defendant's motions to suppress evidence obtained during various searches; and (5) arguing that a Frye hearing was not warranted since STR-Y DNA testing is generally accepted by scientific community.

BIAS CRIMES UNIT

2019

Under New Jersey law, certain crimes that are committed with a purpose to harass or intimidate a member of a "protected class" are classified as bias crimes. Protected class status arises from an individual's race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity.

Bias crimes are taken very seriously by New Jersey law enforcement and the Bergen County Prosecutor's Office. They are approached with an understanding that these incidents require special handling by the law enforcement community. Further, suspected or confirmed bias crimes are investigated in a timely fashion, with special attention to victim assistance and community relations in order to reduce victim trauma and community tension or fear.

To that end, the Bergen County Prosecutor's Office Bias Crimes Unit has dedicated resources to investigate all incidents of alleged bias crimes and prosecute those responsible for committing these crimes. The Bias Crimes Unit at the Bergen County Prosecutor's Office is made up of a chief assistant prosecuting attorney, a back-up assistant prosecutor, a lieutenant, a sergeant and four detectives. Further, each municipal police department has a designated "bias officer," who acts as a liaison between his or her department and the Bias Unit. In addition to its primary functions of investigating and prosecuting bias crimes, the Bias Crimes Unit also provides training on bias crimes investigations to county, state, and local law enforcement agencies.

In 2019, six new cases were filed with the Bergen County Prosecutor's Office Bias Crimes Unit. Two cases were downgraded to municipal court; two cases were disposed of in Superior Court; one case was not billed by a grand jury; and one case is pending. In addition, two cases from 2017 and 2018 were disposed of in Superior Court.

Downgraded:

State v. Oliver O. Toribio-Chavez - Defendant was charged with fourth degree bias intimidation, simple assault, and harassment.

State v. Anne K. Dibella - Defendant was charged with fourth degree bias intimidation and harassment.

Disposed of in Superior Court:

State v. Victor Colon - Defendant was charged with second degree bias intimidation, third degree aggravated assault with a deadly weapon, and third degree terroristic threats. He pleaded guilty to second degree bias intimidation.

State v. Benjamin Blohm - Defendant was charged with three counts of fourth degree bias intimidation and three counts of harassment. He pleaded guilty to one count of harassment.

State v. Nikolay Levinson - In two separate indictments from 2017 and 2018, defendant was charged with multiple counts of bias intimidation, terroristic threats and harassment. Defendant pleaded guilty to second degree bias intimidation, fourth degree bias intimidation, and third degree terroristic threats.

Pending in Superior Court:

State v. Ricardo Waite - In a multi-count indictment, defendant was charged with first, second, and third degree bias intimidation, second degree aggravated assault, third degree possession of a weapon for unlawful purpose, and fourth degree unlawful possession of a weapon.

Section/Unit **Bias**
 compiling report
 Section IV, 13a.

County **Bergen**
 Year **2019**

ADULT DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

	TOTAL	NUMBER CONVICTED		ACQUITTED	DISMISSED	DOWNGRADE/ REMAND
		PLEA	TRIAL			
Number of defendants disposed	6	2			1	2
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					
Number of defendants for whom harassment was upgraded to 4th degree crime	1					
Number of defendants who had both an upgrade to a 4th degree crime and an application for extended terms	0					

Rev. 1992

Section IV. 13.

DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

Unit of Measure: Defendant

Purpose: Crimes related to bias are not directly charged against a defendant. Data regarding such incidents can not, therefore, be extracted from existing data bases, such as Computerized Criminal History or Promis/Gavel. This chart seeks to collect summary information pertaining to defendants whose bias related charges have reached final disposition.

Total Number of Defendants

A. Total

The number of defendants charged with crimes related to bias whose charges have reached final disposition during the reporting year.

1. Number Convicted.

a. Plea: The number of defendants charged with biased related crimes who pled guilty.

b. Trial: The number of defendants charged with biased related crimes who were found guilty at trial.

2. Number Acquitted.

Number of defendants charged with biased related crimes who were found not guilty.

3. Number Dismissed.

The number of defendants charged with biased related crimes whose charges were dismissed.

4. Number Downgraded and Remanded to Municipal Court.

The number of defendants charged with biased related crimes whose charges were downgraded and the case was remanded to municipal court.

NOTE: The number of defendants convicted through plea and trial, the number acquitted, the number dismissed and the number downgraded and remanded should equal the total number of defendants reaching final disposition for the reporting period.

Section IV. 13. Defendants with Bias Crime Related Charges Disposed (cont'd)

- B. Number of defendants for whom applications for extended terms of imprisonment were made.

The number of defendants for whom applications for extended terms of imprisonment were made after the defendant was convicted of a bias related crime.

- C. Number of defendants for whom applications for extended terms of imprisonment were granted.

- D. Number of defendants for whom applications for extended terms of imprisonment were denied.

NOTE: The number of applications granted and the number of applications denied should equal the number of applications made.

The number of applications made should be equal to or less than the number of defendants convicted of bias related crimes.

- E. The number of defendants for whom simple assault was upgraded to a 4th degree crime.

It is possible that defendants for whom simple assault has been upgraded may also have been included in the number of defendants for whom applications for extended terms of imprisonment were made. It is understood that this may be a double count.

1. Number Convicted.

a. Plea: The number of defendants for whom simple assault charge was upgraded to a 4th degree crime and who pled guilty.

b. Trial: The number of defendants for whom a simple assault charge was upgraded to a 4th degree crime and who was found guilty at trial.

2. Number Acquitted.

Number of defendants for whom a simple assault charge was upgraded to a 4th degree crime and found not guilty.

3. Number Dismissed.

The number of defendants for whom a simple assault charge was upgraded to a 4th degree crime and whose charges were dismissed.

Section IV. 13. Defendants with Bias Crime Related Charges Disposed (cont'd)

4. Number Downgraded and Remanded to Municipal Court.

The number of defendants for whom a simple assault charge was upgraded to a 4th degree crime, charges were downgraded and the case was remanded to municipal court.

NOTE: The number of defendants convicted through plea and trial, the number acquitted, the number dismissed and the number downgraded and remanded should equal the total number of defendants for whom simple assault charges have been upgraded to a 4th degree crime.

F. The number of defendants for whom a charge of harassment was upgraded to a 4th degree crime.

It is possible that defendants for whom harassment has been upgraded may also have been included in the number of defendants for whom applications for extended terms of imprisonment were made. It is understood that this may be a double count.

1. Number Convicted.

a. Plea: The number of defendants for whom a charge of harassment was upgraded to a 4th degree crime and who pled guilty.

b. Trial: The number of defendants for whom a charge of harassment was upgraded to a 4th degree crime and who was found guilty at trial.

2. Number Acquitted.

Number of defendants for whom a charge of harassment was upgraded to a 4th degree crime and found not guilty.

3. Number Dismissed.

The number of defendants for whom a charge of harassment was upgraded to a 4th degree crime and charges were dismissed.

4. Number Downgraded and Remanded to Municipal Court.

The number of defendants for whom a charge of harassment was upgraded to a 4th degree crime, charges were downgraded and the case was remanded to municipal court.

NOTE: The number of defendants convicted through plea and trial, the number acquitted, the number dismissed and the number downgraded and remanded should equal the total number of defendants for whom simple assault charges have been upgraded to a 4th degree crime.

Section IV. 13. Defendants with Bias Crime Related Charges Disposed (cont'd)

- G. Number of defendants who had both an upgrade to a 4th degree crime and an application for extended terms.

This is a subset of the number of defendants included previously.

NOTE: The total number of defendants is not necessarily equal to the sum of the following categories.

CIVIL UNIT 2019

The Civil Unit is comprised of several separate and distinct sections. Those sections include: civil forfeiture; krols; expurgements and firearms.

Civil Forfeiture

Under New Jersey law, (N.J.S.A 2C:64-1, et seq.), law enforcement officers are permitted to seize and request the forfeiture of property when it is used, intended to be used, or derived from illegal activity. The intent of the statute is to deprive criminals of the profits they secure from criminal conduct. A civil forfeiture is an *in rem* proceeding brought against the property. The theory being the misuse of the property, rather than the commission of an offense by its owner or user.

Civil Forfeiture actions against items which are not per se illegal (e.g., money, computers and/or automobiles) must be initiated by filing a verified civil complaint within 90 days of seizure of the property. Should a claimant, generally the owner of the property, wish to contest the matter, the claimant must file an answer and the matter will progress like any other civil case, with the parties being permitted to engage in discovery. Prima facie contraband (e.g., narcotics; handguns which are illegally possessed, carried, or used; and gambling paraphernalia) is automatically forfeited and requires no filing of a forfeiture complaint. These items may be destroyed after the related criminal case is concluded, including any appellate process.

Civil forfeiture is an effective way to deprive criminals of the profits they derive from crime, and at the same time, advance and promote law enforcement by making available additional resources to fight crime; in effect using the criminals' ill gotten gains against them. The forfeiture process serves the dual purposes of deterring criminal behavior and turning criminal profits into positive law enforcement tools. Forfeiture funds are used for the benefit of law enforcement by allowing for the purchase of items such as bullet proof vests, equipment to further investigations, and continuing education.

Krol Matters

When a defendant is found Not Guilty by Reason of Insanity ("NGRI"), the defendant is then transferred to "Krol status". Essentially, the former defendant, now becomes a patient at a facility and is confined until such time as the patient is no longer a danger to him/herself or others. The patient is kept under supervision for a statutory minimum amount of time depending upon the crimes committed, and the Court, together with the Prosecutor's Office have the ability to monitor the defendant's mental health treatment to ensure the patient is complying with suggested care.

At least once a year, the defendant's Krol status is reviewed by the court. When a patient is receiving inpatient care, the matters are typically reviewed semi-annually. However, a Krol hearing can be scheduled at any frequency. At these review hearings, the State must demonstrate by a preponderance of the evidence that the defendant is currently a danger to himself or others. This is typically included in a report from the treating doctor or obtain through the doctor's testimony a hearing.

A patient will be required to stay on Krol status if the doctor testifies that absent treatment, the patient is a danger to him/herself or others. The purpose for the review hearings is also to

determine what level of care is most appropriate for the patient based upon the recommendations of the treating doctor and treatment team.

Expungements

There are three types of expungements available to a defendant. (i) *ex parte* expungements; (ii) drug court expungements; and (iii) petitions for expungement. Expungements allow for a criminal defendant to "seal" or "erase" a prior conviction from his/her record and it will generally speaking be unseen thereafter, allowing a defendant a "fresh", new beginning.

Ex parte expungements are granted at the time a criminal complaint is dismissed in either the municipal court or in the superior court.

Drug court expungements allow a drug court graduate to simply file an order for expungement with the court rather than a filed verified petition. Once a proposed order is received, the drug court graduate's information is sent to the State Police for a background check. Provided there are no statutory bars, or objections from the New Jersey State Police, that prevent granting an expungement, the Prosecutor's Office will then consent to expungement.

A petition for expungement is received by the Prosecutor's office and reviewed for accuracy. After reviewing the petition, the matter is assigned a hearing date. All expungements require the New Jersey State Police be notified and an objection be presented, if any. There are certain offenses which if committed by a defendant prevent that person from obtaining an expungement.

After obtaining all necessary information and notice from the State Police, if an objection is submitted, the Court schedules a hearing to determine if an expungement is warranted.

Firearm Matters

Firearm matters include appeals of denials of firearm purchaser identification cards ("FPIC"), appeals of denials of handgun purchase permits ("HPP"), permits to carry, and revocation proceedings. In Bergen County, a criminal judge is assigned to hear all firearm matters, with the exception of those that originate from a matter involving domestic violence. Gun matters involving a domestic event are handled by a judge assigned to the family part.

When an Appeal of a denial of an FPIC or handgun purchaser permit or carry permit is received in the Office, the Assistant Prosecutor is then responsible for docketing the matter and scheduling a hearing date. The Assistant Prosecutor will review the reasons for the denial of the FPIC or HPP and determine if the denial is appropriate. The Court holds testimonial hearings and the State often calls witnesses to support its burden to revoke the weapons and the FPIC.

Carry permits are submitted to the Prosecutor's Office for review. Most permits are for armed security guards which the Prosecutor's Office typically consents to, provided the paperwork is in order and a satisfactory letter of need is submitted. It is very rare for private citizen to be granted a carry permit in New Jersey.

Revocation of FPIC/forfeiture of firearms is typically referred to the Prosecutor's Office from local police departments. Once the Assistant Prosecutor receives the firearms file and determines that the individual is disqualified from possessing a FPIC, a motion for revocation is filed with the Court.

**Bergen County Prosecutor's Office
Community Affairs Unit
2019 Annual Report**

The Community Affairs Unit ("CAU") is comprised of an Assistant Prosecutor Section Chief, a Lieutenant, and both civilian and law enforcement personnel. The Unit was created in 2017 to strengthen law enforcement/community relations, increase public safety and deter crime through developing programs that increase community engagement, build public trust, and promote transparency. CAU is also responsible for all media relations including managing the BCPO's social media.

The Unit is responsible for advertising and disseminating program information, as well as assisting in the planning, execution and logistics of all BCPO programs and events. CAU photographs all BCPO events (including promotional and swearing-in ceremonies), and is responsible for securing venues, inviting attendees, ordering food, arranging presenters, setting up, and tearing down every BCPO event. Additionally, depending on the scale of the program, we coordinate the participation of other law enforcement officers, assistant prosecutors, clerical and technical staff.

We often support local law enforcement agencies by promoting their events and providing support. We set up tables at a variety of community events and provide public safety information. Every August, we coordinate with local police departments for National Night Out. In 2019, we once again supported 10 municipalities by sending personnel, posters, and handouts, and dispatching the Major Crimes and Cyber Crimes trucks. CAU organizes enough personnel from the BCPO to have a presence in all 10 locations. We attended Halloween parades and trunk-or-treat events in Englewood and Bergenfield.

For the past eight years, our office and a number of local police departments have sworn in a child with a serious health issue as a "Chief for a Day" – a program run by the Bergen County Sheriff's Office. CAU works with our PBA to identify a child, purchase a uniform, plaque, and a gift for the "Chief," and to coordinate the half-day program for the child. The BCPO became particularly attached to our 2019 "Chief AJ" and organized numerous opportunities to cheer him such as visits to major sporting events and his family's inclusion in PBA events.

We hosted our annual Clergy Breakfast, where we discussed how religious leaders should respond to disclosures of sexual assaults, abuse, or domestic violence. In addition to diverse clergy, we invited agencies that provide assistance to victims, and we handed out resource materials.

We also hosted our Clergy/Community Academy, in which local police chiefs are invited to bring a clergy or community leader for a half-day presentation about how officer-involved shootings are investigated, the use of force policy, and attendees hear from an officer who was shot while on the job. The morning ends with each community member using the Virtra machine and experiencing the physical sensation of an officer-involved shooting.

One priority for the BCPO has long been Bergen County youth. For the 15th year in a row, we hosted our Youth Police Academy for two weeks in July. This program introduced 100 Bergen County high school students to careers in law enforcement and the legal profession. The Academy mimics what real police academy cadets experience while also educating them about various law enforcement agencies and first responders, the judicial process, government agencies and issues that affect young people. The goal for each cadet is in our motto: Honor-Respect-Commitment. CAU advertises the program to all Bergen County schools, coordinates the personnel (a staff of 30 law enforcement officers from both the BCPO and the Bergen County Sheriff's Office), processes applications, develops a curriculum, plans trips, coordinates all the educational presentations, meets with parents, and runs the entire Academy, which culminates in a graduation ceremony. The curriculum consists of daily physical training, hands-on activities to teach cadets about law enforcement and first responders, a mock trial, a mock crime scene investigation, and meaningful trips such as visits to the 9/11 Memorial, West Point, and MetLife Stadium. Additionally, the cadets participate in a problem solving/teamwork obstacle course, and attend lectures about the dangers of impaired driving and cyber bullying.

In 2019, we continued our partnership with the National Organization of Black Law Enforcement Officers (NOBLE), several local police departments, and the Delta Sigma Theta Sorority, Bergen County chapter to host a program with local youth on how to interact with law enforcement. The program, "Law Enforcement Community Affairs Program (LECAP)," gathers a number of law enforcement agencies and other community partners to have a candid discussion about interactions with law enforcement. It also incorporates use of the mobile firearms simulator.

