



Program....: pros_ann_rpt_pg3_reva
Run Date....: 01/17/2021
Run Time....: 11.45.01

Count of Juvenile Waivers by County During Calendar Year 2020

County	Juveniles	Cases	Offenses
Bergen	2	3	9



Program....: pros_ann_rpt_pg3_revb
 Run Date....: 01/17/2021
 Run Time....: 11.50.01

List of Juveniles Waived by County During Calendar Year 2020 Bergen County

Name	County	DOB	Case No.	Charge	Date
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CHRISTOPH ANDERSON	A0183463	FJ~BER~000778~18	1	2C:15-1A(2)	Waived	04/15/2020
			2	2C:18-2A(1)	Waived	04/15/2020
			3	2C:39-4A(1)	Waived	04/15/2020
			4	2C:39-5B(1)	Waived	04/15/2020
			5	2C:12-1B(4)	Waived	04/15/2020
FJ~BER~000885~18		Criminal	1	2C:15-1A(1)	Waived	04/15/2020
			2	2C:39-4A(1)	Waived	04/15/2020
			3	2C:39-5B(1)	Waived	04/15/2020

LAVERT CONWAY	C0325157	FJ~BER~000803~19	1	2C:14-2A(1)	Waived	01/27/2020
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Section/Unit _____
(completing report)
Section IV. 9.a.

County: Bergen

Year.: 2020

JUVENILE DELINQUENCY INTAKE

Filings/New Cases	Number of Juveniles	Number of Cases	Number of Offenses
1. Total New Filings During the Calendar Year	400	511	1,137
VOP Filings			
2. Total Violations of Probation During the Calendar Year	29	31	31
Returned to Court			
3a. Cases Reactivated	28	50	138
3b. Cases Reopened	97	115	318
3c. Cases Successfully Appealed	0	0	0
3. Total Cases Returned to Court	125	165	456
Transfers			
4a. Entering this county	40	47	112
4b. Leaving this county	61	66	151
4. (Net Change)	-21	-19	-39

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 Prosecutor's do not at V.O.P. hearings. ☐

Revised for 2020 data

Section/Unit _____
(completing report)
Section IV, 9.b.

County: Bergen

Year... 2020

JUVENILE DELINQUENCY DISPOSED CASES

Dismissed/Consolidated/Withdrawn	Number of Juveniles	Number of Cases	Number of Offenses
1. Total Dismissed/Consolidated/Withdrawn during Calendar Year	43	50	115
Diverted Cases			
2. Total Diversions during Calendar Year	118	121	169
Inactivated Cases			
3a. VOP Cases Inactivated	19	19	19
3b. Non-VOP Cases Inactivated	35	68	195
3. Total Inactivations during Calendar Year	54	87	214
Non-VOP Decisions (Mandatory Calendar)			
4a. Adjudicated Delinquent	130	222	579
4b. Adjudicated Not Delinquent	0	0	0
4c. Not Adjudicated Dismissed	0	0	0
4d. Case Returned/Post Adjudication Decision	51	60	205
4. Total Non-VOP Decisions (Mandatory Calendar)	181	282	784
Non-VOP Decisions (Non-Mandatory Calendar)			
5a. Adjudicated Delinquent	6	7	7
5b. Adjudicated Not Delinquent	0	0	0
5c. Not Adjudicated Dismissed	0	0	0
5d. Case Returned/Post Adjudication Decision	4	6	10
5. Total Non-VOP Decisions (Non-Mandatory Calendar)	10	13	17
Non-VOP Decisions (Juvenile Referee)			
6a. Adjudicated Delinquent	36	37	68
6b. Adjudicated Not Delinquent	0	0	0
6c. Not Adjudicated Dismissed	47	49	73
6d. Case Returned/Post Adjudication Decision	0	0	0
6. Total Non-VOP Decisions (Juvenile Referee)	83	86	141
VOP Decisions (1:1)			
	Mandatory Calendar	Non-Mandatory Calendar	Juvenile Referee
7a. Adjudicated Delinquent	17	0	0
7b. Adjudicated Not Delinquent	0	0	0
7c. Not Adjudicated Dismissed	0	0	0
7d. Case Returned/Post Adjudication Decision	1	0	0
7. Total VOP Decisions	18	0	0

Trials

8a. Total Number of Trials Where the Assistant Prosecutor Appeared. _____

8b. Total Number of Juveniles Adjudicated Delinquent on One or More Charges at Trial. _____

8c. Total Number of Juveniles Adjudicated Not Delinquent at Trial. _____

Revised for 2020 data

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County Bergen
Year 2021

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)	2020	30,291,553.00	1,239,310.00
a. Salaries and Wages		28,654,359.00	1,222,514.00
b. Other Expenses		1,637,194.00	16,796.00
2. TOTAL Budgeted Appropriations, current report year (include all County, State and Federal funding)	2021	32,489,262.00	677,751.00
a. Salaries and Wages		30,743,262.00	638,089.00
b. Other Expenses		1,746,000.00	39,662.00

Rev. 2007

APPELLATE AND LAW SECTION

2020

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 in 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 122 briefs in 2019. Of this total, 77 briefs were filed with the Appellate Division; 13 motion briefs were filed with the Appellate Division; 14 briefs were filed with the Law Division; 3 briefs were filed with the Supreme Court; 2 briefs were filed with the United States Court of Appeals for the Third Circuit; 1 brief was filed with the United States District Court; and 12 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 2020. These cases often involved numerous arguments and, for the purpose of brevity, the summaries below present only the main issues briefed.

Donald Boyd v. Administrator, New Jersey State Prison, et al.

Circuit Court of Appeals brief on issue of whether the state court ruling—that

defendant's right to a fair trial was not violated by his knowing ingestion and that the Xanax did not adversely affect his ability to represent himself at trial—was contrary to or an unreasonable application of case law.

Mark Aquilina v. Administrator, New Jersey State Prison, et al.

Circuit Court of Appeals brief on issue of whether defendant's new evidence satisfied the "actual innocence" gateway which would overcome time bar.

State v. Richard Diggs

Supreme Court petition for certification on issues of whether the Appellate Division's decision, which applied the retroactivity analysis of State v. G.E.P., improperly resulted in the reversal of defendant's convictions.

State v. Omar Aguirre-Cascante

Appellate Division brief on issue of whether Miranda warnings undercut by police statements that warnings were a "formality" and conversation was "confidential."

State v. Christopher Thieme

Appellate Division brief on issue of whether the cyber-harassment statute, N.J.S.A. 2C:33-4.1(a)(2), is constitutional.

IMO Request to Modify Prison Sentences

Contributed to Supreme Court brief filed by Prosecutor's Association in opposition to OPD and ACLU brief arguing for release of prisoners because of COVID-19 pandemic.

State v. John R. Jordan

Appellate Division brief in homicide case of issues of whether (1) trial court erroneously barred a defense expert witness and (2) the trial court should have charged aggravated manslaughter as a lesser-included offense.

State v. Michael Marrara

Appellate Division brief in homicide case addressing 17 separate arguments raised by defense counsel on appeal.

State v. Alfredo Rosales-Guerrero

Appellate Division brief in human trafficking case on issues of whether (1) the trial court properly denied defendant's motion to suppress his statements and (2) a nurse gave improper opinion testimony of victim's injuries.

State v. Daniel Rochat

Appellate Division response brief addressing issue of whether the trial court erred in ruling after a Frye Hearing that LCN DNA (low copy DNA) and FST (the forensic statistical tool employed for the DNA mixture) was generally accepted.

State v. Wildemar Dangeil

Appellate Division brief opposing defendant's emergent appeal on issue of whether new jury summoning and selection procedures are constitutional.

Section/Unit AppellateCounty Bergen

completing report

Section IV, 8.a.

Year 2020

APPELLATE WORKLOAD AND DISPOSITIONS

Appellate Division and Other Appellate Courts

APPELLATE WORKLOAD AND DISPOSITIONS/OUTCOMES	Appellate Division Appeals						NJ Supreme Court Appeals	U.S. and Other Court Appeals (specify court)	TOTAL
	Criminal referral cases	Other criminal appeals	Criminal Interlocutory	Juvenile	Law Division (de novo)	Civil			
1. Appeals pending at beginning of theyear	128	7	1	2	7	9	4	3	161
2. Notices of appeal received/ filed	66	14	6	1	6	7	5	5	110
3. Appellate motions, motion responses filed	9	5	7	0	1	0	9	0	31
4. Appellate briefs filed	77	13	3	2	16	5	3	3	122
5. STATE Appeals and - TOTAL DISPOSED Cross Appeals	0	4	6	0	0	1	0	0	11
a. Conviction or order affirmed	0	1	3	0	0	1	0	0	5
b. Conviction or order reversed	0.000	3	0	0	0	0	0	0	3
c. Remanded or judgment modified	0	0	3	0	0	0	0	0	3
d. Withdrawn or dismissed	0	0	0	0	0	0	0	0	0
6. DEFENSE Appeals - TOTAL DISPOSED	89	26	1	0	5	2	4	3	120
a. Conviction or order affirmed	43	20	0	0	3	1	0	3	70
b. Conviction or order reversed	3	0	1	0	0	1	0	0	5
c. Remanded or judgment modified	9	2	0	0	2	0	0	0	13
d. Withdrawn or dismissed	14	11	0	0	0	0	4	0	29
7. Appeals pending at the end of the year	102	1	0	1	8	4	2	2	120

