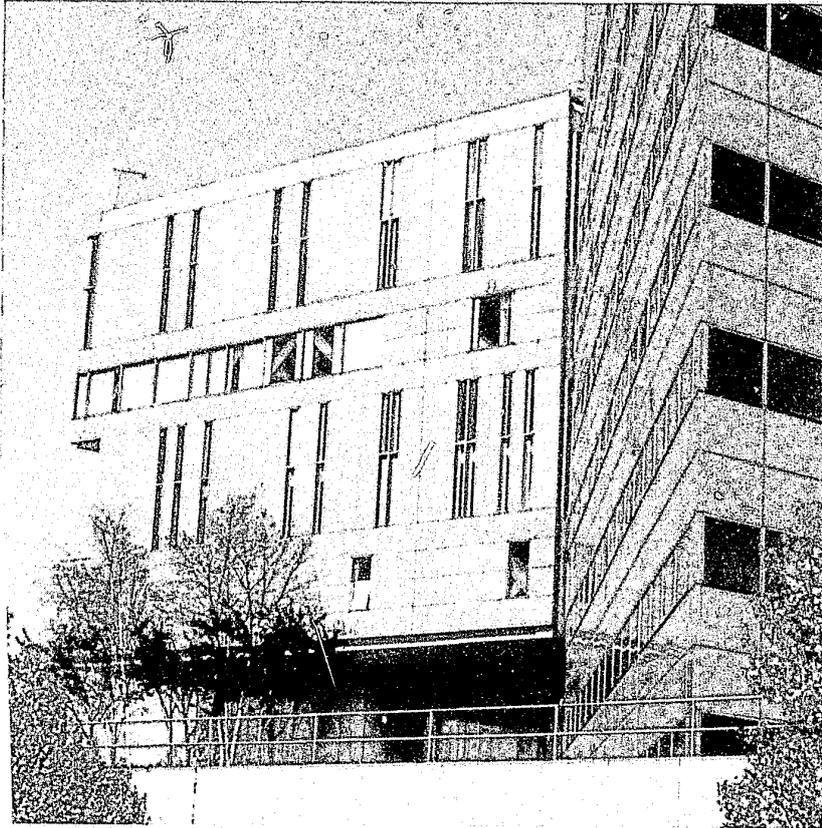


# DIVISION OF CRIMINAL JUSTICE

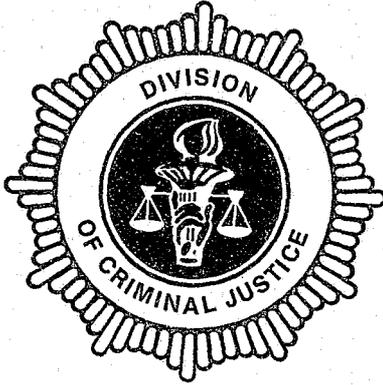


115236

## ANNUAL REPORT 1987



New Jersey Department of Law & Public Safety



# DIVISION OF CRIMINAL JUSTICE

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U.S. Department of Justice  
National Institute of Justice

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Thomas H. Kean  
*Governor*

Cary Edwards  
*Attorney General*

Donald R. Belsole, Director  
*First Assistant Attorney General*



New Jersey Department of Law & Public Safety



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W. CARY EDWARDS  
ATTORNEY GENERAL

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FIRST ASSISTANT ATTORNEY GENERAL  
DIRECTOR

The Division of Criminal Justice has achieved several major accomplishments and has made many significant contributions to our criminal justice system and law enforcement in New Jersey during this past year. We have successfully implemented new programs and expanded efforts in many areas. The 1987 Annual Report summarizes Division responsibilities and major functions, as well as significant activities for 1987. Public interest activities, narcotics enforcement and environmental activities are highlighted along with investigative accomplishments and significant prosecutions. In addition, an overview of the Division's organization is provided.

Activities and accomplishments during this past year depict the role of the Division within statewide law enforcement and criminal justice, as well as ongoing efforts to improve the justice system and quality of life in New Jersey.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Donald R. Belsole".

Donald R. Belsole, Director  
First Assistant Attorney General

DRB:lme

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## The Division of Criminal Justice

The Division of Criminal Justice, within the New Jersey Department of Law and Public Safety, conducts the functions and responsibilities necessary to achieve uniform and efficient enforcement of the criminal laws and administration of the criminal justice system in the state. The Division exercises the powers and authorities of the Attorney General which affect the detection, enforcement and administration of the criminal laws of the state. The Division, on behalf of the Attorney General, serves a coordinative function and leadership role to achieve uniformity in state criminal justice, juvenile justice and law enforcement. In doing so, the Division conducts activities and programs to improve criminal and juvenile justice as well as the administration and delivery of police services.

The Division of Criminal Justice and New Jersey's unified system of law enforcement, established through the Criminal Justice Act of 1970 (*N.J.S.A. 52:17B-97 et seq.*), provide for a coordinated statewide system of law enforcement. This system, unique in the nation, enables the Division to work cooperatively with the 21 county prosecutors and other law enforcement agencies in the state while providing a variety of supervisory, technical and training services. The Division's leadership in the state criminal justice and law enforcement

communities is exhibited in its investigative and prosecution activities, appellate litigation, legislative initiatives and legal guidance, research and analytic activities, training programs, and participation in specialized activities such as victim/witness assistance.

A major emphasis over the past year has been the development of cooperative working relationships among mutually concerned agencies. Agreements and working arrangements made in areas such as organized crime investigation, environmental activities and narcotics enforcement reflect a commitment by the Division and the Attorney General to improve not only agency efficiency and investigative success but also the overall criminal justice and law enforcement system. The Division's willingness to address changing priorities, seek new solutions and initiate new activities and system improvements further reflect the Attorney General's overall interest in the law enforcement community and citizens of the state.

Significant accomplishments are noted in areas of organized crime, environmental prosecutions, and narcotics enforcement, as well as law enforcement assistance and training, victim/witness assistance, institutional abuse prosecutions, economic crime and casino-related prosecutions.

## Highlights of 1987

- The Governor's **Blueprint for a Drug-Free New Jersey** is released supporting the need for a broad-based program and statewide coordination to attack the narcotics supply and demand problem.
- In conjunction with issuance of the **Blueprint**, Attorney General Cary Edwards releases the **Statewide Action Plan for Narcotics Enforcement**, providing strategic and tactical objectives, guidelines and standards for narcotics enforcement operations.
- The Comprehensive Drug Reform Act is enacted into law providing sweeping revisions of New Jersey's drug laws which will ensure the imposition of stern, consistent punishment of all drug offenders.
- The Statewide Narcotics Task Force successfully completes a joint federal-state investigation uncovering the largest Colombian cocaine network ever discovered in New Jersey and resulting in charges against 21 defendants.
- **State v. Lettera, et al.** The Statewide Narcotics Task Force disrupts a major Mercer County cocaine distribution network with the arrest and indictment of Anthony Lettera, a local police officer, and 17 other codefendants.
- The Division assists in obtaining and administering \$4.7 million in federal grant funds to enhance state, county and local narcotics enforcement activities.
- The Environmental Prosecutions Section investigates major garbage and debris washup along 50 miles of New Jersey shoreline and presents evidence to obtain a court-supervised consent order to improve garbage disposal practices in the New York harbor.
- A State Grand Jury presentment is issued, based on evidence presented by the Environmental Prosecutions Section, recommending broad changes in the way New Jersey handles and disposes of hospital and infectious waste to better protect the public, health-care workers and waste haulers.
- **State v. R.K.D. Oil, Inc., et al.** The chief executive officer of R.K.D. Oil is indicted for fraudulently obtaining a \$5.6 million line of bank credit by misrepresenting the company's fuel oil inventory and fraudulently obtaining \$284,000 by billing for fuel oil not delivered.
- The Division, at the request of the city mayor, directs an assessment of the Camden Police Department and provides recommendations to improve the department's operations.
- The Police Bureau is established to respond to the growing demand for a greater scope of assistance requested by local police agencies.
- The Organized Crime and Racketeering Task Force develops and signs agreement, the first of its kind in the nation, with federal law enforcement authorities to coordinate organized crime investigations in the state.
- **State v. Kuklinski.** The Organized Crime and Racketeering Bureau obtains an indictment against Richard "Iceman" Kuklinski on charges of murdering five men who were prior accomplices in plots to rob and kill.
- The Division, in cooperation with the Department of Health, publishes and distributes an AIDS brochure to inform law enforcement officers of potential risks and safeguards.
- The Office of State Grand Jury Review is created to oversee matters presented to the grand jury to ensure presentations are properly and effectively conducted and enhance chances of successful prosecution.
- The Division assists in drafting tax amnesty and criminal enforcement bills to provide tax evaders with an inducement to pay delinquent taxes and deter further violations through harsher penalties.
- Attorney General Edwards promulgates standards to ensure the rights and services for victims guaranteed by a newly-enacted statute.
- **Braunskill v. Hilton.** The U.S. Supreme Court held in the state's favor that a prisoner's dangerousness and the state's likelihood of success on appeal are proper considerations when evaluating a bail release.



*First Assistant Attorney General Donald R. Belsole, Division of Criminal Justice Director, honors police officers who have died in the line of duty during statewide memorial service.*

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## Law Enforcement Improvements and Local Police Assistance

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The role of law enforcement agencies is significant and necessary in that such agencies are responsible for public safety, public service and emergency assistance, law enforcement and criminal investigations. Professionalism and up-to-date practices, training and standards development are needed to ensure efficient police administration and the delivery of quality police services. Recognizing the importance of police officers and law enforcement services, the Division is committed to continue and expand services to the law enforcement community. Ongoing Division efforts designed to promote the highest standards of police performance, efficient police administration and quality police services include training, management and technical services, and the development of applicable standards and operational guidelines.

The Police Bureau, established in 1987, was created to respond to increasing requests for assistance from local police agencies. In responding to the growing demand for a greater scope of services, the Police Bureau broadened the realm of the Division's responsibility and expertise and expanded assistance to local police agencies. The bureau assists local police departments improve their operations, procedures and delivery of services and is responsible for:

- Developing standards and guidelines to implement legislation, Attorney General directives, and other applicable policies;
- Providing technical assistance and management services;
- Developing training programs and guidelines for the state's law enforcement community;
- Providing legal information, advice and services devoted to issues involving the police function on a statewide basis;
- Conducting research and analysis regarding law enforcement issues and concerns.

During 1987, an assessment of the Camden Police Department, requested by the Camden City mayor and directed by the Division, was completed. The review was conducted by a team of experts in the field of police administration. Recommendations

provided as a result of the review were designed to correct deficiencies and improve the department's efficiency and effectiveness.

Other accomplishments specifically dealing with police management and administrative concerns include: development of the Police Management Manual; publication of the newsletter, New Jersey Criminal Justice; completion of a police superior officer study; and, preparation of a research plan to evaluate the Basic Course for Police Officers. Thus far, the Police Management Manual covers police employee background investigation procedures, procedures for developing rules and regulations, and guidelines for written orders and directives. The newsletter, New Jersey Criminal Justice, disseminates relevant, current information to the law enforcement community regarding recent developments in case law, statutory revisions, new technologies and proven strategies.

A bias incident supplementary report and investigation standards were developed to assist law enforcement agencies in addressing the problem in a directed manner. The standards provide practical and procedural guidelines to ensure appropriate responses to reported incidents. Similarly, revised standards were issued for law enforcement officers in handling missing and unidentified persons cases. Standards such as these not only provide some uniformity and a minimum level of quality statewide, but also assist police in doing a good job, make their job less difficult, and provide improved services to the victims.

While the major activity or area for which standards exist is police training, in particular, basic training and firearms training, standards also pertain to training facilities, curriculums, instructors and trainees. Such standards are developed and compliance is monitored to ensure that trainees are adequately prepared for police duties, thereby ensuring the safety of both police officers and the public.

Other significant activities conducted during 1987 to improve law enforcement or assist local police include: assistance provided to resort communities to recruit qualified college students to fill special police officer positions for the summer season; publication of an AIDS brochure, a cooperative effort with the Department of Health, to inform law enforcement officers of potential risks and safeguards; and the provision of information or assistance involving civil liability, evidence procedures and computerization.