CAU continues to support the activities of the Safe Schools Task Force, providing the coordination of meetings and trainings. CAU is responsible for fielding and scheduling all training requests from school districts for each of the SSTF trainings. We held an active shooter training event for parents, where we promoted the use of the LiveSafe app, and we held an interactive threat seminar for school professionals. The Unit also coordinated a well-attended press conference held to announce the first report from the Safe Schools Task Force.

In October, we hosted our annual SNAP (Statewide Narcotics Action Plan) Conference for educators and law enforcement officers from across the County. Nearly 400 educators, police, and service providers attended this conference. The focus of the conference was Youth Mental Health as well as the Safe Schools Task Force recommendations to the educational community. CAU oversees all the planning and technical implementation of the conference.

In an effort to increase diversity in law enforcement, we have partnered with the Bergen County Sheriff's Office on a Law Enforcement Career Development Course. This course, held every Monday night for 10 weeks, introduces college-age individuals to careers in law enforcement. It introduces them to the civil service exam, the police academy, and what to expect in a law enforcement career. We hosted the class in the Spring and Fall of 2019.

In 2019, CAU continued to coordinate the New Jersey Attorney General's 21-County, 21st Century Community Policing Project, which requires quarterly community discussions. We coordinated a presentation about the Immigrant Trust Directive at a Spanish-speaking parish in Hackensack. We held a student forum at Ramapo College on campus sexual violence, which

included the participation of NJ Attorney General Gurbir Grewal. Youth and Law Enforcement was the third topic, and Veterans Services was the topic of our fourth event.

A significant area of focus for CAU is on the heroin and opioid epidemic. In this area, the BCPO hosts educational programs that bring together medical, law enforcement, public health agencies, and not-for-profit social service organizations to cooperatively combat the opioid epidemic. The BCPO's expanding role in this area included addiction rehabilitation initiatives and support, such as Operation Helping Hand, which is a traditional law enforcement sweep aimed at encouraging addicted individuals into treatment; the Heroin Addiction Recovery Team (HART), which encourages individuals with addiction to surrender to police departments to avail themselves of treatment rather than charges; the distribution and replenishment of Narcan (Naloxone) to all Bergen County law enforcement agencies; and the related Opioid Overdose Recovery Program, which mandates that law enforcement officers on the scene of a Narcan save must contact PSOC to deploy a Recovery Specialist to the hospital where the individual is taken; and the Fair Lawn Initiative (FLI), an innovative municipal court program that identifies defendants with an opioid addiction, connects them with treatment, and allows for charges to be dismissed if the individual continues in treatment for six months.

Each of these efforts is coordinated by CAU alongside our Narcotics Task Force ("NTF"). Members of CAU coordinate and attend meetings with stakeholders, design branding materials, promote these initiatives at community events, and facilitate new relationships with community members to expand our programs.

Additionally, for the sixth year in a row, we coordinated our heroin education initiative in which NTF personnel present our "Pathway to Addiction" lecture to 9th grade classes in all public and private high schools in Bergen County. With the schools' cooperation, we have visited nearly 50 schools and spoken to more than 10,000 students each year. During the past year, we expanded the program to 7th grade classes as well, which required additional manpower of an education task force of local law enforcement officers.

We also addressed hundreds of parents and community members in evening and weekend presentations. In addition to "Pathway to Addiction," CAU facilitates all of the BCPO lectures to schools and community groups. These lectures cover a wide range of topics such as internet safety, impaired driving consequences, dangers of drug use, gang awareness, human trafficking, domestic violence, and sexual assault. This responsibility is not simply scheduling the presenter, but often includes social media promotion in advance of the event, support at the presentation, and photography and social media posting afterward.

In 2019, we made a concerted effort to reach out to private schools to encourage their participation in our educational outreach, which included meeting with the Bergen County Rabbinical Council and participating in a mental health symposium for the Orthodox Jewish community.

In 2019, we began to utilize a mobile drop box secured from the Division of Consumer Affairs, for use at drug take back events. We made successful use of it at the County's spring recycling event and the fall senior picnic.

The HART program further expanded in 2019 to include the Westwood Police Department in partnership with The Center for Alcohol and Drug Resources. CAU designed informational brochures and business cards, which were distributed to all municipal courts and police departments.

The Fair Lawn Municipal Court Pilot Program ("Fair Lawn Initiative" or "FLI") successfully continued throughout 2019. CAU helped develop this partnership between NJ Reentry, The Center for Alcohol and Drug Resources, and the municipal court. Eligible defendants are identified by the assistant prosecutor assigned to screening, the municipal prosecutor, or the public defender. Those individuals meet with a patient navigator and a representative from NJ Reentry and decide whether to participate in the program. They are expected to follow the treatment recommendation set forth by the patient navigator and must stay in contact with an assigned recovery specialist. If the individual is compliant after six months, the charges are dismissed.

CAU is responsible for the BCPO's media relations. We distributed approximately 170 press releases to all news media, and responded to press inquiries via email and phone. We also organized press conferences for the SSTF, coordinated the Attorney General's announcement of the results of Operation Home Alone, as well as the announcement of the expansion of the Cold Case Homicide Unit to the North Jersey Regional Cold Case Task Force.

CAU is responsible for managing the BCPO's social media (Facebook, Instagram, Twitter, LinkedIn, and YouTube). We also livestream press conferences and other speaking engagements, including the 21/21 events and Youth Academy graduation.

On an ongoing basis, CAU members represent the BCPO at numerous meetings and events in the county, such as the Bergen Community College Criminal Justice Advisory Board meeting where the college's Criminal Justice curriculum is reviewed and evaluated, and the Bergen County Prevention Coalition which plans substance abuse prevention initiatives.

CONFIDENTIAL INVESTIGATIONS UNIT ANNUAL REPORT-2019

Preamble

The Confidential Investigations Unit ("the Unit") of the Bergen County Prosecutor's Office was initially established in 1998. Since its inception, the Unit has undergone changes both in staffing and philosophy. Under the direct command of the Prosecutor, established standards and practices allow a municipal police agency to seek guidance, supervision and support from the Unit so that the individual department can effectively police and discipline its own. This policy was developed for the express purpose of instilling in the citizenry a confidence that their local police agencies had the ability to act upon a complaint and that intervention from an outside agency was not needed to ensure that a fair result was ultimately achieved. This is a significant departure from a prior philosophy of involving the Prosecutors Office in the investigation of matters that were purely administrative in nature.

The primary functions of the Confidential Investigations Unit are set forth as follows:

1. Confidential Investigations
2. Background Investigations
3. Citizen Complaints.
4. Law Enforcement Executive Investigations

Additionally, the Unit has expanded the scope of its responsibility to include the investigation and prosecution of matters concerning government and public office integrity.

Confidential Investigations

Law enforcement personnel from the Unit are used when an allegation is received either via notification from a municipal police agency, citizen complaint or other outside source, that a police officer or other public official may be involved in criminal activity. Depending upon the nature of the allegation, the Unit will generally work in conjunction with the local agency to investigate the matter. This is done pursuant to Attorney General Guidelines that mandate police departments notify the County Prosecutor of criminal investigations of law enforcement personnel. In other instances, members of the Unit will work alone when the Prosecutors Office is the recipient of the allegation of wrongdoing, or if involvement of the outside agency would impede or jeopardize the integrity of the investigation.

During the course of calendar year 2019, the Unit provided guidance, supervision and support to numerous municipal police agencies and conducted the Unit's own confidential investigations totaling 18 cases. There are direct results from the assistance provided by the Unit and from the Unit's own confidential investigations, but there are also indirect results such as the deterrent effect that an effective investigation may have on those persons who may be tempted to engage in wrongdoing.

Pursuant to the revised Attorney General Internal Affairs Policy and Procedures, the

Confidential Investigations Unit assumed the responsibility for investigations regarding all complaints made against law enforcement executives. During 2019, six (6) of the 18 investigations conducted by the Unit involved law enforcement executives.

In addition, in order to assure that all personnel assigned to the Unit complete Internal Affairs training mandated by the Attorney General Guidelines, The Prosecutor approved an Internal Affairs training course for law enforcement Internal Affairs officers. The course is conducted by the Prosecutor's Office, the Bergen County Division of Law & Public Safety, and the Bergen County Police Chief's Association. This training is held at the Bergen County Police Academy, and administered by certified instructors with course syllabus and content drawn in accordance with current Attorney General Guidelines.

Background Investigations

Individuals who seek employment in the Bergen County Prosecutor's Office must be effectively screened to ensure their integrity. Accordingly, each applicant for a position with the Office undergoes an extensive investigation of family background, financial dealings, educational and employment history as well as a criminal background check. Interviews are conducted with persons having knowledge of the character of the applicant. Each person is also drug screened.

Each investigation takes approximately one month to complete. In calendar year 2019, the Unit conducted 62 background investigations. At the conclusion of the investigation, the ranking law enforcement officer in the Unit must sign off and make a recommendation as to the applicant's suitability for employment. The process is then repeated by the Assistant Prosecutor, the Chief of Detectives, the First Assistant Prosecutor and ultimately, the Prosecutor.

Citizen Complaints

Perhaps the most time consuming, yet important function of the Unit, is the screening and investigation of complaints received from citizens concerning police or other government and public officials. The Office is judged by the citizenry based upon the professionalism exhibited by our detectives, regardless of the merit of the complaint investigated. Detectives involved in such investigations must simultaneously pursue and balance different goals: to represent the Office to the citizen in a manner that instills confidence; yet at all times acting in a detached, neutral and impartial manner to the individual who is the subject of the complaint.

During calendar year 2019, the Unit received and formally responded to 294 citizen complaints. The dispositions of these complaints ranged from formal investigations conducted with sustained findings to matters that were investigated, but determined to be unfounded. The majority of the complaints were referred to the municipality of origin to give the local police agency the opportunity to investigate, and where appropriate, discipline own officers, thereby instilling in the citizenry a sense of confidence in their police departments.

CONFIDENTIAL INVESTIGATIONS UNIT ANNUAL REPORT-2019

Preamble

The Confidential Investigations Unit ("the Unit") of the Bergen County Prosecutor's Office was initially established in 1998. Since its inception, the Unit has undergone changes both in staffing and philosophy. Under the direct command of the Prosecutor, established standards and practices allow a municipal police agency to seek guidance, supervision and support from the Unit so that the individual department can effectively police and discipline its own. This policy was developed for the express purpose of instilling in the citizenry a confidence that their local police agencies had the ability to act upon a complaint and that intervention from an outside agency was not needed to ensure that a fair result was ultimately achieved. This is a significant departure from a prior philosophy of involving the Prosecutors Office in the investigation of matters that were purely administrative in nature.

The primary functions of the Confidential Investigations Unit are set forth as follows:

1. Confidential Investigations
2. Background Investigations
3. Citizen Complaints.
4. Law Enforcement Executive Investigations

Additionally, the Unit has expanded the scope of its responsibility to include the investigation and prosecution of matters concerning government and public office integrity.

Confidential Investigations

Law enforcement personnel from the Unit are used when an allegation is received either via notification from a municipal police agency, citizen complaint or other outside source, that a police officer or other public official may be involved in criminal activity. Depending upon the nature of the allegation, the Unit will generally work in conjunction with the local agency to investigate the matter. This is done pursuant to Attorney General Guidelines that mandate police departments notify the County Prosecutor of criminal investigations of law enforcement personnel. In other instances, members of the Unit will work alone when the Prosecutors Office is the recipient of the allegation of wrongdoing, or if involvement of the outside agency would impede or jeopardize the integrity of the investigation.

During the course of calendar year 2019, the Unit provided guidance, supervision and support to numerous municipal police agencies and conducted the Unit's own confidential investigations totaling **18 cases**. There are direct results from the assistance provided by the Unit and from the Unit's own confidential investigations, but there are also indirect results such as the deterrent effect that an effective investigation may have on those persons who may be tempted to engage in wrongdoing.

Pursuant to the revised Attorney General Internal Affairs Policy and Procedures, the

Confidential Investigations Unit assumed the responsibility for investigations regarding all complaints made against law enforcement executives. During 2019, six (6) of the 18 investigations conducted by the Unit involved law enforcement executives.

In addition, in order to assure that all personnel assigned to the Unit complete Internal Affairs training mandated by the Attorney General Guidelines, The Prosecutor approved an Internal Affairs training course for law enforcement Internal Affairs officers. The course is conducted by the Prosecutor's Office, the Bergen County Division of Law & Public Safety, and the Bergen County Police Chief's Association. This training is held at the Bergen County Police Academy, and administered by certified instructors with course syllabus and content drawn in accordance with current Attorney General Guidelines.

Background Investigations

Individuals who seek employment in the Bergen County Prosecutor's Office must be effectively screened to ensure their integrity. Accordingly, each applicant for a position with the Office undergoes an extensive investigation of family background, financial dealings, educational and employment history as well as a criminal background check. Interviews are conducted with persons having knowledge of the character of the applicant. Each person is also drug screened.

Each investigation takes approximately one month to complete. In calendar year 2019, the Unit conducted 62 background investigations. At the conclusion of the investigation, the ranking law enforcement officer in the Unit must sign off and make a recommendation as to the applicant's suitability for employment. The process is then repeated by the Assistant Prosecutor, the Chief of Detectives, the First Assistant Prosecutor and ultimately, the Prosecutor.

Citizen Complaints

Perhaps the most time consuming, yet important function of the Unit, is the screening and investigation of complaints received from citizens concerning police or other government and public officials. The Office is judged by the citizenry based upon the professionalism exhibited by our detectives, regardless of the merit of the complaint investigated. Detectives involved in such investigations must simultaneously pursue and balance different goals; to represent the Office to the citizen in a manner that instills confidence; yet at all times acting in a detached, neutral and impartial manner to the individual who is the subject of the complaint.

During calendar year 2019, the Unit received and formally responded to 294 citizen complaints. The dispositions of these complaints ranged from formal investigations conducted with sustained findings to matters that were investigated, but determined to be unfounded. The majority of the complaints were referred to the municipality of origin to give the local police agency the opportunity to investigate, and where appropriate, discipline own officers, thereby instilling in the citizenry a sense of confidence in their police departments.