Section/Unit Appellate

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Year 2020

APPELLATE WORKLOAD AND DISPOSITIONS Law Division

APPELLATE WORKLOAD AND DISPOSITIONS/OUTCOMES	MUNICIPAL COURT APPEALS -- BY TYPE OF VIOLATION					TOTAL
	Criminal	Disorderly Persons	Motor Vehicle	Municipal Ordinances	Other	
1. Appeals pending at beginning of year	0	13	18	0	0	31
2. Notices of appeal received/filed	0	5	15	0	0	20
3. Appellate motions, motion responses filed	0	1	1	0	0	2
4. Appellate briefs filed	0	3	9	0	0	12
5. TOTAL APPEALS DISPOSED	0	13	20	0	0	33
a. Conviction or order affirmed	0	10	7	0	0	17
b. Conviction or order reversed	0	1	5	0	0	6
c. Remanded or judgment modified	0	2	8	0	0	10
d. Withdrawn or dismissed	0	0	0	0	0	0
6. Appeals pending at the end of the year	0	15	13	0	0	28

BIAS CRIMES UNIT 2020

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 Crimes 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 2020, twelve new cases were filed with the Bergen County Prosecutor's Office Bias Crimes Unit. Two cases were downgraded to municipal court; five cases were disposed of in Superior Court; and five cases are pending disposition. One of the five cases that is awaiting disposition has been pending since 2019.

Downgraded:

State v. Cindy Caramana – defendant was charged with harassment, fourth degree stalking, and third degree bias intimidation.

State v. Rebecca Barcia-Obedala – defendant was charged with fourth degree criminal mischief and third degree bias intimidation.

Disposed of in Superior Court:

State v. Daniel Howell – defendant was charged with three counts of harassment, one count of fourth degree bias intimidation and two counts of third degree terroristic threats. Defendant pleaded guilty to one count of harassment. (Further investigation revealed that the offenses were not motivated by bias).

State v. Tihomir Djulic and Milan Novkovic -- defendants were charged with simple assault and fourth degree bias intimidation. They pleaded guilty to simple assault. (Further investigation revealed that the offenses were not motivated by bias).

State v. Jordan Griffin -- defendant was charged with fourth degree bias intimidation, simple assault, second degree robbery, third degree endangering the welfare of a child, possession of CDS and criminal trespass. Defendant pleaded guilty to fourth degree bias intimidation and simple assault.

State v. Marco Giacchi -- defendant was charged with second degree aggravated assault, first degree bias intimidation, possession of a weapon for unlawful purpose, and unlawful possession of a weapon. Defendant entered into the PTI program on an amended third degree aggravated assault charge. (Further investigation revealed that the offenses were not motivated by bias).

State v. Mark Ortman -- defendant was charged with harassment and fourth degree bias intimidation. Defendant pleaded guilty to harassment.

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.

Bias

Section/Unit
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Section IV, 13a.

County **Bergen**

Year **2020**

ADULT DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

	TOTAL	NUMBER CONVICTED			ACQUITTED	DISMISSED	DOWNGRADE/ REMAND
		PLEA	TRIAL				
Number of defendants disposed	7	5					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	2						
Number of defendants for whom harassment was upgraded to 4th degree crime	2						
Number of defendants who had both an upgrade to a 4th degree crime and an application for extended terms	0						

Rev. 1992

CIVIL FORFEITURES 2020

Under New Jersey law, (N.J.S.A 2C:64-1, et seq.), law enforcement officers are permitted to seize and ultimately request the forfeiture of property when it is used, intended to be used, or is derived from illegal activity. The principle of the statute is to deprive criminals of the profits they secure from criminal conduct.

Civil Forfeiture actions against items which are not per se illegal (e.g., money, computers and/or automobiles) must be undertaken by filing a verified civil complaint within 90 days of the seizure of the property. Should a claimant, generally the owner of the property, wish to contest the matter, he or she must file an answer and the matter will progress like any other civil case, with the parties being permitted to engage in discovery. Because the New Jersey Supreme Court has ruled that claimants are entitled to a jury trial in civil forfeiture matters, it is no longer accurate to consider a forfeiture matter a summary proceeding.

The seizure of prima facie contraband (e.g., narcotics; handguns which are illegally possessed, carried, or used; and gambling paraphernalia) requires no filing of a complaint. These items may be destroyed after the 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 utilized for the benefit of law enforcement by allowing for the purchase of such items as bullet proof vests, equipment to further investigations, and continuing education.

In the year 2020, 242 submissions for forfeiture were received, 22 vehicles were forfeited and the total cash forfeited was \$1,790,000.00. The value of the vehicles and other property forfeited in the year 2020 was approximately \$100,000.00.

One of the most difficult issues encountered in a forfeiture setting stems from the misinformation generated by the media about forfeitures and how forfeited property is utilized. Forfeited property is utilized for the benefit of law enforcement. Without this mechanism the men and women employed to protect us in Bergen County would be deprived of the valuable equipment and training provided by these funds.

The general public is often under the mis-impression that property is simply taken from individuals for no reason. Significant criticism occurs when a large amount of money is seized from an individual, despite the fact that the individual can provide no reasonable explanation for his/her possession of it or how it was legally derived. Although at first glance it may appear to the uninitiated that a particular seizure of money is inappropriate, it invariably is not. The men and women trained in the field of narcotics and money laundering understand the behavior of criminals and are available to testify as experts to prove why the money is subject to forfeiture.

Within the Bergen County Prosecutor's Office one Assistant Prosecutor is assigned to oversee the Unit, prepare and file these civil actions, assisted by an agent and clerk typist.

MISCELLANEOUS ACTIVITIES

ACTIVITY	NUMBER	VALUE
1. Notice of intention to solicit funds received		
2. Expungement applications received	684 Applications received 828 Ex parte	
3. TOTAL number of forfeiture actions	242	
4. Number of motor vehicles obtained through forfeiture actions	22	
5. TOTAL value of property forfeited (add a. - c.)		\$1,892,919.81
a. Cash forfeited		\$1,791,920.07
b. Value of forfeited motor vehicles		\$50,868.00
c. Value of other forfeited property		\$50,131.74
Specify Property:		

DIGITAL STORM' CUSTOM BUILT SYSTEM UNIT AND CF # 19-206	\$1,000.00
ONE USPS MONEY ORDER - \$500.00 SERIAL #25876245824	\$500.00
ONE USPS MONEY ORDER - \$500.00 SERIAL #25920456513	\$500.00
ONE USPS MONEY ORDER - \$500.00 SERIAL #25920456535	\$500.00
ONE USPS MONEY ORDER - \$500.00 SERIAL #25920456546	\$500.00
ONE USPS MONEY ORDER - \$500.00 SERIAL #25920456524	\$500.00
ONE USPS MONEY ORDER - \$380.00 SERIAL #25920456568	\$380.00
ONE USPS MONEY ORDER - \$440.00 SERIAL #25876245846 CF #19-087	\$440.00
POTTERY BARN MERCHANDISE CREDIT	\$353.29
POTTERY BARN MERCHANDISE CREDIT	\$431.31
TJ MAXX, MARSHALLS, HOME GOODS, SIERRA TRADING POST MERCHANDISE CREDIT	\$0.09
VISA GIFT CARD	\$1.46
VISA GIFT CARD	\$2.78
MASTER GIFT CARD	\$3.97
NORDSTROM GIFT CARD	\$99.95

NORDSTROM GIFT CARD	\$181.01
NORDSTROM GIFT CARD	\$139.22
ABERCROMBIE KIDS MERCHANDISE CREDIT	\$307.13
ABERCROMBIE AND FITCH MERCHANDISE CREDIT	\$293.53
CF # 19-165	
YELLOW AND SILVER CHAIN	\$300.00
CF # 19-138	
HP LASERJET PRINTER	\$139.00
APPLE I-PAD	\$1,099.00
APPLE MACBOOK AIR	\$380.00
APPLE MACBOOK PRO	\$569.00
APPLE THINK PAD	\$529.00
CF # 19-195	
(1) YELLOW IN COLOR CHAIN	
(1) YELLOW IN COLOR ROPE CHAIN	
WITH HAND PENDANT WITH JEWELS	
(1) YELLOW IN COLOR BEAD CHAIN	
WITH "W" PENDANT WITH JEWELS	
1) YELLOW IN COLOR RING WITH CLEAR STONES	
CF # 19-065 (estimated value if genuine)	\$750.00
BLUE SEAL \$1.00 BILL	\$1.00
BLUE SEAL \$1.00 BILL	\$1.00
CF # 19-065	
(1) ONE STAR OF DAVID SHAPED PIECE OF JEWELRY	
RING WITH FACE EMBLEM IN CENTER	
(1) ONE YELLOW CHAIN NECKLACE WITH BLUE GEM	
(1) ONE YELLOW CHAIN NECKLACE WITH "W" PENDANT	
(1) ONE SILVER COLORED CHAIN NECKLACE	
(2) TWO YELLOW AND SILVER COLORED EARRINGS	\$750.00
CF # 19-065 (estimated value if genuine)	
VARIOUS CELL PHONES AND HEADPHONES	\$38,000.00
CF # 19-065	
(1) MEN'S 10KT SOLID GOLD CHAIN	\$980.00
CF # 19-140	
TOTAL 2020	\$50,131.74

**Bergen County Prosecutor's Office
Community Affairs Unit
2020 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 and website.