## System Coordination

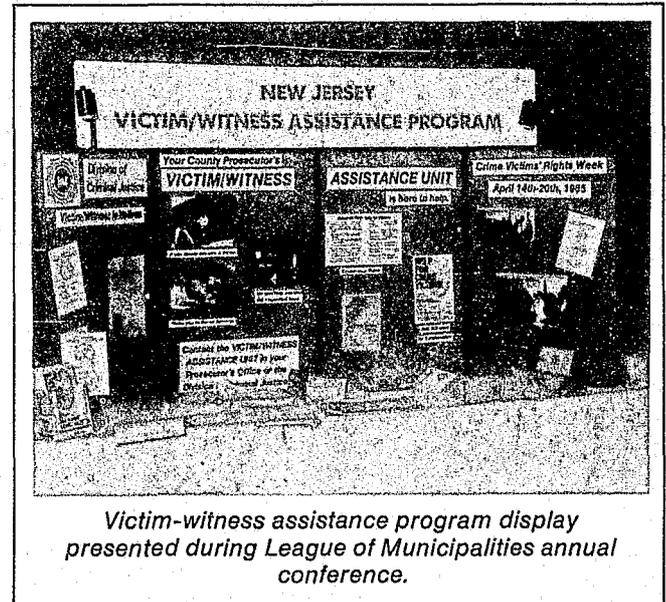
Major advancements and success in law enforcement and criminal justice have been possible only through cooperative and coordinative efforts. By-products of such coordinative efforts are: the enhanced relations with mutually concerned individuals and agencies; improved performance of agencies and personnel involved; and more successful investigation and prosecution of criminal and civil cases. New Jersey's unified system of law enforcement and the willingness of concerned agencies allows the Division of Criminal Justice to work with county prosecutors and other law enforcement agencies to improve law enforcement and promote uniform enforcement of criminal laws and effective administration of criminal justice.

The Statewide Narcotics Task Force, comprised of the Divisions of Criminal Justice and State Police, is coordinating all aspects of the Attorney General's statewide plan of action for narcotics enforcement and control. Coordinative efforts involving state, county and local agencies target both the supply of narcotics and demand for narcotics.

Similarly, the Organized Crime and Racketeering Task Force involves cooperative efforts among concerned investigative agencies. In 1987, a joint agreement between federal and state law enforcement authorities was developed to coordinate organized crime investigations on a statewide basis, to reduce duplicative efforts and to identify and address priority investigative matters. This federal-state agreement is the first of its kind in the nation.

The Environmental Prosecutions Task Force represents another significant coordinated enforcement effort. The protocol agreement established between this Division and the Department of Environmental Protection has allowed each agency to develop a greater awareness of the problems at hand, has increased communications between both agencies, has improved the referral of investigative matters, and has ensured a prompt response in matters with criminal implications.

The Division's leadership and coordinative role extends into several other investigative areas: institutional abuse, casino-related crime, hazardous waste, economic crime, unemployment fraud and



labor investigations, medicaid fraud, and fraud against public entities.

The Prosecutors Supervisory Section contributes significantly to system coordination by acting as liaison between the county prosecutors and Attorney General, coordinating matters of mutual concern with prosecutors and state agencies, reviewing and responding to complaints against prosecutors or their staff and rendering advisory opinions and advice to county prosecutors' offices.

Various activities and programs enable the Division to contribute to system coordination and leadership and to respond appropriately to changing priorities, new issues, criminal justice needs and concerns in a leadership role. These include: preparation and issuance of legal opinions; supervisory, technical and training services; investigative and prosecution activities; organizational changes; and participation in interagency projects such as the Promis/Gavel project.

While Promis/Gavel, the cooperative project to install a computerized case management system in county prosecutors' offices and county trial courts, is now mainly administered by the Administrative Office of the Courts, the Division continues to support the project. The Division also maintains a continuing interest to serve the county prosecutors. In addition to policy committee involvement, the Division provides ongoing support services to county prosecutors' offices.

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## Narcotics Enforcement and Control

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The Litigation Section, while responsible for prosecuting state grand jury indictments, also exercises the Attorney General's authority to supersede in criminal cases in which a prosecutor's office is faced with a conflict of interest. In doing so, this section maintains the integrity of and leadership in prosecution activities statewide. Other examples involving system coordination activities and statewide leadership include:

- Prosecuting state criminal appeals and providing legal advice on handling other appellate matters.
- Providing legal guidance and assistance and expert testimony in significant litigation such as capital punishment.
- Developing and delivering training programs concerning diverse topics which contribute to uniform enforcement of criminal laws and administration of criminal justice.
- Rendering advisory opinions and advice to law enforcement agencies with respect to criminal law and operational procedures.
- Conducting research activities on current issues and concerns such as police civil liability.
- Developing and administering guidelines and standards for effective law enforcement in areas such as basic training, firearms requalification, and drug testing.
- Preparing publications dealing with current developments in criminal law and statutes, procedural issues and new law enforcement technologies.
- Providing management and administrative services to prosecutors' offices.
- Supervising the qualifications, training and procedures of county medical examiners through the Office of the State Medical Examiner.

Moreover, through participation in statewide and multi-state boards and commissions involved with criminal justice and related issues, which review and regulate law enforcement and criminal justice activities, and which recommend necessary policy changes and future programming needs, the Division significantly contributes to the introduction of system advancements, improvements and coordination. The Division serves a leadership role in, for example, the Governor's Task Force on Child Abuse, the Commission to Deter Criminal Activity, and the Criminal Justice Advisory Council.

The Statewide Narcotics Task Force, comprised of representatives from the Divisions of Criminal Justice and State Police, is the Attorney General's principal agent in all matters relating to narcotics enforcement. The task force is responsible for statewide coordinative efforts targeting the supply and demand for drugs: investigative and enforcement efforts at the state level; assistance in establishing county and inter-county task forces; assessment of local law enforcement training needs; development and implementation of a computerized analytic and intelligence network; and implementation of a statewide educational, prevention and treatment program.

The task force serves as a role model for the integration and coordination of resources dedicated from different agencies to enhance narcotics investigation, develop specialized expertise, control violations and expand preventive measures and treatment programs.

In conjunction with the establishment of this task force, the Governor's *Blueprint for a Drug-Free New Jersey* was developed. The *Blueprint*, like the task force, stressed the need to establish a broad-based program and a statewide coordinative approach attacking both the supply and demand for drugs—that is the distribution and use of drugs. The reorganization of the criminal laws governing the sale and distribution of controlled dangerous substances, called for in the *Blueprint*, was accomplished through The Comprehensive Drug Reform Act of 1987. The Division of Criminal Justice and Statewide Narcotics Task Force contributed significantly to the development, passage and implementation of these tough, modern drug statutes. The new laws ensure the imposition of stern, consistent punishment for all drug offenders, in particular those who sell drugs to school children, distribute drugs in the area of school grounds, or use children to distribute drugs. Other measures provide for asset forfeiture, taking the profits from narcotics sales.

Following establishment of the Statewide Narcotics Task Force and issuance of the *Blueprint*, the Attorney General Cary Edwards released a detailed *Statewide Action Plan for Narcotics*

*Enforcement.* The Division of Criminal Justice was not only a primary contributor to developing the plan, but is a primary participant in ensuring the plan's success. The plan calls for a coordinated, enhanced initiative by municipal, county and state law enforcement agencies.

The *Action Plan* provides a number of strategic and tactical objectives, guidelines and minimum standards for narcotics enforcement operations throughout the state. It also provides a means for pooling resources and talent, for streamlining enforcement operations to avoid costly and potentially counter-productive duplication and for making certain that all available sources of funding have been fully explored. The *Action Plan* embraces the concept of the interagency task force and calls for an interdepartmental task force within every county.

To further efforts in the area of narcotics enforcement and aid not only state activities, but also county and local activities, the Division created a Drug Program Monitoring Unit to assist in distributing federal grant funds awarded to New Jersey.

The bulk of the \$4.7 million has been passed through to county prosecutors' offices and local

police to enhance programs for the apprehension and prosecution of drug offenders through the establishment of county-wide narcotics task forces. Available funds will be used for investigations, staff, equipment, computerization and crime analysis required for effective enforcement of the drug laws. The Drug Program Monitoring Unit reviews applications for funds and evaluates program proposals to ensure compliance with the *Action Plan*. In addition, the program implementation process and impact of the programs on drug crime problems are being evaluated.

## Supply Side

Through its supply side activities, the task force targets narcotics activity and violations of statewide significance, serves as a model for similar county and inter-county task forces, coordinates all aspects of the *Statewide Action Plan* with the state's local, county and federal law enforcement community, and operates NOMAD (the Narcotics and Organized Crime Management Analytical Data Base).

NOMAD, a computer-aided information system, enables an accurate and quick assessment of the drug enforcement problem and is used to develop statewide strategies to target the most dangerous offenders, pursue investigative leads, and deploy resources. This relational data base will connect municipal and county narcotics units with a statewide narcotics data base and will aid in the apprehension and conviction of known narcotics traffickers by enabling the comparison of reliable investigative information on known offenders and their techniques.

In addition to criminal investigations and prosecution activities involving matters of statewide significance, asset forfeitures are sought through civil statutes.

During 1987, the task force moved from a conceptual stage to an operational state, enhancing activities concerned with narcotics enforcement: investigating and prosecuting narcotics offenses; implementing the computerized NOMAD data base; establishing an analytical capability utilizing NOMAD data; and analyzing and fulfilling training needs.



*The Statewide Narcotics Task Force computer-aided information system, NOMAD, being used to analyze narcotics activity and investigative data.*

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## **Demand Reduction**

Demand reduction activities focus on programs aimed at lessening the demand for drugs and alcohol. In doing this, the task force plays a key role in developing comprehensive, coordinated multidisciplinary strategies to reduce demand through education, prevention, intervention and rehabilitation programs.

Over the past year task force staff have completed a study of New Jersey's system for dealing with drug and alcohol issues, formulated guidelines for drug-free school zones and developed a media campaign to educate the public regarding the new drug laws and the consequences of drug and alcohol abuse. To establish a unified effort, the task force acts as

a liaison between governmental departments involved in implementing the activities outlined in the Governor's *Blueprint for a Drug-Free New Jersey*.

During 1987 the task force, in conjunction with the Cabinet Working Group on Drug Abuse, developed a package of priority programs to implement the demand reduction policies outlined in the *Blueprint*. The programs, funded through federal and state allocations, include comprehensive drug and alcohol abuse programs and specialized treatment services for youth; a statewide clearinghouse to provide substance abuse resources; education and training programs for students, education personnel and local substance abuse coordinators. Agencies involved in these priority programs and overall coordinative approach include the Departments of Health, Education, Higher Education, Human Services, Corrections, and Law and Public Safety.

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## **Drug and Alcohol Study**

An essential component of the state's narcotics program, in particular, the demand reduction program, is evaluation. Reliable information is necessary to assess whether or not our education programs are successful. The Drug and Alcohol Study and the report which publishes the results of the study provide invaluable, factual information with which to document the extent of the drug use problem, changes or trends in substance abuse patterns in our high schools and feedback about the strengths and weaknesses of New Jersey's substance abuse program.

## **New Jersey High School Survey Drug and Alcohol Use**

### ***What is the high school drug and alcohol study?***

The study is a survey to gather information about the extent of drug and alcohol use among New Jersey high school students. Information is gathered regarding the types of substances students use, the frequency and patterns of abuse, and student attitudes regarding the use of drugs and alcohol.

### ***Who conducts the study?***

The study is conducted cooperatively by the Department of Law and Public Safety and the Departments of Education and Health.

### ***How is the survey conducted?***

A sample of public high schools is carefully selected to accurately represent the overall high school student population in New Jersey. An accurately selected sample allows for valid generalization of the survey results to all public high schools in New Jersey.

### ***When is the survey conducted?***

The most recent survey was administered in 1986. The survey was initially conducted in the fall 1980, and again in the fall of 1983.

### ***How is the information used?***

Survey findings are used to gauge the nature and extent of drug and alcohol use among high school students. Survey results document trends or changes in substance use as well as student attitudes or perceptions regarding the use of drugs and alcohol. The survey generates information used to refine prevention and treatment programs and serves as a resource for professionals in substance abuse education, prevention and treatment fields.

### ***How are the results reported?***

The survey report, *Drug and Alcohol Use Among New Jersey High School Students*, is published every three years by the Department of Law and Public Safety. Survey findings are organized in terms of prevalence of substance use and student attitudes and patterns of substance use.

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## Public Interest Activities

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Public interest in criminal justice and law enforcement ranges from police protection and public safety services to the enforcement of our criminal laws and prosecution of criminal offenders. Activities which improve the criminal justice system and ensure effective law enforcement and quality police services are of primary concern. Activities benefitting the public in general and the quality of life in New Jersey include the investigation of criminal offenses such as organized crime and racketeering, antitrust violations, economic crime and corruption, tax evasion, crimes against publicly-funded programs such as medicaid and unemployment insurance, narcotics violations and environmental pollution. Those activities directly impacting and benefitting victims and their families include investigations concerning institutional abuse, victim-witness advocacy, and the development of standards and guidelines for investigating sensitive crimes.