**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	4
a. Defendants with complaints administratively dismissed	2
b. Defendants with complaints downgraded to disorderly persons offenses	0
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	2
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	2
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	2
a. Defendants indicted	1
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	1

POLICE PURSUIT SUMMARY REPORT

Agency:	All County Police Agencies	County:	Bergen
Reporting Period:	January 1, 2019 to December 31, 2019		
Person completing report:	Detective Michael Leighton	Date completed:	February 20, 2020
Phone number:	201-226-5500		

1.	Number of pursuits initiated	206
2.	Number of pursuits resulting in accidents	53
3.	Number of pursuits resulting in injuries (NO DEATHS)	23
4.	Number of pursuits resulting in death	0
5.	Number of pursuits resulting in arrest	78
6.	Number of vehicles in accidents	83
	a. Pursued vehicles	52
	b. Police vehicles	25
	c. Third party vehicles	6
7.	Number of people injured	36
	a. Pursued vehicles	24
	b. Police vehicles	9
	c. Third party vehicles	3
	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	138
10.	Number of pursuits in which a tire deflation device was used	0

2019 PROFESSIONAL STANDARDS EXECUTIVE SUMMARY

BERGEN COUNTY

The following report contains a statistical summary of reports of police misconduct in Bergen County for 2019. In addition, the report provides statistics for the disposition of these complaints. A review of the report and a comparison of this report with the reports prepared in prior years reveals the following:

(A) Summary- Complaints filed

	2015	2016	Inc (Dec)	% change	2017	Inc (Dec)	% change	2018	Inc (Dec)	% change	2019	Inc (Dec)	% change
Excessive Force	21	49	28	133.33%	39	-10	-20.41%	31	-8	-20.51%	37	6	19.35%
Improper Arrest	11	13	2	18.18%	15	2	13.33%	8	-7	-46.67%	5	-3	-37.50%
Improper Entry	5	6	1	20.00%	10	4	66.67%	0	-2	-20.00%	3	-5	-62.50%
Improper Search	21	25	4	19.05%	18	-7	-28.00%	12	-6	-33.33%	17	5	41.67%
Other Criminal Violation	67	91	24	35.82%	78	-13	-14.29%	63	-25	-32.05%	45	-8	-15.09%
Differential treatment	64	62	-2	-3.13%	59	-3	-4.84%	35	-24	-40.68%	34	-1	-2.86%
Dememeanor	205	217	-68	-23.86%	264	47	21.66%	216	-48	-18.18%	170	-46	-21.30%
Domestic Violence	17	13	-4	-23.53%	19	8	46.15%	14	-5	-26.32%	13	-1	-7.14%
Other Rule Violation	555	459	-96	-17.30%	466	7	1.53%	479	13	2.79%	392	-97	-20.25%
TOTAL	1046	935	-111	-10.61%	968	33	3.53%	856	-112	-11.57%	706	-150	-17.52%

(B) Number of complaints disposed

Excessive Force	37
Improper Arrest	5
Improper Entry	3
Improper Search	17
Other Criminal Violation	45
Diff. Treatment	34
Dememeanor	170
Domestic Violence	13
Other Rule Violation	382
Total	706

(C) Criminal Dispositions

Cases Dismissed	6
Cases Diverted	0
Acquittals	0
Convictions	2
Total	8

(D) Administrative Disposition of Complaints

	<u>S</u>	<u>E</u>	<u>NS</u>	<u>U</u>	<u>AC</u>
Excessive Force	2	11	10	3	2
Improper Arrest	0	6	0	0	0
Improper Entry	0	1	0	0	1
Improper Search	0	8	1	1	0
Other Criminal Violation	6	7	11	2	12
Differential Treatment	1	14	6	4	1
Demeanor	16	61	62	13	9
Domestic Violence	6	1	2	0	2
Other Rule Violation	228	50	46	28	29
Totals	259	159	138	51	56

(E) Trends

A comparison between the 2018 and 2019 year end summary reports revealed there was a decrease of 146 cases for the year end 2019. The decreases were in seven (7) of the nine (9) types of complaints filed. There was a 62% decrease in Improper Entry complaints, 7% decrease in Domestic Violence complaints, 21% decrease in Demeanor complaints, 41% increase in Improper Search complaints, and less than 20% decrease in Other Rule Violations complaints. The highest decrease was in Improper Entry complaints, which saw a decrease of over 62%.

(F) Complaints with suspensions of ten days or more:

Bergen County Sheriff's Office:

- 1 officer suspended for 10 days for Rules and Regulation violation.
- 1 officer suspended for 10 days for Rules and Regulation violation.
- 1 officer suspended for 10 days for Rules and Regulation violation.
- 1 officer suspended for 12 days for Rules and Regulation violation.
- 1 officer suspended for 15 days for Rules and Regulation violation.
- 1 officer suspended for 180 days for Rules and Regulation violation.
- 1 officer terminated for Rules and Regulation violation.

Bergenfield Police Department:

- 1 officer suspended 10 days for Rules and Regulation violation.

Englewood Police Department:

- 1 officer suspended for 15 days for Conduct Unbecoming.
- 1 officer SUSPENSION PENDING Rules and Regulation violation.

Fair Lawn Police Department:

- 1 officer suspended for 30 days for Rules and Regulation violations
- 1 officer suspended for 30 days for Rules and Regulation violation.
- 1 officer suspended for 10 days for Rules and Regulation violation.

Fort Lee Police Department:

- 1 officer suspended 15 days for Rules and Regulation violation.

North Arlington Police Department:

- 1 sergeant was demoted to patrolman and suspended for 90 days for Rules and Regulations violation.

Norwood Police Department:

- 1 officer suspended 10 months for and subsequently employment concluded for Rules and Regulations violations.

Ramsey Police Department:

- 1 officer suspended for 10 days for violating the Anti- Harassment Rules and Regulations.

Teaneck Police Department:

- 1 officer suspended 90 days for Conduct Unbecoming.

Upper Saddle River Police Department:

- 1 officer indefinite resignation.

(G) Conclusions:

In summary, after compiling information from summary reports of 72 law enforcement agencies for 2019, there was a decrease of 146 complaints filed compared to 2018. With regard to criminal violations, notifications are made to this agency along with the findings pursuant to Attorney General Guidelines.

(H) Recommendations:

Continue the availability of Internal Affairs training courses for all officers, specifically those responsible for conducting Internal Affairs investigations pursuant to Attorney General Guidelines. Departments should consider undergoing a certification process to ensure all rules and regulations are adequate and that all complaints of police misconduct, whether filed by agency personnel or citizens are reported to Internal Affairs Units, and investigated thoroughly.

Section IV.14B

PROFESSIONAL STANDARDS SUMMARY REPORTS FORMS

Agency: ALL COUNTY
County: BERGEN

Reporting Year: 2019

Table 1 -- COMPLAINTS FILED

Type of Complaint	Anonymous Complaints	Citizens Complaints	Agency Complaints	Total Complaints
Excessive Force	2	38	1	41
Improper Arrest	0	5	0	5
Improper Entry	0	3	0	3
Improper Search	1	16	0	17
Other Criminal Violation	3	33	9	45
Differential Treatment	0	28	3	34
Misdemeanor	3	167	10	170
Domestic Violence	2	8	8	18
Other Rule Violation	14	108	260	382
TOTAL	28	391	291	710

Revised 2011

PROFESSIONAL STANDARDS SUMMARY REPORTS FORMS

Agency: ALL COUNTY
County: BERGEN

Reporting Year: 2019

Table 2 – AGENCY DISPOSITIONS

	Sustained	Exonerated	Not Sustained	Unfounded	Administratively Closed	Total Disposition
Excessive Force	2	11	10	3	2	28
Improper Arrest	0	6	0	0	0	6
Improper Entry	0	1	0	0	1	2
Improper Search	0	8	1	1	0	10
Other Criminal Violation	6	7	11	2	12	38
Differential Treatment	1	14	6	4	1	26
Demearor	16	61	62	13	9	161
Domestic Violence	6	1	2	0	2	11
Other Rule Violation	228	50	46	28	28	376
TOTAL	259	159	138	51	56	645

Revised 2011

PROFESSIONAL STANDARDS SUMMARY REPORTS FORMS

Agency: ALL COUNTY
 County: Bergen

Reporting Year: 2019

Table 3 – AGENCY DISPOSITIONS

Court	Cases Dismissed	Cases Diverted	Acquittals	Convictions
Municipal Court	6	0	0	2
Superior Court	0	0	0	0
TOTAL	6	0	0	2

Revised 2011

Section IV.14B

PROFESSIONAL STANDARDS SUMMARY REPORTS FORMS

Agency: BERGEN COUNTY PROSECUTOR'S OFFICE
County: BERGEN

Reporting Year: 2019

Table 1 – COMPLAINTS FILED

Type of Complaint	Anonymous Complaints	Citizens Complaints	Agency Complaints	Total Complaints
Excessive Force				
Improper Arrest				
Improper Entry				
Improper Search				
Other Criminal Violation				
Differential Treatment				
Demeanor		1		1
Domestic Violence				
Other Rule Violation		1	0	1
TOTAL	0	2	0	2

Revised 2011

PROFESSIONAL STANDARDS SUMMARY REPORTS FORMS

Agency: BERGEN COUNTY PROSECUTOR'S OFFICE

County: BERGEN

Reporting Year: 2019

Table 2 - AGENCY DISPOSITIONS

	Sustained	Exonerated	Not Sustained	Unfounded	Administratively Closed	Total Disposition
Excessive Force						
Improper Arrest						
Improper Entry						
Improper Search						
Other Criminal Violation						
Differential Treatment						
Demeanor						*1 pending
Domestic Violence						
Other Rule Violation	0		1		0	1
TOTAL	0		1		0	1

PROFESSIONAL STANDARDS SUMMARY REPORTS FORMS

Revised 2011

Agency: BERGEN COUNTY PROSECUTOR'S OFFICE

County: Bergen

Reporting Year: 2019

Table 3 – AGENCY DISPOSITIONS

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

Revised 2011

CYBER CRIMES UNIT 2019

OVERVIEW

The Cyber Crimes Unit ("CCU" or "Unit") is a dedicated "outside" squad that operates out of the Paramus location of the Bergen County Prosecutor's Office. In 2019, the CCU had three primary functions – an investigative branch, a digital forensics lab, and a regional task force.

The Investigative branch of CCU consisted of one lieutenant, one sergeant, five BCPO detectives, and one agent. The Unit also has a dedicated Assistant Prosecutor to handle the cases that are worked up and/or processed by the Unit.

The CCU also oversees and supervises the Digital Forensics Lab ("DFL"), which is tasked with the preservation, identification, extraction, documentation, and interpretation of computer data and other digital evidence in connection with criminal investigations. In 2019, the DFL was staffed by one BCPO detective and 3 forensic analysts.

Finally, the CCU also oversees the Cyber Crimes Task Force ("CCTF"), which was initiated in 2002. The CCTF is made up of municipal police officers who supplement law enforcement resources for targeted search warrant operations and investigations performed by CCU detectives. The CCTF is also active in the Bergen County Community, presenting at schools, community centers, and houses of worship in Bergen County on relevant topics of Internet safety, cyberbullying, and social media use.

FUNCTION OF THE UNIT

CCU is responsible for investigating criminal activity perpetrated over the Internet or which uses electronic devices. Although the Unit handles several different forms of cyber-related activity, the vast majority of the investigations handled by the CCU involve some form of child endangerment.

Most of the investigations initiated by the CCU involved the possession, viewing, offering, or distribution of depictions of child pornography. Many of these investigations originate from CyberTip referrals from the National Institute of Missing and Exploited Children. The CCU reviews the contents of these CyberTips and then verifies the information contained in the referrals. These investigations typically involve several grand jury subpoena requests, CDWs, and search warrants for the search and seizure of any and all relevant digital devices. Simultaneously but separately, the CCU runs an ongoing sweep on file sharing applications on the Internet. These internet sweeps look for internet connections that are offering depictions of child sexual exploitation over the Internet.

Another important aspect of the CCU involves the Unit's continued use of online, undercover sting-type operations to find users on the Internet that look to harm our children in the online world. Specially trained CCU detectives assume the online identities of young children and

go online using popular social media applications and Internet services. Once identified, these would-be predators are arrested and charged with attempted sex crime offenses.

The Unit also handles other types of criminal cyber-related activity including threats to public buildings and institutions (so-called "swattings"), network intrusions and data theft, cyber harassment, and invasion of privacy offenses.

At the conclusion of an investigation, the lieutenant of the unit, in consultation with the Section Chief, will decide what charges are appropriate. Once charges are filed, an assistant prosecutor is assigned the case, handling it from that point forward until its appropriate resolution. The Section Chief continues to supervise and assist where needed on any number of legal issues which may arise, such as formulating plea offers, handling motions or trial strategy.

The DFL performs forensic analysis and extraction of dozens of various digital devices annually. These devices can come in the form of computers, flash drives, or cellular telephones. Local police departments also submit numerous digital items seized during investigations for forensic extraction and analysis. The DFL forensic analysts issue reports and are routinely called upon to testify in major prosecutions. CCU detectives and analysts are also routinely called upon to provide advice and training to assistant prosecutors in preparation for any case or trial involving computer related evidence.

SIGNIFICANT DEVELOPMENTS IN THE 2019 CALENDAR YEAR

The most significant development in 2019 was the Unit's participation in a large-scale, undercover operation named "Home Alone" (the "Operation"). The Operation, which ran from April 11, 2019 through April 14, 2019, was conducted by members of the CCU along with assistance from members of the Essex and Somerset prosecutor's offices, members of the Attorney General's Office, several municipal departments, and multiple federal agencies. The Operation used undercover law enforcement officers who posed on children using social media and messaging platforms on smart phones to see if predators would attempt to communicate with them about sexual encounters. The four-day operation led to the arrest of sixteen individuals — including a teacher, a police officer, and a clergyman.

The hard work of the detectives and analysts of the Unit should also be acknowledged. The Unit made 27 arrests in 2019, processed over 300 grand jury subpoenas for subscriber information, and took part in over 50 search warrants and communication data warrants relating to CCU investigations.

In terms of analyzing electronic equipment and data, the DFL processed over 900 devices during the calendar year including the analysis of over 180 terabytes of data. Importantly, through these arrests, the Unit seized over 145,000 depictions of child pornography.

SIGNIFICANT CRIME PROBLEMS ENCOUNTERED

The dissemination of child pornography continues to be the number one problem for the members of the CCU. Fast internet connections and the ability to use file-sharing applications to disseminate these contraband files have compounded an already difficult situation.

Another issue that continues to cause problems for law enforcement involves the increased use of encryption on hand held devices like smartphones and tablets. The use of facial recognition, thumbprints, and passcodes and PINs to unlock devices has thwarted or severely delayed several criminal investigations into serious criminal behavior.

PARTICIPATION IN SPECIAL PROJECTS AND TRAINING PROGRAMS

The CCU and Task Force continue to be an industry leader in educating young people, parents, and educators with the dangers associated with technology. These dangers include being aware of sexual predators on the internet, but also involves teaching young people about the dangers of what to post on social networking websites like Facebook, Twitter, Snapchat and other social networking websites. The CCU largely performs this responsibility through the hard working members of the Computer Crimes Task Force (CCTF). The CCTF is comprised of over a dozen law enforcement officers from Bergen County that offer their services to the CCU and the citizens of Bergen County.

Section/Unit Cyber Crimes Unit
Section IV. 7.b.

County completing report Bergen
Year: 2019

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	3
a. Defendants with complaints administratively dismissed	0
b. Defendants with complaints downgraded to disorderly persons offenses	0
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	3
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	13
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	3
a. Defendants indicted	3
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

DOMESTIC VIOLENCE SQUAD

2019

A Squad Profile

The Bergen County Prosecutor's Office Domestic Violence Squad is responsible for prosecuting all indictable domestic violence crimes committed in Bergen County. The squad is also responsible for prosecuting all non-indictable contempt cases heard by the Superior Court - Family Division. In addition, the squad handles all allegations of willful non-support and matters alleging interference with custody. Additionally, the unit oversees the investigation of all police officer-involved acts of domestic violence, and is ultimately responsible to advise the Prosecutor concerning the rearing process for those individuals.

During 2019, the domestic violence legal staff consisted of four attorneys. One assistant prosecutor is designated as the section chief and is responsible for the overall supervision and administration of the squad, as well as training in the area of domestic violence law, and handles cases of police officer-involved acts of domestic violence. The section chief and the next two most senior attorneys in the unit handle the indictable cases, while the remaining assistant prosecutor is responsible for the non-indictable contempt cases.¹ All assistant prosecutors handle pre-trial detention/pre-trial release hearings on indictable and non-indictable offenses. The section chief is available 24 hours a day to provide legal advice regarding domestic violence to the 72 law enforcement agencies in Bergen County. The section chief also provides consistent, extensive training to all law enforcement officers in the county. The section chief is also responsible for screening all domestic violence complaints in the county, and making pre-trial release determinations.

The investigative staff was comprised of one detective and one paralegal. The investigative staff is responsible for preparing indictable matters, including jail cases, for Grand Jury presentation, and ultimately for trial. In addition, the paralegal gathers all required information on the contempt cases for court. The section chief is responsible for compiling reports and other information on the cases involving police officer-involved acts of domestic violence.

A clerical secretary is also assigned to work full-time in the squad. The secretary is responsible for photocopying, filing, transcribing 9-1-1 tapes and victim and witness statements taken by the squad's investigative personnel, preparing and scanning discovery, handling correspondence for the attorneys, performing Central Registry checks on all new indictable files, and coordinating the Early Disposition Court calendar.

B. Highlights of the Year 2019

1. *Challenges and problems facing the unit during the year.*

The largest challenge facing the DV squad in 2019 continued to be the advent of criminal

¹ Until June 2019, DV weapons' forfeitures were also handled by the DV squad and this junior assistant prosecutor.

justice reform and the immense effect it had on the handling of DV matters. No longer were protective conditions available to the municipal court as an option and thus, the a large number of defendants arrested for assaulting a victim were released immediately, only to be allowed to return home to the victim. Municipal courts were wary to place defendants on warrants knowing that that meant at least 24 hours in the jail and thus, many defendants - even on mandatory arrests - were released on summonses and allowed to return to their victims immediately. The message that sends the victims about how little society cares about their protection is haunting.