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.

2020 started out normally for CAU. We began the year by hosting a ceremony where we honored our community partners at The Center for Alcohol and Drug Resources, Bergen New Bridge Medical Center, the Bergen County Health Department Office of Alcohol and Drug Dependency, and Care Plus NJ for their work in the community. We coordinated Prosecutor Musella's participation at the Interfaith Brotherhood/Sisterhood Committee of Bergen County's annual meeting.

CAU, along with the Narcotics Task Force, created the Education Outreach Task Force using members of local police departments to participate in the presentation of multiple educational programs to middle and high school students throughout the county every Friday, two times per day for three months.

The COVID-19 pandemic presented challenges for the primary function of CAU: community outreach. The Unit had to rethink how to connect with community members who were homebound during the lockdown. Our usual schedule of in-person events and activities was suspended, so we had to learn new ways to communicate with and support the needs of the community.

New activities that were specifically developed in response to the pandemic include:

- Creation of the Benevolence Task Force with BCPO staff to organize food drives and other support projects for local communities;
- Creation of virtual educational programs that were utilized by Bergen County school districts in lieu of in-person trainings. Topics included Fatal Accident, Internet Safety, and Pathway to Addiction;

- Assistance to Meals on Wheels to deliver meals to homebound seniors throughout the county;
- Assistance to the PBA with delivery of food on 32 separate occasions to hospitals throughout Bergen County during the pandemic;
- Organization of the BCPO employees and their families to make cards and write "thinking of you" messages for veterans, seniors and long-term care residents as part of our "Home but not Alone" initiative;
- Assistance in packaging 1,800 emergency meal kits for distribution to food banks and other organizations around Bergen County;
- Participation in the send-off of the first wave of FEMA first responders who came to New Jersey from across the country to help fight COVID-19;
- Collection and delivery of non-perishable foods and personal care products to the Center for Hope and Safety, a local domestic violence shelter;
- Hosting of 20 virtual workouts on BCPO social media platforms for two months to encourage the community to stay active during COVID;
- Assistance in delivery of 250 meals to healthcare workers;
- Coordination of purchase and delivery of hundreds of bottles of hand sanitizer to essential workers;
- Creation of a virtual comic book to bring cheer to kids (which was featured on Fox 5 News);
- Partnership with Bergen County's Crisis Intervention Team to collect donations of crafts and games to deliver to group homes throughout Bergen County;
- Partnership with the Bergen County Animal Response Team to deliver thank you cards to animal hospitals throughout Bergen County;
- Delivery of 200 face masks to the Women's Rights Information Center in Englewood;
- Partnership with the Bergen County Food Security Task Force to hand out 1,000 boxes of essential food items and 15,000 pounds of produce from the Community Food Bank of New Jersey to individuals and families;
- Coordination of project where BCPO personnel wrote and delivered thank you cards to Bergen County teachers in appreciation of their continued effort during the COVID-19 pandemic;

- Collection and delivery of 17 bags of clothing to local women's shelters throughout the county;
- Partnership with the Bergen County Division of Mental Health and local nonprofits to collect and distribute coats to the homeless. Members of the BCPO collected and donated 59 coats;
- Coordination of "Brightening Birthdays" project in which members of the BCPO created and sent out personalized birthday cards to homebound seniors each month;
- Partnership with law enforcement agencies and community partners to collect and donate more than 200 I-Pads and tablets to local hospitals to allow patients and families to virtually visit with each other;
- Partnership with Bethany Christian Services and local nonprofits on a food drive to help address food insecurity in Bergen County during the holiday season;
- Delivery of non-perishable items and tablets to Bergen County Veterans Services and a Veterans Home; and
- Donation of toys to the Center for Hope and Safety and the Holley Center.

The pandemic increased the need for outreach to individuals struggling with addiction. To provide additional support, CAU partnered with the Center for Alcohol and Drug Resources to create a 24/7 hotline for Bergen County residents who are in need of addiction services and support. To increase awareness, CAU created an advertisement of the hotline number and arranged for the purchase of billboard display of the ad.

In 2020, CAU continued to coordinate the New Jersey Attorney General's 21-County, 21st Century Community Policing Project. Due to COVID-19 restrictions, these discussions had to be held virtually. We conducted several "Listening Sessions" and sought to expand our relationships in the community, reaching out to clergy, LGBTQ, Black, Latino, and Muslim community members, as well as protest organizers.

CAU developed the Community Engagement Task Force, consisting of members from every police department in Bergen County, with the goal of encouraging more positive engagement between law enforcement and the communities we serve.

CAU is responsible for the BCPO's media relations. We distributed 170 press releases to news media and responded to daily press inquiries via email and phone. We also organized one in-person press conference by the Prosecutor, Attorney General and members of the Command Staff prior to the COVID shutdown.

CAU is responsible for managing the BCPO's social media (Facebook, Instagram, Twitter, LinkedIn, and YouTube). Special projects included featuring BCPO members in observance of Black History Month, Women's History Month, and Hispanic Heritage Month on our social media platforms. Social messaging also included multiple graphics to help citizens prevent becoming a

victim of crime, including phishing scams, online predators, COVID scams, and car burglaries. We also livestreamed the press conference and other speaking engagements.

A major project for CAU during 2020 was the development and launch of a new BCPO website which was designed to provide more information and to be more user-friendly than our previous site. In December, the website was launched, attaining the goal of offering more details about the services provided by the BCPO and how to access these services.

On an ongoing basis, CAU members represent the BCPO at numerous meetings and events in the county, such as the Bergen County Prevention Coalition which plans substance abuse prevention initiatives.

CAU assisted Superintendent General Sang Ryul Lee of the Korean National Police Agency during his time at the BCPO as he studied Community Policing in the U.S.

During a brief period when COVID-19 restrictions eased, CAU was able to return to a limited schedule of community outreach activities, which included:

- Assisted K-5 educators to create and distribute 300 kits for the homeless;
- Participated in "Read Across America Week" during which Prosecutor Musella went to multiple schools and read "All Are Welcome";
- Partnered with the Lyndhurst police Department and TCADR at Levy's Pharmacy, to participate in a NARCAN distribution event;
- Joined members of the Paramus Police Department during Paramus Night Out to hand out informational pieces and giveaways to the residents of Paramus;
- Wrote messages of support and encouragement for loved one who have fought or are battling breast cancer during Breast Cancer Awareness Month;
- Collected unused medication as part of our "Drug Take Back Day";
- Partnered with the Hackensack Police Department for its community bike run;
- Partnered with the Bergenfield Police Department to present our "Law Enforcement and Community Affairs Program" to Bergenfield youth;
- Partnered with members of the Palisades Park Police Department to discuss immigration concerns in the Latin community;
- Participated in the annual Law Enforcement Torch Run; and
- Participated in the 5K Heroes for Children Run/Walk.

CAU organized and conducted four "Candid Conversation" trainings at the Bergen County Police Academy for the recruits. The trainings included featured speakers from the community, including protest organizers, members of the LGBTQ community, a police officer who has struggled with substance abuse, and a Muslim woman.

For the 2020-2021 school year, CAU is mentoring a high school student who is interested in a career in law enforcement. On a virtual basis, this student is learning about all of the varied responsibilities of the BCPO by interacting with representatives of each of the Office's units and squads. This student reports that she now definitely hopes to work in law enforcement in the future.

CONFIDENTIAL INVESTIGATIONS UNIT ANNUAL REPORT-2020

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 Prosecutor's 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 Prosecutor's 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 2020, the Unit provided guidance, supervision and support to numerous municipal police agencies and conducted the Unit's own confidential investigations totaling **31 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 and commanders of local internal affairs units. During 2020, **eleven (11) of the 31 investigations** conducted by the Unit involved law enforcement executives and/or internal affairs commanders.

In addition, personnel assigned to the Unit completed Internal Affairs training mandated by the Attorney General Guidelines and were certified as master trainers by the Attorney General's Office. Unit personnel are responsible for training all other internal affairs investigators in Bergen County, and the training is held at the Bergen County Law & Public Safety Institute using course syllabus from the Attorney General's Office and content drawn from the 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 2020, the Unit conducted **42** 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 Deputy Chief of Detectives, 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 act in a detached, neutral and impartial manner to the individual who is the subject of the complaint.