To enhance services and assistance provided for victims and witnesses statewide, the Division's Office of Victim-Witness Advocacy works closely with county prosecutors' offices to implement and expand program services. A system by which to document and monitor the delivery of victim-witness services statewide was established to assess ongoing assistance, service and funding needs. Moreover, Attorney General standards were developed to ensure the rights and services for victims guaranteed by statute. These standards were developed in recognition of the trauma experienced by victims and to reduce the inconveniences associated with the criminal justice process. To further the awareness of the plight of victims and witnesses and the significance of assistance services, the Division and Violent Crimes Compensation Board commemorated Victims' Rights Week and co-sponsored the fourth annual Crime Victims' Rights Week Seminar.

To target tax evasion and fraud, the Division assisted in drafting a tax amnesty bill and criminal enforcement bill. To recoup monies lost due to tax evasion and encourage violators to come forth, tax evaders were provided amnesty from criminal

prosecution from September to December 1987. To deter further violations, the enforcement bill imposed harsher penalties in terms of imprisonment and fines for criminal tax violations. Both bills were designed to enhance public awareness of the problem of tax violations, provide an inducement to pay delinquent taxes, increase state revenues and introduce strict sanctions and effective remedies to prosecute tax matters and enforce tax laws. In conjunction with these legislative initiatives, the Division's Tax Evasion Unit planned for expansion to initiate a broader program to target tax violations, including corporate and income tax evasion, as well as trust fund violations such as sales tax, withholding taxes and motor fuel taxes.

The increasing problem of falsification of insurance claims is perpetuated from within and outside the industry—by insurance brokers, adjusters, doctors, lawyers, auto-body shops, other businesses and individuals insured. In response to heightened awareness of the detrimental impact of insurance fraud on the insurance industry and in particular, on the public, the Division initiated plans to develop a program to address this problem. Direct losses incurred from insurance fraud are covered through higher insurance rates and higher consumer rates. Indirect damages result from the loss of the public's confidence in the insurance industry and law enforcement, in particular when such fraud is not vigorously investigated and prosecuted.

Civil statutes and remedies have been successfully utilized and effective in conjunction with antitrust violations, as well as other types of civil violations and criminal violations. In conjunction with criminal sanctions, civil remedies provide additional tools for enforcement, deterrence, prosecution and punishment. Use of civil remedies makes the economics of unlawful activity unattractive by removing the proceeds of crime or other illegal actions from the offender. Antitrust investigations involving unreasonable restraints of trade and civil sanctions are used to safeguard consumers, public agencies and private businesses from anti-competitive practices such as monopolization and price fixing.

In mid-1987, the Division's RICO Unit was renamed and organizationally realigned. The realignment reflects the unit's expanded responsibilities. In addition to civil actions in conjunction with organized crime and racketeering activities, the unit has assumed all civil functions of

the Division (except antitrust enforcement). The unit works both pro-actively and in cooperation with Division investigative sections to utilize civil remedies. Its tools include the civil sections of the state Racketeering Act, the general civil forfeiture statute, and a number of common-law actions. Unit activities and actions frequently involve racketeering and narcotics cases.

## Environmental Activities

During the past year, the Division continued its environmental activities and initiatives, particularly in the areas of water pollution and hazardous waste disposal. A new area in which the Division has become increasingly concerned is air pollution.

The most notable concern of 1987 was the major garbage and debris washup when a fifty mile stretch of shoreline became littered with hazardous waste products, including used syringes, hypodermic needles and large pieces of pier pilings. The Environmental Prosecutions Section invested enormous resources to investigate the source of the garbage and debris. In addition, representatives of the Attorney General, including Division of Criminal Justice representatives, met with New York City officials concerning the source of the waste. Evidence was presented which pointed to the Southwest Incinerator in Brooklyn as a major source of the pollution. Subsequently, a court-supervised consent order designed to improve garbage disposal practices in the New York Harbor was issued.

In a separate area of environmental concern, the Division, through its Environmental Prosecutions Section, presented evidence to the State Grand Jury concerning the abandonment of hospital and medical waste. The evidence provided over a ten-month period also concerned the problems of proper disposal of this waste. The resulting grand jury presentment recommended sweeping changes in the way New Jersey handles and disposes of



*State investigators participate in hazardous waste practicum.*

hospital and infectious waste. The presentment also concluded that current regulations for the disposal of such waste are insufficient to protect the public, health-care workers and waste haulers.

The Division administers and serves a leadership role on the federally-funded, multi-state Northeast Hazardous Waste Project. This project targets the environmental problems through its information and resource sharing activities, training and educational programs and technical assistance. The project, comprised of 14 states, represents a major cooperative effort to identify and eliminate illegal hazardous waste management—handling, storage and transportation. A centralized integrated information bank allows interface capabilities among participating states and facilitates the exchange of technical and investigative information. The project provides technical assistance services, conducts public educational and law enforcement training, and operates a newly-created video training center. Training activities encompass basic and advance hazardous waste regulation and investigation for regulatory personnel, reuse and recycle regulations, search and seizure laws, and federal Superfund amendments. During this past year, the project began researching and developing plans to address the handling and disposal of infectious waste generated by hospitals and other health-care facilities throughout the Northeast.

# Investigations and Prosecutions

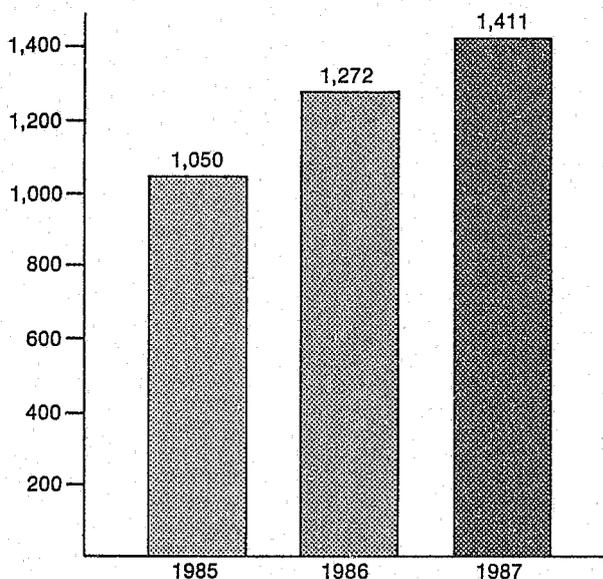
Any criminal justice system is an apparatus society uses to enforce the standards of conduct necessary to protect individuals and the community. It operates by apprehending, prosecuting, convicting and sentencing those members of the community who violate the laws. For these reasons the Division of Criminal Justice has established sections and units which are charged with investigating and prosecuting those individuals responsible for criminal and civil violations. Thus, Antitrust, Casino and Environmental Prosecutions Sections, Major Fraud, Medicaid Fraud, and Tax Evasion Sections, the Narcotics Task Force Bureau and Organized Crime and Racketeering Bureau demonstrate the varied areas of Division investigations. In all, 1,411 investigations were opened division-wide and 1,245 were closed during 1987.

## Division of Criminal Justice Investigations\* Work Volume 1987

Section/Unit/Task Force	Investigations	
	Opened	Closed
Antitrust, Program Integrity	77	59
Casino Prosecutions	356	389
Environmental Prosecutions	79	91
Institutional Abuse	192	181
Major Fraud	207	207
Labor	16	21
Medicaid Fraud	71	59
Narcotics	141	60
Organized Crime & Racketeering	175	161
Tax Evasion	97	17
<b>DIVISION TOTAL</b>	<b>1,411</b>	<b>1,245</b>

\*In addition, the Litigation Section opened 148 investigations and closed 238 investigations in state grand jury and county supersession matters. The Labor Unit opened 280 municipal court unemployment fraud matters and closed 344. The RICO and Civil Remedies Unit opened 40 cases and closed 19.

**Division of Criminal Justice  
Investigations 1987**



During 1987, the Division opened 1,411 investigations, an 11% increase from 1986 and a 34% increase from 1985.

Those matters for which the Division conducts the original investigation and which are determined to warrant referral for indictment are generally channeled through the State Grand Jury. During 1987, 112 State Grand Jury indictments or accusations were filed charging 358 defendants.\*

The Office of State Grand Jury Review was established this past year to oversee and review substantive and procedural matters prior to being presented to the State Grand Jury or any county grand jury. The new office will ensure that presentations to the grand jury are conducted in a manner which assures that all indictments are based on sound legal support, have a firm factual basis, and are conducted according to procedures which are consistent with the requirements of law and enhance chances of a successful prosecution. To accomplish this, the office will review the procedures under which presentations to the grand jury are conducted, develop guidelines and conduct training as needed. During 1987, 28 state grand juries convened for a total of 297 grand jury sessions.

The majority of indictments returned by the State Grand Jury are subsequently prosecuted by the Division's Litigation Section. Post-indictment litigation responsibilities include pre-trial motions, pre-trial intervention applications, plea negotiations and trials. Defendant dispositions, convictions and

\*Indictment and complaint charges are accusations of violations and defendants are presumed innocent until proven guilty.

guilty pleas were obtained in matters ranging from violent crime and drug offenses to official misconduct and economic crimes.

County suppression matters encompass another main area of prosecutorial activity for which the Division, in particular the Litigation Section, is responsible. Such cases are referred to the Division by county prosecutors' offices if they involve an apparent or actual conflict of interest. Utilizing county grand juries, 309 indictments or accusations were filed charging 409 defendants in county supersession matters and other Division cases.

During 1987, as a result of Division prosecution activities 577 defendants charged by indictment or accusation reached final disposition. Of those defendants whose cases were disposed, 71 percent were convicted through either plea or trial and 25 percent were accepted into diversionary programs. The remaining 4 percent were disposed through acquittal or dismissal of charges. In all, 96 percent were successfully prosecuted.\*

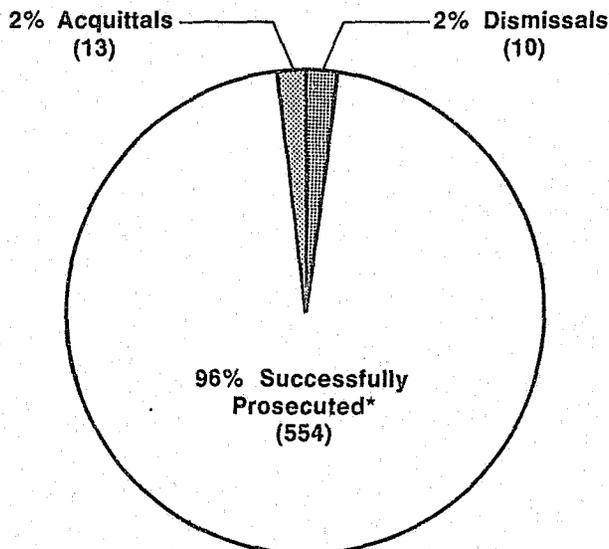
### Division of Criminal Justice 1987 Grand Jury Activities

	Indictments/ Accusations	Defendants
State Grand Jury Activity	112	358
County Grand Jury Activity	309	414
TOTAL	421	772

Note. Includes all Division Investigative sections and the Litigation Section.

### Organized Crime

**Defendants with Indictments/  
Accusations Disposed by  
Manner of Disposition 1987**



The Organized Crime and Racketeering Bureau aggressively pursues and investigates significant organized and conspiratorial crimes and official corruption. Civil forfeiture suits are frequently filed by the RICO Unit in conjunction with criminal racketeering investigations.

- During 1987, the Division's Organized Crime Bureau headed an investigation which resulted in the indictment of the "Iceman." Richard "Iceman" Kuklinski was charged with murdering five men during a four-year period and planning the robbery and murder of a federal Alcohol, Tobacco and Firearms agent. The murder victims were prior accomplices of Kuklinski and were allegedly killed to assure their silence about their criminal activities, including plots to rob and kill, theft, forgery, weapons offenses, witness intimidation and racketeering. As a result of an undercover operation, Kuklinski was arrested and subsequently indicted.
- Based on an organized crime investigation, 16 members of the Boiardo regime of the Genovese Crime Family were indicted on charges of racketeering, loansharking, gambling, arson and theft in the scheme that took in more than \$20 million a year. The defendants were charged with laundering racketeering proceeds through real estate investments and arranging for a dentist to allow them to steal \$3 million

\*Includes those cases where the defendant was convicted through plea or trial, as well as those cases where adjudication was withheld on the presumption of no further offense being committed.