CJR also caused all manner of other DV issues as the regular presumptions contained in both the Court Rules, and AG's Office and BCPO Directives, have special allowances for DV cases. Then ODARA was introduced in the later part of 2017, which quadrupled the number of detention hearings that were filed and substantially increased the workload and training required by the section chief.

An ongoing challenge facing the Squad also remains the difficulty in obtaining meaningful pre-trial dispositions in domestic violence matters. In the majority of the cases, victims are unwilling to cooperate with the prosecution of their abusers, especially after complaints are signed. Many times the victims recant and oft times give sworn affidavits to the defendant's attorney. Evidence is often scant in our cases and statements by defendants are practically non-existent. Defendants and defense attorneys are aware of the unwillingness of the victims and often refuse to dispose of a matter in the hopes that the victim/witness will recant or refuse to testify.

The domestic violence victim/witness counselor assigned to the unit continues to have a tremendous impact upon the quality of services offered to victims. She provides initial outreach and referral information and is often the primary contact for victims seeking information on their cases. Additionally, that counselor accompanies the assistant prosecutor to every contempt calendar to meet with victims.

A problem we are encountering more frequently involves mentally ill defendants who commit acts of domestic violence, often against elderly parents. The parents usually do not want to pursue the charges and dismiss restraining orders they obtained when the act of domestic violence initially occurred. Traditional sentences will not aid those defendants. In some cases, the Jail Diversion program has assisted us in finding the appropriate solutions for these types of cases. The Veteran's Diversion program would also be a valuable resource if it were in Bergen County.

2. Significant developments, improvements and advances.

Despite the challenges faced, the squad prosecuted approximately 176 new indictable cases and prosecuted 250 non-indictable contempt cases in 2019.¹ In 2019, the unit also opened

¹A total of 992 defendants were charged in DV complaints in 2019. A total of 752 cases were disposed of through indictment, accusation, downgrade to municipals court, downgrade to family

and investigated 7 police officer-involved domestic violence cases, which are very fact sensitive and labor intensive.

The domestic violence counselor assigned to the unit facilitates immediate contact between the Prosecutor's Office and the victims of domestic violence offenses. That immediate contact is crucial in domestic violence cases. Referrals are made to obtain needed assistance for the victim. As a result, the victim may become more cooperative with law enforcement. In addition, the counselor provides support for the victims/witnesses during the Grand Jury and court proceedings and can answer questions whenever victims call to find out the status of their case, or to inquire about available services. She offers referral services, ascertains the victims' positions, and accompanies the assistant prosecutor to Family Court contempt calendar. There she meets with the victims, which not only benefits the victim, but allows the assistant prosecutor time to deal with legal issues and court matters more efficiently.

Another significant advance is that the chief of the squad handles the initial screening of all complaints screened or brought to the Prosecutor's Office. In the past, all cases that came to the Prosecutor's Office for prosecution were immediately routed, without review, to the Record Room for docketing and creation of a file. The complaints were not reviewed for determination of dismissal, downgrade, or amendment until a significant amount of work had been done on the file. That initial screening process (where all DV cases are reviewed by the chief) has saved countless hours of work by the Record Room, as well as the assistant prosecutors and support staff in the squad.

Of course, the DV squad is a very active participant in CJP and EDC courts. Additionally, in 2019, the DV squad filed detention hearings.

3. System changes that had a significant impact on the office.

Our new computers provide us with the ability to listen to 9-1-1 calls, audio statements, video statements, and to view color photographs of victims' injuries and/or the crime scene on CDs that the police forward to us. The new color printer in the section allows us to print those photographs in color, to much more dramatic effect. Additionally, we received a new color copier and scanner in 2018 that now allows the secretary and paralegal to create discovery and catalog files from our own squad room.

All attorneys are assigned "smart phones" and are now able to communicate with members of the investigative and clerical staff while we are out of the office. That is especially helpful when we are in court and need files, record look-ups, and other information. We simply e-mail our requests, and the information is forwarded to us in a prompt fashion, without necessitating leaving the courtroom to use a more traditional cell phone.

court, or administrative dismissal.

The addition of the Citrix system allows attorneys to access the BCPO network while off-site and allows us to work on the network from remote locations.

InfoShare, which was rolled out across the entire office in 2015, continues to ease the information flow of the squad. InfoShare allows us to look up cases using any number of identifiers (defendant's name, assistant prosecutor's name, victim's name, etc.) and determine where they are in the office and where they are in the process. It also allows the victim/witness counselor to enter notes regarding contact she has had with the victim, which can then be accessed by the assistant prosecutor in every case.

Also, SmartSearch, which contains scanned copies of all files in the office, allows assistant prosecutors to access their case files from their computers.

4. Significant crime problems encountered, both continuing and emerging.

A frequent problem that we encounter involves prosecutions on the charges of *Interference with Custody* (N.J.S.A. 2C:13-4) and *Willful Non-Support* (N.J.S.A. 2C:24-5). Generally, the relief sought by the complainant in those matters is not readily available through the criminal justice system. A criminal prosecution, while presumably punishing the defendant for his/her behavior, cannot compel the defendant to comply with a custody order or make regularly scheduled child support payments. Those remedies are more readily available through enforcement proceedings in the Family Court. Specifically in *Willful Non-Support* cases, the remedy available to the Child Support Enforcement Unit of the Probation Department, through the Family Court, is a wholly better approach for collecting arrears. Accordingly, when a parallel proceeding is pending in the Family Court, or can easily be instituted by the complainant, often the concurrent criminal charges will be dismissed. That has the potential to expose the Domestic Violence Squad, and the whole of the Bergen County Prosecutor's Office, to criticism insofar as the decision whether to prosecute a case of this nature is purely discretionary.

Another problem that arises with increasing frequency is the contradiction between ~~Attorney General Directive 2018-5, and the Prevention of Domestic Violence Act. AG Directive~~ 2018-5 implements procedures and protocols for sexual assault response and referrals. 2019-5 basically says is that if a victim, after being read a script by law enforcement, chooses not to proceed with the signing of criminal charges, then law enforcement must not proceed with criminal charges. That, of course, is completely contrary to the PDVA and its mandate that law enforcement make mandatory arrests and/or sign criminal charges when an officer has probable cause to believe an act of domestic violence has occurred - *regardless of the victim's position*. Many of the Special Victims Unit (and local municipal) investigations are sex crimes committed in an intimate partner relationship - thus falling under both Directive 2018-5 and the PDVA. The PDVA, being a statute as opposed to a Directive, **should** control. However, that is not the position taken by the BCPO's SVU squad, and thus the local municipality is often left to

determine on its own if it should sign sexual assault charges as required by law. That determination, more often than not, involves a consultation with the DV squad's chief, and an evaluation of proceeding with a prosecution unsupported by the expertise of our SVU investigative personnel.

Bergen County's border with New York State also creates problems for local domestic violence prosecution. Although full faith and credit is given to New York State court orders, we often find ourselves interpreting those foreign orders to determine if a violation occurred. More problematic is the fact that many defendants reside across our borders and generally, due to the relatively low level grading of many domestic violence offenses, extradition is not always an option.

5. Changes initiated in prosecutorial policy.

The problem that most affects the squad in its endeavors to prosecute crimes of domestic violence is the dilemma that arises when a victim recants prior testimony or makes him/herself unavailable to testify. That occurs in a high percentage of domestic violence cases due to the nature of the relationship between the victim and his/her abuser. It is our policy that a case will not be dismissed merely because the victim no longer wants to cooperate with law enforcement.

Through communication with local law enforcement, and numerous trainings conducted by squad staff, the squad continues to urge investigating agencies to gather all available corroborating evidence from a domestic violence crime scene. In addition, obtaining signed or sworn witness statements is encouraged. All efforts to amass proofs are made so that the matter can be effectively prosecuted despite hesitation on the part of the victim. That type of *evidence-based prosecution* is the trend in effective prosecution of domestic violence matters, but it necessarily depends on the quality of the evidence. Specialized training for law enforcement addressing non-cooperative victims and the gathering of evidence (the 911-call, neighbors' statements, photographs of both victim and defendant, etc.) at the initial scene are specifically addressed.

The squad's policy continues to require that, when feasible, a sworn or recorded statement from the domestic violence victim be obtained in each case in which an indictment is sought. Sometimes that is accomplished by having the victim, including already reluctant victims, testify before the Grand Jury. The purpose is, of course, to create a record to aid the prosecution in the event the victim becomes uncooperative.

In terms of case resolution, the pre-trial intervention program continues to be a favored disposition by some criminal defendants, because they avoid a criminal conviction and the ramifications that flow therefrom should the diversion be deemed successful. The problems with that disposition were alleviated in September 2017, when a change in the law made pleading guilty to enter PTI on a DV charge mandatory. Therefore, should diversion not be successful, the

State needs to proceed only to sentence, and the case is resolved with finality.

6. New programs implemented.

In conjunction with the Office of Victim-Witness Advocacy, the squad has continued to support the Domestic Violence Crisis Response Teams (CRT's) to service each of the 72 local law enforcement agencies that respond to domestic violence calls. That initiative began in October 1999, when the Bergen County Prosecutor's Office applied to the State Office of Victim Witness Advocacy for the first in a series of grants to fund the formation/expansion of domestic violence crisis response teams. Under the project, every municipal police department was offered the opportunity to participate in or form a domestic violence crisis response team. All municipalities have been offered assistance in establishing a crisis response program. This aim of this training is to teach volunteers the basic concepts of the domestic violence statute, and to provide a working understanding of how the police, prosecutors and judiciary interact.

The squad continues to support the Domestic Violence Liaison Officers (DVLO) program and hosts quad-annual meetings at the Bergen County Law and Public Safety Institute (Police Academy). Issues of importance to designated DVLO's are discussed, and new caselaw and legislation are brought to their attention and disseminated.

The squad continues to partner with A Partnership for Change (APFC) and their pursuit of grant funds from the New Jersey Violence Against Women (VAWA) Competitive Grant Program to implement their Police Response Enhancement Program (PREP). PREP is designed to help law enforcement personnel better understand the impact of domestic violence on adults, teens and children. Classes provide officers with practical ways to help victims understand the criminal justice system, their options and resources, and where to go for support. The program has been a success in neighboring counties, where the information provided helps officers connect victims to critical services. To date, nearly every municipality in Bergen has sent multiple officers to at least one class, with many returning for three or four different classes in a series. (All APs currently assigned to DV have taken the full curriculum as well.) The response has been tremendous! We are confident that PREP will ultimately help the police aid victims of intimate partner violence in making informed decisions that can provide a safer, and more secure, future for themselves and their families. That will benefit the squad greatly.

7. Participation in special projects, research efforts, studies, training programs, etc.

The squad chief conducted both "in-service" training as well as recruit training at the Bergen County Police Academy. That training concentrates on domestic violence law and related police policy and procedures. Materials used during the training are available to those agencies who wish to use them within their individual departments. In addition, the legal staff of the squad has assisted various department representatives in formulating their yearly training requirements for their respective departments. Additionally, **extensive** training in Criminal Justice Reform, as it relates to DV - including specialized mandatory county-wide ODARA training - was provided

in in-service format, smaller training at local municipal police departments, and regional trainings for law enforcement.

The basic recruit training for domestic violence was again provided by the squad chief at the BCLPSI on a bi-annual basis in 2019. In addition, test questions for recruit classes were reviewed by representatives of the squad's legal staff in order to ensure continuing compliance with the training modules promulgated by the Office of the Attorney General and the Domestic Violence Guidelines.

Squad members also participated in various public awareness programs county-wide, such as speaking at schools, hospitals, civic groups, etc.

Throughout 2019, the Bergen County Domestic Violence Working Group continued to meet regularly. The chief of the squad co-chairs those meetings with the Presiding Judge of the Family Division. The squad's chief, as well as all assistant prosecutors assigned to the squad and the victim-witness counselor, attend the working Group meetings. The Office participates in the legislative and training sub-committees of the group.

The chief of the squad also participated in the annual SAAFE – Save Abused and Frail Elderly - Conference on Elder Abuse by speaking on two panels. The chief of the squad also participated in numerous community-based initiatives and symposia, like the Clothesline Project, Town Hall meetings, Domestic Violence Prevention month programs, etc.

In addition to the above, representatives from the squad attended statewide training for Domestic Violence Assistant Prosecutors hosted by the Office of the Attorney General. The chief of squad participated in two panels.

INVESTIGATIONS

This reporting section is concerned with the investigative operations of each county prosecutor's office. Two reporting forms are utilized to capture the needed investigative information:

1. Investigative Workload and Dispositions
2. Disposition of Original Investigations Resulting in Criminal Charges

Both forms should be completed by every section or unit with investigative responsibilities. In addition, one copy of each form should be completed to report total investigative output for the prosecutor's office as a whole.

Definitions

Investigations - Activity undertaken in response to suspected or confirmed criminal activity with the purpose of obtaining evidence of such activity or the identity of offenders responsible for same.

Original Investigations - Investigations undertaken prior to the filing of a formal criminal complaint.

Post Complaint Investigations - Investigations undertaken in response to a previously filed criminal complaint, e.g., investigative activity to complete a case file for court presentation or disposition.

Joint Investigations - Investigations conducted cooperatively or in conjunction with investigative activity by another law enforcement agency.

Exclusive Investigations - Those investigations conducted solely by office personnel. (Note: The intent is to distinguish investigations involving substantive contributions by other agencies from those conducted independently by your office. Contact with other agencies limited to an exchange of information would not constitute a joint investigation.)

Section/Unit _____
 completing report
 Section IV, 7.a.

County _____
 Year _____

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							
2. Investigations opened during the year							
3. TOTAL Investigative workload for the year (add nos. 1 - 2)							
4. TOTAL Investigations completed during this year (add a. - d.)							
a. Resulting in criminal charges							
b. Referred to other agency for criminal prosecution							
c. Referred to other agency for civil or administrative action							
d. Closed - No further action							
5. Investigations pending or inactive at the end of the year							

Rev. 1995

Section IV. 7.a.

INVESTIGATIVE WORKLOAD AND DISPOSITIONS

This chart gauges the flow of investigations from receipt or opening to disposition. In addition, the column headings at the top of the chart distinguish between original and post-complaint investigations. Original investigations are divided into those conducted jointly with other law enforcement agencies and those conducted exclusively by the prosecutor's office. All information regarding workload and disposition of investigations (items 1-5 on left side of chart) should be entered in the appropriate columns indicating whether they were original (joint or exclusive) or post-complaint matters. Note that joint investigations are entered in a column specifying the cooperating agency (local, county, state or federal). If more than one cooperating agency, select the agency which participated in the investigation to the greater extent.

Workload and Dispositions

1. Investigations pending or inactive at the beginning of the year.

Report the number of investigations pending or inactive (not closed out or otherwise completed) at the beginning of the year.

2. Investigations opened during the year.

Indicate the number of investigations initiated during the reporting year.

3. TOTAL Investigative workload for the year.

Add the numbers entered in items 1 and 2 (pending and new cases) to report the total investigative caseload for the year.

4. TOTAL Investigations completed during the year.

Provide the number of investigations that were completed during the year. In addition, for each original investigation category indicate by which of the four dispositional results listed (a, b, c, d) the investigation was completed.

Indicate only one dispositional result for each investigation completed. If the completion of an investigation entails more than one of the listed results, report that result listed first on the chart. For example, if an investigation results in criminal charges (a) as well as a referral for civil action (c), report as "a. Resulting in criminal charges;" likewise, if an investigation is referred to another agency for criminal prosecution (b), and also referred for civil action (c), report as "b. Referred to other agency for criminal prosecution."

Section IV. 7.a. Investigative Workload and Dispositions (cont'd)

a. Resulting in criminal charges.

Investigations which culminated in either the filing of a complaint against an identified suspect or direct presentment for indictment by the grand jury. Original investigations resulting in criminal charges are considered completed regardless of the necessity for any supplemental investigative work for grand jury or trial preparation.

b. Referred to other agency for criminal prosecution.