During calendar year 2020, the Unit received and formally responded to **271** 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 their 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	2
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	0
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	0
a. Defendants indicted	0
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

POLICE PURSUIT SUMMARY REPORT

Agency	Bergen County Prosecutor's Office	County	Bergen
Reporting Period	January 1, 2020 – December 31, 2020		
Person completing report	Sgt. Brian Lucas	Date completed	01/20/2021
Phone number	(201) 646-2300		

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

POLICE PURSUIT SUMMARY REPORT

Agency: All County Police Agencies	County: Bergen
Reporting Period: January 1, 2020 to December 31, 2020	
Person completing report: Detective Michael Leighton	Date completed: March 19, 2021
Phone number: 201-226-5500	

1. Number of pursuits initiated	236
2. Number of pursuits resulting in accidents	38
3. Number of pursuits resulting in injuries (NO DEATHS)	15
4. Number of pursuits resulting in death	0
5. Number of pursuits resulting in arrest	73
6. Number of vehicles in accidents	
a. Pursued vehicles	36
b. Police vehicles	12
c. Third party vehicles	15
7. Number of people injured	
a. Pursued vehicles	18
b. Police vehicles	2
c. Third party vehicles	6
d. Pedestrians	2
8. Number of people killed	
a. Pursued vehicles	0
b. Police vehicles	0
c. Third party vehicles	0
d. Pedestrians	0
9. Number of people arrested	106
10. Number of pursuits in which a tire deflation device was used	1

2020 PROFESSIONAL STANDARDS EXECUTIVE SUMMARY

BERGEN COUNTY

The following report contains a statistical summary of reports of police misconduct in Bergen County for 2020. 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

	2016	2017	Inc (Dec)	% change	2018	Inc (Dec)	% change	2019	Inc (Dec)	% change	2020	Inc (Dec)	% change
Excessive Force	49	39	-10	-20.41%	31	-8	-20.61%	37	6	19.35%	38	1	2.70%
Improper Arrest	13	15	2	15.38%	8	-7	-46.67%	5	-3	-37.50%	6	1	20.00%
Improper Entry	6	10	4	66.67%	8	-2	-20.00%	3	-5	-62.50%	1	-2	-66.67%
Improper Search	25	18	-7	-28.00%	12	-6	-33.33%	17	5	41.67%	12	-5	-29.41%
Other Criminal Violation	91	78	-13	-14.29%	63	-26	-32.06%	45	-8	-15.09%	34	-11	-24.44%
Differential Treatment	62	59	-3	-4.84%	35	-24	-40.68%	34	-1	-2.86%	27	-7	-20.59%
Demeanor	217	264	47	21.66%	216	-48	-18.18%	170	-46	-21.30%	160	-10	-5.88%
Domestic Violence	13	19	6	46.15%	14	-5	-26.32%	13	-1	-7.14%	8	-5	-38.46%
Other Rule Violation	459	466	7	1.53%	479	13	2.79%	382	-97	-20.25%	258	-124	-32.46%
TOTAL	935	968	33	3.53%	856	-112	-11.57%	706	-150	-17.52%	544	-162	-22.95%

(B) Number of Complaints Disposed

Excessive Force	33
Improper Arrest	6
Improper Entry	1
Improper Search	12
Other Criminal Violation	23
Diff. Treatment	24
Demeanor	154
Domestic Violence	6
Other Rule Violation	238
Total	497

(C) Criminal Dispositions

Cases Dismissed	0
Cases Diverted	5
Acquittals	0
Convictions	1
Total	6

(D) Administrative Disposition of Complaints

	<u>S</u>	<u>E</u>	<u>NS</u>	<u>U</u>	<u>AC</u>
Excessive Force	5	11	11	5	1
Improper Arrest	0	3	2	1	0
Improper Entry	0	0	0	1	0
Improper Search	2	8	0	2	0
Other Criminal Violation	1	6	5	4	7
Differential Treatment	1	9	6	7	1
Demeanor	17	51	49	26	11
Domestic Violence	3	1	1	1	0
Other Rule Violation	132	32	41	17	16
Totals	161	121	115	64	36

(E) Trends

A comparison between the 2019 and 2020 year end summary reports revealed there was a decrease of 162 cases for the year end 2020. The decreases were in seven (7) of the nine (9) types of complaints filed. There was a 67% decrease in Improper Entry complaints, 29% decrease in Improper Search complaints, 24% decrease in Other Criminal Violation complaints, 21% decrease in Differential Treatment complaints, 6% decrease in Demeanor complaints, 38% decrease in Domestic Violence complaints, and 32% decrease in Other Rule Violation complaints. Only slight increases were noted in Excessive Force and Improper Arrest complaints, which saw a one (1) case increase in each category.

(F) Complaints With Suspensions of Ten Days or More:

Bergen County Sheriff's Office:

- 1 officer suspended for 10 days for Rules and Regulations violation
- 1 officer suspended for 10 days for Rules and Regulations violation
- 1 officer suspended for 10 days for Rules and Regulations violation
- 1 officer suspended for 10 days for Rules and Regulations violation
- 1 officer suspended for 10 days for Rules and Regulations violation
- 1 officer suspended for 30 days for Rules and Regulations violation
- 1 officer suspended for 75 days for Rules and Regulations violation
- 1 officer suspended for 6 months for Rules and Regulations violation

Englewood Police Department:

- 1 officer suspended for 15 days for Rules and Regulations violation

Leonia Police Department:

- 1 officer suspended for 64 days for Rules and Regulations violation

Oakland Police Department:

1 officer suspended for 3 months for Rules and Regulations violation

Palisades Park Police Department:

1 officer suspended for 90 days for Rules and Regulations violation

Ridgewood Police Department:

1 officer suspended for 30 days for Rules and Regulations violation

(G) Conclusions:

In summary, after compiling information from summary reports of 72 law enforcement agencies for 2020, there was a decrease of 162 complaints filed compared to 2019. 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 REPORT FORMS

Agency: Bergen County Prosecutor's Office County: Bergen

Reporting Year: 2020

TABLE 1 -- COMPLAINTS FILED

Type of Complaint	Anonymous Complaints	Citizen Complaints	Agency Complaints	Total Complaints
Excessive Force	0	0	0	0
Improper Arrest	0	0	0	0
Improper Entry	0	0	0	0
Improper Search	0	0	0	0
Other Criminal Violation	0	2	0	2
Differential Treatment	0	0	0	0
Dememeanor	0	1	0	1
Domestic Violence	0	0	0	0
Other Rule Violation	0	1	1	2
TOTAL	0	4	1	5

Revised 2011

PROFESSIONAL STANDARDS SUMMARY REPORT FORMS

Bergen County Prosecutor's Office

Agency:

County: Bergen

2020

Reporting Year:

TABLE 2 -- AGENCY DISPOSITIONS

	Sustained	Exonerated	Not Sustained	Unfounded	Administratively Closed	Total Dispositions
Excessive Force	0	0	0	0	0	0
Improper Arrest	0	0	0	0	0	0
Improper Entry	0	0	0	0	0	0
Improper Search	0	0	0	0	0	0
Other Criminal Violation	0	0	2	0	0	2
Differential Treatment	0	0	0	0	0	0
Demeanor	0	0	1	0	1	2
Domestic Violence	0	0	0	0	0	0
Other Rule Violation	2	0	0	0	0	2
TOTAL	2	0	3	0	1	6

Revised 2011

PROFESSIONAL STANDARDS SUMMARY REPORT FORMS

Bergen County Prosecutor's Office

County: Bergen

Agency:

Reporting Year: 2020

TABLE 3 – COURT DISPOSITIONS

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

Revised 2011

Section IV.14B

PROFESSIONAL STANDARDS SUMMARY REPORT FORMS

All Bergen County

Agency:

County: Bergen

2020

Reporting Year:

TABLE 1 -- COMPLAINTS FILED

Type of Complaint	Anonymous Complaints	Citizen Complaints	Agency Complaints	Total Complaints
Excessive Force	0	32	6	38
Improper Arrest	0	6	0	6
Improper Entry	0	1	0	1
Improper Search	0	12	0	12
Other Criminal Violation	5	24	5	34
Differential Treatment	3	22	2	27
Demeanor	3	146	11	160
Domestic Violence	0	1	7	8
Other Rule Violation	12	80	166	258
TOTAL	23	324	197	544

Revised 2011

PROFESSIONAL STANDARDS SUMMARY REPORT FORMS

Agency: All Bergen County

County: Bergen

Reporting Year: 2020

TABLE 2 – AGENCY DISPOSITIONS

	Sustained	Exonerated	Not Sustained	Unfounded	Administratively Closed	Total Dispositions
Excessive Force	5	11	11	5	1	33
Improper Arrest	0	3	2	1	0	6
Improper Entry	0	0	0	1	0	1
Improper Search	2	8	0	2	0	12
Other Criminal Violation	1	6	5	4	7	23
Differential Treatment	1	9	6	7	1	24
Demeanor	17	51	49	26	11	154
Domestic Violence	3	1	1	1	0	6
Other Rule Violation	132	32	41	17	16	238
TOTAL	161	121	115	64	36	497

Revised 2011

PROFESSIONAL STANDARDS SUMMARY REPORT FORMS

Agency: All Bergen County

County: Bergen

Reporting Year: 2020

TABLE 3 -- COURT DISPOSITIONS

Court	Cases Dismissed	Cases Diverfied	Acquittals	Convictions
Municipal Court	0	0	0	1
Superior Court	0	5	0	0
TOTAL	0	5	0	1

Revised 2011

CYBER CRIMES UNIT

2020

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 2020, 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 2020, the DFL was staffed by one BCPO detective and multiple 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 (NCMEC). 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, Communication Data Warrants, 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 "swatings"), 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 2020 CALENDAR YEAR

The Covid-19 outbreak and the ensuing quarantine did not stop the CCU or DFL from their primary mission of pursuing individuals that would exploit the internet for criminal purposes. In particular, the CCU received an increased amount of CyberTip referrals from the NCMEC during the quarantine. These, which numbered in the hundreds, predominantly involved the distribution, possession, and online storage of depictions of child sexual exploitation and abuse. Despite the statewide quarantine, the dedicated members of the CCU still processed over 300 grand jury subpoenas for subscriber information, followed up on 329 CyberTips from NCMEC, and submitted more than 80 search warrants and communication data warrants to county judges in 2020. These investigations led to arrest of 26 adults and 3 juveniles that were engaged in computer related criminal activity.

