



ESSEX COUNTY PROSECUTOR'S OFFICE 2021 Annual Report

**Theodore N. Stephens II
Acting Essex County Prosecutor**



Essex County Prosecutor's Office

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Chief Executives



From Left to Right: Acting First Assistant Prosecutor Romesh C. Sukhdeo; Acting Essex County Prosecutor Theodore N. Stephens II; Executive Assistant Prosecutor Gwen Williams; and Acting Chief of County Detectives Mitchell G. McGuire III.

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During 2021, the total number of new adult defendant case files received and reviewed by the Essex County Prosecutor's Office (ECPO) was 12,387, versus 10,190 in 2020. Also, 3,860 defendants were indicted or charged by accusation in 2021, versus 1,608 in 2020. A total of 42.6% percent of the ECPO's total adult defendant resolutions within 2021 following an indictment or accusation involved first or second-degree criminal charges. Further, in 2021, the total number of juveniles referred in delinquency case filings in Essex County was 1,234 , versus 727 in 2020.

(Statistics from N.J. Division of Criminal Justice, Analysis of Prosecutors' Data, and from the Promis Gavel Database of the Administrative Office of the Courts, N.J. Superior Court).

TABLE OF CONTENTS

I. INTRODUCTION

Message from Acting Prosecutor Theodore N. Stephens II.....	3
A Brief History of the Essex County Prosecutor's Office	6

II. LEGAL UNITS

Adult Trial Section.....	12
Appellate Section	15
Central Judicial Processing Unit.....	20
Drug Court Program.....	22
Forfeiture Unit.....	23
Grand Jury Unit	24
Juvenile Trial Unit.....	26
Mental Health Unit	29
Pre-Trial Intervention & Expungement Unit	30
Remand Court Section.....	32

III. INVESTIGATIVE SQUADS

Crash and Fire Investigation Unit	33
Domestic Violence Unit.....	34
Extradition Unit.....	36
Financial Crimes Unit.....	37
Homicide Unit	39
Professional Standards Bureau	41
Special Prosecutions Unit	43

Special Victims Unit	46
Child Abuse Unit.....	47
Sexual Assault & Rape Analysis Unit.....	50
Sexual Assault Nurse Examiner Program	51
Human Trafficking Team	52
Elder Abuse Team	52
Bias Crimes Unit.....	53
Megan’s Law Unit	53

IV. SUPPORT UNITS

Business Administration Unit	57
Community Justice Unit.....	59
Media Relations Office	62
Victim-Witness Advocacy Office.....	66
COVID Food Distribution Program.....	69
Operation Helping Hand.....	73
Record Room	74

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Message from Acting Essex County Prosecutor Theodore N. Stephens II

The Essex County Prosecutor's Office is the largest county prosecutor's office in the state of New Jersey. Roughly one quarter of all felonies that occur in New Jersey are handled by this office. Every unit in this Office is expected to handle caseloads that are unparalleled anywhere else in the state. In 2021, the men and women of the Essex County Prosecutor's Office have taken on that challenge with unwavering dedication, wholeheartedly embracing our mission to "seek justice, serve justice and to do justice."

For us, that means going wherever the facts and the evidence leads. Sometimes it means pressing for a lengthy prison sentence and at other times it means getting a defendant into diversionary programs such as Drug Court or our Mental Health or Veterans programs. At all times, it means keeping victims in the forefront of our decision-making while never forgetting that we also have a duty to the accused. To successfully do our jobs we must maintain strong ties to the communities we serve and work cooperatively with our partners in law enforcement at the local, state, and federal level. We must also work with the Judiciary and the Public Defender's Office and other defense counsel.

In 2021 we undertook several initiatives. Working with the Attorney General's Office, we participated in a statewide gun buyback. Events were held in Essex County at The Prudential Center in Newark and New Vision Baptist Church in East Orange.

Following the murder of George Floyd and the conviction of Derek Chauvin, we held a virtual town hall on the use of force by police in New Jersey and Essex County particularly.

We continued Operation Helping Hand, an initiative designed to help individuals suffering from opioid addiction or other kinds of substance abuse into treatment. The goal of the program is to interrupt the cycle of addiction that often leads to incarceration. Our community outreach also

included internships, food distributions programs, youth conferences and virtual Black History and Women's History celebrations.

COVID continued to loom large in 2021. We kicked off the year with high hopes that vaccines would allow us to get back to normal. As soon as vaccines became available, we urged employees to take advantage of the opportunity to be vaccinated for free at the many sites in Essex County operated by the County. More than 80 percent of employees took advantage of that opportunity. For those who opted not to be vaccinated, they were required to be tested weekly.