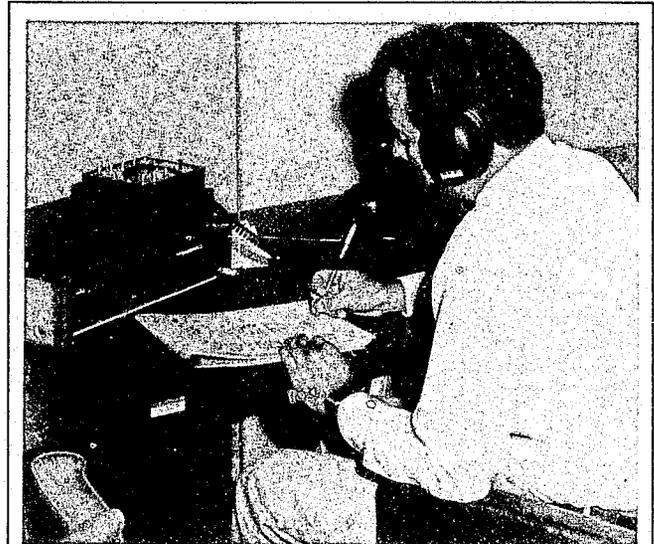
from a mob-controlled health plan. The indictment also seeks the forfeiture of assets valued at nearly \$30 million.

- As a result of "Operation Tigershark," Nicodemo Scarfo and 12 members of the Bruno/Scarfo organized crime family from Philadelphia and Atlantic City were indicted on charges of racketeering, loansharking and murder. The indictment charged nine murders, including that of a New Jersey municipal court judge. A substantial amount of the evidence was provided by a former "capo" of the Scarfo family.
- Another major undercover investigation, "Operation Cheers," resulted in a racketeering indictment against 11 defendants. Defendants, including some associates of the Genovese crime family, were charged with loansharking, gambling, narcotics distribution and promoting prostitution as activities of the racketeering enterprise. The case involved a long-term operation whereby a state police detective, as an undercover agent, gathered evidence during his association with leaders of the racketeering enterprise.
- A 116-count indictment was returned by the State Grand Jury charging 16 individuals and 11 trucking firms in a wide-ranging racketeering conspiracy. The charges concerned a conspiracy between New York haulers seeking an economical way to dispose of construction debris and New Jersey public officials who sold for their own profit the public interest to out-of-state haulers. As part of the racketeering charges, the state seeks the forfeiture of 29 trucks, three automobiles and over \$1 million in cash allegedly generated by the illegal enterprise. In addition, the state filed 11 civil actions seeking forfeiture of \$800,000, 28 one-ounce gold coins, 18 heavy tractors and trailers, two automobiles and other miscellaneous assets.
- Two South Jersey men were indicted on charges of endangering the welfare of a child after conspiring to sell a four-year old girl for \$100,000. The child's mother was killed in an auto accident in 1984. Defendants are the child's father and a co-conspirator.

## Narcotics

The Statewide Narcotics Task Force, working in close cooperation with other state, county, local and sometimes federal law enforcement agencies, completed several major investigations.

- In a major investigation conducted in cooperation with Hunterdon, Warren, Sussex and Burlington County Prosecutors' Offices, 36 defendants ranging from age 14 to 26 were arrested and charged in 50 separate drug violation incidents. This operation, intended to deter young people from violating drug laws, is the first of its kind since the new, tough drug law was enacted.



*State investigator reviews electronic surveillance intercept case information.*

- Defendant Lloyd was indicted on 26 counts involving the operation of a drug distribution racket that generated up to \$40,000 a week from the sale of cocaine, methamphetamine and marijuana. He is charged with involvement in major distributions throughout southern New Jersey during the period 1984 through 1986. Since the operation was classified as a racketeering enterprise, the defendant was charged under the RICO statute and property acquired through illegal activities is subject to forfeiture.
- In *State v. Henderson, et al.*, an intensive investigation by the Narcotics Task Force uncovered a methamphetamine laboratory and recovered several pounds of pure methamphetamine. In addition to the criminal prosecution, forfeiture action has been instituted against monies, vehicles and buildings used in the laboratory operation.
- In *State v. Lettera, et al.*, a major Mercer County cocaine distribution network was disrupted with the arrest and subsequent indictment of Anthony Lettera and 18 codefendants, including one local police officer, on charges of illegal transportation and sale of narcotics.
- *Operation Kingpin*, a joint federal-state investigation, uncovered the largest Colombian cocaine network ever discovered in New Jersey. Twenty-one defendants were charged with distributing up to 904 kilos of cocaine within a one-week period throughout northern New Jersey and metropolitan New York. The defendants regularly used cellular mobile telephones to discuss their narcotics sales because they felt this type of telephone could not be tapped.

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## Civil Racketeering Cases

In addition to pursuing traditional criminal prosecutions, the Division pursues civil prosecutions. In mid-1987 RICO Unit responsibilities were expanded to include not just civil actions in conjunction with organized crime and racketeering activities, but all civil functions of the Division except antitrust matters. The newly-aligned RICO and Civil Remedies Unit works pro-actively as well as in close cooperation with the various criminal investigative sections.

- During 1987, forfeiture matters sought recovery of more than \$1 million in cash, 19 heavy trucks and trailers, 14 cars and vans, more than 1,000 shares of various stocks, and 28 gold Panda coins. Underlying crimes included narcotics, racketeering, bribery, extortion, theft, and environmental offenses.
- A significant civil racketeering matter sought to compel two alleged "fronts" and a South Jersey organized crime leader to deed, to the state, the title to an expensive residence in Florida and a 40 foot cabin cruiser. The alternative sought was a civil penalty against all three defendants in an amount up to three times the value of the assets.

## Environmental Prosecutions

In an effort to fight environmental crimes, the Division aggressively prosecutes persons who illegally dispose of or discharge hazardous wastes and endanger the state's environment.

- In a matter involving unlawfully risking injury, a corporation and the supervising manager pleaded guilty to manslaughter for causing the death of a sewer worker. The death was the result of illegal discharge of hazardous waste into the sewers by Aero Plating, Inc. a metal coating company.
- In *State v. American Cyanamid Corp.*, the defendant pled guilty to an accusation charging 37 acts of negligent water pollution. The pollution stemmed from activities occurring at its Linden pesticide manufacturing plant. The \$900,000 fine imposed represents the largest fine assessed in a New Jersey environmental case.
- A significant environmental investigation, conducted with assistance from the Monmouth County Prosecutor's Office and Aberdeen Police Department, involved the abandonment of 80 drums and other containers of hazardous waste, flammable and toxic materials at three Central Jersey sites. The New Jersey Transit Railroad was closed and a portion of Aberdeen Township was evacuated during the clean-up process. The defendant, Elastomers Limited, Inc. and

codefendants were charged in an 11-count indictment with illegal disposal of hazardous waste, water pollution and conspiracy to release and abandon hazardous waste. The investigation revealed that one defendant allegedly paid a codefendant a small cash sum to have the drums of hazardous waste dumped illegally rather than pay the expensive costs associated with proper disposal.

- In *State v. Dennis Kelly*, defendant was indicted on charges of attempted theft by deception, unlawfully engaging in solid waste collection, and improper disposal of infectious hospital waste picked up from the Philadelphia Veteran's Administration Hospital. Instead of incinerating the hospital waste, for which he was paid, the defendant allegedly transported the materials to New Jersey and repacked the "red bag" waste into other garbage bags with the intent of disposing the materials as ordinary garbage. The investigation, conducted by the Division, was initiated when the United States Secret Service uncovered information of possible violations during the course of an unrelated investigation.
- Defendant, McGraw-Edison Company, pled guilty to unlawful discharge of pollutants and was fined \$300,000. The case involved illegal discharge of hazardous waste and chemical by-products from two Essex County manufacturing facilities. The fine will be forwarded to the Environmental and Occupational Health Science Institute of the New Jersey University of Medicine and Dentistry to conduct environmental pollution research.

## Major Fraud

During 1987, the Major Fraud Section successfully investigated and prosecuted a variety of financial crimes, including insurance fraud, bank fraud, securities fraud and fraud against the state or involving state agencies.

- A state grand jury indictment was returned against Roger (Doc) Fields, an East Orange businessman and head of R.D. Fields Enterprises, Inc. Defendant was charged with defrauding three New Jersey banks of over \$1.3 million. Fields allegedly pledged property which he did not own for collateral for loans. He is also charged with falsifying mortgage documents relating to the collateral and passing worthless checks totalling \$118,000.
- A 21-count state grand jury indictment was returned charging Kobrin Securities, Inc., its president and one of its former salesmen of mishandling more than \$2 million of investors' funds to generate commissions by the sale of penny stocks. The indictment charged that securities were purchased and sold without permission or notification to investors. Allegedly, instructions given by investors were disregarded and misrepresentations were made regarding the economic strength of certain stocks to induce additional investments.

- In *State v. R.K.D. Oil, Inc., et al.*, defendant Daniel Jackson, the chief executive officer of R.K.D. Oil, is charged with fraudulently obtaining \$5.6 million line of credit from a Maryland bank by misrepresenting the amount of fuel oil held in the company's inventory. R.K.D. Oil is also charged with fraudulently obtaining \$284,000 from Barry Lee, Inc. by billing for fuel oil never delivered. In a separate but related indictment, John Marsh, a former councilman and mayor of Rahway, was charged with soliciting and accepting kickbacks for purchasing oil from R.K.D. while employed as Cosmair, Inc. plant manager. Additional charges included commercial bribery, misconduct by a corporate official and conspiracy.
- An indictment was obtained against the leader and two prominent members of a group called Circle of Friends. Charges included conspiracy and theft by deception from the New Jersey Higher Education Assistance Authority. The group leader, George Jurscek, while preaching that education is worthless, reportedly instructed group members to apply for student loans, attend college only until student status was established, and turn loan proceeds over to Circle of Friends.
- Defendant Joseph Guarino waived indictment and pled guilty to an accusation charging theft by deception and conspiracy in a real estate fraud scheme. Beginning in 1969 Guarino, doing business as Green Acres Estates, sold hundreds of undersized lots in Burlington and Cumberland Counties to low income individuals from urban areas, misrepresenting that buildings could be constructed on the property. Guarino was ordered by the court to reimburse 64 buyers a total of \$164,000 plus interest.

## Casino Prosecutions

The Division's Casino Prosecutions Section is responsible for investigating and prosecuting criminal activity which occurs within the licensed casinos in Atlantic City or impacts upon or involves the casinos.

- During 1987, an 81-count Indictment was obtained charging 15 defendants in New Jersey and California with participating in a scheme to tamper with progressive slot machines between 1981 and 1984 at three Atlantic City casinos. The group, led by alleged organized crime figures, were charged with racketeering as well as various theft, perjury, tax and cheating charges. The scheme involved a mechanic who was used to align winning combinations on progressive slot machines resulting in winnings of over \$500,000.
- In *State v. Wing, et al.*, the State Grand Jury indicted 14 defendants from Hong Kong, Canada and California for illegally winning \$2.7 million in two nights at the Caesars and Sands casinos. Defendants, taking advantage of a transparent shoe, using a wrist reflector and dealing seconds, significantly increased their odds of winning. Defendants' activities were detected by a recognized

expert and digitally enhanced videos. Indictment charges include theft by deception, cheating at casino gambling and possession of cheating devices. The investigation, coordinated by the Casino Prosecutions Section and Division of Gaming Enforcement, was conducted in cooperation with the casinos as well as international and federal law enforcement agencies.

- In two unrelated indictments, *State v. Italiano, et al.* and *State v. Leosi, et al.*, defendants were charged with accepting money in return for falsely rating a player. As a result of the false rating given, the players received special or compensatory treatment. In one instance, "comps" received were valued at \$22,000.

## Medicaid Fraud

The Medicaid Fraud Section investigates and prosecutes fraud committed by health-care providers in the federal/state-funded medicaid programs as well as neglect or abuse of patients in medicaid-funded facilities. The section receives referrals and information concerning violations and works in cooperation with the Division of Health Facilities Inspections, Department of Health, and the Office of the Ombudsman for the Institutionalized Elderly.

- A Long Branch dentist was indicted on 23 counts of medicaid fraud as a result of billing for work not completed or permitted under the medicaid program. He was also charged for billing for work not medically necessary.



*State investigators confer on medicaid fraud case.*

- Defendant Lopez, Spanish Home Care, Inc., and Spanish Home Care Corporation were indicted on charges of medicaid fraud (over \$71,000), theft by deception (over \$51,000) and misconduct by a corporate official. The corporations were charged with failing to provide certified aides after contracting with home health agencies to provide such to medicaid recipients. Defendant Lopez subsequently pled guilty to medicaid fraud. Both corporations pled guilty to theft by deception.
- Convictions on two indictments were obtained against Francis Scullion, R.N., and Director of Nurses at Bel Air Manor Nursing Home for perjury and falsifying records. The pleas were the result of an extensive investigation into allegations of patient abuse at the nursing home.

## Tax Fraud, Unemployment Fraud and Labor Violations

Tax fraud and unemployment fraud, both directly damaging to the state and indirectly damaging to consumers, are areas of many significant investigations and prosecutions. Tax fraud defendants were charged with failing to turn over sales tax money (misappropriation of entrusted property of the state government), failure to file corporate tax returns, keeping false and fraudulent books and records, and income tax evasion.