In terms of analyzing electronic equipment and data, the DFL processed over 450 devices during the calendar year including the analysis of over 72 terabytes of data. Importantly, through these analyzed devices, the Unit seized **75,421** depictions of child exploitation and abuse.

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 continues 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. While the Covid-19 quarantine changed the nature of these presentations, the Unit was still able to complete 33 mixed in-person and virtual presentations in 2020 to schools, youth academies, civic centers, and houses of worship. These presentations provided valuable lessons about "digital citizenship" to over 4,500 attendees.

Section/Unit Cyber Crimes Unit
completing report
Section IV, 7.b.

County Bergen
Year 2020

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	2
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	2
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	7
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	2
a. Defendants indicted	2
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

Section/Unit Cyber Crimes Unit
completing report
Section IV, 7.b.

County Bergen
Year 2020

DISPOSITIONS OF ORIGINAL INVESTIGATIONS RESULTING IN CRIMINAL CHARGES

DISPOSITION OF ORIGINAL INVESTIGATIONS RESULTING IN CRIMINAL CHARGES	NUMBER OF DEFENDANTS
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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	7
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	2
a. Defendants indicted	2
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

DOMESTIC VIOLENCE SQUAD

2020

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 rearming process for those individuals.

During 2020, 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 handling 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. All assistant prosecutors handle pre-trial detention/pre-trial release/revocation of 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 on those cases.

The investigative staff was comprised of one detective and one paralegal. The investigative staff is responsible for preparing indictable matters, including detention cases, for Grand Jury presentation, and ultimately for trial. In addition, the paralegal gathers all required information on the contempt cases for Family 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.

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.

B. Highlights of the Year 2020

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

The largest challenge facing the DV squad in 2020 was the COVID-19 pandemic -- on several levels. First, the quarantine and other movement restrictions aimed to stop the spread of the coronavirus made intimate partner violence more frequent, more severe and more dangerous. Many victims were locked in homes with partners where an already abusive or volatile situation existed. The situation was made worse by concern over the pandemic, food insecurity, job insecurity, other financial worries, child-care issues, an increase in drinking and using other controlled substances, etc. Furthermore, the isolation of many DV victims was only amplified by the isolation now of an entire population. Second, the courts being closed to in-person proceedings, including trials, has caused a massive back log of DV cases awaiting disposition.

Criminal Justice Reform, and the immense effect it had on the handling of DV matters, continued to be a challenge. No longer were protective conditions available to the municipal court as an option and thus, the 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 remained 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 formal statements/confessions 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.

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 existed in Bergen County.

2. Significant developments, improvements and advances.

Despite the challenges faced, the squad prosecuted approximately **208** new indictable cases and prosecuted **308** non-indictable contempt cases in 2020.¹ In 2020, the squad also opened 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 eScreening of all complaints. In the past, all DV 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 jacket. The complaints were not reviewed for determination of dismissal, downgrade, or amendment until a significant amount of work had been done on the file. The new, initial screening process 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 2020, the DV squad filed **123** detention hearings.

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

InfoShare 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. eScreening allows each case to be a virtual file containing all the case documents. APs enter notes about court proceedings, plea negotiations, conversations with victims, etc. It also allows

¹A total of 815 defendants were charged in DV complaints in 2020. A total of 1071 cases were disposed of through indictment, accusation, downgrade to municipals court, downgrade to family court, or administrative dismissal in 2020.

the victim/witness counselor to enter notes regarding contact she has had with the victim, which APs can then access.

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. It provides that if a sexual assault 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*. (Sexual assault is a predicate DV crime under the PDVA.) 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 the law gives full faith and credit 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 most affecting 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 specifically addresses non-cooperative victims and the gathering of evidence (the 911-call, neighbors' statements, photographs of both victim and defendant, etc.) at the initial scene.

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 defendants because they avoid a criminal conviction; there are also many benefits 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 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 that 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 hosted two virtual trainings/in-services for municipal officers. Discussed were issues of importance to designated DVLO's, and new caselaw and legislation was brought to their attention and disseminated.

The squad continued 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 an overwhelming success. 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 assigned to DV in 2020 took 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, virtually, at the Bergen County Police Academy. That training concentrated 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 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 continued virtually in an 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 and one other AP, virtually at the BCLPSI on a bi-annual basis in 2020. 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 virtually speaking at schools, hospitals, civic groups, etc.

Throughout 2020, the Bergen County Domestic Violence Working Group continued to meet regularly. The chief of the squad co-chaired 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 numerous community-based initiatives and symposia, like the Clothesline Project, Town Hall meetings, Domestic Violence Prevention month programs, etc.

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

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 2020

**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	815
a. Defendants with complaints administratively dismissed	19
b. Defendants with complaints downgraded to disorderly persons offenses	536
c. Defendants with complaints referred to Family Court	308
d. Defendants with complaints presented to grand jury	102
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	106
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	102
a. Defendants indicted	99
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	3

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.

BERGEN COUNTY PROSECUTOR'S OFFICE
FINANCIAL CRIMES UNIT
ANNUAL NARRATIVE REPORT 2021

OVERVIEW

The Financial Crimes Unit is reinstituted as its own distinct entity, as it was prior to 2017. On July 3, 2017, Cyber Crimes Unit (CCU), Special Investigations Squad (SIS), and the Financial Crimes Unit (FCU) were combined as a single legal hierarchy supervised by Assistant Prosecutor David Malfitano as the "Special Prosecutions Unit" (SPU). The return to independent units began in 2019, when Assistant Prosecutor Brian Sinclair became chief of CCU, while SPU was still comprised of SIS and FCU, led by Assistant Prosecutor David Malfitano. Effective January 4, 2021, SIS and FCU ultimately were divided, and now three different chiefs separately lead all three units.

Division of the squads provides for more efficient and consistent legal advice and support to a sizeable portion of the investigations conducted by the Bergen County Prosecutor's Office (BCPO). This efficiency allows each chief to implement their vision for their respective squad, as well as to maintain 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 Megan Kilzy – Section Chief

The investigative branch of FCU consists of one (1) lieutenant, one (1) sergeant, three (3) detectives and one (1) analyst:

FINANCIAL CRIMES UNIT

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

FCU conducts both proactive investigations as well as provides investigative support to local municipal police departments. FCU is also active in assisting other BCPO squads, such as SIS, Narcotics, and CCU, as often these units encounter issues of complex financial transactions and cryptocurrency. FCU guidance comes in numerous forms such as assisting in the surveillance and arrest of suspects, drafting of communication data warrants and search warrants, forensically analyzing extensive banking records, conducting FinCen and SARS analysis, as well as general fraud investigation education.

FCU 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.

FCU's primary independent investigations concentrate upon major theft and fraud offenses committed in Bergen County. Generally, the unit limits its participation in theft and fraud investigations to cases involving losses of no less than \$75,000.00, but often focuses on cases of greater values.

FCU detectives investigate a wide range of white collar and financial fraud. These include, but are not limited to: trusts and estates frauds perpetrated by executors and guardians, employee theft either directly or through complicated schemes and business transactions such as "Ponzi schemes," embezzlement, stock fraud, mortgage fraud, insurance fraud, credit card fraud and trafficking, elder abuse and violations of professional licenses by attorney and contractors. FCU is also expanding its focus on cases of fraud involving cryptocurrency, as it is the new frontier of financial crimes.

Given the often-complicated nature of financial fraud cases, FCU detectives regularly create power-point presentations related to the investigation. These presentations are designed to simplify the complexities and coherently explain the fraud to anyone viewing them. Moreover, they are integral in the "show and tell" practices, which FCU uses as a tool to develop cooperating witnesses/defendants in their investigations. It can also streamline the plea negotiation process where appropriate.

As the sole assistant prosecutor assigned to this unit, the Section Chief provides legal advice and assistance during any phase of the investigation as required, which usually includes review of communication data warrants, search warrants, non-disclosure orders, as well as decisions relating to the charging of suspects and the types of charges filed. As FCU continues to expand into complex first-degree litigation, many cases are now moving towards detention consequences. The Section Chief (or designee where appropriate) is responsible for litigating any detention hearings connected with said cases, as well as carrying the cases through EDC, indictment, and pleas/trials.