Investigations disposed by referral to another agency for criminal prosecution. This may include the Division of Criminal Justice, the U.S. Attorney's Office, or another state prosecution authority, etc.

c. Referred for civil or administrative action.

Investigations which turn out to be more appropriate for non-criminal disposition and are disposed by civil action or a referral to another agency for civil or administrative action.

d. Closed-No further action.

Investigations for which no further action was warranted and which were subsequently declared closed by official action of the chief, prosecutor, or other person authorized to formally close investigations.

5. Investigations pending or inactive at the end of the year.

Report the number of investigations that have not been closed and consequently remain open or inactive at the end of the year.

Section/Unit DV
completing report
Section IV, 7.b.

County Bergen
Year 2019

**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	992
a. Defendants with complaints administratively dismissed	19
b. Defendants with complaints downgraded to disorderly persons offenses	307
c. Defendants with complaints referred to Family Court	250
d. Defendants with complaints presented to grand jury	92
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	84
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	92
a. Defendants indicted	87
b. Defendants not billed and remanded to municipal court	0
c. Defendants not billed/no action	5

Rev. 1995

Section IV. 7.b.

DISPOSITION OF ORIGINAL INVESTIGATIONS
RESULTING IN CRIMINAL CHARGES

This section concerns only that subgroup of defendants arising out of original investigations which result in criminal charges. For those original investigations which were completed by either the filing of a complaint against an identified suspect or direct presentment for indictment by the grand jury, provide the number of defendants which fall into the following categories:

1. Defendants charged by complaint, TOTAL.

Number of defendants charged by complaint as a result of a completed original investigation.

a. Defendants with complaints administratively dismissed.

Of defendants charged by complaint, the number of defendants for whom all complaints arising out of a single case were administratively dismissed.

b. Defendants with complaints downgraded to disorderly persons offenses.

Of defendants charged by complaint, the number of defendants for whom all complaints arising out of a single case were downgraded to disorderly persons offenses.

c. Defendants with complaints referred to Family Court.

Of the defendants charged by complaint, the number for whom complaints were referred to Family Court.

d. Defendants with complaints presented to grand jury.

Of the defendants charged by complaint, the number of defendants presented to grand jury.

2. Defendants with original charges presented to grand jury on direct presentment.

Provide the total number of defendants presented to the grand jury during the year for direct indictment as a result of a completed original investigation.

3. Defendants charged through accusation.

Provide the total number of defendants who were charged through accusation.

Section IV. 7.b. Disposition of Original Investigations (cont'd)

4. TOTAL defendants completing the grand jury process whether on direct presentment or complaint presentation.

Report the total number of defendants completing the grand jury process; include defendants for whom there was a complaint presentation and those for whom there was a direct presentment.

- a. Defendants indicted.

Provide the total number of defendants who were indicted of at least one of the charges presented.

- b. Defendants not billed and remanded to municipal court.

Provide the total number of defendants who were not indicted on any charge and at least one of the charges was remanded to the municipal court.

- c. Defendants not billed/no action.

Provide the total number of defendants who were not billed on all charges presented.

Section/Unit Grand Jury
completing report
Section IV, B.a.

County Bergen
Year 2019

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 not billed and remanded to municipal court	0
c. Defendants not billed/no action	0
4. TOTAL career criminal defendants charged through accusation	0

Rev. 1995

Section IV. 6.a.

CAREER CRIMINAL WORKLOAD AND GRAND JURY ACTION

This chart measures the workload involved in screening defendants for prosecution as career criminals and the actual prosecution of defendants identified as career criminals. It also measures the volume of career criminal defendants completing the grand jury stage and the results of grand jury presentations.

Career Criminal Workload and Grand Jury Action

1. Defendants reviewed for acceptance into career criminal prosecution program.

Provide the number of defendants reviewed.

2. Defendants accepted for prosecution as career criminals.

Provide the number of defendants who satisfied the criteria for career criminals and were, therefore, accepted for prosecution as such.

3. TOTAL career criminal defendants completing the grand jury process.

Provide the total number of defendants, identified as career criminals who completed the grand jury process.

In addition, for each grand jury action, indicate the appropriate number of career criminal defendants whose cases resulted in such action.

- a. Defendants indicted.

Provide the total number of defendants indicted by the grand jury. Any defendant indicted on at least one of the charges presented is to be counted as indicted.

- b. Defendants not billed and remanded to municipal court.

Provide the total number of defendants who were not indicted on any of the charges presented to the grand jury, but at least one charge was remanded to municipal court.

- c. Defendants not billed/no action.

Provide the total number of defendants who were not billed on all charges or for which there was no grand jury action.

Only one action/result is to be recorded for each defendant whose case is presented to the grand jury, regardless of whether the case consists of one or several indictments. If there are multiple

Section IV. 6.a. Career Criminal Workload (cont'd)

defendants named in the indictment(s), each defendant is to be counted separately. For this chart, however, only report information pertaining to those defendants classified as career criminals.

4. TOTAL career criminal defendants charged through accusation.

Report the total number of defendants who waived grand jury and were charged by accusation.

Section/Unit Grand Jury
completing report
Section IV, 6.b.

County Bergen
Year 2019

**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	85
2. 1+ to 2 months	139
3. 2+ to 3 months	103
4. 3+ to 4 months	52
5. Over 4 months	130
6. TOTAL defendant cases pending grand jury	509

Rev, 1995

Section IV, 6.b.

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

This chart measures the volume and backlog of career criminal defendants pending grand jury process by age of complaint.

Career criminal defendants are defined as those defendants who satisfy the criteria designated for prosecution as career criminals.

Ages of Pre-Indictment Defendant Cases from Date of Complaint

1. 0 to 1 month.
2. 1+ to 2 months.
3. 2+ to 3 months.
4. 3+ to 4 months.
5. Over 4 months.

Provide the number of career criminal defendants pending grand jury action for each of the indicated age of complaint categories.

Age of complaint is defined as the number of calendar days from the date the complaint was signed to December thirty-first (i.e., the close of the report year). Where there is more than one complaint against a defendant for a single case, use the date of the earliest complaint.

6. TOTAL defendant cases pending grand jury.

Provide the total number of career criminal defendants pending grand jury action (i.e., the total of numbers 1 through 5).

Exclude any defendant who is the subject of an original investigation being conducted by the prosecutor's office and against whom no complaint has been signed. Also exclude any defendant who has been accepted into a diversion program prior to grand jury presentation.

Section/Unit Grand Jury
completing report
Section IV, 6

County Bergen
Year 2019

**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	158
2. TOTAL post-conviction relief applications/briefs filed involving the prosecutor's office	
a. Defendants granted relief	
b. Defendants denied relief	
c. Defendants granted relief in part/Denied relief in part	
d. Defendants dismissed/Withdrawn	
3. TOTAL habeas corpus petitions/briefs filed involving the prosecutor's office	4/5
a. Defendants granted relief	1
b. Defendants denied relief	4
c. Defendants granted relief in part/Denied relief in part	0/0
d. Defendants dismissed/Withdrawn	0/0

Rev. 2015

Section IV. 5.

POST-CONVICTION ACTIVITIES
BY TYPE AND OUTCOME

1. Krol hearings involving the prosecutor's Office.

Report the total number of Krol proceedings in which your office participated through appearance or the filing or provision of necessary documents. A Krol hearing is here defined as proceedings regarding application for institutional commitment by reason of a defendant's being a danger to self, others or property, and all subsequent periodic reviews of such commitments.

2. TOTAL post-conviction relief applications filed involving the prosecutor's office.

Provide the total number of defendants who applied for post-conviction relief during the reporting year.

- a. Defendants granted relief - report the number of defendants granted post-conviction relief during the reporting year.
- b. Defendants denied relief - report the number of defendants denied post-conviction relief during the reporting year.

Note: It is recognized that the numbers reported in items 2a and b will not necessarily add to the total reported in item 2. In addition, the post-conviction results in items 2a and b should be provided regardless of whether the defendant filed for relief in the reporting year or any prior year.

3. TOTAL habeas corpus petitions filed involving the prosecutor's office.

Provide the total number of defendants for whom habeas corpus petitions were filed during the reporting year.

- a. Defendants granted relief - report the number of defendants granted relief during the reporting year for whom habeas corpus petitions were filed.
- b. Defendants denied relief - report the number of defendants denied relief during the reporting year for whom habeas corpus petitions were filed.

Year 2019

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

JUVENILE SECTION

2019

The Juvenile Section of the Bergen County Prosecutor's Office is responsible for the prosecution of juvenile delinquency cases in the Family Part of the Chancery Division of the Bergen County Superior Court. The Honorable Magali M. Francois, J.S.C., is the sole juvenile judge in Bergen County.

Judge Francois hears the more serious juvenile offenses on the formal court calendar. The less serious juvenile offenses are either heard before a non-attorney hearing officer or diverted for an alternative disposition. Diverted matters usually consist of minor offenses involving first time offenders. Either a Juvenile Conference Committee (JCC), or an Intake Service Conference (ISC) hears the diverted cases.

Although the purpose of each of both diversionary options is to resolve minor juvenile offenses, there are certain differences. JCC conferences do not take place in the courthouse. The JCC convenes in or near the municipality where the juvenile resides. Bergen County, with its seventy-one municipalities, has nineteen regional JCCs located throughout the county. The JCCs were regionalized due to a decrease in the number of minor juvenile delinquency complaints and an increase in the number of stationhouse adjustments. Disposition via JCC is only available if the juvenile admits culpability. The JCC will then recommend what conditions the juvenile should fulfill to resolve the matter. If the juvenile does not admit culpability, the JCC refers the matter back to Juvenile Intake for an ISC hearing.

The court appoints residents of the municipality to serve on the JCC. Juvenile Intake probation officers supervise the JCC court and court personnel provides the members with training. The Administrative Office of the Courts (AOC) now permits high school students to serve on the JCC. Many of the students do this to fulfill service requirements for their schools or organizations and have found their work very rewarding.

Unlike JCCs, Intake Service Conferences take place in the courthouse. A probation officer assigned to Juvenile Intake conducts the ISC. The probation officer reviews the charges with the police officer, the juvenile, the juvenile's parent, and the victim, if present. Like the JCC, the juvenile must be willing to admit culpability for the offense at the ISC. If there is no admission on the part of the juvenile, the matter is re-listed to be heard by the hearing officer or by the judge. If the juvenile admits culpability, the probation officer fashions a resolution that would assist in rehabilitating the juvenile,

while holding the juvenile accountable for his or her actions. Recommendations might include counseling, restitution, or referral to participation in community programs. The recommended conditions cannot exceed six months. The ISC officer cannot levy fines or impose probation. At the conclusion of the ISC, the Probation Officer's recommendations are included in a court order. If the juvenile successfully completes the recommendations within the designated time, the court dismisses the charges.

If Juvenile Intake does not divert a case, it refers the case for court action, either on the informal or formal calendar. A hearing officer handles the informal calendar, which disposes of a substantial number of the Bergen County juvenile cases. Most of these cases consist of charges that are fourth-degree and below. A juvenile on the informal calendar is not required to be represented by an attorney and the court will not appoint an attorney to represent the juvenile at this stage. The juvenile may retain a private attorney if they so choose. An assistant prosecutor does not appear at these hearings.

At the informal hearing, the hearing officer can conduct mini trials, if need be, and will advise the juvenile as to the consequences of the juvenile's actions. The hearing officer may order a deferred disposition, advising the juvenile to stay out of trouble for a specified time-period. The hearing officer may also refer the juvenile for services through many of the programs available to youth in Bergen County. Judge Francois will re-enforce these mandates by signing court orders on these cases. The hearing officer cannot impose probation on the informal calendar.

If Juvenile Intake places a case on the formal calendar, an assistant prosecutor is assigned to the case. In 2019, there were 777 complaints referred to the court, with 206 matters handled on the formal calendar. Here, the juvenile is required to retain an attorney. A juvenile who cannot afford to hire an attorney may have one appointed if the juvenile's family qualifies for a public defender. If the family does not qualify for a public defender, certain attorneys will represent juveniles at a reduced. Names of these attorneys can be obtained through the Bergen County Bar Association. Dispositions on the formal calendar can range from dismissals up to commitment to the Juvenile Justice Commission.

Juvenile Intake reviews all juvenile complaints and recommends whether a juvenile complaint be dismissed, diverted, or referred to the court. In Bergen County, Juvenile Intake will always confer with the Prosecutor's Office when reviewing and processing any questionable juvenile complaints. Juvenile Intake typically refers a juvenile for court action when the juvenile is alleged to have committed an act that would be a crime if committed by an adult, and/or the juvenile has repetitive disorderly persons

offenses. For minor drug offenses, if the juvenile has no record, the court may divert the matter or the municipal officer may give the juvenile a stationhouse adjustment.

The Juvenile Section of the Bergen County Prosecutor's Office consists of one chief, one assistant chief, and one assistant prosecutor. The investigative staff consists of one detective and one paralegal. The Juvenile Unit does not have a full time clerical member but instead receives assistance from the Record Room staff. The detective and the paralegal aid the assistant prosecutors in preparing their cases, issuing subpoenas, and obtaining all discovery from the municipal police departments. The stenographer's pool provides necessary transcription services. The Juvenile Section detective also assists in obtaining statements from witnesses, visiting scenes, and helping with the trial preparation of witnesses.

The Juvenile Section maintains its own record room and all of its records, including the filing of the juvenile case jackets. The assistant prosecutor accounts for every charge by preparing a disposition sheet for each case on the formal calendar. In 2009, the Juvenile Section instituted a computerized electronic card system, which replaced the antiquated card catalogue system that the Juvenile Section used for over forty years. There are no longer any handwritten log books and all records are kept and updated electronically.

The BCPO Computer Division developed the computerized Juvenile Delinquency Complaint System in 2009. All 73 police agencies located in Bergen County connect to the system. The officer enters certain mandated information into the complaint fields, such as all pedigree information, degree of offenses, and information regarding co-defendants. If a police officer fails to enter any of the required information, the computer system will prompt the officer, advising what information needs to be completed before the complaint will print. Once all of the required information is entered, the officer locks the complaint into the system. The officer then prints and signs the complaint. The State does not permit electronic signatures on juvenile delinquency complaints, although the BCPO juvenile delinquency complaint system is capable of this function. Should an officer attempt to print out the complaint without having locked it into the system, a giant watermark reading "DRAFT" will appear on the face of the complaint.

The act of locking the complaint sends an automatic email to the Juvenile Section staff and all law enforcement agencies with a connection to the juvenile or the victim. The law enforcement agency in the town where the juvenile resides, where the juvenile attends school, and where the victim resides will all receive an e-mail. Attached to the e-mail is a copy of the juvenile delinquency complaint. Juvenile Probation also receives a copy of every juvenile delinquency complaint signed in Bergen County. This feature has

eliminated the need to contact each interested agency separately. All complaints are now immediately screened and monitored by assistant prosecutors. Consequently, assistant prosecutors can correct mistakes before Juvenile Intake receives and docket the complaint. The Section Chief also may consider whether the complaints should be redirected for stationhouse adjustments before the complaint is served on the juvenile. Additionally, the Section Chief may screen for possible waiver cases from the outset.

The Juvenile Section scans all juvenile files into a BCPO scanning system upon completion of a docketed matter. The Juvenile Section maintains all files in a protected juvenile area in the system. This system can only be accessed with authorization to prevent inadvertent disclosure of juvenile materials. This is an on-going project, done on a case-by-case basis, with the ultimate goal that files will be retained electronically, rather than warehousing the actual paper files. Additional labor will be required to implement and maintain this going forward.

Individual juvenile assistant prosecutors notify victims of the status of their cases when the matter is listed on the formal calendar and where the offense would be a crime if committed by an adult. The assistant prosecutor forwards correspondence to the victim, advising them of upcoming hearing dates and the services that are available to assist victims through the Office of Victim-Witness Advocacy. The assistant prosecutor also informs the designated BCPO Victim-Witness advocate of all case updates. The Victim-Witness advocate assists the juvenile assistant prosecutors by acting as a liaison with the victims on juvenile matters and by arranging meetings with victims for trial preparation and accompaniment to court.