- In *State v. Software Station, Inc., et al.*, an indictment was returned charging defendants with theft of approximately \$80,000 sales and withholding tax collected but not remitted.
- A certified public accountant, Levin, was indicted and charged with income tax evasion by failing to file and pay New Jersey state taxes.
- Defendants, Fitzgerald and Wholesale Warehouse, Inc., pleaded guilty to misapplication of sales tax which totalled approximately \$122,850. The sales tax was collected but not remitted.
- In *State v. Georges Auto Body Shop*, the defendant was convicted at trial and received \$1,880 in fines and penalties including the maximum \$1,000 fine for employing a minor in a prohibited area. The case involved the death of a 16-year old minor in an explosion ignited by an arc welding tool. This represents the third Child Labor Law case handled by the Division in the past year in which a minor was killed.

## Institutional Abuse

The area of institutional abuse and related matters have received significant investigative effort. Major cases for 1987 include the following:

- A former corrections officer at the Skillman Training School was indicted on charges of supplying controlled dangerous substances to juvenile inmates over a period exceeding one year. Defendant Gray pled guilty to official misconduct and distribution of controlled dangerous substances and was sentenced to a five-year prison term.
- Defendant Martin, formerly an Ocean County youth aide/juvenile detention officer, was convicted following trial of official misconduct and sexual assault.
- In *State v. Donges*, the defendant pled guilty to sexual assault after he admitted touching third grade girls while serving as a school teacher. Donges, found to be a repetitive and compulsive sex offender was sentenced to a five-year term at Avenel Adult Diagnostic and Treatment Center and was declared permanently disqualified from public employment or office.
- Two defendants, Shaver and Siccone, pleaded guilty to separate indictments charging the sexual abuse of children under age five while they were employed at the Bloomfield Day Care Center. Both defendants were sentenced to ten-year terms of incarceration.
- Defendants Helen and George Bradway and their 28 year old son were indicted by the State Grand Jury and charged in multiple counts with the sexual abuse of three foster children in their care.

## Antitrust

The Antitrust/Program Integrity Section is responsible for enforcing the state's antitrust laws and examining allegations of waste, fraud and corruption in the public sector.

- In the *Minolta* antitrust litigation, the state settled resale price maintenance claims with the Minolta Corporation. As a result, over 3,000 New Jersey consumers received rebate checks of either \$15 or \$8 depending on the type of camera (Minolta Maxxum 7000 or AF-Tele) purchased during the period of the antitrust violation. The antitrust action charged the Minolta Corporation and its dealers with setting minimum prices for cameras.
- In *State v. Lums Custom Builders* several defendants were sentenced to terms of incarceration as a result of convictions on indictment charges including antitrust violations, bid-rigging, theft by deception and official misconduct. Defendant Elzye Minter, the former head of the state's low income weatherization program within the Department of Community Affairs, was sentenced for official misconduct. Additional defendants were sentenced on charges of restraint of trade and theft by deception.

## Litigation

The Litigation Section is responsible for prosecuting most significant Division cases for which indictments have been returned. This section also handles county supersession matters.

- Of significance during 1987 was the Raymond Caramanna case. Caramanna, a former New Jersey state police detective, was assigned to the detail of protecting organized crime informant Thomas Delgiorno and his family. Delgiorno, a member of the Philadelphia based Bruno/Scarfo organization, was placed in a protective custody program when he indicated he would cooperate with state and federal authorities. In April 1987, after moving, the Delgiornos discovered that more than \$70,000 was missing. An intensive State Police investigation identified Detective Caramanna as the perpetrator of the theft. Caramanna entered a guilty plea to official misconduct involving the theft of the Delgiornos monies.
- In *State v. Manuel Sanchez, et al.*, Manuel Sanchez, the owner of two incorporated body shops, along with a secretary and a shop manager were charged with conspiracy, theft by deception, forgery and uttering forged instruments. The conspiracy charged covered a period of time from 1979 to 1982 and involved the theft of approximately \$250,000 from ten insurance companies. Defendants were charged in a 49 count state grand jury indictment and subsequently convicted by a jury.
- In *State v. Gonzales, Gracia and Muriedas*, defendants were charged with conspiracy and theft from a number of utility companies within the state. Defendants had tampered with gas and electric meters at over 90 businesses for approximately nine years. By "rolling back" the meters on a monthly basis, defendants unlawfully obtained over \$2 million worth of services. All defendants have entered guilty pleas. The key participant was sentenced to an eight-year prison term with a three-year parole disqualifier along with a \$15,000 fine.
- In a supersession matter, *State v. Guillermo Perez, et al.*, three defendants, all brothers, were indicted by a Hudson County grand jury and charged with the murder of another individual following a bar fight. Additional charges included weapons possession, possession of controlled dangerous substances and aggravated assault.
- A Bergen County grand jury indictment was obtained against defendant, Arthur Hoffman, an officer of the Bergen County District Court. Indictment charges were official misconduct and criminal trespass. Defendant is charged with illegally using his position as a constable to enter a woman's apartment and repossess her furniture without the court's permission. Defendant was denied admission into PTI and currently has an appeal pending in the Appellate Division on that issue.

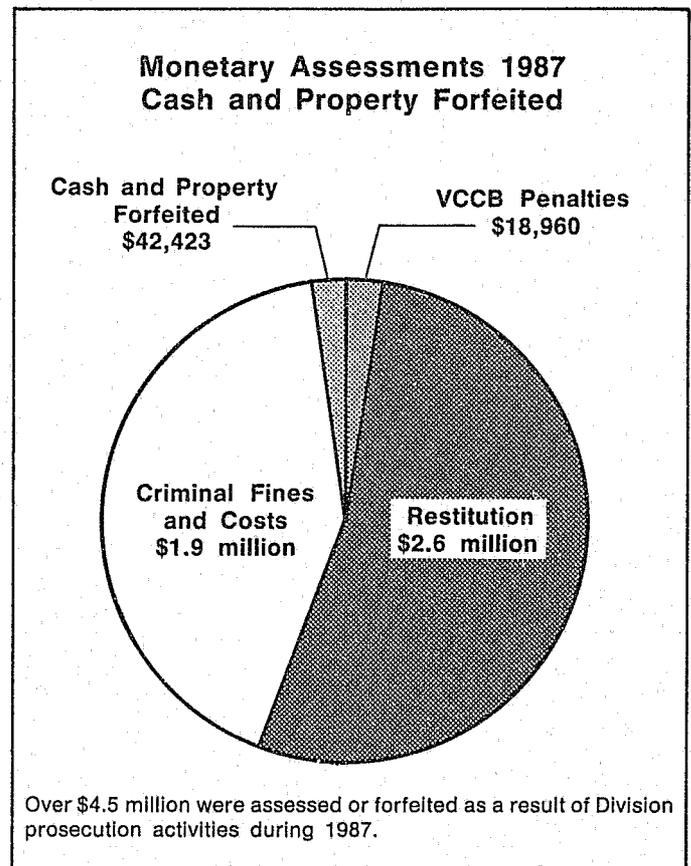
## Monies Assessed or Forfeited as a Result of Division Prosecution Activities

As a result of Division of Criminal Justice prosecution efforts and activities, over \$4.49 million were assessed against defendants during 1987. Each year the Division generates substantial recoveries for the state through criminal and civil fines, penalties and antitrust awards.

These monies offset not only Division operating costs, but also operating costs incurred by other levels of government. In addition, some monies are used to restore damages suffered by both government agencies and the public as a result of criminal activity and violations of New Jersey laws.

Criminal and civil fines and penalties are used to both punish violators of New Jersey laws and reduce the costs incurred by those citizens who pay for criminal wrongdoing through increased costs and losses suffered.

Of the total \$4,491,914 assessed this past year, \$1,865,435 represent criminal fines and costs, \$2,607,519 represent restitution and \$18,960 represent violent crimes compensation penalties.



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In addition to monetary assessments, the state obtained \$42,423 in cash and property through forfeiture actions filed under the racketeering act, the general civil forfeiture statute and other common-law statutes. Monies obtained through such actions will be used to fund additional law enforcement activities in the state.

## **Appellate Litigation**

The Division of Criminal Justice has statewide supervisory responsibility for the prosecution of all criminal appellate matters. Centralization of appellate litigation ensures consistent quality in the state's representation in criminal matters, uniformity in responding to issues and increased efficiency in preparing briefs. After reviewing all the plenary adult criminal appeals from the 21 county prosecutors' offices, the Appellate Section retains approximately 75% for prosecution. In addition, most plenary appeals within the Division are prosecuted by the Appellate Section. Deputy attorneys general from this section appear in criminal matters before all federal and state courts—the New Jersey Supreme Court, the Appellate Division of the Superior Courts, the Third Circuit Court of Appeals, the Federal District Court, and the United States Supreme Court, as well as state trial courts. During 1987, 2,145 appeals were opened, 1,866 appeals were disposed and 1,434 briefs were filed.

Of particular significance during 1987 are 29 appeals involving capital punishment. New Jersey re-enacted the death penalty in 1982. In March 1987, the New Jersey Supreme Court upheld the constitutionality of the death penalty in two murder cases, *State v. Ramseur* and *State v. Biegenwald*, but vacated the death sentence for legal errors. In addition to prosecuting appeals such as these, Appellate Section attorneys coordinate the application of the capital punishment statute throughout the state and provide advice and assistance to county prosecutors and Division trial attorneys.

## **Significant Criminal Appeals**

### **United State Supreme Court**

- The high court held that a prisoner's dangerousness and the State's likelihood of success on appeal are proper considerations

when evaluating whether a prevailing habeas petitioner should be released on bail. On rehearing, the Third Circuit vacated its judgment and remanded the Federal District Court for an evidentiary hearing. *Braunskill v. Hilton*.

- The Court denied the State's petition for review of the State Supreme Court judgment, which held that drunk driving and death by auto are not the "same offense" for double jeopardy purposes. *New Jersey v. Deluca*.

### **Third Circuit Court of Appeals**

- The Court upheld the statutory provision for an inference of the absence of a gun permit if the defendant fails to produce the permit and affirmed the denial of habeas corpus relief. *McCandless v. Beyer*.

### **Federal District Court**

- The Court denied a writ of habeas corpus in a controversial case arising from the murder of a police officer. *Landano v. Rafferty*.

### **New Jersey Supreme Court**

- **Sentencing.** A series of major opinions established strict guidelines and technical requirements for sentencing. *Hartye, O'Connor, Kruse, Sainz, Weeks, Dunbar, and Miller*.
- **Drunk Driving.** The Court facilitated vigorous enforcement of drunk driving laws by settling a number of controversial issues, including rejection of the breathalyzer extrapolation defense and of the so-called "confusion doctrine" concerning defendants' misunderstanding of their rights when breathalyzer and *Miranda* warnings are provided simultaneously. *Tischio, Keavitt, Mulcahy, Wright, and Stever*.
- **Inevitable Discovery.** In a major murder prosecution, the Court ruled, agreeing with the state, that the inevitable discovery theory justified the admission in evidence of the victim's body, which had been found after an illegal police eavesdropping of a lawyer-client conference. *State v. Sugar (III)*.

- **Diminished Capacity.** The Court upheld the constitutionality of the statutory defense of diminished capacity. *State v. Breakiron.*
- **Imperfect Self-Defense.** The Court confirmed that the New Jersey Legislature had abolished imperfect self-defense theory but held that such evidence may be admissible on the general issue of intent. *State v. Bowens and River.*
- **Independent-Source Rule.** The Court applied the independent-source rule to permit admission of evidence that had been subpoenaed by the Division, illegally seized by Illinois authorities, and then turned over to New Jersey authorities. *State v. Curry.*
- **Right to Counsel.** The Court adopted the test for determining adequacy of counsel set out by the United States Supreme Court in *Washington v. Strickland.* *State v. Fritz.*

### **Appellate Division**

- The Court affirmed the convictions arising from the murder of an infant by his mother and paramour. The Court upheld the televised testimony of a child witness, the tender-years exception to the hearsay rule and a separate sentence for child endangerment. *State v. Nicely and Bass.*

Significant pending matters concern such issues as the prosecution of Nicodemo Scarfo, the alleged organized crime figure; standards for evaluating whether prison officials are entitled to qualified immunity in a civil rights action; the constitutionality of the definition of criminal contempt; and which assaults may be considered lesser-included offenses of second-degree aggravated assault.

Appellate litigation and related activities provide the law enforcement and criminal justice communities with current useful information concerning the criminal law and procedure. These activities include production of publications and participation on various Supreme Court committees and other committees, in legislative initiatives, and in training and legal research.