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, the section chief (or designee where appropriate) will 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 that may arise, such as formulating plea offers, handling motions or trial strategy.

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

County Bergen
Year 2020

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	22
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	13
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	8
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	13
a. Defendants indicted	13
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

Rev. 1995

GRAND JURY SECTION

Annual Narrative 2020

The Grand Jury Section is responsible for investigating, preparing and presenting cases before the Bergen County Grand Jury.

Grand Jury Section

On July 3, 2017, the Bergen County Prosecutor's Office returned to utilizing a Grand Jury Section independent of the trial section after a six month experiment with "vertical prosecution." This move from a "vertical system," was designed to stem the growing backlog of pre-indictment cases and to answer the challenges presented by Criminal Justice Reform. Of particular concern was dedicating resources to indicting cases involving detained defendants in advance of speedy trial release dates. Additionally, the shift away from a vertical system allowed the assistant prosecutors assigned to the Trial Section to concentrate their efforts on trying cases as opposed to indicting them. Six assistant prosecutors were transferred to form the new Grand Jury Section. As we have steadily eliminated the backlog and adapted to CJR we have reduced the staff to three presenting assistant prosecutors.

At this time we have four full time assistant prosecutors assigned to Grand Jury. Their primary responsibility is to prepare and present cases to the Grand Jury. Upon receiving a case, the assistant prosecutor undertakes an initial review of the file in order to determine what additional information, if any, is needed to ensure that it is ready to be presented to the Grand Jury. With the assistance of one of the five Grand Jury Section detectives or agents assigned, the case is made ready for presentation. Once the case is complete, the assistant prosecutor submits the file to be approved for Grand Jury presentation. There are one legal assistant and one assistant prosecutor in the Grand Jury Section who are authorized to approve cases for Grand Jury presentation. These two attorneys double-check the work of the assistant prosecutor who has submitted the case for approval. The goal is to ensure accuracy and consistency.

Once the case is approved for Grand Jury presentation, the file is returned to the assistant prosecutor who initially reviewed it; it is that assistant prosecutor who then presents the case to the Grand Jury. The Grand Jury is an independent panel consisting of 23 members of the Bergen County community. Of the 23 Grand Jurors, 12 affirmative votes are required to indict a case. For each case, the presenting assistant prosecutor elicits testimony from the witness, be it law enforcement or civilian, in front of the grand jurors to establish probable cause for an indictment. If the grand jurors indict, the case will be handed-up the following week and transferred to the Trial Section for final disposition.

On May 14, 2020, at the direction of the Administrative Office of the Courts, Bergen County & Mercer County were the pilot programs for remote Grand Jury presentations using Zoom. The last panel that we had prior to the pandemic closure were given the Grand Jury introduction, and heard two weeks of presentations. Those jurors were contacted by the jury manager and told their service had been extended for 10 weeks. On Friday, May 22, 2020, we were scheduled to present our first four cases. However, the AOC had inserted a provision into their plan that required a written waiver from defendants allowing their case to be presented virtually. We

contacted five members of the private bar as well as Deputy Public Defender April Petersen. All of the attorneys declined to waive.

On June 4, 2020, our Supreme Court issued an order eliminating from the Virtual Grand Jury Pilot Program the requirement that the defendant consent in order to proceed virtually. Additionally on June 9, 2020, the Court expanded that pilot program to also permit selection of grand jurors in a virtual format. June 19, 2020 the Bergen County Prosecutor's Office presented six cases to the virtual grand jury. June to December 2020 we presented 316 case to the grand jury. After activating all of the previously existing panels, we also selected new panels on October 29 and December 10, 2020.

We currently have three virtual panels serving.

Section/Unit Grand Jury
completing report
Section IV, 3.a.

County Bergen
Year 2020

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

AGES OF PRE-INDICTMENT DEFENDANT CASES FROM DATE OF COMPLAINT	NUMBER OF DEFENDANTS	
	ACTIVE	INACTIVE/FUGITIVE
1. 0 to 1 month	81	0
2. 1+ to 2 months	90	1
3. 2+ to 3 months	84	3
4. 3+ to 4 months	77	11
5. Over 4 months	357	33
6. TOTAL defendant cases pending grand jury	689	48

Rev. 1995

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

County Bergen
Year 2020

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

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

Rev. 1995

**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	97
2. TOTAL post-conviction relief applications filed involving the prosecutor's office	
a. Defendants granted relief	
b. Defendants denied relief	
3. TOTAL habeas corpus petitions filed involving the prosecutor's office	
a. Defendants granted relief	
b. Defendants denied relief	

Section/Unit Grand Jury
completing report
Section IV. 5

County Bergen
Year 2020

**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	97
2. TOTAL post-conviction relief applications filed involving the prosecutor's office	28
a. Defendants granted relief	1
b. Defendants denied relief	6
3. TOTAL habeas corpus petitions filed involving the prosecutor's office	
a. Defendants granted relief	
b. Defendants denied relief	

Rev. 1995

Section/Unit Grand Jury
completing report
Section IV, 1.

County Bergen
Year 2020

PROSECUTORIAL SCREENING OF DEFENDANTS

SCREENING OUTCOMES	STAGE OF THE CRIMINAL JUSTICE PROCESS WHEN DECISION OCCURS	
	PRE-COMPLAINT DECISIONS	POST-COMPLAINT DECISIONS
a. Defendants administratively dismissed	0	64
b. Defendants with charges downgraded to disorderly persons offenses	0	2,886
c. Defendants accepted for pre-trial diversion	0	85
d. Defendants otherwise screened out	0	49
e. Defendants with change of venue	0	21
f. Accusations filed	0	410
g. Defendants with either indictable complaints authorized or charges approved for grand jury	0	733
h. AOC Correction: Defendants who completed grand jury	0	733
TOTAL SCREENING DECISIONS FOR YEAR (add a - h)	0	3,020

Rev. 2010

Section/Unit Bergen
completing report
Section IV, 3.b.

County Bergen
Year 2020

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

ACTION TAKEN	NUMBER OF DEFENDANTS
1. Defendants presented to the grand jury	733
2. Defendants indicted	728
3. Defendants no billed and remanded to municipal court	0
4. Defendants no billed/no action	5
5. TOTAL defendants completing the grand jury process	733

DEFENDANTS CHARGED BY ACCUSATION

	NUMBER OF DEFENDANTS
TOTAL Defendants charged through Accusation	410

Rev. 1995

**DEFENDANT APPLICATIONS FOR DIVERSION PROGRAM,
ACTION TAKEN AND OUTCOME**

Pre-trial Intervention Diversion Program

	Number of DEFENDANT APPLICATIONS FOR PRE- TRIAL INTERVENTION	
	PRE-INDICTMENT	POST-INDICTMENT
1. Applications reviewed	112	86
2. Recommended for acceptance	112	86
3. Recommended for rejection	47	20
4. Accepted into program	112	85

Rev. 1995

Section/Unit Grand Jury
completing report
Section IV. 6.a.

County Bergen
Year 2020

CAREER CRIMINAL WORKLOAD AND GRAND JURY ACTION

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

Rev. 1995

JUVENILE SECTION 2020 ANNUAL REPORT

The Juvenile Section of the Bergen County Prosecutor's Office prosecutes all juvenile delinquency cases in the Family Part of the Chancery Division, Bergen County Superior Court. In 2020, BCPO's Juvenile Unit consists of one Section Chief, one Assistant Chief, and one Assistant Prosecutor. The Unit's two paralegals aid the assistant prosecutors in preparing their cases, issuing subpoenas, and obtaining discovery from the municipal police departments. Since the Juvenile Unit does not have a dedicated detective, Grand Jury and Trial Section detectives assist in obtaining statements from witnesses, visiting scenes, and helping with the trial preparation of witnesses. The records room staff provides clerical assistance and the stenographer's pool provides necessary transcription services.

The BCPO currently uses a computerized Juvenile Delinquency Complaint System through the Intranet. All 73 police agencies located in Bergen County connect to the system. 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 all receive the e-mail. This feature eliminated the need to contact each interested agency separately.

Through this system, Juvenile Unit assistant prosecutors can screen and monitor all complaints. Consequently, assistant prosecutors can correct mistakes before Juvenile Intake receives and docket the complaint. The Section Chief may also redirect cases for stationhouse adjustments before the complaint is docketed and served on the juvenile. Additionally, the Section Chief can screen for possible waiver cases from the outset.

After the complaint is finalized, it is sent to Juvenile Intake, along with all available discovery. Juvenile Intake reviews all 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.

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 diversionary option 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.

Assistant prosecutors handle all cases placed on the formal calendar. On this calendar, 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 fee. 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.

Throughout the formal case process, assistant prosecutors notify victims of the status of their cases, advising them of upcoming hearing dates and the services that are available to assist victims through the Office of Victim-Witness Advocacy. 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.

After disposition of a formal case, the Assistant Prosecutor accounts for every charge by preparing a disposition sheet for each case on the formal calendar. The Juvenile Section scans all juvenile files into a BCPO scanning system upon completion of a docketed matter. 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. 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. The Juvenile Section maintains its own record room and all of its records, including the filing of the juvenile case jackets.