Since Bergen County is a very diverse county with many municipal police departments and agencies, the Juvenile Section Chief participates in a number of projects and programs related to juvenile services. The section chief attends monthly meetings of the Bergen County Juvenile Officers Association and serves as its legal advisor. This association, open to all 71 of the Juvenile Bureaus within Bergen County, is a very active organization under the auspices of the Police Chiefs' Association. Representatives from each police department attend monthly meetings, along with representatives from various Bergen County agencies that provide services to juveniles. The juvenile officers and the agency representatives report updates on new services, current problems, and on-going concerns. The groups discusses trends in juvenile delinquency activity. The juvenile section chief advises the departments of any new developments in the law pertaining to juveniles. Frequently, there is a featured guest speaker. On average, representatives from approximately thirty agencies and departments participate in each meeting.

Additionally, the Juvenile Section Chief attends the Juvenile Unit Chiefs quarterly

meeting, sponsored by the Prosecutors and Police Bureau of the Division of Criminal Justice. This is a forum for the exchange of information regarding new laws, concerns with the juvenile justice system, and crime victim impact. The juvenile section chief participates in the bi-monthly Sex Crimes Multi-Disciplinary Team meetings, which review adult and juvenile sex offender cases from the perspective of the victims.

As the Prosecutor's designee, the section chief attends monthly meetings of the Bergen County Youth Services Commission. The Youth Services Commission oversees funding received from the Juvenile Justice Commission. This money funds county-based programs and services for the county's juvenile population. These services help at-risk juveniles in a Family Crisis matter, and rehabilitate juveniles involved with the Family Court.

The Juvenile Section Chief also participates in quarterly meetings of the Juvenile Delinquency Alternatives Initiative (JDAI). This initiative will soon be statewide and New Jersey will be the first state in the nation to have JDAI in every county. JDAI has been in Bergen County for ten years. The JDAI is a comprehensive approach to Juvenile Justice, intended to reduce overcrowding in juvenile detention centers. JDAI's local steering committee is comprised of numerous individuals and organizations, including law enforcement, court personnel, the Prosecutor's Office, the Public Defender's office, and various service organizations working with troubled youth. JDAI looks at the Juvenile Justice system as a whole to find ways to better the process of moving juveniles through the courts. For example, Bergen County developed the computerized Juvenile Delinquency Complaint System as a result of JDAI study on improving case processing of juvenile delinquency complaints.

Effective January 17, 2014, New Jersey enacted the new cyber-harassment statute, N.J.S.A. 2C:33-4.1. This statute made it a fourth-degree crime for someone to make a communication online through a social networking site or electronic device, if done with the purpose to harass another person. Prior to this law, cyber-harassment fell within the confines of regular harassment, which was a petty disorderly persons offense. The Juvenile Court and police officers working with juveniles have seen an increase in the number of cyber-harassment cases in recent years. They have become more prevalent due to an increase in the number of juveniles having access to electronic media and the Internet, and at the same time, lacking the social awareness to handle this in a responsible manner. The statute provides that any juvenile under the age of 16 adjudicated delinquent for an act of cyber-harassment be ordered to complete an educational program designed to reduce acts of cyber-harassment. The juvenile must attend this program with a parent or guardian.

In Bergen County, the Division of Family Guidance developed two digital safety programs in response to this statute. They are TEACH, Teen Education About Cyber Harassment, and TUTOR, Teens Using Technology Responsibly. The court can refer a juvenile to TEACH and TUTOR programs as a condition of probation or as a condition of a period of adjustment. The programs are also available to the municipal police for referrals on station house adjustments. The programs focus on educating juveniles about the law and the harmful effects of sexting and cyber harassment. The programs consist of psycho-educational sessions. Dependent upon the needs of the juvenile referred, individual and group counseling are available. Topics discussed include sexting, digital safety, cyber bullying, and the consequences and long-term impacts of these decisions. The program also addresses issues relating to the juvenile as an individual, such as self-esteem, self-respect, privacy and intimacy. Parental involvement is expected. These programs have been hugely successful and many Bergen County schools have requested the program facilitators present the program at their schools.

Section/Unit Juvenile
(completing report)
Section IV, 9.a.

County: Bergen

Year: 2019

JUVENILE DELINQUENCY INTAKE

Filings/New Cases	Number of Juveniles	Number of Cases	Number of Offenses
1. Total New Filings During the Calendar Year	668	788	1,557
VOP Filings			
2. Total Violations of Probation During the Calendar Year	32	44	44
Returned to Court			
3a. Cases Reactivated	19	28	98
3b. Cases Reopened	117	125	244
3c. Cases Successfully Appealed	0	0	0
3. Total Cases Returned to Court	136	153	342
Transfers			
4a. Entering this county	50	53	110
4b. Leaving this county	116	126	299
4. (Net Change)	-66	-73	-189

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 or 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 Prosecutors do not at V.O.P. hearings. ☐

Revised for 2019 data

Section/Unit Juvenile
(completing report)
Section IV, D.B.

County: Bergen

Year: 2019

JUVENILE DELINQUENCY DISPOSED CASES

Dismissed/Consolidated/Withdrawn	Number of Juveniles	Number of Cases	Number of Offenses
1. Total Dismissed/Consolidated/Withdrawn during Calendar Year	53	60	77
Diverted Cases			
2. Total Diversions during Calendar Year	278	285	368
Inactivated Cases			
3a. VOP Cases Inactivated	16	20	20
3b. Non-VOP Cases Inactivated	43	54	138
3. Total Inactivations during Calendar Year	59	74	158
Non-VOP Decisions (Mandatory Calendar)			
4a. Adjudicated Delinquent	151	211	625
4b. Adjudicated Not Delinquent	4	4	11
4c. Not Adjudicated Dismissed	0	0	0
4d. Case Returned/Post Adjudication Decision	60	64	172
4. Total Non-VOP Decisions (Mandatory Calendar)	215	279	808
Non-VOP Decisions (Non-Mandatory Calendar)			
5a. Adjudicated Delinquent	1	1	1
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)	1	1	1
Non-VOP Decisions (Juvenile Referee)			
6a. Adjudicated Delinquent	61	65	126
6b. Adjudicated Not Delinquent	2	2	4
6c. Not Adjudicated Dismissed	67	72	97
6d. Case Returned/Post Adjudication Decision	0	0	0
6. Total Non-VOP Decisions (Juvenile Referee)	130	139	227
VOP Decisions (1:1)			
	Mandatory Calendar	Non-Mandatory Calendar	Juvenile Referee
7a. Adjudicated Delinquent	30	0	0
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	30	0	0
Trials			
8a. Total Number of Trials Where the Assistant Prosecutor Appeared.	6		
8b. Total Number of Juveniles Adjudicated Delinquent on One or More Charges at Trial.	2		
8c. Total Number of Juveniles Adjudicated Not Delinquent at Trial.	4		

Revised for 2019 data

Section/Unit Juvenile
Completing report
Section IV, 2.c.

County Bergen
Year 2019

JUVENILE WAIVER DECISIONS

1. Voluntary Waivers at Juvenile's Request	0
2. Juvenile Waiver Motions by Prosecutor	
a. Pending at Beginning of Year	0
b. Motions Filed by Prosecutor this Year	1
3. Juvenile Waiver Decisions (Prosecutor's Motions)	
a. Waived on Prosecutor's Motion with Juvenile's Consent	1
b. Waived on Prosecutor's Motion without Juvenile Consent and after a Hearing	0
c. Motion Voluntarily Withdrawn by Prosecutor	0
d. Waivers Denied	0
e. Total Decisions (sum of 3a through 3d)	1
4. Juvenile Waiver Motions filed by Prosecutor Pending at Year's End (2.a. + 2.b. - 3.e.)	0

Rev. 2017

Section/Unit Juvenile
completing report
Section IV, 10.e.

County Bergen
Year 2019

JUVENILE HABITUAL OFFENDER PROGRAM WORKLOAD AND ADJUDICATIONS

WORKLOAD AND ADJUDICATIONS	NUMBER OF JUVENILES
1. Juveniles reviewed for acceptance into habitual offender program	0
2. Juveniles accepted for prosecution as habitual offenders	0
3. TOTAL Juvenile adjudications	0
a. Adjudicated delinquent by admission, i.e., guilty plea	0
b. Adjudicated delinquent at hearing	0
c. Adjudicated not delinquent	0
d. Complaint dismissed or withdrawn	0
e. Adjudication adjourned, continuance granted	0

Rev. 1995

Section/Unit Juvenile
completing report
Section IV, 10.b.

County Bergen
Year 2019

JUVENILE HABITUAL OFFENDER PROGRAM

CASE INTAKE CRITERIA (LIST)

Not applicable

Section/Unit Juvenile
 completing report
 Section IV, 13b,

County Bergen
 Year 2019

JUVENILE DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

	TOTAL	NUMBER CONVICTED		ACQUITTED	DISMISSED	DOWNGRADE/ REMAND
		PLEA	TRIAL			
Number of juveniles disposed	1				1*	
Number of juveniles waived for adult prosecution	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					
Number of juveniles for whom harassment was upgraded to 4th degree crime	0					
Number of juveniles who had both an upgrade to a 4th degree crime and an application for extended terms	0					

*case diverted and dismissed after successful completion of diversionary program.

Rev. 1992

BERGEN COUNTY PROSECUTOR'S OFFICE

2019 NARRATIVE MAJOR CRIMES UNIT

ARSON-FATAL ACCIDENT-HOMICIDE

OVERVIEW

The Major Crimes Unit (MCU) is responsible for the investigation and prosecution of three specific crime areas: Arson, Fatal Accident, and Homicide. It is a vertical prosecution unit wherein the investigative and legal staffs work collaboratively throughout the course of the investigations and through dispositions of cases.

The Major Crimes Unit is an "on call" unit. The sergeant of each squad fields calls for potential investigations within their discipline and, in conjunction with the lieutenant, determines the need for the deployment of resources. After receiving preliminary information from the requesting agency, the Bergen County Public Safety Operations Center routes all calls to the respective squad sergeants. Although there is a scheduled shift for each squad, all detectives in the Unit are expected to be accessible via cellular phone at all hours and respond whenever possible, should a new investigation begin.

There are two assistant prosecutors assigned to the MCU who provide legal advice during investigations and are required to be on-call at all times to provide such assistance to the Unit. During most investigations, the assistant prosecutors often respond to the scene to work alongside the investigative staff to provide contemporaneous search warrant/communications data warrant review, charging, and other legal advice as needed as an investigation unfolds.

Once a determination has been made by the MCU Assistant Prosecutor Section Chief and the investigative command staff to charge a case, the MCU assistant prosecutors follow the cases from inception to disposition. The MCU Chief designates assignment of cases and the assigned assistant prosecutor is responsible for all pre- and post-indictment litigation as well as plea and trial disposition.

Within the schema of Criminal Justice Reform, most MCU cases fall within the mandatory detention motion protocol. MCU assistant prosecutors are responsible for drafting probable cause statements for charges, filing and litigating detention motions, and determining the breadth of discovery to be provided in accordance with the Rules.

Throughout the pendency of investigations and prosecutions of all MCU cases, the MCU assistant prosecutors are tasked (with the assistance of the case detective and victim/witness advocate) with the responsibility of effectively communicating with victim and survivor representatives in an objective, honest, and compassionate manner.

Other ancillary duties of the MCU assistant prosecutors include:

- Review and assessment of Police Involved Shooting Investigations (Section Chief only);
- Review of drug induced death cases for viability of strict liability prosecutions (Section Chief only);
- Community Outreach presentations for DWI/Distracted Driving, Crime Scene, Homicide Investigations etc.;
- Police Academy instruction in Arson, FAIU investigations, Courtroom Testimony, etc.;
- In-Service and Continuing Legal Education instruction;
- Post-Conviction Relief (PCR) motions;
- Parole review and Objection letters for MCU cases.
- Review of motor vehicle summonses from local municipalities to determine if criminal charges should issue;
- Driving While Intoxicated (DWI) checkpoint review;

Upon review by the MCU Chief and determination by the Prosecutor, MCU cases may be assigned (usually post-indictment) to assistant prosecutors outside of the MCU for prosecution. Cases that are more complex will often be assigned a lead (more experienced) attorney and a "second chair" (less experienced) attorney for trial disposition. The philosophy behind such assignments is to ensure that assistant prosecutors throughout the Office obtain experience with Major Crimes' cases, but also with mentoring and mentorship.

The Bergen County Prosecutor's Office has taken steps to upgrade the training of both the investigative and legal staffs. Detectives and assistant prosecutors are encouraged to attend many types of courses dealing with the investigation and trial of cases, many of which are specific to homicide cases. Additionally, due to the labor-intensive nature of Major Crimes' investigations, detectives assigned to the Unit are typically cross-trained in arson, fatal accident and homicide investigations. Cross training includes Crime Scene Investigation, Leica 3D Laser Scanner/Crime Scene Diagramming, Cellular Telephone Mapping and Analysis and Polygraph Examinations. These sub-specialties allow all squads within the Major Crimes Unit to assist one another in complex cases or cases such as a homicide where a fire was set to cover up the cause of death. As stated earlier, there is active mentorship on trial cases wherein assistant prosecutors obtain hands-on experience as "second chairs" to more experienced trial attorneys.

In addition, experienced MCU assistant prosecutors and detectives are called upon on a regular basis to provide in-house, recruit, and in-service trainings to law enforcement, continuing legal education to assistant prosecutors, and seminars to the community-at-large.

MAJOR CRIMES – ARSON SQUAD

The Major Crimes Arson Squad is responsible for investigating and determining the origin and cause of suspicious fires and suspected arson fires within Bergen County. The Arson

Squad also supervises the countywide Arson Task Force, which is comprised of local police officers and fire officials who have been specifically trained in arson investigation. This task force is on-call 24 hours a day, 365 days a year to assist in any arson-related investigation. The Arson Task Force consists of 11 law enforcement officers and 7 firefighters.

Arson investigations include, but are not limited to; fires involving fatalities or seriously injured individuals; all commercial and mercantile building/shopping mall fires; all fire incidents in schools, colleges/universities, daycare centers, houses of worship, healthcare facilities, and government buildings; fires in vacant buildings; fires in establishments scheduled to be demolished or sold; and explosions where there is detection of any incendiary/explosive device.

If the investigation reveals evidence of criminal conduct, criminal charges are then filed only after consultation and collaboration with the Chief Assistant Prosecutor of the Major Crimes Unit. The assigned assistant prosecutor then takes responsibility for all facets of the prosecution of any charges.

In 2019, the Arson Squad successfully investigated and prosecuted many important cases including:

State v. Keith Koeppel: The third fire report at the same residence in a month's time led to the apprehension of defendant. A suspect was finally caught on video surveillance pouring an accelerant on the porch and lighting it with matches. Nearby, a suspicious vehicle with mud on it was reported to police. A thorough investigation revealed defendant, who matched the appearance of the arsonist on video, as the owner of the suspect vehicle. Defendant is scheduled for trial in 2020.

MAJOR CRIMES- FATAL ACCIDENT INVESTIGATION UNIT

The MCU Fatal Accident Investigation Unit (F. A. I. U.) is responsible for investigating fatal and serious bodily injury motor vehicle crashes resulting from criminally reckless operation. These investigations include collisions where death or serious bodily injury occurs and in which driving while intoxicated, excessive speed, cell phone use, asleep behind the wheel, two or more moving violations, hit and run, police pursuit, or an emergency vehicle is a factor in the collision. The FAIU also assists municipalities within Bergen County in investigations of complex, non-criteria motor vehicle collisions.

Since its inception in 1988, the F.A.I.U. has distinguished itself as one of the finest accident investigation units in the State of New Jersey, if not the entire country. F.A.I.U. investigations can result in the filing of criminal charges ranging from aggravated manslaughter and vehicular homicide to aggravated assault and assault by auto. A MCU assistant prosecutor literally oversees the case from its inception to its conclusion. The assistant prosecutor often responds to the collision scene in order to fully understand the collision event. S/he will also immediately begin assisting with the legal aspects of the investigation (i.e., reviewing and

obtaining search warrants; overseeing the warrantless obtaining of blood samples; and authorizing charges to be filed. S/he will also be responsible for all facets of the prosecution of the matter.