- The *Criminal Justice Quarterly* is a compendium of legal articles addressing current criminal justice issues of particular importance.
- The *Criminal Law Digest* and its comprehensive supplements are excellent resources for handling emergent questions of law. The *Digest* has been widely acclaimed by prosecutors and judges.

## **Policy and Legislation**

The Division actively promoted a number of major policy and legislative initiatives during 1987, including those involving narcotics violations and drug abuse issues, distribution of forfeited proceeds of crime, and regulation of firearms. The Division, primarily through the Policy and Legislation Unit, develops and coordinates a number of diverse projects involving policy issues affecting criminal justice and statewide law enforcement. The Policy and Legislation Unit monitors all pending legislation that could affect Division operations, county prosecutors, substantive or procedural criminal law, or police administration. This entails preparing legislative analyses and testifying before legislative committees. In addition, the unit routinely identifies problems in the criminal justice system and devises innovative solutions to any litigation, policy or administrative problems that arise within the Division.

### **Narcotics**

In 1987, the Division's Policy and Legislation Unit personnel participated in several activities addressing illegal drug use and narcotics enforcement, including implementing a comprehensive strategy to attack illegal drug distribution and use. The plan facilitates enforcement of the Comprehensive Drug Reform Act, which the Division drafted. This act was unanimously approved by both houses of the Legislature, signed by the Governor and became effective in July 1987. The act incorporates all drug offenses into the New Jersey penal code, thereby facilitating uniform and predictable sentencing practices and enabling imposition of enhanced penalties for drug use. Moreover, the Division continues to be involved in legislative initiatives to further strengthen narcotics laws.

Policy and Legislation Unit members also participated in litigation directly involving narcotics policy statewide. A state trooper who was dismissed by the Division of State Police for illegal drug use challenged his dismissal, alleging that the drug-testing protocol used by the State Police was unconstitutional. This case has been certified to the New Jersey Supreme Court and will probably be argued in the fall of 1988.

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## **Firearms**

The unit's function as a liaison with other agencies included consultation with the Governor's office in Washington, D.C. on legislation that would prohibit the production and importation of firearms that are substantially non-metal and that are difficult to detect by current surveillance methods.

In the continuing debate concerning the future direction of New Jersey's firearms laws, the unit frequently confronted legislative opposition from firearms enthusiasts and developed and promulgated the Division's policy statement concerning firearms. The statement, which was presented to a special Assembly Judiciary Subcommittee on the Administration of the Firearms Statutes, included various suggestions for future legislative initiatives to strengthen gun-control laws.

In addition, the unit responded in the Federal District Court to a challenge to the constitutionality of the state's firearms statute.

## **Forfeiture**

The Policy and Legislation Unit was responsible for drafting and implementing the recently-promulgated administrative rules and regulations governing the division and distribution of forfeited property. The regulations were necessitated by changes to the forfeiture law requiring all forfeiture proceeds to be used exclusively for law enforcement

purposes. The regulations will ensure that forfeited property will be used and divided in a manner that will best enhance law enforcement efforts throughout the state.

The Division routinely assists in developing and teaching course curricula and in other public speaking engagements. In 1987, unit members helped design and deliver to corrections officers a course on arrest, search, and seizure and the use of deadly force by law enforcement officers. Unit members spoke to other groups, including probation officers, county treasurers, county purchasing agents, and juvenile officers on such topics as the new drug law, drug-testing standards, and forfeiture regulations.

## **Pending Matters**

Pending legislative initiatives include a comprehensive revision of the criminal assault statute, the criminal provisions of the Title 9 child abuse and neglect statutes, and laws governing medicaid fraud.

New initiatives include a comprehensive approach to environmental protection, including major revisions to and consolidation of the criminal provisions of the state's environmental laws and implementation of an Interagency Pollution Task Force. Other initiatives include development of a training program for civilian possessors of firearms.

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## **Research Activities**

The Division conducts and participates in various types of research projects which benefit the law enforcement community and the administration of criminal justice statewide. Such activities involve criminal justice issues and concerns; evaluations focusing on specific criminal justice programs and activities; statistical and quantitative analysis in connection with investigations, litigation or managerial activities; and legal issues having statewide impact or concern. Division staff also contribute analytic, research and evaluation skills to task force groups and criminal justice commissions.

These initiatives and involvement in research activities contribute to improvements in the administration of criminal justice and law enforcement, performance of members of the criminal justice community, and delivery of law enforcement and criminal justice services statewide. Division research addresses current and emergent issues, provides documentation of present practices and procedures, and evaluates the effectiveness or impact of existing programs and activities. Assessments and examinations are made of existing statutes and proposed legislation, court rules and

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procedures, as well as criminal justice practices and programs to determine their contribution to uniform and effective administration and enforcement of the criminal laws.

Research activities concern a broad range of issues: statewide investigative activities and prosecution trends; prison overcrowding and criminal sentencing practices; juvenile delinquency and prosecution. Specialized areas of research include capital punishment, electronic surveillance, police training and administrative issues, police civil liability, and drug and alcohol use among our state's youth.

Legal and procedural issues involving state statutes, proposed legislation, and court rules are specifically addressed by the Appellate Section, Policy and Legislation Unit, or other assigned attorneys. Significant legal and procedural issues which have been the subject of research include capital punishment, the constitutionality of drug testing, and the state firearms statute. Research in these areas involves monitoring all legal and scientific developments on the specific subject and analyzing of significant changes in current law.

With the exception of legal and related issues, the Research and Evaluation Section is responsible for most major research activities. In addition, the Police Services Section participates in research activities dealing with police and law enforcement issues.

The addition of a State Data Analysis Center to the Division has made statewide criminal justice data more readily available for use in Division research activities. In specific, the center contributes criminal case history data concerning specific crime categories, arrests and dispositions.

The Division, in conjunction with the State Association of Chiefs of Police, conducted a statewide survey to gather information regarding the experience and education of superior officers. Survey results were analyzed to assist in preparing for future law enforcement needs for qualified supervising personnel, including police chiefs, executives and other superior officers.

Recognizing the importance of relevant training, a study was designed to evaluate the mandatory Basic Course for Police Officers. The course had previously been re-designed to incorporate a Performance Objective System of Training (POST).

Functional units of instruction and specific training lessons based on the activities and tasks performed in the field. The study is designed to determine, based on trainee perceptions, the extent to which the basic course adequately prepared recruits to assume the duties and responsibilities of a sworn law enforcement officer.

An analysis of Police Training Commission survey data concerning police physical activity was completed. Results from a comprehensive survey of New Jersey municipal officers are being used to develop physical activity training standards realistically geared to their needs. Survey results provided information concerning the type of physical activity typically performed by patrol officers; how often these activities are performed; and the officers involved.

Four analytic papers documenting statewide prosecution efforts were issued based on data from county prosecutors' annual reports for 1986. These papers provide data on prosecutorial screening and grand jury activities; diversion activities; defendant dispositions; and juvenile intake and prosecution.

Faced with increasing numbers of lawsuits and growing concern for police civil liability issues, research was conducted to compile relevant case statistics regarding the nature and scope of civil lawsuits against police officers in New Jersey. Such lawsuits not only sometimes result in costly litigation, but also seriously affect police morale as well as the public's confidence in law enforcement. Data gathered will be analyzed to develop an understanding of the problem, the volume, nature and scope of lawsuits, the basis for action, and recurring circumstances. Insight gained from the analysis will be utilized to tailor training, inform police personnel of risks, and reduce the overall vulnerability to lawsuits.

Other significant research activities include: the statewide electronic surveillance reporting system which enables a meaningful assessment of the use of electronic surveillance based on the number and outcome of electronic surveillance investigations; the capital defendant reporting system which provides a current data base concerning those defendants eligible for the death penalty; and the newly-implemented annual drug and alcohol use surveys which will ensure continuity of data and facilitate the comprehensive high school survey conducted every three years.

## Training

Training activities and opportunities provide a means of preparing individuals for the jobs they perform, enhancing skills and improving performance. The Division develops, conducts and participates in a broad range of training activities, advocates training and education for career development and advancement, and promotes training programs for the statewide law enforcement and criminal justice communities. The design and implementation of current, relevant training programs are primary concerns. Likewise the development of and compliance with statewide guidelines and standards for law enforcement training are significant concerns. Such efforts and activities are undertaken to ensure higher standards of police performance and improve the administration of law enforcement as well as the delivery of law enforcement services.

The Training Unit within the Police Services Section provides a variety of training and related services to local, county and state law enforcement agencies, including municipal police departments, county prosecutors' offices and state agencies. Many of the training programs are designed to comply with the Performance Objective System of Training required by the Police Training Commission (PTC) and are offered through the PTC-certified Criminal Justice Training Academy.

During 1987, 4,643 law enforcement employees received training through both the Division and its PTC-approved Criminal Justice Training Academy. Training programs held throughout the year included:

- A biannual seven-week course for newly-hired state investigators and county prosecutors' investigators covering criminal law and investigative techniques.
- An annual investigation training course for police and fire personnel responsible for investigating arson.
- Statutorily-mandated firearms programs for state investigators and correction officers.
- A seminar for law enforcement personnel on the Comprehensive Drug Reform Act.



*Arson investigators participate in practical exercise during basic investigation course.*

- A basic prosecution course focusing on the function and structure of the criminal justice system.
- In-service training for state investigators regarding investigative procedures, arrest law and procedures, laws of search and seizure, and electronic surveillance law and equipment.

Other seminars are offered by the Police Services Section on topics such as financial crimes, financial manipulation analysis and civil liability for law enforcement personnel. During this past year, the Division's Training Unit developed and conducted crime analysis training for police personnel throughout the state. The project was funded through the State Law Enforcement Planning Agency (SLEPA). The training program, attended by police chiefs, covered contemporary concepts and benefits of crime prevention and defined the role of the police chief in developing and administering crime prevention programs and computer-based crime analysis courses for police officers. The SLEPA-funded project also incorporated computer-based crime analysis courses for police officers.

The Division, through its membership and leadership in the Northeast Hazardous Waste Project, participates in specialized training concerning relevant issues: hazardous waste inspection and enforcement, hazardous waste investigations, infectious waste disposal, reuse/recycle regulations, and sewer dumping. Training is provided to environmental regulatory and investigative personnel, criminal environmental enforcement officers, scientists and attorneys in the

northeast area. In addition, project staff assisted the Federal Law Enforcement Training Center develop and implement a national hazardous waste investigative training program and provided technical assistance to various non-member states in the West and Midwest attempting to establish similar regional projects and training programs.

Other specialized training delivered by the Division involved victim/witness issues. Training was provided for county victim/witness coordinators on program management, crisis intervention, crime prevention and public speaking. Also, assistant prosecutors, detectives and investigators, police recruits and special police officer classes received instruction on victim/witness rights.

Because of their advanced education and experience, Division employees are often called upon to instruct on criminal justice topics. To better prepare instructors on teaching and classroom management skills, courses are regularly offered on methods of instruction. The Division takes pride in the varied expertise of its many employees and applies this collection of knowledge to further law enforcement training throughout the state.



*Arson investigators, police and fire personnel attend Division of Criminal Justice course on advanced investigative techniques.*

## **Police Training Commission**

The Police Training Commission (PTC), established in 1961 by the Police Training Act, was created to develop and maintain training standards for municipal and county police officers in New Jersey. The staff functions and responsibilities of the commission are carried out by Division personnel assigned to the Police Bureau.

Working together, the Standards Administration Unit and Inspection and Compliance Unit within the Police Standards Section fulfill the requirements of the Police Training Act to develop, administer and evaluate the curriculums for mandatory basic training courses for police officers, county prosecutors' detectives and investigators, deputy sheriffs, county park rangers, special law enforcement officers, and arson investigators. The standards are developed by Division staff and, in turn, prescribed by the commission for specialized areas of training including firearms training for law enforcement officers, bank guards, nuclear energy security guards, and S.P.C.A. agents who carry weapons.

The PTC, through the Division's Police Standards Section, establishes minimum requirements for and certifies instructors, trainees who successfully complete courses, and police training schools. In conjunction with the development of standards and guidelines for various police training programs and related activities, the Inspection and Compliance Unit conducts audits, reviews and investigations to ensure compliance with the requirements set forth.

To accommodate the training needs of law enforcement officers throughout the state, several additional training schools were approved during 1987, as well as a number of satellite training facilities.

Courses administered by the Police Training Commission undergo revisions to ensure relevant, meaningful training for law enforcement personnel. New areas of instruction are added and refinements introduced as needed, including instructional material, performance objectives and measures. Many revisions are based on changes in the law. During this past year, a certification program was developed for police radar operators and instructors

who teach the radar operation course. Upon completion of the course, the Attorney General will certify operators who meet the criteria established by the PTC.