In the Fall of 2020, the Office of the Attorney General and the Administrative Office of the Courts announced that, beginning in January 2021, juvenile complaints would be issued through the eCDR system similar to adult complaints. In response, the BCPO began the process to obtain the Juvenile Infoshare Module. When fully operational, it is expected this module will streamline the complaint process, screening process, discovery exchanges with court and counsel, and maintenance of records. The system will also allow assistant prosecutors access to a juvenile's informal disposition history.

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 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 Family Crisis matters, and rehabilitate juveniles involved with the Family Court.

The Juvenile Section Chief also participates in quarterly meetings of the Juvenile Delinquency Alternatives Initiative (JDAI). JDAI has been in Bergen County for thirteen years. The JDAI encourages 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.

In Bergen County, the Division of Family Guidance provides numerous programs and services for juveniles, regardless of whether the juvenile is formally charged or

diverted. For substance abuse related issues, a juvenile can be referred to the Adolescent Substance Abuse Program (ASAP). This program is a licensed outpatient substance abuse treatment program designed to assist juveniles and families recovering from substance abuse and chemical dependency. Depending on the outcome of the assessment, a juvenile may be ordered to complete programs such as BIPAS - Brief Intervention Against Substances or the PAVE program, an anti-vaping educational program, or the juvenile could be referred to more intensive treatment.

For bias-related incidents, Family Guidance developed the TEAR Program. TEAR is a psychoeducational program designed for juveniles demonstrating bias related behaviors in school, home, internet or community settings. The program emphasizes the importance and value of society's multicultural composition and overall diversity. The objective is for juveniles to develop insight into how inappropriate-hateful behaviors are detrimental to society, community and to themselves. The program is comprised of an intake and five psychoeducational modules, one of which is provided to the parents.

Family Guidance offers two additional digital safety programs: Teen Education About Cyber Harassment (TEACH), and Teens Using Technology Responsibly (TUTOR). 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 stationhouse 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.

In 2020, the BCPO aided Family Guidance in obtaining grant funds that would be dedicated to creating a Regional Stationhouse Adjustment program. The Regional Stationhouse Adjustment program will provide law enforcement with the increased knowledge and access to the comprehensive array of diversion programs available within the county. This knowledge will assist officers with providing the youth with a comprehensive stationhouse adjustment plan aimed at reducing their further involvement in the juvenile justice system. The BCPO and multiple municipal police departments committed to participate in a year-long pilot program.

2020 Formal Cases

In 2020, there were 552 complaints referred to the court, with 309 matters docketed on the formal calendar. The overall number of complaints decreased approximately thirty percent from 2019 - a decline likely attributable to the restrictions and curfews imposed during the COVID-19 pandemic. Despite this decrease, the Juvenile Unit handled numerous serious cases in 2020, including first-degree murder, carjacking, and a number of first-degree aggravated sexual assaults.

When the COVID-19 pandemic hit in March of 2020, juvenile matters proceeded using the Zoom online platform. A very limited number of proceedings took place in person during the Fall of 2020, including one bench trial. Routine juvenile matters remained exclusively remote at the close of 2020.

A few examples of adjudicated cases follow.

State in the Interest of C.A. Juvenile C.A. was charged in early 2018 with two armed robberies committed in 2016 when he was 17 years old. The first armed robbery occurred in May of 2016 and consisted of a home invasion robbery at gunpoint of an elderly couple. The second incident occurred in December of 2016 and consisted of a robbery at gunpoint of a man walking home from the store. At the time the complaints were signed and the involuntary waiver motions were filed by the State, the juvenile was in Riker's Island in New York on charges related to a shooting in that state. After pleading guilty to aggravated assault and serving time on his N.Y. matter, the juvenile was released on parole and returned to N.J. in early 2020. The juvenile waived to adult court voluntarily.

State in the Interest of X.P. Juvenile was charged with fourth-degree impersonation of a public servant, fourth-degree possession of a simulated document, and third-degree receiving stolen property. The juvenile attached emergency lights to his personal vehicle and attempted to pull over a civilian. The civilian was the spouse of a municipal police officer. The juvenile was found to be in possession of a fake fire department identification and several items belonging to a local fire department and EMS. Juvenile admitted to one count of theft by failure to make proper disposition. He was placed on one year of probation.

State in the Interest of C.J. Juvenile C.J., age 14, was charged with second-degree sexual assault and third-degree child endangering for touching his 6-year old step-sister's vagina under her clothing on one occasion. The juvenile admitted an amended charge of non-Megan's Law third-degree child endangering with "non-sexual conduct." While the charge was amended to a non-Megan's Law offense for plea purposes, the juvenile

admitted the sexual conduct with which he had been charged, and was referred to TREAD for a psychosexual evaluation. The juvenile was placed on probation for 30 months and ordered to attend outpatient sex offense specific therapy, and to have no contact with the victim and no extended unsupervised contact with other children ages 12 and under.

State in the Interest of J.M. Juvenile J.M., age 15, was charged with several offenses, including first-degree aggravated sexual assault, second-degree sexual assault and third-degree child endangering, for anally penetrating with his penis the 10-year old stepson of the juvenile's maternal uncle, touching the victim's buttocks and penis on multiple occasions, and having the victim touch the juvenile's penis, all over the course of several months during family visits in the offender's home. The juvenile admitted the Megan's Law offense of third-degree endangering the welfare of a child and was referred to TREAD for a psychosexual evaluation. The juvenile was placed on probation for three years, and ordered to attend an outpatient therapeutic program with a focus on sexually inappropriate behavior, to have no contact with the victim and no unsupervised contact with children under 12. He was also required to register under Megan's Law.

State in the Interest of N.A. and M.A. Two 16-year old juveniles were charged with second-degree interference with transportation, third-degree aggravated assault on a police officer, third-degree possession of a weapon for an unlawful purpose, and fourth-degree unlawful possession of a weapon. The juveniles went to a field and pointed a laser at a New York Police Department helicopter which was flying in the area searching for a perpetrator of another crime. The two officers inside the helicopter sustained injuries to their eyes. The laser was found in the possession of the juveniles. Juveniles admitted to aggravated assault on a law enforcement officer and unlawful possession of weapon. Both juveniles were placed on one year of probation.

Section/Unit Juvenile Unit

(completing report)

Section IV, 9.a.

County: Bergen

Year...: 2020

JUVENILE DELINQUENCY INTAKE

Filings/New Cases	Number of Juveniles	Number of Cases	Number of Offenses
1. Total New Filings During the Calendar Year	400	511	1,137
VOP Filings			
2. Total Violations of Probation During the Calendar Year	29	31	31
Returned to Court			
3a. Cases Reactivated	28	50	138
3b. Cases Reopened	97	115	318
3c. Cases Successfully Appealed	0	0	0
3. Total Cases Returned to Court	125	165	456
Transfers			
4a. Entering this county	40	47	112
4b. Leaving this county	61	66	151
4. (Net Change)	-21	-19	-39

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 Prosecutor's do not at V.O.P. hearings. ☐

Section/Unit Juvenile Unit
(completing report)

County: Bergen

Section IV. 9.b.

Year.. 2020

JUVENILE DELINQUENCY DISPOSED CASES

	Number of Juveniles	Number of Cases	Number of Offenses
Dismissed/Consolidated/Withdrawn			
1. Total Dismissed/Consolidated/Withdrawn during Calendar Year	43	50	115
Diverted Cases			
2. Total Diversions during Calendar Year	118	121	169
Inactivated Cases			
3a. VOP Cases Inactivated	19	19	19
3b. Non-VOP Cases Inactivated	35	68	195
3. Total Inactivations during Calendar Year	54	87	214
Non-VOP Decisions (Mandatory Calendar)			
4a. Adjudicated Delinquent	130	222	579
4b. Adjudicated Not Delinquent	0	0	0
4c. Not Adjudicated Dismissed	0	0	0
4d. Case Returned/Post Adjudication Decision	51	60	205
4. Total Non-VOP Decisions (Mandatory Calendar)	181	282	784
Non-VOP Decisions (Non-Mandatory Calendar)			
5a. Adjudicated Delinquent	6	7	7
5b. Adjudicated Not Delinquent	0	0	0
5c. Not Adjudicated Dismissed	0	0	0
5d. Case Returned/Post Adjudication Decision	4	6	10
5. Total Non-VOP Decisions (Non-Mandatory Calendar)	10	13	17
Non-VOP Decisions (Juvenile Referee)			
6a. Adjudicated Delinquent	36	37	68
6b. Adjudicated Not Delinquent	0	0	0
6c. Not Adjudicated Dismissed	47	49	73
6d. Case Returned/Post Adjudication Decision	0	0	0
6. Total Non-VOP Decisions (Juvenile Referee)	83	86	141
VOP Decisions (1:1)	Mandatory Calendar	Non-Mandatory Calendar	Juvenile Referee
7a. Adjudicated Delinquent	17	0	0
7b. Adjudicated Not Delinquent	0	0	0
7c. Not Adjudicated Dismissed	0	0	0
7d. Case Returned/Post Adjudication Decision	1	0	0
7. Total VOP Decisions	18	0	0

Trials

8a. Total Number of Trials Where the Assistant Prosecutor Appeared.	1
8b. Total Number of Juveniles Adjudicated Delinquent on One or More Charges at Trial.	1
8c. Total Number of Juveniles Adjudicated Not Delinquent at Trial.	0

Revised for 2020 data

Section/Unit Juvenile
completing report
Section IV. 9.c.