Because the F.A.I.U. understands the personnel constraints placed on many police agencies as a result of the extensive investigation required by major accidents, the unit has established an At-Scene Response Team. The Response Team, which is composed of county and municipal police personnel, is designed to function as a technical investigative arm of the F.A.I.U. Its principal responsibility is the coordination of the management of the accident scene. The Response Team works in conjunction with the police agency where the collision occurred. The cooperation among the F.A.I.U., the Response Team, and the municipal police, yields quality investigations which provide the type of detailed information necessary to determine collision causation and establish criminal culpability, if any.

Local police follow set criteria to determine when the F.A.I.U. investigators are needed to respond to the scene of an accident. Generally, the unit is summoned when the collision involves death, or there is serious bodily injury and death appears imminent. If there is a surviving driver, police must also determine whether any of the following factors are involved or suspected: alcohol or drugs; excessive speed; indications of a moving violation; hit-and-run; police pursuit; collision of emergency vehicles (including police, fire, rescue, ambulance/paramedics); and/or multiple fatalities.

Once it is determined that a motor vehicle accident meets any aspect of the above criteria, F.A.I.U. investigators respond to the scene and undertake a two-fold investigation. First, in cooperation with the local police department and the Bergen County Department of Engineering, the scene is photographed and plotted, and evidence is gathered for a reconstruction of how the accident occurred. Second, blood is drawn from the suspected offending driver for alcohol and drug analysis. Third, interviews are conducted to establish a time line indicating where all of the actors were coming from and where they were going. Once the investigation is complete, a determination as to whether criminal charges will be filed can then be made.

The investigations the F.A.I.U. conduct are, in many respects, not unlike those of the other MCU sub-squads of homicide and arson. They are detailed, take time, are labor intensive, and involve a technical aspect. While it is true that in most cases the F.A.I.U. investigators know the identity of the defendant, they are still required to undertake those general investigative practices that establish whether a driver's reckless conduct was the precipitating cause of the crash.

In a case where the motor vehicle accident does not meet the criteria for a criminal investigation, but where the local police department asks for assistance in processing a fatal accident scene, F.A.I.U. will lend the local department its resources, including legal and technical expertise, to assist with the accident investigation.

Additionally, the FAIU is responsible for reviewing all motor vehicle summonses issued within Bergen County, which are marked as involving death or serious bodily injury, to ensure that potentially criminal cases are not inadvertently adjudicated in municipal court. Moreover,

the FAIU provides multiple presentations throughout the year to high school students on the risks of driving while intoxicated and distracted driving.

Due to the size of the squad, case volume, and the various skill levels of in-house staff, cases are "shared." Rare is the case that is only investigated by one or two detectives. Consequently, each of the detectives in the squad conduct ancillary investigations and write reports in support of cases assigned to other detectives in the squad. In other words, in each criteria case, the entire squad "works" the case. The nature of these investigations is such that they are extremely labor intensive over approximately a two-week period following the crash. Accident reconstruction analysis itself can take months.

The art and science of accident reconstruction is a major part of the Unit's work. With advancements in automobile technology, squad members have kept abreast of corresponding advances in accident reconstruction technology. New types of automobiles and trucks, including sport utility vehicles, pose new challenges for the F.A.I.U. investigators. Sport utility vehicles, for example, have a higher center of gravity. The introduction of these new vehicles into the dynamics of accident reconstruction is particularly challenging, and requires investigators to update their education and expertise to keep current with the changes in the production of these vehicles.

In every reconstruction, the variables to be considered include, but are not limited to, the size of the vehicle as well as braking and acceleration capabilities. An exhaustive review of where vehicles and debris came to rest, a thorough examination of the vehicles themselves and a complete understanding of the physics of moving bodies enables investigators to determine, in most cases, not only the speed and direction of the vehicles involved but also how they moved after impact.

There are two F.A.I.U. trucks on call 24 hours per day, 7 days per week. Each vehicle is equipped with state of the art accident investigation equipment, including high-powered metal halide floodlights that extend on poles approximately 10 feet into the air. These lights, commonly used by construction companies for evening roadway work, illuminate an accident scene at night for investigators. The vehicles are also equipped with VC4000 performance computers. These computers are utilized at accident scenes to determine the roadway's coefficient of friction. This coefficient is central to determining the speed the subject vehicles were traveling at the time of the collision. A Leica C10 High Definition Laser Scanner is also used to map, measure, and document crash scenes; as well as create trial exhibits designed to give jurors a better understanding of the collision event.

Applying the science of accident reconstruction to a specific case, the F.A.I.U.'s experts can determine -- within a reasonable degree of scientific certainty -- the path, speed, points of impact and post-impact path of the vehicles involved in a fatal or serious injury accident. Through the expert's testimony at trial, jurors become virtual eyewitnesses to the crash. Investigators in the squad have been qualified in court as experts in the field of accident reconstruction.

Members of the F.A.I.U. were instrumental in the creation of the "New Jersey State Prosecutor's Crash Investigators Association," which was established to allow various prosecutor's fatal accident investigation units around the state to share information and technology in the area of accident reconstruction and criminal prosecutions. In addition, investigators from the F.A.I.U. are routinely asked to lend their expertise in this area by other county prosecutor's offices and the New Jersey State Police.

The F.A.I.U. conducts quarterly training meetings each year at the police academy for all F.A.I.U. investigators and Response Team members. At these meetings, members are taught the latest science of accident reconstruction and investigation. The investigators are also thoroughly briefed on the latest changes in the law, as well as the status of active criminal cases.

Over the last year, the F.A.I.U. has continued to work cooperatively with the law enforcement community to ensure that cases are investigated with professionalism, whether toward the end of achieving successful prosecutions or alternatively, determining that such prosecutions are not warranted.

In 2019, many cases were successfully investigated and prosecuted including a string of hit-and-run cases where the F.A.I.U. was able to utilize a cadre of investigative tools to apprehend the at-large defendants. Many of these cases were resolved by plea and others are pending trial in 2020.

MAJOR CRIMES – HOMICIDE SQUAD

The Major Crimes Homicide Squad is responsible for investigating all homicides, suspicious deaths, deaths of children, officer involved shootings, deaths of persons while in police custody, and suicides that occur within the County of Bergen. The investigations are conducted jointly by the Homicide Squad and the police department of the municipality where the death occurred. The Homicide Squad also investigates other serious crimes, such as attempted murder, aggravated assault, and strict liability for drug induced death cases. Indeed, the number of deaths due to heroin overdoses continues to rise. As a result, the Homicide Squad is devoting more resources to tracing the suppliers and dealers in an effort to bring them to justice. Additionally, at the direction of the Chief of Detectives, the Homicide Squad will assist municipal departments in cases where a difficult, complex or prolonged investigation is expected. Oftentimes, small municipalities are unable to provide long-term full-time assistance in prolonged investigations due to labor and/or funding problems. In those instances, the members of the Squad take over the bulk of the investigation after consultation with the local municipality.

Whenever a homicide investigation occurs, any of the detectives assigned to the Major Crimes Unit may be assigned to assist in the investigation. The lieutenant in charge of the Unit oversees investigations in legal consultation with the MCU Section Chief. The homicide detective designated as the case detective is responsible for management of the case evidence, conducting witness and suspect interviews, lineups, and, in conjunction with a MCU assistant prosecutor, securing search warrants, toll orders and other court orders, as needed. The case detective follows the case through all aspects of the subsequent prosecution until disposition.

The Homicide detectives are responsible for processing the crime scene and for the collection of evidence. At the crime scene, the Squad works in conjunction with various agencies, namely the Bergen County Medical Examiner's Office, and the Bureau of Criminal Identification of the Bergen County Sheriff's Department. Since the use of DNA technology has become increasingly prevalent, the Squad must store applicable bodily fluids in the appropriate manner. This entails the use of refrigeration and freezer systems.

A detective from the Squad attends the postmortem examination of the victim and is responsible for the collection of any evidence from the Medical Examiner such as clothing, fibers, projectiles, hairs and blood for comparison purposes.

Many items of evidence collected at the crime scene, at the autopsy, and from defendants placed under arrest, are later submitted by detectives to the appropriate laboratories for analysis and comparison. For example, hairs collected from a victim's clothing may be submitted to the New Jersey State Police Laboratory along with a representative sample of a suspect's hairs for comparison purposes to determine if they share similar characteristics. Obtaining lab results in a timely manner has proven increasingly difficult with the onset of Criminal Justice Reform and Speedy Trial Rules.

Because of advances in forensic science, the Homicide Squad has continued a "Cold Case" initiative of reviewing old unsolved cases, including some from the 1960's and 1970's, in order to determine if a perpetrator can be identified and ultimately prosecuted. Detectives have been assigned to review unsolved homicide files to determine if new leads can be developed to solve these cases based upon new investigative techniques and/or new scientific methods such as DNA analysis of evidence samples. This is a time consuming and labor intensive process that involves locating decades-old files and reviewing and retrieving certain items of evidence to determine whether they should be submitted to the lab for forensic analysis. This initiative has been so successful that a dedicated Major Crimes Cold Case Homicide Unit was implemented in January 2018.

The Homicide Squad also investigates all police officer involved shootings that occur within Bergen County. These cases are often complex in scope and require the Prosecutor's Office to examine the entire incident to determine if the use of force was appropriate. Additionally, the investigations also examine any areas of departmental policy or training that should be implemented and/or changed. These investigations are complex in scope; require extensive crime scene analysis and interviews of witnesses, suspects and police officers. Most importantly, to promote public confidence in the outcome, police shooting investigations require the utmost professionalism and transparency. Per Attorney General Directives, the police department whose officer is involved in the use of force/officer involved shooting must be "walled off" and the investigations are solely directed by the Bergen County Prosecutor and the Major Crimes Homicide Squad. The MCU Section Chief reviews the entire investigation and, after consultation with the Prosecutor, determines the appropriate course of action pursuant to the Attorney General Directives.

The Homicide Squad is also responsible for the investigation of persons missing under circumstances that appear suspicious. They will assist local departments and work with the

Missing Person Unit of the New Jersey State Police to resolve missing person cases and offer assistance in cases where foul play is suspected.

With the recent surge in Opioid related deaths, the Homicide Squad, in conjunction with the Narcotics Task Force, has been charged with the additional duty of investigating drug-induced deaths. Local departments report drug overdose deaths to the Homicide Sergeant and, based on the sergeant's review of the facts at that time, a response determination is made. If an ensuing investigation reveals the source of the drugs and attributes them to the death, the matter will be prosecuted under the strict liability drug induced death statute.

The Major Crimes Homicide Squad successfully investigated and prosecuted many cases in 2019 including:

State v. Arthur Lomando: A brutal domestic violence pre-meditated homicide where the defendant lay-in-wait for for [REDACTED] outside her home. When the victim arrived, defendant accosted her while she was still seated in her car and stabbed her multiple times, causing her death. The defendant was found guilty on all counts after a jury trial and was sentenced to Life plus 10 years incarceration.

State v. Rafael Lolos: A circumstantial homicide case where the defendant with questionable romantic and/or business ties to the victim feigned ignorance regarding the victim's initial disappearance. The victim was murdered and her body was dismembered and discarded in the Hudson River. Only three body parts were ever recovered- all on the New York side of the Hudson. The first part, had a distinctive tattoo which led to the initial identification of the victim. Her upper body was never recovered, and, as such, a specific cause of death was "undetermined." The defendant's guilt was successfully proven during a three-month jury trial utilizing a combination of lay and expert witness testimony, surveillance videos, credit card records, and cellular data. Defendant was sentenced to Life plus 15 years incarceration.

Section/Unit MC-ARSON
completing report
Section IV, 7.b.

County Bergen
Year 2019

**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	9
a. Defendants with complaints administratively dismissed	0
b. Defendants with complaints downgraded to disorderly persons offenses	0
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	3
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	1
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	3
a. Defendants indicted	3
b. Defendants not billed and remanded to municipal court	0
c. Defendants not billed/no action	0

Rev. 1995

Section/Unit MC-FAIU
Completing report
Section IV, 7.b.

County Bergen
Year 2019

**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	10
a. Defendants with complaints administratively dismissed	0
b. Defendants with complaints downgraded to disorderly persons offenses	0
c. Defendants with complaints referred to Family Court	1
d. Defendants with complaints presented to grand jury	8
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	3
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	8
a. Defendants Indicted	8
b. Defendants not billed and remanded to municipal court	0
c. Defendants not billed/no action	0

Rev. 1996

Section/Unit MC-HOMICIDE
completing report
Section IV, 7.b.

County Bergen
Year 2019

**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	19
a. Defendants with complaints administratively dismissed	0
b. Defendants with complaints downgraded to disorderly persons offenses	0
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	17
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	0
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	17
a. Defendants indicted	17
b. Defendants not billed and remanded to municipal court	0
c. Defendants not billed/no action	0

Rev. 1996



BERGEN COUNTY PROSECUTOR'S OFFICE

NARCOTIC TASK FORCE

2019

The Bergen County Prosecutor's Office, Narcotic Task Force is charged with the investigation and apprehension of those persons involved in the distribution of controlled dangerous substances. Whether the target is a street dealer damaging the quality of life in a particular neighborhood or a highly sophisticated organization using Bergen County as a platform for extensive drug distribution, the Narcotic Task Force has the personnel and resources to build a solid case and end the criminal enterprise.

Bergen County has two qualities that make it an exciting place to live, while at the same time creating challenges for drug enforcement. First, Bergen County is an area of great ethnic and economic diversity with instances of drug distribution ranging from street corner sales, to the use of "club drugs" like Ecstasy, GHB and Ketamine favored by the younger often affluent user. Second, the County is in close geographical proximity to New York City. New York City is a point of entry for drugs into the United States, a location where Heroin, Cocaine, Marijuana and other substances can be bought "wholesale" for re-distribution elsewhere and a destination for local residents to purchase narcotics for re-distribution locally. For those reasons, law enforcement must be wary of large shipments of drugs moved by organized distribution networks by creative and well-concealed methods. At the same

time, smaller level dealers can easily travel to New York City from Bergen County to quickly return and service local customers.

The Narcotic Task Force addresses these issues in a number of ways. Narcotic Task Force Investigators must possess the required experience and versatility to handle a wide range of cases. To combat larger scale drug activity that crosses state and national borders, the Narcotic Task Force shares resources with Federal and State law enforcement organizations. In the past year, Narcotic Task Force investigators have provided local expertise on assignments with the Drug Enforcement Administration and Homeland Security Investigations. These cooperative efforts have historically resulted in the seizure of larger caches of illegal substances and the cash proceeds of drug dealing.

On a more local level, the Narcotic Task Force works closely with police departments throughout Bergen County's 70 municipalities, addressing drug dealing through undercover operations, surveillance and the use of confidential informants, with Bergen County residents benefitting from the expertise and resources of the Narcotic Task Force in addressing problems in their towns.

The Narcotic Task Force has prioritized investigations that deal with the Heroin epidemic. Numerous arrests were made as a result of the introduction of individuals buying Heroin in the City of Paterson. This was part of a multi-county initiative that was developed because of the raging Heroin problem in our communities which has led to many overdose deaths. The goal for this initiative has been to prosecute the dealers and to provide rehabilitation services for those found in possession of Heroin.

In addition to Heroin use and distribution, the Narcotic Task Force has also investigated and dismantled Heroin production facilities, also known as "mills." "Mills" are locations where Heroin and Fentanyl are cut and packaged for street-level distribution. There has been a significant uptick in the presence of Fentanyl in street level doses of suspected Heroin.

In 2019, there were 83 undercover buys, 153 arrests with seizures totaling 19 kilos and 8 lbs of packaged Heroin, 11 kilos of Cocaine, 9 kilos of Fentanyl, 150 pounds of Hashish Oil, 8,000 THC "vape" cartridges, 242 pounds of Marijuana and many other amounts of various controlled dangerous substances. Significantly, the Narcotic Task Force and Gang Unit seized \$1.2 million in U.S. Currency, executed 104 search warrants and communication data warrants and seized 13 firearms with several extended magazines and various ammunition.

In summary for the year, the Narcotic Task Force made numerous undercover buys of drugs including Cocaine, Heroin, Ecstasy, Marijuana, Ketamine, Psilocybin (mushrooms), LSD and various prescription drugs. Numerous arrests were made by the Task Force, not only for drug distribution charges, but also for assault, weapons possession, eluding, and possession of controlled dangerous substances.