By August, the assistant prosecutors, detectives, and support staff who had worked remotely during the early months of the COVID pandemic returned to in-person work. Unfortunately, by the time the year ended, we were forced to go back to allowing most of the staff to work remotely or on a rotating schedule. The goal was to reduce the in-office footprint with an eye toward limiting the number of people who might be exposed to the highly contagious Omicron variant that spread rapidly though the nation, hitting New Jersey and Essex County particularly hard.

If we learned anything in 2020 and 2021 it is that when it comes to dealing with COVID, change is constant. Nimble and rapid responses are critically important to ensure that our workplace practices and protocols follow the ever-evolving science. Unlike some entities that can move their activities to all virtual, much of the work done by a prosecutor's office must be done in-person. With that mind, we have worked diligently to protect the safety of staff and the public. Vaccines, masks, personal protection equipment and testing have been key.

As we move into 2022, we remain committed to investigating and prosecuting cases robustly.

No discussion of 2021 would be complete without pausing to salute my staff. The prosecutors, detectives and support staff have risen to the challenges we faced in 2021. Almost to a person, they have gone above and beyond when asked to pivot and adjust to changes.

This 2021 Annual Report, published in conjunction with the statistical summary required by the Attorney General, provides an overview of the important work done by the Essex County Prosecutor's Office last year. To all the people of Essex County, thank you for the privilege to serve. We look forward to continuing to do all we can to make Essex County a safe place to live, work and visit.

A Brief History of the Essex County Prosecutor's Office

In 1776, the State of New Jersey ratified its first Constitution (superseded by later Constitutions in 1844 and 1947). Under this Constitution, the elected Governor appointed an Attorney General to enforce the laws of the State. The Attorney General in turn appointed deputies for the various counties, including Essex, to enforce the criminal laws on behalf of the local populace. In 1822, the New Jersey General Assembly passed an act authorizing a more independent Prosecutor of Pleas for each county, to be appointed by the Court of Quarter Session once every five years. A few years later, the Governor was given the authority to appoint each county's Prosecutor of Pleas.

On Feb. 20, 1829, Amzi Dodd became the first governor-appointed Prosecutor of Pleas for Essex County. The earliest record of a prosecution by Prosecutor Dodd involves "a nuisance in suffering the water to stagnate and become offensive in the old burying ground" in Newark. The first Prosecutor of Pleas worked alone, but by 1877 the Prosecutor required the help of a First Assistant.

As Essex County grew and matters became more complex, the Office grew in size. By 1922, Prosecutor John O. Bigelow employed 28 men, including three Assistant Prosecutors, two Detective Captains, two Lieutenants, and various Detectives and clerks.

In the 1920s and 30's, cases involving gambling, organized crime and official corruption were growing in number. In October of 1935, the nationally-known organized crime figure Dutch Schultz was shot at the Palace Chop House in Newark. Although the prime suspect was found hanged soon after the incident, the Office continued its investigation and identified Schultz's real shooter who pled guilty to the murder in 1940.

By 1945, the Office still had only three Assistant Prosecutors, despite a growing number of murder and gambling cases. In 1951, Prosecutor Edward Gaulkin gained attention by successfully prosecuting four men charged with conspiracy, extortion and bribery in the Newark milk scandal case.

In 1959, Governor Robert Meyner nominated Brendan T. Byrne of West Orange as the 25th Prosecutor of Essex County. Prosecutor (and later Governor) Byrne served the Office until 1967. By 1962, there were 16 Assistant Prosecutors, most of whom were part-time employees. Shortly thereafter, the first female Assistant Prosecutor, June Strelecki, was appointed. Also, during Byrne's tenure, the "Charlie Squad" was formed, a name coined after members of the public were urged to report illegal gambling by calling a dedicated phone number and asking for "Charlie."

In 1967, the City of Newark experienced a week-long civil disturbance, which heralded long-term social and economic change in Essex County. These transformations challenged future Prosecutors to respond to changing patterns and volumes of crime with increased professionalism and dedication.

By 1973, the legal staff numbered 63 lawyers, all full-time. County Investigators replaced the former Detectives and were increasingly selected from the ranks of experienced local police officers. Under Prosecutor George Schneider (Prosecutor from 1981 to 1986), the number of Assistant Prosecutors exceeded 100. Increasing resources were dedicated to special squads. The Homicide Squad was expanded and a Narcotics Section, which at first was a joint task force with the Sheriff's Office, was created. Eventually specialized units were established in Child Abuse, Sex Assault, Arson, Domestic Violence, Megan's Law and Gangs.