County Bergen
Year 2020

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	2
3.	Juvenile Waiver Decisions (Prosecutor's Motions)	
a.	Waived on Prosecutor's Motion with Juvenile's Consent	2
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)	2
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.a.

County Bergen
Year 2020

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 2020

JUVENILE HABITUAL OFFENDER PROGRAM

CASE INTAKE CRITERIA (LIST)

N/A

JUVENILE DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

	TOTAL	NUMBER CONVICTED		ACQUITTED	DISMISSED	DOWNGRADE/ REMAND
		PLEA	TRIAL			
Number of juveniles disposed	4	4	0	0	0	0
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					

BERGEN COUNTY PROSECUTOR'S OFFICE

2021 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 has operated on the investigative side as a collective unit comprised of the three sub-squads designated to the specific crime areas. On the legal side, assistant prosecutors were distinctly assigned to each squad, with little, if any, crossover. On July 3, 2017, the legal organization was administratively changed to match the investigative. The new organization consisted of one assistant prosecutor to serve as Section Chief of the entire Major Crimes Unit, with two assistant prosecutors assigned to the Unit who would provide legal advice and prosecute cases from all of the sub-squads, interchangeably.

This new legal administration of the MCU was designed to provide for greater uniformity in the review, assessment, legal advice, supervision and disposition of investigations and cases, as well as distribution of workload. Additionally, one of the key responsibilities of the Section Chief is to train the MCU assigned assistant prosecutors in sound investigative legal advice and effective prosecutions in all three MCU areas.

The Major Crimes Unit is an "on call" unit. The sergeant of each squad fields calls for potential investigations within their discipline and determines the need for the deployment of resources in conjunction with the lieutenant. 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.

The assistant prosecutors assigned to the MCU 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.

In 2021, the investigative branch of the MCU consisted of one lieutenant, a sergeant assigned to each investigative unit, and nine detectives; Arson and Fatal Accident each have two

detectives assigned and Homicide has five. Once a determination has been made by the MCU 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. More complex cases 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 made up 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 that criminal charges are to be filed, those charges are filed 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.

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.

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 is planned for 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.

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

County Bergen
Year 2020

**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	20
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	9
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	4
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	9
a. Defendants indicted	9
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

Rev. 1995

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

County **Bergen**
Year **2020**

**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	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	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	2
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

Rev. 1995

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

County Bergen
Year 2020

**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	26
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	14
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	14
a. Defendants indicted	14
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

Rev. 1995



BERGEN COUNTY PROSECUTOR'S OFFICE

NARCOTIC TASK FORCE 2020

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 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. In addition to "club drugs" the opioid epidemic affects the residents of Bergen County and the use of addictive substances like Heroin, Fentanyl and Crack Cocaine continue to remain steady. Bergen 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 (DEA) and Homeland Security Investigations (HSI). 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.

In 2020, the Narcotic Task Force and other participating agencies completed an Operation Helping Hand detail to help combat the Opioid epidemic. Numerous arrests were made as a result of this detail, but more importantly, the arrestees were offered the

opportunity to speak to recovery specialists. Through our partnerships, addiction services such as detox and rehabilitation were offered to willing participants.

In addition to combating addiction, the Narcotic Task Force continues to investigate Heroin/Fentanyl production, manufacturing, and distribution. In addition to making controlled and undercover purchases of these substances, the Narcotic Task Force also investigates and dismantles Heroin and Fentanyl 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. Additionally, in 2020, the Narcotic Task Force dismantled a large scale pill-pressing facility and seized thousands of Fentanyl pills disguised as Oxycodone and Percocet.

In 2020, there were 111 undercover and controlled drug buys, 157 arrests with seizures totaling approximately 4.5 kilos and 80,000 glassines of packaged Heroin and Fentanyl, thousands of counterfeit pills containing Fentanyl, 9 kilos of Cocaine, 8.5 kilos of Crystal Methamphetamine, 85 pounds of Hashish Oil, 260 pounds of Marijuana, 35 pounds of Synthetic Marijuana, and many other amounts of various controlled dangerous substances. Significantly, the Narcotic Task Force seized approximately \$2.2 million in U.S. Currency, executed 80 search warrants and communication data warrants and seized 20 firearms with several extended magazines and various ammunition.

In 2020 the legal staff for the Narcotic Task Force consisting of one supervisor and three assistant prosecutors disposed of 77 cases and 79 individual defendants.

This includes 63 pleas, eight entries into PTI, three downgrades, one transfer to the U.S. Attorney's Office and five dismissals. Additionally, 72 individual defendants were indicted. There were also 19 individuals charged via Accusation. No cases went to trial, but several trials are pending.

In summary for the year, the Narcotic Task Force made numerous undercover buys of drugs including Cocaine, Heroin, Ecstasy, Methamphetamine, 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 weapons possession and possession of controlled dangerous substances. The statistics for both the investigative and prosecutorial staff of the Narcotic Task Force are remarkable considering the complexities of the Pandemic. The Bergen County Grand Jury and Superior Court was shut down since March because of the Pandemic. The courts have been operating virtually since then and the Grand Jury has only recently been meeting virtually on a limited basis.

In addition, the Narcotic Task Force will continue to target larger drug dealers of Heroin/Fentanyl 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 presently has 4 supervisors and approximately 20 investigators, including detectives on loan from municipal departments. The Narcotic Task Force also has four detectives that are on loan to New Jersey DEA, New York DEA, Newark

HSI and The New Jersey State Police. The 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.

In addition to law enforcement and investigations, the Narcotic Task Force conducts training and education for law enforcement recruits and in-service. Narcotic Task Force detectives also provide education and awareness regarding Opioids and vaping to students and citizens throughout Bergen County. Detectives also continue to monitor gang activity within Bergen County and provide awareness to local law enforcement and police recruits.

Looking to the future, the Narcotic Task Force will continue to educate and spread awareness for the Opioid Epidemic and any arising drug trends. The Narcotic Task Force has already taken the initiative to address emerging issues such as the uptick in Methamphetamine; distribution and manufacturing of Heroin/Fentanyl; distribution and use of THC "vape" pens and edibles; and will continue to focus on these areas and others. 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.

Section/Unit **BCPO NTF**
 completing report
 Section IV. 7.a.

County **Bergen**
 Year **2020**

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	18	2	1	11	130	164	2
2. Investigations opened during the year	7	0	0	3	117	129	2
3. TOTAL Investigative workload for the year (add nos. 1 - 2)	25	2	1	14	247	293	4
4. TOTAL Investigations completed during this year (add a. - d.)	4	0	0	2	74	82	2
a. Resulting in criminal charges	4			2	49	55	
b. Referred to other agency for criminal prosecution						0	
c. Referred to other agency for civil or administrative action						0	
d. Closed - No further action					25	25	
5. Investigations pending or inactive at the end of the year	21	2	1	12	173	211	2

Section/Unit NTF
completing report
Section IV. 7.b.

County Bergen
Year 2020

**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	157
a. Defendants with complaints administratively dismissed	5
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	72
2. Defendants with original charges presented to grand jury on direct presentment	0
3. Defendants charged through accusation	19
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	72
a. Defendants indicted	72
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0

BERGEN COUNTY PROSECUTOR'S OFFICE
SPECIAL INVESTIGATIONS SQUAD
ANNUAL NARRATIVE REPORT 2021

OVERVIEW

Effective January 4, 2021, the Special Investigations Squad ("SIS") was reinstituted as its own distinct entity. Prior to 2021, SIS and the Financial Investigations Unit ("FIU") were a combined unit, the Special Prosecutions Unit, organized under a single legal hierarchy.

Division 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 SIS is as follows:

Assistant Prosecutor Kathryn Cobb - Section Chief
Assistant Prosecutor Joseph Torre
Legal Assistant Jim Donohue

The investigative branch of SIS consists of one lieutenant, one sergeant, and 9 detectives:

SPECIAL INVESTIGATIONS SQUAD

Lt. [REDACTED]
Sgt. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED]
Det. [REDACTED] (on-loan from Port Authority PD)
Det. [REDACTED] (on-loan from Woodcliff Lake PD)
Det. [REDACTED] (on-loan to DEA)

SIS conducts both proactive investigations and provides investigative support to local municipal police departments. SIS regularly provides 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 SIS 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. Many SIS cases involve detention related litigation. A sizeable number of SIS cases involve gunpoint robberies, professional burglary crews and armed home invasions, usually resulting in numerous first degree charges. Assistant prosecutors are responsible for litigating any detention hearings connected with their cases.

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

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 investigations employ communication data warrants for cellular telephones to track locations of criminals and determine historical location information. Warrants are similarly obtained to use GPS devices to track professional burglary and robbery crews during the commission of their crimes. SIS is also one of the few squads in the BCPO that regularly employs the use of wiretaps to conduct investigations.

At the conclusion of an SIS 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.