To ensure the value and suitability of the Performance Objective System of Training (POST) used for the Basic Course for Police Officers, plans to evaluate the program were initiated. The POST program, which relates specific training lessons to the activities and tasks performed in the field, will be evaluated in terms of whether it adequately prepared police recruits for their role as police officers.

Among other efforts to achieve the highest possible standards of professionalism and enhance overall efficiency and effectiveness of the criminal justice system, the PTC and Division are committed to encouraging and fostering higher education for police officers. To this end, PTC-program trainees are informed of educational opportunities, programs are developed to enable recruits to receive college credits for basic training, and information is provided to police officers and organizations about higher education opportunities.

## Administrative Functions and Records Management

Administrative and management responsibilities consist of support services to bureaus, sections and units within the Division. Operation level services are also provided to county prosecutors' offices, including the oversight of county confidential funds and budget development assistance. Administrative services are also provided to the Office of the State Medical Examiner and Commission to Deter Criminal Activity. These functions and services are primarily the responsibility of the Administrative Section or the Information and Records Management Section.



*State investigators attend DCJ self-defense training.*

Division fiscal responsibilities, supervised by the Administrative Section, include the implementation of the \$25.5 million budget for fiscal year 1988 and preparation of the \$31.5 million budget for 1989 as well as administration of the Office of the State Medical Examiner budget, Commission to Deter Criminal Activity funds and grant funds. State and federal grant funds totalling \$2.8 million are received from the State Law Enforcement Planning Agency, the United States Department of Health and Human Services, the United States Environmental Protection Agency, New Jersey Department of Environmental Protection, and the Office of Highway Safety. In addition, the Administration Section supervises the State Grand Jury budget and reimbursements from the New Jersey Department of Labor, the Department of Human Services, and Division of Gaming Enforcement.

The Administrative Section provides a variety of media and audio visual services to this Division as well as outside agencies. Such services include video projects and training, graphic arts, photographs, visual reports and displays. Media service staff assist in planning and developing training materials and video presentations and provide technical assistance and training in various aspects of media and audio visual techniques.

The Information and Records Management Section (IRMS) is responsible for maintaining the master name index of all Division of Criminal Justice matters, including those previously and currently under review. The section also maintains a

computerized system to monitor Division cases and to produce lists of pending cases as well as case status information for sections throughout the Division. In 1987, the Information and Records Management Section processed 3,103 new criminal justice matters. Maintenance of the Division's computerized case tracking system requires that section personnel continually update the status of Division cases with information concerning case openings, actions taken and case closings. The case tracking system, an automated name data base, enables easy access to Division cases to ascertain the case status or report new actions. This section is also assisting in the development of a similar case tracking system for Appellate Section records. This system is currently in the programming stages.

The Information and Records Management Section is responsible for screening all complaints of a criminal nature presented by individuals or referred from the Governor's Office, Attorney General or other state agency. As the Attorney General's representative in such matters, section investigators are responsible for handling a range of citizen complaints. During the past year, 2,548 such matters were handled by section investigators.

Other section responsibilities include: maintaining the Division's evidence system; monitoring the Division's drug testing procedures; disposing of confidential records and materials; maintaining and disseminating electronic surveillance and photographic equipment and providing training in the use of such equipment; maintaining the Division's fugitive tracking system; and providing indictment and conviction notification to concerned licensing and regulatory agencies.

Of significance during 1987, the section, in keeping with the Attorney General's Law Enforcement Drug Screening Guidelines, developed and instituted drug testing procedures for criminal justice trainees and new employees. Arrest processing procedures were updated as well as the Evidence Manual. Moreover, section personnel drafted a Division policy regulating the transportation of prisoners. Section personnel assisted in coordinating efforts to apprehend and extradite 15 fugitives, processed 32 expungement orders associated with Division cases, provided 270 notices of indictment or conviction, and processed 487 employee background investigations. Pre-employment background investigations are conducted for this Division, the Division of Law and county prosecutors' offices.

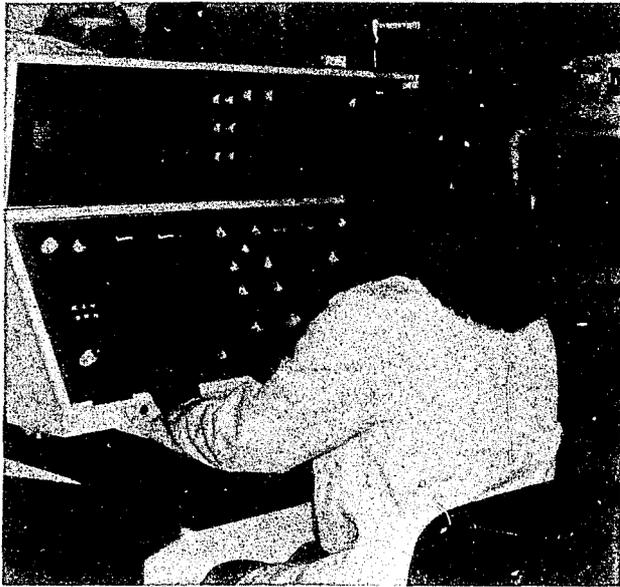


*Information and Records Management Section clerks file case materials regarding criminal justice matters.*

## Forensic Science

The Office of the State Medical Examiner is responsible for determining the cause and manner of all violent, suspicious and unusual deaths. To do so, the office conducts medical investigations of all known or suspected homicides, suicides, accidental, suspicious or unusual deaths, post-mortem examinations and autopsies, and forensic laboratory analyses. The office also monitors health situations which threaten public safety and conducts medical research involving related issues. Currently, the Office of the State Medical Examiner is actively engaged in several important research projects, for example:

- "AIDS, Retrospective and Prospective Analysis." All cases referred to this office (3000 per annum) are tested for AIDS virus.
- "Young Hearts in the 80's." Study of cardiovascular status in age group 15 to 39, particularly cardiac pathology of drug abuse, coronary artery disease and neuropathology in the young.
- "Defense Mechanism in Humans." The study of voluntary v. involuntary defense wounds in assault victims.



*Forensic spectroscopist injecting blood extract into a mass spectrometer to determine the presence of drugs.*

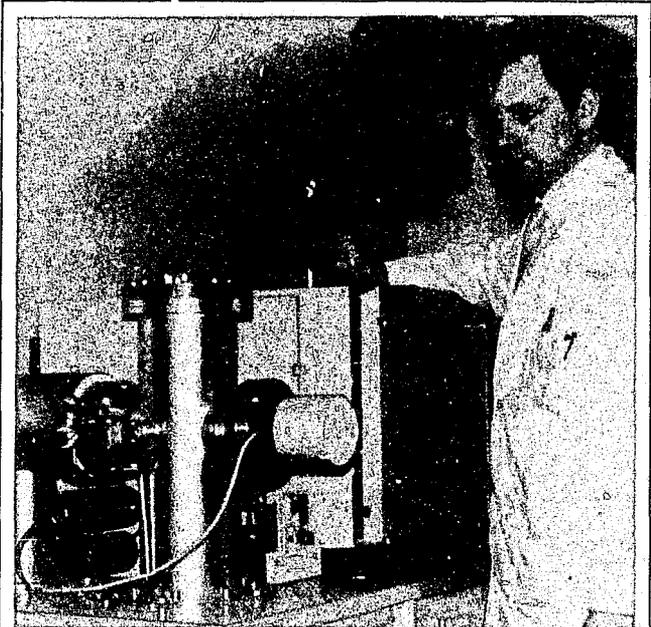
During 1987, the computerized Laboratory Information Management System (LIMS), consisting of two minicomputers and customized software, became fully operational. The LIMS package is the first step towards total computerization of the state medical examiner's office. Automated procedures and computerization along with the continued use of specialized high-tech equipment, such as the scanning electron microscope, enhance laboratory services and output, analytic capabilities, office administration and case management.

Over the past year 1,628 forensic autopsies were performed at the state medical examiner's facility located in Newark. Of those, state personnel performed 822 autopsies, supervised 806, and viewed and certified 519 autopsies.

In addition, the state medical examiner staff investigated 7,112 deaths, reviewed 3,178 county autopsies and 16,487 county investigations, and completed 4,192 toxicology examinations.

In addition, the state medical examiner supervises all county medical examiner offices and provides professional and technical assistance to these offices as well as law enforcement agencies. To assure quality medical examiner services statewide, pathology standards are established as well as standards dealing with medical examiners' qualifications. The state office promulgates rules and regulations to ensure compliance with the Medical Examiner Act and monitors compliance with both that act and the Administrative Code. Moreover, when appropriate the state medical examiner supersedes in the operations of the county medical examiner's office. During 1987, supersession of operations in Essex and Hudson Counties continued.

The Office of the State Medical Examiner performs exceptional services such as reconstructing a human face from skeletal remains for identification purposes. Forensic services and toxicological examinations are conducted daily. Using bone fragments, the resident anthropologist routinely determines the age, sex and race of victims.



*Forensic microscopist operates a scanning electron microscope and image analyzer measuring metal elements in bone fragments.*

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## **Statistical Summary and Supplemental Information**

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## Defendant Indictments 1987

<u>Section/Unit/Task Force</u>	<u>Total</u>	
	<u>Ind/Accus.</u>	<u>Defendants</u>
Antitrust, Program Integrity	4	9
Casino	245	366
Environmental Prosecutions	34	69
Institutional Abuse	19	25
Major Fraud	20	28
Medicaid Fraud	11	16
Narcotics	26	78
Organized Crime & Racketeering	31	137
Tax Evasion	8	16
Trial	13	18
Unemployment Fraud/Labor	10	10
TOTAL	421	772

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## Defendants with Indictments/Accusations Disposed Division-wide by Manner of Disposition 1987

Conviction*	410
Acceptance into Diversion Program	144
Dismissal	10
Acquittal	13
TOTAL**	577

\*Municipal court convictions totalled 200.

\*\*Of all narcotics indictments obtained by the Division of Criminal Justice, only about 40% are prosecuted by this agency due to attorney staff shortages. The remaining indictments are referred to county prosecutors' offices for disposition.

**Division of Criminal Justice  
Statistical Summary 1987**

	<u>Investigations/Cases</u>			<u>Investigations/Cases</u>	
	<u>Opened</u>	<u>Closed</u>		<u>Opened</u>	<u>Closed</u>
<b>INVESTIGATIONS BUREAU</b>					
Antitrust/Program Integrity	77	59			
Casino Prosecutions	356	389			
Institutional Abuse	192	181			
Environmental Prosecutions	79	91			
Major Fraud	207	207			
Labor	16	21			
Unemployment Fraud	280	344			
Medicaid Fraud	71	59			
Tax Evasion	97	17			
<b>TOTAL</b>	<b>1,596</b>	<b>1,263</b>			
<b>ORGANIZED CRIME AND RACKETEERING TASK FORCE</b>					
	175	161			
<b>STATEWIDE NARCOTICS TASK FORCE</b>					
	141	60			
<b>ELECTRONIC SURVEILLANCE</b>					
Court Authorized, DCJ		17			
Statewide Narcotics Task Force		14			
Consensuals		159			
<b>STATE GRAND JURY ACTIVITIES</b>					
Indictments/Accusations		112			
Defendants Charged by Indictment or Accusation		358			
<b>COUNTY GRAND JURY ACTIVITIES</b>					
Indictments/Accusations		309			
Defendants Charged by Indictment or Accusation		414			
<b>TOTAL GRAND JURY ACTIVITIES</b>					
Indictments/Accusations		421			
Defendants Charged by Indictment or Accusation		772			
<b>OPERATIONS BUREAU</b>					
Litigation Section			148	238	
State Grand Jury					
Trial Section					
RICO and Civil Remedies Unit			40	19	
Forfeiture Actions			13		
<b>Appellate Activities</b>					
Appeals Opened				2,275	
Appeals Closed				2,132	
Briefs Filed				1,381	
<b>Prosecutors Supervisory</b>					
Prosecutors Advisories Completed				66	
Citizen Complaints Received				98	
Witness Immunity Petitions (County)				11	
<b>Office of the State Medical Examiner</b>					
Autopsies Performed				586	
County Autopsies Reviewed				2,294	
Toxicology Cases				3,775	
County Death Investigations				9,988	
<b>POLICE BUREAU</b>					
<b>Police Services Section, Training</b>					
DCJ Training Courses/Projects Completed				23	
<b>Police Standards Section, Police Training Commission</b>					
PTC Training Programs Completed				93	
PTC Basic Recruit Trainees Certified				2,469	
PTC Basic Course Walvers				2,883	
<b>Research and Evaluation Section</b>					
Projects Completed				20	
Information Research/Internal Analysis				16	
Long-Term Projects				2	
<b>ADMINISTRATION BUREAU</b>					
<b>Administrative Section</b>					
<b>Personnel</b>					
New Employees				106	
Employees Terminated				98	
Applications				181	
<b>Information and Records Management Section</b>					
Cases Opened				2,980	
Complaint Investigations				1,601	
Background Investigations				487	

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## Organization

The Division of Criminal Justice staff consists of deputy attorneys general, investigators, professionals and clerical personnel. Within the framework of the Division are also the Office of the State Medical Examiner, Police Training Commission and Commission to Deter Criminal Activity. In addition to the approximate 489 employees of the Division, the Office of the State Medical Examiner has 43 employees.