In addition, the Narcotic Task Force will continue to target larger drug dealers of Heroin and Cocaine since Bergen County remains a hub for such drugs throughout the east coast corridor and a haven for stash houses of narcotics which are utilized because the bucolic suburban areas provide cover for illicit activities.

The Narcotic Task Force has 4 supervisors and approximately 20 investigators, including detectives on loan from municipal departments. Four full-time assistant prosecutors provide the section with legal advice during investigations. After arrest, the assistant prosecutors handle the cases for plea or trial in Superior Court.

Looking to the future, the Narcotic Task Force has already taken the initiative to address emerging issues such as the distribution of Fentanyl, THC "vape" pens and edibles, designer drugs, Ecstasy, Molly and analogs of those drugs as well as synthetic Marijuana, and will continue to focus on this area. The Narcotic Task Force will also continue to be responsive to the needs of other law enforcement agencies to protect the quality of life of Bergen County residents.

NTF

Section/Unit
completing report
Section IV, 7 a.

County Bergen

Year 2019

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	14	2	1	7	61	85	85
2. Investigations opened during the year	27		1	8	130	166	166
3. TOTAL Investigative workload for the year (add nos. 1-2)	41	2	2	15	191	251	251
4. TOTAL Investigations completed during this year (add a. - d.)						105	105
a. Resulting in criminal charges	12				41	53	
b. Referred to other agency for criminal prosecution	2		1	1	2	6	
c. Referred to other agency for civil or administrative action						0	
d. Closed - No further action	7			3	36	46	
5. Investigations pending or inactive at the end of the year						146	146

Rev. 1995

Section/Unit _____
completing report
Section IV, 7.b.

NTF

County Bergen

Year 2019

**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	168
a. Defendants with complaints administratively dismissed	13
b. Defendants with complaints downgraded to disorderly persons offenses	12
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	115
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	22
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	115
a. Defendants indicted	115
b. Defendants not billed and remanded to municipal court	0
c. Defendants not billed/no action	0

Rev. 1995

BERGEN COUNTY PROSECUTOR'S OFFICE
SPECIAL PROSECUTIONS UNIT
SPECIAL INVESTIGATIONS-FINANCIAL CRIMES

OVERVIEW

The Special Prosecutions Unit was formed in June of 2017. Prior to that time, the Cyber Crimes Unit (CCU), Special Investigations Squad (SIS), and the Financial Investigations Unit (FIU), were three separate units supervised by three different assistant prosecutors. The combined unit organization under a single legal hierarchy took effect on July 3, 2017. CCU was spun off as its own unit in January of 2019 headed by Chief Assistant Prosecutor [REDACTED].

Consolidation of the two squads has provided more efficient, streamlined and consistent legal advice and support to a sizeable portion of the investigations conducted by the Bergen County Prosecutor's Office (BCPO). This efficiency has also translated into more consistent plea offers and dispositions across the constituent areas of the law.

The current legal staff makeup of the Special Prosecutions Unit is as follows:

Assistant Prosecutor [REDACTED] and - Section Chief
Assistant Prosecutor [REDACTED]
Assistant Prosecutor [REDACTED]

The investigative branch of the Special Prosecutions Unit consists of two lieutenants, two sergeants, 11 detectives and 1 analyst:

FINANCIAL CRIMES UNIT

Lt. [REDACTED]
Sgt. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Analyst [REDACTED]

SPECIAL INVESTIGATIONS SQUAD

Lt. [REDACTED]
Sgt. [REDACTED]
Det. [REDACTED]
Det. [REDACTED] (on-loan DEA)
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]

Both squads which make up the Special Prosecutions Unit conduct both proactive investigations and provide investigative support to local municipal police departments. All squads regularly provide assistance to local departments during investigations into a wide range of criminal activity. This comes in numerous forms such as assisting in the surveillance and arrest of suspects, drafting of communication data warrants and search warrants, forensically analyzing digital devices or providing investigatory assistance in complex cases such as large financial matters.

The assistant prosecutors assigned to the Special Prosecutions Unit provide legal advice and assistance during any phase of the investigation as required, which usually includes review of communication data warrants, search warrants and non-disclosure orders, as well as decisions relating to the charging of suspects and the types of charges to be filed. Cases are assigned to assistant prosecutors to follow from pre-indictment to disposition, whether by way of guilty plea or trial. While most FIU cases do not involve detention related litigation, many of the cases emanating from SIS do. A sizeable number of SIS cases involve gunpoint robberies, professional burglary crews and home invasions, usually resulting in numerous first degree charges. Assistant prosecutors are responsible for litigating any detention hearings connected with their cases.

SPECIAL PROSECUTIONS - FINANCIAL INVESTIGATIONS UNIT

The Financial Investigations Unit is responsible for the investigation of major theft and fraud offenses committed in Bergen County. Generally, the FIU limits its participation in theft and fraud investigations to cases involving a loss of \$75,000 or more. Due to the complex and multi-jurisdictional nature of theft and fraud investigations, the squad often assists local municipalities in cases requiring special expertise.

FIU detectives investigate a wide range of white collar and financial fraud, including but not limited to: trusts, estates and frauds perpetrated by executors and guardians, employee theft either directly or through complicated schemes and business transactions, embezzlement, stock fraud, mortgage fraud, insurance fraud, credit card fraud and trafficking, elder abuse and violations of professional licenses by attorney and contractors.

The FIU also routinely fields calls from citizens, victims, local police agencies and other attorneys who wish to report potential fraud. These tips are fully investigated to determine whether any potential criminal activity exists.

As with the other squads of the Special Prosecutions Unit, at the conclusion of the investigation, the lieutenant of the squad, in consultation with the section chief, will decide what charges are appropriate to bring. Once charges are filed, an assistant prosecutor will be assigned the case to handle from that point forward until its appropriate resolution. The section chief continues to supervise and assist where needed on any number of legal issues which may arise, such as formulating plea offers, handling motions or trial strategy.

Given the often-complicated nature of financial fraud cases, FIU detectives also routinely create power point presentations of the cases which they investigate. These presentations are designed to coherently explain the fraud to anyone viewing them. These presentations are then provided to defense counsel in discovery during plea negotiations.

SPECIAL PROSECUTIONS - SPECIAL INVESTIGATIONS SQUAD

SIS conducts investigations involving, amongst other crimes, illegal gambling, criminal usury (loansharking), extortion, prostitution (massage parlors, escort services, human trafficking), murder for hire, traditional organized crime, armed robbery, carjacking, burglary, home invasion, kidnapping, theft by extortion, and illegal possession and sale of firearms.

Investigations are generated from a variety of sources including referrals from state and local agencies, as well as from information received from confidential sources such as concerned citizens, undercover agents, and confidential informants. Apart from traditional organized crime, SIS focuses on individuals and groups involved in multi-jurisdictional crime patterns affecting Bergen County. Working cooperatively with municipal, state and federal law enforcement agencies, information received is evaluated, disseminated and investigated. When appropriate, SIS assembles task forces comprised of detectives from the Prosecutor's Office and pertinent law enforcement agencies to address specific crime patterns.

Investigations emanating out of SIS regularly involve technology, alongside traditional investigative methods, due to the ever-increasing sophistication of criminals. Assistant prosecutors work closely with the detectives as many of the SIS employ communication data warrants for cellular telephones to track locations of criminals. Warrant are similarly obtained on GPS devices seized that are used by professional burglary and robbery crews on a regular basis to track their unsuspecting victims. SIS is also one of the few squads in the BCPO that regularly employ the use of wiretaps to conduct investigations.

As with the other squads of the Special Prosecutions Unit, at the conclusion of the investigation, the lieutenant of the squad, in consultation with the section chief, will decide what charges are appropriate to bring. There is close consultation with the legal and investigative staff as to what charges should be filed. Once charges are filed, an assistant prosecutor will be assigned the case to handle from that point forward until its appropriate resolution. The section chief continues to supervise and assist where needed on any number of legal issues which may arise, such as formulating plea offers, handling motions or trial strategy.

Section/Unit Financial
completing report
Section IV, 7.b.

County Bergen
Year 2019

**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	34
a. Defendants with complaints administratively dismissed	1
b. Defendants with complaints downgraded to disorderly persons offenses	0
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	11
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	9
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	11
a. Defendants indicted	11
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

Rev. 1995

Section/Unit SIS
completing report
Section IV, 7.b.

County Bergen
Year 2019

**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	32
a. Defendants with complaints administratively dismissed	0
b. Defendants with complaints downgraded to disorderly persons offenses	3
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	29
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	3
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	29
a. Defendants indicted	29
b. Defendants not billed and remanded to municipal court	0
c. Defendants not billed/no action	0

Rev. 1995

**BERGEN COUNTY PROSECUTOR'S OFFICE
SPECIAL VICTIMS UNIT
2019 NARRATIVE**

The Special Victims Unit (SVU) investigates and prosecutes sex crimes against minors and adults, as well as physical and emotional abuse and neglect cases of minors. The core mission of the SVU is to thoroughly and justly investigate and, to successfully prosecute cases of sex crimes and child abuse in a manner where victims of said crimes are treated with fairness, compassion and respect.

The SVU is currently staffed by a law enforcement contingent of nine detectives, three sergeants and a lieutenant. The legal staff consists of six assistant prosecutors, which includes a section chief and five assistant prosecutors all handling the squad's full case load. Two civilians, a paralegal, clerical personnel, a dedicated victim witness advocate and a SANE nurse coordinator are also on staff. The detectives work day and night shifts on a rotating basis to maximize availability for investigations throughout the county. The lieutenant oversees investigative functions for the unit. The Assistant Prosecutor Section Chief provides legal advice regarding the investigations and oversees the prosecution and administration of the cases handled by the squad. The model we follow for effective investigations is one of complete collaboration between investigative and legal staff.

The SVU works cooperatively with other police agencies throughout the county depending upon the nature of the crime and requirements of the investigation. Our Office protocol requires local police departments to call upon our detectives to handle all cases involving crimes against children and sexual assault cases involving adults. Our SVU detectives investigate every case within the County that falls subject to this protocol. However, given our Unit's reputation for expertise and professionalism, we are often called upon to assist in investigations and/or in a legal advisory capacity and/or prosecute numerous matters that fall outside the scope of the protocol. Additionally, it should be noted that SVU handles Human Trafficking (HT) investigations throughout the county. The section chief and an assistant prosecutor (previously assigned to the unit) serve as liaison and alternate liaison, respectively, along with a detective and sergeant who are assigned as HT task force liaisons to the Attorney General's Office.

Our legal staff follows a vertical model of prosecution with their cases, including handling each of our own SVU case detention hearings. We are a unique "outside" squad within the Bergen County Prosecutor's Office (BCPO) in that we not only litigate cases that our detectives investigate, but we also prosecute cases that come to the SVU from local police departments. The reason for this is that sex crimes and child abuse is a very nuanced area of the law where all assistant prosecutors in the SVU require specialized training and gain highly specialized experience. SVU cases are motion intensive and heavily litigated and, while most cases resolve by way of plea, we have many cases that are resolved by trial.

The SVU has within it a Megan's Law Unit, which has two civilians. The Unit also oversees the Megan's Law sex offender registration and tiering process of all registrants within the County, regardless of whether their offense originally occurred in the jurisdiction. This

process also includes community education and notification regarding sex offenders as well as in-service training to municipal police departments regarding the use and operation of a statewide registration system known as "Offender Watch." Further, the Megan's Law sub-unit of the SVU prosecutes violations of the terms of community supervision for life and failures to register under Megan's Law. It should be noted that although one assistant prosecutor is assigned to specifically handle all tiering hearings/reviews, the sub-unit's cases are assigned amongst the five assistant prosecutors.

The SVU takes an integrative approach to the victims' well-being in all aspects of prosecuting their cases. SVU representatives (Chief Assistant Prosecutor or designee and Lieutenant or designated law enforcement representative) participate in the Multi-Disciplinary Team (MDT) that includes victim-witness advocates; the Division of Child Protection & Permanency (DCPP); Bergen Family Guidance Center for counseling; as well as psychologists and medical staff from the Audrey Hepburn's Children House (Children's House) in Hackensack, N.J. The MDT follows cases of child victims who are either being supervised by the DCPP or whose guardians have agreed to participate in the program. The disciplines in MDT work together, ensuring that the victim is only interviewed once and that all of the medical and psychological needs of the victim are addressed, thus limiting trauma to the victim during the investigative and legal process. The MDT meets in the SVU conference room twice a month and reviews cases on a rotating basis.

Victims who are younger than 13 years-old are interviewed in the Bergen County Prosecutor's Office Child Advocacy Center specifically established for this purpose. The interviews are integral to the investigation and the successful prosecution of these cases and are conducted by an SVU detective who has been trained in forensic interviewing. Additionally, it should be noted that the Bergen County Prosecutor's Office Special Victims Unit began application for accreditation of its Child Advocacy Center in May of 2018 and is currently pending final accreditation review.

The SVU also supervises the County's sexual assault nurse examiner (SANE) program. Victims over the age of 13 are afforded the opportunity to be examined by a specially trained nurse who is responsible for evidence collection. There are seven SANEs who are on-call on a rotating basis at the six area hospital sites in Bergen County. The SANE coordinator is responsible for all the nurses and their scheduling, has her own office within the SVU and reports directly to the SVU Lieutenant.

Currently, the SVU is staffed by a group of dedicated personnel on both the legal and investigative sides who have a passion for this intense and difficult field of work. We all strive to achieve our core mission on a daily basis. By their very nature, our cases are difficult to investigate and successfully prosecute. Sex crimes are crimes that are committed in secret, with little (if any) tangible evidence. Usually, the evidence consists of statements made by the victim and a witness who was told of the abuse/assault a significant amount of time after the incident(s) actually occurred. We have endeavored to obtain more corroborative evidence through the use of traditional search warrants and Communications Data Warrants. Additionally, we take a proactive approach via outreach programs and trainings, such as conducting security, faculty and student seminars at local colleges and within the law enforcement community.

In meeting the challenges of the large number of complex cases and serious crimes involved, BCPO detectives and assistant prosecutors work compassionately with crime victims, many of whom are young, disabled or emotionally traumatized. Further challenges ensue with so-called "high profile" cases. These cases involve public officials, clergy, teachers, coaches, celebrities and medical professionals. These cases are especially difficult to navigate given the media attention, public scrutiny and numerous supporters of the accused.

Regardless of degree of the crime, the personal violation to the victim is profound and both victims and their families run a gambit of emotions as they deal with their victimization. Our investigative and legal staff (assisted by our victim-witness advocates) spend significant time to help victims cope as they navigate through the often long and arduous criminal justice process. We are always mindful that swift resolution of these cases are in the victims' best interest. Through professionalism, continued training and the fostering of strong relationships with other law enforcement agencies, social service, medical professionals and the community-at-large, our SVU will continue to succeed in this difficult area of law enforcement and prosecution.

Section/Unit SVU
Completing report
Section IV, 7.b.

County Bergen
Year 2019

**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	66
a. Defendants with complaints administratively dismissed	0
b. Defendants with complaints downgraded to disorderly persons offenses	0
c. Defendants with complaints referred to Family Court	11
d. Defendants with complaints presented to grand jury	48
2. Defendants with original charges presented to grand jury on direct presentment	1
3. Defendants charged through accusation	0
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	49
a. Defendants indicted	48
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	1

Rev. 1996

Section/Unit
completing report
Section IV, 7.a.

SVU

County Bergen
Year 2019

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	97	0	0	0	0	97	0
2. Investigations opened during the year	246	0	3	0	0	246	0
3. TOTAL Investigative workload for the year (add nos. 1 - 2)	343	0	3	0	0	343	0
4. TOTAL Investigations completed during this year (add a - d.)	282	0	3	0	0	282	0
a. Resulting in criminal charges	66	0	0	0	0	66	
b. Referred to other agency for criminal prosecution	0	0	3	0	0	3	
c. Referred to other agency for civil or administrative action	0	0	0	0	0	0	
d. Closed - No further action	216	0	0	0	0	216	
5. Investigations pending or inactive at the end of the year	61	0	0	0	0	61	61