In 1986, Governor Thomas Kean appointed the first African-American Prosecutor in Essex County (and only the second in the State), Herbert H. Tate, Jr. Computerization of the Office was begun and continued in stages throughout the terms of Prosecutor Tate and his successor, Prosecutor Clifford J. Minor.

Also, during their terms, a sexual assault case was brought against a group of high school athletes from Glen Ridge, who in 1993 was convicted of victimizing a 17-year-old mentally handicapped woman. This case, which was handled by Robert D. Laurino, who would later be named Acting Essex County Prosecutor in 2010, was the subject of a popular book, a TV movie, and an episode on the TV show "Law & Order." Most importantly, the case brought national attention to the issues related to the prosecution of defendants who abuse the developmentally disabled.

In 1998, the first female Prosecutor, Patricia Hurt, was appointed by Governor Christie Whitman. Prosecutor Hurt was followed by Acting Prosecutor Donald Campolo and Acting Prosecutor Paula T. Dow. In the opening years of the 21st Century, the Office responded aggressively to increased auto theft and expanded youth gang activity. By 2003, it completed a second generation of computerization complete with e-mail and Internet access and increased its outreach to the public through its web site (www.njecpo.org), its Victim-Witness Advocacy Office, and its Community Justice Program.

In 2005, Governor Richard Codey swore Acting Prosecutor Dow to the Office of Essex County Prosecutor. During Prosecutor Dow's years of leadership, the Essex County Prosecutor's Office instituted vertical prosecution, increased its resources and outreach to victims and witnesses, opened a state-of-the-art crime scene facility, and participated in a wide variety of cross-agency/cross-jurisdiction collaborations including a state-federal anti-gang and narcotics task force, gun buyback programs, and a successful fugitive safe surrender program held in Newark in November 2009. Prosecutor Dow also emphasized technology development, with the Office updating its computer server infrastructure in 2009 and planning for the implementation of an office-wide, fully integrated electronic case and record management system.

In January 2010, New Jersey Governor Chris Christie appointed Prosecutor Dow as Acting Attorney General of the State of New Jersey. In her place, Chief Assistant Prosecutor Robert D. Laurino, then a 29-year ECPO veteran, who gained public recognition in the trial and conviction of the high school athletes in Glen Ridge, was appointed Acting Essex County Prosecutor.

In February 2011, Gov. Christie appointed Carolyn A. Murray as Acting Essex County Prosecutor. As Acting Prosecutor, she has made victims' rights a high priority. In addition, the Mental Health Unit was created during her tenure, providing new options to prosecutors and defense attorneys when dealing with offenders who have a history of mental illness. During Acting Prosecutor Murray's term, the Office prepared for the challenge of implementing the legislative bail reform mandate which went into effect on January 1, 2017. Called the New Jersey Criminal Justice Reform Act, this law effectively eliminated cash bail. In preparation, Murray oversaw the implementation of an integrated, office-wide case database system for case management and investigation management.

In July 2017, Gov. Christie appointed Acting Prosecutor Murray to a judgeship on the Superior Court bench. Once again, Chief Assistant Prosecutor Robert D. Laurino stepped in as Acting Prosecutor, guiding the Office through a time of continuing transition and adaptation to changing criminal justice policies and technology.

In September of 2018, Governor Phil Murphy named Theodore N. Stephens II, then serving as the Essex County Surrogate, as Acting Essex County Prosecutor. In 2020, as the COVID pandemic swept the nation, Acting Prosecutor Stephens led ECPO through a time of crisis and challenge. Prosecutor Stephens directed the ECPO management team as it worked to protect the health and safety of all ECPO employees and all others who come into contact with ECPO, while maintaining essential criminal justice functions and public safety.

In 2021, Acting Prosecutor Stephens navigated the office through the post COVID new normal, meaning COVID remained a factor, but remote work ended, and everyone was required to return to work in-person. More than 80 percent of employees voluntarily agreed to be vaccinated. Those who opted out were required to be tested weekly. Because of the willingness of employees to follow the vaccine recommendations and testing mandates, workers were able to return safely and the day-to-day flow of the work of the office largely returned to normal, although the trial schedules did not get back to pre-pandemic levels.

The lawyers, detectives and support staff who report to Acting Prosecutor Stephens will continue the work of Amzi Dodd into the 21st Century and are honored to be part of the Essex County Prosecutor's Office.

With thanks to Francis D. Falivena, Jr., Assistant Prosecutor, Retired



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