The Division of Criminal Justice employees are organized in such a way as to accomplish its duties and responsibilities. Primary organizational subdivisions exercise separate, but complementary and coordinated functions integral to the overall operation and success of the Division. These subdivisions are the Operations Bureau, Investigations Bureau, Statewide Narcotics Task Force, Police Bureau, Office of State Grand Jury Review, and Administration Bureau.

The *Operations Bureau* coordinates criminal justice system activities and provides supervision to the 21 county prosecutors. The operation of the centralized criminal appellate function and criminal justice legislative initiatives are responsibilities of this bureau. In addition, this bureau is responsible for most of the Division's litigation activities and the development of civil cases and forfeiture actions.

The *Investigations Bureau* is responsible for criminal investigations in the areas of organized crime and racketeering, economic crime and fraud, environmental crime, casino-related matters, and institutional abuse.

The *Statewide Narcotics Task Force* is responsible for a comprehensive program aimed at both the supply, or distribution and trafficking of illegal drugs, and the demand or use of drugs. The task force is comprised of investigative resources, as well as analytic resources, an asset forfeiture unit, and the Narcotics Organized Crime Management Analytical Data Base (NOMAD). While the supply side component of the task force is enhancing, integrating and coordinating law enforcement resources statewide, the demand reduction aspect of the task force is coordinating public awareness, prevention, intervention and treatment programs.

The *Police Bureau* is responsible for responding to local police agency requests for assistance. Assistance services and training programs are provided to improve police operations, procedures and service delivery. In addition, the bureau carries out the staff function of the Police Training Commission and performs the duties and responsibilities to develop and maintain, relevant, applicable training standards for municipal and county police.

The *Office of State Grand Jury Review* oversees and reviews substantive and procedural matters prior to being presented to the grand jury and ensures that all indictments are based on sound legal support. The office also ensures that presentations to the grand jury are conducted appropriately, in a manner which is consistent with the requirements of law and enhances the chances of successful prosecution.

The *Administration Bureau* handles all personnel and budget matters and coordinates the Division's centralized information management system. This bureau provides word processing services and primary support services to all bureaus and sections within the Division.

Functional sections and units within the Division have specific areas of responsibility.

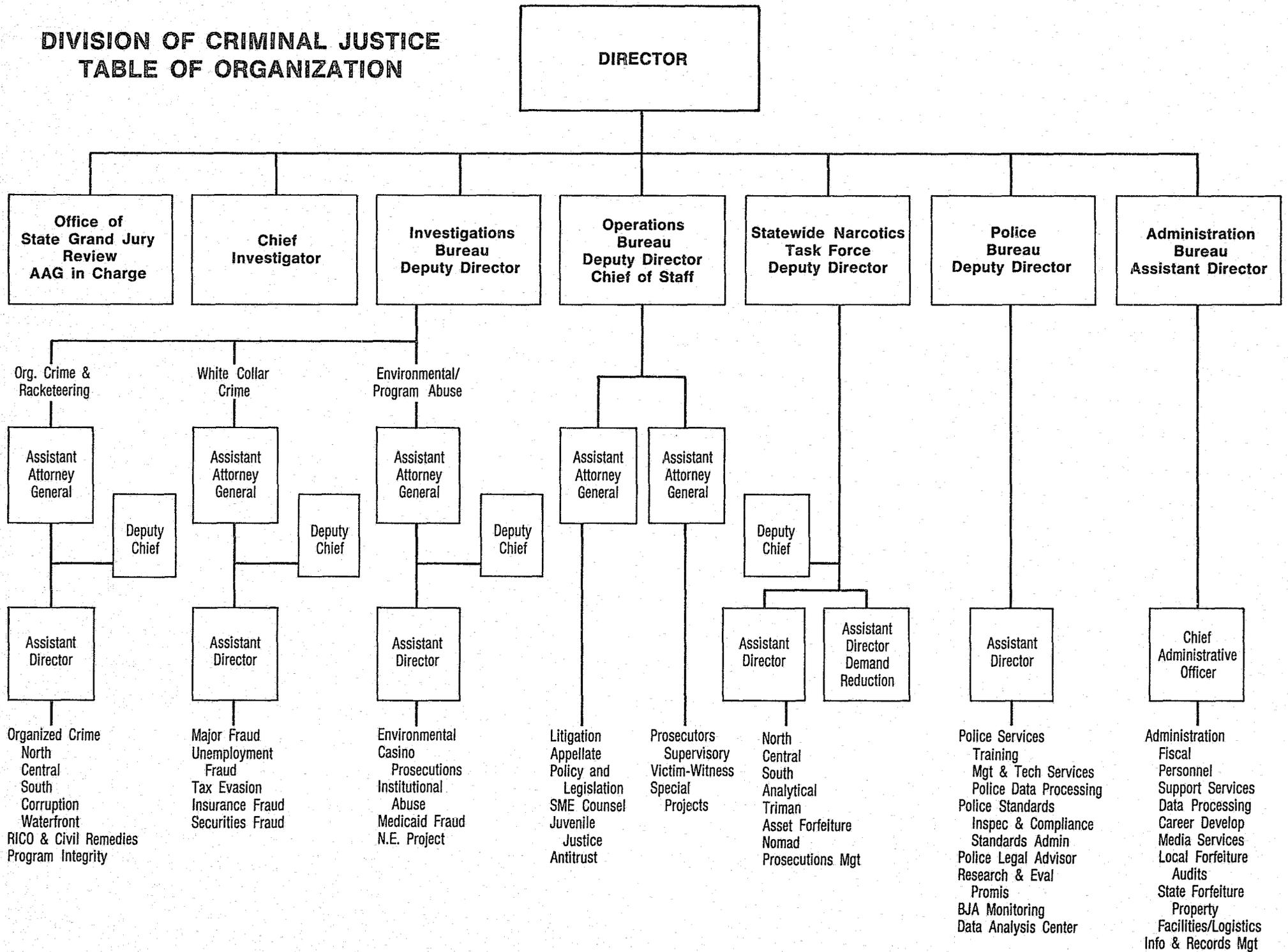
- *Administrative Section.* The Administrative Section supervises all Division fiscal matters, budget preparation, personnel matters, vehicle coordination, property control, communications equipment, audio visual and media services, and word processing services and conducts audits of the county prosecutors' offices. In addition, this section coordinates employee training offered by agencies outside the Division.
- *Antitrust/Program Integrity.* The Antitrust/Program Integrity Section exercises the Attorney General's duty to prosecute and prevent unreasonable restraint of trade. Pursuant to statutory authority, this section has sole responsibility for antitrust enforcement activities and prosecutions within the state. This section

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- also investigates fraudulent misapplications of public funds in government programs and analyzes the underlying causes of such conduct and related problems.
- **Appellate Section.** Appellate Section responsibilities include the prosecution of most criminal appeals from both the state and county prosecutions and provision of legal advice to state agencies and the statewide prosecutorial community. Section personnel appear in criminal matters before the Third Circuit Court of Appeals and the State Supreme Court, often file amicus briefs and appear before the United States Supreme Court.
  - **Casino Prosecutions.** the Casino Prosecutions Section investigates and prosecutes criminal activity which either occurs within the licensed casinos in Atlantic City or impacts upon or involves the casinos.
  - **Commission to Deter Criminal Activity.** The commission, created in 1984 through legislative action, is responsible to bring to the attention of the public the mandatory sentencing provisions of the New Jersey criminal code as well as other features of note in the criminal law.
  - **Environmental Prosecutions.** Section responsibilities include the investigation and prosecution of environmental and hazardous waste crimes including illegal operations of hazardous waste facilities and illegal storage, handling and disposal of hazardous waste.
  - **Information and Records Management Section.** This section maintains the Division's computerized case tracking system and evidence from criminal case investigations, processes citizen complaints and conducts background investigations of new employees of the Division, the Division of Law and county prosecutors' offices.
  - **Institutional Abuse.** The Institutional Abuse Unit investigates and prosecutes incidents of child abuse which occur in institutional settings such as day-care centers, detention and youth facilities, day camps, residential centers and group homes.
  - **Insurance Fraud.** This section is responsible for investigating insurance fraud resulting from the falsification of insurance claims by insurance brokers, adjusters, doctors, lawyers, businesses and individual citizens.
  - **Labor Investigation and Litigation Unit.** Charged generally with the handling of labor-related criminal matters, this unit investigates and prosecutes cases involving unemployment tax or claimant fraud, disability fraud, the child labor law, public contracts law and industrial homework law, among others.
  - **Litigation Section.** This section is responsible for the trial preparation and prosecution of the majority of indictments emanating from the State Grand Jury. In addition, the section is responsible for the disposition of all matters involving apparent or actual conflicts of interest in which the Attorney General has superseded a county prosecutor's office.
  - **Major Fraud Section.** The Major Fraud Section specializes in the investigation of economic crime activity including insurance fraud, embezzlement, public contract fraud, frauds against private sector operations, and frauds against the state or which involve state agencies.
  - **Medicaid Fraud Section.** The Medicaid Fraud Section investigates and prosecutes fraud committed by health-care providers in the federal/state-funded medicaid program and neglect or abuse of patients in medicaid-funded facilities.
  - **Northeast Hazardous Waste Project.** The Northeast Project, administered by the Division, is a federally-funded, multi-state program aimed at the illegal transportation, storage and disposal of toxic or hazardous waste. The project provides training, information and technical assistance to the 14 participating states.
  - **Office of the State Medical Examiner.** The Office of the State Medical Examiner is responsible for the medical investigation of all known or suspected homicides, suicides, accidental, suspicious or unusual death. In addition, the state medical examiner provides professional and technical assistance to the county medical examiners and other law enforcement agencies.
  - **Police Services Section.** The Police Services Section is responsible for planning and delivering training and educational programs designed for county prosecutors' staff, Division state investigators, and law enforcement personnel in general. The section also provides technical assistance and management services at the request of local law enforcement agencies.
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- **Police Standards Section.** This section, on behalf of the Police Training Commission, performs those functions necessary to achieve higher standards of police performance. Responsibilities include the development of training standards, certification of training curriculums, instructors and academies, as well as audits or inspections to monitor compliance with established standards and guidelines.
  - **Police Training Commission.** This legislatively created commission is responsible for administering the statutory provisions of the Police Training Act to improve the administration of local and county law enforcement through education, training and higher standards of efficiency.
  - **Policy and Legislation Unit.** The primary responsibility of this unit is to represent the interests of the Attorney General and the criminal justice system in all legislative matters affecting the criminal justice system. In addition, the unit participates in projects which address litigation, policy or administration problems within the Division.
  - **PROMIS/GAVEL Project.** The PROMIS/GAVEL Project is a joint venture of the Division of Criminal Justice and the Administrative Office of the Courts to introduce a computerized information and management system to county prosecutors' offices and trial courts throughout New Jersey. The system is used to track cases, schedule hearings, produce trial court calendars, provide subpoenas and witness lists, and prepare statistical and analytical reports.
  - **Prosecutors Supervisory Section.** The Prosecutors Supervisory Section acts as the primary liaison between the Attorney General and county prosecutors and reviews complaints against prosecutors and their staffs. In addition, the section reviews and refers for the Attorney General's approval petitions for witness immunity sought by county prosecutors and coordinates a statewide victim/witness program.
  - **Research and Evaluation Section.** The Research and Evaluation Section responsibilities include research involving criminal justice issues and concerns, evaluation projects focusing on specific criminal justice programs and activities, and active participation in task force groups, contributing analytic, research or evaluation skills as needed.
  - **RICO and Civil Remedies Unit.** This unit is responsible for implementing the provisions of New Jersey's racketeering statute involving civil actions and remedies. In addition, the unit is responsible for all other Division civil functions, except antitrust enforcement.
  - **State Grand Jury.** The State Grand Jury, integral to exercising the prosecutive authority of the Attorney General and administered by the Division, is an independent investigative body within the criminal justice system.
  - **Tax Evasion Unit.** The Tax Evasion Unit, working with the Division of Taxation, investigates and prosecutes tax fraud cases involving sales and withholding tax or motor fuel tax on the state level.

# DIVISION OF CRIMINAL JUSTICE

## TABLE OF ORGANIZATION



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